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AGENDA

Planning Committee Meeting to be held on Monday 8 November 2021 at 6.30pm.

This meeting will be held virtually.

This meeting will be closed to the public pursuant to Section 395 of the Local Government Act 2020.

This meeting will be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.



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

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

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

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

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



English

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

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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Agenda

1. MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

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 11 October 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/66/2021 11 Berwick Street, Reservoir

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

| Applicant | Owner | Consultant |
|-----------------------|-----------------|---|
| Wardle Design Pty Ltd | A & M Karanikos | Wardle Design Pty Ltd Gum & Maple Consulting |

SUMMARY

- The application is for a medium density housing development comprising the construction of two (2) double storey dwellings to the rear of the existing single storey dwelling.
- The existing dwelling (Dwelling 1) will maintain three (3) bedrooms and two (2) car spaces (existing carport and tandem car space). Minor buildings and works to this dwelling to reconfigure and modernise the internal layout are proposed. This dwelling fronts and maintains vehicle access to Berwick Street.
- The proposed dwellings are to the rear of the existing dwelling and face Sharpe Street and a section of right of way. These dwellings are attached in a side by side configuration. Each dwelling provides a living/dining/kitchen area and secluded private open space at ground level. The first floors will each contain three (3) bedrooms.
- The proposed dwellings provide two (2) car parking spaces, being a single garage and tandem car space. Vehicle access is to Sharp Street and the right of way.
- The proposed dwellings provide a contemporary design with a combination of weatherboard, render and brick. The front façade will feature spotted gum entry doors and aluminium door and window frames. Dwelling 2 will have a pitched and gabled roof and Dwelling 3 will have a flat roof.
- The development will have a maximum height of 7.925 metres.
- The site is zoned General Residential Zone Schedule 2 and is affected by the Development Contributions Plan Overlay (currently expired).
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 39%.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Asset and Capital Delivery, Climate Emergency and Sustainable Transport; Property Management; Environmental Sustainability Officer and Tree Management.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/66/2021 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP1, TP2, TP3, TP5, TP61, Revision C, dated 15 July 2021, project no. 20-106, prepared by Wardle Design and received by Council on the 15 July 2021) but modified to show:
 - (a) Details of the external storage facilities provided for the dwellings, with a minimum volume of 6 cubic metres.
 - (b) Details of the fence on the eastern boundary (except within 8.6 metres of the Berwick Street frontage and 4.15 metres of the Sharpe Street frontage) in accordance with Condition No. 9 of this Permit.
 - (c) Provision of bike storage within the secluded private open space for dwelling 3.
 - (d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the existing and proposed crossovers to Berwick Street, Sharpe Street and the right of way. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
 - (f) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
 - (g) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;

- (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (h) The first floor west facing bedroom 2 window of Dwelling 2 clearly shown with a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
 - (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
 - (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
 - (l) Details of the Tree Protection Zones (2 metres) and Structural Roots Zones (1.5m) of the *Pittosporum tenuifolium* trees to the east within No. 30 Sharpe Street adjacent the proposed accessway of dwelling 3.
 - (m) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
 - (n) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
 - (o) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) The Tree Protection Zone (2 metres) and Structural Roots Zone (1.5m) of the *Pittosporum tenuifolium* within No. 30 Sharpe Street adjacent the proposed works.
 - (c) A notation on plan that:
 - i. The TPZ of trees within No. 30 Sharpe Street to be adequately protected with suitably ground protection in accordance with AS4970-2009 Protection of Trees on Development Sites. All tree protection measures are to be implemented prior to all works including demolition, excavation and construction works commencing on the site. Protection measures can only be removed to allow for approved works to occur under supervision.
 - ii. All excavation works within the TPZ of trees within No. 30 Sharpe Street are to be supervised by a suitably qualified experienced arborist.

- (d) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 6 of this Permit).
- (e) 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).
- (f) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
- (g) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (h) A diversity of plant species and forms.
- (i) Provision of two (2) large canopy trees in the front setback (one (1) for each of Dwellings 2 and 3) and two (2) small canopy trees (one (1) for each of Dwellings 2 and 3) within the private open space. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) 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.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) 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).
- (n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (o) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (p) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (r) Scale, north point and appropriate legend.
- (s) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

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

| Tree* | Location | TPZ (radius from the base of the tree trunk) |
|--|---|--|
| Tree group Pittosporum tenuifolium | Adjoining property at No. 30 Sharpe Street (east) | 2 metres |
| *as defined in internal referral comments from Council’s Planning Arborist | | |

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:

- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
- (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
- (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of Pittosporum tenuifolium within No. 30 Sharpe Street adjacent the proposed works must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- (e) All excavation works within the TPZ of trees within No. 30 Sharpe Street are to be supervised by a suitably qualified arborist.

-
- (f) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (g) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (h) Open space areas within the TPZ of *Pittosporum tenuifolium* within 30 Sharpe Street adjacent the proposed works must remain at or above existing grade and remain permeable.
 - (i) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (j) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. Before plans are endorsed under Condition No.1 of this Permit, a Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed and will then form part of this Permit. The SDA must be prepared by a suitably qualified professional and must:
- (a) Detail the sustainable design strategies to be incorporated into the development.
 - (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection.
 - (c) Be accompanied by a report from an industry accepted performance measurement tool.
- The requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;

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

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

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

- (a) Erosion and sediment.
- (b) Stormwater.
- (c) Litter, concrete and other construction wastes.
- (d) Chemical contamination.

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

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

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

10. 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).

11. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

12. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

13. The land must be drained to the satisfaction of the Responsible Authority.

14. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

- (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.

15. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
17. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Berwick Street or Sharpe Street.
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.
- 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 [insert development or use or both] they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

INTRODUCTION AND BACKGROUND

There have been no prior planning approvals or refusals for the site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 39.74 metres in length and 16.46 metres across the frontage, with a site area of 654 square metres. The site contains two (2) easements, a 1.83 metre wide easement along the eastern boundary and a 1.83 metre wide easement along the southern boundary.
- The land is located on the southern side of Berwick Street, extending to Sharpe Street and the right of way to the rear (south). The right of way is constructed. The right of way is in the Register of Public Roads.
- From the site the right of way runs westward to Spring Street.
- The land is located approximately 68 metres to the east of the intersection with Spring Street and 80 metres to the west of Stanlake Street.
- Berwick Street contains both single and double storey dwellings including recent infill development at no.'s 4, 5 and 9 Berwick Street, Reservoir.



Figure 1: Aerial image of the subject site taken from Nearmap 26 October 2021

- The site contains a single storey brick dwelling with a pitched and gabled roof. It has three (3) bedrooms and access to a carport and tandem car space along the western boundary. The site provides primary vehicle access to Berwick Street and a rear access to Sharp Street. The site is well vegetated within the front setback.
- To the north of the site, on the opposite side of Berwick Street, are a number of single storey brick and weatherboard dwellings and a medium density housing development.
- To the south of the site, is the northern end of Sharpe Street and a right of way. Beyond the right of way is the side of a single storey weatherboard dwelling at No. 19 Sharpe Street, Reservoir.

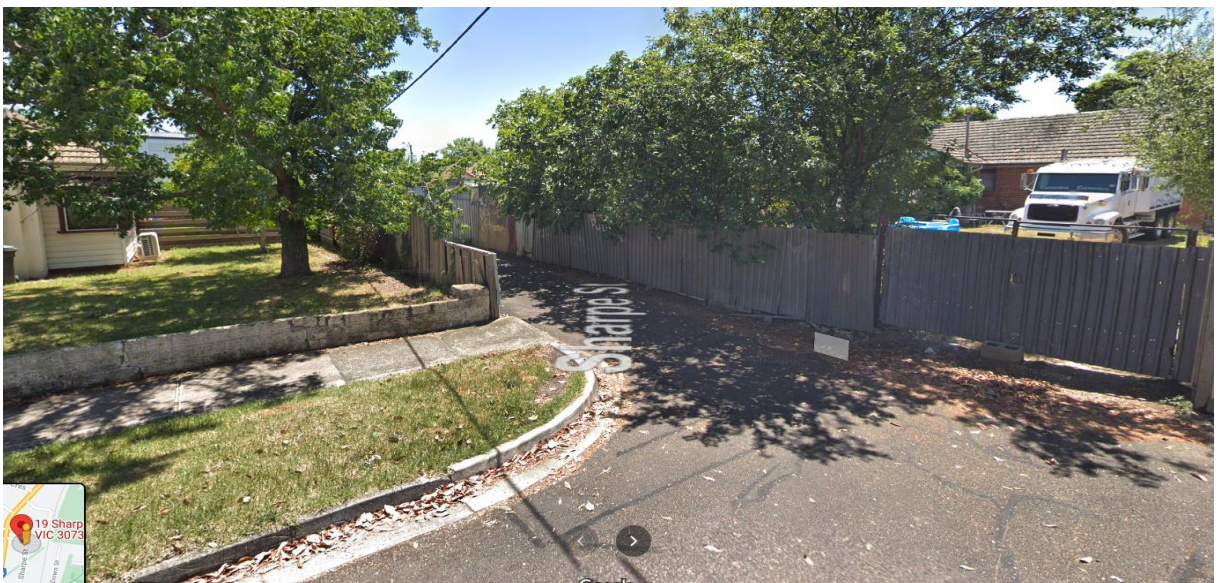


Figure 2: Rear of the subject site and front of 19 Sharpe Street, Reservoir

- To the rear of No. 19 Sharpe Street, Reservoir is a medium density development of three (3) contemporary double storey dwellings fronting Spring Street (at No. 170 Spring Street Reservoir). It is noteworthy that these dwellings all utilise the right of way for vehicle access (see Figure 3 below).

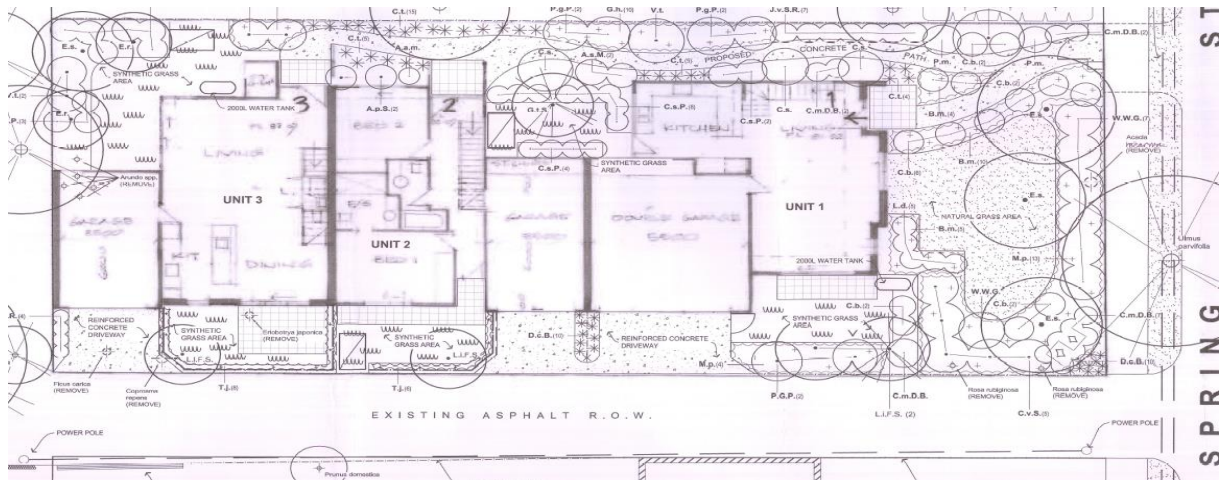


Figure 3: Endorsed ground floor plan of 170 Spring Street, Reservoir

- The land to the east of the site at No. 9 Berwick Street, Reservoir has been developed with a medium density housing development consisting of an infill double storey dwelling to the rear of the existing single storey dwelling (see Figure 1 and 4).
- Similar to the arrangement proposed under this planning application, the existing dwelling at No. 9 Berwick Street, Reservoir has been maintained with the new dwelling (No. 30 Sharpe Street) fronting Sharpe Street with a garage and vehicle access along the common boundary (see Figure 3 below).

