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## AGENDA

Planning Committee Meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 20 August 2018  
at 6.00pm.

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# Agenda

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## 1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

## 2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

## 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 25 June 2018 be confirmed as a correct record of business transacted.

**5. CONSIDERATION OF REPORTS**

**5.1 APPLICATION FOR PLANNING PERMIT D/551/2016  
37 - 47 McFadzean Avenue, Reservoir**

**Author:** Principal Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Fratello Consulting	Global Broadhurst Pty Ltd	Eight Property Investments Watson Environmental Assessment Traffix Group

**SUMMARY**

- It is proposed to construct a mixed use development comprising a three (3) storey building (Block A) and a two (2) storey building (Block B) containing eight (8) dwellings, four (4) shops and one (1) take away food premises.
- The proposal also seeks a reduction of eight (8) car spaces.
- Block A fronts McFadzean Avenue and contains the shops and take away food premises at ground level and five (5), three (3) bedroom dwellings at the first and second level. This building has an overall height of 9.7 metres.
- Block B is adjacent a right of way and contains three (3) dwellings. Dwelling 6 contains four (4) bedrooms and dwellings 7 and 8 contain three (3) bedrooms. This building has an overall height of 6.9 metres.
- Each dwelling has been provided with a double garage while the shops and take away food premises are each allocated one (1) car space on the land. Vehicle access to the site is via the adjoining laneway.
- The proposed buildings will have a contemporary design with brick walls to the ground floor, a mix of brick and render to the first floors and matrix panelling and render at the second floor. The buildings will have flat roofs.
- The site is zoned Commercial 1 and is located in the McFadzean Avenue - Broadhurst Avenue Local Convenience Centre as defined in the Darebin Economic Land Use Strategy (DELUS). There is no restrictive covenant on the title for the subject land.
- There is no restrictive covenant on the Certificate of Title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is generally consistent with policies contained in the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Urban Designer, ESD Officer, Infrastructure and Capital Delivery Unit, City Works Unit and Transport Engineering and Strategy Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/551/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale and dimensions and must be generally in accordance with the plans submitted with the application (identified as Plan TP03, TP04, TP05, TP06, TP07, received by Council on the 12 January 2016, drawn by Kara Design and Consulting and received by Council on the 1 March 2018) but modified to show:
  - a) Replacement of the 'café' labels with 'take away food premises'.
  - b) External wall heights and overall heights on all elevations.
  - c) The existing on-street car parking to McFadzean Avenue revised to reflect the recent change to 90 degree car parking spaces, including landscaping, and proposed on-street car parking in accordance with Condition No. 4 of this Permit.
  - d) The location of mailboxes for dwellings 1 to 5.
  - e) Stall risers to the north facing shop fronts of shop 4 and the take away food premises.
  - f) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath. These measurements are to be dimensioned on the plans.
  - g) The inclusion of a sliding vehicle gate along the western property boundary in front of the vehicle drive-way of the site.
  - h) Natural light to garages by way of skylights or windows being included to external vehicle and/or pedestrian doors.
  - i) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - j) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
  - k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
  - l) A north facing, operable clerestory window with an eave to bedroom 2 of dwelling 6.

- m) A notation stating that the two (2) redundant crossovers in McFadzean Avenue and the one (1) redundant crossover in Broadhurst Avenue are to be removed and the kerb, channel and nature strip reinstated in accordance with Condition No. 26 of this Permit.
- n) A minimum of 6 cubic metres of storage space for dwellings 1 -5, which can be split into different locations, but must not be located within the area set out in Diagram 1 – Clearance to car parking spaces at Clause 52.06-9 of the Darebin Planning Scheme.
- o) The first floor west facing bedroom 1 windows of dwellings 6, 7 and 8 provided with either:
  - A sill with a minimum height of 1.7 metres above finished floor level;
  - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
  - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finishes floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- p) The inclusion of four (4) visitor bicycle parking spaces within the boundaries of the subject site and easily visible and accessible from the public realm.
- q) The measurements on the Area Analysis for the balconies on plan TP03 modified to reflect the dimensions that have been shown on the balconies
- r) The location of all plant and equipment (including air conditions and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the buildings.
- s) The use of render at the first and second floors reduced in favour of durable and high quality materials to the satisfaction of the Responsible Authority.
- t) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- u) A landscape plan in accordance with Condition No. 7 of this Permit. Landscaping proposed along the western boundary to the west of Dwellings 6 to 8 shall be specifically designed with screen plants to help soften the development.
- v) Increased landscaping adjacent to the vehicle access-way and in particular around entry-ways. This must be achieved without compromising vehicle manoeuvrability.
- w) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 11 of this Permit.
- x) Any modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 12 of this Permit).
- y) A waste management plan in accordance with Condition No. 13 of this permit.
- z) Deletion of the 'proposed garbage collection point' to Broadhurst Avenue.

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

2. The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed or the use is not started within five (5) years from the date of this Permit.

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a concept on-street car parking layout plan must be submitted to and approved in writing by the Responsible Authority. The concept on-street car parking layout plan shall include, but not be limited to, the following details:
    - Details of the removal of redundant vehicle crossovers on McFadzean Avenue and Broadhurst Avenue and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
    - Detail of new 90 degree car parking on McFadzean Avenue, generally in accordance with drawing TP03 issue 8 by Kara Design and Consulting Pty Ltd.
    - Any increase in landscaping where appropriate.
  5. Prior to the occupation of the permitted development, works as shown on the approved concept on-street car parking plan must be carried out by the developer/owner at cost to the developer/owner to the satisfaction of the Responsible Authority.
  6. Before any buildings or works commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Associated (Victoria) Inc, or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environment condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or

- An environmental auditor appointed under the *Environment Protection Act 1970* must make statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - a) Provision of a minimum of one (1) suitable medium sized canopy trees within the front setback of Dwelling 6.
  - 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.
  - 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. All proposed planting must be to the satisfaction of the responsible authority.
  - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - 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). 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) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
  - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
8. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- 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.
9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. Before the development is occupied, screening vegetation must be planted in the locations indicated on the endorsed plans, to the satisfaction of the Responsible Authority.
- The planting must screen views of the adjoining property/properties to the satisfaction of the Responsible Authority.
- The planting must be maintained to the satisfaction of the Responsible Authority.
11. Before buildings and works (including demolition) start, tree protection fencing must be erected around the street tree in Broadhurst Avenue.
- Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
- 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 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.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

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

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

12. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority.

The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

13. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

14. Before the use starts, visitor bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
15. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
16. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
19. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
21. With the exception of guttering, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
24. Before occupation of the development, 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; and
  - c) Drained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
25. Before the development is occupied, 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
26. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.

## 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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition No. 1 of this Permit and any additional additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant Section of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications and without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.
- N6 No buildings or works may be built over any easement on the land except with the written consent of the relevant authority.
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## INTRODUCTION AND BACKGROUND

Planning Permit D/107/1994 was issued for buildings and works comprising the construction of an LPG storage tank associated with the existing petrol station in accordance with the attached plans.

Planning Permit D/599/2001 was refused for the closure of the petrol filling station and using the land solely to sell and store motor vehicles.

Planning Permit D/81/2015 for a mixed use development containing 12 apartments and 5 retail tenancies was withdrawn by the applicant.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The subject land is regular in shape and measures 44.36 metres in length along McFadzean Avenue and 30.19 metres in width along Broadhurst Avenue with a site area of 1455 square metres. The site boundary includes a splay, measuring 1.93 metres on the north eastern corner of the site. The site is relatively flat with no appreciable fall. The site is currently vacant, however has previously been used as a petrol filling station and for motor vehicle repairs.
- The land is located within the Commercial 1 Zone and is affected by a Development Contributions Plan Overlay (DCPO). It is noted that the provisions of the DCPO are currently expired.
- The site is located on the south-western corner of McFadzean Avenue and Broadhurst Avenue approximately 980 metres west of High Street. The site is located in the McFadzean/Broadhurst Avenue local convenience centre as identified in the DELUS report with the land size making up approximately half of this centre.
- The McFadzean/Broadhurst Avenue local convenience centre is earmarked for retention under the DELUS report. Other commercial tenancies in the centre include a hair salon, milk bar, compounding pharmacy and chiropractor. Directly to the south of the subject site is a Deli and Liquor outlet. To the rear of this building appears to be a dwelling. These commercial buildings are a mix of single and double storey.

- The convenience centre benefits from 90 degree car parking to its west in McFadzean Avenue. In total there are 16 car spaces available to the public, six (6) of which are directly abutting the subject land. On the east side of McFadzean Avenue opposite the subject land are a further five (5) on-street car spaces.
- To the east of the site is the McFadzean Road Reserve, beyond which are residential lots containing both single and double storey dwellings. Directly opposite the subject site is the side profile of a double storey dwelling fronting Broadhurst Avenue.
- To the north of the site is Broadhurst Avenue, beyond which are a combination of both single and double storey dwellings of mostly brick construction with pitched, hipped tiled roof forms. These dwellings are circa 1970s with double and triple fronted facades.
- To the west of the site is a 3.6 metre wide right of way. Further west, abutting the laneway is a single storey brick dwelling, with a terra cotta tiled roof. Vehicle access to this lot is via a crossover from Broadhurst Avenue. The front garden of this dwelling is concreted with some small plants. To the rear of this dwelling is a garage which has roller door access from the right of way. This dwelling is setback 11.3 metres from Broadhurst Avenue and 4.2 metres from the subject site.
- The immediate character of the area is mixed with both commercial and residential built forms of both single and double storey scale.
- A bus stop is located in the nature strip to the north of the site near a street tree and electricity pole. A recently refurbished round-about with new pedestrian links exists at the Broadhurst/McFadzean Avenue intersection.
- The six (6) spaces to the McFadzean Avenue frontage of the site are unrestricted. The remaining 10 90 degree car spaces to the south are restricted to 1 hour parking between Monday to Friday between 8.30am and 6pm and the five (5) spaces along the east side of McFadzean Avenue are unrestricted.
- Parking around the subject site in neighbouring Barry and O'Connor Street is unrestricted.
- Public Transport is available to the site with the #558 bus route along Broadhurst Avenue with a bus stop directly in front of the site. Ruthven Train Station is located 1km to the east, while Reservoir train station is located 1.2km to the south-east, along with Reservoir Activity Centre which includes many convenience shops including Coles, Australia Post and Westpac Bank.
- The site is also proximate to Edwardes Lake and local primary schools.

