

the place to live

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 8 February 2016

Released to the public on Thursday 11 February 2016

Table of Contents

1.	PRESENT1								
2.	APOLOGIES1								
3.	DISCLOSURES OF CONFLICTS OF INTEREST1								
4.	CON	IFIRMATION OF MINUTES OF THE PLANNING COMMITTEE	2						
5.	CON	CONSIDERATION OF REPORTS							
	5.1	APPLICATION FOR PLANNING PERMIT D/D/933/2015 131 Plenty Road, Preston	3						
	5.2	APPLICATION FOR PLANNING PERMIT D/695/2015 2-4 Clark Street, Reservoir	31						
	5.3	APPLICATION FOR PLANNING PERMIT D/648/2015 109 Wood Street, Preston	53						
	5.4	APPLICATION FOR PLANNING PERMIT D/1071/2014 117 Flinders Street, Thornbury	77						
	5.5	APPLICATION FOR PLANNING PERMIT D/1034/2014 24 Mutimer Street, Preston	95						
6.	ОТН	ER BUSINESS	96						
	6.1	List Scheduled VCAT Appeals	96						
	6.2	Significant Applications Update	122						
	6.3	List of Applications for next Planning Committee Meeting	129						
7.	CLO	SE OF MEETING	131						

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE ON 8 FEBRUARY 2016

THE MEETING COMMENCED AT 7.00 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson) Cr Gaetano Greco Cr Tim Laurence Cr Bo Li Cr Trent McCarthy (7.03 pm) Cr Steven Tsitas Cr Angela Villella (7.03 pm) Cr Oliver Walsh (Deputy Mayor) (7.03 pm) Cr Julie Williams

Council Officers

Steve Hamilton – Director Assets and Business Services Darren Rudd – Manager City Development Julie Smout – Coordinator Statutory Planning Chris Meulblok – Acting Executive Manager Corporate Governance and Performance Jody Brodribb – Acting Coordinator Council Business

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

COMMITTEE DECISION

MOVED: Cr. S. Tsitas SECONDED: Cr. G. Greco

THAT the Minutes of the Planning Committee meeting held on 14 December 2015 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

- 5.1 APPLICATION FOR PLANNING PERMIT D/D/933/2015 131 Plenty Road, Preston
- AUTHOR: Principal Planner Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner			Consultant			
Dr C Tangas and Tanmin	Tanmin Ltd	Corporation	Pty	Efficient Energy Choices			
Corporation Pty Ltd				Clement Planners	Stone	Town	
				O'Brien Tra	affic		

SUMMARY

- It is proposed to demolish all buildings (retrospectively), and construct buildings and works for a mixed use development comprising eight (8) dwellings and a medical centre, use of the land for dwellings and reduce the standard car parking requirement.
- The site is zoned Commercial 1 (C1Z) and the Heritage Overlay (HO305) and Development Contribution Plan Overlay (DCPO) affects the site.
- The site is subject to proposed Planning Scheme Amendment C137 which proposes changes to Clause 22.01 the Junction Framework Plan and the Design and Development Overlay Schedule 3 (DDO3).
- The proposal complies with the building envelope controls contained in Planning Scheme Amendment C137 adopted by Council at its meeting on Monday 21 September 2015. The 6 storey height controls and the 30 degree building envelope proposed under Amendment C137 have remained in the version of the planning scheme amendment exhibited through to being adopted by Council. Importantly the 30 degree envelope is not applicable as the land to the rear is a church and not a residential site.
- There is no restrictive covenant on the title for the subject land.
- 16 objections have been received.
- The proposal is generally consistent with the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION

• Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.

- This application was referred internally (given this is identical to the previously expired planning permit).
- This application was not required to be referred to external authorities.

RECOMMENDATION

THAT Planning Permit Application D/933/2015 be supported and a Notice of Decision to grant a Planning Permit be issued subject to the following conditions:

- 1. As part of the consultant team ADG Pty Ltd or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 2. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as sheet 8, 9 and 10 of 11, Rev C dated 2 September 2009 and Colour and Material Schedule all Job No 20090010 prepared by ADG Pty Ltd).
- 3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 4. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 5. This Permit will expire if:
 - The development is not completed or the use is not started, 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.
- 6. The development must be constructed in accordance with the requirements/ recommendations of the Efficient Energy Choices ESD assessment report dated 14 March 2011 to the satisfaction of the Responsible Authority.

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

7. Before the use starts, a sustainable transport display must be provided, in a visually prominent location, near the front entrance to the medical centre and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.

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

The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- 10. The design of habitable rooms of all dwellings adjacent to a road and the north boundary must limit internal noise levels to a maximum of 45 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- 11. Before the development starts, a plan (and, if appropriate, documentation) to the satisfaction of the Responsible Authority, demonstrating the arrangements for garbage and recyclable storage and collection, must be submitted to the satisfaction of the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must require that collection be undertaken by a private contractor, with no bins stored in Plenty Road or Yann Street for collection and bins collected by the contractor from the site. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation to the satisfaction of the Responsible Authority.

12. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to dwellings at Yann Street and Plenty Road and 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.

- 13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 14. The land must be drained to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. 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.
- 17. Before the use commences a contribution must be made (equivalent to two (2) bicycle spaces) to cycling infrastructure within the municipality, to the satisfaction 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. Where the *Disability Discrimination Act* requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.

- 20. Before the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment *Protection Act*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:

• All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

21. Not more than one (1) communal television antennae may be erected on the site. Individual antennae for individual dwellings/tenancies must not be erected.

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 2 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. Please note the Development Contribution Plan levy will be invoiced separately.
- N6. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.
- N7. In relation to the requirements of Condition No. 18 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8468) for details on how to make an equivalent contribution.

REPORT

INTRODUCTION AND BACKGROUND

Planning Permit D/68/2010 was issued 20 December 2010 by Planning Committee for the construction of buildings and works for a mixed use development comprising eight (8) dwellings and a medical centre, use of the land for dwellings and a reduction in the standard car parking requirement. Extension of time EOT/110/2013, issued 29 January 2014, required that works be commenced by 20 December 2014. The permit was amended 16 October 2014 to include demolition. No further extensions to the commencement time were issued and the permit expired. Building Permit BS1113/20151300/0 was issued 1 June 2015 and demolition works occurred after this date.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 7.98 metres in length and 35.56 metres in width with a site area of 272 square metres.
- The land is located within the Commercial 1 Zone and the Heritage Overlay HO305 and Environmental Audit Overlay.
- The site is located on the north east corner of Plenty Road and Yann Street in Preston.

- Previously a single and double storey brick shop was located on site which has now been demolished. The site has a gentle slope down of 0.9 metres to the west.
- To the north, at 133 Plenty Road, is a double storey shop with a dwelling to the rear. Beyond this are two storey commercial developments
- To the west, on the opposite side of the Right of Way (ROW), is a church.
- To the south, on the opposite side of Yann Street, is a single storey shop.
- To the east, on the opposite side of Plenty Road, are two (2) storey commercial developments (typically offices) and restricted retail premises.
- The site is located adjacent to Tram Route 86. Bus Route 552 runs on High 200 metres to the west and Bus Route 513 runs on Bell Street 250 metres to the north. Bell Station is 400 metres to the west.
- On street parking supply in Plenty Road is unrestricted in proximity to the subject site but Monday to Friday clear ways apply on the east side 4pm to 6:30 pm and on west side 7am to 9am. On street parking supply in Yann Street is unrestricted on the north side and restricted on the south side two hours 8:30 am to 6:30 pm Monday to Friday and 8 am to 12:30 pm Saturday.

Proposal

- The proposal is to demolish the existing building (retrospectively) and to construct a three (3) storey development comprising a medical centre and eight (8) dwellings identical to that previously allowed under planning permit D/68/2010.
- The medical centre is to have one (1) practitioner (Ophthalmic Surgeon) with two (2) support staff (a receptionist and an ophthalmic assistant). The practice will see four (4) patients per hour, operating 3 to 4 days a week (normally weekdays) between the hours of 8:30 am and 6:00 pm.
- Two (2) dwellings will be bedsits and six (6) will be one (1) bedroom. Dwellings have an open plan kitchen, living dining arrangement, a bathroom and a bedroom or a bed nook off the main living area. Dwellings have balconies of a minimum 8.66m² area and a minimum 1.6m dimension. Northern light courts are provided to the bedrooms of Dwellings 2, 3, 4, 6, 7 and 8.

The ground floor comprises 117 square metres of medical centre with pedestrian access directly off Plenty Road. Seven (7) secure car parking spaces are to be provided, four (4) in independent car stackers accessed from the rear ROW and three (3) car spaces accessed off Yann Street from a relocated crossover. Storage for dwellings and bins is also provided. It is proposed to allocate the four (4) independent car stacker spaces to the dwellings and the three (3) remaining car spaces to the medical centre. Refer car parking assessment under Clause 55.06.

- At first floor it is proposed to provide Dwellings 1 to 4. At first floor it is proposed to provide Dwellings 5 to 8.
- Dwellings 1 and 5 have a frontage to and access to Plenty Road.
- Dwellings 2 to 4 and 6 to 8 have frontage to and access to Yann Street.
- Materials of construction include blue Rio brick, Metal Plate, timber, concrete panel, perforated metal, powder coated aluminium and render.

Objections

• 16 objections have been received.

Objections summarised

- Overlooking.
- Character form, scale, materials and contemporary design not appropriate.
- Too many 1 and 2 bedroom dwellings.
- Not sustainable.
- Traffic impacts.
- Insufficient Car Parking.
- Overdevelopment.
- Visual bulk.
- No net value to the community.
- Demolition of heritage building inappropriate.
- Non-compliance with building regulations.
- Impacts associated with roof plant.
- Setting a precedent.

Officer comment on summarised objections

The Planning Committee Charter (the Charter) identifies that its scope of activity is to consider and determine planning applications which receive five or more objections. For the purpose of the Charter, multiple objections from the same property address are counted as a single objection as is a petition or <u>letter with multiple signatories</u>. The objections are identical pro-forma objections. Given words in the singular include the plural (Interpretation of *Legislation Act 1984* - Sect 37) the 9 individual identical letters comprise a "letter with multiple signatories" under the Charter.

The location of objector addressees has been mapped with all being located 1.1km to 1.6km away from the subject site.

• Overlooking.

See assessment below.

• Character – form, scale, materials and contemporary design not appropriate.

The proposal is consistent with the character of the area. The proposed design is not mock historic which is preferred and the design is not overstated or visually obtrusive and will bring a richness of urban form to the street. See assessment below.

• Too many 1 and 2 bedroom dwellings.

The proposal provides housing diversity consistent with state and local planning policy.

• Not sustainable.

The proposal has provided an appropriate ESD assessment.

• Traffic impacts.

The site is located adjacent to a Road Zone category 1 and will not generate significant traffic.

• Insufficient Car Parking.

See assessment below.

Overdevelopment

See assessment below.

• Visual bulk / three storey form inappropriate.

The scale of the development is commensurate with its immediate surrounds which are not residential. The adjacent two storey Victorian era buildings fronting Plenty Road have high parapets which present a two and a half storey scale to the street. The proposal is only nominally higher than these buildings. There are no significant detrimental visual bulk impacts associated with the proposed built form and the building height is consistent with the heritage character of the place and the urban character of Plenty Road.

• No net value to the community.

This ground is unsubstantiated. The proposal provides a mixed use development incorporating medical facilities and dwellings resulting in community benefit. There have been no demonstrated disbenefits associated with these uses.

In Backman and Company Pty Ltd v Boroondara City Council the following was noted:

"As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(jb) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development.

Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes. The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect.

The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal" Whilst the land is zoned Commercial 1 the above comments remain relevant.

• Demolition of heritage building inappropriate.

See assessment below.

• Non-compliance with building regulations fire rating requirements.

Construction techniques are not a consideration under the Planning and Environment Act or Darebin Planning Scheme. Compliance with the building regulations is the responsibility of the land owner.

• Setting a precedent.

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

PLANNING ASSESSMENT

Amendment C137

Amendment C137 seeks to introduce built form controls to the Plenty Road corridor. It is important to note that the planning scheme amendment has been exhibited, supported by an independent planning panel and adopted by Council with a 6 storey / 20 metre mandatory maximum height to apply to this site. The three storey building has a zero setback to Plenty Road where the DDO3 allows up to four storeys with a zero setback. Further the 30 degree envelope is not applicable as the land to the rear is a church and not a residential site. The proposed setbacks from the rear boundary are appropriate and the building complies with the proposed Clause 22.01 - The Junction Framework Plan and Design and Development Overlay – Schedule 3 (DDO3).

Heritage

Heritage Overlay HO305 statement of significance notes the following:

Statement of Significance:

What is significant?

The Plenty Road South Preston Commercial precinct comprises the late nineteenth century commercial buildings at 85-107, 131-141 and 126-134 Plenty Road, Preston. The following elements contribute to the significance of the place:

- The original detailing to the upper facades of the buildings.
- Early timber shopfront at 85 Plenty Road and early twentieth century shopfronts at 130, 131, 135 and 137 Plenty Road.
- The consistency of the built form and the the extent to which development in one main period is apparent.