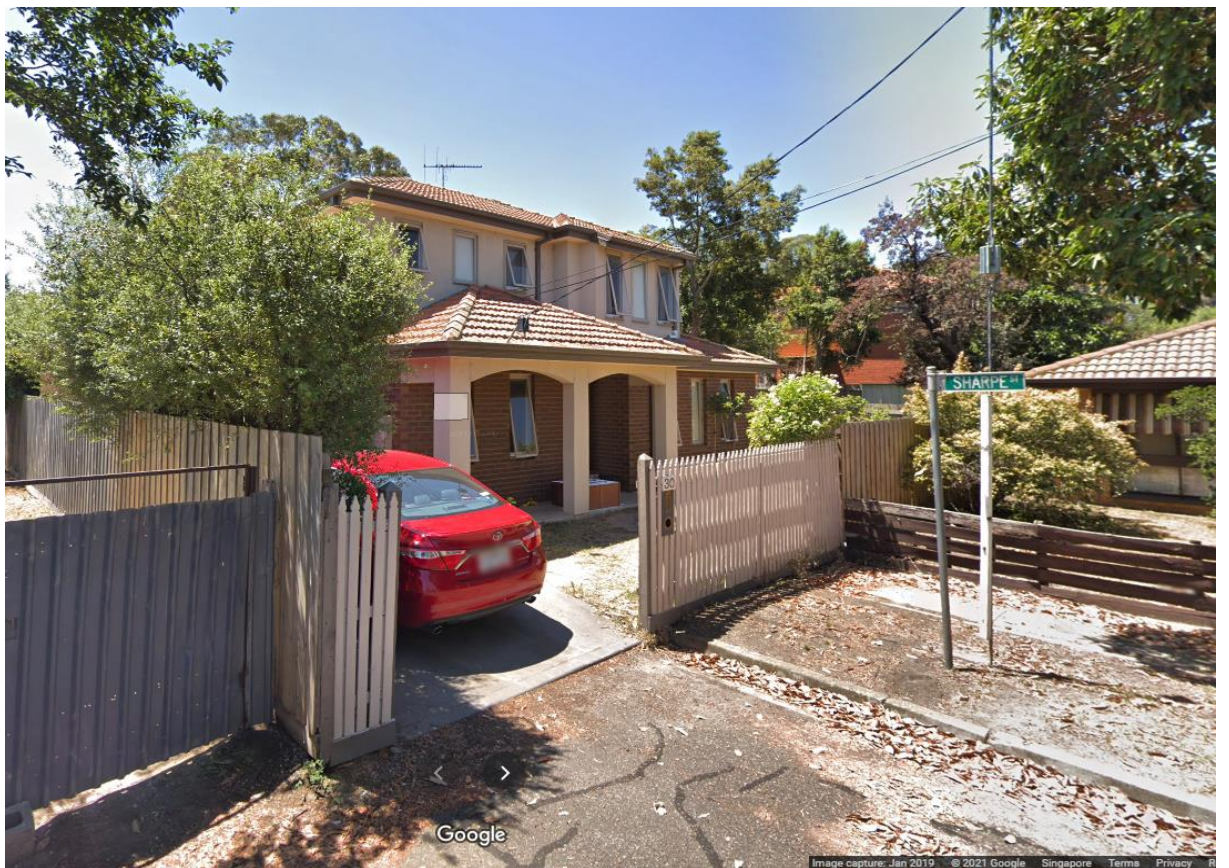


Figure 3: Front elevation of 30 Sharpe Street, Reservoir

- To the west is a single storey brick dwelling, with vehicle access along the common boundary. An area of secluded private open space is provided to the rear.
- On street parking to Berwick Street and Sharpe Street is unrestricted.
- The site has access to public transport, including Regent railway station (approximately 600 metres to the south) and a bus stop (route 553) along Spring Street, approximately 90 metres to the south west.
- The site is located 675 metres to the south of the Reservoir Activity Centre.

Proposal

- Alterations to the existing dwelling and construction of two (2) double storey attached dwellings to the rear of the existing dwelling.

Existing dwelling

- The existing dwelling (Dwelling 1) is to be extended to the rear to create a larger family bathroom, reconfigured kitchen and living area and relocated bedroom. Three (3) bedrooms and two (2) on site car spaces will be maintained for this dwelling.

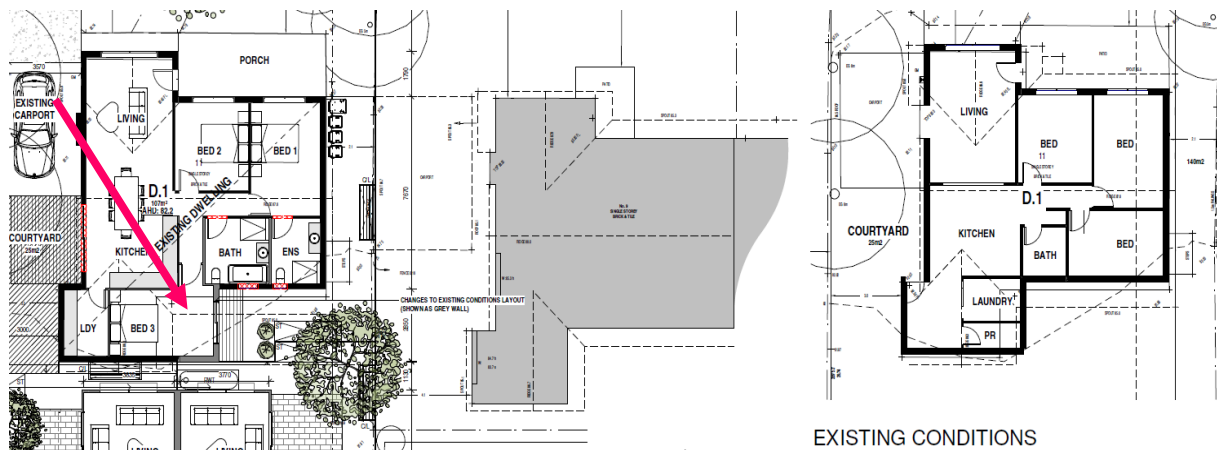


Figure 4: Existing ground floor layout for Dwelling 1 on the right and the proposed floor layout on the left

- The proposed dwellings (with Dwelling 2 to the west and Dwelling 3 to the east) are to have a traditional layout, with ground floor living/dining and kitchen area and secluded private open space to the north. The first floors are to include three (3) bedrooms, family bathroom and ensuite. Dwelling 3 will have a larger first floor footprint.
- Dwelling 2 has access to a single garage and tandem car space, while dwelling 3 will have access to a partially covered car space and tandem car space. Vehicle and pedestrian access for Dwellings 2 and 3 is via Sharpe Street.

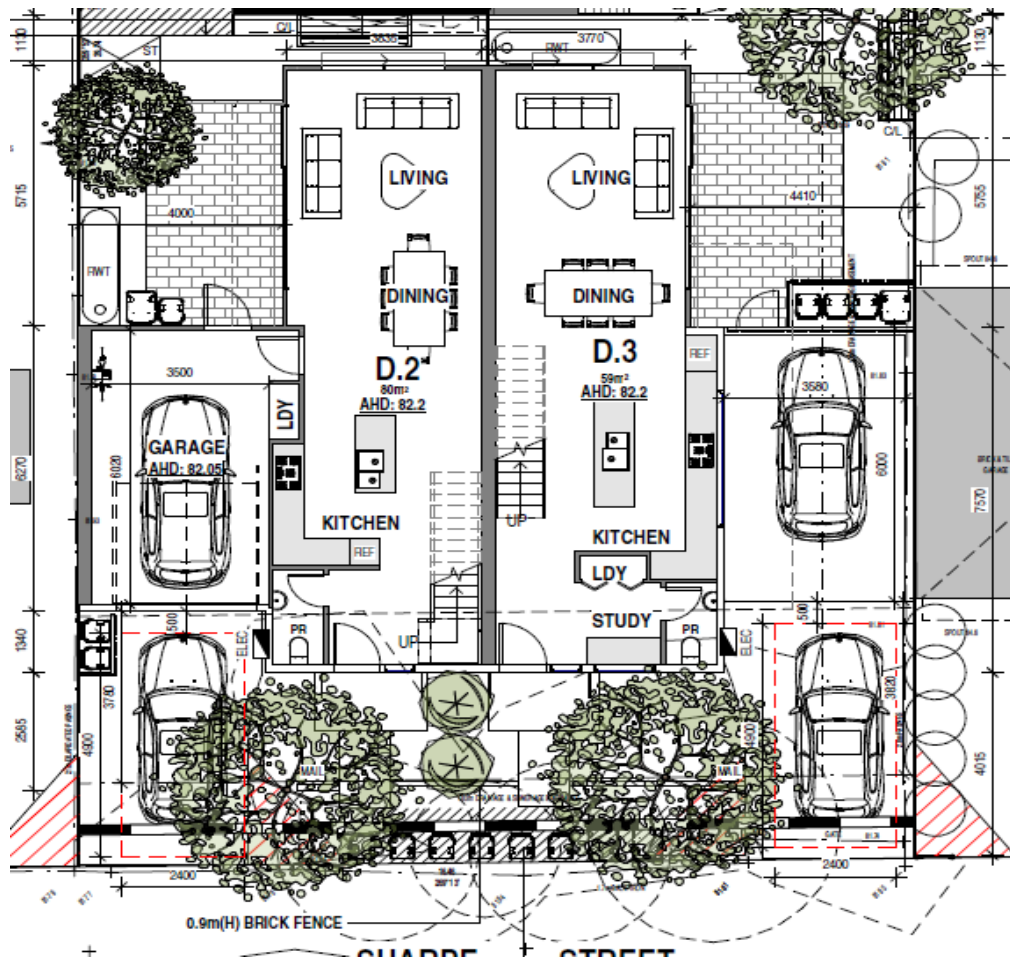


Figure 5: Proposed ground floor prepared by Wardle Design

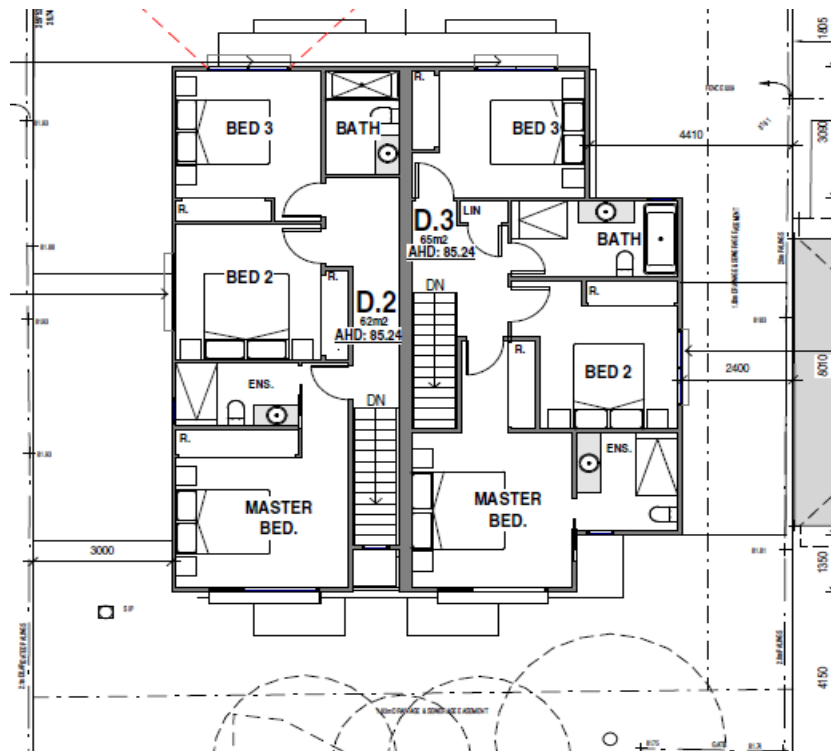


Figure 6: Proposed first floor prepared by Wardle Design

- Dwelling 2 will have access to a single garage and tandem car space, while dwelling 3 will have access to a partially covered car space and tandem car space. Vehicle and pedestrian access for Dwellings 2 and 3 is via Sharpe Street.

