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# **AGENDA**

Planning Committee Meeting to be held at Darebin Civic Centre, 350 High Street Preston on Monday 8 August 2022 at 6.30pm.

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

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

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

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

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

#### **English**

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

#### **Arabic**

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

#### Chinese

这是市议会会议议程。如需协助了解任何议项,请致电8470 8888。

#### Greek

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

#### Hindi

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

#### **Italian**

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

#### Macedonian

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

#### Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया ८४७० ८८८८ मा कल गर्नुहोस्।

#### **Punjabi**

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

#### Somali

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

#### **Spanish**

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

#### Urdu

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

#### Vietnamese

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

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# **Agenda**

# 1. MEMBERSHIP

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

# 2. APOLOGIES

# 3. DISCLOSURES OF CONFLICTS OF INTEREST

# 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

# Recommendation

**That** the Minutes of the Planning Committee Meeting held on 14 June 2022 be confirmed as a correct record of business transacted.

# 5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR A PLANNING PERMIT D/710/2021

169-171 GOWER STREET PRESTON

Author: Principal Planner

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

Applicant	Owner	Consultant
	Kion Pty Ltd	P2 Consultants

#### **SUMMARY**

- The application proposes the construction of ten (10) dwellings (four (4) double storey and 6 (six) triple storey) with associated basement car parking. Dwellings 1 & 3-6 contain three (3) bedrooms and dwellings 2 & 7-10 each contain two (2) bedrooms. A total of fifteen (15) car parking spaces are required which have all been provided.
- The site is zoned General Residential Zone Schedule 2 (GRZ2) and is affected by a Development Contributions Plan Overlay Schedule 1 (DCPO1 currently expired).
- Seventeen (17) objections were received against this application, on the key grounds
  of neighbourhood character, scale of the proposal, overshadowing and amenity
  impacts on the adjoining properties.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme, subject to minor variations in relation to Standard B3 (Dwelling diversity objective), Standard B28 (Private open space objective) and Standard B29 (Solar access to open space objective).
- The proposed design response is one which respects the existing neighbourhood character in relation to scale, spacing between buildings, roof forms and robust yet sympathetic materiality as well as overall height and streetscape presentation.
- It is recommended that the application be supported, subject to conditions.

### **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 the following units and officers within Council: Infrastructure and Capital Delivery, Climate Emergency and Sustainable Transport, Tree Management, Environmental Sustainable Development Officer, City Designer, Landscape Architect and Integrated Water Management Unit.
- This application was not required to be referred to any external authorities.

#### Recommendation

**That** Planning Permit Application D/710/2021 be supported and a Notice of Decision to Grant a Permit be issued for the development of the land for ten (10) dwellings, (six (6) triple storey and four (4) double storey), in accordance with the endorsed plans at 169-171 Gower Street, Preston subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans (plans identified as TP0.005, TP1.100, TP1.101, TP1.102, TP1.103, TP1.104, TP2.001, TP2.002, TP2.003, TP2.004, dated 29 October 2021, project no. 21001, prepared by Kion Develop) but modified to show:
  - (a) A comprehensive schedule of construction materials, external finishes, colours (including colour samples).
  - (b) The first and second floor east and west facing habitable room windows provided with either:
    - (i) a sill with a minimum height of 1.7 metres above finished floor level;
    - (ii) a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
    - (iii) fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development. A notation stating this must be clearly delineated on the elevation plans.

- (c) The provision of 6 cubic metres of accessible, secure storage space for each dwelling. The storage cages must be shown with useable dimensions and a section diagram provided demonstrating convenient access if located above the car space.
- (d) External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at Ground Floor) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
- (e) Details of the fences on the eastern, western and southern boundaries (except within 7 metres of the front boundary northern boundary of the land) in accordance with Condition No.17 of this Permit.
- (f) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
  - (i) co-located where possible;
  - (ii) located or screened to be minimally visible from the public realm;
  - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
  - (iv) integrated into the design of the building.

- (g) The location of gas, water and electricity meters. Where meters would be visible from the public realm, these are to be:
  - (i) co-located where possible;
  - (ii) positioned on a side boundary or adjacent to the accessway; and
  - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (h) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, is to be of a design, colour and quality of material that matches the character of the development.
- (i) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (j) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (k) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 6 of this Permit.
- (I) Any modifications required by the Stormwater Management System Plan and Water Sensitive Urban Design (WSUD) Plan required by Condition No. 7 of this Permit.
- (m) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (n) The provision of a Waste Management Plan (WMP) in conjunction with the requirements of Condition No.10 of this Permit.
- (o) Details of the security gate to be provided along the ramp to the basement to be of a design, colour and quality of material that matches the character of the development to the satisfaction of the Responsible Authority. A section diagram is to be provided.
- (p) Natural ground level and finished floor level accurately depicted on the plans.
- (q) The location of the solar panels
- When approved, the plans will be endorsed and form part of this Permit.
- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Before plans are endorsed under Condition No. 1 of this Permit, the submitted landscape plan must be amended and re-submitted to the Responsible Authority for approval. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be amended to incorporate:
  - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
  - (b) The inclusion of a greater diversity of native and indigenous trees.
  - (c) Climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including the communal outdoor open space.
  - (d) An increase in native canopy coverage throughout the development. The minimum tree canopy widths at maturity for small trees must be 4 metres in width, for medium trees, 6 metres in width, and for large trees, 10 metres in width.

- (e) All irrigation methods are to be clearly labelled and added to the landscape plan.
- (f) Annotated details are required to specify raised planter beds, planter boxes, climbing structures, surface materials such as all pavers and concrete and all tree and shrub planting applications.
- (g) All landscape applications, irrigation methods, WSUD treatments, maintenance and installation and those items relating to landscaping as part of the SMP are to be added to the landscape plan.
- (h) The landscape plan must clearly demonstrate how trees within 'confined' POS areas will successfully establish and remain viable for the long-term (adequate soil volumes, irrigation etc).
- (i) Any modifications relating to landscaping required as a result of the Sustainability Management Plan (SMP) required by Condition No. 6 of this Permit.
- (j) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
- (k) Details of all existing trees to be removed and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- (I) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (m) A diversity of plant species and forms.
- (n) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
- (o) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (p) Hard paved surfaces at all entry points to dwellings.
- (q) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (r) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (s) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (t) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (u) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, ground covers and climbers.

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

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

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

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

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

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

Each of the three street trees	Location	TPZ (radius from the base of each of the three trees)					
Pyrus calleryana sp. (Callery Pear)*	Fronting the subject site (along Gower Street)	2 metres					
*as defined by the submitted landscape plan designed by Jack Merlo Design and Landscaping.							

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
  - (a) Tree protection measures must be in accordance with Australian Standard AS4970 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
  - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
  - (c) The tree protection fencing must be maintained at all times.
  - (d) Except with the written consent of the Responsible Authority:
    - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
    - (ii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
    - (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
  - (e) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained (in this instance, the three street trees) must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
- 6. Before plans are endorsed under Condition No. 1 of this Permit, the submitted Sustainability Management Plan (SMP) must be amended and re-submitted to be approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of this Permit. The SMP must be amended to address:
  - (a) Maintain the proposed 70% overall score and minimums in Energy (50)%, Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design.

- (b) A commitment to specifying reverse cycle heating and cooling systems to meet 4star minimum heating and 4-star minimum cooling requirements or equivalent to reflect what has been entered into the BESS assessment.
- (c) Fixed shading to north facing windows.
- (d) Clothes drying facilities added for each of the dwellings to reflect the BESS assessment.
- (e) A commitment to follow the construction site management requirements of the EPA's 275: Construction techniques for sediment pollution control.
- (f) A commitment to the use of low VOC paints, sealants, adhesives, carpet and E1 or E0–grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring).
- (g) Openable or operable skylights to the stairs on the top floors to allow stack ventilation to occur through the stairs. Additionally, all bathrooms and ensuites must incorporate an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.
- (h) One bicycle parking space per dwelling in order to claim the Transport 1:1 Bicycle parking – residential BESS credit. 2 of the 10 spaces are located in Unit 1's garage. One must be placed in the common parking area.
- (i) The location of the electric vehicle charging point in the basement garage must be shown with a notation or associated legend stating "minimum 15A dedicated circuit from load centre to car space" in order to claim the Transport 2:1 Electric Vehicle Infrastructure BESS credit.
- (j) There must be a commitment to a minimum of 70% construction and demolition waste diverted from landfill.
- (k) Each dwelling having access to waste separation options for general waste, comingled recycling, food/garden waste (FOGO) and glass.
- (I) The plans must specify, for the non-visible flat roofs and exposed concrete driveway, high SRI paints and materials (SRI>50) to help mitigate the urban heat island effect.
- (m) A minimum of 20% of the cement replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- (n) All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and a minimum of 60% of all reinforcing bar and mesh is to be produced using energy-reducing processes in its manufacture.

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

- 7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report and Water Sensitive Urban Design Plan (WSUD) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
  - (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - (i) An assessment using an industry recognised stormwater tool;

- (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
- (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
- (iv) A plan illustrating where all impervious surfaces will be treated and drained;
- (v) A construction and maintenance schedule.
- 8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
  - (a) Erosion and sediment.
  - (b) Stormwater.
  - (c) Litter, concrete and other construction wastes.
  - (d) Chemical contamination.

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

- 9. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.
  - The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).
- 10. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
  - (a) Provide for a private waste collection service from the subject site.
  - (b) The waste collection must be conducted via the common basement level.
  - (c) The size of the waste collection vehicle must be specified and must demonstrate:
    - (i) Satisfactory swept path diagrams detailing ingressing and egressing of the basement level, as well as internal manoeuvrability.
    - (ii) A ground clearance assessment detailing adequate head-height clearance for satisfactory access and collection.
  - (a) Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
  - (b) Include measures to minimise waste material sent to landfill including details of how recycling of and treatment of organic/food waste will be maximised;
  - (c) Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;

- (d) Include calculations showing the amount of general, recycle, glass and organic waste (including food waste) expected to be generated;
- (e) Detail the size of bins, frequency of collection and hours of collection;
- (f) Include a dimensioned plan showing:
  - (i) the location of the bin storage area on the site.
  - (ii) details of screening of the bin storage area from public view.
  - (iii) suitably dimensioned bin storage area with convenient access.
  - (iv) the storage area is capable of accommodating and allowing convenient access to the waste bins.
  - (v) the location on the site where the bins will be placed for collection.
  - (vi) where the waste trucks will stop to service the waste bins and whether No Parking restrictions will be required for the waste trucks to access that space.
- (g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings.

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

The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area.

Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

- 11. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
  - The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
- 12. The land must be drained to the satisfaction of the Responsible Authority.
- 13. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
  - (a) concealed in service ducts or otherwise hidden from view; or
  - (b) located and designed to integrate with the development,
  - to the satisfaction of the Responsible Authority.
- 14. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
- 16. The clothesline to each dwelling must be free-standing.

17. The development must not be occupied until a fence to a minimum height of 1.8 metres above finished floor level (FFL) is erected along the eastern, western and southern property boundaries. The fence must be constructed to the satisfaction of the Responsible Authority.

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

- 18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
- 19. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat;
  - (d) Drained;

to the satisfaction of the Responsible Authority.

- 20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 21. Before the occupation of the development, all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
- 22. This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.

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

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

#### **NOTATIONS**

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

N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal (VCAT).

- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, they must be brought to the attention of Council as additional planning assessment may be required through separate planning approval.
- N4. This Planning Permit represents the planning approval for the use/and or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N6. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of *Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

#### INTRODUCTION AND BACKGROUND

Planning Application D/202/2021 was submitted to Council on 22 April 2021, proposing a development similar to the development in question, save some varying, minimal design alterations.

This application did not reach the advertising stage as insufficient information was submitted to Council in response to Council's formal Request for Further Information (RFI) letter. As such, Planning Application D/202/2021 lapsed.

The predominant reason the previous application lapsed was in relation to concerns raised by both Council's Infrastructure and Capital Delivery and Integrated Water Management units. Recently updated Council flood mapping indicated that amendments were required to be made to the proposed floor level of the dwellings and the configuration of the proposed basement access ramp. These required alterations have since been made as part of the new application and are discussed in the referral section of this report.

#### **ISSUES AND DISCUSSION**

#### Subject site and surrounding area

- The subject site is comprised of two (2) regular shaped allotments (identified as lots 16 & 17 on Plan of Subdivision 010068), each including a frontage to Gower Street of 14.32 metres and each with a maximum depth of 33.52 metres. They yield an overall site area of approximately 480.28 square metres to both lots 960.56 square metres combined.
- Restrictive Covenant 1299849 is listed on the title which restricts the excavation and removal of earth, clay, stone, gravel or sand from the site, other than for the purpose of excavating for the foundations of any buildings to be erected. The proposed development therefore would not breach the terms of the Covenant.

The site is located on the southern side of Gower Street.

Figure 1: Aerial image of the subject site taken from Nearmap dated 23 May 2022

- The site contains a single storey, Californian Bungalow dwelling incorporating brick, weatherboard and terra cotta tiled roofing. The dwelling occupies the western portion of the subject site, with the site concurrently including large, vegetated southern and eastern areas. Access is provided via a single-width crossover (however double when combined with the neighbouring dwelling's at 173 Gower Street to the west) which leads to a detached garage located in the south-west corner of the site. A tall, 1.8 metre brick fence fronts the subject site.
- The subject site is located approximately 35 metres from the intersection with Nichol Street to the east.
- To the north of the subject site is 192 & 194 Gower Street, respectively. Both sites are
  improved by single storey, rendered brick dwellings with tiled roof forms. Each contain
  single width crossovers located along the southern boundary of the subject sites which
  is accessed via Gower Street. Secluded private open space areas are located to the
  north of the sites.
- To the east of the subject site is 167 Gower Street. The site contains a single storey brick veneer dwelling with a tiled roof. A single width driveway and crossover is located on the north-eastern corner of the site, accessed via Gower Street. The secluded private open space area is located to the south of the site.
- Numbers 8 & 10 Avondale Road interface with the subject site's southern boundary. Both sites contain post-war, single storey white weatherboard dwellings with terracotta tiled, pitched roof forms. Each site contains a single-width crossover which provides access to garages within the corners of each respective site. Both contain small (less than 1 metre high) front fences.

- To the west of the site is 173 Gower Street, a more recently constructed double storey
  dwelling incorporating part brick/brick render. Vehicular access is provided via a
  crossover to Gower Street, with the secluded private open space area located to the
  rear of the site.
- No on-site parking restrictions impact this section of Gower Street.
- The subject site is located within the *Principal Public Transport Network Area (State Government of Victoria, August 2018).* The site is serviced by a range of public transportation options, including both Bell & Preston railway stations, each located approximately 1.2 kilometres from the subject site, as well as the Route 86 tram located approximately 350 metres to the west along Plenty Road and bus routes 527 & 903, with associated bus stops located less than 300 metres north of the subject site, along Murray Road.
- The subject site is located within close proximity to both the Preston Central and Northland Activity Centres, as well as the High Street & Plenty Road corridors.

#### **Proposal**

- It is proposed to construct ten (10) dwellings (four (4) double storey and 6 (six) triple storey) with associated basement car parking. Dwellings 1, 3-6 contain three (3) bedrooms and dwellings 2, 7-10 each contain two (2) bedrooms.
- Dwellings 1 & 3 are set to front the Gower Street streetscape whilst the remaining dwellings within the rear (as well as Dwelling 2) are set to front a central, common pedestrian pathway.
- A basement level is proposed, accommodating the development's car and bicycle parking, storage areas, a water tank and bin storage.
- Fifteen (15) car parking spaces are provided (as required) as well as fourteen (14) bicycle parking spaces (10 spaces provided in the basement and 4 visitor bicycle parking spaces provided in the front setback, next to the communal entry zone). Visitor car parking spaces are not required to be provided for this development as the site is located within the *Principal Public Transport Network Area* (State Government of Victoria, August 2018).
- Dwellings 1 & 2 incorporate a living room, a bedroom and bathroom at ground floor level, with dwellings 3-10 incorporating living and dining areas.
- Dwellings 1 & 3 incorporate front open space areas whilst all other dwellings, save Dwelling 2, include rear ground level secluded private open space all exceeding 25 square metres.
- Dwellings 1 & 2 incorporate a living and dining area at first-floor level, each with an 8 square metre and 9 square metre balconies. The remaining dwellings each incorporate two (2) bedrooms, with dwellings 3-6 including a shared ensuite and dwellings 7-10 allowing for two (2) ensuites.
- Dwelling 1 incorporates two (2) bedrooms at the second floor with one shared bathroom and an 8 square metre balcony. Dwelling 2 allows for one bedroom and ensuite, and a 12 square metre, wrap around balcony. Dwelling 3 includes one bedroom and a 19 square metre, wrap around balcony. The remaining dwellings, dwellings 4-6, incorporate a bedroom, ensuite and each include a 7 square metre balcony.
- The proposed development adopts a contemporary form of architecture and is provided with a solid brick, two storey podium with a recessed light weight upper level. The upper level will be finished in Natural White Colorbond standing seam and is to incorporate a pitched roof form. The building has been broken-up and articulated with large windows and associated vertical charred timber cladding elements.

- The upper-level built form is centralised and provided with varying setbacks from the side and rear boundaries along with balcony openings on the second level.
- The street frontage has been activated with the inclusion of proportionate habitable room windows on the ground and upper level fronting the street.
- A 1.2-metre-high transparent picket front fence is proposed.