Non-original alterations or additions to contributory buildings, the buildings at 95-105 and the roadway between the buildings are not significant.

Description

The Plenty Road precinct comprises three groups of shops at 85-107, 131-141 and 126-134 Plenty Road, Preston. It is a late nineteenth century commercial precinct of single and double storey shops along both sides of Plenty Road generally between Raglan Street and Seymour Street in Preston.

Further to the north on the west side is another group of two storey shops at Nos. 131-41, extending north from the Yann Street corner. Nos.131-35 is a two storey shop row with an intact upper facade and side elevation to Yann Street. It has a solid parapet with cornice and rendered detailing to the upper part of the windows. Adjacent to it is another group of two storey shops with slightly more elaborate detail at nos. 137-41. 131, 135 and 137 Plenty Road have surviving late nineteenth or early twentieth century shop fronts.

The shop front and the upper level façade to Plenty Road and Yann Street are all significant. Notwithstanding this, a permit has previously been issued allowing its demolition. Whilst this permit expired on 20 December 2014, demolition works have since been undertaken. Demolition of the building is still considered to be appropriate as previously approved under planning permit D/68/2010.

Despite this it is important that the construction of any new building be sensitive to its heritage context. Council's heritage advisor has indicated that the design satisfies this in terms of window proportions and general form.

CLAUSE 15.01 URBAN ENVIRONMENT ASESSMENT

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.

<u>Context</u>

The proposal has had sufficient regard to the context of the location in that it takes into account the strategic direction for the land and area.

It generally provides a good quality design with the provision of residential and office (medical centres) uses on the site, furthering urban consolidation.

The applicant has undertaken a site analysis as part of the design process which has informed the height, scale and massing of the development.

The design is considered to be acceptable in the context of the neighbourhood.

Complies

The public realm

The public realm is maintained with appropriate pedestrian entries for the residential component and the medical centre. A canopy with appropriate clearance and setbacks from the footpath and kerb extends over the footpath of Plenty Road providing additional protection.

<u>Safety</u>

The pedestrian entries for the dwellings are open and visible. The pedestrian entries provide an appropriate sense of address, which is secure.

Complies

Landmarks, Views and Vistas

As the development is located on a corner it is exposed when viewed from the south from Plenty Road. The architecturally designed building will add to the diversity of built form in Plenty Road and will not detract from the views along Plenty Road. Similarly the building will be visible when viewed from the north along Plenty Road, but given the adjacent buildings, the lower levels of the proposal will not be overly visible.

Views along Plenty Road are not identified as being significant by the planning scheme and there is no right to a view under the planning scheme. However, the design will contribute positively to the visual amenity and character of the area, allows for a reasonable sharing of views, and will not impact significantly upon views enjoyed from adjacent properties.

The building will alter views to the Greek Orthodox church, however this is not a heritage building and view lines to the church are not substantial. Views of the church are not identified as being significant by the planning scheme, sufficient views are maintained of the church from the public realm and general surrounds, and the scale of the development is subordinate to that of the church.

Complies

Pedestrian Spaces

The design provides appropriate pedestrian interaction and pedestrian amenity.

The design is considered appropriate in that the upper floor will not dominate the pedestrian spaces to Plenty Road or Yann Street.

The car parking fronting Yann Street does not dominate or detract from pedestrian amenity and is supported.

Complies

<u>Heritage</u>

The site is located within an area covered by a Heritage Overlay however the building has been demolished. The proposed building is considered to be sufficiently sensitive to the heritage context.

Complies

Consolidation of Empty Sites

The development scale is consistent with the strategic intent of the area. It provides appropriate works to complement the complexity and diversity of the built environment.

Light and Shade

Having regard to the Commercial 1 Zoning and the orientation of the land there is no unreasonable loss of sunlight/daylight to the public realm in Plenty Road as the new development is only 1.9 metres higher than the existing building (9.5 metres high). Yann Street is not a heavily utilised part of the public realm and the additional shadows cast are considered to be acceptable in this context having regard to the existing building on the

Complies

site.

Energy Resource and Efficiency

The proposal provides a mixed use development in an appropriate area to take advantage of existing services.

Having regards to the location of the site fronting Yann Street and the potential future development to the north the design provides adequate energy efficiency to the dwellings with acceptable solar access, shared walls, multi storey construction and internal stairs.

Dwellings 6 and 7 living areas are provided with north facing clerestory windows.

Given the need to provide additional articulation on the east elevation (see architectural quality assessment above under Clause 15.01), it is recommended that sun shades be provided to the east facing habitable room windows of Dwellings 1 and 5 (to the north and above).

Compliance with the ESD assessment will be required.

Complies subject to condition

Architectural Quality

Materials include precast tilt up panel, render, brick, timber, perforated metal, powdercoated balustrade and decorative metal plate and are of good quality. The development is architecturally designed to a standard that ensures the proposal will sit comfortably within the streetscape.

The elevations show an articulated façade and an appropriate level of design detail.

Complies

Landscape Architecture

The site is located within a Business zone where intense development is encouraged to locate. There is no landscaping provided as part of the proposal, which is acceptable in the context of the commercial/retail uses and development in the area.

CLAUSE 22.01 JUNCTION LOCAL AREA PLAN ASSEMENT

The proposal is generally consistent with the strategic plan for this area, as embodied in The Junction Integrated Development Plan as assessed throughout this report.

Complies

CLAUSE 22.06 MULTI-RESIDENTIAL AND MIXED USE DEVELOPMENT

The following table is a summary of the assessment of the proposal against the provisions contained in the Policy.

Sustainability

See energy resource and efficiency assessment under Clause 15.01.

Complies

Design and Materials

See architectural quality assessment above under Clause 15.01.

Complies

Building Height

Surrounding development is predominantly two (2) storey. The proposed three (3) storey building height at a maximum height of 9.5 metres above natural ground level is only 1.9 metres higher than the two storey development adjacent and is therefore consistent with the scale of development in the area.

The church to the west is significantly higher than the proposal, having a scale of 4 to 5 storeys and is not a sensitive residential interface.

The proposed three (3) storey building height will have no significant overshadowing impacts of the public realm and is considered to be an appropriate design outcome.

Complies

Dwelling Diversity

Two (2) dwellings will be bedsits and six (6) will be one (1) bedroom, providing diversity.

Complies

Car Parking and Vehicle Access

Vehicle access is provided from the ROW at the rear partly in accordance with policy. The existing crossover to Yann Street is to be relocated to the east with no loss of on street car parking.

The site is located 390 metres from Croxton train station and adjacent to Route 86 tram line. The site is within 400 metres of the train station, with excellent public transport available to the site. This is sufficient justification to allow a reduction in the car parking provision.

Adequate security will be provided to the car parking area by way of automated doors.

Complies

Street Address

The proposal meets the policy guidelines in respect to street address in that the medical centre provides an active street frontage and weather protection is provided to Plenty Road in the form of a canopy to the front.

Entrance provides good pedestrian access directly from street frontages.

Complies

Amenity Impacts Including Overshadowing and Overlooking

There are no private open spaces to the west, east or south of the proposal. The development does not significantly overshadow neighbouring existing secluded private open space to the north.

To the north is 131 Plenty Road and screening measures have been provided to ensure there is no overlooking to the north.

Details of roof top plant have been provided.

Complies

On-site Amenity and Facilities, including Private Open Space

Open spaces range from 8 square metres to 13.2 square metres, with all dwellings having a minimum 8 square metres of private open space in a balcony of minimum 1.6 metres dimension compliant with the standard.

Private open spaces are well integrated with principal living areas. Having regard to the orientation of the land south facing open spaces provide the highest amenity and are appropriate.

The open spaces of dwellings are generally south facing and overshadowed. However, the location of open spaces is appropriate as it ensures that they will not be built out, minimises noise impacts from the east (Plenty Road) and provides an appropriate level of amenity.

Noise from Plenty Road to the dwellings and between dwellings is to be limited by condition.

Waste Management

An area to store waste and recyclables is provided to the rear of the site on the south boundary.

A waste management plan is to be required, which identifies the arrangements for collection of refuse (including recyclable waste).

Complies subject to condition

Equitable Access

The ground floor of the development is accessible to persons of limited mobility. Appropriate disabled access must be provided to the medical centre.

Access to all upper levels of the building is available via stairs.

Complies

CLAUSE 34.01 COMMERCIAL 1 ZONE ASSESSMENT

The following is a summary assessment against the decision guidelines:

- The site is located between primary activity centres and close to public transport facilities. Generally, the proposal complies with the SPPF and the LPPF in that the use and development provides appropriate design, which contributes to the area and provides additional housing in an area capable of supporting a higher density. The works are also acceptable as can be seen elsewhere in this report.
- The design provides adequate access for pedestrians from Plenty Road / Yann Street.
- It is not considered that the proposal will lead to an unreasonable increase in traffic in the surrounding street network.
- Car parking provision is considered below, however the provision of car parking is considered acceptable.
- The building will provide an appropriate interface with the properties to the east (having regard to their non-residential use) and will result in a building which will not detrimentally impact on the amenity (in terms of visual impacts, overshadowing, overlooking and the like) of these properties.
- The proposal retains a commercial frontage to Plenty Road.
- An area for the storage of rubbish and materials for recycling is at ground level.
- The site has access to drainage and services.
- The building will have good solar access.
- The use will not detrimentally affect the amenity of the neighbourhood, including through the transport of materials, goods or commodities to or from the land, appearance of any building, works or materials or emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The use of the land and associated buildings and works are considered acceptable and generally comply with the decision guidelines.

Complies

CLAUSE 45.03 ENVIRONMENTAL AUDIT OVERLAY ASSESSMENT

The Environmental Audit Overlay requires that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A permit condition reflecting this requirement is recommended.

Complies subject to condition

CLAUSE 52.06 CAR PARKING

Use	Rate	Number	Required	Provided	Reduction
Dwellings	2 space/ dwelling	8	16	4	12
Medical Centre	5 spaces / practitioner	1	5	3	2
Т	otal Requirement	21	7	14	

Clause 52.06 requires car parking to be provided for the development as follows:

The eight (8) dwellings are allocated four (4) car spaces and the medical centre use is to be allocated three (3) car spaces.

It was previously assessed that a minimum of six (6) car spaces be provided for the dwellings, however this was not supported at the time by VCAT and a planning permit was subsequently issued.

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

- There is no parking precinct plan for the area.
- The site has excellent access to fixed rail public transport. The No.86 Tram runs along Plenty Road and Bell Railway Station is 390 metres to the west.
- The existing building is to be demolished and car parking credits do not apply.
- The site is proximate to an activity centre, encouraging multi-purpose trips as well as being readily accessible by public transport.
- Based on the car parking survey contained in the traffic report submitted there is sufficient parking in the surrounding street network to meet the visitor parking demand.

- The dwellings are all small, with six (6) single bedroom dwellings and two (2) bedsits. Smaller dwellings typically have lower parking demand. This view is supported by the Australian Affordable Housing Association Inc v Maribyrnong VCAT Appeal P490/2009 where parking rates in the order of 0.3 car spaces per bedsit dwelling and 0.7 car spaces per 1 bedroom dwelling were considered by the Tribunal (in an out of centre development). These rates are not directly applicable in this location but they provide some guidance.
- The reduction of the car parking is considered acceptable given policy framework from State to Local Planning Policies which encourages development to be located in areas that take advantage of public transport, services, shops and the like. In this respect the subject site is in a perfect location to provide lower car parking rates, rather that in a more suburban location where access to a car would be more critical to being able to travel.
- The medical centre provides three (3) car parking spaces for staff on site and a maximum of three (3) staff are proposed to operate from the medical centre.
- Having regard to the operation of the medical centre it is likely that there will be (2) patients on site at any time. Based on the car parking survey contained in the traffic report submitted there is sufficient parking in the surrounding street network to meet this short term parking demand.
- In addition, as a condition of approval, a sustainable transport display is required to promote the use of sustainable transport measures when attending the site.

It is considered that the proposal is generally acceptable and the reduction of the parking requirement is appropriate under the circumstances.

CLAUSE 52.34 BICYCLE PARKING ASSESSMENT

Bicycle parking is required as follows:

• According to Clause 52.34-3 of the planning scheme no bicycle parking facilities need to be provided for a residential development less than four (4) storeys in height or for a one (1) practitioner medical centre.

It is recommended that the applicant contribute to the provision of two (2) visitor bicycle parking spaces in the street and that nine (9) employee / resident bicycle parking spaces be provided in a lockable compound given the parking dispensation required and to encourage alternative means of transport.

CLAUSE 55 ASSESSMENT

Clause 34.01-8 requires Council to consider as appropriate (in addition to the decision guidelines in Clause 65) "*the objectives, standards and decision guidelines of* ... Clause 55." Clause 22.06 states that it is policy that development should meet the objectives of Clauses 55.05-1 to 55.05-4, 55.05-6 and 55.06-4 of the Darebin Planning Scheme.

