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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 September 2016

Released to the public on Thursday 15 September 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 12 SEPTEMBER 2016**

THE MEETING COMMENCED AT 7.00 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Gaetano Greco (7.02 pm)
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Angela Villella (7.02 pm)
Cr Oliver Walsh (7.06 pm)
Cr Julie Williams (7.02 pm)

Council Officers

Steve Hamilton – Acting Chief Executive
Cristen Sullivan – Coordinator Statutory Planning
Julie Smout – Coordinator Statutory Planning
Jacinta Stevens – Executive Manager Corporate Governance and Performance
Jody Brodribb – Council Business and Governance Officer

2. APOLOGIES

An apology was lodged for Cr. Steven Tsitas and for the initial absence of Cr. Walsh.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Villella disclosed a conflict of interest in the foreshadowed urgent business item – Application for Planning Permit – D/285/2015 – 30 Cramer Street, Preston.

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. T. McCarthy

THAT the Minutes of the Planning Committee meeting held on 12 September 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/373/2016
 5 Banbury Road, Reservoir

AUTHOR: Senior Planner – Katharine Cox

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Robert Nichol & Sons	Jordan Boceski

SUMMARY:

- The proposal seeks to construct a double storey three (3) bedroom dwelling to the rear of the existing dwelling. Two (2) car spaces have been provided for the proposed dwelling, and one (1) car space for the existing dwelling. 50.5m² of open space has been provided for the proposed dwelling. 133m² of open space has been provided for the existing dwelling.
- The site is zoned General Residential Zone Schedule 2
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant. The restriction states *“no quarrying operations shall at any time hereafter be carried on in or upon the said Lot 18 and no stone earth clay gravel or sand shall at any time hereafter be carried away or removed from the said Lot 18 except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land hereby transferred to be used for the manufacture or winning of bricks tiles or pottery ware.”*
- Five (5) objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Public Realm, Darebin Parks, Transport Management and Planning, and Capital Works.
- This application was not required to be referred to external authorities.

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr. Fontana:

- David Nicholson on behalf of the applicant.

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. A. Villella

That Planning Permit Application D/373/2016 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal does not comply with Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme and the Design Guidelines of the Darebin Neighbourhood Character Study Precinct F8.
2. The proposal does not comply with Standard B1 of Clause 55 of the Darebin Planning Scheme. The proposal does not respect the existing and preferred Neighbourhood Character.
3. The proposal does not comply with Standard B2 of Clause 55 of the Darebin Planning Scheme. The proposal is not in accordance with the Local Planning Policy Framework under the Darebin Planning Scheme.
4. The proposal does not comply with Standard B5 of Clause 55 of the Darebin Planning Scheme. The high fencing limits integration of the development with the street.
5. The proposal does not comply with Standard B28 of Clause 55 of the Darebin Planning Scheme. The secluded private open space of the existing dwelling does not meet the 25 square metre requirements.
6. The proposal does not comply with Standard B29 of Clause 55 of the Darebin Planning Scheme. The depth of the proposed dwelling secluded private open space does not meet the requirements.
7. The proposal does not comply with Standard B31 of Clause 55 of the Darebin Planning Scheme. The design detail does not respect the existing or preferred neighbourhood character.
8. The proposal does not comply with Standard B32 of Clause 55 of the Darebin Planning Scheme. The front fences to both the existing and proposed dwelling do not respect the existing or preferred neighbourhood character.
9. The proposal does not comply with Clause 52.06 of the Darebin Planning Scheme. The dimensions of the open car parking space for the proposed dwelling are not compliant.

CARRIED

Cr. Walsh entered the meeting during discussion of the above item at 7.06 pm.

5.2 APPLICATION FOR PLANNING PERMIT D/883/2015
 2/238-244 Edwardes Street, Reservoir

AUTHOR: Principal Planner – Ben Porteous

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
V S Frew	Seventh Vemalux Pty Ltd	Not applicable

SUMMARY:

- The proposal includes the use of the land for the purpose of a dance school with a maximum of 15 patrons and two (2) staff, during the hours of 8:30 am to 10:00 pm. The proposal includes three (3) car parking spaces. Signage to the façade of the building is also proposed.
- The site is in an Industrial 3 zone.
- There is a covenant on title, which restricts the site from being used for the purpose of manufacturing or winning of bricks, tiles or pottery ware. The proposed use will not breach the covenant.
- Six (6) objections were received against the application.
- The proposal is generally consistent with the provisions of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via the display of one (1) sign displayed on site and letters sent to surrounding property owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit.
- This application was not required to be referred to any external authorities.

The following people verbally addressed the meeting and were ultimately thanked for their presentation by the Chairperson, Cr. Fontana:

- Vanessa Frew, Applicant
- Adrain Dimanno, Obejctor

Committee Decision

MOVED: Cr. A. Villella

SECONDED: Cr. G. Greco

That Planning Permit Application D/883/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Figure 13, Plan; Figure 15, Signage; both received on 2 November 2015) but modified to show:
 - (a) Either:
 - i. A minimum of two (2) visitor bicycle parking spaces near the main entrance to the building within the boundaries of the site in accordance with Condition 11(a) of this Permit; or
 - ii. A notation stating that a contribution before the use starts a contribution will be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, in accordance with Condition 11(b) of this Permit.
 - (b) One (1) employee bicycle space is to be provided either in a bicycle locker or at a bicycle rail, within in a lockable compound.
 - (c) Any internal alterations required by the acoustic assessment in accordance with Condition 14 of this Permit.
 - (d) A sustainable transport display area located near the main pedestrian entrance to the building in accordance with Condition No. 18 of this Permit.

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

2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

4. This Permit will expire if the advertising sign(s) is/are not displayed within three (3) years from the date of this Permit.

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the display of the sign/s.
5. The use must operate only between 8.30 am to 10.00 pm.
 6. Classes must not operate between 3:00 pm to 4:00 pm, Monday to Friday.
 7. The number of patrons/students on the premises at any one time must not exceed 15.
 8. The number of staff on the premises at any one time must not exceed two (2).
 9. A minimum of five (5) minutes must be provided between the completion of one class and the commencement of the next class.

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10. A minimum of three (3) car parking spaces must be made available for patrons and staff whilst the use is operating.
 11. Before the use starts, either:
 - (a) A minimum of two (2) visitor bicycle parking spaces must be provided near the main entrance to the building within the boundaries of the site. The bicycle spaces must be in accordance with Clause 52.34-4 of the Darebin Planning Scheme; or
 - (b) A contribution must be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority;in accordance with the endorsed plans.
 12. Before the use starts a minimum of one (1) visitor bicycle parking space must be provided either in a bicycle locker or at a bicycle rail, within in a lockable compound in accordance with the endorsed plans.
 13. The amenity of the area must not be adversely affected by the use as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land; and/or
 - (b) Appearance of any building, works, stored goods or materials; and/or
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
 14. Before use starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
 - (a) Noise from the use will not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
 15. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 16. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 17. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
 18. Before the use starts a sustainable transport display area must be provided near the main pedestrian entrance to the building in accordance with the endorsed plans. Documents displayed in this sustainable transport display area must include; public transport maps and timetables and maps of walking and cycling routes to and from the site.

Signage conditions:

19. The location and details of the advertising sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

20. The advertising sign(s) must not contain any flashing, intermittent or changing colour light.
21. External advertising sign lighting must be designed, baffled and/or located to the satisfaction of the Responsible Authority.
22. The advertising signs(s) must only be illuminated between the hours of 8.30 am to 10.00 pm.
23. The advertising sign must not contain any moving parts or be animated in any manner.
24. The advertising sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
25. This Permit, in relation to the advertising signs, expires 15 years from the date of issue of the Permit.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. In relation to the requirements of Condition 18 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
- N6. In relation to the requirements of Condition 11(b) of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).

CARRIED

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.12 pm and returned at 7.13 pm.

5.3 APPLICATION FOR PLANNING PERMIT D/784/2015
666 Bell Street, Preston

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
F Aliyar	Faizal Aliyar	John Klarica – Calibre Planning EcoGenie Sustainability and Energy Consultants Leigh Design Waste Management Plans ZAVTraffic Consultants

SUMMARY:

- It is proposed to construct a three (3) storey building over a basement garage for eight (8) dwellings, each with two (2) bedrooms.
- The basement is to contain nine (9) car parking spaces, bin store area, eight (8) bicycle parking spaces, storage for the dwellings and lift/stair access to the upper floors. Vehicle access to the basement is via ramp and proposed crossover to the centre of the frontage. The ground level is to have three (3) dwellings, each with 25 square metres of ground level secluded private open space. The ground level will also have a common area for residents (to the front setback). The first floor level is to have three (3) dwellings, each with 8 square metres of secluded private open space in balconies. The second floor level is to have two (2) dwellings, each with 8-20 square metres of secluded private open space in balconies.
- The proposal will have a contemporary design with walls of brick, render, timber and lightweight cladding. It is to have a flat roof and a maximum height of approximately 9.4 metres.
- The site is zoned General Residential Zone Schedule 2.
- 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 a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, Council’s Urban Designer, the Capital Works Unit and Darebin Parks.

- This application was referred externally to VicRoads.

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr. Fontana:

- John Parkes, Objector

Recommendation

That Planning Permit Application D/784/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos DR-2, DR-3, DR-4, DR-5, Revision B, dated 28 March 2016, job no. JB1501.02 and prepared by J & M M Designs) but modified to show:

- (a) The tree located on the adjoining property, adjacent to the eastern boundary of the subject site, must be retained and protected as per Australian Standard AS4970 – 2009: Protection of trees on development sites. This requires annotations detailing tree protection measures and a Tree Protection Zone with a radius of 2.2 metres when measured from the outside of the trunk, or 1.3m from the eastern boundary fence (This figure includes the 10% allowable encroachment as per Australian Standards AS4970 – 2009).

Notations must be added to the plans stating the following:

- i. Any construction and demolition works in the Tree Protection Zones must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.
 - ii. The Tree Protection Zone between the building footprint and the boundaries must remain at existing grade.
 - iii. Details of ground protection (e.g. rumble boards etc.) between the building footprint and property boundaries in the TPZ areas to be installed following demolition and remaining in place for the duration of construction.
- (b) Provision of a minimum of 6 cubic metres of secure storage for each dwelling.
 - (c) Details of all internal dimensions of balconies with all balconies to be provided with a minimum area of 8 square metres and minimum internal dimensions of 1.6 metres. Setbacks to the common boundaries must not be reduced to achieve this.
 - (d) The height of fences on the northern boundary to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- (e) Deletion of the east-facing part of the second floor balcony abutting bedroom 1 to Dwelling 7.
- (f) Plans to demonstrate building setbacks compliant compliance with Standard B17 in relation to the following:

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- i. The boundary setback of Dwelling 8 from the western and northern title boundaries. Any balustrade or screen provided to the balcony must fall within the B17 setback envelope.
- (g) The floor plan or elevations amended to provide accurate details of the west facing bedroom and en-suite windows of Dwelling 8.
- (h) All boundary walls to have a maximum height of 3.6 metres and an average height not exceeding 3.2 metres when measured from the natural ground level.
- (i) The proposed first floor east-facing bedroom windows of Dwelling 4 and the west-facing second floor bedroom window of Dwelling 8 are to have fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.
- (j) The western section of balcony of Dwelling 8, opposite the meals and living room, is to be deleted and the balcony must be redesigned so that its northern edge is in line with the southern living room wall. The west-facing meals and living areas are to be designed to provide either:
- A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above 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.

- (k) Full details of balcony screening showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- (l) The proposed second floor east-facing bedroom windows of Dwelling 7 are to have fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level, where they are not enclosed by the balcony.
- (m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- (n) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (p) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit).
- (q) A Landscape Plan in accordance with Condition No.5 of this Permit.
- (r) Provision of a swept path assessment demonstrating that a private waste collection vehicle can enter and exit the basement level, to the satisfaction of the responsible authority.
- (s) Step between basement car park area and lobby area on DR4 to be removed and replaced with a ramp compliant with AS1428.1.