#### **Objections summarised**

Seventeen (17) objections were received against the application with the predominant concerns raised relating to the development being/incorporating:

- Visual bulk and the overall scale of the development;
- Neighbourhood character concerns;
- Overdevelopment of the site;
- Overshadowing;
- Overlooking;
- Impact of the basement construction on the foundations of neighbouring properties;
- Stormwater/flooding impacts associated with increased runoff as a result of the development;
- Impact on on-street parking and increased traffic conditions;
- Adverse visual impacts;
- Privacy;
- Removal of trees/vegetation;
- Increase in noise;
- Overall height;
- Amenity impacts during construction;
- The size of the dwellings being too small;
- A decreasing population of Melbourne not requiring this scale of development;
- Insufficient open space to each of the dwellings;
- Poor internal amenity;
- Inadequate basement car parking functionality;
- Disruption of neighbourhood amenity due to increased waste collection;
- Inadequate storage provisions;
- No guarantee of social or affordable housing:
- Overshadowing of the existing solar panel system to 167 Gower Street;
- Dwelling diversity;
- Inaccurate estimated cost of development;
- Raised ground level being inconsistent with the rest of the streetscape;
- Impact on existing infrastructure;
- Devaluation of existing properties;
- Increased flood risk as a result of the construction;

 Undesirable social consequences resulting from the possible renting out of the dwellings.

# Officer comment on summarised objections

#### Visual bulk/neighbourhood character concerns/adverse visual impacts

As concluded from the assessment below, the development would be generally consistent with the existing and preferred neighbourhood character of the area.

For a development to be 'respectful' of the neighbourhood character it is not necessary to replicate the existing building forms. Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the relevant zone.

The test of neighbourhood character under the Darebin Planning Scheme is for development to respect the existing character or to contribute to a preferred future character. This is considered having regard to the relevant policies within the Planning Scheme (including Clause 22.02) relative to the physical context of the site. A detailed assessment of the development against the neighbourhood character considerations, such as: design, form, materials and height are addressed in the report below, with a particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines.

# Overdevelopment of the site

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme and not based on a subjective concern of whether or not too many units are proposed for a particular site. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development in established areas. The subject site has been identified as being located within an area of Incremental Housing Change. An assessment against Clause 21.03-1 (Strategic Housing Framework – Incremental Housing Change) has been provided within the 'Planning Assessment' section of this report.

#### Overshadowing

The submitted shadow diagrams demonstrate that the development would comply with the overshadowing 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 within each of the adjoining dwellings will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

#### Overlooking/privacy concerns

A condition of any approval will require that the development complies will all requirements of Standard B22 of Clause 55 of the Darebin Planning Scheme.

Concerns regarding the impact of the basement construction on the foundations of neighbouring properties

These matters are not addressed under the planning assessment and will be considered by the Registered Building Surveyor during the building permit application process, should a planning permit be issued.

#### Increase in noise

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a valid reason to refuse an application and are regulated under other legislation.

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

# Concerns regarding the removal of established/significant trees

An Arboricultural Assessment Report has been submitted in conjunction with the application, drafted by Glenn Waters Arboriculture, providing a detailed assessment of all on-site (and street trees) vegetation. The report concluded that the majority of trees located on site were largely fair-poor, poor or very poor in health, with either low or no retention value. The application was referred to Council's Tree Management Unit who provided no objection to the application.

No	Dbh	btd	H x S	Species	Common Name	Age	Health	Structure	Arb Value	TPZ	SRZ	10% enc.	Origin	Comments
1	5	10	2 x 1	Pyrus calleryana	Callery Pear	Young	Fair	Fair-Poor	Low	2.0m	1.5m	1.5m	Exotic Deciduous	street tree
2	10	15	4 x 3	Pyrus calleryana	Callery Pear	Young	Fair	Fair-Poor	Low	2.0m	1.5m	1.5m	Exotic Deciduous	street tree
3	10	15	4 x 3	Pyrus calleryana	Callery Pear	Young	Fair	Fair-Poor	Low	2.0m	1.5m	1.5m	Exotic Deciduous	street tree
4	15	20	6 x 4	Hymenosporum flavum	Native Frangipani	Semi-mature	Poor	Fair	Low				Aust. Native	
5	m	55	6 x 6	Callistemon viminalis	Weeping Bottlebrush	Maturing	Fair-Poor	Very Poor	Low				Aust. Native	
6	m	55	6 x 6	Callistemon viminalis	Weeping Bottlebrush	Maturing	Fair-Poor	Very Poor	Low				Aust. Native	
7	m	40	5 x 7	Callistemon viminalis	Weeping Bottlebrush	Maturing	Fair-Poor	Very Poor	Low				Aust. Native	
8	m	40	5 x 7	Callistemon viminalis	Weeping Bottlebrush	Maturing	Fair-Poor	Very Poor	Low				Aust. Native	
9	m	40	5 x 7	Callistemon viminalis	Weeping Bottlebrush	Maturing	Fair-Poor	Very Poor	Low				Aust. Native	
10	25/20	45	4 x 5	Prunus cerasifera	Cherry Plum	Over-mature	Very Poor	Very Poor	None				Exotic Deciduous	
11	25/25	40	5 x 4	Pyrus communis	Common Pear	Maturing	Poor	Very Poor	None				Exotic Deciduous	
12	m	65	5 x 7	Pyrus communis	Common Pear	Over-mature	Poor	Poor	None				Exotic Deciduous	
13	m	80	4 x 7	Ficus carica	Common Fig	Maturing	Fair-Poor	Very Poor	None				Exotic Deciduous	
14	m	70	6 x 6	Pittosporum undulatum	Sweet Pittosporum	Maturing	Fair	Very Poor	Low				Vic. Native	

Figure 2 – Findings as detailed in the submitted Arboricultural Report provided by Glenn Waters Arboriculture

A proposed landscape plan has been submitted, which has been referred to Council's Landscape Architect. Whilst a large proportion of existing vegetation are to be removed, Council's Landscape Architect has outlined that the plan shows adequate landscaping opportunities to offset the loss of these existing trees. Recommendations from Council's Landscape Architect will be included as conditions of the approved planning permit.

#### The proposed overall height

The proposed overall height is set to be 10.9 metres in total. This is less than the maximum allowable height within the General Residential Zone, which is 11 metres.

#### Amenity impacts during construction

Amenity impacts on the adjoining dwellings/dwellings within close proximity to the subject site during construction are regulated under other legislation.

#### The size of the dwellings being too small

The proposal has been assessed against all elements of Clause 55 of the Darebin Planning Scheme and have found to be generally compliant. The proposal provides for a mix of two (2) and three (3) bedroom dwellings, with adequate levels of internal and external amenities which would sufficiently service future occupants.

#### A decreasing population of Melbourne does not call for this scale of development

The purpose of the General Residential Zone includes the following:

• To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

It is evident that the subject site allows for significant access to services and alternative modes of transportation. As such, the subject site is identified as a site which can be utilised to meet this purpose.

#### Insufficient open space to each of the dwellings

Minor variations are required to Standard B28 (Private open space objective) of Clause 55 of the Darebin Planning Scheme – please see the 'Planning Assessment' section of this report below.

#### Poor internal amenity

The proposal allows for good internal amenity and usability, coupled with a variety of window types, which will yield a high degree of natural light and ventilation through each of the dwellings. Further, the proposed ground floor component includes positive outlooks whereby only windows require screening.

#### Inadequate basement car parking functionality

The application has been referred to Council's Climate Emergency and Sustainable Transport Unit who have assessed the proposed basement car parking layout and not objected to it. Specific requirements detailed by Council's Traffic engineers during the earlier iteration of this application (Planning Application D/202/2021) were introduced into this subsequent application, which were largely in relation to the proposed access ramp grades.

Further, a Traffic Engineering Assessment has been submitted in conjunction with the application, detailing the functionality of the basement level car park. The entrance ramp to the basement car park has utilised the existing vehicle crossover for the site. The use of basement car parking is an efficient use of the land and is appropriate as it has removed the requirement for a large hard paved common driveway area and associated turning circles as well as garage structures on the ground level, which in many cases can result in an unwelcome dominance of car parking infrastructure, not complying with the Design Guidelines of Precinct E4 of the Darebin Neighbourhood Character Study.

#### Disruption of neighbourhood amenity due to increased waste collection

Should a planning permit be issued, a condition of approval will include the requirement of a Waste Management Plan (WMP) to be submitted, to be approved by Council's Environmental Operations Unit. The WMP will be conditioned to ensure that it details a private waste collection service for the development, with bin collection occurring entirely within the common basement level. Details of the proposed waste management vehicle must be outlined which allow for the satisfactory ingress and egress of the basement level as well as internal manoeuvrability.

Given that Gower Street is a semi-arterial, highly frequented road, the provision of a one-weekly (smaller than average) waste vehicle is unlikely to cause unreasonable detriment to the adjoining owners and occupiers of the subject site. These concerns will be further alleviated by the waste collection occurring entirely within the basement level, rather than along the street frontage.

#### <u>Inadequate storage provisions</u>

Storage areas have been provided within the basement level of the proposal. A condition of any approval will require the plans to be updated to detail six (6) cubic metres of externally accessible, secure storage space to be provided for each dwelling.

#### No guarantee of social or affordable housing

There is no mandatory requirement for social or affordable housing within the Darebin Planning Scheme for a development of this nature. While no social or affordable housing is proposed, the proposal incorporates ten (10) dwellings, which will increase housing stock and choice for existing or new residents of Darebin.

# Overshadowing of the existing solar panel system to 167 Gower Street

As can be seen from the aerial image below in Figure 18, the solar panels are located on the western roof form.

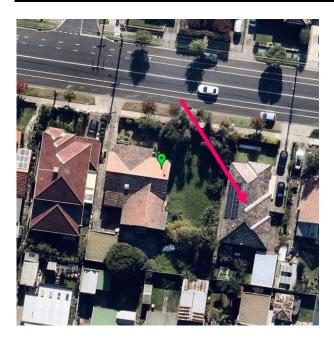


Figure 3 – Solar panels at 167 Gower Street Preston taken from Nearmap Dated 23 May 2022

A condition of any approval will require the plans to be updated to show the existing solar panels on the roof of 167 Gower Street.

From the provided shadow diagrams, it is evident that the solar panels would be marginally affected at 3pm or later, when some overshadowing would encroach onto the roof area where the solar panels are located.

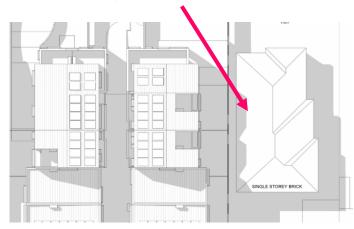


Figure 4 – Proposed shadow diagrams prepared by Kion Develop

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

### Buildings should be:

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

A key determination to be made in relation to the above criteria is in relation to how to categorise to what extent a solar energy system is 'unreasonable reduced'.

Planning Practice Note 88 – *Planning for Domestic Rooftop Solar Energy Systems*, (Department of Environment, Land, Water and Planning (DELWP) May 2022), lists relevant factors which are to be considered in determining whether the impact of a development is unreasonable. Included criteria is:

- Whether the proposed development meets the side and rear setback and north-facing windows standards under clauses 54 and 55.
- Whether the siting of the existing domestic rooftop solar energy system takes into account the potential future development of adjoining lots promoted or permitted under the planning scheme.
- The extent to which the existing domestic rooftop solar energy system has been located to protect it from overshadowing through placement higher on the roof and further from existing lot boundaries. See diagrams overleaf for recommended placement (included below).

The proposed development complies with Standard B17 (Side and rear setbacks) of Clause 55. Due to the orientation of the site, Standard B20 (North-facing windows objective) is not relevant as there are no north-facing windows impacted by the development. Further, a development of this type is one for which is allowable under the General Residential Zone which in turn allows developments incorporating a maximum overall height of 11 metres, or three storeys.

Overall, the impact on the performance of the solar panels would not be unreasonable particularly given that the shadowing would only be caused late in the day, ensuring the solar panels are able to take advantage of allowable sunlight throughout the majority of the day.

#### Dwelling diversity concerns

The proposal will provide for a mix of dwelling types, deviating between two (2) and three (3) bedroom dwellings and two (2) and three (3) storeys. The non-compliance of Standard B3 is explored further in this report.

#### Inaccurate estimated cost of development

The provided estimated cost of development of \$2,000,000 is deemed to be relatively accurate for this scale of development. A valid Metropolitan Planning Levy (MPL) certificate has been submitted in conjunction with this application.

#### Raised ground level being inconsistent with the rest of the streetscape

The raised floor levels will not be inconsistent with the streetscape, nor the relevant planning policy. The raised floor levels are necessary to ensure the proposed building doesn't have any adverse impacts as a result of future flooding. Refer the below assessment of neighbourhood character.

#### Impact on existing infrastructure

Existing infrastructure, such as stormwater management and varying easements, has the ability to cope with expected residential consolidation within Metropolitan Melbourne for a development of this size.

#### The devaluation of existing properties

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

#### Increased flood risk as a result of the application's construction

Flood risk mitigation measures have been implemented into the design in relation to the required FFL of the dwellings as well as the design of the proposed basement access ramp.

The application has been referred to Council's Integrated Water Management Unit who provided requirements in relation to the proposed FFL of the dwellings as well as the configuration of the proposed basement ramp. These requirements have been incorporated into the redesigned proposal.

#### Undesirable social consequences resulting from people renting the dwellings

Concerns about the tenure of the dwellings including neighbourly relations, general safety and the tidiness of dwellings/unit developments is not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

# Consultation meeting – 23 June 2022

Following notification of the application, a consultation meeting facilitated by Council officers was held on the 23 June 2022. This meeting provided an opportunity for residents and the applicant to discuss concerns with regards to the proposal.

The predominant concerns raised during the consultation meeting were in relation to the overall siting and presentation of the proposal, the proposed number of dwellings and concerns regarding stormwater treatment.

The permit applicant indicated they would review the feedback from residents however they have not proposed any changes as a result. However, they have provided updated 3D diagrams and shadow diagrams which were circulated to objectors on Monday 18 July 2022 via email and are included in **Appendix C.** 

#### PLANNING ASSESSMENT

# Clause 21.03-1 - Strategic Housing Framework

# **Incremental Housing Change**

The subject site is identified as being located within an area of *Incremental Housing Change* pursuant to Clause 21.03-1 of the Darebin Planning Scheme. This framework defines areas of *Incremental Housing Change* as incorporating the following characteristics:

- A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically, areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.
- Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however, are generally unaffected by extensive heritage recognition.

#### Are located:

- Within an 800-metre walkable catchment of an activity centre;
- Generally, within an 800-metre walkable catchment of train, tram or Smartbus services.

The proposal meets the identified characteristics as listed within the above framework, for the most part. The development proposes a medium density development (rather than a small apartment development) which will allow for a variation of the existing neighbourhood character from the predominant single and double storey dwellings on large blocks, to three storey dwellings on varied lot sizes which will subsequently contribute to the preferred future character of the area.

The subject site is located approximately 900 metres from the High Street corridor, encompassing the Preston Central Activity Centre. Whilst not meeting the specified 800 metre requirement, the 100 metre variation is minimal in this instance. Further, the subject site is well-serviced by a range of public transportation options. Although Bell and Preston railway stations are located approximately 1.2 kilometres from the site, the Route 86 tram is located approximately 350 metres to the west along Plenty Road, as well as Bus Route 527 & Smart-bus Route 903 being located within close proximity, with associated bus stops located less than 300 metres north of the subject site, along Murray Road.

Accordingly, the site is suitable for this scale and type of development.

#### Neighbourhood Character Precinct Guideline Assessment - Precinct E4

#### **Existing Buildings**

The existing dwelling is not one which is protected under any specific overlay of the Darebin Planning Scheme in relation to proposed demolition works (such as a Heritage Overlay). Further, the dwelling currently located on the subject site is not one which provides a specific contribution to the existing neighbourhood character of the streetscape. The proposed development will replace a currently existing low-density dwelling with ten (10) medium density dwellings subsequently increasing housing supply and choice for residents within the municipality of Darebin and the wider metropolitan area of Melbourne.

### **Complies**

### **Vegetation**

A detailed landscape plan has been provided (via Jack Merlo Design and Landscape) which provides for substantial planting of new vegetation. This landscape plan has been referred to Council's Landscape Architect who deemed the plan satisfactory subject to conditions, which will be included on any approved permit.

## **Complies subject to conditions**

#### Siting

The proposed 6.4 metre setback to Gower Street for Dwellings 1-3 would allow for a satisfactory distance in order to accommodate a landscaped area.

The dwellings would be setback from each of the side and rear boundaries ensuring an adequate distance and streetscape rhythm is maintained.

The proposed car parking structures would not create a visual dominance when viewed from the streetscape. The proposed crossover to Gower Street provides access to a common basement level and in turn leads to each of the car parking spaces to all dwellings, so as to not be visually dominant from Gower Street.

# **Complies**

### Height and building form

Dwellings in the area are a combination of both single and double storey in height.

The proposed dwellings are triple storey and the upper (first) floors are not set back one (1) room from the ground floor, as is outlined in Precinct E4 requirements. This is more akin to an apartment building typology.

Nevertheless, this is acceptable, as the development incorporates a high level of articulation to the façade through materials and openings as well as (most prominently) balconies at first and second floor levels, allowing for a high degree of passive surveillance and softening the overall built-form when viewed from the streetscape. The dwellings have been largely designed to minimise bulk, through articulation, lightweight materiality and separation between first and second floors.

The visual impact of the proposal is acceptable when viewed from neighbouring properties and the streetscape and is justified by Clause 21.03-1 (Strategic Housing Framework – Incremental Housing Change). In addition, Gower Street is a main road that is wider than a normal residential street, which means that the appearance of three storey building would be less overbearing. The elevations of the building are well articulated with altering materials on different plains, large window openings and balcony cut-outs on the upper level with planter boxes which will assist to reduce visual bulk from neighbouring properties.

Further, the development has provided sufficient ground and upper level setbacks from the neighbouring properties. The upper level built-form is centralised into the site. The combination of side setbacks, a recessive upper level and landscaping around the site's perimeter minimise any impacts to neighbouring properties.

#### Complies

#### Materials and design detail

The development adopts a contemporary form of architecture and is provided with a solid brick two storey podium with a recessed light weight upper level. The upper level will be finished in Natural White Colorbond standing seam and is to incorporate a pitched roof form. The building has been broken-up and articulated with large windows and associated vertical charred timber cladding elements.