Standard B1 - Neighbourhood Character

This element has been considered above in the Clause 22.06 assessment.

Standard B2: Residential Policy

The proposal is accompanied by an acceptable written statement and design response. The proposal generally complies with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Complies

Standard B3: Dwelling Diversity

See dwelling diversity assessment under Clause 22.06.

Complies

Standard B4: Infrastructure

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

It has been determined that drainage is available to the site subject to conditions.

Complies subject to condition

Standard B5: Integration with the Street

See street address assessment under Clause 22.06.

Complies

Standard B6: Street Setback

Excluding southern balconies and northern light wells the building extends across the full width of all boundaries at ground, first and second floor levels.

The prevailing building height in Plenty Road is double storey (7.6 metres). The proposal has a building height of 9.5 metres on the front boundary and the proposed setbacks are acceptable.

Complies

Standard B7: Building Height

See building height assessment under Clause 22.06.

Complies

Standard B8: Site Coverage

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply. The proposed site coverage is considered to be acceptable.

Standard B9: Permeability

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply. The proposed permeability is considered to be acceptable.

Complies

Standard B10: Energy Efficiency

See energy resource and efficiency assessment above under Clause 15.01.

Complies

Standard B11: Open Space

The site is not adjacent to any areas of public or communal open space.

Not applicable

Standard B12: Safety

See safety assessment above under Clause 15.01

Complies

Standard B13: Landscaping

See landscaping assessment above under Clause 15.01

Complies

Standard B14: Access

There is convenient connection to the street network for vehicles.

Vehicles are able to enter and exit the street network in a forward direction via the right of way.

The proposal provides relocates crossovers on Yann Street, with no loss of on-street parking.

The proposal will not result in undue traffic in the ROW and given the provision of visibility splays will improve existing access to the ROW.

Complies

Standard B15: Parking Location

Parking facilities will be proximate to the dwellings they serve.

The proposed garages are an adequately secure form of parking.

The access is observable.

Complies

Standard B16: Parking Provision

See car parking assessment under Clause 55.06

Complies

Standard B17: Side and Rear Setbacks

To the north of the subject site is number 133 Plenty Road, a shop with a dwelling to the rear. The building has a 6.7m long rear yard. The north façade of the proposal will be visible from the adjacent private open space. Under the standard the following setbacks would be required.

- Max Wall Height 9.8 metres
- Proposed Setback 0 metres
- Required Setback 4.9 metres

NB - these setbacks do not include the light well for Dwellings 4 and 8 bedrooms.

In a business zone there is a reasonable expectation that intensive development will occur and the level of amenity provided for a dwelling in a residential zone cannot be expected the same for that provided for a dwelling in a business zone.

Having regard to the Commercial 1 Zoning of the land, the articulation provided by the light well and that the proposed wall is located to the south of the private open space it is considered that the proposal will not present inappropriate visual bulk. It is however recommended that the wall be painted in a light colour.

To the west is a non-residential land use and the proposed heights and setbacks are considered an appropriate response.

Complies

Standard B18: Walls on Boundaries

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply.

Complies

Standard B19: Daylight to Existing Windows

There are no habitable room windows facing the subject site. The development allows adequate daylight to neighbouring existing habitable room windows.

Standard B20: North Facing Windows

There are no north facing habitable room windows to the south of the proposal. The development allows adequate solar access to neighbouring existing north facing habitable room windows.

Complies

Standard B21: Overshadowing

See Amenity Impacts Including Overshadowing and Overlooking assessment under Clause 22.06.

Complies

Standard B22: Overlooking

See Amenity Impacts Including Overshadowing and Overlooking assessment under Clause 22.06.

Complies

Standard B23: Internal Views

No internal views

Complies

Standard B24: Noise Impacts

There are no obvious noise sources to or from the development. Shared walls between dwellings will be required to comply with building code requirements for noise transmission.

Having regard to the tram line and road zone to the east, a condition requiring the front dwellings to address noise is recommended.

Complies

Standard B25: Accessibility

The standard requires that dwelling entries of the ground floor of dwellings should be accessible or able to be easily made accessible to people with limited mobility. No dwellings are provided at ground floor, however in a business zone this is an acceptable outcome.

Complies

Standard B26: Dwelling Entry

The entries are visible and easily identifiable. A sense of address and shelter is also provided.

Standard B27: Daylight to New Windows

Adequate daylight will be available to the windows in the new development.

Complies

Standard B28: Private Open Space

See on-site amenity and facilities, including private open space assessment under Clause 22.06.

Complies

Standard B29: Solar Access to Open Space

See on-site amenity and facilities, including private open space assessment under Clause 22.06.

Complies

Standard B30: Storage

Adequate storage areas have been provided adjacent to the residential car park for each dwelling.

Complies

Standard B31: Design Detail

See Architectural Quality assessment under Clause 15.01.

Complies

Standard B32: Front Fences

No front fencing is proposed.

Complies

Standard B33: Common Property

The public, communal and private areas within the development is clearly delineated. The common property is functional and capable of efficient management.

Complies

Standard B34: Site Services

Garbage and recycle bin areas are provided to the rear of the site and hidden from the public view. They are not located adjacent to a private open space or habitable room window and are considered to be acceptable. A waste collection management plan is recommended.

Mailboxes are provided at frontages and are easily accessible to premises.

All plant is shown and appropriately screened are recommended.

The provision of site facilities is considered appropriate

Complies

CONCLUSION

The site is situated within a commercial area and it is considered that a redevelopment of the site would contribute positively to the site and area. The provision of additional dwellings and maintenance of a commercial frontage allows the continuation of the active frontage and also provides an increased client base for the retail/commercial area, which will contribute to the on-going viability of the area.

Subject to conditions, the proposal complies with all relevant planning policies and planning scheme requirements. It is recommended that the application be approved.

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum five (5) star energy rating under the relevant building controls.

A Sustainable Design Statement (SDS) has been required as a condition of approval. The SDS will outline sustainable design initiatives required to be incorporated into the development.

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

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.

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

• Dr Christine Tangas, Applicant

MOTION

MOVED: Cr. B. Li SECONDED: Cr. A. Villella

THAT the Planning Permit D/933/2015 be refused and a Notice of Refusal be issued on the following grounds:

- 1. Inadequate car parking provisions.
- 2. Poor internal amenities due to small internal apartment sizes.
- 3. Poor articulation with neighbourhood character.
- 4. Represents an over development of the land

THE MOTION WAS PUT AND LOST.

Cr. Li called for a Division:

<u>For</u> Cr. Bo Li Cr. Trent McCarthy Cr. Gaetano Greco Cr. Angela Villella Against Cr. Julie Williams Cr. Steven Tsitas Cr. Fontana Cr. Tm Laurence Cr. Oliver Walsh

COMMITTEE DECISION

MOVED: Cr. O. Walsh SECONDED: Cr. T. Laurence

THAT Planning Permit Application D/933/2015 be supported and a Notice of Decision to grant a Planning Permit be issued subject to the following conditions:

- 1. As part of the consultant team ADG Pty Ltd or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 2. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as sheet 8, 9 and 10 of 11, Rev C dated 2 September 2009 and Colour and Material Schedule all Job No 20090010 prepared by ADG Pty Ltd).
- 3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 4. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 5. This Permit will expire if:
 - The development is not completed or the use is not started, 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.
- 6. The development must be constructed in accordance with the requirements/ recommendations of the Efficient Energy Choices ESD assessment report dated 14 March 2011 to the satisfaction of the Responsible Authority.

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

7. Before the use starts, a sustainable transport display must be provided, in a visually prominent location, near the front entrance to the medical centre and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.

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

The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- 10. The design of habitable rooms of all dwellings adjacent to a road and the north boundary must limit internal noise levels to a maximum of 45 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- 11. Before the development starts, a plan (and, if appropriate, documentation) to the satisfaction of the Responsible Authority, demonstrating the arrangements for garbage and recyclable storage and collection, must be submitted to the satisfaction of the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must require that collection be undertaken by a private contractor, with no bins stored in Plenty Road or Yann Street for collection and bins collected by the contractor from the site. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation to the satisfaction of the Responsible Authority.

12. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to dwellings at Yann Street and Plenty Road and 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.

- 13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 14. The land must be drained to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. 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.
- 17. Before the use commences a contribution must be made (equivalent to two (2) bicycle spaces) to cycling infrastructure within the municipality, to the satisfaction 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. Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.

- 20. Before the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment *Protection Act*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:

• All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

21. Not more than one (1) communal television antennae may be erected on the site. Individual antennae for individual dwellings/tenancies must not be erected.

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 2 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. Please note the Development Contribution Plan levy will be invoiced separately.
- N6. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.
- N7. In relation to the requirements of Condition No. 18 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8468) for details on how to make an equivalent contribution.

CARRIED

Cr. Greco called for a Division:

For	<u>Against</u>
Cr. Oliver Walsh	Cr. Angela Villella
Cr. Tim Laurence	Cr. Gaetano Greco
Cr. Vince Fontana	Cr. Trent McCarthy
Cr. Julie Williams	Cr. Bo Li
Cr. Steven Tsitas	

The Chairperson, Cr. Fontana declared the Motion to be carried.



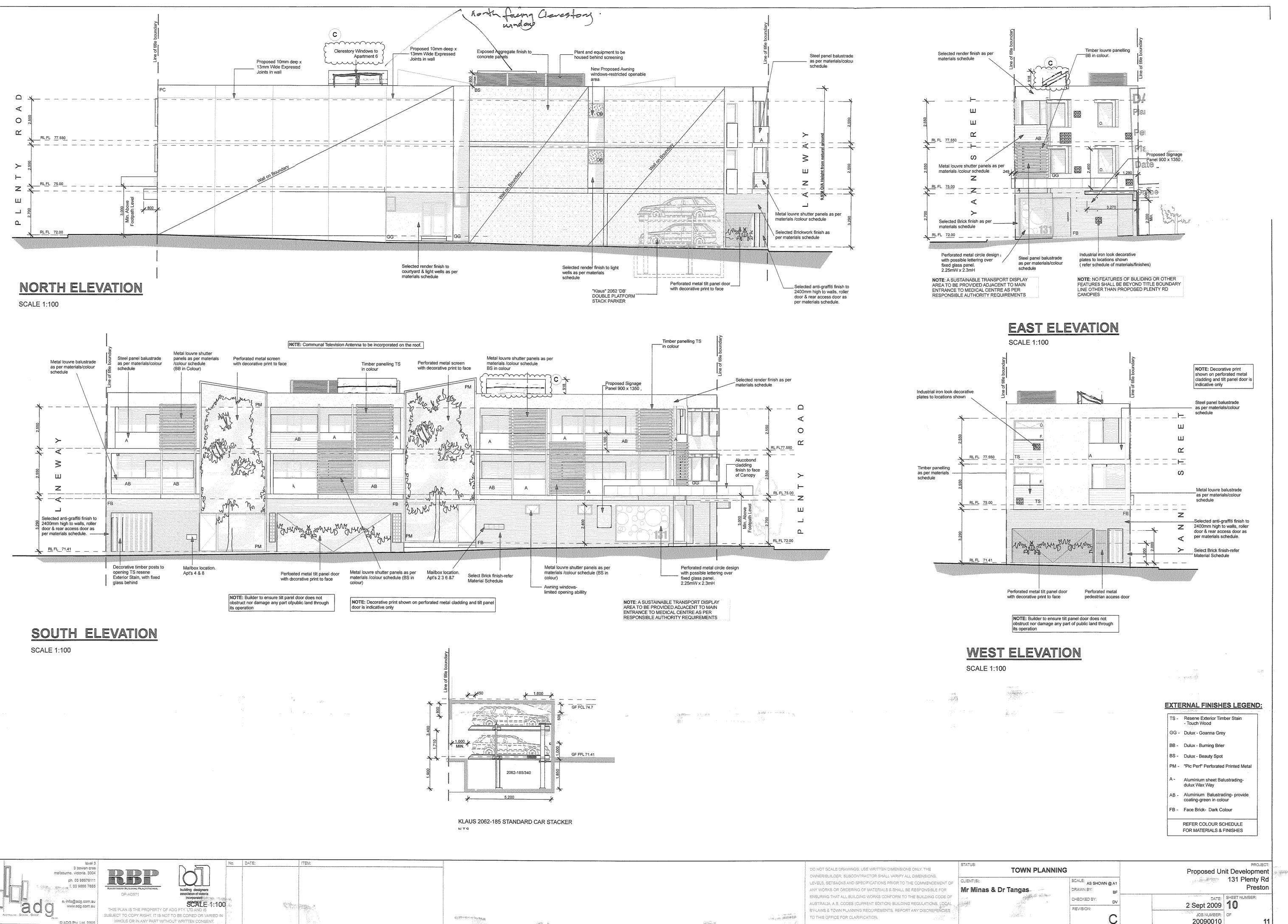


The State of Victoria does not warrant the accuracy or completeness of information in this product and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions. © State of Victoria