### **Proposal**

It is proposed to construct a mixed use development in two (2) buildings as follows:

#### *Block A*

- This building is three (3) storeys with a maximum height of 9.7 metres and located along the eastern and part of the northern boundary of the land and fronts both McFadzean Avenue and Broadhurst Avenue.
- This building contains dwellings 1 to 5, the shops and the take away food premises.
- Shops 1 to 3 front McFadzean Avenue with each containing a toilet, kitchenette facilities and private back of house space. The floor area of these shops range between 58 and 63 square metres.

- The take away food premises is located on the north-eastern corner of the site and has a floor area of 83 square metres. The use will have some seating, however it is envisaged that the site will mostly cater to a take-away clientele serving coffee and take away food items. There will be some capacity for seating; however this will be for a maximum of 10 - 15 seats.
- Shop 4 fronts Broadhurst Avenue with a small floor area of 39 square metres and similar back of house facilities.
- Each of the shops and take away food premises has internal access to the car parking facilities on site, including the central waste area.
- Also on the ground floor are the dwelling entries from McFadzean Avenue and double garages with laundry facilities and bike hooks.
- On the first floor each of the dwellings is provided with a living and meals area, kitchen, bathroom and two (2) bedrooms. Dwellings 2 to 5 have a study nook and 11 square metre balconies, while Dwelling 1 has a larger 27 square metre, wrap-a-round balcony.
- On the second level each of the dwellings has a master bedroom with ensuite and retreat area.

#### *Block B*

- This building is double storey with a maximum height of 6.9 metres and setback 1.2 metres from the laneway. This building contains three (3) dwellings.
- Dwelling 6 fronts Broadhurst Avenue, setback 4.96 metres from the street. This dwelling has ground level dwelling entry, retreat area, bathroom, one (1) bedroom and access to a ground level courtyard. On the first floor is a living and meals area, kitchen, three (3) bedrooms, family bathroom and a 12 square metre balcony fronting Broadhurst Avenue.
- Dwelling 7 and 8 are similar in layout and have ground level entry, retreat areas, bedroom, bathroom and access to a ground level courtyard. On the first floor are the living and meals areas, kitchen, two (2) bedrooms and access to a 9 square metre and 10 square metre balcony respectively.
- Dwellings 6 to 8 each have access to a double garage, laundry area with space for bike racks.

#### *Car-parking*

- Each dwelling has access to a double garage.
- Each of the shops and the take away food premises has access to one (1) on site car space.
- A reduction of eight (8) car spaces is being sought.
- The proposal will also create six (6) on street car spaces in McFadzean Avenue as a result of the removal of existing crossovers.

#### **Objections**

- Nine (9) objections have been received against the application.

#### **Objections summarised**

- Public safety issue due to the increase in traffic generated by the proposal.
- Three (3) stories is not acceptable in this neighbourhood.
- Height/Mass/Bulk are visually unacceptable.

- Inadequate on site car parking.
- Traffic congestion.
- Vehicle use of the laneway will cause noise and pollution disturbances.
- Vehicle use of the laneway presents public safety issue.
- Overlooking.
- Noise pollution.
- Loss of light.
- Laneway should not be used as a road as it caters to pedestrians.
- The extra shops are excessive.
- Traffic report and assessment not made available to the public.

#### **Officer comment on summarised objections**

##### Public safety issue due to the increase in traffic generated by the proposal

There is no public safety issue arising from increased traffic generated by the proposal. All vehicle entry to the site is via the right of way which is a designated Council road. It is noted that Council's Vehicle Crossings Policy – October 2014, which forms part of Council's 2017 – 2021 Council Plan, encourages vehicle access to sites from an adjoining laneway if available and suitable.

Traffic along McFadzean Avenue will improve with the removal of the two (2) vehicle crossing. This will reduce points of conflict with pedestrians and create a safer pedestrian environment.

##### Three (3) stories is not acceptable in this neighbourhood

In terms of building height Council must assess the proposal in relation to the applicable planning policy framework and with regard to the site context. The fact that the subject land is included in a Commercial Zone means factors such as neighbourhood character cannot be given considerable weight and more intensive development with greater building heights are strategically encouraged. The Planning Scheme provisions are an established tool for determining whether a development is of an appropriate scale relative to the site and its specific context and characteristics. The proposal for a three (3) storey and two (2) storey building on commercially zoned land is assessed differently to developments on residential land, with more intensive development outcomes anticipated.

The proposal includes a transition in scale with the three (3) storey building abutting the road zone to the north and a shopping strip to the east. This building has no residential abuttal and is 9.7 metres in height. The two (2) storey building abuts a right of way with residential land to the west with an overall height of only 6.9 metres. Both building heights are considered reasonable in this zone and the transition in height from the commercial frontage to the residential interface acceptable.

##### Height/Mass/Bulk are visually unacceptable

The development does not propose a substantial level of change in terms of height, bulk and scale over existing single and two storey buildings. The overall height of the buildings at 9.7 metres and 6.9 metres respectively are reasonable in the commercial context.

The proposed development has no direct residential abuttal due to the 3.6 metre wide right of way separating it from the residential area to the west. Additionally, the development has an appropriate transition in scale with the three (3) storey building towards the activity centre lowering to the lesser two (2) storey building to the west. The streetscape elevation demonstrates the appropriateness of this transition.

#### Inadequate on site car parking

Car parking has been provided for the dwellings in accordance with the requirements of Clause 52.06 of the Darebin Planning Scheme. The parking reduction associated with one (1) visitor space and the shops and take away food premises are acceptable due to the 21 car spaces provided directly adjacent the development in the local convenience centre along McFadzean Avenue.

The reduction of eight (8) spaces is reasonable and will not negatively impact on surrounding streets or lead to unreasonable parking congestion as set out in the assessment section of this report with particular focus upon Clause 52.06 of the Scheme.

The proposal will result in six (6) new car spaces being provided to the front of the development due to the deletion of existing vehicle crossovers to the site. These works are to be carried out by the applicant at their cost.

#### Traffic congestion

It is considered that whilst there would be an increase in traffic movements in the abutting streets arising from the proposed development, these would be incremental and would not unreasonably affect local traffic conditions. As stated previously, there is ample car parking available in and around the development. Additionally, the two (2) crossovers to McFadzean Avenue will be made good and will create an addition six (6) on street car spaces.

The traffic report submitted with the application concluded that on-street car parking demand in the vicinity of the site was relatively low. A review of this report has found the conclusion to be acceptable.

#### Vehicle use of the laneway will cause noise and pollution disturbances.

Vehicle movements within the right of way will not cause unreasonable noise or pollution disturbance and it is noted that the right of way is on Councils roads register.

#### Vehicle use of the laneway presents public safety issue.

Utilising existing rights of way for new developments is encouraged under Councils Vehicle Crossings Policy – October 2014. In this instance the proposed development will be giving back six (6) on street car parking spaces by virtue of the deletion of the existing crossovers to McFadzean. The right of way is on Council's road register and so can be used by vehicles. Council's assessment of vehicle movements deems the proposal to be satisfactory and not something which would create an unsafe environment.

#### Overlooking

Whilst compliance with Clause 55 of the Scheme is not a specific obligation in assessing an application within a commercial zone it should still be considered. In this instance it is appropriate that overlooking of private open spaces and habitable room windows of neighbouring residential properties is addressed by appropriate screening in accordance with Clause 55 Standard B22 and this would form a condition of any approval.



Noise pollution

The proposed development will have noise impacts consistent with those normal to a commercial zone and in the case of Block B more in line with that expected in a residential zone. Noise during the day is expected, while noise at night mustn't exceed that as defined in the State Environment Protection Policy (SEPP). Speech, laughter, music and movement of vehicles are noises associated with people living their lives and are part of life in an urban area. It is not expected that the proposed commercial use to McFadzean and part of Broadhurst Avenue would lead to unreasonable noise disturbance to adjoining properties,

It should be noted that the commercial uses do not require a planning permit under the zone provisions.

Loss of light

Given the proposed setbacks and no direct residential abuttal, the proposal will not unreasonably impact on any habitable room windows or open space in the adjacent General Residential zone as per Clause 55 standards.

Laneway should not be used as a road as it caters to pedestrians

While the right of way may be used by pedestrians, it is a designated Council owned and managed road which can be used for vehicles. Pedestrians should be wary of vehicular traffic when using any roadway.

The extra shops are excessive.

The subject site forms almost half of the area contained in the local convenience centre and was nominated as a centre that required revitalisation and retention in the DELUS report. The Victorian State Government has a clear policy of urban consolidation that is dependent on utilising existing infrastructure and supporting increases in housing density.