### **Complies**

## Front boundary treatment

A 1.2 metre high, transparent picket front fence is proposed which will allow views through and over the fence into the substantially planted front garden.

#### **Complies**

#### Clause 55 Assessment

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

# Clause 55.02-1 B1 - Neighbourhood Character

The zoning of the land (GRZ) allows for three (3) storeys at a maximum height of 11 metres. The proposal is designed at three (3) storeys at a maximum height of 10.9 metres, therefore falling within the associated zoning requirements.

It is evident that the proposal provides for a development which exceeds the height of existing dwellings found within close proximity of the subject site. However, the design response is one which respects the existing neighbourhood character in relation to scale, spacing between buildings, roof forms and materiality as well as overall height and streetscape presentation. The proposal provides ten (10) contemporary dwellings with satisfactory private open space provisions and car parking areas adequately provided for in the form of a common basement level which ensures that car parking infrastructure does not dominate the streetscape. The proposal will contribute to the preferred neighbourhood character in line with neighbourhood policy.

# Complies.

#### Clause 55.02-3 B3 – Dwelling diversity

Although the proposal does not comply with Standard B3 by way of providing at least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level, it has been deemed that the proposal complies with the objective. This is due to the fact that the proposal will provide for a mix of dwelling types, deviating between two and three bedroom dwellings and two and three storeys, which will in turn allow for an increase in housing stock for the Darebin municipality, increasing choice for existing or new residents of the area.

Does not comply with the standard however complies with the objective.

#### Clause 55.03-7 - Safety

The proposed development has created a safe urban environment for people to visit and live in. The proposal has a number of areas that provide passive surveillance both internal and externally from the site. The development is at grade with the footpath and maintains an open view of Gower Street. The design ensures no blind spots or hidden areas are created within the development's façade. Dwelling entrances can be distinguished from the streetscape. Entrances are clear and lit to ensure a high degree of safety for future occupants and visitors to the site.

A condition of approval will require the basement security gate to be shown on the plans along with an elevation/section diagram of this structure.

#### Complies, with condition.

#### Clause 55.04-1 B17 Side and rear setbacks

The ground floor has been setback between 4.33 metres and 5.07 metres from the eastern boundary, between 4.33 metres and 5.07 metres from the western boundary and 2 metres from the rear/southern boundary.

The first floor has been setback between 2.72 metres and 3.8 metres from the eastern boundary, between 2.72 metres and 3.8 metres from the western boundary and 3 metres from the rear/southern boundary.

Level 2 has been setback 3.8 metres from the east and western boundaries and 11.85 metres from the rear/southern boundary. This level has provided balcony areas for Dwellings 1 to 6 with walls set further back.

The buildings have central break with setbacks ranging between 2.6 metres and 4 metres on the ground level, increasing to setbacks between 2.6 metres and 4.5 metres on level 1 and 4.5 metres on Level 2.

The development has a maximum building height of 10.9 metres from natural ground level to the top of the roof pitch. The overall wall heights range between 8.04 metres and 9.06 metres from natural ground level.

#### Complies.

#### Clause 55.04-3 B19 Daylight to existing windows

The following assessment details compliance with the above standard:

#### **Eastern Interface**

The neighbouring dwelling to the east incorporates four habitable room windows which face the subject site. These windows are setback 1.46 metres from the common boundary and are located opposite Dwellings 3, 4, 6 and 8. The proposed eastern elevation opposite these windows in question has a maximum wall height of 9.06 metres from natural ground level. The numerical requirement of the standard requires a 4.53 metre setback form the habitable room windows in question from the 9.06 metre high wall proposed opposite. The proposed development provides a minimum 5.26 metre setback from the upper level wall of Dwellings 2, 4 and 6 to the habitable room windows in question, complying with the standard.

#### Western Interface

The neighbouring dwelling to the west incorporates three habitable room windows that face the subject site. One of these windows is located on the ground level and under a covered verandah and the remaining two on the upper level. These windows are setback 2.48 metres from the common boundary and are located opposite Dwellings 3 and 5. The proposed western elevation opposite these windows in question has a maximum wall height of 9.06 metres from natural ground level. The numerical requirement of the standard requires a 4.53 metre setback form the habitable room windows in question from the 9.06 metre high wall proposed opposite.

The proposed development provides a minimum 6.28 metre setback from the upper level wall of Dwellings 3 and 5 to the habitable room windows in question, complying with the standard.

#### Southern Elevation

The dwellings to the south are well setback from the common boundary and setbacks to any habitable room windows comply with the standard. The developments' upper level setbacks from neighbouring habitable room windows to the east, west and south comply with the numerical requirement of this standard. The design response has provided appropriate setbacks to neighbouring properties to ensure daylight to existing windows are maintained having no unreasonable amenity impacts.

### Complies.

### Clause 55.04-4 B20 North-facing windows

There are no north-facing windows impacted by this development.

# Complies.

#### Clause 55.04-6 B22 Overlooking

Due to the slope of the block, a condition of approval will require that the eastern, western and southern boundary fencing is shown on the plans and that they exceed 1.8 metres above the finished floor level. This may be achieved by including a trellis to the top of the fence is the existing fence is structurally sound.

A condition will be placed on any approved permit requiring the proposed first and second floor east and west facing habitable room windows are provided with either the following:

- o a sill with a minimum height of 1.7 metres above finished floor level;
- a fixed external 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 finished floor level.

# Complies subject to conditions.

#### Clause 55.05-4 – Standard B28 – Private Open Space

The development provides adequate private open space for the reasonable recreation and service needs of residents. Please see a breakdown of POS provided to each dwelling below:

The development provides the following POS and SPOS for each dwelling:

Dwelling	Total area of POS	Area of SPOS
1	46 square metres	16 square metres (balcony)
2	21 square metres	21 square metres (balconies)
3	107 square metres	45 square metres (side & balcony)
4	37 square metres	37 square metres (side and balcony)
5	37 square metres	37 square metres (side and balcony)
6	37 square metres	37 square metres (side and balcony)
7	30 square metres	30 square metres (side)
8	30 square metres	30 square metres (side)
9	41 square metres	41 square metres (rear/side)
10	41 square metres	41 square metres (rear/side)

Whilst dwellings 4-8 are not fully compliant with the standard, the objective is comfortably met. The standard would be met if each of these dwellings only provided a balcony of 8 square metres from a living room. They each provide well in excess of 8 square metres of SPOS and these areas are broken up between fully utilisable courtyards and/or functional balconies. For this reason, whilst the standard is not met, the objective is and therefore the proposed variation is acceptable.

#### Complies with objective.

## Clause 55.05-5 B29 Solar access to open space

The proposal does not comply with this standard, specifically in relation to the secluded private open space areas of dwellings 9 and 10.

At 7.5 metres in height, the proposed first floor level must be setback 8.75 metres in order to reach full compliance. With the first floor currently proposed to be setback 3 metres, the application seeks a variation to the standard of 5.75 metres.

Whilst the proposal does not comply with the standard, the objective is met. This is because the proposal incorporates a strong design response, with the private open space of these dwellings allowing for a high level of usability based on the received sunlight. Further, whilst the majority of the open space to these dwellings is located directly due south of the 7.5 metre high first floor wall, there are pockets of open space areas located in each respective corner (south-west for Dwelling 9 and south-east for Dwelling 10). These pockets will allow for an increase in available sunlight, given these areas are not located entirely due south of the wall.

Does not comply with the standard however complies with the objective.

#### Clause 52.06 Car Parking

#### Number of Parking Spaces Required

As the site is located within the *Principal Public Transport Network Area* (State Government of Victoria, August 2018), no visitor car parking spaces are required to be provided. Two (2) car parking spaces are required to be provided to each three (3) bedroom dwelling (5 dwellings) and one (1) car parking space is required to be provided to each two (2) bedroom dwelling (5 dwellings). A total of fifteen (15) car parking spaces are required to be provided. The requirements have been met with the provision of 15 car spaces provided in the basement level.

#### Complies.

### Design Standards for Car parking

The car parking spaces, accessway and communal basement have appropriately been dimensioned to enable efficient use and management. Further, a Traffic Engineering Assessment prepared by Traffix Group details the functionality of the proposed design as well as convenient usability, which received no objections from Council's Climate Emergency and Sustainable Transport Unit.

#### Complies.

#### Clause 53.18-5 – Standard W2 – Buildings and Works

A condition will be included on any approved permit requiring an adequate STORM analysis to be provided with the application that demonstrates a 100% STORM rating and suitable WSUD strategies.

#### Complies.

#### Clause 53.18-5 – Standard W3 – Site Management

The requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination on site will be addressed by condition.

### Complies subject to condition.

# **CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compl	iance
			Std	Obj
55.02-1	B1	Neighbourhood character	T	
		Please see assessment in the body of this report.	Υ	Υ
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential	Υ	Υ
		policies outlined in the Darebin Planning Scheme.		
55.02-3	B3	Dwelling diversity		
		Please see assessment in the body of this report.	N	Υ
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new	Υ	Υ
		development		
55.02-5	B5	Integration with the street		
		Dwellings 1-3 appropriately integrate with Gower	Υ	Υ
		Street.		
55.03-1	B6	Street setback	I	
		The required setback is 6.37 metres, dwellings 1-3	Y	Υ
		are set back 6.4 metres from the street frontage.		
55.03-2	B7	Building height		
		10.9 metres (meets the requirements of the General	Υ	Υ
		Residential Zone)		
55.03-3	B8	Site coverage		
		The proposed overall site coverage of 51% meets the standard and objective.	Y	Y
FF 00 4	100			l
55.03-4	B9	Permeability The proposed permeability of 30% exceeds the	Υ	Υ
		minimum requirement.	ı	ı
FF 00 F	D40		I	· L
55.03-5	B10	Energy efficiency  Dwellings are considered to be generally energy	Υ	Υ
		efficient and will not unreasonably impact adjoining	'	'
		properties.		
55.03-6	B11	Open space		
		A central common pedestrian path has been	Υ	Υ
		proposed, which includes communal courtyard area.		
		The area has been well designed to have a width for		
		adequate pedestrian access and landscaping opportunities. The pathway provides a positive		
		connection between dwellings and the streetscape		
		and an inviting entrance to each dwelling.		
55.03-7	B12	Safety		
		Please see assessment in the body of this report.	Υ	Υ
55.03-8	B13		•	•
33.03-0	נום	Landscaping The proposed development respects the landscape	Υ	Υ
		character of the area. Indicative landscaping has		'
		been shown on the ground floor plan submitted to		

Clause	Std		Compli	ance
Ciause	Olu	Council. These plans show landscaping opportunities within the front setback, central pedestrian path and individual rear private open space areas. Recommendations provided by Council's Landscape Architect will be included on any approved permit.	Compil	ance
55.03-9	B14	Access		
		No new vehicle crossovers are proposed from Gower Street. The existing crossover located on the western side of the property frontage is to be used. The crossover currently connects with the neighbouring crossover and is to be utilised for access to the basement. The width of the crossover complies with the standard. The on-street car parking in front of the site has been retained. The proposed vehicle access points provide convenient, safe and efficient vehicle connections between the street network and development.	Y	Y
55.03-10	B15	Parking location		
		Each dwelling has been provided with convenient car parking. A basement level has been proposed that accommodates for all vehicle and bicycle parking. Safe and convenient pedestrian access between the basement and dwellings has been provided. The parking area for the development provides access widths and car space dimensions of sufficient size to allow safe and efficient movements within and externally from the site.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment body in this report.	Y	Υ
55.04-2	B18	Walls on boundaries  Not applicable. No walls on boundaries are proposed.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Please see assessment body in this report.	Υ	Υ
55.04-4	B20	North-facing windows  Not applicable. No north-facing windows of adjoining sites are impacted by the proposal.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		The shadow diagrams provided demonstrate that the proposed development will not create any unreasonable overshadowing to adjoining properties and to the public realm.  It is noted that additional shadow diagrams (providing existing and proposed shadowing) was provided to Council on 29 June 2022.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Υ	Υ

Clause	Std		Compli	ance
55.04-7	B23	Internal views		
		The design layout mitigates internal views, having no impact on secluded private open space areas and habitable room windows within the development.	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Υ	Υ
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Υ
55.05-2	B26	Dwelling entry		
		Dwellings 1 and 3 are provided with their entryways facing Gower Street. Dwellings 2 and 4 to 10 are provided with their front doors facing the internal common driveway. Dwelling entrances have been treated with prominent porch structures, lighting and landscaping that exaggerate the dwelling entrances from the streetscape. This treatment to dwellings ensures front doors are visible and identifiable from the public realm and that each dwelling has a sense of address within the site and from the streetscape	Y	Y
55.05-3	B27	Daylight to new windows		
		The development has been designed to take advantage of solar access. All habitable rooms and living areas within the development are provided with adequate glazing to capture a significant amount of daylight. This combined with the side and rear setbacks proposed allow habitable room windows in the development to receive natural light and cross ventilation.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Υ	Υ
55.05-5	B29	Solar access to open space	ī	1
		Please see assessment in the body of this report.	N	Υ
55.05-6	B30	Storage  A condition will be placed on any approved permit ensuring 6 cubic metres of externally accessible storage is provided to each dwelling.	Y	Y
55.06-1	B31	Design detail		· <del></del>
		The architectural response demonstrates a high standard in design by providing a visually interesting façade and building to Gower Street. The design response adopts a contemporary form of architecture that respects proportions and scale of the existing dwellings in the streetscape, whilst having appropriate regard for the existing building styles present in this context.	Y	Y
55.06-2	B32	Front fences		

Clause	Std	Com			
		The 1.2 metre high transparent picket front fence has been proposed. The front fence proposed achieves the desired security and transparency that maintains views to the front garden. The fence proposed is consistent and ties in with the design principal of the dwellings therefore will be a positive contribution to the streetscape.	Y	Y	
55.06-3	B33	Common property			
		A common central pedestrian path and basement level has been proposed. These area are easily identifiable and will be maintained by a body corporate.	Y	Y	
55.06-4	B34	Site services			
<del>-</del>	1	Sufficient areas for site services are provided.	V	V	

# **REFERRAL SUMMARY**

Department/ Authority	Response
Infrastructure and Capital	Council's Infrastructure and Capital Delivery Unit outlined the following requirements:
Delivery	The stormwater from the property is to be connected to the existing pit at the front of the property in Gower Street to Council requirements. (Discharge via gravity only. No pump systems permitted).
	The OSD is to limit the rate of stormwater discharge from the property based on
	Cw=0.4, Tc=10mins, Tso=5 min, ARI 1in5. An ARI of 1in10 shall be used for storage and the greater of post development Cw or Cw=0.80.
	Accurate depth and offset of the drain to be confirmed on site.
	Computations & retention design is required to be submitted to this office for compliance with legal point of discharge.
	(2) Flooding
	Council records indicate that this site may be subject to Council flooding overlay. Further detailed information is required to be obtained to determine the possible impact upon the site.  This property is subject to flooding in the 1% Annual Exceedance Probability (AEP), that is, a 1% probability of being equalled or exceeded in any one year.  For this development, the 1% AEP flood level is 65.24m AHD.  Dwelling Finished Floor Levels (FFLs) must therefore be constructed no lower than 65.54m AHD which accounts for 300mm freeboard above the applicable flood level, to satisfy Regulation 153 of the Building Regulations 2018.

Department/ Authority	Response				
	To avoid floodwaters entering the basement carpark all entry points to the basement must be protected and a continuous apex (or crest) that is at the Nominal Flood Protection Level (NFPL) must be incorporated at the carpark entry in accordance with DELWP's "Guidelines for Development in Flood Affected Areas". The NFPL for this proposed development is the declared flood level plus 300mm freeboard.				
	Officer response to referral comments: Alterations were made to the plans to comply with these requirements.				
Climate Emergency and Sustainable Transport Unit	No objections were provided to the proposal. Further, initial requirements outlined by the Climate Emergency and Sustainable Transport Unit were implemented into the design access ramp and basement car parking arrangement. They had been required by Council's Traffic Engineers in the preceding application for this site.				
	In relation to the proposed waste collection, Council's traffic engineers have required (via permit condition) for swept path diagrams and a ground clearance assessment to be provided for a private waste collection vehicle entering and exiting the common basement, as well as internal manoeuvrability. This has been included within this report via permit condition.				
City Design Unit	Council's Landscape Architect provided the following comments and recommendations:				
	<ul> <li>Comprise smaller trees, shrubs and ground cover, including flowering native species. The proposed landscaping should seek to include a greater diversity of native and Indigenous species. At Darebin City Council we have a commitment to protecting and enhancing our natural environment – creating sustainable gardens and encouraging biodiversity is one way to assist in the mitigation of climate change across the municipality. Suggest that applicant review Darebin City Council's approach to gardening at Darebin Council - Gardening and explore the topics on the website such as 'Native and Indigenous plants', 'Sustainable Gardening', 'Water-wise Gardening', 'Gardens for Wildlife', and 'Community Gardens'.</li> <li>Increasing native canopy coverage throughout the development is strongly advised. Trees must meet Darebin City Council minimum canopy tree widths at maturity – small (4m wide), medium (6m wide), large (10m wide).</li> <li>Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. Balcony areas have been provided with planter boxes for improved greening which will soften the façade and improve vegetation provisions in line</li> </ul>				

Department/ Authority	Response			
	with Clause 58 requirements, however the landscape plantin list needs to be revised and improved with a greater diversity species.  • Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. Where pavers have been specified, potential to break these up and plant Docondra repens in between to create a green floor, irrigation methods, however must be further investigated in regards to maintenance.  • Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. Strongly advised that WSUD principles be implemente into the development for irrigation methods in line with Claus 58. All irrigation methods to be clearly labelled and added to landscape plan.  • The ongoing maintenance of the proposed landscaped areas requires a maintenance schedule as part of the proposal. A landscape management plan should be considered to provid a landscape establishment period and a detailed ongoing maintenance schedule. The landscape management plan is particularly required for communal areas and needs to consider management by a body corporate, following change in ownership to owner/occupier and future tenants.  • Annotated details are required to specify raised planter beds planter boxes, climbing structures, surface materials such as all pavers and concrete and all tree and shrub planting applications.  • All landscape applications, irrigation methods, WSUD treatments, maintenance and installation and those items relating to landscaping as part of the SDA are to be added to the landscape plan.  Officer response to referral comments:  Where required, conditions in line with the above recommendation will be included on any approved permit.			
City Designer	Council's City Designer provided the following comments and recommendations:			
	Overall the architectural expression and materiality is pretty good.			
	Dwelling entries through the pedestrian path should provide a better sense of entry including some canopy and weather protection. It is not clear from the drawings if this is provided.			
	There are some major design issues with TH03.			