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

1/22/2016

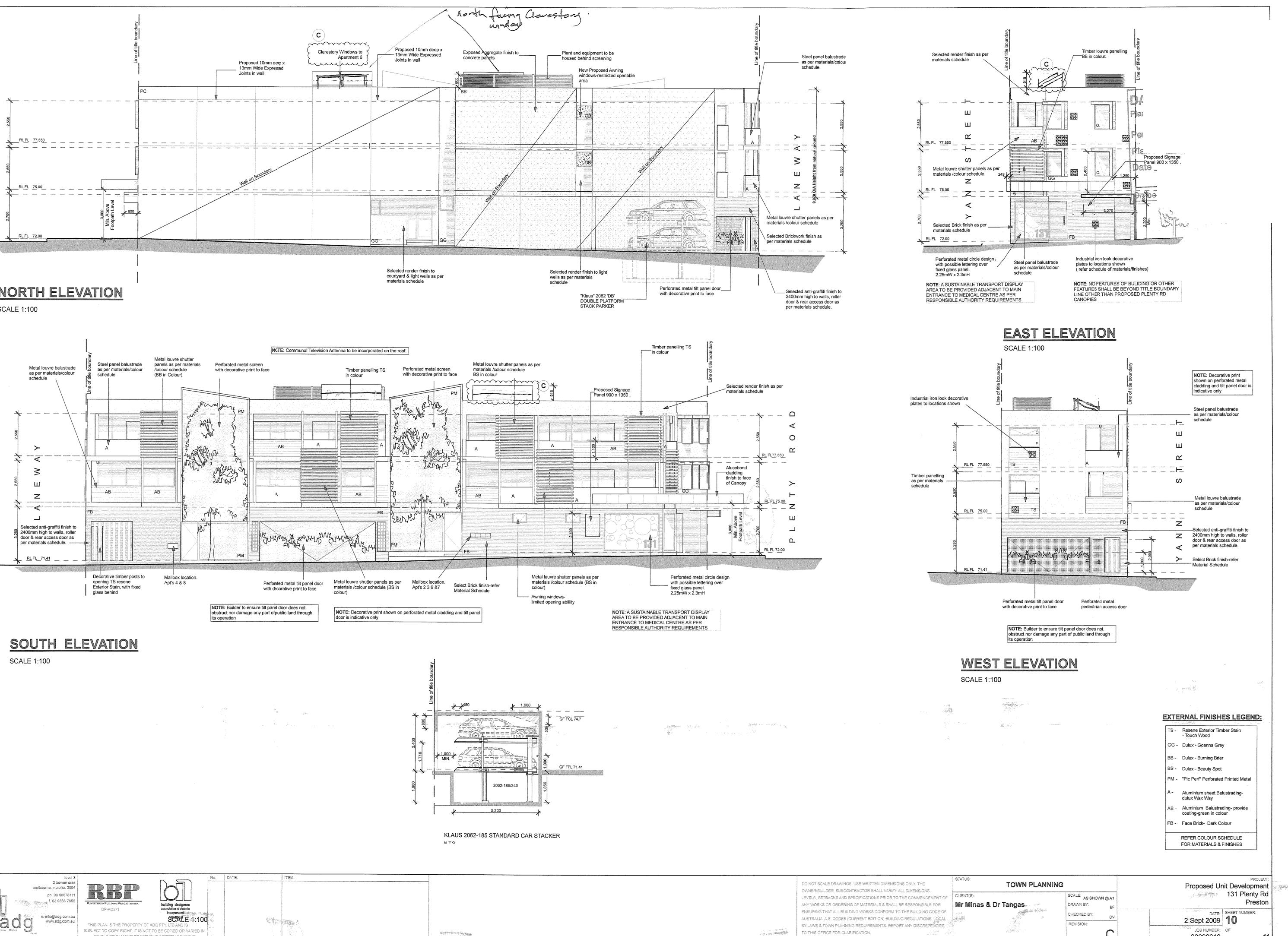




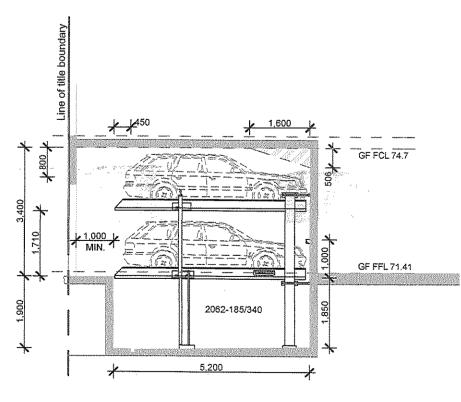


Press and the second

(and the second second

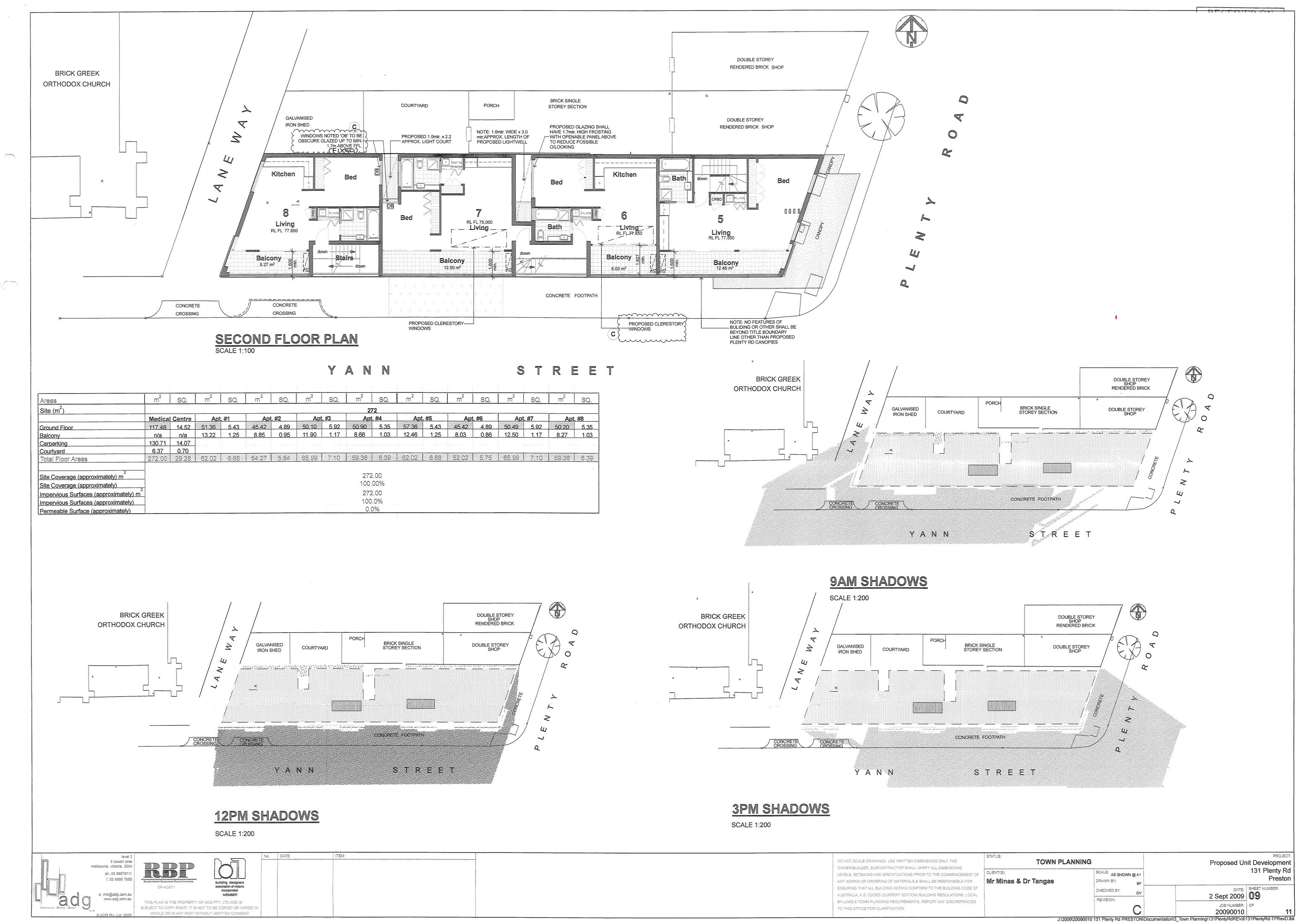


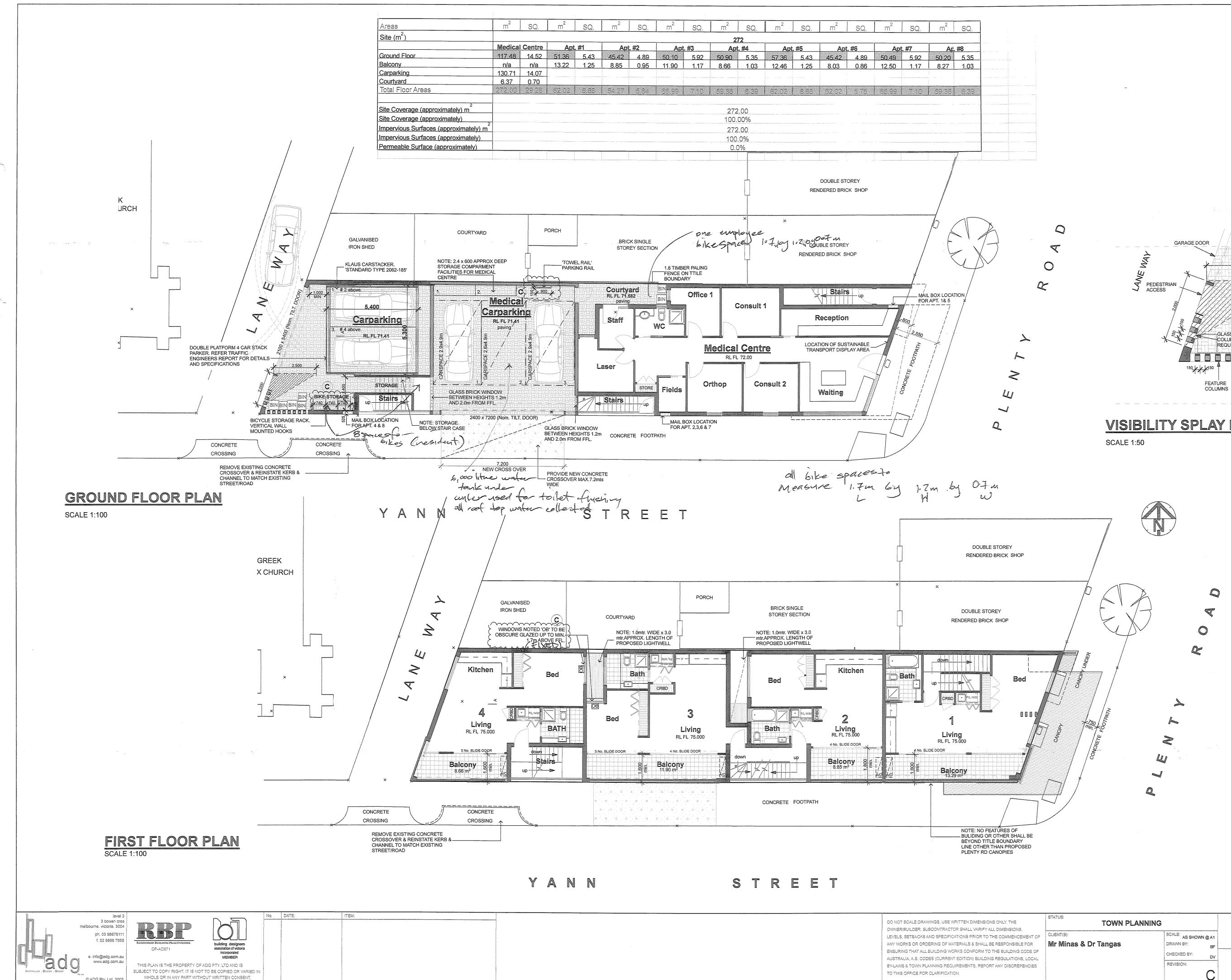
J:\2009\20090010 131 Plenty Rd PRESTON\Documentation\3_Town Planning\131PlentyRdREVd\131PlentyRd-TPRevD.lbk