The site has access to public transport, including a bus stop directly to the front of the site in Broadhurst Avenue and two (2) train stations. Additionally the proposed shops and take away food premises will increase the vibrancy and vitality of the existing activity centre.

Traffic report and assessment not made available to the public.

The traffic report and Council's internal referral comments were not included as part of the advertised package due to the low reduction of car –spaces being sought. The reduction of eight (8) spaces, car-parking layout and vehicle exit and egress is supported and is in line with Council's Vehicle Crossings Policy – October 2014, which forms part of Council's 2017 – 2021 Council Plan (which is available on the website).

Furthermore the proposal will give back six (6) on street spaces so the reduction of car spaces is lessened to two (2) spaces.

**PLANNING ASSESSMENT**13.03-1 Use of Contaminated and Potentially Contaminated land

The objective at clause 13.03-1 is:

- *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Section 60 (1)(e) of the *Planning and Environment Act 1987* states that Council must consider any significant effects (e.g contamination) which it considers the environment may have on the use or development.

Clause 13.03 also requires applicants provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Council has knowledge that the site has previously been used as a petrol filling station which is listed as high potential for contamination in the Potentially Contaminated Land Practice Note June 2005.

The applicant provided an Environmental Site Assessment by Watson Environmental Assessment where it was concluded that the issuing of a Statutory Certificate or Statement of Environmental Audit is not warranted on the basis that:

1. The site does not present an unacceptable ecological risk;
2. The site does not present an unacceptable human health risk to future occupants and/or users of the site;
3. The site is not considered to be an on-going source of groundwater contamination;
4. Further soil and/or groundwater assessment of remediation is not required;
5. The site has been remediated to the extent practicable; and
6. No beneficial uses of land are precluded.

The report also states, "*the current condition of soil within the site and groundwater beneath the site have been adequately assessed along with an adequate assessment of ecological and human health risk...On the investigations undertaken and the relatively low ecological and human health risks, WEA considers:*

- *The site to be suitable in its current condition for the proposed high density residential use; and*
- *That further soil and/or groundwater assessment or remediation is not required to render the site suitable for the proposed high density commercial/residential use" (Watson Environmental Assessment 20.10.2015).*

While the recommendations suggest that there is no potential for contamination, the report was conducted in 2015 for a larger scale development that may have proposed hardstand covering the entire site. As there are areas of the subject site that will not be covered by hardstand, and because the Potentially Contaminated Land Practice Note June 2005, directs that land that has been identified as potentially contaminated that is to be used for a sensitive purpose requires either a Certificate of Environmental Audit or a Statement of Environmental Audit, a condition is required. A condition of any approval will require a Site Assessment to be carried out and further requirements, including an audit and a section 173 Agreement, if any contamination issues are identified.

#### Clause 15.01 Urban Environment Assessment

The level and type of change anticipated on a site is dictated by the zone and associated policy, as well as the strategic and physical context. The Scheme, through the Commercial 1 Zone, sets the tone for a greater site coverage and scale of development than the nearby residential context.

In assessing and determining residential development applications not specifically covered by Clause 55, regard must be had to Clause 15.01.

The objective of this Clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

### Context

The proposal provides a design response which provides for commercial and residential uses on the site, furthering urban consolidation objectives.

The applicant undertook a site analysis as part of the design process which assisted in the formation of the design.

The transition from the three (3) storey building (Block A) which abuts the Broadhurst/McFadzean Avenue down to the two (2) storey building (Block B) is contextually appropriate as it respects the residential component to the west whilst supporting the commercial nature of the primary frontage to McFadzean Avenue.

The development includes commercial components at the ground floor that will support the local convenience centre. This will ensure an active, vibrant street frontage within the commercial zone, with dwellings on the upper levels and car parking at the rear. This mix of uses is considered appropriate and will enhance the local area.

The materiality, facade composition, new awning over the footpath will help conceal the upper level of Block A, which is setback from the frontage and separated at the second floor. This creates a sense of openness and articulation to the built form composition. The development is considered to provide an appropriate graduated increase in height over the nearby buildings (noting a single/double storey scale).

Block B is wholly residential and appropriately located adjacent the residential area to the west.

### The Public Realm

The public realm, including the pedestrian path and streets, will be protected and enhanced by the inclusion of an awning that will cover the footpath and provide shelter to pedestrians. The new awning will match the existing commercial shopfronts and reduce visibility to the upper levels.

The removal of the vehicle crossovers will reduce points of conflict between pedestrians and motorists and the inclusion of six (6) new car spaces in McFadzean Avenue will improve local traffic conditions.

The proposal to McFadzean Avenue adopts a zero setback at ground floor which is typical of this type of development in a commercial zone.

### Safety

The proposal maintains the surveillance of the street with appropriate pedestrian access, balconies and windows facing both Broadhurst and McFadzean Avenues.

The proposal has an appropriate sense of address with three (3) pedestrian entries from McFadzean Avenue and pedestrian path along the western property boundary to dwellings 7 and 8 and a central pedestrian pathway from Broadhurst Avenue, which is signposted with an arbor.

A condition of approval will require that a vehicle gate is proposed along the laneway.

#### Landmarks, Views and Vistas

The proposal provides appropriate articulation to the facades through materials, design and varied setbacks. It is considered to provide a suitable outlook. There are no strategic views, vistas or landmarks requiring protection in this location.

#### Pedestrian Spaces

The design provides appropriate pedestrian interaction and pedestrian amenity. Vehicle access is via the existing laneway and will not detract from the frontage or adversely impact on pedestrian amenity.

Vehicles are able to exit the site in a forward manner from the internal car park and a passing bay has been provided for cars in the laneway, which has been reviewed by Council.

The design is considered appropriate in terms of safety, interaction and surveillance.

#### Heritage

Not applicable.

#### Consolidation of Empty Sites

The subject site is large, vacant and located on a corner. The DELUS report specifically recommends the subject site as a residential redevelopment opportunity to revitalise and support the existing commercial uses. The proposal will improve the centre by adding building contrast and complexity.

#### Light and Shade

The proposal has space between the units at the second level which will allow light to filter through. This is appropriate and will enhance the public realm.

#### Energy Resource and Efficiency

The proposal provides a mixed use development that is sited to make best use of its street frontages and existing infrastructure including the abutting laneway.

The proposal is considered to be generally energy efficient as: habitable rooms have adequate daylight and ventilation; the development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings; open space and living areas have access to light. A proposal will need to achieve appropriate sustainability standards by way of condition requiring submission of a Sustainable Design Assessment.

#### Architectural Quality

The development will have a contemporary appearance with wall materials being brick, render and matrix panelling. The proposed development will have a commercial appearance which ties in with the Commercial zoning. Lighter colouring at the second level is acceptable and will ensure the development isn't visually dominating.

The materials are relatively domestic, which assists in respecting the surrounding residential area. A condition of approval will request that the use of render at the first and second level is reduced to Council's satisfaction.

### Landscape Architecture

The site is located in a Commercial Zone comprising shopfronts with zero front setbacks to McFadzean Avenue. The proposed front setback of dwelling 6 will be landscaped to tie in with the front gardens of the dwellings on Broadhurst Avenue.

A landscape plan will be required as a condition of approval.

### Zoning

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

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

The commercial uses, (shops and take away food premises) do not require a permit under the Zone. The residential accommodation does require a permit as the entry exceeds 2 metres in width. Under the Zone a planning permit is also required for buildings and works.

In a Commercial Zone less weight is placed on amenity considerations than in a Residential Zone as there is an expectation for more intensive development within the former zone. Any development must acknowledge the adjoining uses and buildings and the strategic context of the site and be designed accordingly. A balance should be reached which maintains an acceptable level of amenity on and off the site.

The following is an assessment against the relevant decision guidelines at Clause 34.01-8 for use and buildings and works.

### **General**

- *The interface with adjoining zones, especially the relationship with residential area.*

The site is located in a local convenience centre, where policy encourages that these centres should be supported and improved for commercial and residential purposes to ensure their ongoing viability. The proposal provides appropriate commercial uses at the ground floor along McFadzean Avenue to tie in with the neighbouring shops fronts and maintain an active frontage to the street.

The subject site has no direct residential abuttal with the right of way separating the subject site from residentially zoned land. The proposal adopts a sensitive approach transitioning down from the three (3) storey building to the two (2) storey building.

Building B does not depart from the current one (1) and two (2) storey built form with an overall height of 6.9 metres.

The commercial and residential uses strike an acceptable balance in their commercial zone setting and residential zone interface.

**Use**

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

The land was previously used as a petrol station. An Environmental Site Assessment was undertaken by Watson Environmental Assessments on 20 October 2015 which concluded that the site in its current condition is suitable for the proposed high density commercial/residential development proposed and all primary and secondary contamination sources have been removed from the site.

While this was the conclusion a condition of approval will require a Site Assessment be undertaken as it cannot be guaranteed that the report considered the yard area along the western boundary and front yard of Dwelling 6.

- *The drainage of the land.*

The site is in an established area and has access to drainage. A condition of any approval will require the development to be drained to Council's satisfaction.

- *The availability of and connection to services.*

The site is in an established area and has existing access to required services.

- *The effect of traffic to be generated on roads.*

The proposal will not generate an unacceptable increase in traffic movements on the surrounding roads. The proposal will utilise the existing right of way which is encouraged by Council's Transport Engineering and Strategy Unit and included in the Vehicle Crossings Policy – October 2014, which forms part of the 2017 – 2021 Council Plan.

Furthermore the proposal will provide six (6) additional car spaces to the east of the site which will absorb the bulk of the eight (8) waived car spaces.