Department/	Response				
Authority	Nesponse				
Authority	<ul> <li>The bedroom on the ground floor incorporates a window over the basement ramp, this is not best in terms of amenity. Further the window is sheltered by an overhanging balcony and will have limited natural light.</li> <li>The balcony on the first floor will need to be screened to the west due to privacy and although the northern side would be open it will overlook a basement ramp. This is gain pretty poor in terms of amenity.</li> <li>It is not clear if the balcony overhang can be built without a support as they are not shown in the drawings, although in most cases they are added afterwards and can detract from the original design.</li> <li>Option to have TH01 and TH03 orient towards the street should be considered and is strongly encouraged as they can have balconies fronting the street.</li> <li>External shading devices should be provided on eastern and western facades to protect from strong summer sun.</li> <li>More 3D views should be provided including oblique views from the street, views that show the car park entry and views of the internal pedestrian space.</li> <li>Council's City Designer further outlined the strengths of the development outweigh the negative aspects, given the proposal incorporates robust materiality which are all low maintenance, of a simple design, clear identity, lightweight material and a gable roof form to the rear.</li> <li>Further, the application exceeds the open space requirements and concurrently allows for exemplary landscaping and functional courtyards. The application meets the Darebin Medium Density Good Design Guide and for this reason receives support from Council's City</li> </ul>				
	Officer response to referral comments:				
	Officer response to referral comments:  Many of the above comments were relayed to the permit applicant who successfully implemented a number of recommendations, particularly with respect to orienting dwellings 1 & 3 towards the street, with large balconies addressing the streetscape.				
	It is noted that additional 3D renders were provided to Council on 29 June 2022.				
Tree Management Unit	No objection was provided to the proposal.				
ESD Officer	Council's ESD Officer provided the following recommendations:				
	The application <b>almost meets</b> Council's expectations in relation to ESD for a development of this scale. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. While it is preferable that these issues are addressed prior to permit-issue, as there are no major issues, these can be addressed as part of their condition 1				

Department/ Authority	Response				
	submission.				
	Items to be addressed are outlined below:				
	BESS Assessment				
	The project needs to maintain the proposed 70% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Considering your response to the points below, should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.				
	Energy Heating & Cooling Systems				
	Please amend the report to indicate a commitment to specifying reverse cycle heating and cooling systems to meet a 4-star minimum heating and 4-star minimum cooling or equivalent to reflect what has been entered into BESS assessment.				
	Energy 3.4 Clothes Drying				
	Units are missing the outdoor clothesline in each unit's POS to reflect what is entered in the BESS assessment.				
	Stormwater Management				
	SMP to include commitment to follow the construction site management requirements of EPA's 275: Construction techniques for sediment pollution control.  Indoor Air Quality				
	Many materials used in the fit-out and construction of buildings contain Volatile Organic Compounds (VOC) and formaldehyde which pose serious health risks to building occupants. The report should include a commitment to the use of low VOC paints, sealants, adhesives carpet and E1 or E0–grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring).				
	IEQ 2.2 Cross Flow Ventilation				
	Provide openable windows or operable skylights to the stairs on the top floor to allow stack ventilation through the stairs on hot days.				
	Ensure all bathrooms and ensuites have an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.				
	Transport 1.1 Bicycle parking – residential				
	There needs to be 1 bicycle space provided to each unit to claim the Transport 1.1 Bicycle parking – residential BESS credit. There is currently 2 of the 10 spaces located in 1 unit's garage.				
	Transport 2.1 Electric Vehicle Infrastructure				
	To claim the Transport 2.1 Electric Vehicle Infrastructure BESS credit, the location of the electric vehicle charging point in the garage must be shown with a note or associated legend item saying "minimum 15A dedicated circuit from load centre to car space".				
	Construction & Demolition Waste				
	There should be a commitment to a minimum of 70% of construction and demolition waste diverted from landfill.				
	Waste Management				
	Each dwelling must have access to waste separation options for				

Department/ Authority	Response				
	general waste, co-mingled recycling, food/ garden waste (FOGO) and glass.				
	Urban Cooling				
	For the non-visible flat roofs and exposed concrete driveway, specify high SRI paints and materials (SRI>50) to help mitigate the urban heat island effect. This must be reflected on plans. Building Materials				
	Concrete - A minimum of 20% of the cement must be replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water. Steel - All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture.  Officer response to referral comments:				
	Conditions will be included on any approved permit in conjunction with the above recommendations.				

### **PLANNING SCHEME SUMMARY**

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

• Clause 32.08 – 6 – Construct two (2) or more dwellings on a lot.

### 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, 22.06
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	E4

### 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**

List any related documents

Darebin Planning Scheme

### **Attachments**

- Advertised plans (Appendix A)
- Aerial image (Appendix B) 4 🛣
- Updated shadow diagrams and 3D renders (Appendix C) 4 🖺

### **DISCLOSURE OF INTEREST**

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

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

# GOWER ST

TP - APARTMENT BREAKDOWN			
UNIT TYPE	Area		
3 BED & 2 BATH	129 m²		
2 BED & 2 BATH	107 m²		
3 BED & 2 BATH	117 m²		
3 BED & 2 BATH	103 m²		
3 BED & 2 BATH	103 m²		
3 BED & 2 BATH	103 m²		
2 BED & 2 BATH	81 m²		
2 BED & 2 BATH	81 m²		
2 BED & 2 BATH	79 m²		
2 BED & 2 BATH	79 m²		
TS	982 m²		
	3 BED & 2 BATH 2 BED & 2 BATH 3 BED & 2 BATH 2 BED & 2 BATH		

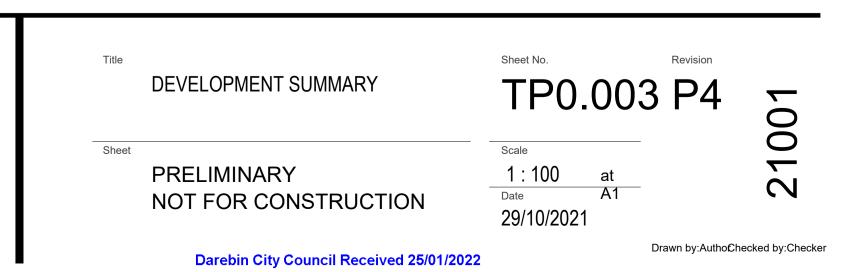
AREA SCHEDULE			
AREA	m <sup>2</sup>	%	
SITE AREA	960m <sup>2</sup>		
PERMIABLE AREA	292m <sup>2</sup>	30%	
GARDEN AREA	461m <sup>2</sup>	48%	

TP - P.O.S				
Number	REAR/SIDE	FRONT	BALCONY	TOTAL
TH01	0 m²	30 m <sup>2</sup>	17 m <sup>2</sup>	47 m²
TH02	26 m²	60 m <sup>2</sup>	21 m²	107 m²
TH03	0 m <sup>2</sup>		19 m²	19 m²
TH04	30 m²		7 m²	37 m²
TH05	30 m²		7 m²	37 m²
TH06	30 m²		7 m²	37 m²
TH07	30 m²			30 m²
TH08	30 m²			30 m²
TH09	41 m²			41 m²
TH10	41 m²			41 m²

KION DEVELOP

Amendments

No. Date Notes
P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE





KION DEVELOP

P1 20/04/2021 TOWN PLANNING ISSUE P2 05/06/2021 TOWN PLANNING ISSUE P3 14/08/2021 TOWN PLANNING ISSUE P4 29/10/2021 TOWN PLANNING ISSUE

FEATURE SURVEY & SITE CONTEXT PLAN

PRELIMINARY NOT FOR CONSTRUCTION As indicated at

29/10/2021

186

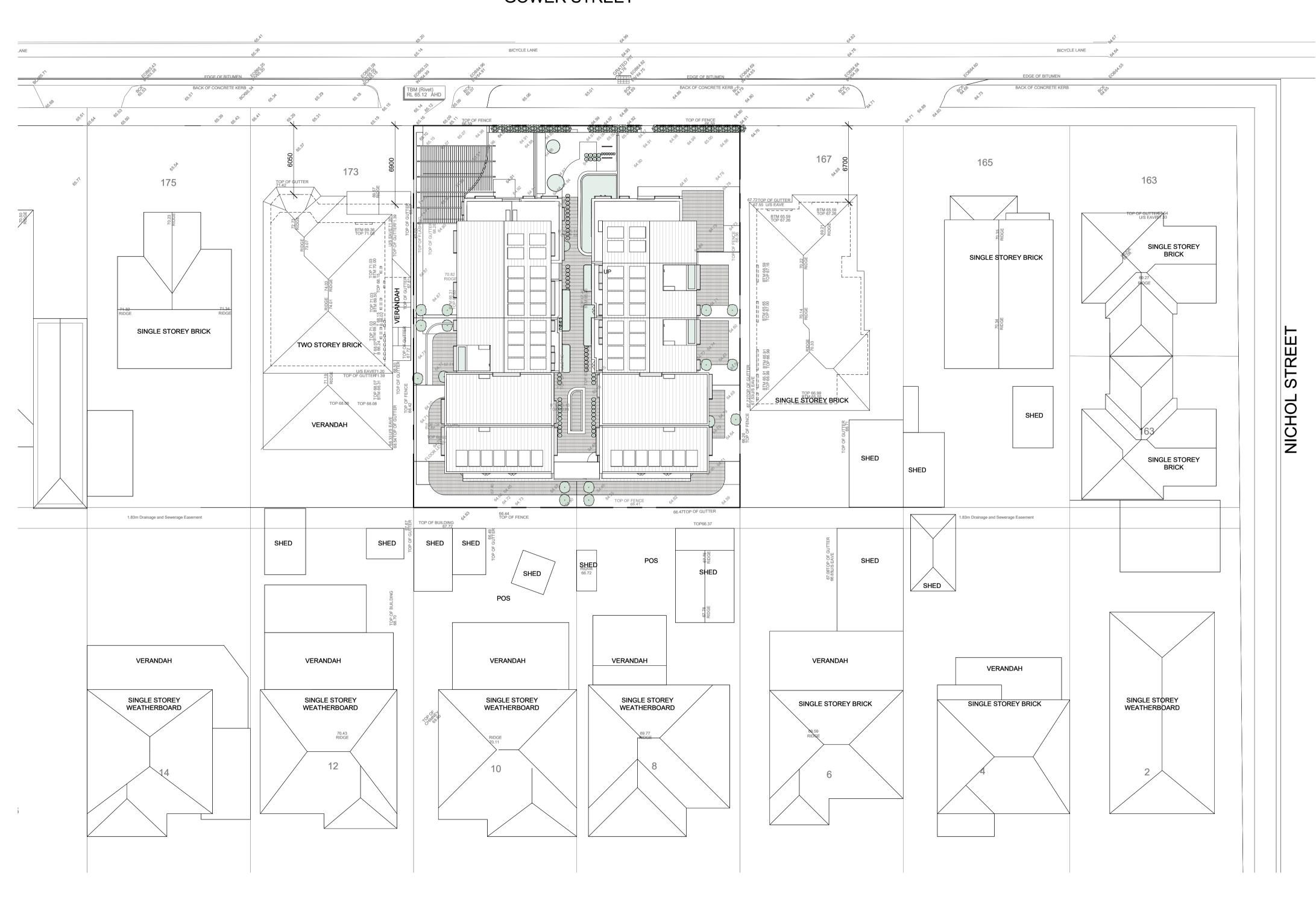
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# **GOWER STREET**

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GOWER STREET

169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments

No. Date Notes
P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE

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DESIGN RESPONSE

TPO.005 P4

PRELIMINARY
NOT FOR CONSTRUCTION

Darebin City Council Received 25/01/2022

Sheet No.

Revision

PREVISION

Scale

1: 200 at
29/10/2021

Drawn by:AuthoChecked by:Checker

KION DEVELOP

PRELIMINARY NOT FOR CONSTRUCTION 1:100 Date 26/01/2022

Advertised Document D/710/2021 Page 5 of 26

Darebin City Council Received 25/01/2022

Amendments

P1 20/04/2021 TOWN PLANNING ISSUE P2 05/06/2021 TOWN PLANNING ISSUE P3 14/08/2021 TOWN PLANNING ISSUE

29/10/2021 TOWN PLANNING ISSUE

KION DEVELOP

GROUND PLAN

TP1.101 P4

PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.

TP1.101 P4

Scale

1:100 at
Date A1
29/10/2021

Drawn by:AuthoChecked by:Checker

Darebin City Council Received 25/01/2022

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ESD NOTES

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ESD NOTES

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT SPACE FOR PRIVATE CLOTHESLINE 14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED 4W/m² MAXIMUM ILLUMINATION POWER DENSITY LIGHT ROOF WITH SRI>60% REVERSE BRICK PARTITION WALL IN SELECTED AREAS TO IMPROVE THERMAL MASS/INSULATION

STORMWATER

STORMWATER 1.1: 20KI RAINWATER TANK CONNECTED TO ALL TOILETS AND IRRIGATION

ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS

10 RESIDENT BIKE SPACES AND 2 VISITOR BIKE SPACES TO BE PROVIDED
EV CHARGING INFRASTRUCTURE TO 5% OF CARPARKS

TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

----- LINE OF BUILDING OVER/UNDER

**GOWER STREET** 169-171 GOWER STREET PRESTON

P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE

KION DEVELOP

LEVEL 01

PRELIMINARY NOT FOR CONSTRUCTION TP1.102 P4 1:100

29/10/2021

Darebin City Council Received 25/01/2022

P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE

KION DEVELOP

LEVEL 02 PRELIMINARY

NOT FOR CONSTRUCTION

1:100

29/10/2021

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LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL
COMMUNAL AREAS AND BASEMENT
SPACE FOR PRIVATE CLOTHESLINE
14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED
4W/m² MAXIMUM ILLUMINATION POWER DENSITY
LIGHT ROOF WITH SRI>60%
REVERSE BRICK PARTITION WALL IN SELECTED AREAS TO
IMPROVE THERMAL MASS/INSULATION

STORMWATER

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ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS TRANSPORT

10 RESIDENT BIKE SPACES AND 2 VISITOR BIKE SPACES TO BE

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PROVIDED
EV CHARGING INFRASTRUCTURE TO 5% OF CARPARKS FOOD AND GARDEN WASTE AREAS PROVIDED IN BASEMENT

**URBAN ECOLOGY** TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

NEW FENCE TO BE PROVIDED

- LINE OF BUILDING OVER/UNDER

-- B17 SETBACK ---- PREVIOUS BUILDING OUTLINE

OG OPAQUE GLASS

ESD NOTES

HW HIGHLIGHT WINDOW

TP1.103 P4

Darebin City Council Received 25/01/2022

KION DEVELOP

PRELIMINARY

1:100 NOT FOR CONSTRUCTION

29/10/2021

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ESD NOTES

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT
 SPACE FOR PRIVATE CLOTHESLINE
 14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED
 4W/m² MAXIMUM ILLUMINATION POWER DENSITY
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ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS

**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments 
 No.
 Date
 Notes

 P1
 20/04/2021
 TOWN PLANNING ISSUE

 P2
 05/06/2021
 TOWN PLANNING ISSUE

 P3
 14/08/2021
 TOWN PLANNING ISSUE

 P4
 29/10/2021
 TOWN PLANNING ISSUE

SOUTH ELEVATION

NOT FOR CONSTRUCTION

PRELIMINARY

TP2.002 P4

1:100 A1

29/10/2021

Darebin City Council Received 25/01/2022

Drawn by:AuthoChecked by:Checker

21001



KION DEVELOP

Amendments 
 No.
 Date
 Notes

 P1
 20/04/2021
 TOWN PLANNING ISSUE

 P2
 05/06/2021
 TOWN PLANNING ISSUE

 P3
 14/08/2021
 TOWN PLANNING ISSUE

 P4
 29/10/2021
 TOWN PLANNING ISSUE
 **EAST ELEVATION** TP2.003 P4 PRELIMINARY 1:100 NOT FOR CONSTRUCTION 29/10/2021

Darebin City Council Received 25/01/2022

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LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL
COMMUNAL AREAS AND BASEMENT
SPACE FOR PRIVATE CLOTHESLINE
14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED
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TRANSPORT
 10 RESIDENT BIKE SPACES AND 2 VISITOR BIKE SPACES TO BE PROVIDED
 EV CHARGING INFRASTRUCTURE TO 5% OF CARPARKS

• FOOD AND GARDEN WASTE AREAS PROVIDED IN BASEMENT

MATERIAL SCHEDULE

SANDY WHITE BR01 BRICK STACK

METAL FINISH MC01

GL01

GL02

MC02

TM01

IMAGE DESCRIPTION CODE

BOND

CLEAR GLASS

OPAQUE GLASS

STANDING

SEAM -

A1

NATURAL WHITE

CHARRED TIMBER DARK

ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS

TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

ESD NOTES

URBAN ECOLOGY

TAPS AND

---- B17 SETBACK

OG OPAQUE GLASS HW HIGHLIGHT WINDOW

----- LINE OF BUILDING OVER/UNDER

---- PREVIOUS BUILDING OUTLINE

NEW FENCE TO BE PROVIDED

Drawn by:AuthoChecked by:Checker

21001



MATERIAL SCHEDULE IMAGE DESCRIPTION CODE SANDY WHITE BR01 BRICK STACK BOND GL01 CLEAR GLASS GL02 OPAQUE GLASS METAL FINISH MC01 STANDING MC02 SEAM -NATURAL WHITE CHARRED TIMBER DARK