- Dwellings 2 and 3 will have a contemporary design with rendered ground floor walls, weatherboard first floor walls, punctuated with spotted gum entry doors. A red brick front fence ties the development to the existing dwelling, which is of brick construction.
- The proposed material and colour palette are neutral.



Figure 7: 3d image of the proposed development from architectural plans prepared by Wardle Design



Figure 8: 17 and 19 Sharpe Street taken from Google street view 25 October 2021

- Private open space will be in the form of ground level private open space to the rear of the dwellings.
- The development will have a maximum height of 7.925 metres.

Objections summarised

Six (6) objections were received:

- Contrary to neighbourhood character.
- Overdevelopment of the site and area.
- Double storey development.
- Traffic safety.
- Increased parking congestion.
- Access via the Right of Way is constrained, resulting in increased on-street parking.
- Impact on property values.
- Parking will impact on access to driveways in the street.
- Noise and impact during construction.

- Dwellings should have a frontage to Berwick Street.
- Problems with waste collection.

Officer comment on summarised objections

Contrary to neighbourhood character.

As can be seen in the assessment below, it is considered that the development would be generally consistent with the existing and preferred neighbourhood character.

It is a long-held principle that 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 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 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 particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines.

Overdevelopment of the site and area.

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 'too many units'. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development in established areas.

Double storey development.

Double storey development is acceptable in the immediate context of the site. Double storeys dwellings including at No. 30 Sharpe Street (Figure 3) and at No. 170 Sharpe Street, Reservoir are present.

The zoning of the land allows three (3) storeys at a maximum height of 11 metres. The proposal is two (2) storeys at 7.9 metres and therefore well within the zoning requirements.

It is a generally held planning principle that a gradual increase in height is acceptable. Double storey dwellings are considered to be a graduated increase in height over single storey forms and it has long been established that they are part of the urban fabric of Melbourne's suburbs. It is also noted that a double storey height is considered to be low-scale and that it is reasonable to expect a double storey height in an established residential area.

Traffic safety.

There is no indication that the proposal would give rise to any unreasonable transport safety issues, given existing vehicle access via the right of way and street network.

Increased parking congestion.

Car parking has been provided on site in accordance with the provisions of Clause 52.06 (Car parking) of the Darebin Planning Scheme (two (2) car parking spaces for each of the three (3) bedroom dwellings). Any overflow parking resulting from the development would be within reasonable limits and will not negatively impact on the surrounding streets.

Access via the Right of Way is constrained, resulting in increased on-street parking.

The right of way has a width of approximately 3 metres and allows appropriate access to the car spaces for future residents. Use of right of ways are a regular part of new and existing developments across Melbourne.

Impact on property values.

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

Parking will impact on access to driveways in the street.

Although some residents may find that on-street parking can limit access to existing driveways, this is beyond what may be considered under the subject application and is not a planning consideration. Given that adequate parking is provided on the site under Clause 52.06 (car parking) of the Darebin Planning Scheme.

Noise and impact during construction.

Noise and impact from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse development.

Dwellings should have a frontage to Berwick Street.

There are no planning reasons that indicate that the development must be accessed via Berwick Street only. Access to the right of way and Sharpe Street is appropriately designed for ease of use. The rear access and frontage provides an opportunity to further activate the right of way and improve the surveillance and safety of this relatively isolated space.

Where rear access is available, Council's preference is generally for rear access to be the vehicle access point. Over time this improves pedestrian safety on the front footpath and it also retains space at the front of houses for street trees and on-street parking for visitors.

Problems with waste collection.

Council waste collection will pick up bins for the proposed dwellings as it does for No. 30 Sharpe Street which abuts the property.

PLANNING ASSESSMENT

Clause 32.08-4 General Residential Zone Requirements

Minimum Garden Area

The mandatory minimum garden area requirement for construction or extension of a dwelling or residential building on a lot is as follows:

| Lot Size | Minimum percentage of a lot set aside as garden area | Garden area provided |
|---------------|--|----------------------|
| Above 650 sqm | 35% (228.9 sqm) | 39% (255 sqm) |

Complies

Maximum Building Height Requirement for a Dwelling or Residential Building

Under the General Residential Zone, a dwelling or residential building must not exceed three storeys or a maximum building height of 11 metres.

The proposal comprises two (2) storeys and a maximum height of 7.925 metres.

Complies

Neighbourhood Character Precinct Guideline Assessment - Precinct F9

Vegetation

- There are no significant trees on the site that are proposed to be removed.
- Trees on the adjoining site are to have tree protection measures in place. Conditions of any approval will ensure that the tree protection is fully considered as part of the development proposal.
- A condition will require a landscape plan to be provided and approved by Council prior to the commencement of the development.
- Sufficient open space and setbacks are maintained on the site to ensure an appropriate level of landscaping can occur.

Complies subject to condition

Siting

- The front garden to Berwick Street is to be maintained, with the retention of the existing dwelling. To Sharpe Street the front garden areas are large enough for planting of vegetation to enable the continuation of the garden setting in this area.
- The front and side setbacks to Berwick Street are not to be altered, as the existing dwelling is to be retained. Although the proposed dwellings are attached and constructed to the western common boundary, dwelling 3 is setback from the east, so that separation is maintained to the existing dwelling and garage boundary wall to the east. Therefore, ample separation is maintained in building forms to the street, respecting the rhythm of dwelling spacing.

- The existing single crossover is maintained to Berwick Street. Although there are two (2) crossovers to Sharpe Street and the right of way, these are separated and there is adequate space for landscaping to the front.
- This is an acceptable design response for an abuttal to a right of way (and Sharpe Street). The proposed car parking is partially hidden along the right of way and does not dominate frontage.

Complies

Height and building form

- Dwellings in the area are a combination of both single and double storey.
- The proposed dwellings are double storey and the upper floors are not set back one (1) room from the ground floor. Nevertheless, this is acceptable, as the upper floors are set back from the façade and articulation is provided to the façade through setbacks, materials and openings. The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor envelope. The dwellings have been largely designed to minimise bulk, through articulation, lightweight first floor materials and separation between upper floor levels.
- The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over adjoining single storey buildings and matches the height of the adjoining double storey dwelling to the east.

Complies

Materials and design detail

- Articulation in the façade is achieved through the use of render and weatherboard materials to the walls, as well as setbacks and varied fenestrations in windows and door openings.
- The use of weatherboard is characteristic of the street and the character of the older building stock in the area.
- The material palette is appropriate and the design and materials respect the character of dwellings in the area.

Complies

Front boundary treatment

- The existing front fence to Berwick Street is to be retained and there is to be a low (900mm) front fence to the Sharpe Street / right of way interface, which allows views from the street and front façade.

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 55.03-1 – Standard B6 – Street Setback

The existing front dwelling is retained to Berwick Street and therefore no changes to this street setback are proposed.

To Sharpe Street, the front setback of the adjoining dwelling to the east is 4.055 metres. The standard therefore requires a street setback of 4.055 metres.

The proposed street setback of 4.15 metres complies with the standard.

Complies

Clause 55.04-6 – Standard B22 – Overlooking

Ground Floor:

The finished floor levels of the dwellings do not exceed 0.8 metres above natural ground level at the boundary.

Overlooking from the ground floor within the development is addressed as follows:

| Boundary | Fence Height | Existing or New |
|----------|--------------------|-----------------|
| Northern | 1.8 metres | New |
| Eastern | 2.0 and 1.5 metres | Existing |
| Western | 2.0 metres | Existing |

The height of part of the fence on the eastern boundary does not provide sufficient privacy between the dwellings. A condition of approval will require the fence height to be increased to 1.8 metres to appropriately address overlooking.

Upper Floors:

The upper level habitable rooms and balconies of the development are appropriately designed and/or screened to limit views into neighbouring secluded private open space and habitable room windows.

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

| Dwelling | Level | Room | Orientation |
|----------|-------------|-----------|-------------|
| 2 | First Floor | Bedroom 2 | West |

Whilst the plans indicate the upper level windows are treated to address overlooking a condition of approval will require further details to be provided in accordance with the requirements of the standard.

Complies subject to condition

Clause 55.05-4 – Standard B28 – Private Open Space

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

This is achieved through the provision of 40 square metres of private open space, with a minimum area of 25 square metres of secluded private open space (SPOS) located at the side or rear of the dwelling and with a minimum dimension of 3 metres and convenient access from a living room.

| Dwelling | Total area of POS | Area of SPOS/ balcony | Minimum dimension of SPOS/balcony |
|----------|-------------------|-----------------------|-----------------------------------|
| 1 | 177 square metres | 25 square metres | 3.0 metres |
| 2 | 52 square metres | 29 square metres | 4.0 metres |
| 3 | 55 square metres | 33 square metres | 4.4 metres |

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

Complies

Clause 55.05-6 – Standard B30 – Storage

Storage facilities are shown for the dwellings; however, these are to be confirmed to be 6.0 cubic metres in area.

Complies subject to condition

Clause 52.06 Car Parking

| Design Standard | Comment | Complies |
|---|---|--------------------------------|
| Design standard 1 Accessways | The accessways have appropriate dimension to enable efficient use and management. Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This can be requested via conditions. | Complies subject to conditions |
| Design standard 2 Car parking spaces | The existing carport dimensions of 5.31 metres length x 3.57 metres width do not comply with the standard that requires a minimum length of 6.0 metres. However, the design is considered to be acceptable, given that the carport is existing and the driveway length allows ample space for vehicle overhang and a tandem car space. Garage dimensions of 6 metres long x 3.5 metres wide for Dwelling 2 comply with the minimum requirements of the standard. Dwelling 3 has a partially covered carport, which is acceptable as it has dimensions of 6 metres long x 3.5 metres wide in compliance with the minimum | Complies |

| Design Standard | Comment | Complies |
|---|--|----------------|
| | requirements of the standard. Tandem car parking spaces are 4.9 metres and allow a 500mm space between the space and intervening garage entry doors. | |
| Design standard 3 Gradients | Not applicable as the accessways serve three dwellings or less. | Not applicable |
| Design standard 4 Mechanical parking | No mechanical parking is proposed. | Not applicable |
| Design standard 5 Urban design | The ground level car parking, garage doors and accessways do not visually dominate the streetscape. | Complies |
| Design standard 6 Safety | A condition of approval will require the car parking area to be lit. Natural surveillance of the car parking areas is provided from the proposed dwellings. | Complies |
| Design standard 7 Landscaping | The layout of car parking areas must provide for water sensitive urban design treatment and landscaping. Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths. Ground level car parking areas must include adjacent trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity. | Complies |

Clause 53.18 Stormwater Management in Urban Development

Clause 53.18-5 – Standard W2 – Buildings and Works

A STORM report has been provided with the application, that demonstrates a 101% STORM rating and a suitable WSUD plan.

Complies subject to conditions

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 may be addressed by condition.