**Buildings and works**

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

The proposal provides an active frontage at ground level with shopfronts, an awning above the pavement and additional car parking in the street. Additionally, separate pedestrian entries are proposed along McFadzean and Broadhurst Avenue for the dwellings.

- *The provision of car parking.*

This is assessed in detail below against Clause 52.06 of the Scheme.

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

The proposed buildings are larger and more robust than what is currently in the surrounding neighbourhood and streetscape and so will have a greater visual impact, however the site is located on a corner, in a commercial zone and with no direct sensitive abuttals and so must be assessed with this in mind.

The prevailing scale of the area is one (1) and two (2) stories. It's noted that even in the surrounding General Residential Zone there is a maximum height of 11 metres (three (3) storey maximum). The maximum building height proposed in the application is 9.7 metres, where there is no mandatory maximum height limit.

The McFadzean Avenue façade is designed to match the neighbouring shop fronts and provide an active frontage, with the use of glazing and brick at the ground floor and minimal void elements including entryways. The shops are relatively small but offer flexibility as Shop 1 and 2 could be combined to form a larger single shop and shop 4 could be combined with the take away food premises.

The upper levels are setback from the ground level façade, particularly to Broadhurst Avenue which is largely residential in character. Block B is setback in excess of 5.2 metres from the residential lot, which is a significant and appropriate separation.

Dwelling 5 is built to the southern boundary which is appropriate and provides a flank wall for future construction. Materials are domestic and tie in with materials commonly found in the area and is appropriate.

- *The storage of rubbish and materials for recycling.*

The design provides space for the storage of garbage and recyclables in the central carpark for all commercial tenancies and the dwellings. A waste management plan will be required by a condition of approval.

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

The proposal is provided with paved pedestrian and vehicle access-ways and landscaping that may easily be managed by the owner's corporation (in common areas) or the individual property owners (in private areas).

- *Consideration of the overlooking and overshadowing as a result of buildings or works affecting adjoining land in a General Residential Zone.*

Consideration of the overlooking and overshadowing to adjoining land in the General Residential Zone is addressed below in the Clause 55 assessment.

- *The availability of and connection to services.*

Services are available to the site.

- *The design of buildings to provide for solar access.*

The buildings have been designed with appropriate solar access to the dwellings and allowing adequate solar access to the adjoining dwellings consistent with Clause 55 standards.

- *The objectives, standards and decision guidelines of Clause 54 and Clause 55.*

The relevant objectives, standards and decision guidelines are considered later in this report, particularly to assess off-site impacts to neighbouring residential properties. In addition, Clause 22.06 of the Scheme provides an additional method of assessing the development.

### **Local Policies:**

#### **Clause 21.03 – Housing**

The Strategic Housing Framework Plan illustrates the directions for residential land use and development in Darebin as set by the Darebin Housing Strategy (2013).

This framework provides greater certainty as to where growth and change can be expected and the preferred scope of housing change in terms of the intensity and type of residential development to be encouraged in different areas. The framework plan also identifies three Housing Change Areas, which apply to all land in the municipality that currently has a zoning that permits residential uses. These housing change areas are Minimal Housing Change, Incremental Housing Change and Substantial Housing Change.

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

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

The proposed development of two (2) and three (3) storey buildings is considered to be an appropriate development envisaged in the context given the location in a Commercial 1 Zone and local convenience centre. An increase in housing density, greater than that of the surrounding residential area, will ensure the survival of this centre given the relevant planning policy framework.

The scale and form of proposal is an appropriate transition to the nearby buildings and is considered to be an acceptable level of change for the site and surrounding area given the relevant planning policy framework.

#### Clause 21.03-2 Housing Development: Objective 1 – Housing Provision

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

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

As discussed the proposal provides an adequate transition in scale and avoids unreasonable amenity impacts on adjoining residential land.

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

It is policy to achieve higher density housing outcomes in identified locations to accommodate Darebin’s projected population growth.

Planning policy relating to the site is somewhat contradictory in that the site is zoned commercial where higher densities are encouraged however, pursuant to the Strategic Housing Framework, the site is located within a minimal housing change area, which anticipates low housing development. Policies encourage new housing near retail and employment precincts (and above ground floor level within these precincts), and are to ensure new housing is located so as to allow pedestrian access to local services, employment and facilities, including commercial areas.

Other objectives at clause 21.03-3 also encourage housing diversity and affordable housing in these areas.



As the site is within a local convenience centre and has access to a bus route and other nearby services there is policy support for increased density and dwelling diversity.

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

It is policy to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents. Mixed use developments are to be designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.

The proposed development is considered to meet policy objectives identified above in regard to the extent of impact it will have on surrounding residential land and the amount of internal amenity provided. It provides appropriate articulation and transition in building heights, with no unreasonable off-site amenity impacts.

**Clause 21.04 – Economic Development**

This policy is to enhance the viability of retail/activity centres in the municipality and places activity centres in a hierarchy. It generally encourages intensive use and development in and around activity centres and supports the accommodation of residential or mixed-use development. Additionally, retention and development of active frontages in activity centres is encouraged.

The DELUS report indicates that the site is in the Broadhurst/McFadzean Avenue precinct (No. 25). The core role/function of the precinct is as follows:

*Good local centre with mix of shops including deli-green grocer, chemist, milk bar, medical.*

The Strategy states that the centre is relatively strong, well presented and with a good mix of existing shops, including a milk bar, hair dresser, deli and liquor outlet and medical facility that would be supported by the potential residential redevelopment of the subject site.

The proposed mixed use development will strengthen the current centre, add vibrancy and diversity through a range of retail offerings and provide a meeting place for local residents. Car parking is invisible to the McFadzean Avenue street frontage and waste storage is located to the rear.

**Clause 22.06: Multi Residential and Mixed Use Development**

Element	Comment	Compliance
<b>Sustainability</b>	<p>The development makes good use of its three (3) interfaces, with natural light available to all habitable room windows in the development, including north facing windows for Dwellings 1 to 5.</p> <p>Dwellings 6 to 8 have ground floor yards with 2,000 litre water tanks, retractable clothes lines which make good use of passive solar energy and all garages are provided with bike store space.</p> <p>Dwellings 1 to 5 each have retractable clothes lines on the balconies.</p> <p>Three (3) 5,000 litre water tanks are also proposed along with visitor bike parking toward the front of the site</p>	Yes – Subject to condition.

Element	Comment	Compliance
	<p>A revised Sustainable Design Assessment will be required as current elements of the report were not satisfactory.</p> <p>A condition will also require the inclusion of the location of the mailboxes for Dwelling 1 to 5.</p>	
<b>Design and Materials</b>	<p>The proposed development is two (2) to three (3) storeys with a graduated increase in height over adjoining building forms.</p> <p>The development exhibits an appropriate standard of design, which is commercial in appearance with parapet walls, an awning, and straight lines.</p> <p>Materials of construction and external finishes include brick and lightweight cladding.</p> <p>A condition of approval will request that the use of render is reduced at the first and second floor.</p> <p>The proposed design provides an active street frontage, awning to the façade, passive surveillance, articulation through setbacks, breaks in building forms and materials.</p>	Yes – subject to condition
<b>Building Height</b>	<p>The overall height of the building is 9.7 metres for Block A and 6.9 metres Block B. This is modest and acceptable in a Commercial Zone without a directly abutting sensitive interface.</p> <p>It should be noted that the site has no direct residential zone abuttal with the two (2) storey building closer to the residential property to the west.</p> <p>The proposal will improve the local centre and is not considered to be out of place.</p>	Yes
<b>Dwelling diversity</b>	<p>The proposal provides a range of dwelling sizes with Dwellings 1 to 5 all having 3 bedrooms and two (2) living areas.</p> <p>Dwelling 6 has four (4) bedrooms and access to ground level courtyard and front yard, while Dwellings 7 and 8 have access to three (3) bedrooms and a smaller living zone.</p>	Yes
<b>Parking and vehicle access</b>	<p>Vehicle access is appropriately provided from the adjoining right of way to the west of the site, which is encouraged under Councils Vehicle Crossing Policy.</p> <p>All dwellings have been provided with two (2) on-site car spaces in the form of double garages, while the shops and take away food premises each have access to one (1) on site car space.</p> <p>The proposed waiver of eight (8) spaces is deemed satisfactory as the proposal will provide six (6) new on street car spaces and is well located in terms of access to retail and public transport.</p>	Yes
<b>Street address</b>	<p>The proposal meets the policy guidelines in respect to street address in that the retail premises has an active street frontage and the residential addresses are accessed via a dedicated secure pedestrian</p>	Yes – Subject to condition