Advertised Document D/710/2021 Page 13 of 26

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT
 SPACE FOR PRIVATE CLOTHESLINE
 14Kw PHOTOVOLTAIC ARRAY TO BE PROVIDED
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ESD NOTES

URBAN ECOLOGY

TAPS AND

---- B17 SETBACK

OG OPAQUE GLASS
HW HIGHLIGHT WINDOW

----- LINE OF BUILDING OVER/UNDER

---- PREVIOUS BUILDING OUTLINE

NEW FENCE TO BE PROVIDED

GOWER STREET

169-171 GOWER STREET PRESTON

KION DEVELOP

 No.
 Date
 Notes

 P1
 20/04/2021
 TOWN PLANNING ISSUE

 P2
 05/06/2021
 TOWN PLANNING ISSUE

 P3
 14/08/2021
 TOWN PLANNING ISSUE

 P4
 29/10/2021
 TOWN PLANNING ISSUE

WEST ELEVATION

Sheet

PRELIMINARY
NOT FOR CONSTRUCTION

Darebin City Council Received 25/01/2022

TP2.004 P4

1:100 at

Date A1
29/10/2021

Drawn by:AuthoChecked by:Checker

21001



KION DEVELOP

Amendments 
 No.
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 P1
 20/04/2021
 TOWN PLANNING ISSUE

 P2
 05/06/2021
 TOWN PLANNING ISSUE

 P3
 14/08/2021
 TOWN PLANNING ISSUE

 P4
 29/10/2021
 TOWN PLANNING ISSUE
 SECTION 01 TP3.001 P4 PRELIMINARY 1 : 100 at NOT FOR CONSTRUCTION 29/10/2021 Drawn by:AuthoChecked by:Checker

Darebin City Council Received 25/01/2022

ESD NOTES

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT
 SPACE FOR PRIVATE CLOTHESLINE
 14Kw PHOTOVOLTAIC ARRAY TO BE PROVIDED
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STORMWATER

STORMWATER 1.1: 20KI RAINWATER TANK CONNECTED TO ALL TOILETS AND IRRIGATION

Advertised Document D/710/2021 Page 14 of 26

ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS

TRANSPORT
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----- LINE OF BUILDING OVER/UNDER ---- B17 SETBACK

---- PREVIOUS BUILDING OUTLINE NEW FENCE TO BE PROVIDED

OG OPAQUE GLASS

HW HIGHLIGHT WINDOW

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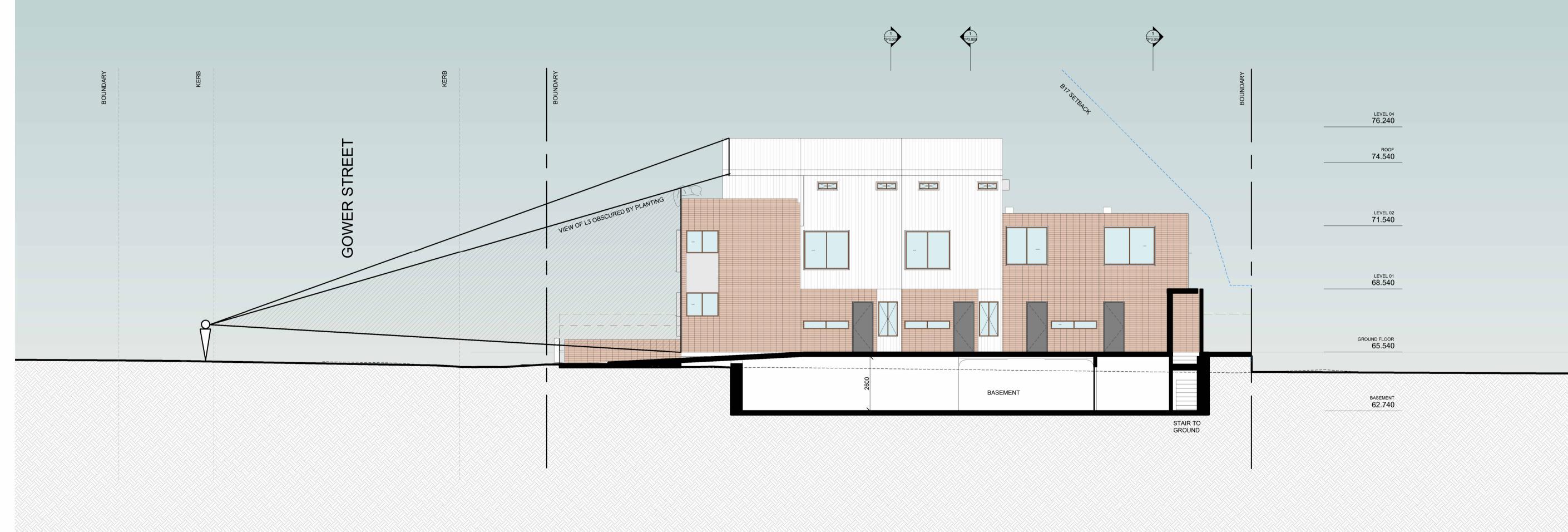
• FOOD AND GARDEN WASTE AREAS PROVIDED IN BASEMENT URBAN ECOLOGY
 TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

----- LINE OF BUILDING OVER/UNDER ---- B17 SETBACK ---- PREVIOUS BUILDING OUTLINE

NEW FENCE TO BE PROVIDED

OG OPAQUE GLASS HW HIGHLIGHT WINDOW

16.240 ROOF 74.540 LEVEL 02 71.540 LEVEL 01 68.540



**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments 
 No.
 Date
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 29/10/2021
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TP3.002 P4 SECTION 02 PRELIMINARY 1 : 100 at NOT FOR CONSTRUCTION 29/10/2021

Darebin City Council Received 25/01/2022

NEW FENCE TO BE PROVIDED OG OPAQUE GLASS HW HIGHLIGHT WINDOW BASEMENT

16.240 ROOF **74.540** LEVEL 02 71.540 LEVEL 01 68.540 GROUND FLOOR 65.540 BASEMENT **62.740** 

 No.
 Date
 Notes

 P1
 20/04/2021
 TOWN PLANNING ISSUE

 P2
 05/06/2021
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 P3
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 P4
 29/10/2021
 TOWN PLANNING ISSUE

**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

SECTION 03

TP3.003 P4

PRELIMINARY NOT FOR CONSTRUCTION

1:100 29/10/2021

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ENERGY

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT
SPACE FOR PRIVATE CLOTHESLINE
14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED
4W/m² MAXIMUM ILLUMINATION POWER DENSITY
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 TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

----- LINE OF BUILDING OVER/UNDER

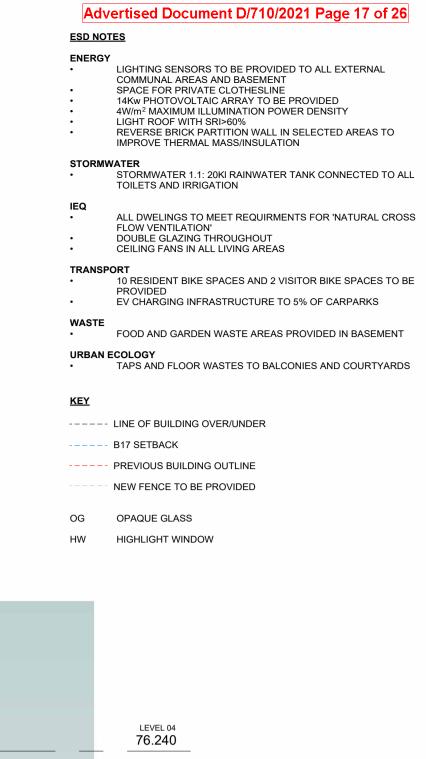
---- PREVIOUS BUILDING OUTLINE

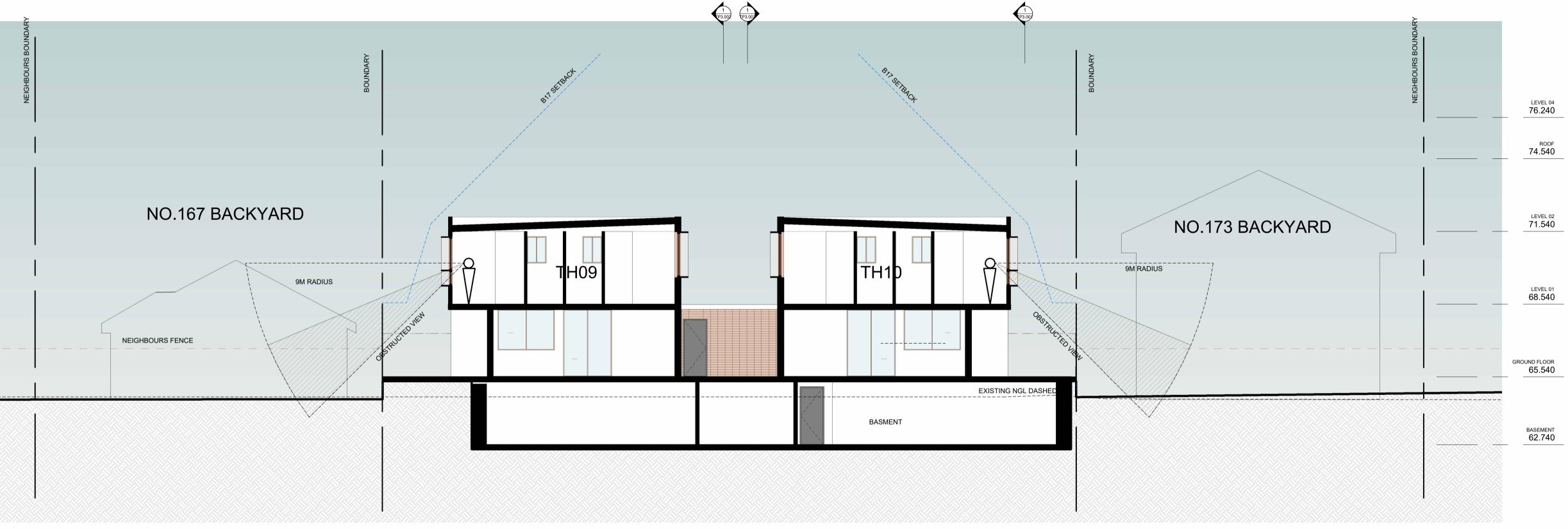
---- B17 SETBACK

ALL DWELINGS TO MEET REQUIRMENTS FOR 'NATURAL CROSS FLOW VENTILATION' DOUBLE GLAZING THROUGHOUT CEILING FANS IN ALL LIVING AREAS

ESD NOTES

Darebin City Council Received 25/01/2022









| Sheet No. | Revision | TP3.004 P4 | Sheet No. | TP3.004 P4 | Scale | 1:100 | at | Date | A1 | 29/10/2021 | Sheet No. | Revision | TP3.004 P4 | Scale | 1:100 | at | Date | A1 | 29/10/2021 | Sheet No. | Revision | TP3.004 P4 | Scale | 1:100 | at | Date | A1 | 29/10/2021 | Sheet No. | Revision | TP3.004 P4 | TP3.004

Darebin City Council Received 25/01/2022

ESD NOTES

ENERGY

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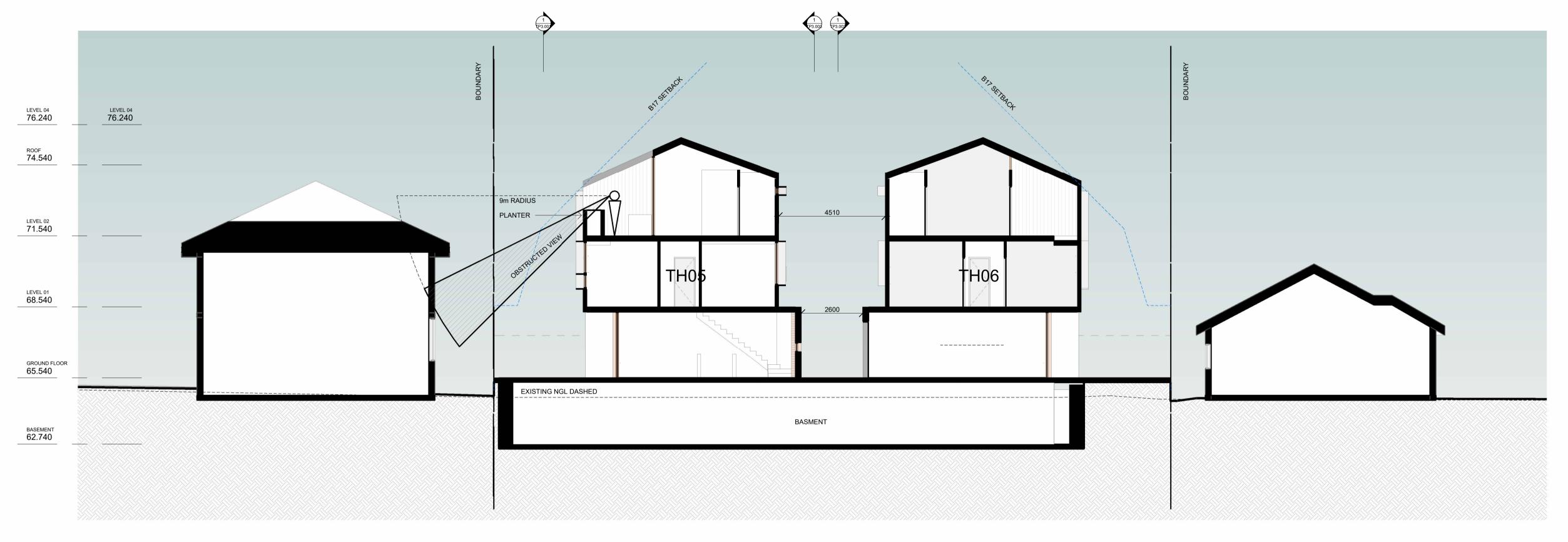
• FOOD AND GARDEN WASTE AREAS PROVIDED IN BASEMENT URBAN ECOLOGY
 TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

----- LINE OF BUILDING OVER/UNDER ---- B17 SETBACK

---- PREVIOUS BUILDING OUTLINE NEW FENCE TO BE PROVIDED

OG OPAQUE GLASS

HW HIGHLIGHT WINDOW



**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments 
 No.
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TP3.005 P4 SECTION 05 PRELIMINARY 1:100 NOT FOR CONSTRUCTION 29/10/2021

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ESD NOTES

ENERGY

LIGHTING SENSORS TO BE PROVIDED TO ALL EXTERNAL COMMUNAL AREAS AND BASEMENT
SPACE FOR PRIVATE CLOTHESLINE
14KW PHOTOVOLTAIC ARRAY TO BE PROVIDED
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TRANSPORT
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 EV CHARGING INFRASTRUCTURE TO 5% OF CARPARKS

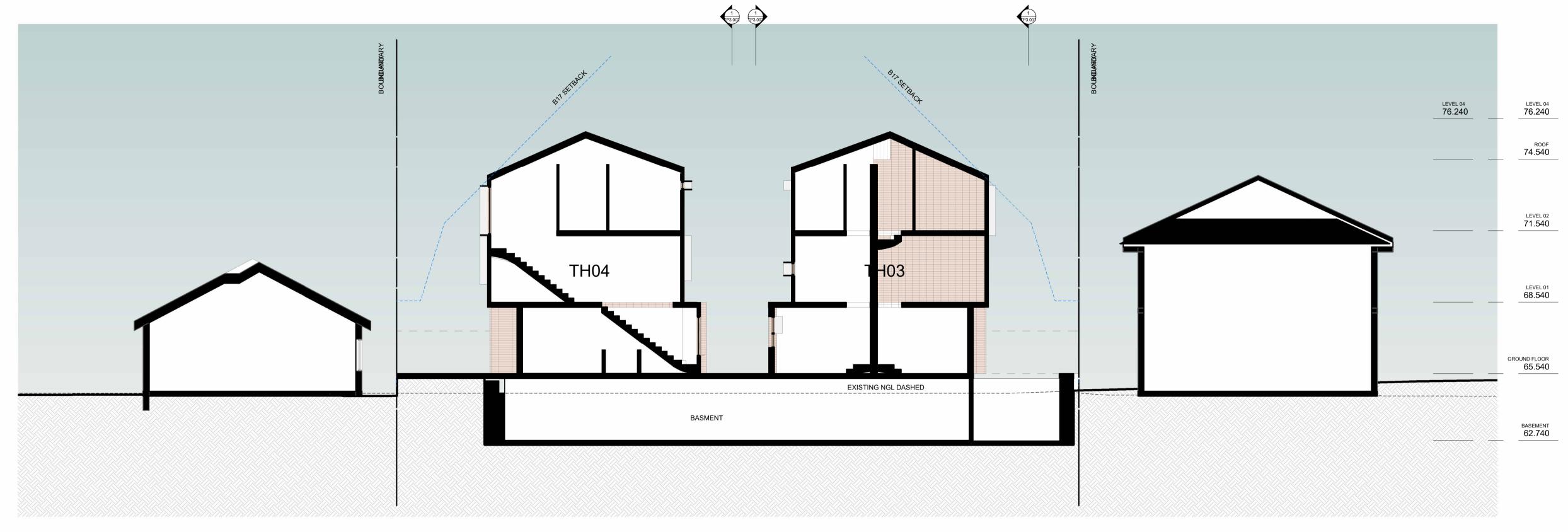
• FOOD AND GARDEN WASTE AREAS PROVIDED IN BASEMENT URBAN ECOLOGY
 TAPS AND FLOOR WASTES TO BALCONIES AND COURTYARDS

----- LINE OF BUILDING OVER/UNDER ---- B17 SETBACK

---- PREVIOUS BUILDING OUTLINE NEW FENCE TO BE PROVIDED

OG OPAQUE GLASS

HW HIGHLIGHT WINDOW



**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments 
 No.
 Date
 Notes

 P1
 05/06/2021
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 TOWN PLANNING ISSUE