Complies subject to condition

CLAUSE 55 COMPLIANCE SUMMARY

| Clause | Std | | Compliance | |
|-----------------|------------|---|------------|-----|
| | | | Std | Obj |
| 55.02-1 | B1 | Neighbourhood character | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.02-2 | B2 | Residential policy | | |
| | | The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme. | Y | Y |
| 55.02-3 | B3 | Dwelling diversity | | |
| | | N/A as development contains less than 10 dwellings. | N/A | N/A |
| 55.02-4 | B4 | Infrastructure | | |
| | | Adequate infrastructure exists to support new development. | Y | Y |
| 55.02-5 | B5 | Integration with the street | | |
| | | Dwelling 1 maintains integration with Berwick Street and Dwellings 2 and 3 are appropriately integrated to Sharpe Street and the right of way. | Y | Y |
| 55.03-1 | B6 | Street setback | | |
| | | The required setback is 4.055 metres, the dwellings are setback 4.15 metres from Sharpe Street. Please see assessment in the body of this report. | Y | Y |
| 55.03-2 | B7 | Building height | | |
| | | 7.925 metres | Y | Y |
| 55.03-3 | B8 | Site coverage | | |
| | | 48% | Y | Y |
| 55.03-4 | B9 | Permeability | | |
| | | 34% | Y | Y |
| 55.03-5 | B10 | Energy efficiency | | |
| | | Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. | Y | Y |
| 55.03-6 | B11 | Open space | | |
| | | N/A as the site does not abut public open space. | N/A | N/A |
| 55.03-7 | B12 | Safety | | |
| | | The proposed development is secure and the creation of unsafe spaces has been avoided. | Y | Y |
| 55.03-8 | B13 | Landscaping | | |
| | | Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval. | Y | Y |
| 55.03-9 | B14 | Access | | |
| | | Access is sufficient and respects the character of the area. | Y | Y |
| 55.03-10 | B15 | Parking location | | |

| Clause | Std | | Compliance | |
|----------------|------------|--|------------|---|
| | | Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways. | Y | Y |
| 55.04-1 | B17 | Side and rear setbacks | | |
| | | Dwellings are setback in accordance with the requirements of this standard. | Y | Y |
| 55.04-2 | B18 | Walls on boundaries | | |
| | | Length:6.27 metres to the western boundary Height: approximately 3.2 metres The wall on the west boundary complies with the requirements of this standard. | Y | Y |
| 55.04-3 | B19 | Daylight to existing windows | | |
| | | Sufficient setbacks exist to allow adequate daylight. | Y | Y |
| 55.04-4 | B20 | North-facing windows | | |
| | | There are no north facing windows within 3.0 metres of the common boundary with the subject site. | Y | Y |
| 55.04-5 | B21 | Overshadowing open space | | |
| | | Shadow cast by the development is within the parameters set out by the standard. | Y | Y |
| 55.04-6 | B22 | Overlooking | | |
| | | Please see assessment in the body of this report. | N | Y |
| 55.04-7 | B23 | Internal views | | |
| | | There are no internal views. | Y | Y |
| 55.04-8 | B24 | Noise impacts | | |
| | | Noise impacts are consistent with those in a residential zone. | Y | Y |
| 55.05-1 | B25 | Accessibility | | |
| | | The ground levels of the proposal can be made accessible for people with limited mobility. | Y | Y |
| 55.05-2 | B26 | Dwelling entry | | |
| | | Entries to the dwellings are identifiable and provide an adequate area for transition. | Y | Y |
| 55.05-3 | B27 | Daylight to new windows | | |
| | | Adequate setbacks are proposed to allow appropriate daylight access. | Y | Y |
| 55.05-4 | B28 | Private open space | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.05-5 | B29 | Solar access to open space | | |
| | | Sufficient depth is provided for adequate solar access. | Y | Y |
| 55.05-6 | B30 | Storage | | |
| | | External storage areas are provided and must be confirmed to have a volume of 6 cubic metres. Please see assessment in the body of this report. | Y | Y |

| Clause | Std | | Compliance | |
|----------------|------------|--|------------|---|
| 55.06-1 | B31 | Design detail | | |
| | | Design detail of dwellings is appropriate in the neighbourhood setting. | Y | Y |
| 55.06-2 | B32 | Front fences | | |
| | | The existing front fence to Berwick Street is to be retained. A low (900mm) front fence to the Sharpe Street / right of way interface is proposed, which allows views from the street to the front façade and is appropriate in the neighbourhood context. | Y | Y |
| 55.06-3 | B33 | Common property | | |
| | | There is no common property. | Y | Y |
| 55.06-4 | B34 | Site services | | |
| | | Sufficient areas for site services are provided. | Y | Y |

REFERRAL SUMMARY

| Department/Authority | Response |
|----------------------------|---|
| Asset and Capital Delivery | <p>Comments received 6 April 2021</p> <p><i>Design plans are required to be submitted for approval by Council's Engineering Services Department for drainage to be constructed by the developer via the naturestrip in Sharpe Street at the rear of the property to the existing pit at the front of 17 Sharpe Street to Council requirements.</i></p> <p><i>The stormwater from the property to be connected to the proposed drain to Council requirements with the discharge from the whole site being limited via on site detention system to Council requirements. (Drainage via gravity only. No pump systems permitted). Accurate depth and offset of the drain to be confirmed on site.</i></p> <p><i>The OSD is to limit the rate of stormwater discharge from the property based on $C_w=0.4$, $T_c=10$mins, $T_{so}=5$ min, ARI 1in5. An ARI of 1in10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.</i></p> <p><i>Computations & retention and design plans are required to be submitted to this office for compliance with legal point of discharge via online portal only (not email) at https://darebinCouncil.wufoo.com/forms/stormwater-drainage-plan-application/.</i></p> <p><i>(2) Easement</i> <i>No buildings or structures permitted over the easement of the discontinued right of way on the property.</i></p> <p><i>.</i></p> <p>Officer comment: No objection subject to condition requiring that no buildings or structures are permitted over the easement</p> |

| Department/Authority | Response |
|---|---|
| | <p>of the discontinued right of way on the property.</p> <p>Additionally, land must be drained to the satisfaction of the Responsible Authority.</p> |
| Property Management | <p>Comments received 8 August 2021</p> <p><i>This property does not have legal carriage way rights on title over the right of way at the rear of the property, the right of way is a Council constructed and maintained road which is also in the Register of Public roads which therefore gives them rights to use the right of way. As such, Property Services have no objections.</i></p> <p>Officer comment: No objection</p> |
| Tree Management Unit | <p>Comments received 11 April 2021</p> <ul style="list-style-type: none"> • <i>No trees in the rear yard of the subject site are recommended for retention</i> • <i>All plans to be updated to show the trees within 30 Sharpe Street adjacent the proposed works. The Tree Protection Zone (2m) and Structural Roots Zone (1.5m) of the trees are also to be shown on all plans.</i> • <i>Plans to show the TPZ of trees within 30 Sharpe Street to be adequately protected with suitably ground protection in accordance with AS4970-2009 Protection of Trees on Development Sites. All tree protection measures are to be implemented prior to all works including demolition, excavation and construction works commencing on the site. Protection measures can only be removed to allow for approved works to occur under supervision.</i> • <i>Notation on plans including landscaping that all excavation works within the TPZ of trees within 30 Sharpe Street are to be supervised by a suitably qualified (minimum AQF 5) and experienced arborist.</i> • <i>Landscape Planting to show:</i> <ul style="list-style-type: none"> ○ <i>Two (2) large canopy trees in the front setback (one (1) for each dwelling).</i> ○ <i>Two (2) small canopy trees (one (1) for each dwelling) within the Private Open Space.</i> <p>Officer's comments: The relevant requirements above can be addressed via conditions. A plan showing bin locations has been provided, which is acceptable.</p> |
| Climate and Transport Unit Emergency and Sustainable | <p>Comments received 14 April 2021</p> <p><i>Swept path diagrams prepared by a suitably qualified person to demonstrate that vehicles can enter and exit unit – 2 and unit – 3 garages depicted on the plans.</i></p> <p>Officer Comments: Swept paths were provided by the applicant and deemed acceptable.</p> |
| Environmental | <p>Comments received 15 April 2021</p> |

| Department/Authority | Response |
|------------------------|--|
| Sustainability Officer | <ul style="list-style-type: none"> • Provide more daylight to kitchen area of dwelling 3 through a clear roof to the carport or a skylight or daylight tube. • Provide external operable sun shading devices to all east and west facing ground facing habitable room windows/ glazed doors. Ensure windows that have external adjustable shading can open when using the blind. • Draw how all windows open. Maximise operable windows including to bathrooms, hallways and stairwells. Provide 2 windows or doors for corner rooms for cross ventilation. • Provide appropriate waste, recycle and FOGO bins. • Provide a bike hold to each carport and garage. • The paving, driveways and roofs that cannot be seen from the street must be a light colour to reduce the Urban heat Island effect. • Provide a WSUD plan, BESS report and SDA. <p>Officer's comments: The applicant has provided a WSUD plan, and external operable shading to the north, east and west facing windows. The plans detail window operation with the majority of the windows shown as sliding windows.</p> <p>Adequate space is provided on the land for Council's future four (4) bin system including where these will be located in the nature strip.</p> <p>A condition of approval will request an SDA report and a bicycle rack for dwelling 3.</p> |

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, 22.04 |
| Zone | 32.08 |
| Overlay | 45.06 |
| Particular provisions | 52.06, 55 |
| General provisions | 65.01 |
| Neighbourhood Character Precinct | F9 |

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](#)

- NIL

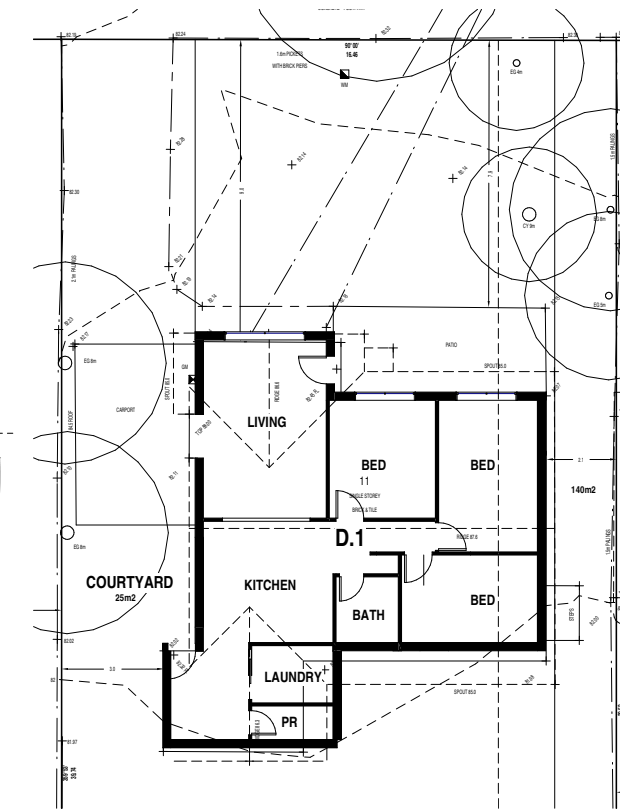
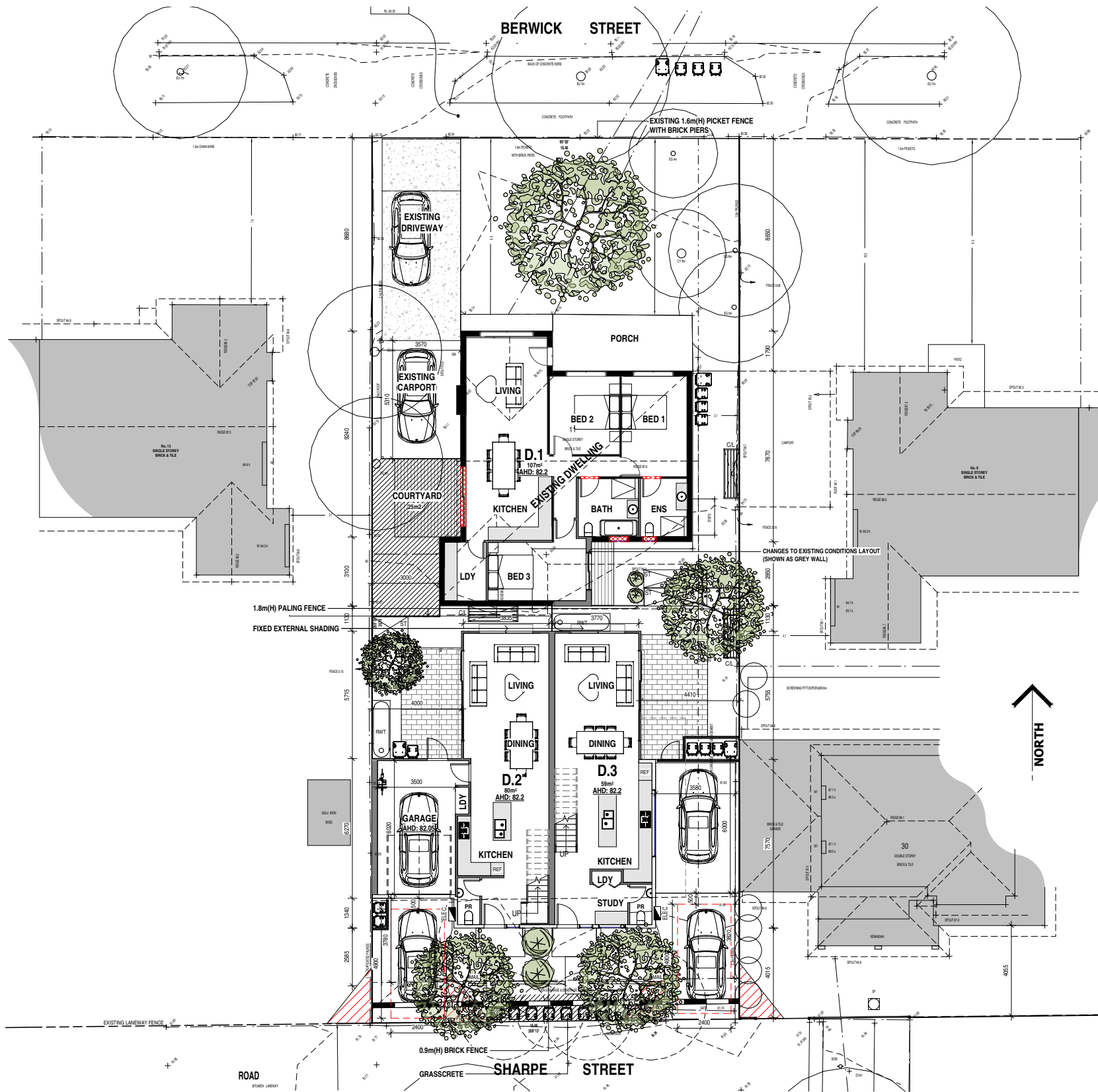
Attachments