Element	Comment	Compliance
	<p>access-way from both Broadhurst and McFadzean Avenue, which are well signposted.</p> <p>Mailboxes may be located to the entry area and the entry area is to have a recess of approximately 300mm and be adequately lit. Mailboxes for Dwellings 1 to 5 will need to be shown on the plans by way of condition.</p>	
<p><b>Amenity impacts including overshadowing and overlooking</b></p>	<p>There are adjacent dwellings in a General Residential Zone to the west and the first floor of the land to the south, which is within the Commercial 1 Zone. Issues of overlooking and overshadowing impacts are considered below in the assessment against Clause 55.</p> <p>However, in summary impacts would be within acceptable limits in that:</p> <ul style="list-style-type: none"> <li>• Unreasonable overlooking will not occur to the west from windows or balconies, with appropriate screening.</li> <li>• There are no south facing windows in Block A or Block B.</li> <li>• There is no overshadowing of residential land after 10am (see shadow diagrams).</li> <li>• The subject site is separated from residential land by a 3.6 metre wide laneway.</li> </ul> <p>Services and plant would be required to be included on the plans.</p>	<p>Yes – subject to condition</p>
<p><b>On-Site Amenity and facilities including Private Open space</b></p>	<p>Dwellings 1 to 5 will be accessible from three (3) entry points of McFadzean Avenue. Dwellings 6 to 8 are accessible from Broadhurst Avenue, by a separate pedestrian path adjacent the laneway. A central pedestrian entryway is also available in Broadhurst Avenue.</p> <p>The dwellings each have varied levels of open space, and Dwellings 6 to 8 could be made accessible to people of limited mobility given that they have bedrooms and bathrooms on the ground floor.</p> <p>All rooms have good access to natural light, other than bedroom 2 of Dwelling 6, which will be remedied by way of a condition requiring a clerestory window.</p> <p>A condition of approval will require storage be shown on the plans Dwelling 1 to 5.</p> <p>Appropriate space is available for services.</p>	<p>Yes – Subject to condition</p>
<p><b>Waste</b></p>	<p>A central bin storage area for the shops and take away food premises is provided adjacent Shop 4.</p> <p>The garage and recycling area for the dwellings is located along the southern boundary and deemed appropriate.</p>	<p>Yes – Subject to condition.</p>

Element	Comment	Compliance
	A condition of approval will require that bin collection is made by a private contractor in accordance with a waste management plan, and for the bin collection point to Broadhurst Avenue to be removed from the plans.	
<b>Equitable Access</b>	<p>The ground floors of Dwelling 6 to 8 can be made accessible to persons of limited mobility by construction of a ramp, or similar as required.</p> <p>The shops and take away food premises are accessible.</p>	Complies

**Clause 55 Assessment**

The site is located in a Commercial 1 Zone therefore any amenity impacts need to be balanced against the purpose of the zone which is to enable vibrant mixed use commercial centres for retail, office, business, entertainment and community uses as well as provide for residential uses at densities complementary to the role and scale of the commercial centre. The operation of Clause 55 does not apply to land in the Commercial 1 Zone; however, they are required to be considered as part of the decision guidelines of Clause 34.01-7 of the Scheme.

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

Clause 55.02-4 B4 Infrastructure

The development is to be located in an established area where there is adequate infrastructure. The proposal will not exceed the capacity of local infrastructure.

Drainage is available to the site provided the applicant submits design plans to Council’s satisfaction.

**Complies subject to condition**

Clause 55.03-2 B7 Building Height

The proposed building will have a maximum height of 9.7 metres and is located on commercially zoned land where no maximum building height is specified.

The surrounding residential land is located within the General Residential Zone Schedule 1 which allows a maximum height of 11 metres or three (3) storeys. It is generally considered that the Commercial 1 Zone would allow for a more intensive level of development than a residential zone.

The two (2) storey building (Block B) is located adjacent the right of way and closest to the single storey dwelling to the west. The building is setback 2.2 metres from the western boundary. Block B is therefore setback in excess of 5.2 metres from the adjoining residential lot.

This level of separation, coupled with a low building height of 6.9 metres to Block B ensures the amenity of the residential area to the west is protected.

**Complies**Clause 55.03-8 B13 Landscaping

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

The open spaces and setbacks are generally large enough to provide sufficient landscaping. A detailed landscape plan will be required as a condition of any approval along with screen planting to be included along the western edge of the development. Also additional planting should be included in the driveway without compromising manoeuvrability.

**Complies subject to condition**Clause 55.03-7 B12 Safety

The entrances to the dwellings are adequately visible from both McFadzean Avenue and Broadhurst Avenue with a total of five (5) residential pedestrian access points from these streets.

The development is designed to provide good lighting, visibility and surveillance of car parking and the internal access-way. A condition of approval will require a sliding vehicle gate at the vehicle entry point of the site so as to secure the site from the right of way.

The private open space within the development is protected from inappropriate use as a public thoroughfare.

**Complies subject to condition**Clause 55.03-5 B10 Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space, and living areas with access to northern light.
- Bedrooms windows for Dwellings 1 to 5 with access to northern light.
- Space for outdoor clothes drying facilities.
- 2000 litre water tanks for Dwellings 6 to 8.
- Three (3) 5000 litre water tanks in the common access-way.
- A condition of approval will require that shading to the north is fixed and shading over the east and west facing habitable room windows is operable.
- A condition will also require that natural light be included to the garages.
- A condition of approval will require a revised Sustainability Management Plan as elements of this report were not satisfactory

**Complies subject to condition**Clause 55.04-1 B17 Side and Rear Setbacks*Block B*

Block B has a maximum height of 6.9 metres from finished floor level (FFL) to the top of the roof. This requires a setback of 1.99 metres from the boundary. The propose development is setback between 2.03 metres and 2.22 metres at the ground and first floor which complies numerically with the standard.

Furthermore, a 3.6 metre wide laneway exists between the subject site and the adjoining residential property, providing further separation and relief to the adjoining residential lot.

**Complies**Clause 55.04-3 B19 Daylight to Existing Windows

The neighbouring windows to the west are setback in excess of 5.2 metres from Block B. This exceeds the 3.45 metres required for a 6.9 metre high wall.

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

**Complies**Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the west by the proposed development is minimal, with 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) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September. The shadow diagrams provided with the application indicate that no shadow is cast onto the adjoining western property after 10am.

**Complies**Clause 55.04-6 B22 Overlooking

The only affected residential land is to the west.

There will be no overlooking from the ground floor of Block B due to the existing 2.1 metre high paling fence and floor levels less than 0.8 metres above natural ground level (NGL).

The first floor balconies of Dwellings 7 and 8 include screening in accordance with the standard.

The following windows will be required to be screened to limit views in to adjoining residential properties:

Dwelling 6, 7 and 8: All first floor west facing bedroom 1 windows.

**Complies subject to condition**

Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of each dwelling having a minimum 8 square metres balcony, with a minimum width of 1.6 metres and conveniently accessed from a living room.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>	<b>Compliance</b>
Dwelling 1	27 square metres (balcony)	27 square metres	2 metres and 1.8 metres	Yes
Dwelling 2 to 5	11 square metres (balcony)	11 square metres	2 metres	Yes
Dwelling 6	58 square metres	9.6 square metres (balcony)	2 metres	Yes
Dwelling 7	24 square metres	8.96 square metres (balcony)	1.6 metres	Yes
Dwelling 8	23 square metres	8 square metres (balcony)	2 metres	Yes

Each dwelling has more than the minimum required by the standard.

A condition of approval will require that the measurements on the Area Analysis Plan (TP03) reflect the dimensions that have been shown on the plans.

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

**Complies subject to condition**

Clause 55.05-6 B30 Storage

Storage facilities have not been shown for the Dwellings 1 to 5. This will be required as a condition of approval.

**Complies subject to condition**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

Table 1 to Clause 52.05-5 sets out the car parking requirement that applies to a use listed in the table, as follows:

<b>Use</b>	<b>Rate</b>	<b>Area/Number</b>	<b>Required</b>	<b>Provision</b>
Dwelling	- 2 spaces per 3 or more bedroom dwelling	8 dwellings	16 spaces	16 spaces
	- 1 space per 5 dwellings for visitors		1 space	1 space

Use	Rate	Area/Number	Required	Provision
Shop/Food and drink premises	4 spaces per 100 square metres of leasable floor area	303 square metres	12 spaces	4 space
Total			29 spaces	21 spaces

A reduction of eight (8) car spaces is being sought. Importantly, the proposal will provide six (6) new on-street car spaces.

The reduction of car parking for the development is considered acceptable due to the following:

- The applicant is to provide six (6) new on-street car spaces in Broadhurst Avenue, which means the waiver is effectively two (2) car spaces.
- A bus stop is located directly in front of the premises in Broadhurst Avenue for route #558.
- The site has good access to shops and services, encouraging multi-purpose trips, as well as being readily accessible by public transport.
- The parking reduction for the commercial premises will generally be during the daytime period, which will minimise the effect on the nearby residential area.
- There is ample car-parking available in surrounding streets.
- The submitted traffic report has been reviewed and is considered acceptable
- Four (4) visitor bicycle spaces are to be included in a visible and easily accessible place for customers as required by condition of approval.
- There is space in each garage for a bicycle hook for the residents.

Design Standards for Car parking

The car parking spaces and garages and the access-ways have appropriate dimensions to enable efficient use and management of the site.

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

The double garage dimensions of 6 metres long x 5.5 metres wide comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

**Complies**

Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.



Under Table 1 at Clause 52.34 of the Scheme, the proposed leasable floor area of the shops and take away food premises and the scale of development (being less than four (4) storeys) does not trigger the requirement for bicycle spaces for the proposed development. However the proposed garages include a bike hook which could store bikes for the residents and a condition of approval will require that a minimum of four (4) visitor bicycle spaces are included in the development in a location that is visible and easily identifiable to the public realm in order to support the reduction in car parking.

Clause 65.01 Decision Guidelines

The proposed development complies with the State Planning Policy Framework and the Local Planning Policy Framework including Local Policies.

As detailed previously the proposal meets the purpose of the zone and all other relevant provisions and will contribute to the orderly planning of the area without compromising the amenity of the wider area.

A site assessment will be required as a condition of approval due to the potential for contamination of the site and drainage will be to Council’s satisfaction. The land is not affected by any form of flooding.

There is adequate space to the front of the land within McFadzean Avenue for the loading and unloading of goods that will be required for the proposed shops and take away food premises, that will not detrimentally impact on the amenity, traffic flow and road safety of the wider area, noting the relatively small floor area of these shops. Given the shops and take away food premises have allocated car parking spaces; informal loading could also take place from within the site.