 P3
 29/10/2021
 TOWN PLANNING ISSUE

TP3.006 P3 SECTION 06 PRELIMINARY 1:100 NOT FOR CONSTRUCTION 29/10/2021

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Darebin City Council Received 25/01/2022

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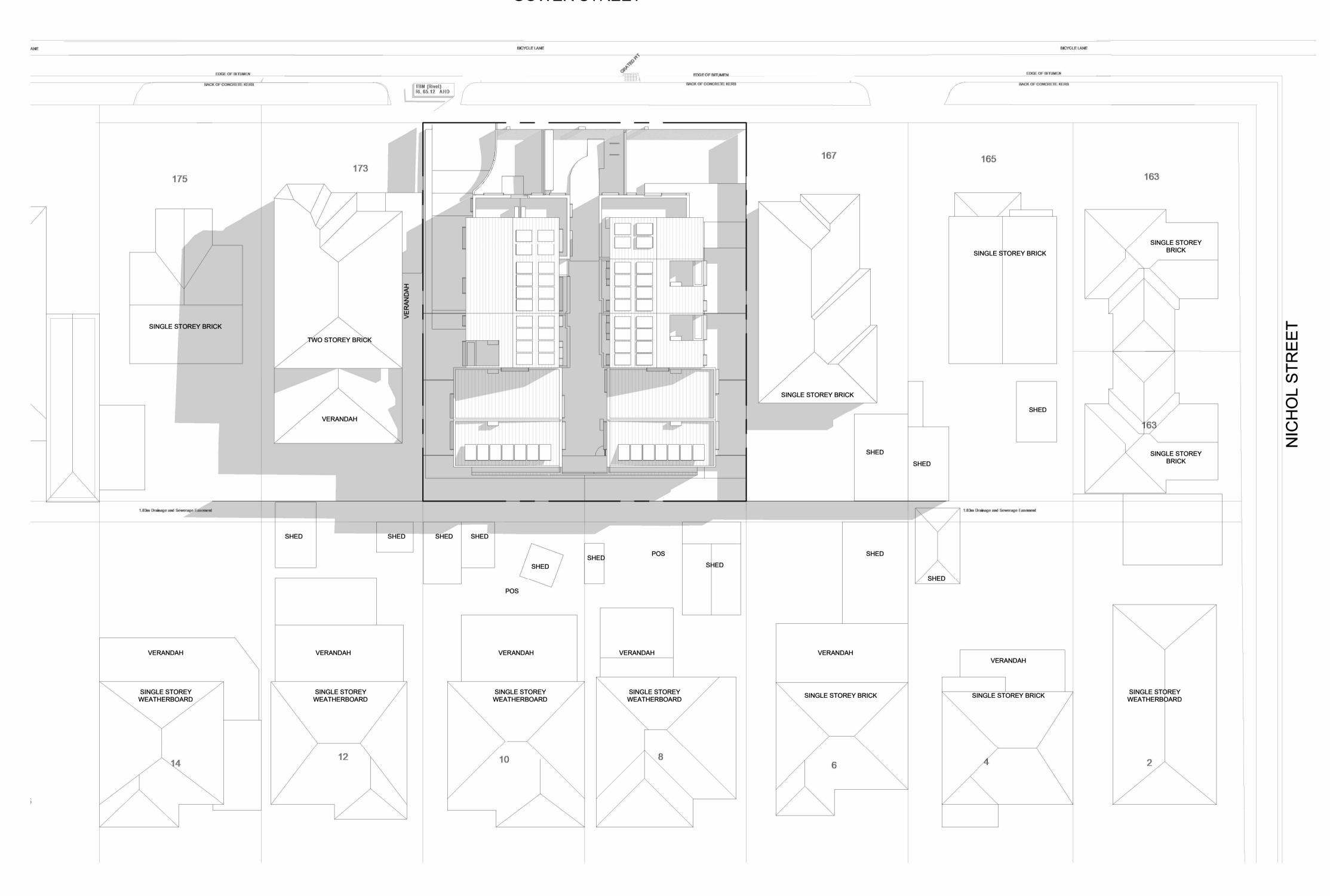
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## **GOWER STREET**



**GOWER STREET** 169-171 GOWER STREET PRESTON

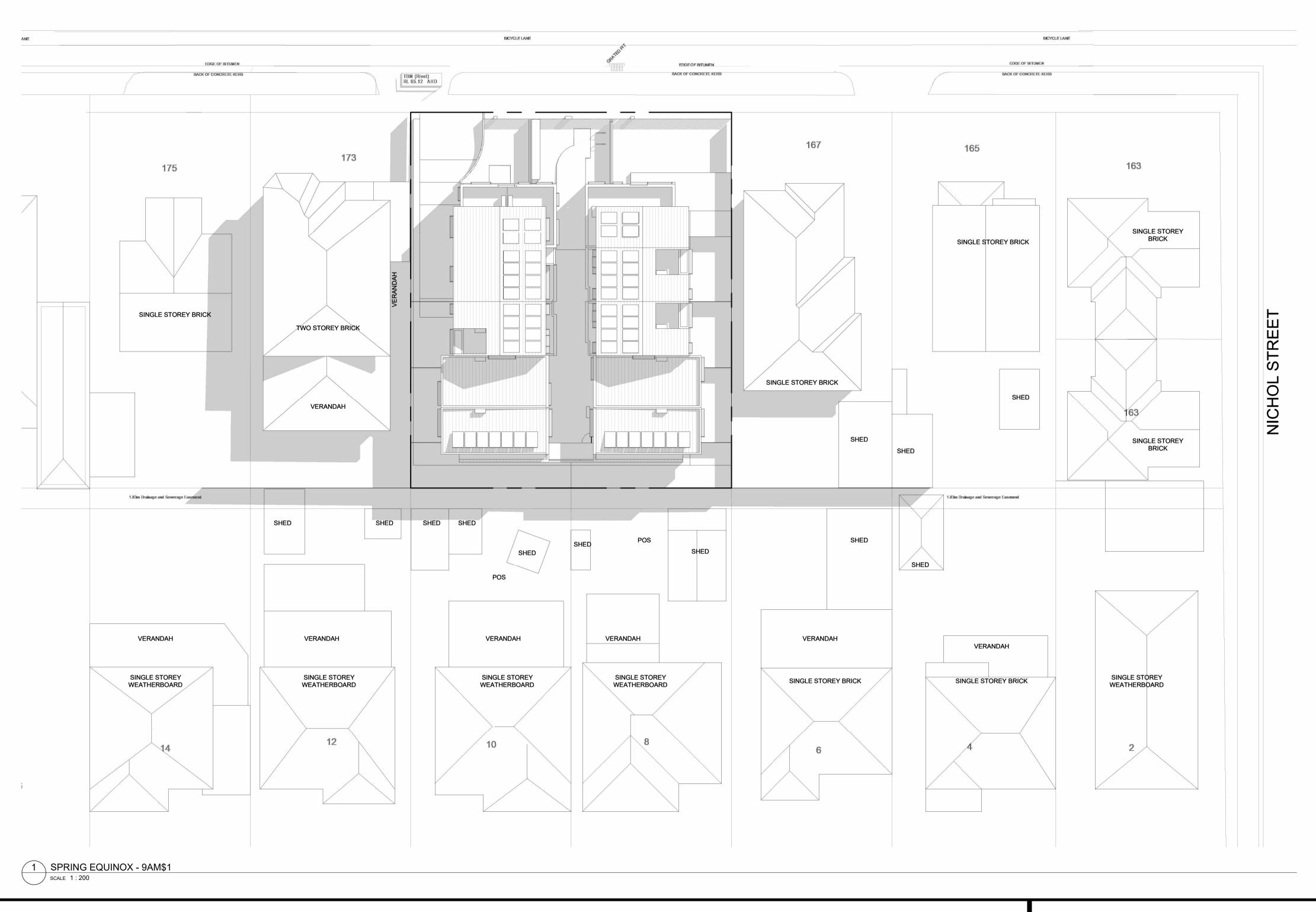
KION DEVELOP

Amendments P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE SPRING EQUINOX - 9AM -TP5.001 P4 PROPOSED 1:200 PRELIMINARY NOT FOR CONSTRUCTION 29/10/2021

Darebin City Council Received 25/01/2022

### **GOWER STREET**

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**GOWER STREET** 169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments 
 No.
 Date
 Notes

 P1
 14/08/2021
 TOWN PLANNING ISSUE

 P2
 29/10/2021
 TOWN PLANNING ISSUE
 SPRING EQUINOX - 10AM -PROPOSED PRELIMINARY NOT FOR CONSTRUCTION

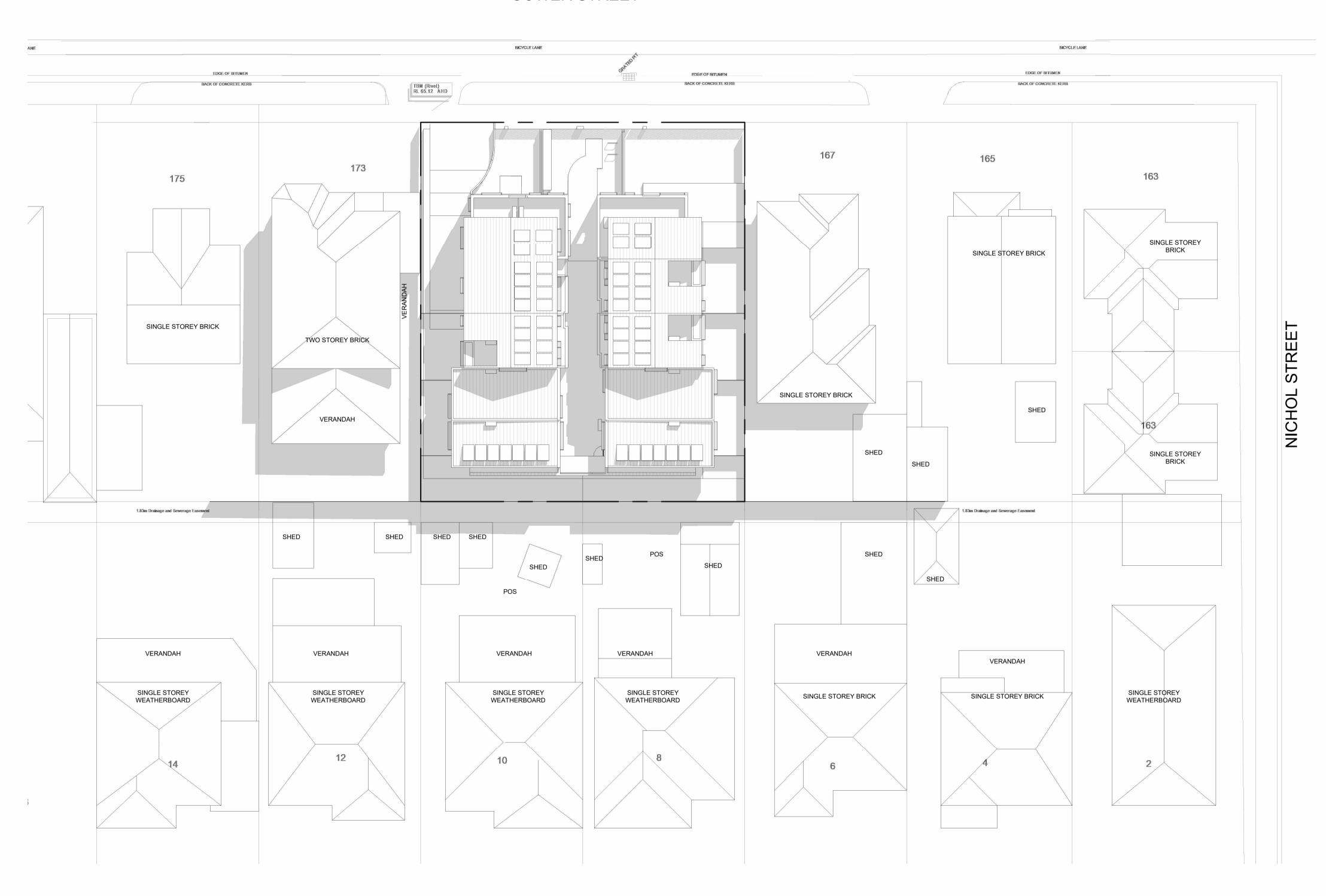
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Darebin City Council Received 25/01/2022

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## **GOWER STREET**



GOWER STREET

169-171 GOWER STREET PRESTON

KION DEVELOP

 No.
 Date
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 14/08/2021
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 P4
 29/10/2021
 TOWN PLANNING ISSUE

SPRING EQUINOX - 11AM PROPOSED

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NOT FOR CONSTRUCTION

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KION DEVELOP

Amendments

No. Date Notes
P1 20/04/2021 TOWN PLANNING ISSUE
P2 05/06/2021 TOWN PLANNING ISSUE
P3 14/08/2021 TOWN PLANNING ISSUE
P4 29/10/2021 TOWN PLANNING ISSUE

SPRING EQUINOX - 1PM - PROPOSED

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NOT FOR CONSTRUCTION

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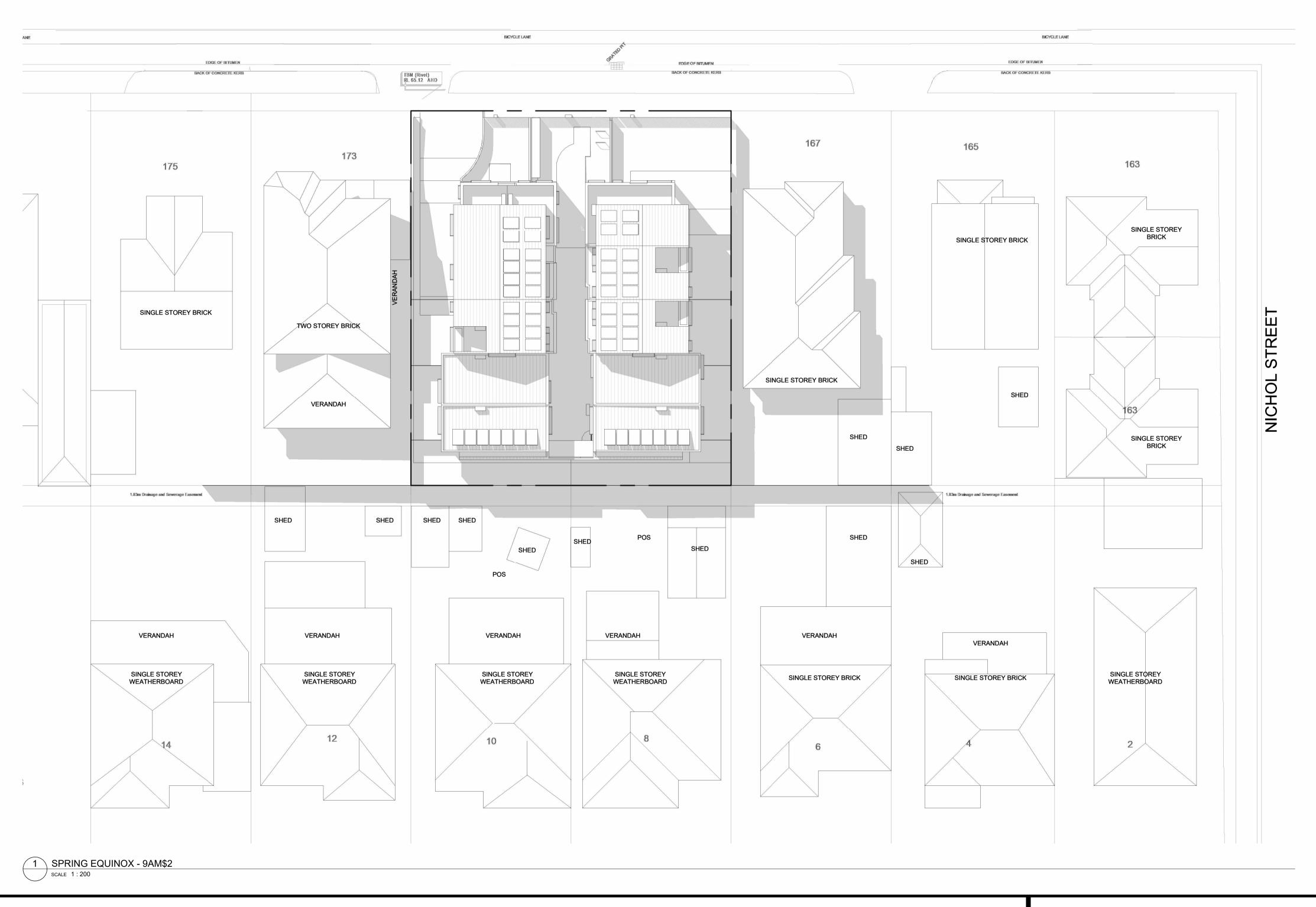
TP5.004 P4

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1: 200 at
Date A1
29/10/2021

# GOWER STREET

194



GOWER STREET

169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments

No. Date Notes
P1 14/08/2021 TOWN PLANNING ISSUE
P2 29/10/2021 TOWN PLANNING ISSUE

SPRING EQUINOX - 2PM PROPOSED

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PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.