- Appendix A - Plans - 11 Berwick Street, Reservoir - D/66/2021 (**Appendix A**) [↓](#) 
- Appendix B - Aerial - 11 Berwick Street, Reservoir (**Appendix B**) [↓](#) 

DISCLOSURE OF INTEREST

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

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



EXISTING CONDITIONS
1 : 100

| DEVELOPMENT SUMMARY | |
|---|-------------------------|
| SITE AREA: | 654m ² |
| SITE COVERAGE: | 314m ² (48%) |
| PERMEABLE AREA: | 224m ² (34%) |
| GARDEN AREA: | 212m ² (32%) |
| NUMBER OF DWELLINGS: | 3 |
| CARSPACES: | 6 |
| 2000 LT RAINWATER TANK: | |
| ALL DWELLINGS SHALL HAVE STORMWATER COLLECTION TANKS FOR STORMWATER RE-USE (MIN. 2000 LITRES) | |
| PROPOSED CANOPY TREE: | |
| | |
| EXISTING TREE: | |
| | |
| EXISTING TREE TO BE REMOVED: | |
| | |
| PEDESTRIAN VISIBILITY SPLAY: | |
| ANY STRUCTURE OR VEGETATION WITHIN VISIBILITY SPLAYS MUST NOT BE MORE THAN 0.9m IN HEIGHT. | |
| | |
| AREA SCHEDULE: | |
| DWELLING 1: | |
| GROUND FLOORING GARAGE: | 107m ² |
| FIRST FLOOR: | - |
| TOTAL = 107m² (115%) | |
| COURTYARD (SPOS): | 25m ² |
| PRIVATE OPEN SPACE: | 221m ² |
| DWELLING 2: | |
| GROUND FLOORING GARAGE: | 80m ² |
| FIRST FLOOR: | 82m ² |
| TOTAL = 142m² (165%) | |
| COURTYARD (SPOS): | 30m ² |
| PRIVATE OPEN SPACE: | 68m ² |
| DWELLING 3: | |
| GROUND FLOORING GARAGE: | 59m ² |
| FIRST FLOOR: | 65m ² |
| TOTAL = 124m² (135%) | |
| COURTYARD (SPOS): | 34m ² |
| PRIVATE OPEN SPACE: | 73m ² |



SITE/GROUND FLOOR PLAN
1 : 100



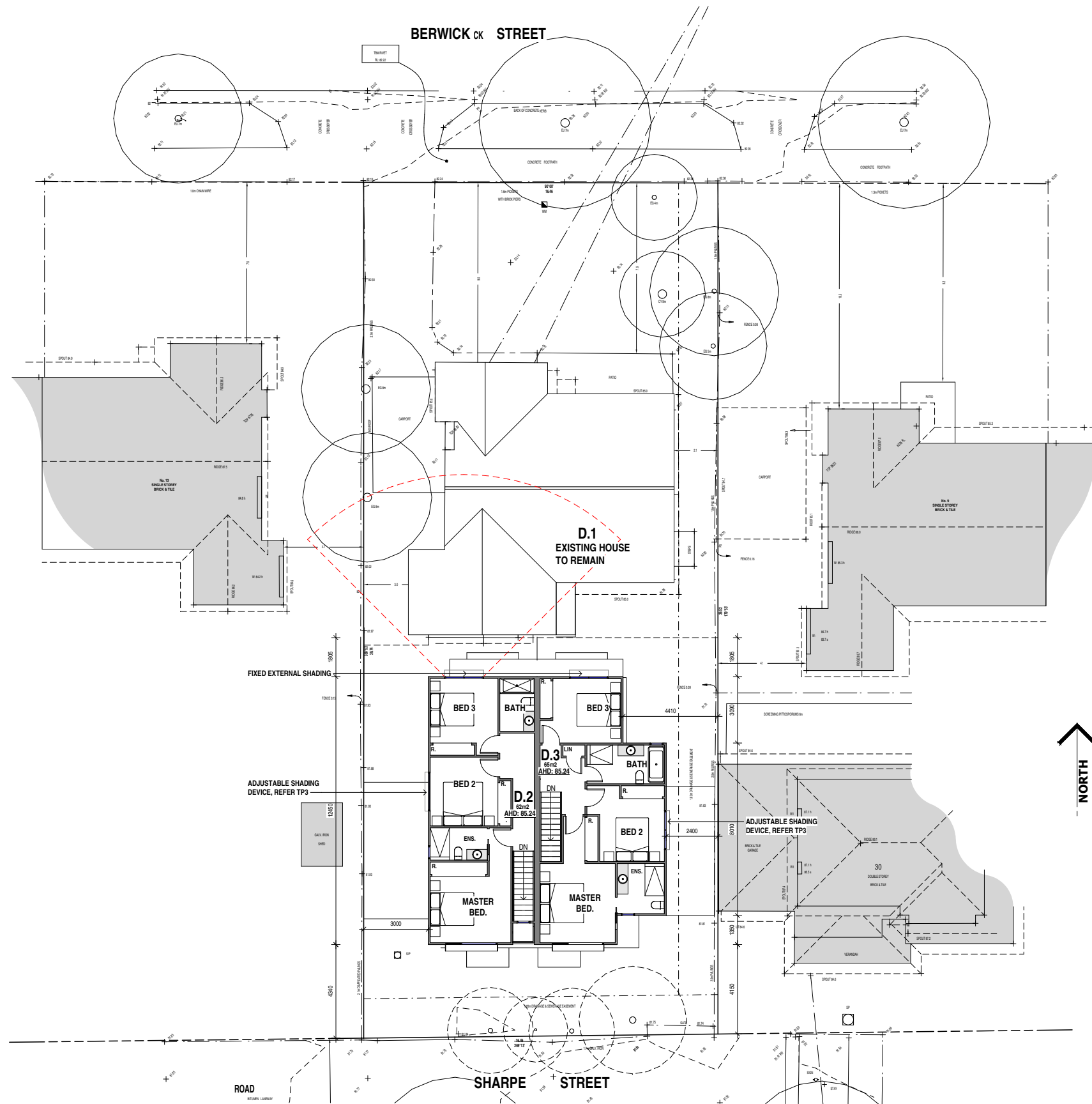
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W: www.wardle.com.au

| No. | Description | Date |
|-----|-------------|------------|
| A | TP LODGE | 07/02/2021 |
| B | RFI | 25/05/2021 |
| C | RFI | 15/07/2021 |

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| | | | |
|-------------|--------|-------|---------------------|
| PROJECT No. | 20-106 | DATE | 11/02/2021 |
| DRAWN BY | MS | SCALE | 1:100@A1/ 1:200 @A3 |
| CHECKED BY | BW | ISSUE | TOWN PLANNING |

| | | | |
|------------------------------|--|----------|-----------|
| 11 BERWICK STREET, RESERVOIR | | REVISION | SHEET No. |
| THREE TOWNHOUSES | | C | TP1 |



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FIRST FLOOR PLAN
1 : 100

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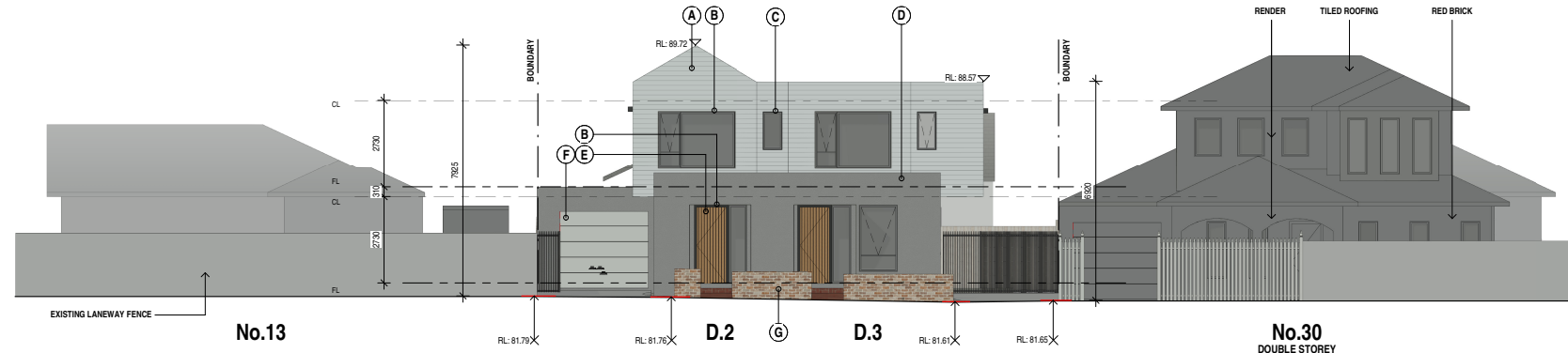
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| B | RFI | 25/05/2021 |
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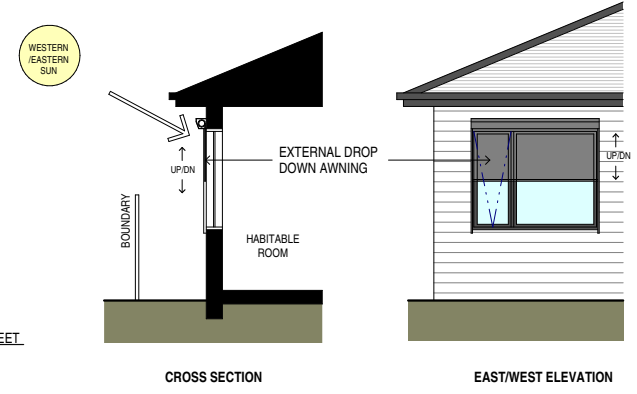
11 BERWICK STREET, RESERVOIR
THREE TOWNHOUSES

| REVISION | SHEET No. |
|----------|-----------|
| C | TP2 |



| MATERIALS SCHEDULE | |
|--------------------|--|
| (A) | WEATHERBOARD - SURFMIST - WEATHERTEX |
| (B) | ALUMINIUM WINDOW SHROUDS - SURFMIST - TBA |
| (C) | ALUMINIUM DOOR & WINDOW FRAMES - MONUMENT - DULUX POWDERCOAT |
| (D) | STUCCO RENDER - SURFMIST - TBA |
| (E) | ENTRY DOORS - SPOTTED GUM - TBA |
| (F) | GARAGE DOORS - SURFMIST - COLORBOND |
| (G) | FRONT FENCE - RECYCLED RED BRICK - TBA |
| (H) | CORRUGATED ROOF - SURFMIST - TBA |