- (t) Crossover and access way to be reduced to a maximum of 5.5m.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Provision of a minimum of two (2) suitable medium canopy trees and three (3) small canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (b) Tree protection zones and tree protection measures in accordance with condition no. 6 and 1(a) of this permit.
 - (c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
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- (h) Hard paved surfaces at all entry points to dwellings.
 - (i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. Before buildings and works (including demolition) the tree located on the adjoining property, adjacent to the eastern boundary of the subject site, must be retained and protected as per Australian Standard AS4970 – 2009: **Protection of trees on development sites**. This requires annotations detailing tree protection measures and a Tree Protection Zone with a radius of 2.2 metres when measured from the outside of the trunk, or 1.3m from the eastern boundary fence (This figure includes the 10% allowable encroachment as per Australian Standards AS4970 – 2009).
- Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundary following demolition and remain in place for the duration of major construction activities, in lieu of standard tree protection fencing.
- All demolition and construction works within TPZs must be supervised by a suitably qualified arborist.
- The Tree Protection Zones (TPZ) between the building footprint and property boundary of the tree on the adjoining property to the east must remain at existing grade. Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundaries in the TPZ areas following demolition and remain in place for the duration of construction.
- No vehicular or pedestrian access, storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
- Any demolition or construction works in the Tree Protection Zone must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
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9. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

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

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

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

11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

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

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

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

14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

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

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

17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat;
 - (d) Drained;
 - (e) Line-marked to indicate each car space and all access lanes;
 - (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

20. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

VicRoads conditions:

21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
22. Prior to the occupation of the buildings or works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - i. Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii. Treated with an all-weather seal or some other durable surface.
23. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
24. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

VicRoads notes on permit:

- The proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

NOTATIONS

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

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

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. J. Williams

That the Planning Permit Application D/784/2015 be refused and a Notice of Refusal be issued on the following grounds:

1. The proposal represents an overdevelopment of the site.
2. The proposal does not achieve the objectives of Clause 22.10 of the Darebin Planning Scheme - Bell Street Land Use.
3. The proposal does not achieve the objectives of Clause 22.02 of the Darebin Planning Scheme – Neighbourhood Character.
4. The proposal does not achieve the preferred neighbourhood character identified for Precinct E3 in the Darebin Neighbourhood Character Study in terms of its massing, height, siting, provision for vegetation, and building form.
5. The proposal does not achieve the Standard or the objectives of Clause 55.03-2 of the Darebin Planning Scheme (Building Height objective).
6. The proposal does not achieve the Standard or the objectives of Clause 55.03-8 of the Darebin Planning Scheme (Landscaping objective).
7. The proposal does not achieve the Standard or the objectives of Clause 55.04-2 of the Darebin Planning Scheme (Walls on boundaries objective).
8. The proposal does not achieve the Standard or objectives of Clause 55.04-1 of the Darebin Planning Scheme (Side and rear setbacks objective).
9. The proposal does not achieve the Standard or the objectives of Clause 55.05-4 of the Darebin Planning Scheme (Private open space objective).
10. The proposal does not achieve the Standard or the objectives of Clause 55.05-6 of the Darebin Planning Scheme (Storage objective).

CARRIED

5.4 APPLICATION FOR PLANNING PERMIT D/939/2015
 314-316 St Georges Road, Thornbury

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Acorn Planning	Emblem Arch Pty Ltd	<ul style="list-style-type: none"> • Acorn Planning • Nicholas Dour Architects

SUMMARY:

- The proposal is for a five (5) storey mixed use development comprising basement car parking; four (4) commercial tenancies (shops), a restaurant, service areas and apartment entry at ground floor; the upper floor levels include a total of 46 dwellings with 29 of the dwellings providing two (2) bedroom accommodation and 17 of the dwellings providing one (1) bedroom accommodation. A communal gymnasium is also proposed on the first and second floor levels.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- 36 objections were received against this application.
- The proposal is inconsistent with the objectives of the relevant policies in the Darebin Planning Scheme and as contained in Planning Scheme Amendment C136 (St Georges Road Corridor).
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers. Notice of the application was also provided to VicRoads.
- This application was referred internally to the Capital Works Unit, Darebin Parks, Transport Management and Planning Unit and ESD Officer.
- This application was not required to be referred to external authorities.

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr Fontana:

- Frances Caputo, Objector

Recommendation

That Planning Permit Application D/939/2015 be refused and Notice of Refusal be issued on the following grounds:

1. A considerable proportion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight and or screening measures, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development).
2. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 4.4, 4.5 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The development does not meet the policies and objectives of Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme. In particular, the requirements are not met:
 - (i) Clause 22.06-3.1 (Sustainability): The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas.
 - (ii) Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space): The design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.
4. The proposal is contrary to Amendment C136 (proposed Design and Development Overlay Schedule 16) to the Darebin Planning Scheme providing an unsatisfactory response to appropriate location and outlook of balconies; daylight to dwellings; internal amenity including size of habitable rooms and width of common areas; and ecologically sustainable design considerations.
5. Clause 52.06 (Car Parking): The proposed ground floor commercial use (restaurant) is not sufficiently justified in terms of its car parking needs. The seating capacity for the restaurant as justified by the Traffic Report is disproportionately low to the proposed floor area of this tenancy.
6. The proposal to develop the subject land as shown on the plans accompanying the application will detrimentally impact on the ability of the use at 302 St Georges Road to continue in an orderly manner and give effect to Planning Permit PD 6362 issued on 5/11/1990.
7. The proposal is an overdevelopment of the site.

Motion

MOVED: Cr. J. Williams
SECONDED: Cr. T. McCarthy

That Planning Permit Application D/939/2015 be refused and Notice of Refusal be issued on the following grounds:

1. A considerable proportion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight and or screening measures, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development).
2. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 4.4, 4.5 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The development does not meet the policies and objectives of Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme. In particular, the requirements are not met:
 - (i) Clause 22.06-3.1 (Sustainability): The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas.
 - (ii) Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space): The design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.
4. The proposal is contrary to Amendment C136 (proposed Design and Development Overlay Schedule 16) to the Darebin Planning Scheme providing an unsatisfactory response to appropriate location and outlook of balconies; daylight to dwellings; internal amenity including size of habitable rooms and width of common areas; and ecologically sustainable design considerations.
5. Clause 52.06 (Car Parking): The proposed ground floor commercial use (restaurant) is not sufficiently justified in terms of its car parking needs. The seating capacity for the restaurant as justified by the Traffic Report is disproportionately low to the proposed floor area of this tenancy.
6. The proposal to develop the subject land as shown on the plans accompanying the application will detrimentally impact on the ability of the use at 302 St Georges Road to continue in an orderly manner and give effect to Planning Permit PD 6362 issued on 5/11/1990.
7. The proposal is an overdevelopment of the site.

Cr. McCarthy proposed to the mover that points (8) and (9) be added as follows. This was accepted by Cr. Williams.

8. Insufficient car parking has been provided onsite and is not compliant with the Darebin Planning Scheme.
9. Waste management arrangements proposed are insufficient.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. J. Williams
SECONDED: Cr. T. McCarthy

That Planning Permit Application D/939/2015 be refused and Notice of Refusal be issued on the following grounds:

1. A considerable proportion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight and or screening measures, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development).
2. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 4.4, 4.5 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The development does not meet the policies and objectives of Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme. In particular, the requirements are not met:
 - (i) Clause 22.06-3.1 (Sustainability): The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas.
 - (ii) Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space): The design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.
4. The proposal is contrary to Amendment C136 (proposed Design and Development Overlay Schedule 16) to the Darebin Planning Scheme providing an unsatisfactory response to appropriate location and outlook of balconies; daylight to dwellings; internal amenity including size of habitable rooms and width of common areas; and ecologically sustainable design considerations.
5. Clause 52.06 (Car Parking): The proposed ground floor commercial use (restaurant) is not sufficiently justified in terms of its car parking needs. The seating capacity for the restaurant as justified by the Traffic Report is disproportionally low to the proposed floor area of this tenancy.

6. The proposal to develop the subject land as shown on the plans accompanying the application will detrimentally impact on the ability of the use at 302 St Georges Road to continue in an orderly manner and give effect to Planning Permit PD 6362 issued on 5/11/1990.
7. The proposal is an overdevelopment of the site.
8. Insufficient car parking has been provided onsite and is not compliant with the Darebin Planning Scheme.
9. Waste management arrangements proposed are insufficient.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. T. McCarthy

That Planning Permit Application D/939/2015 be refused and Notice of Refusal be issued on the following grounds:

1. A considerable proportion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight and or screening measures, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development).
2. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 4.4, 4.5 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The development does not meet the policies and objectives of Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme. In particular, the requirements are not met:
 - (i) Clause 22.06-3.1 (Sustainability): The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas.
 - (ii) Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space): The design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.
4. The proposal is contrary to Amendment C136 (proposed Design and Development Overlay Schedule 16) to the Darebin Planning Scheme providing an unsatisfactory response to appropriate location and outlook of balconies; daylight to dwellings; internal amenity including size of habitable rooms and width of common areas; and ecologically sustainable design considerations.

5. Clause 52.06 (Car Parking): The proposed ground floor commercial use (restaurant) is not sufficiently justified in terms of its car parking needs. The seating capacity for the restaurant as justified by the Traffic Report is disproportionately low to the proposed floor area of this tenancy.
6. The proposal to develop the subject land as shown on the plans accompanying the application will detrimentally impact on the ability of the use at 302 St Georges Road to continue in an orderly manner and give effect to Planning Permit PD 6362 issued on 5/11/1990.
7. The proposal is an overdevelopment of the site.
8. Insufficient car parking has been provided onsite and is not compliant with the Darebin Planning Scheme.
9. Waste management arrangements proposed are insufficient.

CARRIED

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING

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).

Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text 'struck out'.

- Applications with a cost of construction of at least \$3,000,000 currently under consideration.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. T. McCarthy

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

CARRIED

7. URGENT BUSINESS

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That the item – Application for Planning Permit – D/285/2015 – 30 Cramer Street, Preston be admitted as Urgent Business and heard as Item 7.1.

CARRIED

Cr. Angela Vilella disclosed a conflict of interest in the following item describing the interest as a direct interest as the Preston Market is a sponsor of her DVD, Mangia! Mangia!

Cr. Vilella left the meeting prior to discussion of the item at 7.55 pm.

7.1 APPLICATION FOR PLANNING PERMIT D/285/2015
 30 Cramer Street, Preston

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultants
Cramer Development Pty Ltd	Cramer Development Pty Ltd	<ul style="list-style-type: none"> • Hayball Pty Ltd • Planning and Property Partners • Traffix Group • Ark Resources • Simpson Kotzman • Leigh Design • Renzo Tonin & Associates • David Lock Associates

SUMMARY:

- This application proposes the construction of a part nine (9) storey and part six (6) storey mixed use development accommodating three (3) shops, apartment entry foyer and car parking at ground floor, building for dwellings and shops.
- The basement level is to have 55 car spaces in double and triple stackers, accessed via a car lift, to the north of the basement. It will also contain 50 bicycle spaces and three (3) storage areas.

- At ground level, the proposal is to have 29 car spaces in double stackers, with services and vehicle access to the rear (north). Three (3) shops are proposed with two (2) of these fronting Cramer Street (with 122 and 59.2 square metres) and a shop fronting St Georges Road (39.3 square metres). A residential lobby and forecourt are proposed to the Cramer Street/St Georges Road intersection, with lift and stair access to all levels. Vehicle access is via a proposed crossover to the north.
- There is to be a total of 95 dwellings to the upper floors (1x studio, 22x1 bedroom, 71x2 bedroom and 1x3 bedroom).
- The building will have a contemporary design with materials being largely concrete, metal cladding.
- The overall height is to be 30.02 metres to the top of the parapet (and approximately 31.72m to the lift overrun).
- The site is zoned Priority Development Zone – Schedule 2.
- The Preston Central Incorporated Plan specifies a 7 storey height limit (2 storeys below what is proposed)
- There is no restrictive covenant on the title for the subject land.
- Following advertising of this application by the applicant at the direction of VCAT, no objections were received against this application.
- The proposal fails to meet a number of objectives within the Darebin Planning Scheme.
- The permit applicant has lodged an application for review with VCAT under Section 79 of the Planning and Environment Act 1987 (Failure to Grant a Permit within the Prescribed time), therefore Council is required to form a view on the application. It is recommended that Council form the view that the application not be supported. This was lodged despite the applicant making a request to Council not to refuse the application on the account they were willing to work with Council to address the concerns raised in requests for further information.

CONSULTATION:

- Notice of the application was given by the applicant at the direction of the Victorian Civil and Administrative Tribunal (VCAT). Notice was given to adjoining property owners and occupants, and through the displaying of signs on the two street frontages of the site.
- This application was referred internally to ESD Officer, Transport Management & Planning Unit, Waste Services Unit, Public Realm Unit and Capital Works Unit.
- This application was referred externally to VicRoads, Melbourne Water and Public Transport Victoria.

Committee Decision**MOVED: Cr. J. Williams****SECONDED: Cr. T. Laurence**

THAT Council form the view that Planning Permit Application D/285/2015 not be supported on the following grounds:

1. The height of the development exceeds the height limit of seven (7) storeys specified for the subject site in the Preston Central Incorporated Plan March 2007 (amended 2014) and the Preston Central Structure Plan September 2006. The form and scale of the building lack the necessary modulation i.e. lack of a podium.
2. The height, mass and bulk impacts of the development are contrary to the objectives of Clauses 15.01 (Urban Design Principles); 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 1.1, 1.2, 2.1 and 2.2 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The architectural and structural detailing of the facades do not achieve the necessary high quality built form and urban design outcomes for a landmark site. The building facades lack the necessary relief and articulation and will result in curtain-style flat façade treatment.
4. Insufficient car parking has been provided for the proposal.
5. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development); 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 5.4, 6.1 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
6. The development fails to adequately address ESD objectives, particularly as a number of dwellings will have poor internal amenity and access to natural daylight, due to deep south facing balconies with significant upper floor overhangs, and deep living spaces with inadequate daylight, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
7. The proposal does not provide adequate private open space for a number of dwellings, with insufficient outlook and access to daylight, contrary to Clauses 22.06-3.9 (On-Site amenity and Facilities, including private open space) and 55.05-4 (Private Open space) of the Darebin Planning Scheme and objectives 6.1 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
8. The proposal provides insufficient storage space contrary to Clause 22.06-3.9 (On-Site Amenity and Facilities, including private open space), and objective 5.5 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
9. Waste management and waste storage areas for the development is poorly conceived and will result in an excessive number trucks accessing the site weekly for waste collection.
10. The proposal is an overdevelopment of the site, it is poorly conceived and not site responsive.