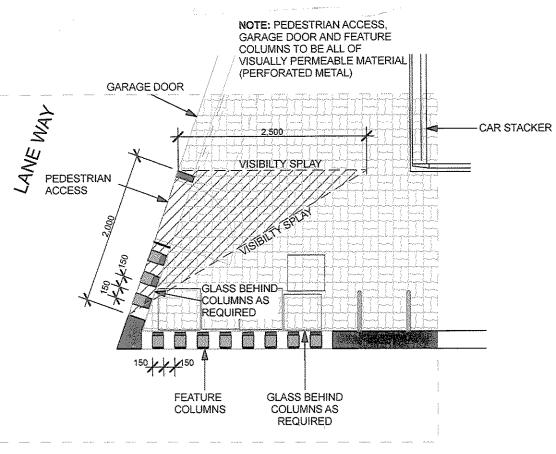
	· ·····			 	····						
level 3	\sim \sim	No. DATE:	ITEM:								STATUS:
3 bowen cres melbourne, victoria, 3004									DO NOT SCALE DRAWINGS, USE WRITTEN DIMEN	NSIONS ONLY. THE	
									OWNER/BUILDER, SUBCONTRACTOR SHALL VARI		
ph. 03 98676111									LEVELS, SETBACKS AND SPECIFICATIONS PRIOR	TO THE COMMENCEMENT OF	CLIENT(S):
f. 03 9666 7655	RECISTERED BUILDING PRACTITIONER building designed	Brs							ANY WORKS OR ORDERING OF MATERIALS & SHA		Mr Mina
	DP-AD571 association of victo								ENSURING THAT ALL BUILDING WORKS CONFORI	M TO THE BUILDING CODE OF	
es info@adg.com.au		E-1:100							AUSTRALIA, A.S. CODES (CURRENT EDITION) BUI		12. 19.
E O O www.adg.com.su	THIS PLAN IS THE PROPERTY OF ADG PTY. LTD AND H	S							BY-LAWS & TOWN PLANNING REQUIREMENTS. R	· · · · · · · · · · · · · · · · · · ·	i devi ye
	SUBJECT TO COPY RIGHT, IT IS NOT TO BE COPIED OR	VARIED IN		Note that were a					TO THIS OFFICE FOR CLARIFICATION.		
© ADG Ptv. Ltd. 2005	WHOLE OR IN ANY PART WITHOUT WRITTEN COM				<			To the state of th	i kun i bi bir bayan yuna i i ibayayuu ku kun bi kun kun maka kiki bika bayan bayan bir.	and a second	
						· · · · · · · · · · · · · · · · · · ·		······································	i , ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	· · ·	
N			100 and 100				West 1978 1971 1971				





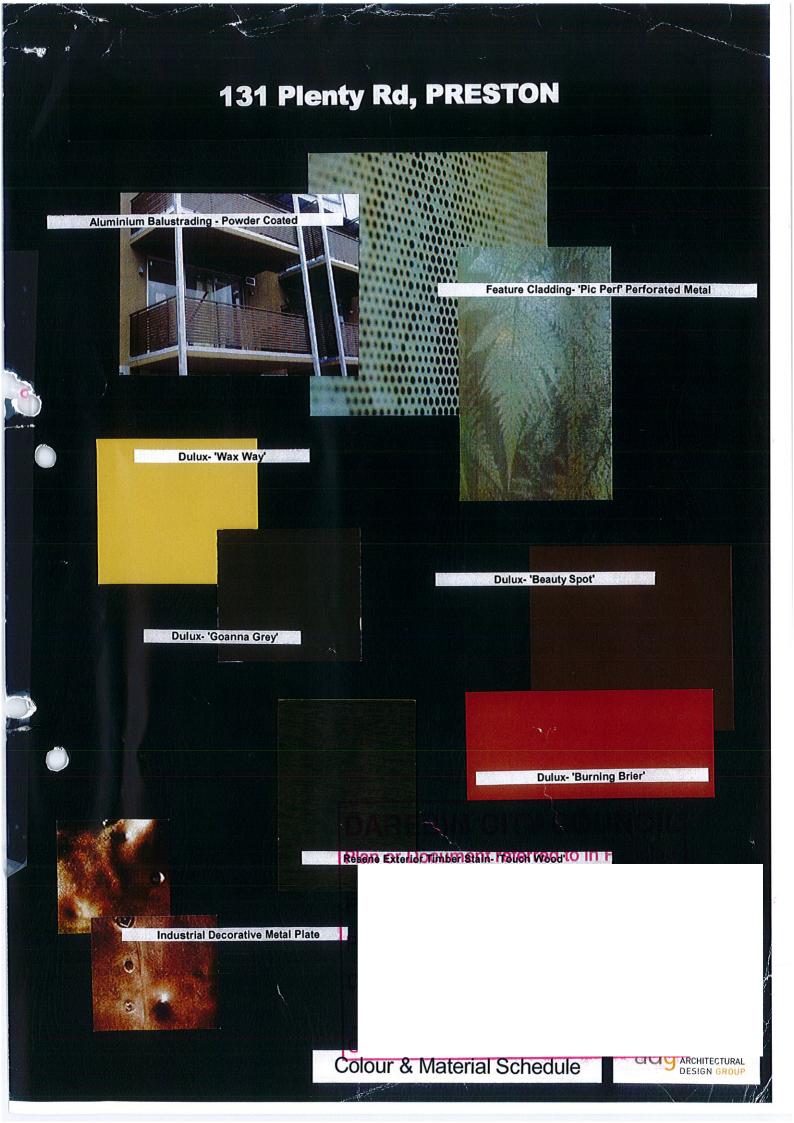


TO THIS OFFICE FOR CLARIFICATION.



VISIBILITY SPLAY DETAIL

TOWN PLANNI	NG	PROJECT: Proposed Unit Development 131 Plenty Rd Preston				
s): inas & Dr Tangas	SCALE: AS SHOWN @ A1 DRAWN BY: BF					
	CHECKED BY: DV REVISION:	DATE: 2 Sept 2009	SHEET NUMBER:			
	С	JOB NUMBER: 20090010	OF 11			
J:\2009\2009	0010 131 Plenty Rd PRESTONI	Documentation\3_Town Planning\131PlentyRdREVd\	131PlentyRd-TPRevD.lbk			



5.2 APPLICATION FOR PLANNING PERMIT D/695/2015 2-4 Clark Street, Reservoir

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ikonomidis Reid Pty Ltd	Steve Slave Grujovski and Nicky Grujovski

SUMMARY:

- It is proposed to construct a medium density housing development comprising eight (8) double storey dwellings.
- Dwellings 1 and 8 are reverse living and have three (3) bedrooms with access to a balcony and front yard.
- Dwellings 2 to 7 are conventional in their layout and each dwelling has two (2) bedrooms.
- Each dwelling has a single car garage, however Dwellings 1 and 8 have a second uncovered car space in a tandem arrangement. It is proposed to reduce the standard visitor car parking requirement.
- The secluded private open space for Dwellings 1 and 8 will be provided at first floor level in the form of a balcony both of which incorporate an area of 8.4 square metres. The secluded private open space for Dwellings 2 to 7 will be provided at ground level with areas of between 27 square metres and 37 square metres.
- The site is zoned General Residential Zone (Schedule 2).
- There is a restrictive covenant on the title for the subject land however the proposal is not contrary to the covenant (it relates to quarrying).
- 15 objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 and Clause 22:02 Neighbourhood Character Precinct Guideline Assessment of the Darebin Planning Scheme.
- It is recommended that the application is supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the Transport Management and Planning Unit and Capital Works Parks.
- This application was not required to be referred to external authorities.

RECOMMENDATION

THAT Planning Permit Application D/695/2015 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 TP04, TP05 and TP06 Revision A Job No 009669 prepared by Ikonomidis Reid) but modified to show:
 - a) Dwelling 4 meals and kitchen wall setback a minimum 3 metres from the east boundary.
 - b) Dwelling 2 and 3 Bedroom 2 wall heights and setbacks as measured from the south boundary in accordance with Standard B29 of Clause 55 of the Darebin Planning Scheme.
 - c) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows and glazed doors.
 - d) Where not provided with an eave, external fixed shading devices to all north facing habitable room windows and glazed doors.
 - e) Any modifications in accordance with the Sustainable Design Assessment (Refer to Conditions 1.e. and 7 of this Permit).
 - f) A notation of "No fencing on front boundary or in front setback".
 - g) The height of fences on the northern boundary (except within 15.235 metres of the western boundary of the land) 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.

- h) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems as outlined in the Sustainable Design Assessment). These are to be screened to be minimally visible from the public realm (oval and street) and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Solar hot water tanks are to be flush mounted on the roof and not elevated on stands.
- i) A landscape plan in accordance with Condition No. 4 of this Permit.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. 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. 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) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) 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.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (eg. grass (lawn), gravel, paving and garden beds).
 - j) 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.

- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- I) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 5. 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.

- 6. 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.
- 7. 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.

8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006.

This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10. 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.

- 11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12. The land must be drained to the satisfaction of the Responsible Authority.

- 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

17. 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, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 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.

REPORT

INTRODUCTION AND BACKGROUND

Council records indicate that there is no relevant planning history for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape comprising two residential allotments with a frontage of 29.26 metres and a depth of 42.67 metres. The total site area is 1248 square metres.
- The site is within a General Residential Zone GRZ2. The land is affected by the Development Contributions Plan Overlay however the power to charge under the overlay control expired on 31 July 2014.
- The site is located on the east side of Clark Street approximately 130 metres south of Broadway.
- The site is currently occupied by two single storey dwelling with secluded private open space and outbuildings to the rear. Vehicle access is gained via two crossovers at the northern edge of each lot. There are some small trees spread in the rear of the property. The site has a rise of approximately 0.35 metres from the south-west corner to the north-east corner.
- To the east is the rear yard of the dwelling at 3 Dennis Street and a medium density housing development under construction at 1 Dennis Street.
- To the south are the rear yards of dwellings fronting Howard Street, Unit 2/48 Howard, 50 Howards and 52 Howard Street Reservoir being single storey detached dwellings.
- To the north across is a single storey dwelling at 6 Clark Street with a driveway and garage on the common boundary.
- The nearest public transport services to the site:
 - Reservoir Train Station is located approximately 350 metres to the north of the site.
 - Bus Route 552, 556 and 561 run along Broadway.
 - Bus Route 555 runs along Howard Street.
- The east side of Howard Street has 2 hour parking restrictions 8:30 am to 6:30 pm Monday to Friday and 8 am to 12:30 pm Saturday.

Proposal

- The proposal is for a medium density housing development comprising the construction of eight (8) double storey dwellings.
- Dwellings 1 and 8 are reverse living and have three (3) bedrooms with access to a balcony and front yard.
- Dwellings 2 to 7 are conventional in their layout and each dwelling has two (2) bedrooms.
- Each dwelling has a single car garage however dwellings 1 and 8 have a second uncovered car space in a tandem arrangement. It is proposed to reduce the standard visitor car parking requirement.
- The secluded private open space for Dwellings 1 and 8 will be provided at first floor level in the form of a balcony both of which incorporate an area of 8.4 square metres. The secluded private open space for Dwellings 2 to 7 will be provided at ground level with areas of between 27 square metres and 37 square metres.

Objections

• 15 objections have been received.

Objections summarised

- Overlooking.
- Overshadowing / impacts on solar heating.
- Number of crossovers / loss of on street parking.
- Contrary to character of the area.
- Too many 1 and 2 bedroom dwellings / no dwelling diversity.
- Not sustainable.
- Traffic impacts.
- Insufficient Car Parking.
- Overdevelopment.
- Visual bulk / insufficient setbacks from boundaries / impacts upon secluded private open spaces.
- No net value to the community.
- Loss of views / outlook.
- Insufficient landscaping opportunities.

Officer comment on summarised objections

The Planning Committee Charter identifies that its scope of activity is to consider and determine planning applications which receive five or more objections. For the purpose of the Charter, multiple objections from the same property address are counted as a single objection as is a petition or letter with multiple signatories. Importantly it is noted that 12 of the objections are identical pro-forma letters however these letters comprise neither a petition nor a single letter with multiple signatories and as such the matter is being reported to Planning Committee. Of the 15 objections received, nine (9) are proximate to the site whilst six (6) of the objectors are located in Preston and Thornbury between 1.4km and 4.8km from the subject site.

Overlooking

All windows and/or balconies within 9m of existing habitable room windows and secluded private open space areas are screened in accordance with Standard B22 of Clause 55.

• Overshadowing / impacts on pool solar heating

The submitted shadow diagrams comply with the requirements of Standard B21 of Clause 55.

The pool solar heating is located on the floor roof and overshadowing impacts will be minimal with negligible shadows cast over the solar water heaters between spring and autumn.

• Number of crossovers / loss of on street parking.

See assessment below.

• Contrary to character of the area

See assessment below.

• Too many 1 and 2 bedroom dwellings / no dwelling diversity.

The proposal provides two (2) three (3) bedroom dwellings and housing diversity consistent with state and local planning policy.

• Not sustainable.

See assessment below.

• Traffic impacts.

It is not considered that the increase in traffic from the proposed development would place an unreasonable additional load on the surrounding street network. Additionally, no objections have been raised by Council's Transport Management and Planning Unit regarding traffic within the local street network.

• Insufficient Car Parking / loss of on street car parking.