On balance the proposed development is deemed acceptable as it will enhance the local centre as well as have minimal impacts on the amenity of the surrounding streets.

The proposed development will improve the vibrancy of the place through its mixed uses and make a positive architectural contribution through colour and contrast.

**CLAUSE 55 COMPLIANCE SUMMARY– (FOR GUIDANCE ONLY)**

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/A	N/A
<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>		
		The development appropriately integrates with both streets with pedestrian dwelling entries off McFadzean Avenue and Broadhurst Avenue,	Y	Y

Clause	Std		Compliance	
		including a centrally located pedestrian path from Broadhurst Avenue which is single posted by an arbour.  Vehicle access is via the laneway which reduces points of conflict with pedestrians.		
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The site is in a Commercial 1 Zone, where the front setbacks under this standard should not apply as typically retail/commercial buildings are encouraged to be constructed to front boundaries.  The proposal adopts a zero setback to McFadzean Avenue, which ties in to the adjoining shops.  Dwelling 6 is setback 4.96 metres from Broadhurst Avenue which leads into the residential streetscape and is commendable. This front setback will be landscaped with a minimum of one (1) canopy tree which will soften the development.	N	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		The building heights of 9.7 metres and 6.9 metres respectively are entirely appropriate in a Commercial 1 Zone. See more detailed assessment in the body of this report.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		The site is in a Commercial 1 Zone, where typically higher site coverages and more intense development is generally appropriate.	N	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		The site is in a Commercial 1 Zone, where typically lesser permeability and more intense development is found.	N	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and would not unreasonably impact adjoining properties. An appropriate Sustainable Design Assessment will be required by condition.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided. A condition of approval will require a sliding gate be included to the vehicle entry off the laneway for additional security.	Y	Y

Clause	Std		Compliance	
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area with vehicle use off the right of way which is encouraged under Council's Vehicle Crossings Policy October 2014.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable. No habitable room windows will be affected by use of the central car park.	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. See more detailed assessment in the body of this report.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		The site is in a Commercial 1 Zone, where typically more boundary walls are proposed.  The development will be built to the southern boundary and abuts a simultaneously constructed brick wall.  This wall will be a maximum of 9.7 metres high and will enable future development to be built against this wall for the southern adjoining lot.	N	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		The neighbouring windows to the west are setback in excess of 5.2 metres from Block B. This exceeds the 3.45 metres required for a 6.9 metre high wall.	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3 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. There is to be no overshadowing of the adjoining western lot after 10am.	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>		
		There will be no internal views between the	Y	Y

Clause	Std		Compliance	
		dwelling as habitable room windows are angled away from each other.		
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a Commercial zone. A condition will require that the noise does not exceed that of SEPP.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		Dwellings 6 to 8 could 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 to all balconies. Two (2) of the balconies are oriented toward the north, while four (4) have an eastern perspective and two (2) have a western perspective.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		No storage has been shown for the dwellings. Storage space has been shown in the ground level courtyards for dwelling 6 to 8 while storage space for Dwellings 1 to 5 will need to be shown on the plans.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting, however the application of render at the first and second floors must be reduced.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A 0.9 metre high brick front brick fence is proposed in front of dwelling 6 to Broadhurst Avenue. This 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 for waste and plant and equipment. A Waste	Y	Y

Clause	Std		Compliance	
		Management Plan for private collection will be required by condition.		

**REFERRAL SUMMARY**

Department/Aut hority	Response
Infrastructure and Capital Delivery Unit	No objection, subject to condition included in recommendation.
Environmental Sustainable Development	<p>A revised Sustainability Management Plan is required as some elements of the report are not satisfactory.</p> <p>Other ESD measures to be included in the design include the following:</p> <ul style="list-style-type: none"> <li>- Shading measures to north, east and west facing habitable room windows;</li> <li>- More landscaping to the driveway;</li> <li>- Reduction to the use of render;</li> <li>- Details of how windows open.</li> </ul>
Transport Engineering and Strategy Unit	<p>No objection, subject to conditions included in recommendation.</p> <p>The waiver of one (1) visitor car parking and seven (7) commercial customer car parking spaces is acceptable by Transport.</p> <p>The sight splay provided in the laneway will ensure no cars have to wait on the street. The instance of this splay needing to be used are very low given the projected low use of the laneway in peak times.</p> <p>The dimensions of the car spaces for Shops 1, 3, 4 and food and drink premises is acceptable at 2.7 metres wide because this complies with Australian Standard AS2890.1:2004.</p> <p>As the applicant is seeking a reduction to the car-parking requirement, it is recommended that two (2) bicycle hoops (4 spaces) are provided for customer and visitor parking.</p>
Strategic Planning Unit	No objection

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required**

- Clause 34.01-1 (Commercial 1 zone) a planning permit is required for accommodation as the frontage at ground floor level exceeds 2 metres.
- Clause 34.01-4 (Commercial 1 zone) a planning permit is required to construct building or construct or carry our works.
- Clause 52.06 – reduce or waive the parking requirements.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 17.01, 19.03-1
LPPF	21.02-3, 21.03-1, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.04, 22.06
Zone	34.01
Overlay	45.06 (expired)
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	Not Applicable

**POLICY IMPLICATIONS**

**Environmental Sustainability**

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

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS**

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

**Attachments**

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

**DISCLOSURE OF INTEREST**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect 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.

**5.2 APPLICATION FOR A PLANNING PERMIT D/194/2018  
43-47 Simpson Street, Northcote**

**Author:** Principal Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Corner Northcote Pty Ltd PO BOX 1363 Central Park VIC 3145	Yvette Marie Kadamani 45 Simpson St NORTHCOTE VIC 3070	Fulcrum Urban Planning PO BOX 1363 Central Park VIC 3145

**SUMMARY**

- A four (4) storey development (plus basement car park) comprising 19 apartments and two (2) commercial tenancies.
- Maximum height of 12.9 metres.
- A total of 12 x 2-bedroom and 7 x 3-bedroom apartments are proposed, each with a balcony of 8 to 80 square metres in area.
- Thirty car parking spaces, 22 bike parking spaces and 19 storage cages are provided at basement level.
- Vehicle access is provided to the basement via the ROW.
- The commercial spaces provide floor areas of 143.2 square metres and 164.2 square metres (total of 307.4 square metres).
- The proposal provides a contemporary design, incorporating red brick, colorbond cladding, render and steel balustrades.
- There is no restrictive covenant on the title for the subject land.
- Eight (8) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.06, 55.07 and 52.06 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit, Capital Works Unit and Urban Design officer.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/194/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TPA02, TPA03, TPA04, TPA05, TPA06, TPA07, TPA08, dated 29 May 2017 and prepared by Petridis Architects) but modified to show:
  - (a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 6 of this Permit).
  - (b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 7 of this Permit).
  - (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - (d) Details of a textured finish to the exposed section of the north boundary wall.
  - (e) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows / glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.
  - (g) Window type and opening mechanism on all elevation plans. Window mechanism must not increase overlooking of secluded private open space and/ or habitable room windows. Awning style windows are discouraged.
  - (h) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (i) Indicative location of signage.
  - (j) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath.
  - (k) Details of the make and model of car stacker system.
  - (l) A swept path assessment in accordance with AS2890.1:2004 for car parking spaces 01/02, 21, 22 and 29/30.
  - (m) Measures to manage potential vehicle conflicts at the top and bottom of the ramp.
  - (n) A swept path assessment in accordance with AS2890.1:2004 demonstrating that a B99 and B85 Design vehicle can satisfactorily pass each other at the top and bottom of the ramp.
  - (o) Car parking spaces allocated as follows:
    - Office: 3 spaces
    - Food and drink premises: 2 spaces
    - 12 x 2 bedroom apartments: 12 spaces



- 7 x 3 bedroom apartments: 13 spaces

- (p) Details of visitor / shopper bicycle parking in accordance with Clause 52.34 of the Darebin Planning Scheme (refer to Notation N6 of this permit).
- (q) All redundant crossovers to Robert Street must be reconstructed with full kerb and channel and nature strip, to the satisfaction of the responsible authority.

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - 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:

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) As part of the consultant team Petridis Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
  - 5) Before the development is occupied, a contribution toward streetscape improvements in the road reserve adjacent to the subject site must be paid to Darebin City Council. The contribution is to a value of \$5,000 (indexed). These works may include new kerb outstand to the street frontages including Water Sensitive Urban Design and paving, street furniture and landscaping.

The contribution is to be held by Darebin City Council and used for the purpose of streetscape improvements adjacent to the subject site. Council will undertake the works within 6 months of the occupation of the development.

- 6) Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- (a) Management
- (b) Energy
- (c) Water
- (d) Stormwater
- (e) Indoor Environmental Quality (IEQ)
- (f) Transport
- (g) Waste
- (h) Urban Ecology
- (i) Innovation
- (j) Materials

It is recommended that a Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.

Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

- 7) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority. The collection of waste must be limited to no more than two (2) collections per week across all waste streams.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 9) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

- 10) Before the apartments are occupied, an automatic external lighting system capable of illuminating the residential entry, access to the basement and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 11) Boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

- 12) The land must be drained to the satisfaction of the Responsible Authority.

- 13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

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

- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- 16) Before occupation of the development, 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) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces and access lanes shown on the endorsed plans must not be used for any other purpose.
- 17) The amenity of the area must not be adversely affected by the use or development as a result of the:
- (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- and/or in any other way, to the satisfaction of the Responsible Authority.

**Council Notations:**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

- N6 In relation to the requirements of Condition 1 n) of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.