SOUTH ELEVATION
1 : 100

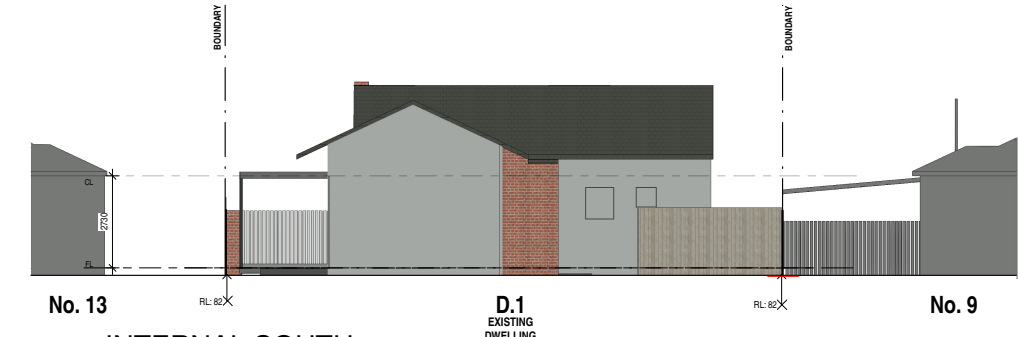


ADJUSTABLE SHADING DEVICE
1 : 50

WEST ELEVATION
1 : 100



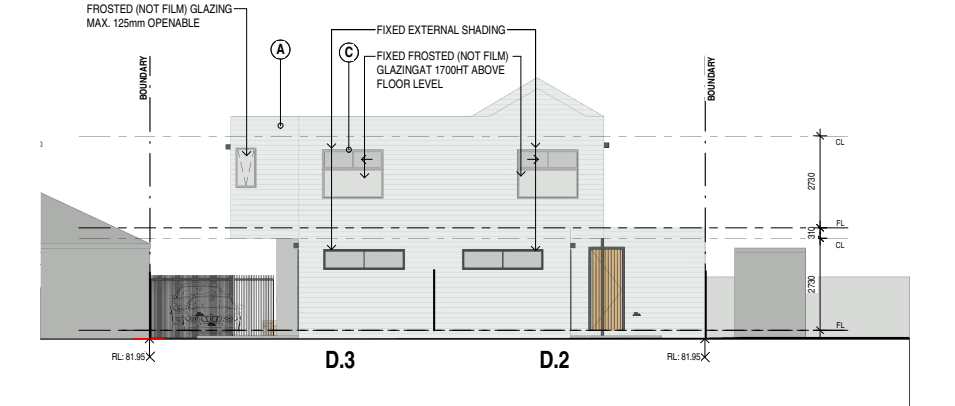
NORTH ELEVATION
1 : 100



INTERNAL SOUTH
1 : 100



EAST ELEVATION
1 : 100



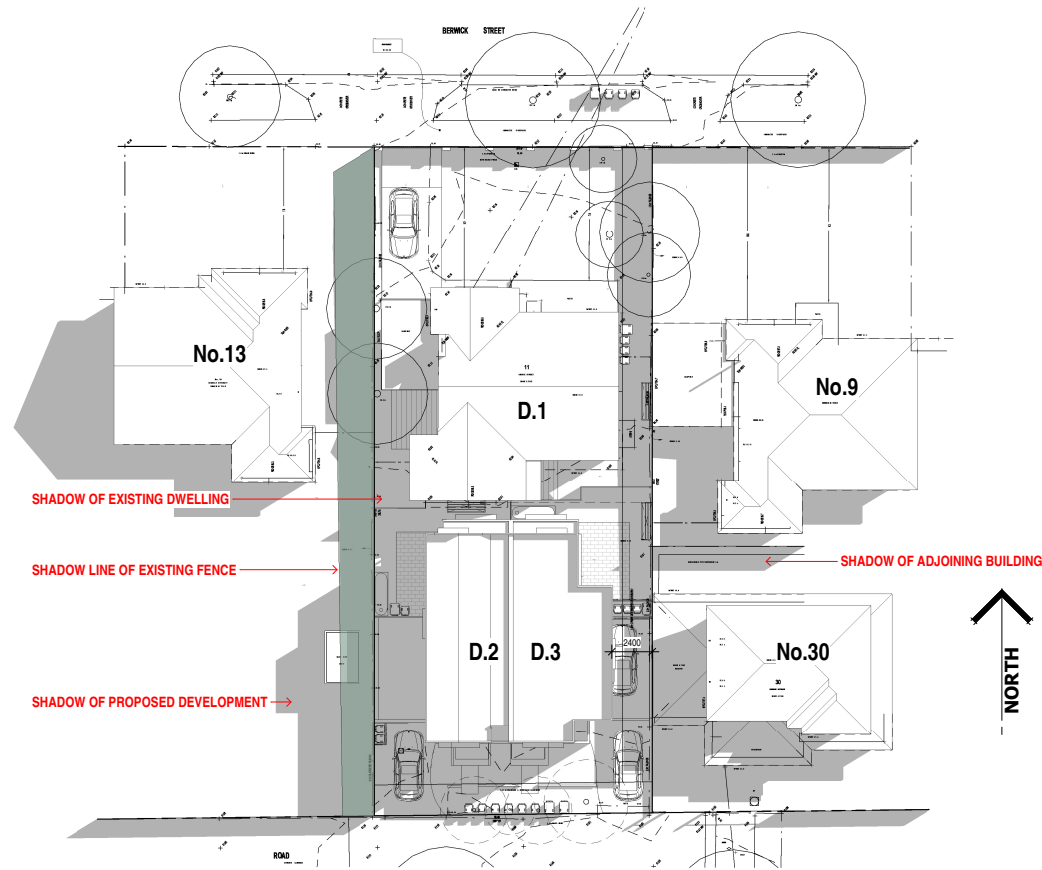
INTERNAL NORTH
1 : 100

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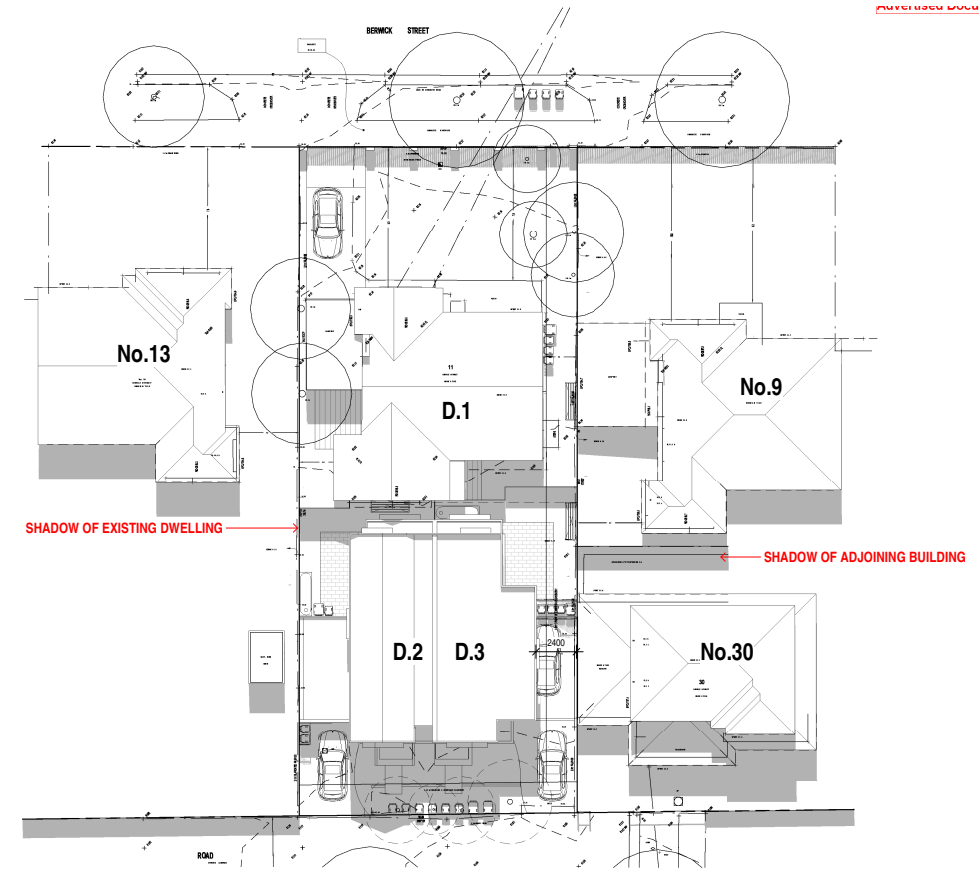


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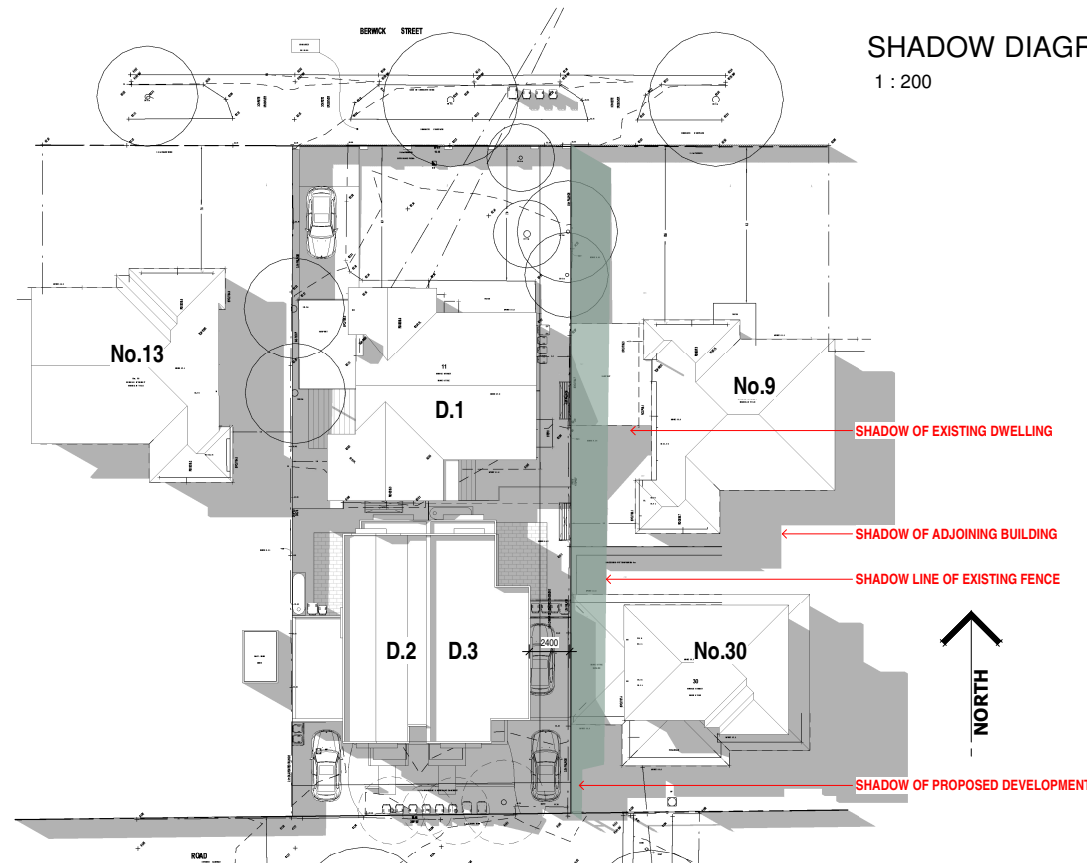
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| CHECKED BY | BW | ISSUE | TOWN PLANNING | | | |