Car parking is addressed in the Clause 52.06 assessment below.

• Overdevelopment / Density too high

Density of the development is assessed on a quantitative assessment of the design's ability to provide for the amenity of future tenants, protect the amenity of existing tenants and respond to the attributes and constraints of the site as contained within Clause 55. The number of dwellings and associated pedestrian and vehicle movements should likewise account for the site's accessibility and location. See assessment below.

• Site coverage too high

See assessment below.

• Visual bulk / insufficient setbacks from boundaries / impacts upon secluded private open spaces.

See assessment below.

• No net value to the community.

This ground is unsubstantiated. There have been no demonstrated disbenefits associated with the development. The proposal provides dwellings resulting in community benefit and this ground is clearly contrary to the objectives of planning in Victoria.

In Backman and Company Pty Ltd v Boroondara City Council the following was noted:

• "As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(jb) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development. Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes.

The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect. The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal."

• Loss of views / outlook

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of view lines. Despite this, the development as a whole must be considered upon whether the impact as a result of the proposed development, impose an excessive intrusion in the skyline beyond the 'reasonable' expectation of neighbours. See assessment below.

Insufficient landscaping opportunities

See assessment below.

PLANNING ASSESSMENT

Clause 22:02 Neighbourhood Character Precinct Guideline Assessment - Precinct E7

Existing Buildings

The existing buildings are to be demolished. The dwellings do not have heritage significance and are not within an intact group of interwar and post-war dwellings. The demolition of the dwellings therefore will not compromise the streetscape.

Complies

Vegetation

Provision has been made for landscaping within the front setback. The development provides sufficient setbacks for meaningful landscaping of small to medium sized canopy trees within the rear yards of the dwellings. A landscape plan will be required by way of a permit condition.

Complies subject to condition

Siting

Provision has been made for a front garden that is large enough for the planting of medium sized canopy trees and other vegetation to enable the continuation of the garden setting of the area.

The development provides for landscaping within the front setbacks, and the side/rear yards of each dwelling.

Dwellings 1 and 8 are located on the south and north boundaries respectively, however the central driveway provides ample separation and the development respects the detached rhythm of the street.

Dwelling 1 and 8 have slightly recessed garages fronting the street that will not dominate the street. The car parking structures for Dwellings 2 to 7 are located to the rear of the dwellings and will not be visible from Clark Street.

Complies

Height and building form

The predominant height of buildings in the street is single storey however it is noted that there are examples of double storey dwellings in proximity of the subject site. The upper levels of Dwellings 1 and 8 have been setback from the front wall of the dwelling but not the width of a room. Nevertheless, the upper floor is set back adequately from the ground floor façade. Given the recessive design of the upper level, and that Dwelling 1 and 8 provide an adequate level of articulation, the development satisfies the objective as it does not present visual bulk to the street and will not dominate the streetscape. The proposed dwellings are complementary to surrounding dwellings. The maximum height of 7.2 metres is consistent with the built form in the immediate and wider surrounding area.

Complies

Materials and design detail

The form and facades of the proposed dwellings respond to the traditional forms of the area and are adequately articulated through the use of materials, openings, setbacks and variations in wall surfaces.

The materials – brickwork, render, scion linea and metal roofing are considered appropriate within the neighbourhood context.

Complies

Front boundary treatment

No front fence is proposed allowing views to the front garden and dwellings.

Complies

Clause 55 Assessment

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

Clause 55.02-1 B1 Neighbourhood Character

The proposal is considered to generally comply with the objectives of the Neighbourhood Character Policy at Clause 22.02 as outlined above.

Complies

Clause 55.02-3 B3 Dwelling Diversity

This standard applies to developments of 10 or more dwellings and is not applicable to the subject application.

Complies

Clause 55.03-5 B10 Energy Efficiency

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

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Space for outdoor clothes drying facilities.

A permit condition will require the submission of an ESD assessment and standard conditions will be imposed to ensure an appropriate sustainability outcome.

Complies

Clause 55.03-8 B13 Landscaping

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

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

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

Complies subject to condition

Clause 55.03-9 B14 Access

Vehicle access to and from the site is safe, manageable and convenient. The number and design of the vehicle crossover(s) respects the neighbourhood character.

The width of each accessway is 3.0 metres, with 9 metres of the 29.26 metre frontage, taking up 31% of the frontage. This is acceptable given that the standard requires that no more than 33% of the frontage should be taken up by vehicle access ways.

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

Complies

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Maximum Wall height	Required Setback	Minimum Proposed setback
Northern – Dwelling 5, 6 and 7	3.9 metres	1.09 metres	1.83 metres
Eastern – Dwelling 4 and 5	3.9 metres	1.09 metres	1.89 metres
Southern – Dwelling 2, 3 and 4	3.7 metres	1.03 metres	1.83 metres

First Floor

Boundary	Maximum Wall height	Required Setback	Minimum Proposed setback
Northern – Dwelling 5, 6, 7 and 8	6.1 metres	1.75 metres	2 metres
Eastern – Dwelling 4 and 5	6.1 metres	1.75 metres	3.79 metres
Southern – Dwelling 1, 2, 3 and 4	6 metres	1.72 metres	2 metres

The proposed ground and first floor setbacks exceed the numerical requirements of the standard and ensure the amenity of the adjoining areas of secluded private open space are not compromised. The setbacks also respond to the backyard realm and having regard to the outbuildings to the north, east and south present minimal mass and bulk impacts to surrounding secluded private open spaces.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the south and the east by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9 am and 3 pm on 22 September.

Complies

Clause 55.04-6 B22 Overlooking

Ground floor finished floor levels of each dwelling is less than 0.8 metres above natural ground level at the boundary. Currently there is 1.9 metre to 2.5 metre high boundary fencing along the east and south boundaries which will sufficiently limit overlooking to the east and south. Screening should be provided on the north boundary given the currently existing fencing is 1.7 metres in height. This can be addressed by permit condition.

All habitable room windows at first floor level are appropriately designed and/or screened to ensure no overlooking within 9m at a 45 degree angle in accordance with the standard.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved for dwellings 2 to 7 through the provision of 40 square metres of private open space with a minimum area of 25 square metres at the side or rear of the dwelling with a minimum dimension of 3 metres and convenient access from a living room and for Dwelling 1 and 8 through the provision of 8 square metres with a minimum width of 1.6 metres with convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	84 square metres	9.3 square metres (balcony)	1.8 metres
Dwelling 2	40.5 square metres	40.5 square metres	4.3 metres
Dwelling 3	40.5 square metres	40.5 square metres	4.3 metres
Dwelling 4	47 square metres	26.9square metres	2.987 metres
Dwelling 5	47 square metres	26.9 square metres	3 metres
Dwelling 6	43 square metres	40 square metres	4.3 metres
Dwelling 7	43 square metres	40 square metres	4.3 metres
Dwelling 8	84 square metres	9.3 square metres (balcony)	1.8 metres

All secluded private open space areas have direct access to a living room. It is noted that Dwellings 1 and 8 are the largest dwellings. The Dwelling 4 open space should be a minimum 3 metres in dimension.

Complies subject to condition

Clause 55.05-5 B29 Solar Access to Open Space

Solar access is provided into the secluded private open space (SPOS) of the new dwellings as follows:

Dwelling	Maximum Wall height	Required Depth	Proposed Depth	Area of SPOS
Dwelling 2 and 3	3.6 metres	5.2 metres	5.2 metres	17.6 square metres
Dwelling 2 and 3	3.6 metres	5.2 metres	4.35 metres	22.5 square metres
Dwelling 6	2.4 metres	4.16 metres	5.2 metres	17.6 square metres
Dwelling 6	2.4 metres	4.16 metres	4.35 metres	22.5 square metres

Ground floor

Floor

Dwelling	Maximum Wall height	Required Depth	Proposed Depth	Area of SPOS
Dwelling 2 and 3 (bedroom 2)	5.9 metres	7.3 metres	7.2 metres	17.6 square metres
Dwelling 2 and 3	5.9 metres	7.3 metres	4.8 metres	22.5 square metres

The standard specifies that no less than 25 square metres with a minimum dimension of 3.0 square metres should be provided with the required depths. A permit condition requiring Dwelling 2 and 3 Bedroom 2 wall heights and setbacks as measured from the south boundary to be in accordance with Standard B29 is recommended. This will provide 17.6 square metres in accordance with the standard, 7.4 square metres less than that required by the standard.

Before deciding on an application, the responsible authority must consider the design response and the useability and amenity of the secluded private open space based on the sunlight it will receive.

Dwelling 2 and 3 have provided generous setbacks from the south boundary and adjacent secluded private open space at both ground and first floor. Alternative layouts that satisfy Standard B29 would likely in part be less generous to the neighbour but supportable. Under the circumstances the design response is sensitive and appropriate to its context.

It is noted that Dwellings 2 and 3 provide 40.5 square metres of secluded private open space, 15.5 square metres in excess of that required under Standard B28. It is noted that these secluded private open space areas are also generous in dimension. With their size the secluded private open space areas will receive adequate sunlight throughout the day and any non-compliance with the standard is more than adequately offset by the amenity that these dwellings will enjoy.

The non-compliance is not sufficient to refuse the application. Requiring setbacks to be increased in accordance with the standard would reduce the amenity of Dwelling 2 and 3 and would be a poor planning outcome which fails to have regard to the objectives and decision guidelines of the standard. As such further increases to setbacks than those outlined above are not required.

Complies with objective subject to condition

Clause 52.06 Car Parking

One (1) car parking space is provided for each of the two (2) bedroom dwellings and two (2) car spaces are provided for each of the three (3) bedroom dwellings.

One (1) visitor parking space is required for each five (5) dwellings, rounded down. The proposed development would require the provision of one (1) visitor parking space. There are no visitor parking spaces provided.

It is submitted that the reduction of the standard car parking requirement is justified for the following reasons:

- There is no parking precinct plan for the area.
- The subject site is within a 400 metre walk of the Reservoir train station on the South Morang line. There are bus routes (Bus Routes 552 and 555) along High Street to west of the site and in Howard Street.
- The frontage of the site to Howard Street provides approximately two (2) on street car spaces. The existing single crossing is being used to service all dwellings and will not result in a reduction in on-street parking capacity.
- One (1) car space has been provided for each of the dwellings in accordance with the provisions of this clause.
- The proposed reduction in car parking ratios will not compromise traffic flow in the precinct.
- The reduction in parking provision will not increase the risk to pedestrian safety or amenity.

It is therefore considered that the proposal is generally acceptable and the reduction of parking is appropriate. Appropriate vehicle access is provided.

Design Standards for Car parking

The garaging and, subject to conditions, the access ways have appropriate dimension to enable efficient use and management.

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

Garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

Visibility splays are provided at the accessway interface with the footpath to protect pedestrians.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Comp	liance
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report	Y	Y
		under Clause 22.02.		
		1		
55.02-2	B2	Residential policy	I	
		The proposal complies with the relevant residential	Y	Y
		policies outlined in the Darebin Planning Scheme.		
EE 02 2	Do	Dwelling diversity		
55.02-3	B 3	Dwelling diversity	Y	Y/
		N/A as development contains less than 10 dwellings.	Ŷ	Y/
55.02-4	B4	Infrastructure		
JJ.02-4	04	Adequate infrastructure exists to support new	Y	Y
		development.	•	
55.02-5	B5	Integration with the street		
		Dwelling 1 and 8 appropriately integrates with the	Y	Y
		Street.		
55.03-1	B6	Street setback		
		The required setback is 7.6 metres, the dwellings	Y	Y
		are set back 8 metres from the street frontage.		
	1			
55.03-2	B7	Building height		
		7.2 metres	Y	Y
55.03-3	Бо	Site coverege		
55.03-3	B8	Site coverage 47.5%	Y	Y
		47.5%	T	T
55.03-4	B9	Permeability		
55.05 4	55	31.7%	Y	Y
		01.170	•	
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy	Y	Y
		efficient and will not unreasonably impact adjoining		
		properties. Given the scale of the development an		
		ESD assessment is recommended		
	-	1		
55.03-6	B11	Open space	-	
		N/A as the site does not abut public open space. /	Y	Y
		The proposed development appropriately addresses		
		the adjoining public open space area.		
EE 00 7	D40	Safaty		
55.03-7	B12	Safety		V
		The proposed development is secure and the	Y	Y