## INTRODUCTION AND BACKGROUND

D567/2003 - Four (4) three-storey dwellings - Withdrawn - 18 March 2005

D405/2010 - Shop and Café - Withdrawn - 23 September 2010

D/247/2011 - Development of a four (4) storey building comprising 22 apartments, one (1) food and drink premises (café) and a reduction to the car parking requirement - Permit issued by the Victorian Civil and Administrative Tribunal – 16 April 2013.

In supporting the application the Tribunal member stated:

*"I conclude that there is strong planning scheme support for this proposal which will provide housing choice, diversity and affordability in a well serviced location. This proposal also provides an opportunity to enliven a small activity centre that has been in decline for some years.*

*There will be some change to this neighbourhood and that change will be quite obvious in the context of the original but utilitarian commercial building that occupies the site. However, this development is on the whole, well designed and will enhance the public realm. Off-site impacts are within acceptable limits and I find that these are outweighed by the benefits this proposal will bring."*

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 23 metres in width and 35 metre in depth with a site area of 783 square metres
- The site is located on the north-west corner of Simpson Street and Roberts Street Northcote. The site forms part of a small strip of current and former commercial buildings and uses located within a Commercial 1 Zone. The site comprises a part single, part double storey building constructed along all boundaries. The site formerly operated as a commercial bakery and milk bar.
- Vehicles access the site via two (2) crossovers fronting Roberts Street and from the right of way (ROW) abutting the site's western boundary.
- The site and the adjacent properties on the west side of Simpson Street are located within a Commercial 1 Zone. It is noted that several of the adjacent properties within the Commercial 1 Zone have been converted into residential accommodation.
- The adjacent properties to the east, west and south are located in General Residential Zone (Schedule 2). A Heritage Overlay applies to properties on the opposite side of Roberts Street and fronting South Crescent.
- To the north of the site is a two storey brick building with a shopfront at ground floor, along with a residence towards the rear and within the first floor. The building is constructed to the Simpson Street frontage and along the common boundary. An area of secluded private open space is located at the rear of the property.
- Further north, the buildings are similarly built boundary to boundary and range between one to two storeys in height.
- Further to the north on Clarke Street is Westgarth Primary School.

- To the west of the site is a three metre wide right of way (ROW). Beyond the ROW is a single storey dwelling fronting Roberts Street. The dwelling provides four (4) windows facing the site, three (3) of which serve a habitable room, albeit substantially obscured by an existing side boundary fence with trellis and planting. A swimming pool and garage are provided within the rear of the site. Vehicle access to this property is provided from the ROW. Outlook from the dwelling is largely to the north and south (away from the site).
- To the south on the opposite side of Roberts Street are the rear gardens associated with no.'s 65, 66 and 67 South Crescent. The rear of these sites back onto Roberts Street and contain a variety of outbuildings, garages and associated roller doors, together with large established trees and landscaping.
- To the east on the opposite side of Simpson Street are a variety of single storey, semi-detached and free-standing weatherboard and brick residences. The building styles, fence heights/types, and front setbacks all vary.
- The site is well served by public transport, being a short walk from Dennis and Westgarth Train Stations. Dennis Station is located approximately 180m south east of the site. Bus routes 158, 246, 250 and 251 operate on Victoria Road and/or Westgarth Street. Train route 86 operates on High Street, located 800m west.
- On-street parking on Simpson Street is subject to a *1P (7am-8pm)* restriction on the western side.
- The Retail Activity Centre Study (2005) recognises Simpson Street as a local convenience centre. It is recognised as a candidate for mixed use redevelopment.

### Proposal

- Development of a four (4) storey building (plus basement car park) comprising 19 apartments and two (2) commercial tenancies.
- The building reaches a maximum height of 12.9 metres, excluding the roof and lift over run.
- A total of 12 x two bedroom and 7 x three bedroom apartments are proposed, each with their own private open space in the form of a balcony of 8 to 80 square metres in area.
- Thirty car parking spaces, 22 bike parking spaces and 19 storages are located within a basement level. The basement also contains fire hydrant / pump room and waste storage space.
- Twelve of the 30 car parking spaces are provided within a car stacker.
- Vehicle access is provided to the basement via the ROW.
- The existing 20 metre wide crossover to Roberts Street will be reinstated to kerb and channel and will result in a net gain of four (4) on-street car parking spaces.
- The ground, 1st and 2nd floor form a three level podium, with the upper floor setback from all boundaries.
- All levels are accessed via a centrally located lift and stair, from a pedestrian entry along Roberts Street and the basement level.
- The commercial spaces provide floor areas of 143.2 square metres and 164.2 square metres (total of 307.4 square metres).
- The proposal provides a contemporary design, incorporating red brick, colorbond cladding ('woodgrain'), cement render (painted), feature sun shading devices ('black' and 'nasturtium shoot'), steel balustrades and grey tinted glass.

**Objections summarised**

Eight (8) objections received.

**Objections summarised**

- Height, Scale and Design
- Visual bulk
- Overshadowing
- Overlooking
- Car Parking, Access and Traffic
- Waste management

**Officer comment on summarised objections:**

- Height, Scale and Design

The height, scale and character of the development is discussed and assessed under the Clause 22.06 assessment below.

- Visual bulk

Whilst visual bulk is acknowledged, the proposal is compliant in regard to overshadowing, overlooking and setbacks (B17 setback measured from the centre of the ROW). The staggered rear setbacks together with the ROW provide a sufficient buffer between the development and adjacent residential area.

- Overshadowing

The larger majority of the shadow cast by the development will fall on Simpson Street, Roberts Street and the ROW. The submitted shadow diagrams comply with the requirements of Clause 55. At least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space located on adjacent land will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

- Overlooking

Windows and/or balconies within 9 metres of existing adjacent habitable room windows and secluded private open space areas are screened to protect the privacy of adjacent properties. Windows and balconies beyond 9 metres from adjacent windows and rear gardens are not required to be screened.

- Car parking, Access and Traffic

Car parking, access and traffic is discussed and assessed in the body of the report under the section titled Car Parking.

- Waste Management:

The application is accompanied by a waste management plan. Waste management and collection is to be managed by a private waste collection firm. The number of collections is limited to twice a week via condition for both general waste and recyclables. Waste will be collected from the basement or from the ROW.

**PLANNING ASSESSMENT**

**Clause 34.01 - Commercial 1 Zone**

The two (2) commercial spaces with a total of 307.4 square metres of floor space are proposed. These spaces provide a mix of sizes and orientations with frontage to Simpson Street and Roberts Street. The activation of ground floor areas for commercial uses with residential above is supported by the objectives for the Commercial 1 Zone.

**Clause 22.06 - Multi Residential and Mixed Use Development**

This policy applies to the consideration of multi-apartment developments.

Element	Comment	Compliance
<b>Sustainability</b>	<p>A Sustainable Management Plan (SMP) has been prepared. The key sustainable design measures are:</p> <ul style="list-style-type: none"> <li>- Rainwater harvesting system (15.000 litre tank).</li> <li>- 3kWp rooftop photovoltaic system for common areas;</li> <li>- Integrated planter boxes;</li> <li>- High performance glazing and efficient services, appliances and fixtures.</li> <li>- Energy efficient lighting.</li> </ul> <p>The design and orientation of the apartments provides good levels of solar access and cross ventilation. The attached form of construction also aids in containing winter heat.</p>	Complies subject to condition
<b>Design and Materials</b>	<p>In relation to design and materials Clause 22.06 encourages <i>building mass at the street frontage and away from rear boundaries; high quality design and finishes and; a strong relationship to the pedestrian environment.</i></p> <p>The form of the development is modulated into three elements. The lower three levels form a podium with predominantly brick and colorbond to the external walls and a zero setback to each street frontage. The upper level provides a recessive element with setbacks from all boundaries and larger sections of glazing in contrast to the low levels. At ground level the corner of building comprises two (2) commercial tenancies. The commercial frontage comprises solid and glazed elements which replicate the rhythm of the group of shopfronts located to the north of the site.</p> <p>The materials comprise red brick, colorbond metal seam cladding, render and steel balustrades. The brick provides a reference to the adjacent shopfronts. Overall the palette of materials is restrained and uncomplicated and a definite improvement over the previous 4-storey approval in this regard. The materials are generally low maintenance.</p>	Complies with objective

Element	Comment	Compliance
<p><b>Building Height</b></p>	<p>The proposal provides a height of 4-storey (12.9 metres). As detailed in the site history VCAT have previously supported a development of 4 storeys at this location.</p> <p>A consideration of height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation.</p> <p>Any discussion of height should be balanced against the design and massing of the building and its response to the immediate context, including adjacent apartments.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations proximate to public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>In relation to building height, the objectives of Clause 22.06 call for a consideration of the <i>existing urban context and character objectives of the area; seek to ensure that new development is appropriate to the scale of nearby streets, other public spaces and buildings and protects sunlight access to public spaces</i>. In determining building height, the other elements of this policy are to be taken into account together with the site context, site characteristics and the existing use and development on the site. In regard to off-site amenity impacts development should minimise unreasonable overshadowing and overlooking of adjacent residential property.</p> <p>In regard to context the site benefits from locational attributes making it an ideal candidate for a multi-level mixed use development. These attributes include the site’s location on a corner, separated by a 3 metre wide ROW from the nearest residential dwelling. The site is also located within an area of mixed character comprising residential and commercial development and uses, together with local schools in proximity to the site.</p> <p>The site is within a commercial zone and would replace a brick building that is utilitarian in appearance which, despite its relatively generous proportions, makes only a modest contribution to the centre’s viability and visual amenity.</p> <p>The site is within 180 metres of a train station well within the 400 metre benchmark.</p> <p>The width of the Simpson Street road reservation is approximately 19 metres, which is considered to be of a sufficient width to absorb the 4-storey building scale at its eastern interface.</p> <p>The form of the development is modulated into three elements. The lower three levels form a podium with a zero setback to each street frontage. The upper level provides a</p>	<p>Complies</p>