11. The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

CARRIED

Report

INTRODUCTION AND BACKGROUND

Council records indicate that the site was privately purchased in April 1995 and then sold to the current land owners on 13 October 2014. Prior to the sale in 1995 the property was owned by the Victorian Railways Commission and the State Transport Authority, however land transfer dates are not available. The land is currently used as at grade car parking under a lease to the Preston Market incorporated and has been used for this purpose for at least the past 20 years.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The subject site is located on the north east corner of Cramer Street and St Georges Road.
- The site is irregular in shape and measures 62.82 metres along the St Georges Road frontage, 11.11 metres along the Cramer Street frontage, with a site area of 1761 square metres.
- The site is located within the Priority Development Zone – Schedule 2, Special Building Overlay and Development Contributions Plan Overlay – Schedule 1. St Georges Road is in Road Zone Category 1.
- The site is vacant and paved, used as an open car parking area, with a chain mesh fence to the boundaries.
- The site has an abuttal with two (2) properties to the east. To the south east the land is owned by the State Transport Authority Victoria and contains a single storey weatherboard building on the southern side facing Cramer Street. Whilst this building is vacant it was previously used as a Girl Guides Hall. To the north-east, the land is also owned by the State Transport Authority Victoria and contains a weatherboard building used as the clubrooms for Preston Elderly Citizens. Further to the east is the railway line and Preston Railway Station, beyond which is a paved parking area for commuters and the Preston Market.
- To the west of the site are the southbound lanes of St Georges Road, a two (2) lane carriageway, with a central median strip containing a bicycle/walking path. Beyond this are the northbound lanes of St Georges Road and single storey dwellings, on the opposite side of the street.
- To the north of the site is the accessway servicing the Elderly Citizen's Club. Further north adjoining the accessway is a three (3) and four (4) storey residential building.
- To the south, on the opposite side of Cramer Street, are single storey detached dwellings, with Preston City Oval to the south east.
- The site is located in an area with a mix of land uses and built form, with higher scale development to the north (three (3) and four (4) storeys), non-residential and railway to the east, beyond which is Preston Market. There are traditional residential areas with detached dwellings to the south and west.

- Parking restrictions along the St Georges Road frontage of the site is Clearway 6:30am-9:30am Monday-Friday tow away zone and “no stopping” all other times; and “no stopping” all times along the northern side of Cramer Street in front of the site.
- The site has convenient access to public transport, with Preston Railway Station to the immediate east, bus services 527 (Gowrie – Northland) along Murray Road, 553 (Preston – West Preston via Reservoir) & 552 (Reservoir – Northcote Plaza) along High Street and Smartbus 903 (Altona – Mordialloc) along Murray and St Georges Road.

Proposal

- The proposal is for a part nine (9) storey and part six (6) storey mixed use development comprised of 95 dwellings and three (3) shops. Car parking is proposed to be provided at ground and basement levels.
- A forecourt with landscaping and public areas is proposed on the western side at ground floor adjacent to the St Georges Road boundary. Communal open space is provided at the roof top above the six (6) storey block.
- Vehicle access to the site is proposed to be provided via a crossover on the northern side of the St Georges Road frontage. Access to the basement is to be via a car lift at ground floor.
- Various service enclosures are also provided on the northern side of the ground floor plate.
- The basement level is to have 55 car parking spaces in double and triple stackers. It will also contain 50 bicycle spaces and three (3) storage units.
- At ground level, the proposal is to have 29 car spaces in double stackers, with services and vehicle access to the rear (north). There are to be three (3) shops with two (2) of these to Cramer Street (of 122 and 59.2 square metres) and a shop to St Georges Road (39.3 square metres). A residential lobby and forecourt are proposed to the Cramer Street/St Georges Road intersection, with lift and stair access to all levels. Vehicle access is via a proposed crossover to the north.
- The accommodation to the upper floors is as follows:
 - Level 1: 15 dwellings (3x1 bedroom and 12x2 bedroom)
 - Level 2: 15 dwellings (3x1 bedroom and 12x2 bedroom)
 - Level 3: 15 dwellings (3x1 bedroom and 12x2 bedroom)
 - Level 4: 15 dwellings (1x studio, 5x1 bedroom and 9x2 bedroom)
 - Level 5: 14 dwellings (5x1 bedroom, 8x2 bedroom and 1x3 bedroom)
 - Level 6: 7 dwellings (1x1 bedroom and 6x2 bedroom)
 - Level 7: 7 dwellings (1x1 bedroom and 6x2 bedroom)
 - Level 8: 7 dwellings (1x1 bedroom and 6x2 bedroom)

There is to be a total of 95 dwellings (1x studio, 22x1 bedroom, 71x2 bedroom and 1x3 bedroom)

- In addition to the communal open space at 6th level, the dwellings will each have secluded private open space in the form of balconies.
- The building will have a contemporary design with materials being largely concrete, metal cladding.
- The overall height is to be 30.02 metres to the top of the parapet (and approximately 31.72m to the lift overrun).

Objections

There have been no responses received for the application.

PLANNING ASSESSMENT**Soil Degradation - Clause 13.03**

The objective of Clause 13.03 of the Darebin Planning Scheme is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The land is not affected by an Environmental Audit Overlay however Council records have revealed that land was formally part of the railway corridor and owned by the Victorian Railways Commission and the State Transport Authority i.e. rail yard. It is therefore considered that the land has a high potential for contamination as identified in Table 1 to Practice Note on Potentially Contaminated Land June 2005 (Department of Sustainability and Environment).

As part of any approval and in accordance with Table 2 of the Practice Note, a condition of any approval given should require an environmental audit as required by Ministerial Direction No. 1 to allow a sensitive use to establish on potentially contaminated land.

Urban Environment – Clause 15.01

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01.

Context

The context of the site comprises two elements, the physical context and the policy context. These elements are set out and discussed below.

- Clause 11.02-1 (Supply of urban land) provides the following objective: to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 21.03 (Housing): The site is located in an area which earmarked for substantial change. The site is also regarded as strategic opportunity site given its site area, zoning and proximity to public transport. The policy also recognises the need to provide quality housing that exhibits best practice environmental design and urban design excellence.
- Clause 22.06 provides 12 assessment criteria for residential or mixed use development. It seeks high quality outcomes, which address sustainability, height and design and internal amenity and neighbouring sensitive interfaces.
- The High Density Residential Guidelines (HDRG) provides guidance on the design of high density development of five (5) or more storeys. Amongst other matters the guidelines encourage high quality development, which takes account of internal amenity, the design and height of development and relationship of development with neighbouring sensitive interfaces.

The site enjoys State planning policy support for a higher density development and the applicant has undertaken an analysis of the site and area as part of the design process. However, at a detailed level the proposal fails to satisfactorily respond to objectives of the Planning Scheme and the HDRG in relation to the height, internal amenity and sustainability requirements (refer to detailed assessment in later sections of this report).

In particular, the proposal has not appropriately addressed the opportunities and constraints of the site, the site context and the preferred height to form the basis for the consideration of height, scale and massing of the development.

The proposal is considered to have an excessive height and bulk, given the preferred height of seven (7) storeys with a three-four (3-4) storey podium is expected for the site (see further assessment under the Priority Development Zone and Preston Central Incorporated Plan). Although a landmark building may be contemplated for the corner, this should have a maximum overall height of seven (7) storeys with a podium within the first three-four (3-4) levels. Policy anticipates a more intense development on the site however the proposal has not had insufficient regard to the wider policy context and physical context of the location.

Does not comply

The Public Realm:

The public realm is maintained with well-located pedestrian and vehicle entrances. At ground level the public realm is appropriate with active shop fronts, landscaping and forecourt areas. Weather protection may be required by condition of any approval.

Notwithstanding the above, it is considered that the proposal is visually and physically imposing due to the unbroken shear nine (9) storey height at the corner location. The design response in this regard is inappropriate and provides excessive building height and scale to the public realm and is not of an appropriate pedestrian scale to the streetscape.

Does not comply

Safety:

The entrances are visible from St Georges Road and Cramer Street and provide an appropriate sense of address and level of security. The proposal maintains the surveillance of the street, with appropriate pedestrian entries, balconies and windows to the façades.

Complies

Landmarks, Views and Vistas:

The proposal will provide a building of approximately 30 metres in height with no podium, in an area where four (4) storeys is to be expected in the Residential Growth Zone (RGZ) affected by DDO16 (Amendment C136) for surrounding sites on the southern side of Cramer Street and the eastern and western sides of St Georges Road; and to the east, the emerging height is to be eight-ten (8-10) storeys in Precinct C in the Priority Development Zone Schedule 1 (Preston Central – Preston Market). The seven (7) storeys with a 3-4 storey podium envisaged for the subject site is intended to set up a height transition that is coordinated with the strategic vision for the two (2) adjoining contexts described above.

To exceed this limit will create a visual anomaly that is incongruent with the existing and preferred future character of the area. The development is therefore considered to be dominant in the streetscape and from distant views and vistas, does not provide an appropriate transition to the scale of nearby residential buildings and will not provide the required graduation in scale between the low rise residential areas further west and south.

Does not comply

Pedestrian Spaces:

The design provides appropriate pedestrian interaction and pedestrian amenity.

Vehicle access will not detract from pedestrian amenity and is supported. However, the design provides overwhelming visual bulk to the streetscape, adversely affecting the pedestrian experience and human scale through the absence of a podium at 3-4 levels..

Does not comply

Heritage:

The site and adjacent properties are not located within a heritage overlay.

Not applicable

Consolidation of Empty Sites:

The scope of the development is consistent with the local and state planning policy framework for the area.

Complies

Light and Shade:

These matters are addressed in detail under the Clause 22.06 assessment below.

Energy Resource and Efficiency:

Having particular regard to the scale of the development, size of the land and orientation of building facades and façade detailing, the proposal does not achieve a high standard of environmentally sustainable design.

The proposal provides 95 dwellings in an appropriate area to take advantage of existing services, with energy efficiency to the dwellings relating to solar access, shared walls, multi storey construction and internal stairs. However, at a detailed level the development fails to provide an appropriate level of sun-shading to the west, internal amenity and daylight in particular to the south-facing dwellings. The limited levels of daylight to several of the dwellings increase the demand for artificial lighting which represents a poor ESD outcome. This issue is discussed in more detail under the Clause 22.06 assessment below. Any future application must be accompanied by a revised Sustainability Management Plan (SMP) as appropriate.

Does not comply

Architectural Quality:

The development exhibits an acceptable standard of design as a concept. However, the design is not considered to be sufficiently developed and detailed in particular the honeycomb concept for the facades. The honeycomb façade treatment provides a sophisticated yet simple approach to providing articulation whilst maintaining repetition and consistency along the elevations. However this treatment is considered to be too flat and does not provide the 3-dimensional modelling to the elevations that is anticipated in the perspective drawings provided. Insufficient information has been provided in this regard to inspire confidence that the building will achieve the intended architectural and urban design quality, and that it can be constructed as intended.

Further to this, the building has a large surface area to the west that would require the incorporation of solar screens to prevent overheating of the dwellings in summer.

As the concrete honeycomb layer and windows across the facade are proposed to be on the same wall plane, it would not be possible to incorporate meaningful shading devices along the western elevation. There is also insufficient information regarding the fabrication of windows to fit within the honeycomb web and whether this is economically feasible. Whilst building engineering and feasibility are strictly not a planning matter per se, within the context of architectural and urban quality, it is important to consider the practicality of building the development.

The design avoids the “wedding cake” effect; however it does not provide base (podium) and tower above. The built form is shear nine (9) storeys on the southern side of the site and shear six (6) storeys on the northern side. There is no vertical modulation proposed. It is also appropriate to question whether the design meets the exemplar elements of a landmark site where the height is proposed to be exceeded by two storeys and given the questions raised in this section.

The proposed materials palette consists of concrete, timber, metal cladding. A comprehensive materials schedule should be provided should planning permission issue to ensure that the design intent of the plans is executed. A condition requiring that the development be overseen by an architect is also recommended, should planning permission issue.

Roof top plant has been indicated and is acceptable.

Does not comply

Landscape Architecture:

As the site is located in a Priority Development Zone, the limited landscaping is appropriate in the context of the commercial/retail uses and development in the area.

Complies

Clause 21.03-2 Housing Development

Objective 1 – Housing Provision: *to facilitate housing development that has an appropriate scale and intensity in locations across the municipality.*

Strategies to achieve the objective:

- *In Substantial Housing Change Areas, encourage a variety of housing typologies at increased densities and to discourage underdevelopment, with the scale of development appropriate to precinct characteristics and context as identified by a structure plan or adopted policy of Council, and generally in accordance with the hierarchy of residential growth identified at Clause 21.03-1.*
- *Ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to: Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion; Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity*

The overall height and bulk is an inappropriate architectural and urban design response to the site, given the preferred character, the policy context and the surrounding low-scale area.

Objective 3 – Residential Amenity: *to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.*

Strategies to achieve the objective:

- *Require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.*
- *Ensure mixed use developments are designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.*

The amenity provided to dwellings is not acceptable given the scale of the development and the landmark location of the site where a high quality of development is expected.