SHADOW DIAGRAM - 9AM
1 : 200



SHADOW DIAGRAM - 12PM
1 : 200



SHADOW DIAGRAM - 3PM
1 : 200

SHADOW DIAGRAMS -
SEPTEMBER 22ND

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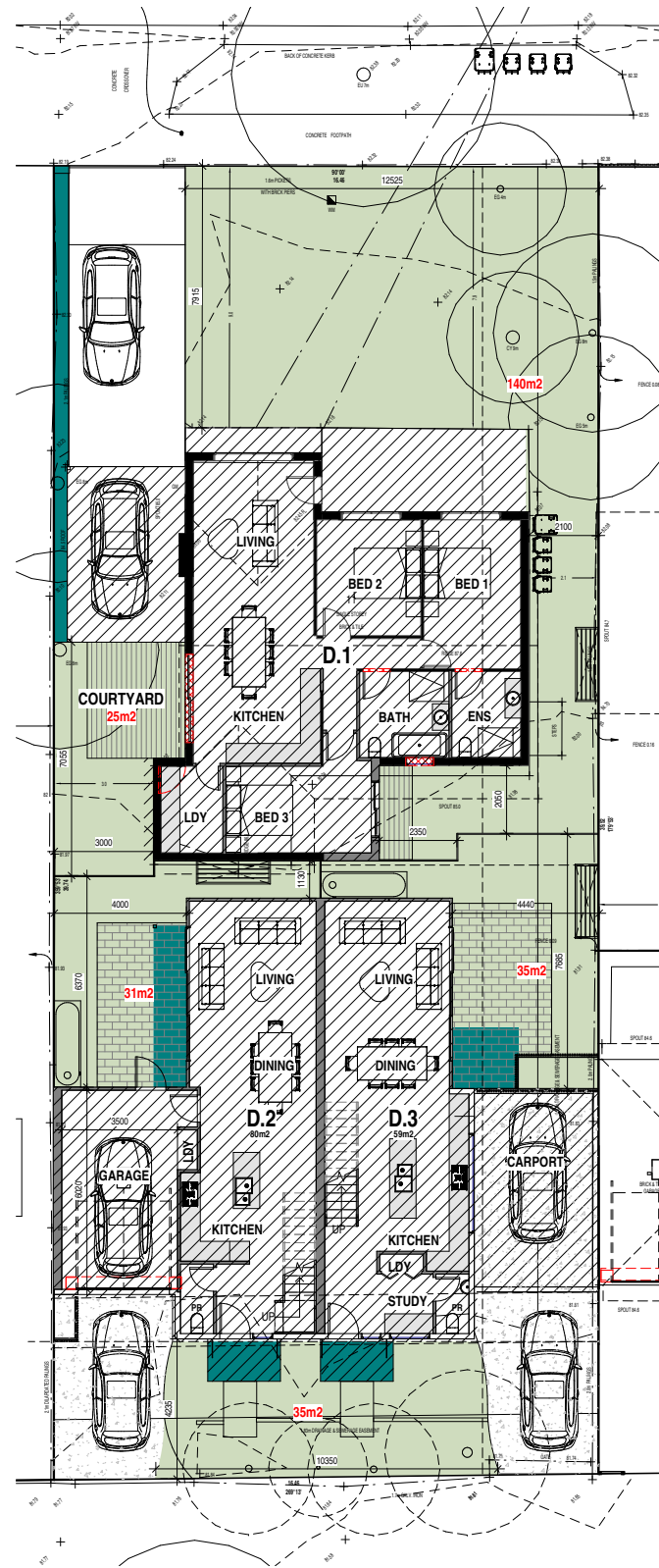
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THREE TOWNHOUSES

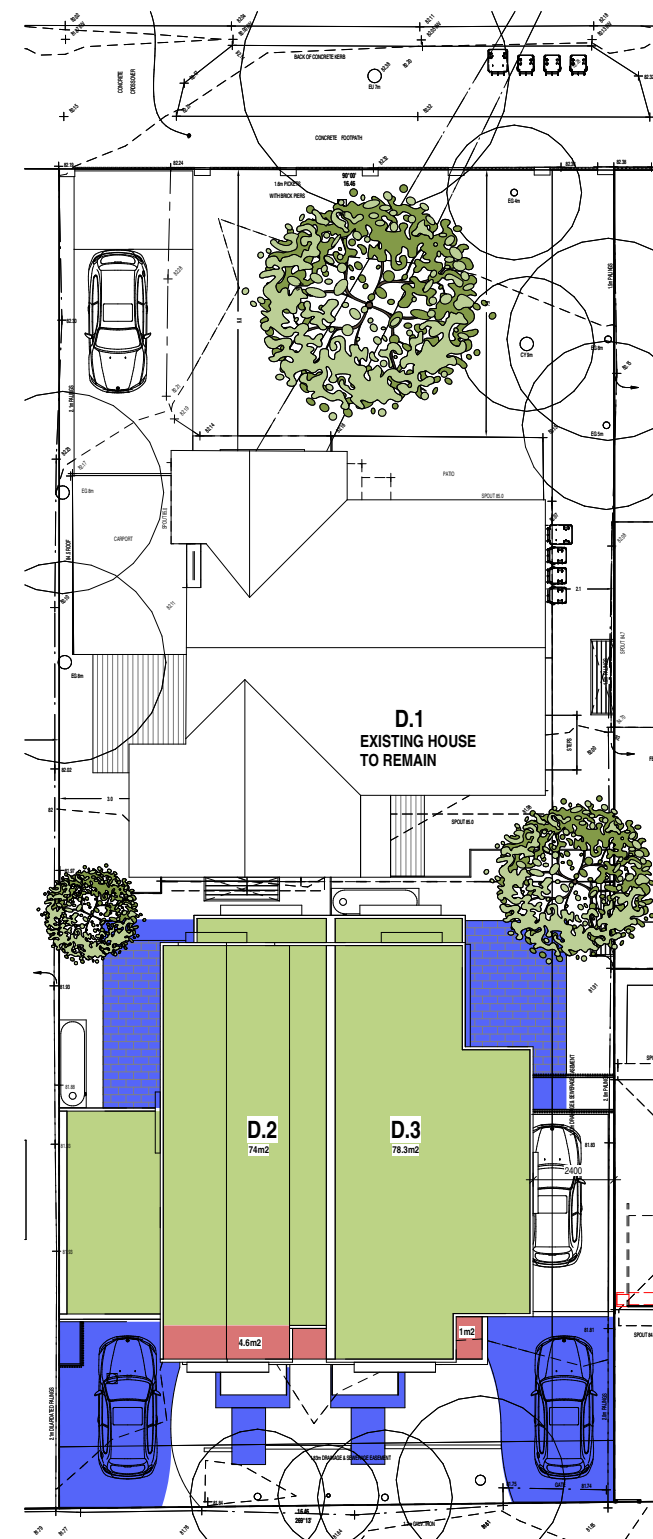
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| REVISION | SHEET No. |
| C | TP4 |



GARDEN AREA LEGEND:

- COMPLIANT GARDEN AREA
- NON-COMPLIANT GARDEN AREA
- DRIVEWAY
- RW/STORAGE
- COVERED PAVING
- PERMEABLE TOPPING (TBC)

GARDEN AREA: 212m² (32%)



WATER SENSITIVE URBAN DESIGN (WSUD) LEGEND:

- ROOF SURFACE AREA COLLECTING RAINWATER, CONNECTING DIRECTLY INTO RAINWATER TANKS
- ROOF SURFACE AREA COLLECTING RAINWATER, CONNECTING DIRECTLY TO LEGAL POINT OF DISCHARGE
- HARD SURFACE PAVING AREA COLLECTING RAINWATER, CONNECTING DIRECTLY TO LEGAL POINT OF DISCHARGE
- ROOF SURFACE AREA COLLECTING RAINWATER, CONNECTING DIRECTLY INTO RAINWATER GARDENS
- PERMEABLE SURFACE AREA