Clause	Std		Compl	iance
		creation of unsafe spaces has been avoided.		
<u> </u>	D40			
55.03-8	B13	Landscaping	Y	Y
		Adequate areas are provided for appropriate landscaping and a landscape plan has been	r	Ĭ
		required as a condition of approval.		
55.03-9	B14	Access		
		Access is sufficient and respects the character of the	Y	Y
		area.		
<u> </u>	DAG	Parking lage (inc.		
55.03-10	B15	Parking location	Y	Y
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room	ř	ř
		windows are sufficiently set back from access ways.		
55.04-1	B17	Side and rear setbacks		
Dwellings are set back in accordance with the		Y	Y	
		requirements of this standard.		
<u> </u>	D40	Malla an have daries		
55.04-2	B18	Walls on boundaries	Y	V
		Length: 7.2 metres (north and south). Height: 2.9 metres (max).	ř	Y
		Walls on boundaries comply with the requirements		
		of this standard.		
		1	1 1	
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
55.04-4	B20	North-facing windows		
55.04-4	D 20	Development is set back in accordance with the	Y	Y
		standard.		
			1 1	
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the	Y	Y
		parameters set out by the standard.		
<u> </u>	Doo	Overlashing		
55.04-6	B22	Overlooking Please see assessment in the body of this report	Y	V
	I	Please see assessment in the body of this report.		Y
55.04-7	B23	Internal views		
	-	There are no internal views.	Y	Y
	T	1	ł	
55.04-8	B24	Noise impacts	· ·	
		Noise impacts are consistent with those in a	Y	Y
		residential zone.		
55.05-1	B25	Accessibility		
JJ.UJ-1	DZJ	The ground levels of the proposal can be made	Y	Y
		accessible for people with limited mobility.		I

Clause	Std		Compl	iance
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide	Y	Y
		an adequate area for transition.		
	-			
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow	Y	Y
		appropriate daylight access.		
		1		
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
	1			
55.05-5	B29	Solar access to open space	1	
		Sufficient depth is provided for adequate solar	N	Y
		access.		
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the	Y	Y
		neighbourhood setting.		
<u> </u>	Daa	Front fences		
55.06-2	B32		V	V
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common proportiv		
55.00-3	033	Common property	Y	Y
		Common property areas are appropriate and manageable.	T	T
55.06-4	B34	Site services		
<u></u> +	0.54	Sufficient areas for site services are provided.	Y	Y
		ן טעוווטוטווג מופמט וטו שוני שבו אונים מוב אוטאועבע.	I	I

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 (General Residential Zone Schedule 2) construction of two or more dwellings on a lot.
- Clause 45.06 (Development Contributions Plan Overlay). The ability to charge under this overlay control expired on 31 July 2014.
- Clause 52.06-3 (Car Parking) a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.03, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	E7

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. A permit condition requiring an ESD assessment is recommended having regard to the scale of 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.

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

- Chris Mackenzie, on behalf of the Applicant
- Tony Tomarchio, Objector

MOTION

MOVED: Cr. G. Greco SECONDED: Cr. A. Villella

THAT the Planning Permit D/695/2015 be refused and a Notice of Refusal be issued on the following grounds:

- 1. The proposal fails to comply with the desired future character of the area through the dominant built form in the streetscape and the application of incongruous design detailing. The policy objectives of Clause 22.02 of the Darebin Planning Scheme are not met.
- 2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - Clause 55.02-1 (Neighbourhood Character) See ground 1 above.
 - Clause 55.02-2 (Residential Policy) the development intensity is not in keeping with neighbourhood character and local conditions.
 - Clause 55.03-3 (Site Coverage) Site coverage is excessive and does not provide an appropriate balance of building footprint to open space ratio commensurate with surrounding land.

- Clause 55.04-1 (Side and Rear Setbacks) The development's setbacks form the side and rear boundaries and continuous built form will create visual bulk impacts on the adjoining properties.
- Clause 55.05-4 (Private Open Space) The proposal provides insufficient secluded private open space for the reasonable recreation needs of residents of dwelling 1.
- Clause 55.05-5 (Solar access to open space) The proposal provides insufficient solar access to secluded private open space.
- Clause 52.06 (Car Parking) The proposal provides insufficient car parking due to the lack of visitor car parking space.
- 3. The proposal represents as an overdevelopment of the site.

Cr. Laurence proposed to the mover and the seconder that Clause 55.05-4 be amended as follows: This was accepted by Cr. Greco and Cr. Villella.

• Clause 55.05-4 (Private Open Space) - The proposal provides insufficient secluded private open space for the reasonable recreation needs of residents of dwelling 1 and dwelling 8.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

MOVED: Cr. G. Greco SECONDED: Cr. A. Villella

THAT the Planning Permit D/695/2015 be refused and a Notice of Refusal be issued on the following grounds:

- 1. The proposal fails to comply with the desired future character of the area through the dominant built form in the streetscape and the application of incongruous design detailing. The policy objectives of Clause 22.02 of the Darebin Planning Scheme are not met.
- 2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - Clause 55.02-1 (Neighbourhood Character) See ground 1 above.
 - Clause 55.02-2 (Residential Policy) the development intensity is not in keeping with neighbourhood character and local conditions.
 - Clause 55.03-3 (Site Coverage) Site coverage is excessive and does not provide an appropriate balance of building footprint to open space ratio commensurate with surrounding land.
 - Clause 55.04-1 (Side and Rear Setbacks) The development's setbacks form the side and rear boundaries and continuous built form will create visual bulk impacts on the adjoining properties.

- Clause 55.05-4 (Private Open Space) The proposal provides insufficient secluded private open space for the reasonable recreation needs of residents of dwelling 1 and dwelling 8.
- Clause 55.05-5 (Solar access to open space) The proposal provides insufficient solar access to secluded private open space.
- Clause 52.06 (Car Parking) The proposal provides insufficient car parking due to the lack of visitor car parking space.
- 3. The proposal represents as an overdevelopment of the site.

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

COMMITTEE DECISION

MOVED:	Cr. G. Greco
SECONDED:	Cr. A. Villella

THAT the Planning Permit D/695/2015 be refused and a Notice of Refusal be issued on the following grounds:

- 1. The proposal fails to comply with the desired future character of the area through the dominant built form in the streetscape and the application of incongruous design detailing. The policy objectives of Clause 22.02 of the Darebin Planning Scheme are not met.
- 2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - Clause 55.02-1 (Neighbourhood Character) See ground 1 above.
 - Clause 55.02-2 (Residential Policy) the development intensity is not in keeping with neighbourhood character and local conditions.
 - Clause 55.03-3 (Site Coverage) Site coverage is excessive and does not provide an appropriate balance of building footprint to open space ratio commensurate with surrounding land.
 - Clause 55.04-1 (Side and Rear Setbacks) The development's setbacks form the side and rear boundaries and continuous built form will create visual bulk impacts on the adjoining properties.
 - Clause 55.05-4 (Private Open Space) The proposal provide insufficient secluded private open space for the reasonable recreation needs of residents of dwelling 1 and dwelling 8.
 - Clause 55.05-5 (Solar access to open space) The proposal provide insufficient solar access to secluded private open space.
 - Clause 52.06 (Car Parking) The proposal provides insufficient car parking due to the lack of visitor car parking space.
- 3. The proposal represents as an overdevelopment of the site.

CARRIED UNANIMOUSLY



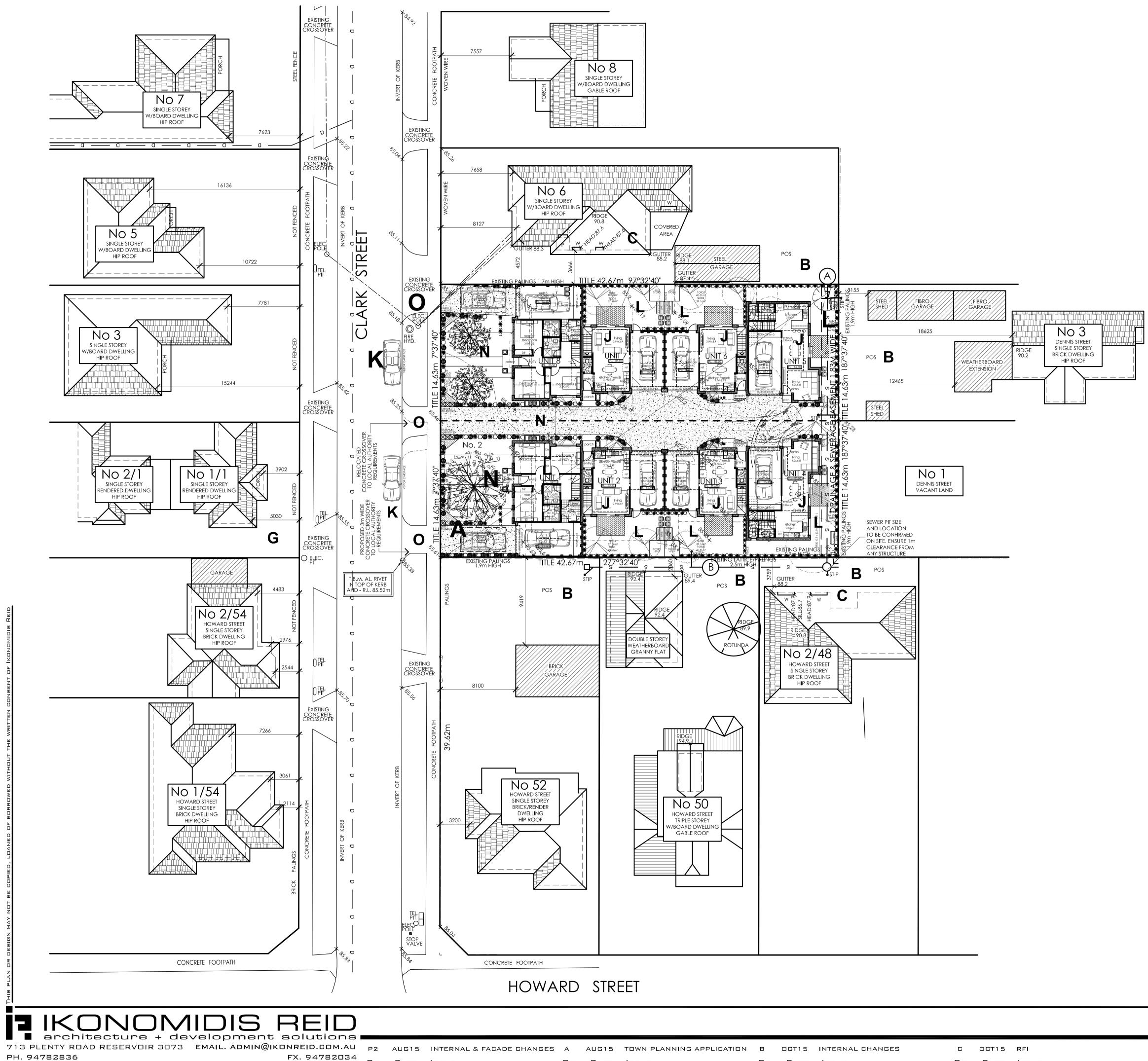


The State of Victoria does not warrant the accuracy or completeness of information in this product and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions. © State of Victoria