Clause 21.03-2 - Built Environment

Overview:

The design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes plays an important role in enhancing civic pride, liveability and social connectedness, and provides opportunities for creating a more sustainable city. Good urban design acknowledges the collective impact of development both within and beyond the boundaries of individual sites and enables positive outcomes for the public realm that enhance people's wellbeing and experience of the built environment. Darebin City Council is committed to environmental sustainability and actively encourages sustainably-designed buildings that reduce energy consumption and water use, encourage recycling and sustainable transport and that use recycled and sustainable materials.

Key Issues:

- *Achieving high-quality design in development across a variety of urban environments, including activity centres and industrial/employment precincts.*
- *Impacts of large-scale development on streetscape amenity and pedestrian experience, and increased reliance on the public realm in providing visual appeal and amenity.*
- *How design might improve the interface and interaction of new developments with the public realm (including parks and open spaces).*
- *Incorporating Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthening requirements at planning permit stage.*
- *Striking a balance between the understandable need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter.*

Objective 1 – Urban Design Excellence:

- *To ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.*

Strategies:

- *Encourage high quality design and buildings that respond to characteristics of the locality.*

- *Develop and implement detailed design guidelines for areas where substantial housing change and growth is encouraged.*
- *Ensure that important public views and vistas, where identified in a strategy or guideline adopted by Council, are recognised, protected and enhanced.*
- *Apply urban design principles when developing structure plans, land use strategies, and urban design guidelines.*
- *Promote land use and development in activity centres, strategic corridors and strategic development precincts in accordance with adopted Structure Plans, precinct plans or strategies.*
- *Ensure development in activity centres, strategic corridors and strategic development precincts:*
 - *is responsive to its environment with a high quality appearance*
 - *promotes an urban scale and character that is appropriate to the role and function of the activity centre or strategic corridor precinct*
 - *encourages consolidation of commercial areas along strategic corridors to create strong, vibrant hubs to serve the local community*
 - *manages negative off-site impacts and interface issues with surrounding sensitive land uses*
 - *promotes visual and physical improvements to the public realm*
 - *encourages a safe and accessible environment for pedestrians, cyclists, public transport users and motorists.*

Objective 3 – Residential Amenity

- *To facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.*

Strategies (as relevant):

- *Require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.*
- *Ensure mixed use developments are designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.*

Urban Design and residential amenity are discussed in other sections of this report and are not considered to be of acceptable.

Clause 22.06 - Multi Residential and Mixed Use Development

Objectives:

- *To facilitate residential and mixed use development which promotes housing choice, displays a high standard of urban design, limits off-site amenity impacts, and provides appropriate on-site amenity for residents.*
- *To facilitate development that demonstrates the application of environmentally sustainable design principles.*

- *To facilitate a high quality street edge that relates to the public realm.*
- *To encourage efficient design outcomes that consider the development potential of adjoining sites.*
- *To encourage the consolidation of lots to facilitate better design and amenity outcomes for higher density development in locations where substantial housing change is directed*

The assessment against the policy objectives and design guidelines is as follows:

Element	Comment	Compliance
<p>Sustainability</p>	<p>A Sustainability Management Plan was submitted with the application. However, as can be seen in internal referral comments from Council’s ESD Officer, some concerns remain, i.e.:</p> <ul style="list-style-type: none"> • A development of this size should readily achieve greater than the minimum standard for energy rating. It is expected that the development achieves at least 10% above the minimum requirements. • Plans must show that windows to balconies are operable and can open fully. Operable windows throughout are required to be maximised to offset the extreme heat gain through all the west facing windows. • Full height windows to the west should be reduced in size to minimise heat gain and improve privacy (particularly to the lower levels). • West-facing adjustable shading (details and operation) to be listed as a condition. Insufficient information has been provided with regard to shading of west facing windows. Size and extent of glazing to the west elevation be reduced, particularly to bedrooms. • The design of many of the dwellings is poor and well below with many units having a kitchen is located 10 to 12 metres from the boundary and source of daylight and they face south (where a maximum of 8 metres is considered acceptable). Of particular concern is the depth of some dwellings and the ability for internal areas to access natural daylight and ventilation and the deep living spaces increase the reliance on artificial lighting. <p>In addition, the depth of some of the south facing balconies (as well as the upper floor overhangs) will provide poor daylight and amenity to these areas (e.g. Dwellings 114 and 115 and above).</p> <p>In this regard the internal amenity of a number of proposed dwellings is substandard, which is both an internal amenity issue and an ESD issue.</p>	<p>Does not comply</p>

Element	Comment	Compliance
<p>Design and Materials</p>	<p>The proposed materials palette consists of concrete, metal cladding, and timber. These are considered to be appropriate and represent a contemporary design. Notwithstanding the above, inadequate detail has been provided to ascertain whether the envisaged architectural detailing of the façades can be achieved (i.e. the elongated hexagonal shapes), in that there does not appear to be sufficient depth in the façade walls to achieve the façade modelling sought. The building elevations will be shear and detailed (it appears) similar to a curtain wall instead of providing light and shade through relief modelling.</p> <p>Rooftop services and plant are detailed and may be required to be further detailed on plan.</p> <p>In addressing the height and design, although the decision guidelines include <i>‘Development on street corners, landmark sites and within activity areas should provide for a strong robust form’</i>, it is important to note that this is further refined by: <i>‘Development should create a lower-scale street edge through a two- or three-tiered module approach with a larger footprint for the first levels and upper levels being set back from the frontage of the lower levels’</i> and <i>‘The design of new buildings should incorporate techniques to minimise their apparent bulk and the ‘wedding cake’ effect of progressive setbacks to upper levels via providing a strong base at the street edge and lighter middle and top components’</i>.</p> <p>These elements are largely addressed in the assessment above; however, it is considered that the inadequate upper floor setbacks and podium as well as the six (6) and nine (9) storey height is excessive and inappropriate in this policy context.</p>	<p>Does not comply</p>
<p>Building Height</p>	<p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, any discussion of height should be balanced against the design and massing of the building and its response to the preferred character, including adjacent dwellings.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site and in the Preston Central area.</p>	<p>Does not comply</p>

Element	Comment	Compliance
	<p>The site is also regarded as Strategic Opportunity Site under clause 21.03-1, given its site area, zoning and proximity to public transport. The site is located in an area which earmarked for substantial change, including development of up to seven (7) storeys, with the upper floors appropriately set back from the podium. This takes into consideration the location of the site in the activity centre and the gateway location.</p> <p>The development provides an excessive height overall and does not provide a suitable podium, with no setbacks to Cramer Street and minimal setbacks to St Georges Rd to mitigate the visual bulk and provide an appropriate podium and transition.</p> <p>The height and design will therefore dominate this corner location, well beyond what is envisaged by policy direction. It is considered that the building height and bulk is inappropriate.</p>	
Dwelling diversity	<p>The development provides a reasonable diversity of layouts comprising 1 x studio, 22 x 1 bedroom, 71 x 2 bedroom and 1 x 3 bedroom dwellings.</p>	Complies
Parking and vehicle access	<p>Vehicle access is appropriately provided from St Georges Road, with no vehicle access from Cramer Street. The vehicle access and rear/basement parking areas are acceptable.</p> <p>The site is located in proximity to the Preston Railway Station, which is considered sufficient to justify a reduction in car parking. However, the extent of reduction sought is considered to be unacceptable based on ABS data for this area - refer to the Clause 52.06 assessment below.</p> <p>Adequate security may be provided to the car parking area by way of a garage door.</p>	
Street address	<p>The proposal meets the policy guidelines in respect to street address in that the retail premises provide an active street frontage and the residential entry is clear.</p> <p>Active shopfronts are provided in the design and weather protection may be required by condition.</p> <p>The proposal provides good pedestrian access directly from the street frontage. The dwellings provide windows and balconies to the street frontages. Mailboxes are located to the entry area and the entry area may be adequately lit.</p>	Complies subject to condition
Amenity Impacts Including Overshadowing and Overlooking	<p>There is an adjacent residential development to the north that will not be affected by overshadowing, overlooking or reduced daylight to habitable room windows. Residential land to the south is beyond a 9 metre distance from the edge of the building and no action is required in this regard to address any overlooking. Shadow diagrams submitted with the application indicate that overshadowing to the south and west will not affect residential properties on the southern side of Cramer Street and the western side of St Georges Road.</p>	Complies

Element	Comment	Compliance
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>With respect to internal amenity, a key objective of State and Local planning policy is to ensure that dwellings in multi storey developments have adequate access to daylight and sunlight and outlook.</p> <p>Clause 22.06-3.9 provides the following guidance:</p> <ul style="list-style-type: none"> • <i>Windows to apartments with a single outlook must be clear to the sky, and should not be overhung with balconies or other protruding structure, unless the overhang is designed to provide a shading function and avoid excess heat gain.</i> • <i>Bedrooms that rely upon borrowed light, including ‘battle axe’ bedrooms, should be avoided.</i> • <i>Development should make adequate provision for natural light and ventilation to habitable rooms, including bedrooms.</i> <p>Objective 3 of Clause 21.03 (Housing) is ‘to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents’. Strategies to achieve this objective: ‘require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate’.</p> <p>Objective 5.4 of the High Density Residential Development Guidelines (HDRG) is ‘to ensure that a good standard of natural lighting and ventilation is provided to internal building spaces’. Design suggestion 5.4.1 is ‘to provide direct light and air to all rooms wherever possible. Encourage direct natural light and ventilation to all habitable rooms – living rooms, bedrooms, studies’</p> <p>Initiative 2.1.5 of <i>Plan Melbourne</i> is ‘to improve the quality and amenity of residential apartments’.</p> <p>The release of the Better Apartments Discussion Paper has drawn further attention toward this issue.</p> <p>In <u>SPEC Property Developments Pty Ltd</u> the Tribunal concluded that 16 of 62 apartments provided a poor level of outlook and access to daylight. It stated:</p> <p><i>Access to daylight in habitable rooms is a fundamental contributor to a room’s amenity. We do not agree that having some habitable rooms which cannot be occupied or utilised without the use of electric lighting during daylight hours represents an acceptable planning outcome. There is no reason why a development on this site cannot be designed in a manner which achieves a level of daylight to habitable rooms that allows their use for at least part of the day without the need to use electric light.</i></p>	<p>Does not comply</p>

Element	Comment	Compliance
	<p><i>It is a function of the design responding to the constraints and opportunities of the site, and of the overall scale, form and density of the development.</i></p> <p>A high proportion of the dwellings provide a poor level of internal amenity arising from one or a combination of factors, such as deep living spaces (measured from the rear of the living/kitchen space to the outside edge of the overhanging balcony). This layout limits the amount and depth of daylight and sunlight able to enter these spaces resulting in relatively dark living spaces that are reliant on artificial lighting even during daytime periods.</p> <p>The amenity of some dwellings is also further affected by the layout, such as deep south-facing balconies, with significant upper floor overhangs (e.g. Dwellings 113, 114 and 115 and the dwellings above). This design response restricts the amount of natural light that can penetrate the dwellings, placing further reliance on the need to utilise artificial lighting.</p> <p>In looking further at the balcony areas and dimensions (aside from the significant overhangs), it is unclear if a number are able to achieve 8 square metres (with minimum internal dimension of 1.6 metres), such as Dwellings 101, 209, 211 and those dwellings above.</p> <p>Many of the dwellings will not have a functional layout. This coupled with minimal dimensions to the open plan areas (living, kitchen, dining combined areas) for example, of units 101, 106, 107, 108, 109, 110, 111,112, 113, 115 (and typical floor plates above) result in the standard of accommodation falling below acceptable standards. This type of dwelling may be suitable for short term accommodation such as hotel apartments but not considered suitable for long term accommodation for singles, couples and families.</p> <p>While it is not always possible to provide optimal layouts, solar access, outlook and internal noise environments for all dwellings within a development, this is acceptable where only a small number of dwellings are affected. In this instance, the site is a relatively large corner site and it is considered that the size and width of the land provides ample scope for a design where a very high proportion of the dwellings can be provided a good quality internal living environment. A design on land of this size should also avoid the need to provide overhanging structures.</p> <p>Levels 1, 2 & 3 have 15 dwellings on each floor; only 12 storage areas are provided on each of these floor levels with four (4) of the 12 storage areas being located inside the dwelling footprint. A similar setup is employed on upper levels where external storage is provided within the dwelling footprint and not externally accessed. This is akin to providing a wardrobe and not fit for purpose i.e. to store general equipment, surplus furniture, and other goods. Sufficient storage facilities are not provided in an appropriate and convenient manner.</p>	

Element	Comment	Compliance
Waste Management	<p>The design of a development of this scale must be informed by a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection.</p> <p>Waste collection must be limited to a maximum of two (2) collections per week per waste stream and the size of the waste collection areas must be designed to achieve this outcome.</p> <p>The waste management plan submitted with the application indicates waste collection is required to be undertaken three (3) times per week.</p> <p>More frequent weekly waste collections have the potential to have a detrimental impact upon the amenity of the area, particularly when combined with the waste collections services associated with other emerging high density development in the area.</p>	Does not comply
Equitable Access	All levels are provided with lift access.	Complies

Higher Density Residential Development 2004 (Department of Sustainability and Environment)

Clause 15.01-2 requires that responsible authorities should have regard to Design Guidelines for Higher Density Residential Development. The following is an assessment against this document:

Element	Comment	Compliance
Urban Context	<p><i>Objective 1.1: to ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area. This should take the form of an urban context report.</i></p> <p><i>Design suggestion 1.1.1: prepare an urban context report that documents the character of the area and identifies opportunities and constraints of the site</i></p> <p><i>Objective 1.2: to provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character.</i></p> <p><i>Design suggestion 1.2.1: structure the design response to explain how it responds to relevant planning provisions that apply to the land, any relevant housing, neighbourhood character, urban design and landscape plan, strategy or policy set out in the relevant planning scheme and the urban context report including.</i></p> <p>The physical and policy context of the site has been discussed above, under the assessments against the zone provisions, Clause 15.01 and 22.06. While the site is ideally suited for an apartment development, a detailed assessment of the development indicates that it doesn't provide a suitable response in regard to height, siting and internal amenity.</p>	Does not comply

Element	Comment	Compliance
<p>Building Envelope</p>	<p><i>Objective 2.1: to ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.</i></p> <p><i>Design suggestion 2.1.1: arrange building height, massing and forms to reinforce the structure and character of the area.</i></p> <p><i>Design suggestion 2.1.2: mass new buildings in response to the scale of surrounding buildings unless doing otherwise helps to achieve neighbourhood character objectives</i></p> <p><i>Objective 2.2: To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings.</i></p> <p><i>Design suggestion 2.2.1: relate building height to street width and intended character.</i></p> <p><i>Design suggestion 2.2.2: set back upper levels of tall buildings or use a podium and tower form to help create a pedestrian scale at street level.</i></p> <p>The site and policy context has been discussed under the zone provisions, Clause 15.10 and 22.06 assessments above.</p> <p>The overall height exceeds the direction for the site and area and there is an inadequate podium, contrary to the policy direction for the precinct and area.</p> <p>Other aspects of the development (such as: the proposed street setback and interface; street surveillance; equitable development; the treatment of the roof spaces) are considered to be acceptable.</p>	<p>Does not comply</p>
<p>Street pattern and street edge quality</p>	<p>The design provides appropriate interaction to the street, with active uses and windows located to the ground level street frontage. There are no unreasonable recesses that could affect safety.</p> <p>The entries to the building are clearly identifiable from the street and the entrance to the car park is located at the rear, so that it does not adversely affect the façade.</p> <p>It is considered that the proposed street interface is appropriate.</p>	<p>Complies</p>
<p>Circulation and services</p>	<p>The design of the proposed car parking areas is generally satisfactory. The car parks will be generally convenient to use and will provide adequate parking. No visitor parking is provided. See car parking assessment below. Bicycle parking has been provided.</p> <p>Circulation spaces and corridors are naturally lit in part which helps to reduce reliance on artificial lighting. The residential foyer is ample and the corridor widths allow adequate circulation and delivery/removal of large furniture items.</p> <p><i>Objective 4.5: to minimise water use.</i></p> <p><i>Design suggestion 4.5.1: collect and re-use stormwater where practical.</i></p> <p>A rainwater tank is provided in the development.</p>	<p>Complies</p>

Element	Comment	Compliance
	<p><i>Objective 4.6: to incorporate provision for site services in the building design to ensure good function and ease of service and maintenance.</i></p> <p><i>Design suggestion 4.6.1: provide a clear method for refuse disposal. A waste management and disposal plan should be prepared for all developments.</i></p> <p>The area set-aside for the storage of waste is small. The design of a development of this scale must be informed by a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection.</p> <p>Waste collection must be limited to one (1) collection per week per waste stream. The size of the waste collection area must be designed to achieve this outcome.</p>	
<p>Building layout and design</p>	<p>The development provides different dwelling layouts with dwellings having one (1), two (2) or three (3) bedrooms.</p> <p><i>Objective 5.4: to ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.</i></p> <p><i>Design suggestion 5.4.1: provide direct light and air to all rooms wherever possible.</i></p> <p>The proposal provides a poor response to this objective. This is discussed in greater detail under the Clause 22.06 assessment above.</p> <p><i>Objective 5.5: to provide adequate storage space for household items.</i></p> <p><i>Design suggestion 5.5.1: provide adequate storage space. Adequate storage is important in compact dwellings where space for large furniture such as wardrobes is limited. It is important that apartments in higher density developments have sufficient storage space, within the apartment and at a remote location for longer-term storage ideally within easy access</i></p> <p>Each dwelling has a storage area. However, these are mostly limited in area (i.e. 3 square metres) and some are located in the dwellings, rather than being external storage.</p> <p><i>Objective 5.6: to promote buildings of high architectural quality and visual interest.</i></p> <p><i>Design suggestion 5.6.1: design various building elements to suit the different ways they are viewed. Relatively bold forms and robust detailing are appropriate for roofs of tall buildings, whereas the details of parts of buildings that are highly visible to pedestrians (such as shop fronts and doorways) merit particular attention at a very fine scale.</i></p> <p><i>Design suggestion 5.6.2: consider materials as an integral part of the design response. High quality materials that withstand the effects of weathering and wear are important to the value of buildings over the long term.</i></p>	<p>Does not comply</p>

Element	Comment	Compliance
	<p><i>Design suggestion 5.6.3: avoid an unconsidered repetition of elements.</i></p> <p>The proposed materials palette consists of concrete, timber and metal cladding, which are largely suited to a residential application. Notwithstanding the above, inadequate detail has been provided to ascertain whether the envisaged architectural detailing of the façades can be achieved (i.e. the elongated hexagonal shapes), in that there does not appear to be sufficient depth in the façade walls to achieve the façade modelling sought.</p>	
<p>Open space and landscape design</p>	<p><i>Objective 6.1: to ensure access to adequate open space for all residents.</i></p> <p><i>Design suggestion 6.1.1: ensure private open spaces are useable and provide reasonable levels of amenity.</i></p> <p><i>Objective 6.3: to allow solar access to the private and shared open spaces of new high density residential units.</i></p> <p><i>Design suggestion 6.3.1: orient balconies, terraces and communal open space to optimise access to sunlight.</i></p> <p>There are a number of dwellings that have deep south facing balconies, with significant upper floor overhang (e.g. Dwellings 114 and 115 and the dwellings above). This design response restricts the amount of natural light. In addition, it is unclear if a number of balconies are able to achieve 8 square metres (with minimum internal dimension of 1.6 metres), such as Dwellings 101, 209, 211 and those dwellings above.</p>	<p>Does not comply</p>

Clause 37.06 - Priority Development Zone (Schedule 2), Preston Central Incorporated Plan (amended 2014) and reference document Preston Central Structure Plan 2006

The subject site is located within the Preston Central Structure Plan area and is in the Priority Development Zone Schedule 2. These characteristics indicate that the site and area is set aside for higher scale development. However, the level of change is to be regulated by the zone and policy controls, as well as the strategic and physical context. Although the site is adjacent to non-sensitive interfaces, the policies provide the direction for the appropriate scale within a broader context notwithstanding opportunities for redevelopment.

In looking at the assessment carried out above, it is important to address the existing and future building form/character and it is considered that the proposal presents an overdevelopment and does not provide an appropriate height, on-site amenity and will not provide adequate car parking. The site is located in a Priority Development Zone where the purpose is

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise or provide for the use and development of land for projects and areas of regional or State significance.*
- *To provide for a range of uses and the development of land in accordance with a plan incorporated in this scheme.*

The objectives to Schedule 2 to the zone are as follows:

- *To implement the Preston Central Incorporated Plan March 2007 (as amended 2014).*
- *To encourage intensive development and use of the land for retail, residential, office, entertainment, community and civic activity.*
- *To encourage high quality urban design that is responsive to the site's environs, provides active frontages, and facilitates built-form scale and design outcomes appropriate to a Principal Activity Centre.*
- *To provide opportunities for sustainable travel and increased use of public transport.*
- *To facilitate local accessibility and permeability throughout the centre.*

Clause 8 of the Schedule indicate that an application for buildings and works generally in accordance with the Preston Central Incorporated Plan March 2007 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. As can be seen below, the proposal is not generally in accordance with the Incorporated Plan, so notice would normally be required.

The zoning/schedule controls include decision guidelines when assessing planning permit applications for use and buildings and works. The following is a summary assessment against the decision guidelines:

- The assessment against the Preston Central Incorporated Plan 2007 and the Preston Central Structure Plan 2006 are detailed below. As can be seen in the assessment, it is considered that the proposed height is excessive and does not accord with the preferred building form.
- The proposal is not considered to comply with the objectives to the Schedule in that:
 - As noted above, the proposal does not comply with the Preston Central Incorporated Plan.
 - The proposal provides an intensive development of the site for residential and shop use, which is appropriate in the zone. However, the development form and scale is excessive.
 - The proposal provides an active frontage to the street interface, which is appropriate. However, it does not facilitate built form, scale and design outcomes appropriate to this part of the Activity Centre and is not considered to be responsive to the strategic/policy context.
 - Given the location in proximity to a railway line, there is some opportunity for sustainable travel.
- The proposal will not have any unreasonable impact on traffic movements.
- The access and accommodation for vehicles is at ground level, with no significant effect on the operation and traffic flow.
- Car parking is discussed below under Clause 52.06; however, it is considered that there is inadequate parking for the proposal.
- The site has access to adequate services.
- The development is inappropriate in the streetscape (as can be seen in the assessment below), given the excessive height and scale. Although the site is located in an area where higher scale development is encouraged, the proposed streetscape scale and inadequate upper floor setback do not lessen the impact of the scale and bulk.

- The proposal provides an active street frontage, with a shop and common entry foyer at ground level. An awning/canopy may be required by condition, to provide weather protection.
- Amenity to dwellings within and around the site is addressed below.

Given the above, the proposal is not acceptable and does not comply with the decision guidelines.

Preston Central Structure Plan 2006:

This document is a reference document under the above Schedule to the zone. The site is located within the Preston Central Structure Plan area. Under Theme 4 (A high quality environment: development) the relevant objective and policies are:

Objective:

To ensure an attractive physical form, scale and character that expresses the role and function of Preston Central and strongly encourages positive outcomes for the natural environment

Policies:

- *P4.5 Buildings of up to 5 or 6 storeys will be encouraged within the Civic, Mary Street, High Street South, Southern Gateway and Western Gateway precincts, and underdevelopment will be avoided in these areas.*
- *P4.6 Identifiable landmarks will be created at the Bell Street and St Georges Road entrances to the centre.*
- *P4.12 New development will be of environmentally-conscious building design and construction, commission and tenancy achieving the current environmental standard sought by the state government for all buildings.*
- *P4.13 New development will reach high standards of water conservation, stormwater retardation and stormwater quality in accordance with best practice Water Sensitive Urban Design (WSUD) and guidelines to be developed by Council.*

It is noted that the area is set aside for offices and/or apartments above (Integration Plan fig 3.6.1). The Preferred Future Character Plan (fig 3.7) places the site in a substantial change area, with the corner being a landmark site.

The site is located in Precinct "J" – Western Gateway. It acknowledges that the area is an important entry to Preston Central and is underutilised. However, the large allotments offer opportunity for redevelopment to 5 storeys for offices and apartments, with a landmark element of up to 7 storeys at the key intersections. The Design Guidelines repeat the above and also indicate that:

1. *Development should consist of offices and/or apartments, incorporating station car parking where necessary.*
2. *Development should be no less than 3 storeys high and no more than the maximum height shown opposite*
3. *New floors above 3 storeys should be set back at least 3 metres from the front facade below.*
4. *The rail-side path should be upgraded through enhancements to lighting, paving and landscaping.*

5. *Development should clearly define the public realm - particularly the rail-side path - leaving no undefined, concealed or obscured spaces.*
6. *The ground floor level of residential buildings may be raised up to 1.2 metres above the adjoining street level, except for entries.*

The strategy is to provide up to five (5) storeys on the site and a possibility of up to seven (7) storeys, with a podium of three (3) storeys in height. In looking at the above, the proposal provides an inappropriate sheer four (4) storey wall to St George Road frontage and the fifth and sixth floors are set back only in the order of 1.6 metres.

In addition, the proposal provides a sheer nine (9) storey building to Cramer Street and the intersection. This is inappropriate design response that does not appropriately address the preferred character and the strategic direction of the precinct.

Preston Central Incorporated Plan:

This plan provides a similar direction for development as that provided above. It also noted that the site is in Precinct J, within only the southern part of the site marked as “L1” and buildings must meet the Building Heights and Setbacks Table. The table allows a maximum height of five (5) storeys, with the part of the site in the “L1” area may have a height of seven (7) storeys. Buildings above the podium (three (3) to four (4) storeys) are to be set back at least 5 metres from a frontage. In this respect the proposed height of six (6) storeys and nine (9) storeys, with inadequate setback above the podium is considered to be excessive and dominant to the corner.