GARDEN AREA PLAN
1 : 100

WSUD PLAN
1 : 100

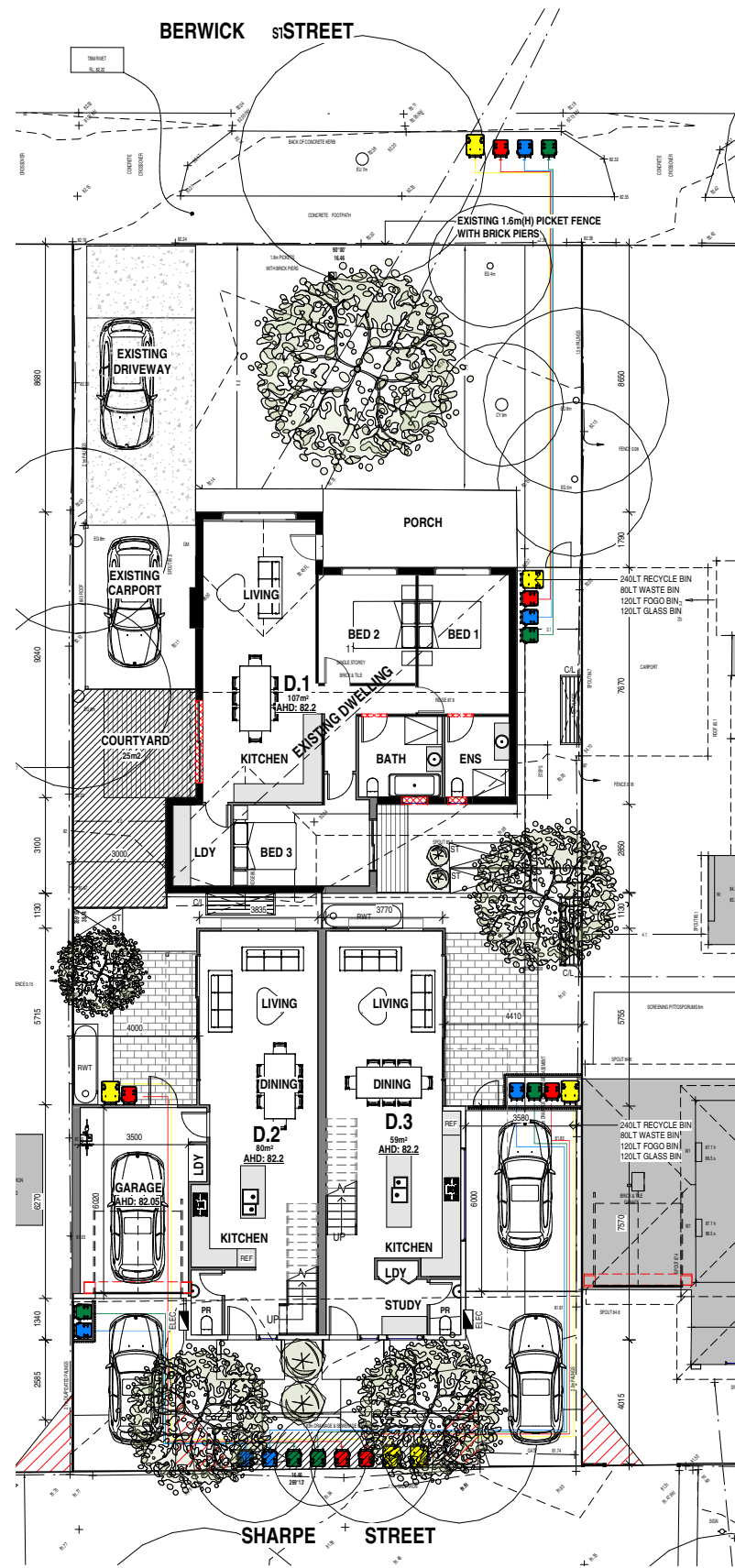
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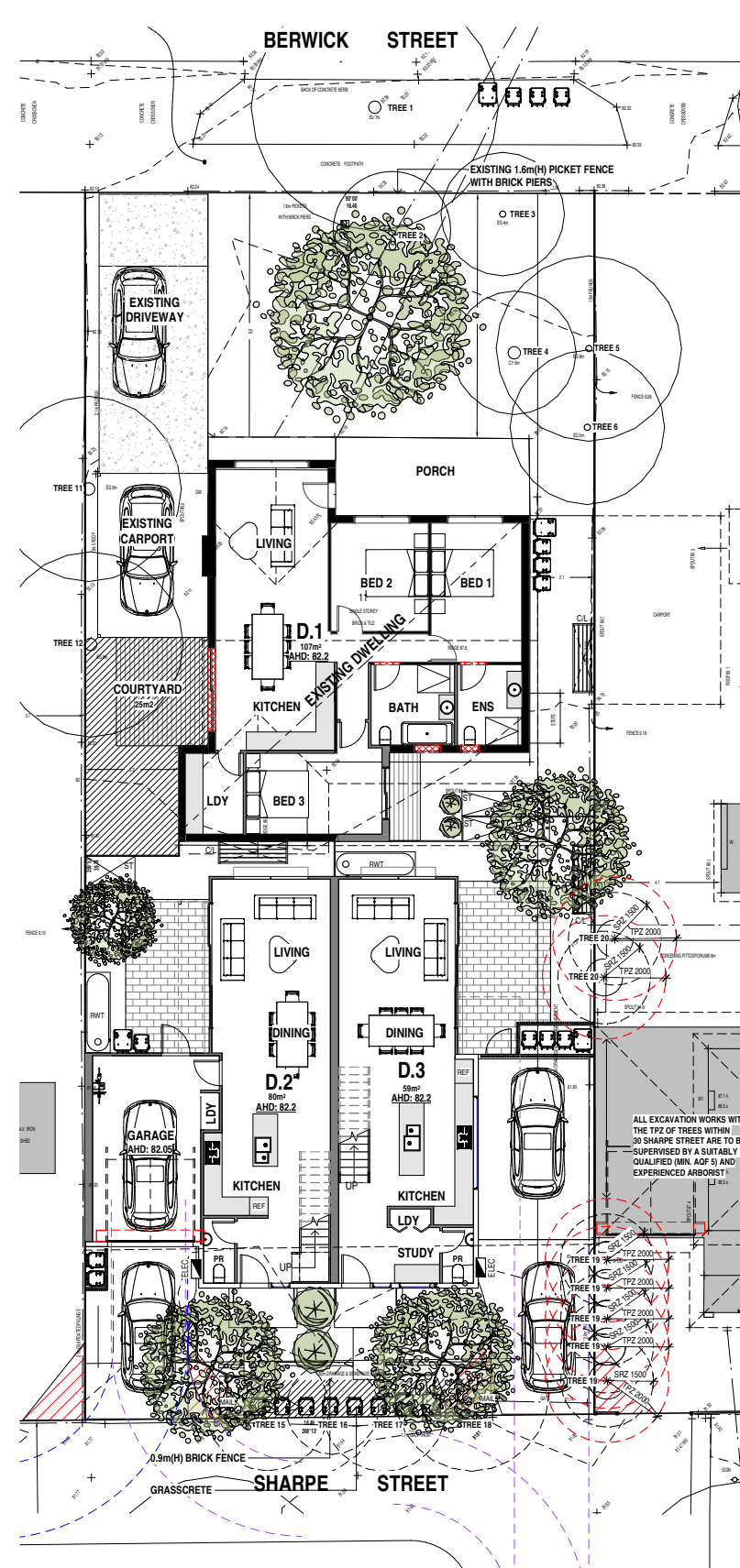
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|------------------------------|--|----------|-----------|
| 11 BERWICK STREET, RESERVOIR | | REVISION | SHEET No. |
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WASTE MANAGEMENT PLAN
1 : 100



TURNING CIRCLES/TPZ PLAN
1 : 100

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11 BERWICK STREET, RESERVOIR
THREE TOWNHOUSES

| | |
|----------|-----------|
| REVISION | SHEET No. |
| C | TP6 |

Aerial view of subject site – 11 Berwick Street, Reservoir – D/66/2021



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 in the past three (3) months (but does not include Practice Day Hearings).

| |
|-------------------------------|
| Officer Recommendation |
|-------------------------------|

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

RELATED DOCUMENTS

- Nil

Attachments

- Applications determined by VCAT - Report for Planning Committee (**Appendix A**)  

Delegate Decisions before VCAT

| AUGUST 2021 | | | | | |
|---------------------------------------|---|---|--|---|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 10/08/2021 (Compulsory Conference) | D/635/2020 | 3 Furzer Street, Preston West | Medium density development comprising the construction of eight (8) dwellings within a part 2 part 3 storey building above a basement, as shown on the plans accompanying the application. | Failure Appeal – Council has formed a position to oppose the application. | |
| Result | Did not settle | | | | |
| 17/08/2021 | D/410/2020 | 32 Wood Street, Preston Central | The construction of a medium density housing development comprised of four (4) triple storey dwellings; and The reduction of the car parking requirements; | Refusal – Applicant Appeal | Council's decision set aside – Permit granted |
| Result | In setting aside Council's decision, the Tribunal found that the 'residential growth' policy context outlined in the Darebin Planning Scheme supported medium density housing in this location. The Tribunal considered the issues raised by Council including design response, equitable development, internal amenity and car parking layout were acceptable in this instance. | | | | |
| 18/08/2021 | D/696/2020 | 48 High Street, Northcote South | Proposed multi storey mixed-use development | Failure Appeal – Council has formed a position to oppose the application. | Council's decision set aside – Permit granted |
| Result | In setting aside Council's deemed refusal, the Tribunal found that the proposed six (6) storey development was not supported by policy in respect of the height. As a result, a condition requiring the deletion of Level 3 was imposed on the planning permit. The Tribunal noted that the deletion of Level 3 will also result in an acceptable outcome in respect of overshadowing and views from the existing north-facing habitable room window of the adjoining property. | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| AUGUST 2021 | | | | | |
|------------------------|-----------------|--|---|--|----------------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 31/08/2021 | D/476/2020 | 231A Dundas Street, Thornbury South East | Proposed use of land to sell and consume liquor in association with a Take-Away Food and Drink Premises within an industrial zone as shown on the plans accompanying the application. | Refusal – Applicant Appeal | Awaiting Decision |
| Result | | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| SEPTEMBER 2021 | | | | | |
|---------------------------------------|----------------|--|---|--|-------------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 2/09/2021 | D/253/2020 | 70 O'Connor Street, Reservoir North West | Proposed four (4) double storey dwellings | Refusal – Applicant Appeal | Awaiting Decision |
| Result | | | | | |
| 21/09/2021 (Compulsory Conference) | D/299/2018 | 1 Timmins Street, Northcote South | Application to Amend a Permit: 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. | Objector Application to Cancel or Amend a Permit | |
| Result | Did not settle | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| OCTOBER 2021 | | | | | |
|--------------------------------------|------------|--|--|---|-------------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 7/10/2021 | D/280/2020 | 2 McNamara Street, Preston West | Construct a medium density housing development comprising of four (4) double storey dwellings | Notice of Decision – Objector Appeal. | Awaiting Decision |
| Result | | | | | |
| 8/10/2021 (Compulsory Conference) | D/113/2021 | 3-5 Cambrian Avenue, Preston Central | Proposed construction of five dwellings and a reduction in the visitor parking requirement | Failure Appeal – Council has formed a position to oppose the application. | |
| Result | | | | | |
| Did not settle | | | | | |
| 25/10/2021 | D/635/2020 | 3 Furzer Street, Preston West | Medium density development comprising the construction of eight (8) dwellings within a part 2 part 3 storey building above a basement, as shown on the plans accompanying the application. | Failure Appeal – Council has formed a position to oppose the application. | Awaiting Decision |
| Result | | | | | |
| 25/10/2021 | D/167/2020 | 171 Victoria Road, Northcote South Central | Construction of two double storey dwellings on the lot | Refusal – Applicant Appeal | Adjourned |
| Result | | | | | |

Planning Committee Decisions before VCAT

| AUGUST 2021 | | | | | |
|---------------------------------------|---|--|--|--|--|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 5/08/2021 (Compulsory Conference) | D/103/2020 | 24A & 26 Habury Street, Reservoir West | A medium density housing development comprised of the construction of ten (10) double storey dwellings and a reduction in the visitor car parking requirement, as shown on the plans accompanying the application. | Committee (contrary Officer Recommendation) – Applicant Appeal | |
| Result | Did not settle | | | | |
| 12/08/2021 (Compulsory Conference) | D/727/2020 | 57 Martin Street, Thornbury South Central | Construction of six double storey dwellings and a reduction in car parking requirements, as shown on the plans accompanying the application. | Committee (contrary Officer Recommendation) – Applicant Appeal | Council's decision set aside (by consent) – Permit granted |
| Result | The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's refusal could be set aside by consent. | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| AUGUST 2021 | | | | | |
|---------------------------------------|----------------|---|--|--|-------------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 18/08/2021 (Compulsory Conference) | D/474/2020 | 25 Separation Street, Northcote South Central | A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement. | Committee (in line with Officer Recommendation) – Applicant Appeal | |
| Result | Did not settle | | | | |
| 26/08/2021 | D/352/2020 | 31 Albert Street, Preston Central | Declaration proceeding | Committee (in line with Officer Recommendation) – Applicant Appeal | Awaiting Decision |
| Result | | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| SEPTEMBER 2021 | | | | | |
|--------------------------------------|----------------|---|--|--|---------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 8/09/2021 (Compulsory Conference) | D/474/2020 | 25 Separation Street, Northcote South Central | A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement. | Committee (in line with Officer Recommendation) – Applicant Appeal | |
| Result | Did not settle | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| OCTOBER 2021 | | | | | |
|-----------------|--|--|--|--|--|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 11/10/2021 | D/103/2020 | 24A & 26 Habury Street, Reservoir West | A medium density housing development comprised of the construction of ten (10) double storey dwellings and a reduction in the visitor car parking requirement, as shown on the plans accompanying the application. | Committee (contrary Officer Recommendation) – Applicant Appeal | Council' decision affirmed – no permit granted |
| Result | In affirming Council's decision, the Tribunal found that the proposal did not respond to the existing and preferred neighbourhood character, set out in Council's Neighbourhood Character Study. In particular, the extent of double storey form extending through the length of the site was considered excessive in the context. | | | | |
| 13/10/2021 | D/200/2019 | 24-26 Rathcown Road, Reservoir North-East | Construction of a medium density housing development comprising eight (8) double storey dwellings | Committee (contrary Officer Recommendation) – Applicant Appeal | Awaiting Decision |
| Result | | | | | |

PLANNING COMMITTEE MEETING

8 NOVEMBER 2021

| OCTOBER 2021 | | | | | |
|-------------------------------------|---|---|--|--|---------------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision |
| 15/10/2021 (Preliminary Hearing) | D/474/2020 | 25 Separation Street, Northcote South Central | A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement. | Committee (in line with Officer Recommendation) – Applicant Appeal | Application Allowed |
| Result | The purpose of this preliminary hearing was to consider whether amended plans circulated by the Applicant were a transformation of the Application and thus raised a jurisdiction issue for the Tribunal. An oral decision was provided at the conclusion of the hearing. In finding that the amended plans did not offend the relevant VCAT Practice Note and could therefore be substituted, the Tribunal adjourned the hearing until April 2022 to allow the parties more time to prepare for the hearing. | | | | |
| 25/10/2021 | D/420/2020 | 38 Oakhill Avenue, Reservoir North Central | Partial demolition and construction of buildings and works for an extension to existing dwelling in a Heritage Overlay (HO172) and a new detached garage, in accordance with the endorsed plans. | Committee (contrary Officer Recommendation) – Applicant Appeal | Awaiting Decision |
| Result | | | | | |

All matters listed until 31 October 2021

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

NIL


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

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

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