TP5.005 P2

Scale

1: 200 at
Date A1

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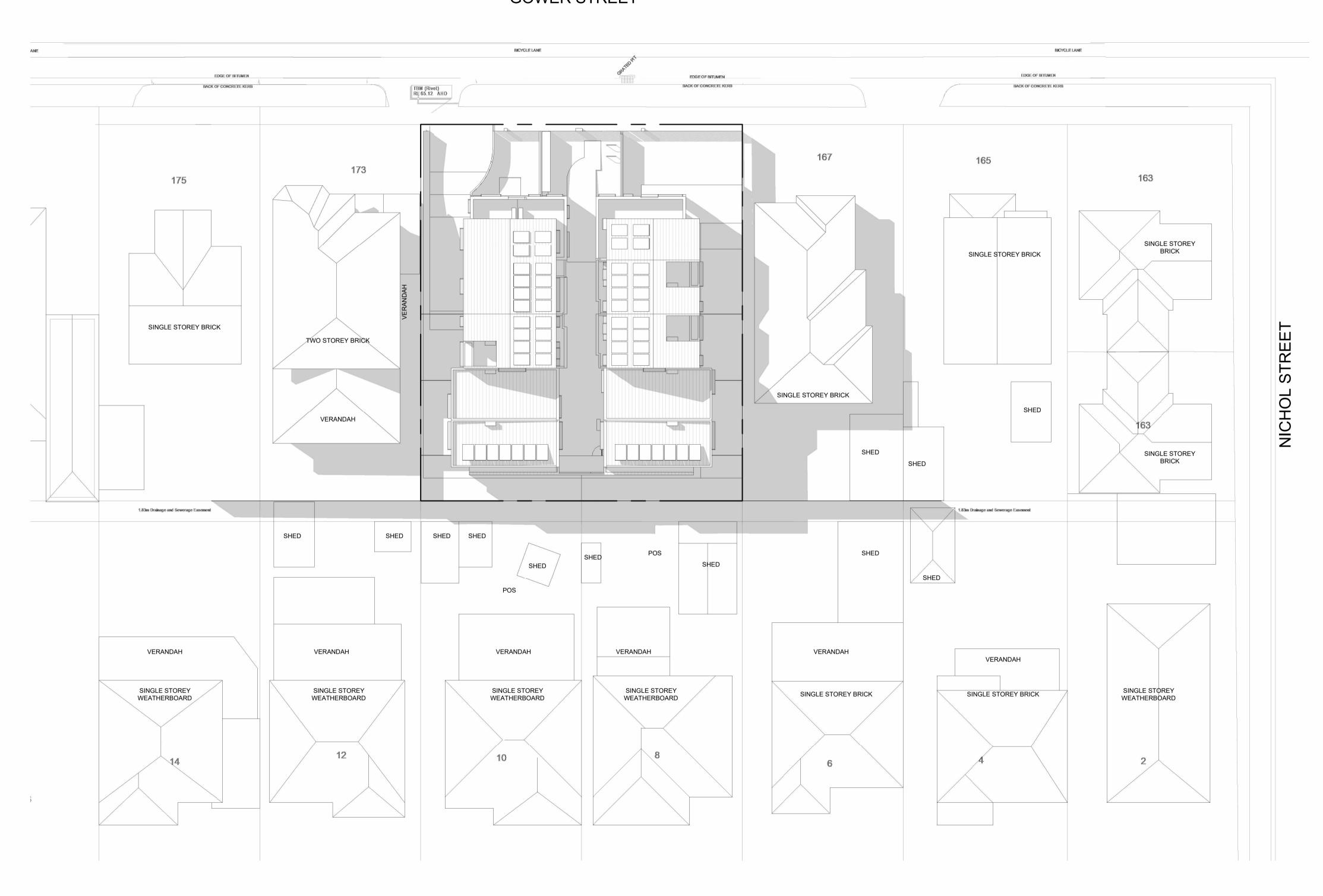
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## **GOWER STREET**



GOWER STREET

169-171 GOWER STREET PRESTON

KION DEVELOP

 Amendments

 No.
 Date
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 20/04/2021
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 P3
 14/08/2021
 TOWN PLANNING ISSUE

 P4
 29/10/2021
 TOWN PLANNING ISSUE

SPRING EQUINOX - 3PM PROPOSED

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NOT FOR CONSTRUCTION

TP5.006 P4

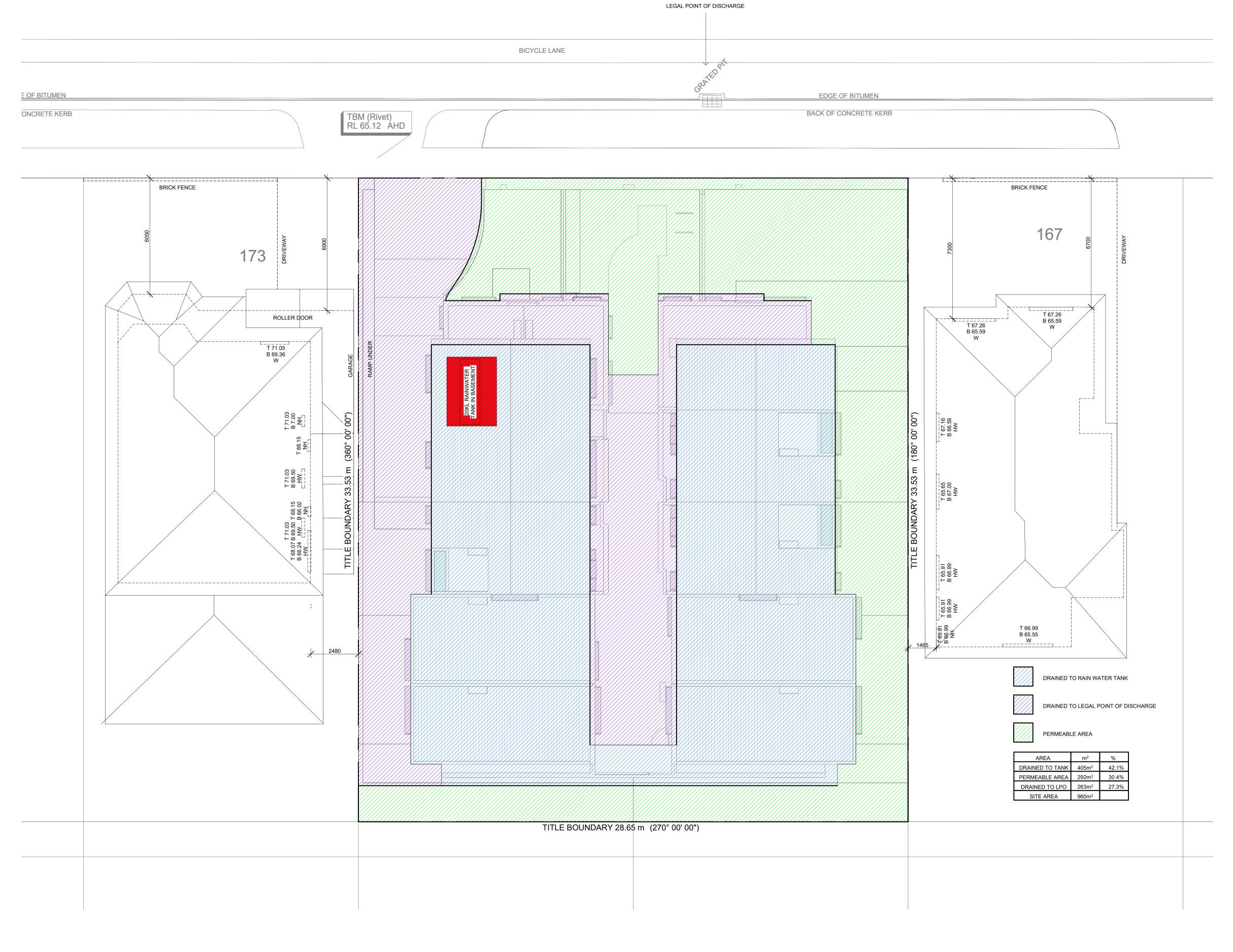
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Date A1

29/10/2021

Darebin City Council Received 25/01/2022



KION DEVELOP

Amendments

No. Date
P1 20/04/2021
P2 05/06/2021
P3 14/08/2021
P4 29/10/2021
TOWN PLANNING ISSUE
TOWN PLANNING ISSUE
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TOWN PLANNING ISSUE

Sheet No.
TP7.001 P4

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NOT FOR CONSTRUCTION
Sheet No.
TP7.001 P4

Scale
1:100 at
Date A1
29/10/2021

Darebin City Council Received 25/01/2022



Aerial image – 169-171 Gower Street, Preston (taken from Nearmap – 23 May 2022)

Item 5.1 Appendix B Page 65

PLANNING COMMITTEE MEETING 8 AUGUST 2022



Item 5.1 Appendix C

PLANNING COMMITTEE MEETING 8 AUGUST 2022

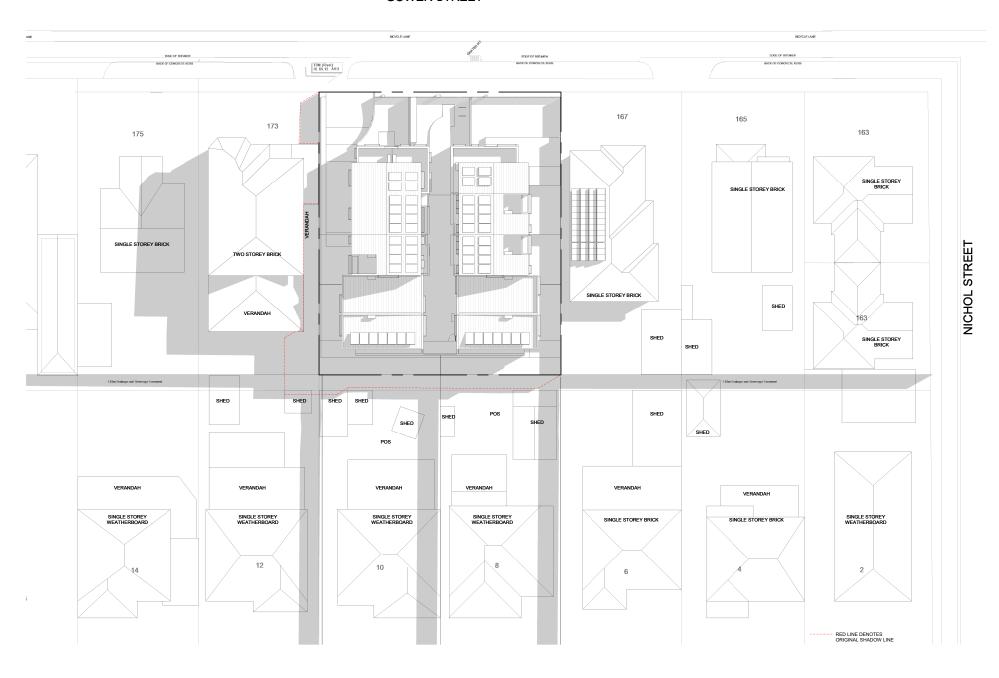


Item 5.1 Appendix C

PLANNING COMMITTEE MEETING 8 AUGUST 2022



### **GOWER STREET**

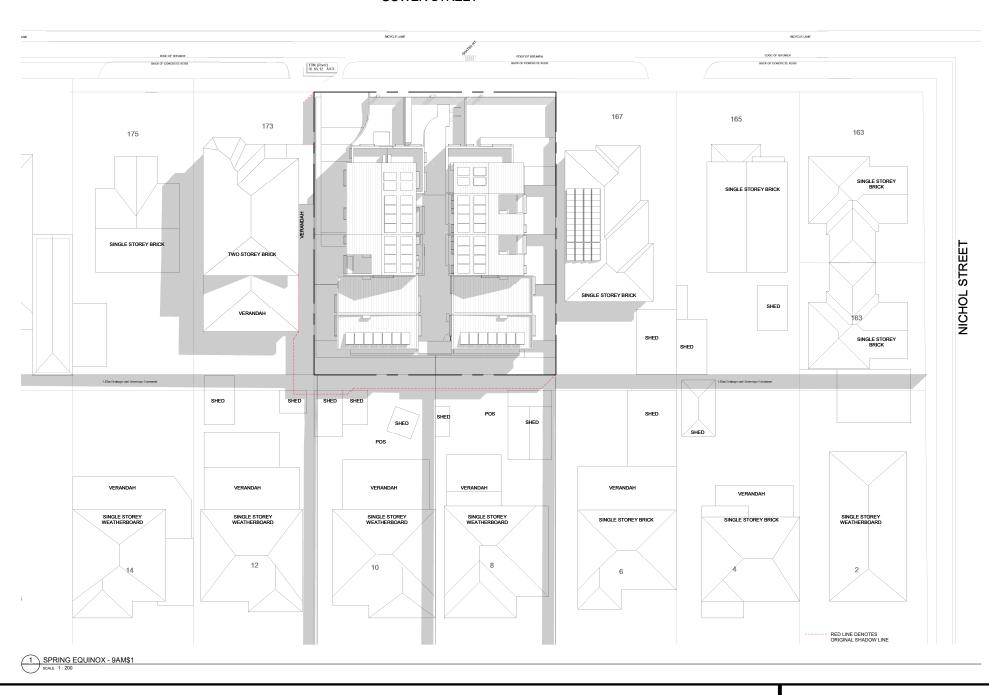


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169-171 GOWER STREET PRESTON
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Item 5.1 Appendix C



# **GOWER STREET**



GOWER STREET
169-171 GOWER STREET PRESTON

KION DEVELOP

Amendments

No. Date Notes

P1 14/08/2021 TOWN PLANNING ISSUE

P2 29/10/2021 TOWN PLANNING ISSUE

SPRING EQUINOX - 10AM - PROPOSED

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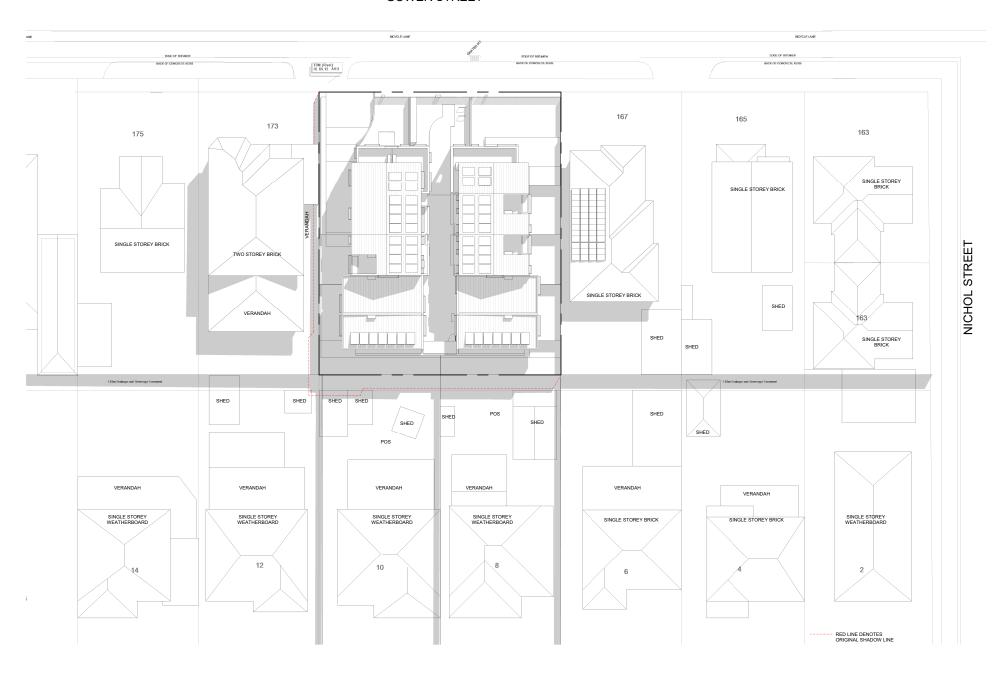
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29/10/2021

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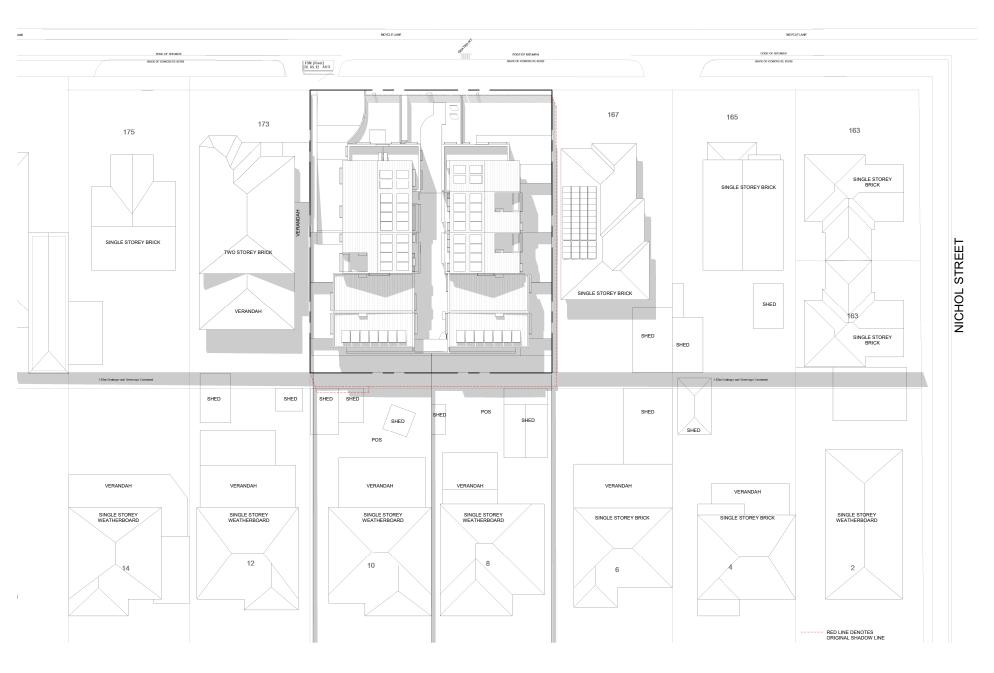
# **GOWER STREET**



GOWER STREET
169-171 GOWER STREET PRESTON
TITLE
SPRING EQUINOX - 11AM - PROPOSED
TP5.003
P4
169-171 GOWER STREET PRESTON
TP5.003
P4
29/10/2021