Car Parking - Clause 52.06

The required provision of car parking is set out in Table 1 of *Clause 52.06-5* of the Planning Scheme. If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Use	Rate	Number/Area	Requirement
Dwelling	1 to each 1&2 bedroom dwelling	94	94 spaces
	2 to each 3+ bedroom dwelling	1	2 spaces
Dwelling Visitor	1 space to each 5 dwellings	95	19 spaces
Shop (3 tenancies)	4 spaces to each 100 sqm net floor area	220sqm	8 spaces
Total Requirement			123 spaces

The applicant has proposed to provide 84 car parking spaces, and is **therefore seeking a total waiver of 39 car spaces.**

As per Clause 52.06-6 of the Planning Scheme:

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

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- *new use; or*
- *increase in the floor areas or site area of the existing use; or*
- *increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment*
 - *Any relevant local planning policy or incorporated plan.*
 - *The availability of car parking including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non-residential zones and streets in residential zones specifically managed for non-residential parking.*
 - *On street parking in residential zones for residential use.*
 - *Any adverse economic impact a shortfall of parking may have on the economic viability of an activity centre.*
 - *The future growth and development of an activity centre.*
 - *Any car parking deficiency associated with the existing use of the land.*
 - *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge scheme or cash-in-lieu payment.*
 - *Local traffic management in the locality of the land.*
-

- *The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in the schedule to the Parking Overlay.*
- *Any other relevant consideration.*

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

- No reduction in parking is being sought for the two and three bedroom apartments.
- Australian Bureau of Statistics car ownership rates for Preston and Darebin indicate average car ownership rates of 0.7 cars per one bedroom dwelling.
- Due to the size and type of dwellings proposed a peak visitor parking demand of 0.12 spaces per dwelling is considered more appropriate based on surveys of existing apartment buildings in Melbourne.
- The shop units are likely to serve nearby residents, businesses, students and visitors to the Preston Market who are already in the area and therefore not generate additional parking demand in itself. The development proposes 3 shop car parking spaces, which is sufficient to accommodate long-term staff car parking on-site with only a small overflow of customer parking expected.
- Existing surveys of the surrounding area indicate that on-street parking is low to moderate during the survey periods – business and evening hours on weekdays and weekend periods. There is sufficient capacity to accommodate any residual parking overflow that may occur from the development.
- The development has good access to public transport being in close proximity to Preston Railway Station and bus services which would assist in reducing the parking demand of the development.

Council supports the waiver of residential visitor and retail visitor car parking spaces given the location of the site. Council does not support the proposed waiver of 15 spaces for the one-bedroom apartments (0.35 spaces per dwelling). Car parking for the one-bedroom apartments is to be provided at a minimum rate of 0.5 spaces per dwelling.

Design Standards for Car parking

The design of access, car lift, car parking aisles and car parking spaces including the use of stacker systems has been assessed by Council, and is generally supported subject to conditions (see referrals table in later sections of this report).

Clause 52.07 – Loading and Unloading of Vehicles

The purpose of the clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Although there is insufficient on-street opportunity for loading and unloading of goods for the site, floor area of the shop premises is limited and as per many small shop uses, loading and unloading via the front entrance can be accommodated, or the retail parking space may be used for small commercial vans. It is considered that there is adequate provision for loading and unloading vehicles.

Clause 52.34 – Bicycle Parking

Bicycle parking is required to be provided on site as follows:

Use	Rate	Number	Required
Shop	None if floor area <1000sqm	-	-
Dwelling (four or more storeys)	Resident 1 to each 5 dwellings	95 dwellings	19 spaces
	Visitor 1 to each 10 dwellings		10 spaces
			29 spaces

The plans show 24 spaces at ground level and 50 spaces at the basement level. The dimensions and location of the bicycle parking is required to comply with relevant provisions and may be addressed via conditions. Any doors to secure bicycle parking areas are to be sliding and not swinging.

Clause 52.29 - Land Adjacent to a Road Zone Category 1

The application was referred to VicRoads, who stated that they had no objection to the application subject to conditions (see referrals table in later sections of this report). These conditions must be included in any approval issued for the proposal.

Clause 44.05-1 (Special Building Overlay)

The proposal is also consistent with the purpose and decision guidelines of Clause 44.05 (Special Building Overlay) of the Darebin Planning Scheme:

- The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The proposal has been assessed by Melbourne Water, the relevant floodplain management authority, and (subject to condition) written consent has been provided pursuant to Section 55 of the Act.
- The proposed development will not unreasonably redirect or obstruct floodwater, stormwater or drainage water, adversely reduce flood storage or unreasonably increase flood levels or flow velocities.

Subject to conditions, the development will not have any adverse effects on reducing flood storage and increasing flood levels and flow velocities, as determined by Melbourne Water.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection to the application, subject to conditions. Stormwater discharge from the site to be to Council and Melbourne Water requirements

Department/Authority	Response
<p>Transport Management and Planning</p>	<p>Objects to the reduction in car parking. Is supportive of the access and parking design, subject to further information and conditions:</p> <ul style="list-style-type: none"> a. The applicant should consider increasing the supply of on-site resident bicycle parking to a ratio of 1 space per dwelling. b. A hold line is to be provided adjacent to the ground level lift clearly indicating where queued vehicles should wait while vehicles exit the lift. c. AS2890.3 requires that bike parking facilities be designed to include a minimum of 20% of ground level (horizontal) BPDs (Bike Parking Devices) in any bicycle parking facility. As such, a minimum of 20% ground mounted rails would be accepted for the residential/employee parking area. d. It is unclear where waste collection vehicles will store while collecting commercial waste noting that St Georges Road is subject to No Stopping and Clearway restrictions. Furthermore, waste collection from the site's frontage to Cramer Street is not supported. All waste collection is to occur on-site. e. The applicant is to confirm that a B85th percentile vehicle can access car space 212/213. The assessment is to be completed in accordance with AS2890.1:2004 and to the satisfaction of the responsible authority. f. This planning permit must 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.
<p>ESD Officer</p>	<p>The application is not supported in its current form. A higher energy efficiency rating can and must be achieved for the development. The internal amenity, such as daylight access, to the dwellings is to be improved and solar shading and ventilation to west-facing dwellings is to be improved.</p>
<p>Public Realm</p>	<p>The building interfaces well with the streetscape, with a good setback from St. Georges. It would be preferred if the retail to the south side were at ground level or at least with a better street connection. The open space to the roof terrace could have more seating. Suggested to integrate seating into the retaining walls. The BBQ may be moved further away from the apartments to prevent any complaints of smoke/smell. Details of raised bed construction, planting and maintenance schedule is to be required as part of any approval.</p>
<p>Waste Services</p>	<p>The proposal requires at least three (3) garbage and three (3) recycled waste collections per week. It is Council's preference that the number of collections required each week for each waste stream be reduced to a maximum of two (2).</p>

Department/Authority	Response
Melbourne Water	<p>Melbourne Water has reviewed the amended plans. The plans do not comply with all Melbourne Water conditions within the letter to Council dated 6 January 2016. The following conditions must be complied with:</p> <ul style="list-style-type: none"> a. The entry / exit driveway of the basement carpark must incorporate a flood proof apex constructed no lower than 63.57 metres to Australian Height Datum (AHD). b. All doors, windows, vents and openings to the basement car park must be constructed no lower than 63.57 metres to AHD. c. Advice to Applicant: The submitted plans show an apex level of 63.06 metres to AHD. The apex must be raised to 63.57 metres to AHD. Ramping to achieve the apex must begin outside the 5.65 metre setback from the western boundary.
VicRoads	<p>No objection, subject to conditions:</p> <ul style="list-style-type: none"> a. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of use hereby approved. b. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway). c. The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works. d. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved. e. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
Public Transport Victoria	<p>No objection, subject to conditions:</p> <ul style="list-style-type: none"> a. The permit holder must take all reasonable steps to ensure that disruption to bus operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Under Section 4 to the Priority Development Zone Schedule 2, a permit is required for buildings and works.
- Clause 44.05-1 (Special Building Overlay) – construction of buildings and works.
- Clause 52.06 – reduce or wave the parking requirements.
- Clause 52.07 – reduce or wave the loading requirements.
- Clause 52.29 – create, vary or remove access to a Road Zone Category 1
- Clause 52.34 – reduce or waive the requirement for bicycle facilities.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01, 11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 17.01, 18, 19.03-1
LPPF	21.02-3, 21.03-2, 21.03-4, 21.04, 21.05, 22.06
Zone	37.06
Overlay	44.05, 45.06
Particular provisions	52.06, 52.07, 52.29, 52.34, 52.35, 52.36
General provisions	65.01
Neighbourhood Character Precinct	Not applicable

POLICY IMPLICATIONS

Environmental Sustainability

A Sustainability Management Plan (SMP) will be required for the development.

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

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

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





PROJECT
 CRAMER STREET
 30 CRAMER STREET, PRESTON

TITLE
 SITE PLAN

No.	Date	Revision
2	04.12.15	RF1.2

DWG NO TP-00
 TOWN PLANNING

PROJECT NO
 DRAWN BY
 CHECKED
 DATE PRINTED
 SCALE

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 Author
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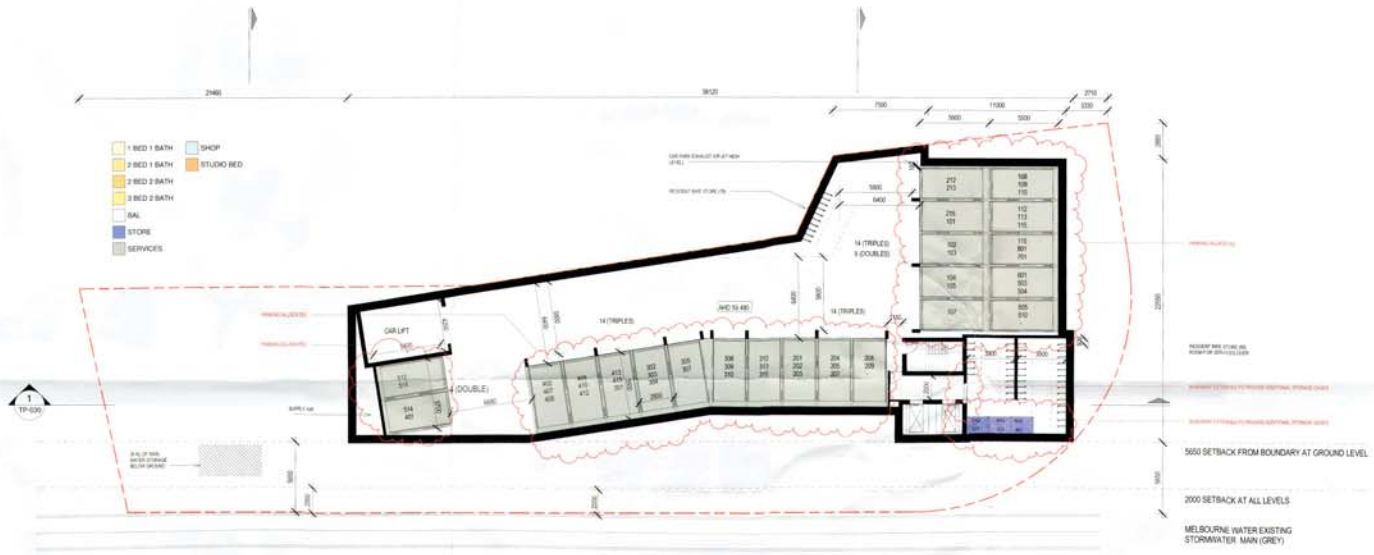
hayball

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ARBV Registered Directors:
 Len Hayball, Richard Leonard Robert
 Sient, Tom Jordan, Sarah Buckenridge,
 David Tweedie. Director: Luc Baldi
 ABN 84 006 394 261

Builders/Contractors shall verify job dimensions before any job commences. Figure dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved.