Element	Comment	Compliance
	<p>recessive element with setbacks from all boundaries. The massing of the development comprising a recessed upper level aids in reducing the perception of the buildings height. The rear elevation provides a greater graduation in height with setbacks from the ROW provided at each level to reduce visual impact of the proposal upon the adjacent dwelling.</p> <p>The proposal is compliant in regard to overshadowing, overlooking and setbacks (B17 setback measured from the centre of the ROW). The staggered rear setbacks together with the ROW provide a sufficient buffer between the development and adjacent residential area.</p> <p>The overall massing and height of the proposal is supported.</p>	
<b>Apartment diversity</b>	This development provides 11x 2 bedroom apartments and 7 x 3 bedroom apartments. The apartment sizes and layouts are varied including five (5) split level apartments.	Complies
<b>Parking and vehicle access</b>	Refer to the Clause 52.06 assessment below.	Complies
<b>Street address</b>	<p>The two (2) commercial spaces present to Simpson Street and the corner of Roberts Street. The residential entry is provided to Roberts Street. The residential entry is flush to Roberts Street to avoid concealment and achieves good levels of passive surveillance.</p> <p>Vehicle access is to be rear ROW in accordance with policy.</p>	Complies
<b>Amenity Impacts Including Overshadowing and Overlooking</b>	<p>The submitted shadow diagrams illustrate that at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space located adjacent the site will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.</p> <p>Windows and/or balconies within 9 metres of adjacent habitable room windows and secluded private open space areas are screened.</p>	Complies
<b>On-Site Amenity and Facilities, including Private Open Space</b>	<p>The proposal achieves a good response to Clause 55.07 (Apartment Developments):</p> <ul style="list-style-type: none"> <li>• A variety of well-proportioned layouts, including dual aspect and split level apartments.</li> <li>• Well-designed and accessible storage space.</li> <li>• 22 bicycle parking spaces.</li> </ul>	Complies
<b>Waste Management</b>	The application is accompanied by a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection. Waste will be collected via private waste collection firm. The number of collections is limited to two (2) per week via condition.	Complies subject to condition
<b>Equitable Access</b>	All levels are provided with lift access.	Complies

**Clause 55.07 Apartment Developments:**

Clause 55.07 only applies to proposals within a residential zone. While a Commercial 1 Zone applies to the site, the site context is predominantly residential therefore an assessment of the critical aspects of the Clause 55.07 has been undertaken.

Std	Comment	Compliance	
<b>B41</b>	<b>Accessibility</b>		
	The apartments provide a clear opening width of at least 850mm at the entrance and a clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area and a main bedroom with access to an adaptable bathroom.	Y	Y
<b>B43</b>	<b>Private open space above ground floor</b>		
	All balconies achieve or exceed the recommended dimension and area requirement of this standard. Eight (8) balconies provide an area of at least 10 square metres. The remaining 11 balconies are between 20 to 80 square metres in area.	Y	Y
<b>B46</b>	<b>Functional layout</b>		
	The dimensions of all bedrooms achieve or exceed the requirements of this standard.  The area and dimensions of all living rooms achieve or exceed the requirements of this standard.	Y	Y
<b>B47</b>	<b>Room depth</b>		
	All levels of the building provide a floor to ceiling height of 2.7 metres as recommended under this standard. The living rooms are of appropriate depth to allow for daylight access. The majority of the living room exceed the minimum width requires which further aids in providing satisfactory daylight access.	Y	Y
<b>B48</b>	<b>Windows</b>		
	All living rooms and bedrooms have direct access to daylight. Six (6) of the 19 apartments provide a dual aspect living room with plenty of outlook and access to daylight. The battle bedrooms serving apartments 2 and 3 provide dimensions in accordance with the standard, however the windows are not clear to the sky. Given these apartments provide a split level configuration with ample access to daylight and outlook from the upper level and second bedroom, this outcome is considered satisfactory on balance.	Partial	Y
<b>B49</b>	<b>Natural ventilation</b>		
	11 of the 19 apartments (57%) provide opportunities for cross flow ventilation, where the standard recommends 40%.	Y	Y

**Clause 52.06 Car Parking**

(1) Number of Parking Spaces Required

(2)

The proposal provides 30 car parking spaces, and is therefore seeking a total waiver of nine (9) car spaces, including four (4) Visitor, two (2) Office and three (3) Shop car parking spaces.

Off-street car parking will be allocated as follows:

- Office: 3 spaces
- Food and drink premises: 2 spaces
- 11 x 2 bedroom apartments: 17 spaces
- 7 x 3 bedroom apartments: 8 spaces

As per Clause 52.06-6 of the Planning Scheme:

*An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.*

The applicant has submitted an assessment of the car parking demand and concludes that the proposed provision of car parking is satisfactory based on the following:

- *The parking surveys undertaken by TTM Consulting demonstrate there are in excess of 11 spaces vacant within proximate distance of the site.*

On consideration of the above and the decision guidelines contained within Clause 52.06-6 of the Planning Scheme, the total number of car parking spaces is considered satisfactory in this instance, noting the following:

- The availability of on-street car parking within the vicinity of the subject site.
- The reinstatement of the crossover to Roberts Street will increase the on-street car parking supply by four (4) car parking spaces.
- Long-term parking demands associated with residents and staff will be accommodated off-street. The car parking waiver is associated with short-term visitor and shopper parking demands; and
- The availability of public transport in proximity to the subject site.

However the allocation of car parking is to be altered via condition to better reflect the car parking demand of each apartment type. The changes to the allocation of car parking spaces will reflect car parking demands drawn from census data.

#### Design standards for car parking

All 'standard' car parking spaces have been dimensioned in accordance with the above design requirements.

As per Design Standard 2, where parking spaces are provided in tandem (one space behind the other), an additional 500mm in length must be provided between each space. It is noted that three sets of tandem car parking spaces have been proposed and while these have been provided with the required length (4900mm per each bay) the additional 500mm in length has not been provided. The applicant's justification is as follows;

*Not satisfied however a variation to this design element is considered appropriate as the 3 no. tandem bays will each be assigned to a single residential dwelling. The waiver of the 500mm also maintains an aisle width of 6.4 metres which will provide assistance in accessing parking spaces on the other side of the aisle.*

While Council's preference is that the 500mm length is provided it is accepted that this would impinge on the aisle width. Furthermore the tandem spaces will be assigned to the same residential dwelling and users will become accustomed to the layout.

Columns associated with "standard" car parking bays have been located in accordance with this design standard.

Most of the parking bays have been widened by 300mm where they are bounded by a wall or fence as per 2.4.2(c) of AS2890.1:2004.

The proposed basement ramp grade is proposed with a minimum grade of 1:10 for the first 5.0m, a transitional grade of 1:8, a main section of ramp at 1:4, and a transition into the basement level of 1:8 for 2,600mm. The proposed ramp is therefore consistent with Planning Scheme and Australian Standard requirements.

Mechanical parking

The applicant has nominated the Klaus Multi-park 2072 model but has not provided the technical details of the proposed car stacker system (manufacturer and model type) and therefore the acceptability of the proposed car stacker arrangements cannot be fully assessed at this stage.

The stacker system must achieve the requirement for 25% of spaces to be capable of accommodating a vehicle of at least 1.8m high. Furthermore, the proposed stacker system must allow for an internal car platform width of 2.4m.

Traffic Impact

The applicant has submitted a Traffic Impact assessment report. The level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

**Clause 52.34 Bicycle Parking**

Twenty two bicycle parking spaces within the basement level are proposed. Six (6) spaces are provided within a wall-mount rack arrangement with the remaining 16 spaces provided as ground-mounted rails. This layout complies with AS2890.3:2015.

Clause 52.34 also requires that a bicycle space for a visitor, shopper, or student must be provided at an external bicycle rail near the main entrance to the development. If the applicant is unable to supply cycle parking within the boundaries of the site (i.e. not on the public footpath), they should contact Council's sustainable transport officer for details of how to supply on-street parking in the vicinity of the site, or make the equivalent contribution to cycle infrastructure in Darebin.

**REFERRAL SUMMARY**

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	Transport Management and Planning comments were provided on 22 May and 22 July 2018 on the basis of the initial plans and the advertised set. The advertised plans subject to this report partially address these comments except where conditions are imposed.
Urban Design officer	Urban Design comments were provided on 21 May 2018 on the basis of the initial plans. The revised plans subject to this report largely address these comments except where conditions are imposed.

## PLANNING SCHEME SUMMARY

### Darebin Planning Scheme clauses under which a permit is required

- Clause 34.08 (Commercial 1 Zone): Buildings and Works
- Clause 52.06 (Car Parking): Car parking reduction.

### Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	34.01
Overlay	45.06
Particular provisions	52.06, 52.34, 55.07
General provisions	65.01
Neighbourhood Character Precinct	N/A

## POLICY IMPLICATIONS

### Environmental Sustainability

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

### Social Inclusion and Diversity

Nil

### Other

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

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

## FUTURE ACTIONS

Nil

## RELATED DOCUMENTS

- Darebin Planning Scheme

### Attachments

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

**DISCLOSURE OF INTEREST**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect 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.

**6. OTHER BUSINESS**

Nil

**7. URGENT BUSINESS**

**8. CLOSE OF MEETING**