# **GOWER STREET**



GOWER STREET
169-171 GOWER STREET PRESTON

Client
KION DEVELOP

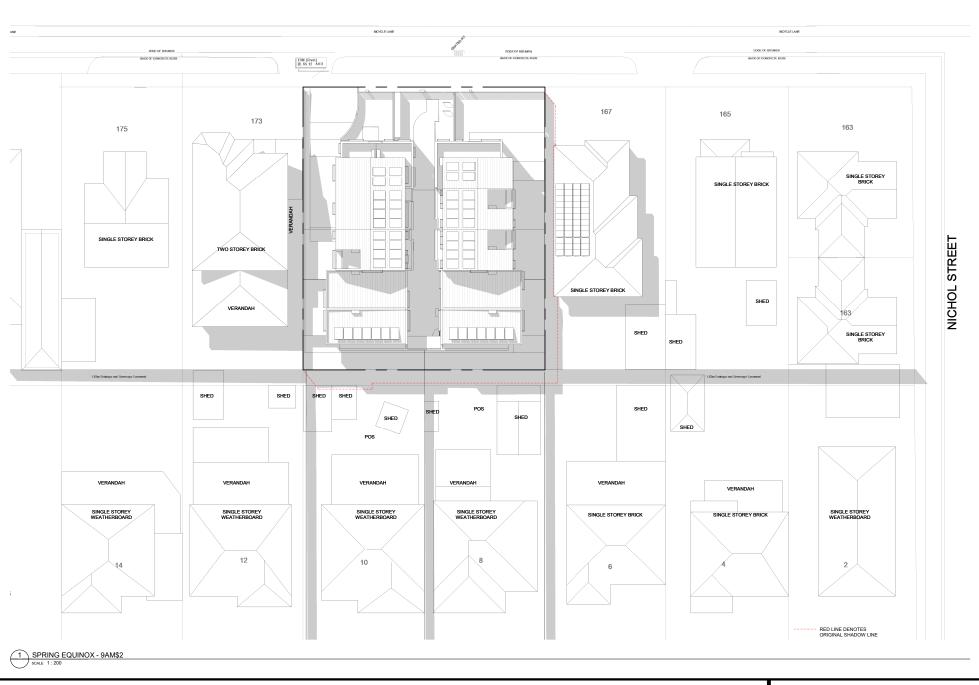
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

Amendments
SPRING EQUINOX - 1PM - POOSED

TOWN PLANNING ISSUE



# **GOWER STREET**

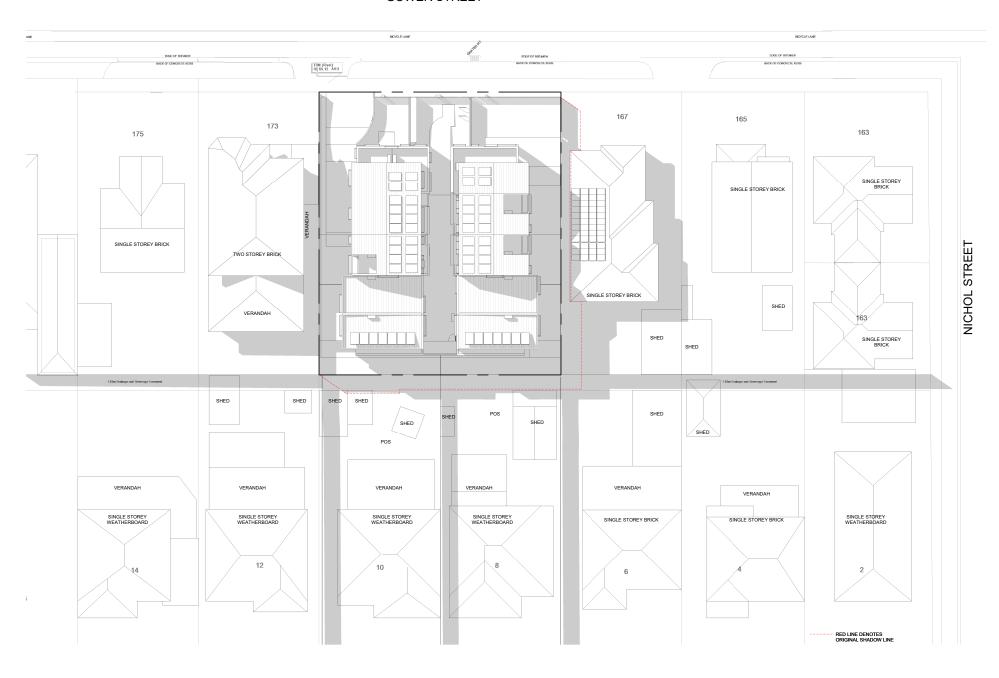


GOWER STREET
169-171 GOWER STREET PRESTON

KION DEVELOP



# **GOWER STREET**



GOWER STREET
169-171 GOWER STREET PRESTON

FIND DEVELOP

Amendments
SPRING EQUINOX - 3PM - POOSED

TP5.006
P4
152-100
Sheet
NOT FOR CONSTRUCTION

PRELIMINARY
NOT FOR CONSTRUCTION

Amendments
Servicion
TP5.006
P4
1:200 at 29/10/2021

Drawn by AuthroChecked by Chiec

# 6. OTHER BUSINESS

# 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

The General Planning Information attached at Appendix A contains lists of:

• Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

#### Officer Recommendation

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

#### **RELATED DOCUMENTS**

Nil

#### **Attachments**

Applications determined by VCAT (Appendix A) 4

Item 6.1 Page 74

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

# **DELEGATE DECISIONS BEFORE VCAT**

	November 2021								
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				
Decision									
10/11/2021 (Hearing)	D/425/2020	58 Clingin Street, Northcote	Proposed construction of a medium density development comprising four dwellings, as shown on the	Section 79 Failure Appeal - Council formed a position to not support the	Council's decision set aside – Permit				
06/12/2021 (Decision)		North Central	plans accompanying the application.	application	granted				

	DECEMBER 2021								
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				
13/12/2021 (hearing date vacated)	D/299/2018	1 Timmins Street, Northcote South	Double storey extension to the rear of the existing shop/residence comprising additional commercial floorspace and a new dwelling above and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Section 87 appeal (Amendment to existing permit)	Withdrawn				
13/12/2021 (Hearing) 22/12/2021 (Decision)	D/113/2021	3-5 Cambrian Avenue and 635 & 649 High Street Preston Central	Development of two or more dwellings on a lot and to subdivide land in accordance with proposed plan of subdivision PS904761K plus a waiver of the on-site visitor car parking requirement.	Section 79 Failure Appeal  - Council formed a position to not support the application	Council's decision set aside – Permit granted				

# PLANNING COMMITTEE MEETING 8 AUGUST 2022

17/12/2021 (Hearing)	D/573/2020	29 Jackson Street Northcote South	Proposed Demolition of an existing outbuilding to the rear of an existing dwelling and construction of a garage on a lot less than 300sqm in a Heritage Overlay as shown on the plans accompanying the application	Section 79 Failure Appeal  – Council formed a position to not support the application	Council's decision set aside – Permit granted
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	JANUARY 2022							
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision			
Decision								
13/01/2022 (Decision)	D/311/2003/A	73a Victoria Road, Northcote South	Amend planning permit D/311/2003 which allowed A medium density housing development comprised of a double storey dwelling to the rear of an existing dwelling	Section 82 Objector Appeal of Council's decision to issue a Notice of Decision	Council's decision set aside – Planning permit D/311/2003 must not be amended			
18/01/2022 (Hearing) 21/01/2022 (Decision)	D/217/2021	2 Jacka Street, Preston West	A medium density housing development comprised of the construction of two (2) side-by side double storey dwellings	Section 79 Failure Appeal – Council formed a position to not support the application.	Council's decision set aside – Permit granted			
,		474 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \						
27/01/2022 (Hearing) 03/02/2022 (Decision)	D/167/2020	171 Victoria Road, Northcote South Central	Construction of two double storey dwellings on the lot	Section 77 Refusal Appeal– Applicant Appeal of decision	Council's decision affirmed – No permit is granted			

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

02/09/2021 (date of Hearing) 27/09/2022 (Decision)	D/253/2020	70 O'Connor Street, Reservoir North West	Construction of four dwellings on a lot in the General Residential Zone Schedule 2 and construct buildings and works in a Special Building Overlay	Section 77 Refusal Appeal– Applicant Appeal of decision	Council's decision set aside – Permit granted	
28/01/2022 Compulsory conference	D/672/2020	12 Carson Street, Reservoir North - West	Construction of a three (3) storey mixed-use development (comprised of two (2) dwellings above a shop) and a reduction of car parking	Section 82 Objector Appeal of Council's decision to issue a Notice of Decision	Council's decision varied (by consent) – Permit granted.	
Result	The parties were	The parties were able to reach an agreement by consent. The hearing scheduled for 1 April 2022 was vacated.				

	FEBRUARY 2022								
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				
Decision									
13/02/2021 (Hearing) 15/02/2022 (Decision)	D/349/2020	171-175 High Street Northcote	Proposed buildings and works to the existing building including extensions and an additional two storey's use of the for offices and a reduction in the standard car parking requirement	Section 79 Failure Appeal  – Council formed a position to not support the application-	Council's decision set aside – Permit granted				
21/2/2022	PLN19/091 2	224 – 256 Heidelberg Road, Fairfield	Part demolition and use and development of the land for Multi- Level Accommodation Buildings; Altering Access to a Road Zone Category 1	Section 77 Refusal of the application by the City of Yarra – Darebin City Council is an objector party	No permit granted				

MARCH 2022

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

Date of Hearing/ Decision	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
01/03/2022 (Hearing Vacated)	D/650/2020	217 Wood Street, Preston Central	Medium density housing development comprising the construction of five (3) triple storey dwellings	Section 77 Refusal Appeal  – Applicant Appeal.	Council's decision set aside (by consent) – Permit granted
Result		re able to reach agreen e set aside by consent.	nent as to a suitable form of developm	ent, as such, they were in pos	sition that Council's
11/03/2022 (Decision)	D/601/2019	12 Faye Street Reservoir Latrobe	Construction of five dwellings on the lot in an RGZ3/DDO19	Section 77 Refusal Appeal  – Applicant Appeal	Council's decision set aside – Permit granted
18/03/2022 (Hearing)	D/619/2018/ A	231 – 233 Spring Street, Reservoir West	Changes to the development including a reduction of dwellings to a total of 14, changes to the built form and layout and the removal of the basement,	Section 79 Failure Appeal  — Council formed a position to not support the application-	Awaiting VCAT decision
23/03/2022 (Hearing)	D/315/2018/ A D/312/2018/ B	7 Eunson Avenue, Northcote South	Various amendments to the proposal	Section 82 Objector Appeal of Council's decision to issue a Notice of Decision-	Council Decision set aside – Application remitted back to Council
Result		Application remitted by	pack to Council for reconsideration, inc	cluding matters of non-compli	ance.

	APRIL 2022								
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				
Decision									

#### PLANNING COMMITTEE MEETING

# 8 AUGUST 2022

12/4/2022 (Hearing)	D/725/2017/ A	2-4 Tiernan Street, Preston South East	A medium density housing development comprised of the construction of four (4) double storey dwellings amended as follows: 1. Construction of eight (8) double storey dwellings 2. A reduction in the car parking requirement	Section 79 Failure Appeal  - Council formed a position to support the application.	Council's support affirmed – Permit granted
13/4/2022 (Hearing)	D/29/2021	42 Wood Street, Preston Central	Construction a medium density housing development comprising of four (4) dwellings	Section 77 Refusal Appeal  – Applicant Appeal-	Awaiting VCAT decision
19/04/2022 (Hearing)	D/18/2021	58 Herbert Street, Northcote South	Partial demolition and construction of a two storey extension on a lot less than 300 square metres and affected by a Heritage Overlay and a Design and Development Overlay	Section 82 Objector Appeal of Council's decision to issue a Notice of Decision-	Awaiting VCAT decision

	May 2022								
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				
Decision									
17/06/2021 (Hearing) 13/05/2022 (Decision)	D/49/2020	38 Mansfield Street, Thornbury South Central	Construction of two dwellings	Section 77 Notice of Refusal – Applicant Appeal-	Council's decision set aside – Permit granted				

# PLANNING COMMITTEE MEETING 8 AUGUST 2022

13/05/2022 (Decision)	D/461/2020	620-622 High Street, Preston Central	A mixed-use development comprised of the:  Construction of a five (5) storey building plus a basement level;  Use of land for the purpose of 27 dwellings and two (2) retail premises (shop); and  Reduction in the car parking	Section 82 Objector Appeal of Council's Notice of Decision to Amend the permit	Council's decision affirmed (by consent - Hearing schedule for 14 June 2022 vacated)		
			requirement <u>.</u> -				
Result	Permit applicant and objector reached agreement by accepting permit conditions that improve the interface between the subject site and the objectors' property						
31/08/2021 (Hearing) 25/05/2022 (Decision)	D/476/2020	231A Dundas Street, Preston South East	Proposed use of land to sell and consume liquor in association with a Take-Away Food and Drink Premises	Section 77 Notice of Refusal – Applicant Appeal-	Council's decision set aside – Permit granted		

	JUNE 2022								
Date of Hearing/ Decision	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision				

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

23 June 2022 (Decision)	D/754/2020	130 Charles Street, Northcote South	Partial demolition and alterations and additions to a single dwelling on a lot of less than 300m2 and affected by a HO.	Notice of Refusal – Applicant Appeal.	Consent agreement		
	The hearing listed for 26 September 2022 was vacated.						
	<ul> <li>Agreeing to a permit condition that will ensure that the podium of the building will be designed to Council's satisfaction.</li> </ul>						
Result	Enlarging the proposed light court thereby ensuring acceptable daylight access to dwellings						
	<ul> <li>providing an additional 12 car parking spaces thereby ensuring that the impact on parking availability in the area would be acceptable.</li> </ul>						
	Applicant add	dressed Council's key	concerns, by:				
			Increase in the commercial floor area;				
			Addition of two basement levels;	Section 79 Failure Appeal  – Council formed a  position to support the  application-	Council's decision affirmed (by Consent)		
		South Central	Increase in the number of dwellings from 24 to 38				
2 June 2022 (Decision)	D/1039/201 5/B	658-668 High Street, Thornbury	Increase in building height from 20.8 metres to 22 metres (amended from six storey to seven storey)				
			Amendments to the land use				
			Inclusion of an additional parcel of land				

	JULY 2022						
Date of Hearing/ Decision	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision		

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

20 July 2022 (Decision)	D/380/2021	85 Christmas Street Northcote	Construction of two (2) double storey dwellings on a lot on land affected by a Special Building Overlay in accordance with the endorsed plans	Section 82 Objector appeal of Council's decision to issue a Notice of Decision	Council's decision affirmed (by Consent). The hearing scheduled for 29 August 2022 was vacated
26 July 2022 (Hearing)	D/259/2021	10-12 Nisbett Street Reservoir	A medium density housing development comprised of ten triple storey dwellings and reduction of the visitor car parking requirements; as shown on the plans accompanying the application	Notice of Refusal – Applicant Appeal	Awaiting VCAT decision

#### PLANNING COMMITTEE DECISIONS BEFORE VCAT

DECEMBER 2021						
Date of Hearing/	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	
Decision						
21/12/2021 (Decision)	D/515/2020	41 Kingsley Road, Reservoir West	Medium density development comprising the construction of two double storey dwellings	Section 77 Notice of Refusal –The planning officer formed a position to support the application which was not upheld by Council's Planning Committee (meeting held 12 April 2021) who decided to refuse the application.	Council's decision set aside – Permit granted (contrary to the decision of the Planning Committee)	

#### **PLANNING COMMITTEE MEETING**

# 8 AUGUST 2022

	March 2022						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision		
22/03/2022 (Hearing)	D/664/2020	765 – 769 Gilbert Road, Reservoir	Use as a Funeral Parlour and buildings and works comprising the construction of a single storey extension	Section 77 Notice of Refusal –The planning officer formed a position to support the application which was not upheld by Council's Planning Committee (meeting held 12 April 2021) who decided to refuse the application.	Council's decision set aside – Permit granted (contrary to the decision of the Planning Committee)		

	APRIL 2022						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision		
13/04/2022 (Decision)	D/352/2020	31 Albert Street, Preston Central	Proposed change of Liquor Licence trading hours pursuant to clause 52.27 of the Darebin Planning Scheme	Section 79 Failure Appeal – The planning officer formed a position to not support the application which was upheld by Council's Planning Committee (meeting held 9 March 2021)	Council's decision set aside – Pursuant to Section 149A of the Planning and Environment Act 1987 VCAT determined that the land has existing use rights and therefore a planning permit is not required under Clause 52.27 of the Darebin Planning Scheme to modify or extend the hours within which liquor may be sold or consumed at the hotel.		

# PLANNING COMMITTEE MEETING 8 AUGUST 2022

May 2022						
Date of Decision	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	
11/05/2022 (Decision)	D/474/2020	25 Separation Street, Northcote (Northcote Plaza) South Central	Use of the land for accommodation (dwellings) and a place of assembly Use of the land to sell liquor To construct a building and construct or carry out works To reduce the standard car parking requirement	Section 77 Notice of Refusal –The planning officer formed a position to refuse the application which was upheld by Council's Planning Committee (meeting held 10 May 2021)	Council's decision set aside – Permit granted (contrary to the decision of the Planning Committee)	

#### 7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential by the Chief Executive Officer in accordance with Section 3(1) of the Act for the reasons indicated:

#### 7.1 30 ST GEORGES ROAD STATE GOVERNMENT INTERVENTION

This item is designated confidential because it is land use planning information, being information that if prematurely released is likely to encourage speculation in land values, pursuant to Section 3(1) (c) of the Act.

#### **CLOSE OF MEETING**

#### Recommendation

**That** in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer on the basis that the matters are confidential in accordance with Section 3(1) of the Act.

#### **RE-OPENING OF MEETING**

#### Recommendation

That the meeting be re-opened to the members of the public.

#### 8. CLOSE OF MEETING

# CITY OF DAREBIN

274 Gower Street, Preston PO Box 91, Preston, Vic 3072 T 8470 8888 F 8470 8877 E mailbox@darebin.vic.gov.au darebin.vic.gov.au

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