RECEIVED ON
 18 DEC 2015
 CITY OF BASSENDEN
 STATISTICS DEPARTMENT



PARKING SCHEDULE

	RESIDENT TRIPLE	RESIDENT DOUBLE	RETAIL	VISITOR	TOTALS
BASMENT	42	13	0	0	55
GROUND	0	26	3	0	29
TOTALS	42	39	3	0	84

BIKE SCHEDULE

	RESIDENT	PUBLIC	TOTALS
BASMENT	50	0	50
GROUND	0	24	24
TOTALS	50	24	74

STORAGE SCHEDULE

	IN STORE ROOM	IN APARTMENT	ON TERRACE	TOTALS
BASMENT	3	0	0	3
GROUND	0	0	0	0
LI-LB	63	29	0	92
TOTALS	66	29	0	95

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
BASMENT LEVEL

No. Date Revision
2 04.12.15 R/F 2

DWG NO TP-01
TOWN PLANNING

PROJECT NO 1931
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1:100 @B1

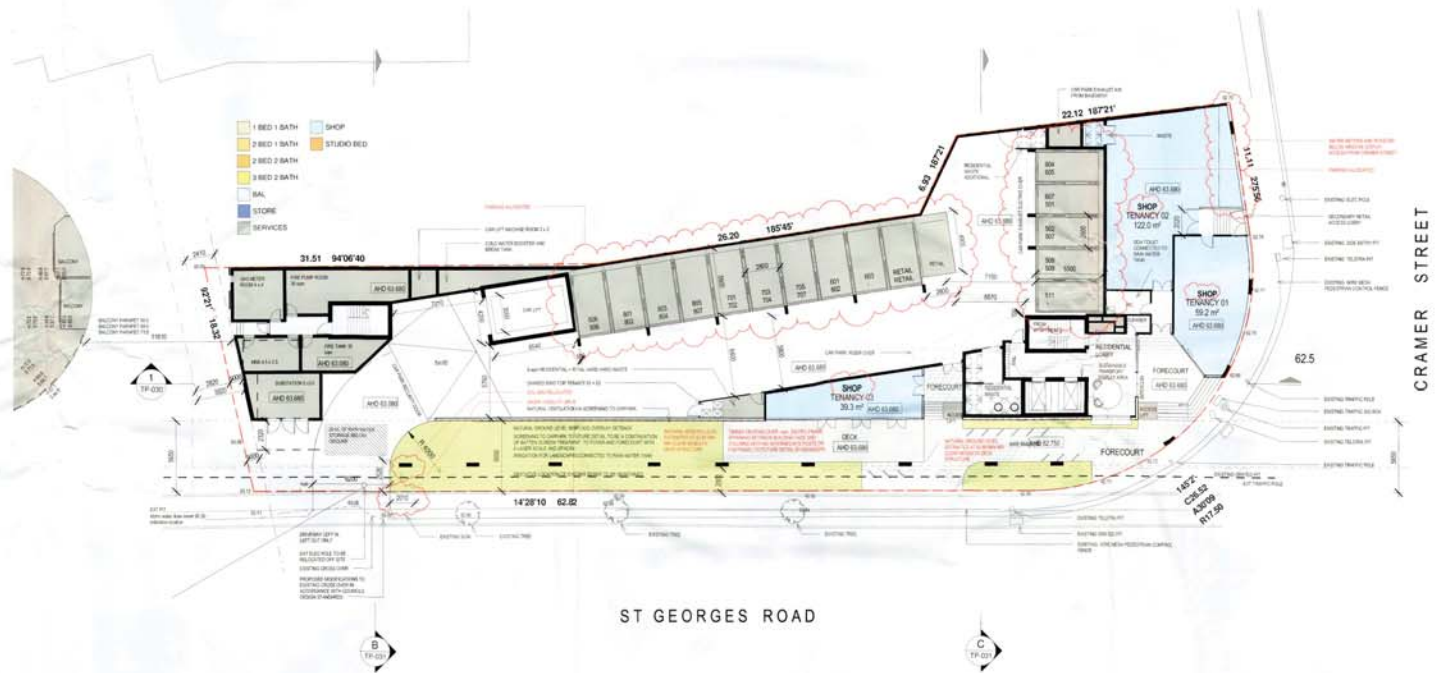
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18 DEC 2015
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CITY PLANNING

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PARKING SCHEDULE					
	RESIDENT TRIPLE	RESIDENT DOUBLE	RETAIL	VISITOR	TOTALS
BASMENT	42	13	0	0	55
GROUND	0	26	3	0	29
TOTALS	42	39	3	0	84

BIKE SCHEDULE			
	RESIDENT	PUBLIC	TOTALS
BASMENT	50	0	50
GROUND	0	24	24
TOTALS	50	24	74

STORAGE SCHEDULE				
	IN STORE ROOM	IN APARTMENT	ON TERRACE	TOTALS
BASMENT	3	0	0	3
GROUND	0	0	0	0
L1-L8	63	29	0	92
TOTALS	66	29	0	95

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
GROUND FLOOR

No. Date Revision
2 04.12.15 RF12

DWG NO TP-02



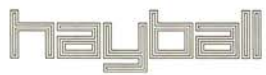
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SCALE

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Author
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ST GEORGES ROAD

GENERAL NOTES
 - - - PROPERTY BOUNDARY LINE
 - - - LEVEL FROM SURVEY
 - - - LEVEL EXTRAPOLATED FROM ADJACENT SURVEY LEVELS
 - - - STORAGE CAGE
 - - - 63.27 1 IN 100 FLOOD LEVEL
 ALL BUILDING SERVICES ARE INDICATIVE ONLY

RECEIVED ON
18 DEC 2015
CITY OF BARMINGHAM



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Stent, Tom Jordan, Sarah Buckenidge,
David Tweedie, Director: Luc Bald
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PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
LEVEL 01

No.	Date	Revision
2	04.12.15	RFI 2

DWG NO TP-03



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David Tweedie, Director: Luc Baki
ABN 84 006 394 261

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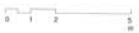
PROJECT
 CRAMER STREET
 30 CRAMER STREET, PRESTON

TITLE
 LEVELS 02

No.	Date	Revision
2	04.12.15	RF1.2

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CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
LEVELS 03

No.	Date	Revision
2	04.12.15	RF1.2

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3 LEVEL 3
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TITLE
 LEVEL 04

No.	Date	Revision
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 CRAMER STREET
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TITLE
 LEVEL 05

No.	Date	Revision
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PROJECT
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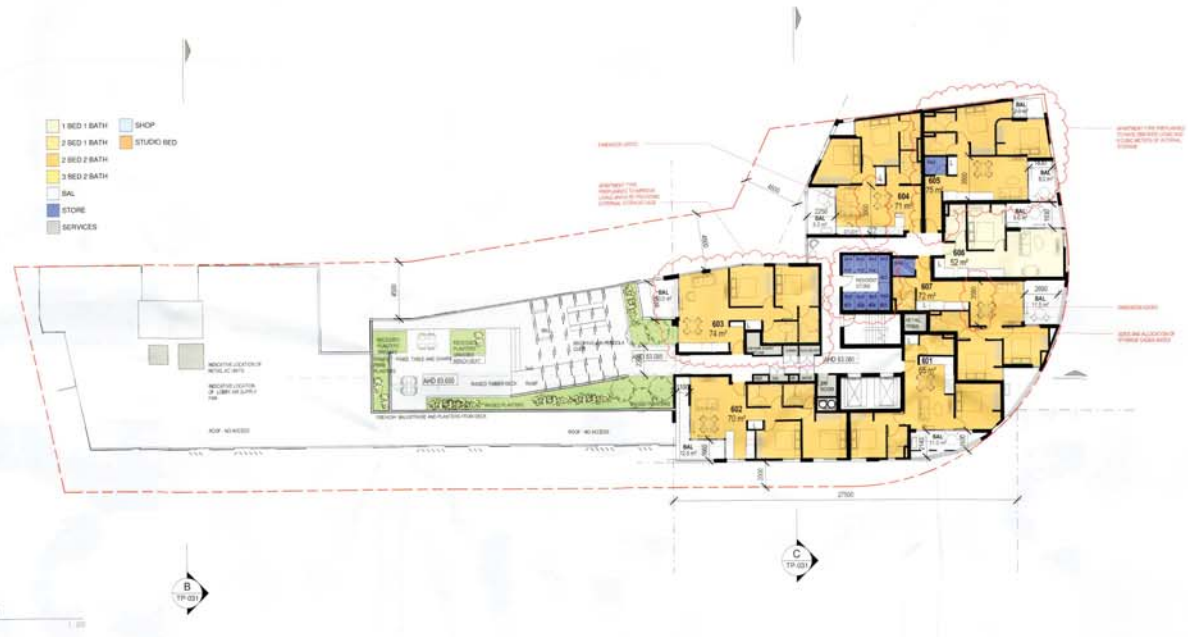
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No.	Date	Revision
2	04.12.15	RFI 2

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 CRAMER STREET
 30 CRAMER STREET, PRESTON

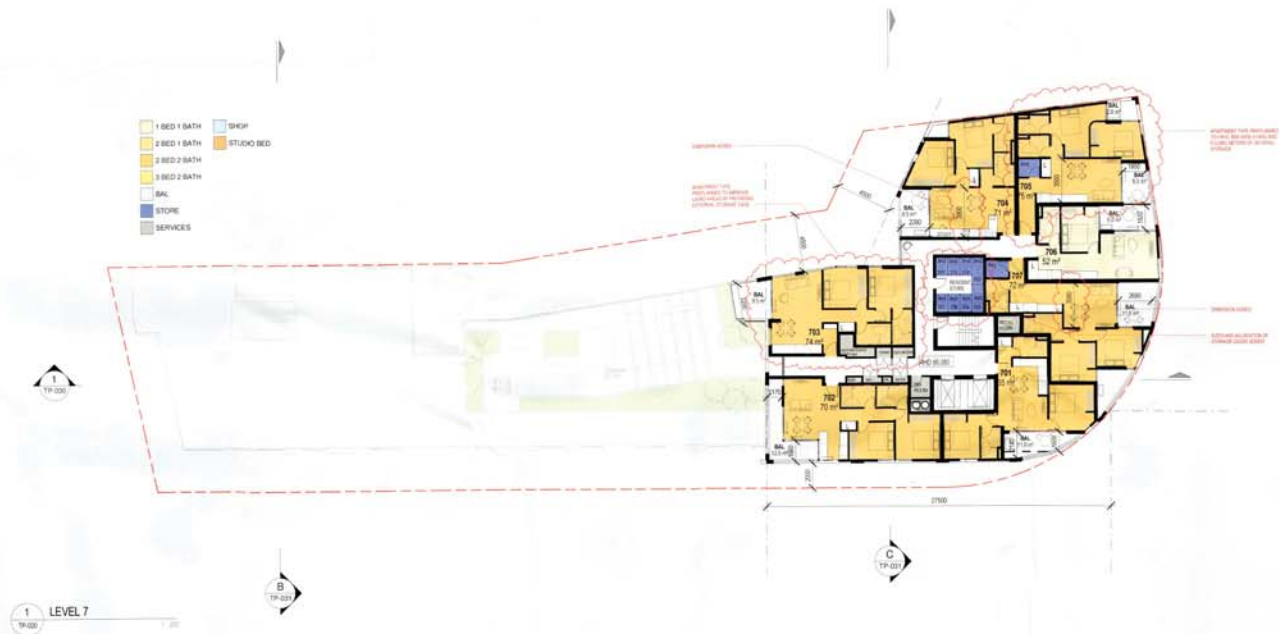
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No.	Date	Revision
2	04.12.15	RF12

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 30 CRAMER STREET, PRESTON

TITLE
 LEVEL 08

No.	Date	Revision
2	04.12.15	RF12

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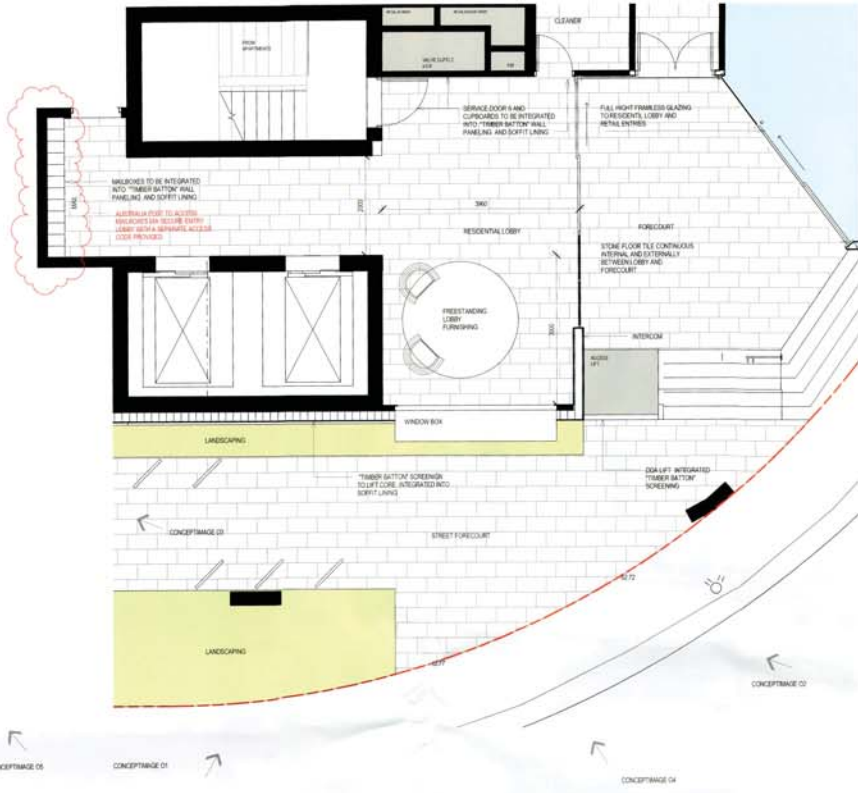
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RENDER OF ENTRY



CONCEPT IMAGE 01 - INTEGRATED METAL DECK



CONCEPT IMAGE 02 - ENTRY FORECOURT



CONCEPT IMAGE 03 - INTEGRATED METAL DECK - SCULPTURED SOFFIT



CONCEPT IMAGE 04 - ENTRY FORECOURT



CONCEPT IMAGE 05 - SCREENING TO CARPARK INTEGRATED INTO BATTER CLADDING

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
LOBBY CONCEPT PLAN

No.	Date	Revision
2	04.12.15	RF12

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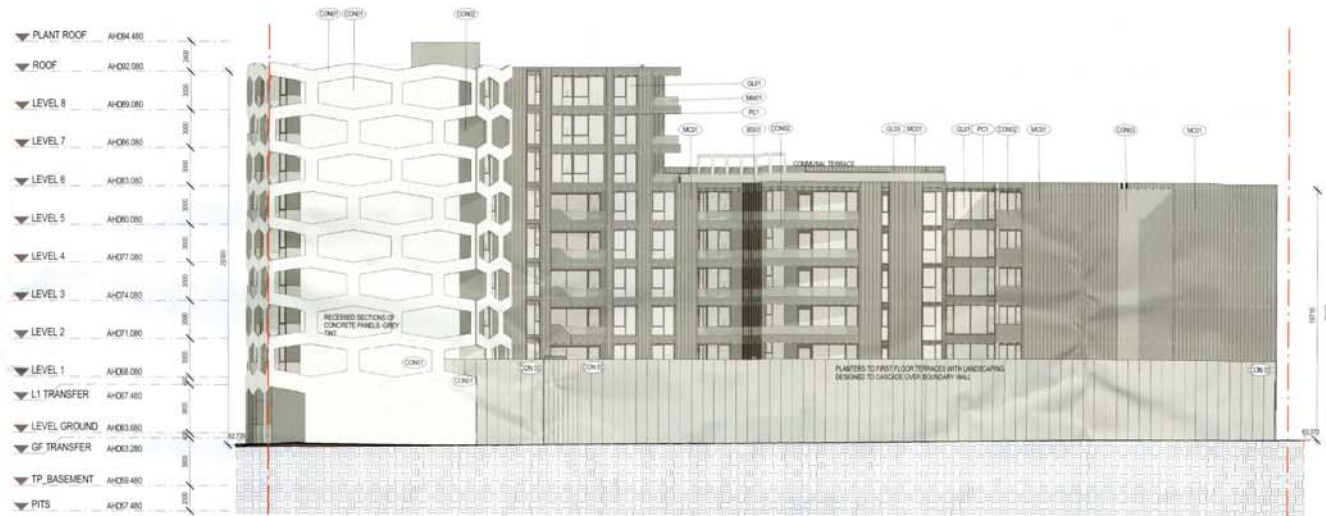
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2 EAST ELEVATION

MATERIAL LEGEND	
0200	CONCRETE TYPE 1 - BRUSH WHITE
0202	CONCRETE TYPE 1 - WITH-APPLIED GRAY BRUSH WHITE PAINT TO FACED SIDE
0203	CONCRETE TYPE 1 - AND GRAY WITH EXPRESSED JOINTS AND SHARP EDGES
0110	GLASS PANEL
0100	TAMER PERGOLA
0101	FRAME T2
0102	FRAME WITH-BATTERY GLASS
0103	GLASS WITH-TOP PRESIDENTIAL
0104	GLASS CLEAR METAL
0105	GLASS REFLECTIVE DARK GRAY TOP BALCONY/SCREEN
0106	BLACK METAL GLAZING FINISH
0107	APPROXIMATE GLASS CLADDING BALCONY/SCREEN
0108	BATTERY SCREENING GLASS
0109	METAL GLAZING WITH METAL SHIMS
0110	TAMER-JOIN WITH SCREEN GLAZING - 0.0111 LAMIN
0111	TAMER-JOIN WITH SCREENING TO CONCRETE
0112	METAL BATTERY SCREENING FOR GLAZING JOINTS - 0.12



PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
EAST ELEVATION

No.	Date	Revision
2	04.12.15	RFI 2

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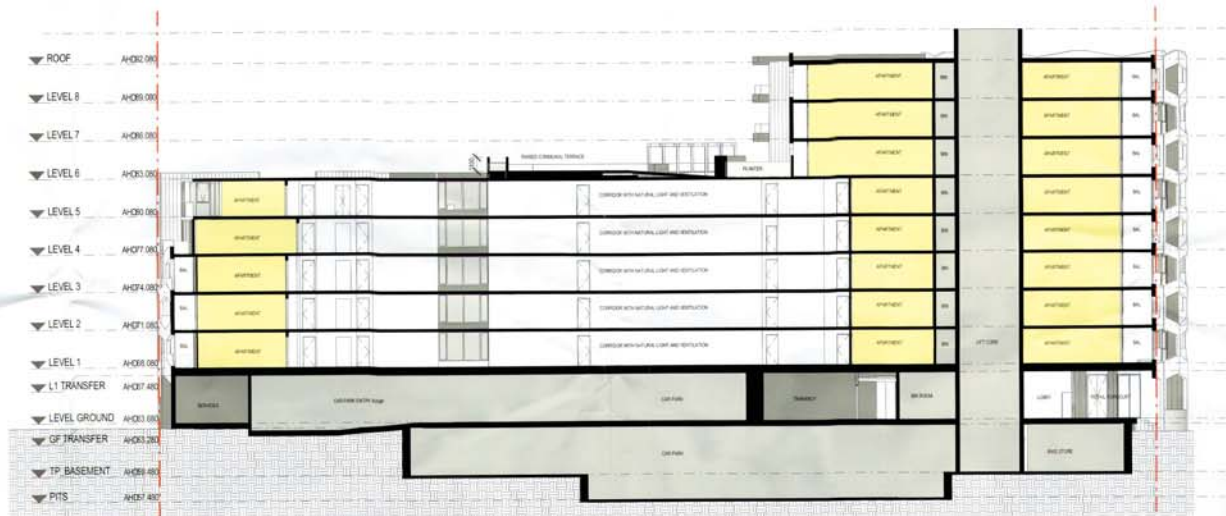
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SECTION A-A

- ▼ ROOF AH02.000
- ▼ LEVEL 8 AH09.000
- ▼ LEVEL 7 AH06.000
- ▼ LEVEL 6 AH03.000
- ▼ LEVEL 5 AH00.000
- ▼ LEVEL 4 AH07.000
- ▼ LEVEL 3 AH04.000
- ▼ LEVEL 2 AH01.000
- ▼ LEVEL 1 AH08.000
- ▼ L1 TRANSFER AH07.400
- ▼ LEVEL GROUND AH00.000
- ▼ GF TRANSFER AH03.200
- ▼ TP BASEMENT AH09.400
- ▼ PITS AH07.400

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
SECTION A-A

No.	Date	Revision
2	04.12.15	RPI 2

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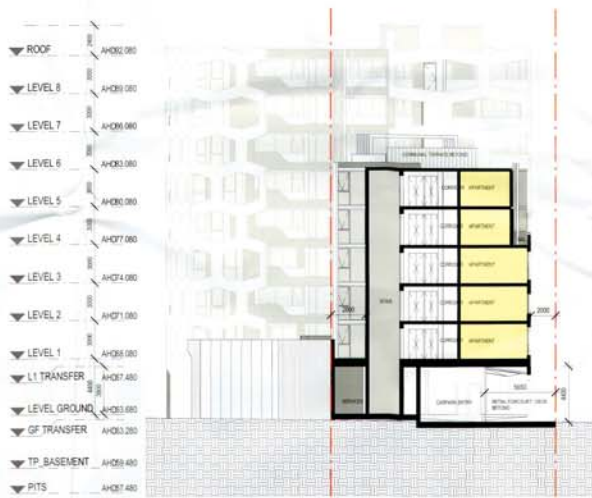
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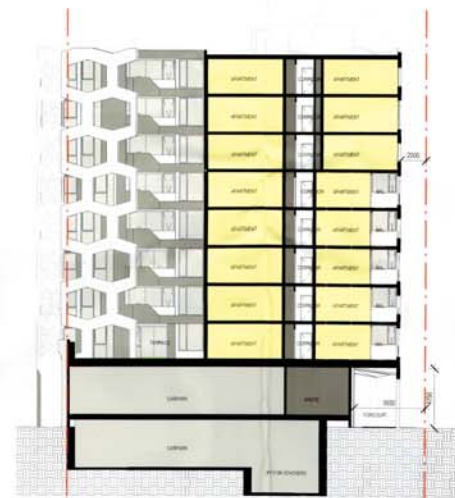
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SECTION B-B



SECTION C-C

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
SECTIONS B-B & C-C

No.	Date	Revision
2	04.12.15	RF1.2

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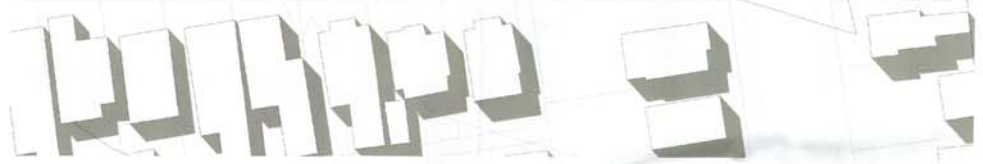
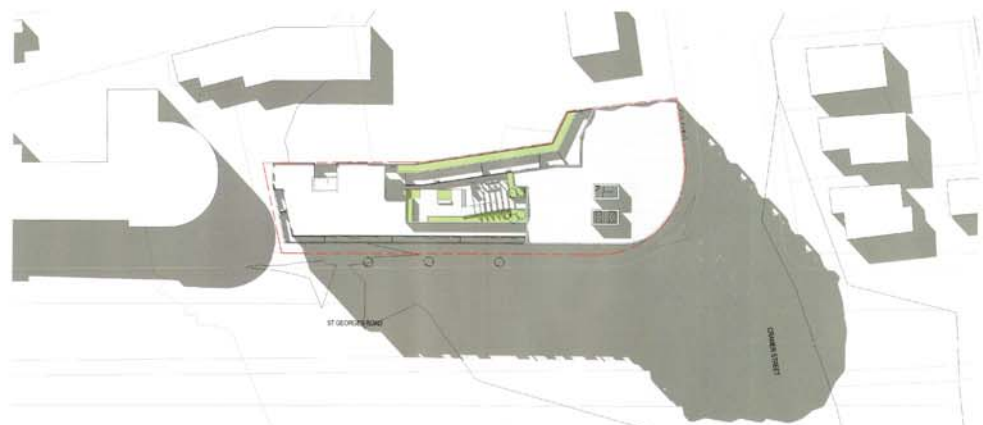
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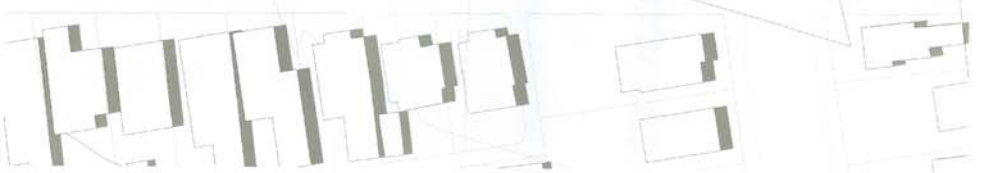
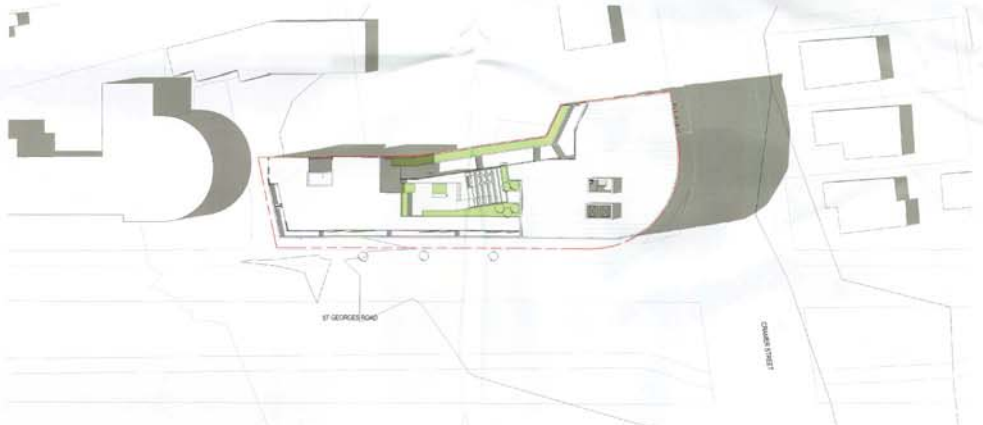
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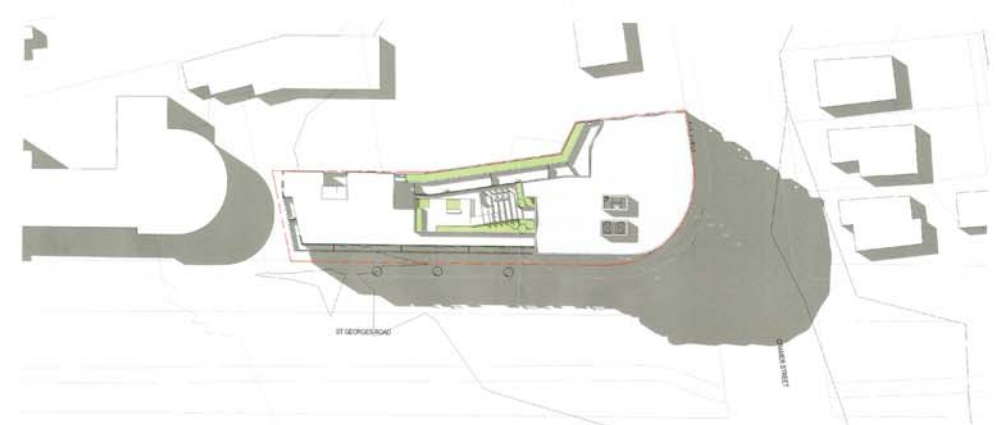
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1 10AM SEPTEMBER 22
TP-040



3 1PM SEPTEMBER 22
TP-040



2 11AM SEPTEMBER 22
TP-040



4 3PM SEPTEMBER 22
TP-040

PROJECT
CRAMER STREET
30 CRAMER STREET, PRESTON

TITLE
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No.	Date	Revision
2	04.12.15	RF1.2

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8. CLOSE OF MEETING

The meeting closed at 8.01 pm.