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

1/22/2016





FX. 94782034

REV DATE ISSUE

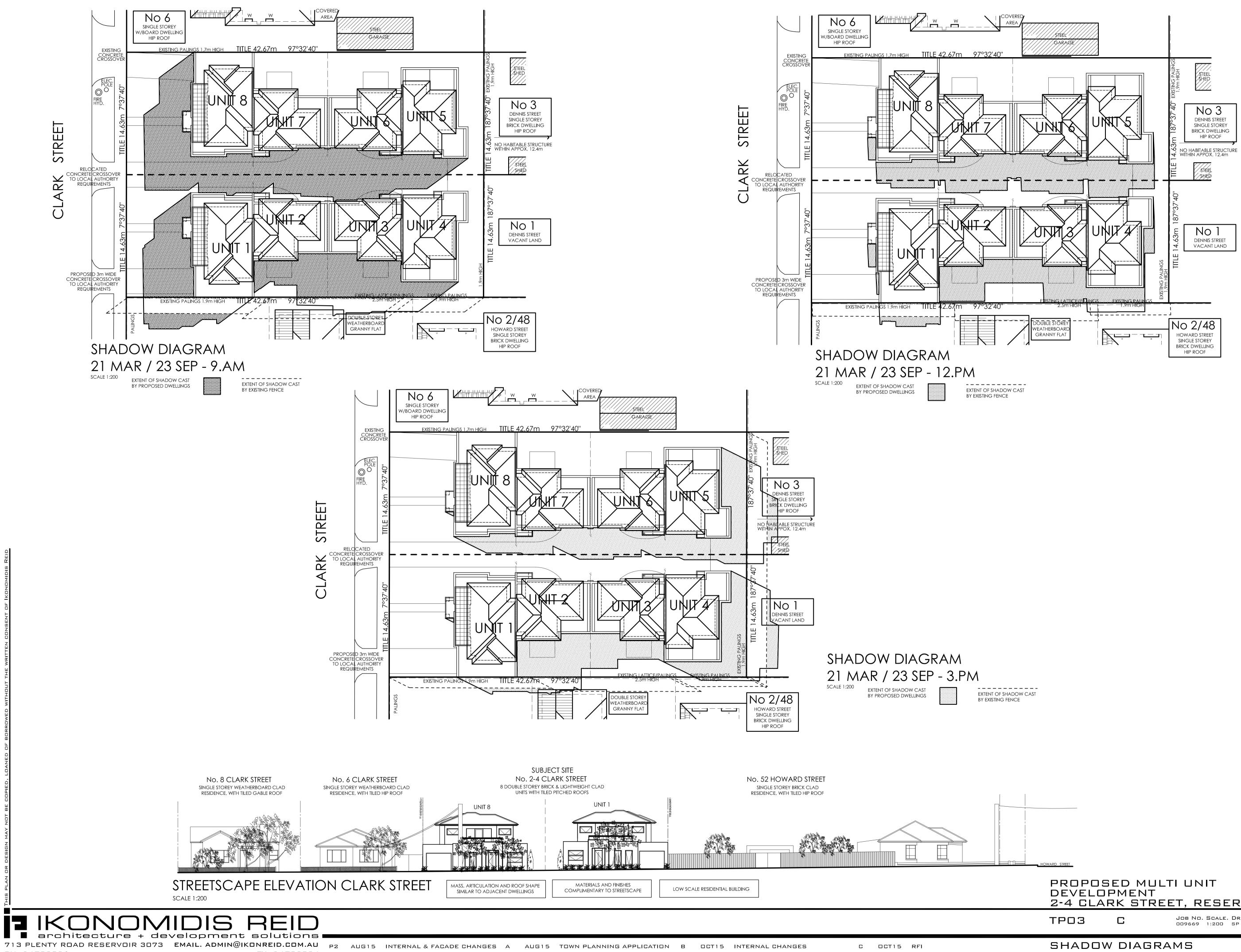
LEG	END
DEPTH 2.74m OFFSET APPR	s s s s s s s s s s s s s s s s s s s
150Ø MAIN S MATERIAL UN DEPTH 2.31m DFFSET 1.07n	
DEPTH TO IN' OFFSET UNKN	D D D D D D D D D D D D D D D D D D D
LPOD	LEGAL POINT OF DISCHARGE - DESIGN PLANS ARE REQUIRED TO BE SUBMITTED FOR APPROVAL BY COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR CONSTRUCTION OF STORMWATER DRAINAGE BY THE DEVELOPER VIA THE EASEMENT AT REAR OF 46 HOWARD STREET TO COUNCIL REQUIREMENTS.
	THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS.
	THE DRAINAGE TO BE DESIGNED VIA GRAVITY NO PUMP SYSTEMS PERMITTED.
	EXISTING TREES + S EXISTING SPOT LEVELS NOTE: ALL LEVELS ARE TO A.H.D
STIP	SEWER TIE IN POINT HABITABLE ROOM WINDOW

SITE CHARACTERISTICS - SITE FALLS APPROX, 450mm FROM SOUTH-WEST TO

Α	- SITE FALLS APPROX. 450mm FROM SOUTH-WEST TO NORTH-EAST
В	- ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING
С	- SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
J	- LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN.
Κ	- EXISTING ON STREET CAR PARKING TO BE MAINTANED
L	- PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
Μ	- CAR PARKING AVAILABLE ON SITE IS PROVIDED IN THE FORM OF 1 X SINGLE GARAGE AND 1 X CAR SPACE FOR UNITS 1 & 8 AND 1 X SINGLE GARAGE FOR UNITS 2-7
Ν	- SURVEILLANCE OF CLARK STREET POSSIBLE FROM UNITS & INTERNAL DRIVEWAY
0	- ACCESS TO THE SITE FROM CLARK STREET IS VIA AN EXISTING CONCRETE CROSSOVER TO THE NORTH-WEST CORNER OF THE SITE, 1 RELOCATED CROSSOVER TO THE WEST OF THE SITE AND A PROPOSED CROSSOVER TO THE

SOUTH-WEST CORNER OF THE SITE.





PH. 94782836

FX. 94782034

Rev Date Issue

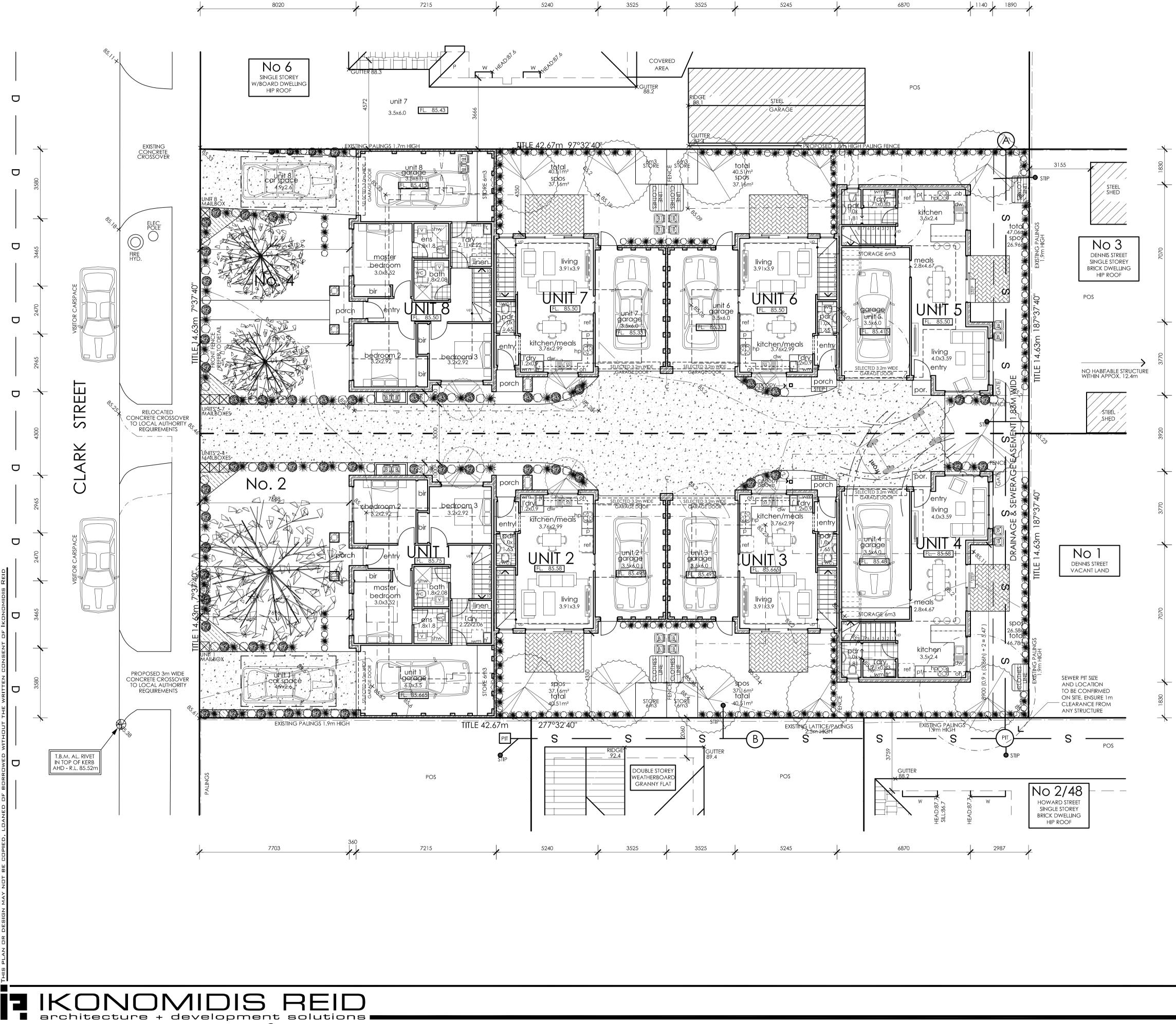
REV DATE ISSUE

REV DATE ISSUE

C OCT15 RFI REV DATE ISSUE SHADOW DIAGRAMS & STREETSCAPE

2-4 CLARK STREET, RESERVOIR JOB NO. SCALE. DRAWN. DATE. 009669 1:200 SP OCT15





PH. 94782836

FX. 94782034

Rev Date Issue

C OCT15 RFI Rev Date Issue С

PROPOSED MULTI UNIT DEVELOPMENT

TPO4

2-4 CLARK STREET, RESERVOIR JOB NO. SCALE. DRAWN. DATE. 009669 1:100 SP 0CT15 OCT15



ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON
SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE
SUBMITTED AS PART OF BUILDING PERMIT. NO STORMATER TO BE DISCHARGED

COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR CONSTRUCTION OF STORMWATER DRAINAGE BY THE DEVELOPER VIA THE EASEMENT AT REAR OF 46 HOWARD STREET TO COUNCIL REQUIREMENTS.							
THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS.							
	THE DRAINAGE TO BE DESIGNED VIA GRAVITY NO PUMP SYSTEMS PERMITTED.						
	existing ti	REES +	EXIS	STING SPOT LEVEL		TE: ALL LEV RE TO A.H.	
	PROPOSED LANDSCAPE TO FUTURE DETAIL						
STIP W D	W HABITABLE ROOM WINDOW						
POS		PEN SPACE					
4 4 4 4 8 8 4	PROP	dsed conc	RETE I			SELECTEI	D PAVING
PROPOSED	_ ,FENCE , PALING FENG	, CE 1.8m HIGł	ł	PROPOSED 1	.8m HIGH G	ATE TO M	ATCH PALING FENCE
PEDESTRIAN VISIBILITY SPLAY NOTE: PEDESTRIAN VISIBILITY SPLAYS MEASURING 2.0m (WIDTH ACROSS THE FRONTAGE BY 2.5m (DEPTH INTO SITE), TO THE NORTH & SOUTH SIDES OF THE 1 EXISTING, 1 RELOCATED AND 1 PROPOSED CROSSOVER TO CLARK STREET WHERE WITHIN THE SUBJECT SITE, ANY STRUCTURES OR VEGETATION WITHIN THESE SPLAYS MUST NOT BE MORE THAN 0.9m IN HEIGHT.							
	EXTE	RNAL	_ F	INISHES		IEDL	JLE
R	oofing Walls			S	Sheet Metai Face Brig		3
				LIGHTWEIGH LI	IT CLADDIN GHT WEIGH		
	RS & DOWNP NOWS & DOC			POV	COLORE VDERCOATE		IUM
	DE	VELC)P	ment s	UMN	/AR`	Y
SITE A		1248.52r 1:156	n2	BUILDING SITE C			2m2 (47.56%) 5m2 (31.72%)
No OF DV CAR-PA		8 10 TOT/	٩L	PRIVATE OPE	n space		
	UNIT 1 UNIT 2	2			UNIT 1 UNIT 2		. 11.25m2 + FY .16m2/POS 40.51m2
	UNIT 3 UNIT 4	1			UNIT 3 UNIT 4		.16m2/POS 40.51m2 .58m2/POS 46.78m2
	UNIT 5	1			UNIT 5	SPOS 26	.96m2/POS 47.06m2
	UNIT 6 UNIT 7	1			UNIT 6 UNIT 7		.16m2/POS 40.51m2 .16m2/POS 40.51m2
	UNIT 8	2			UNIT 8		. 11.25m2 + FY
	GRC	DSS B	JIL	DING /	AREA	x / U	NIT:
GROUN		VIT 1 1.88m2		UNIT 2 38.84m2	UNI 38.84	-	UNIT 4
FIRST	38	3.11m2		38.81m2	38.81	m2	39.79m2
GARAG PORCH		5.83m2 .11m2		22.82m2 1.49m2	22.82		24.81m2 1.03m2
BALCON		1.25m2		N/A	N/	A	NA
TOTAL		n2 (15.52SQ) NIT 5	101.9	96m2 (10.98SQ) UNIT 6	101.57m2 (UNI	,	115.92m2 (12.47SQ) UNIT 8
GROUN		0.29m2		38.84m2	38.84		64.88m2
FIRST	39	9.79m2		38.81m2	38.81	m2	38.11m2
GARAG PORCH		4.81m2 .03m2		22.82m2 1.10m2	22.82		26.83m2 3.11m2
BALCON	١Y	NA		N/A	N/.	A	11.25m2
TOTAL	115.92n	n2 (12.47SQ)	101.	57m2 (10.93SQ)	101.96m2 (10.98SQ)	144.18m2 (15.52SQ)
		С	0	NSTRUC		1	
	INTERNAL WALLS:- 90mm THICK TIMBER STUD CONSTRUCTION EXTERNAL WALLS:- GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION FIRST FLOOR - 90mm THICK TIMBER STUD AND LIGHT WEIGHT CLADDING						
	FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARTATE LANDSCAPE PLAN - TO BE SUBMITTED AT A LATER DATE						
	ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMATER TO BE DISCHARGED						

OFFSET 1.07m SOUTH FROM SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION — D — D DRAINAGE PIPE UNKNOWN SIZE. UNKNOWN MATERIAL. DEPTH TO INVERT LEVEL UNKNOWN.

_____ S _____ S

CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

DEPTH 2.74m TO INVERT LEVEL. OFFSET APPROX. 1.2m WEST FROM EAST BOUNDARY

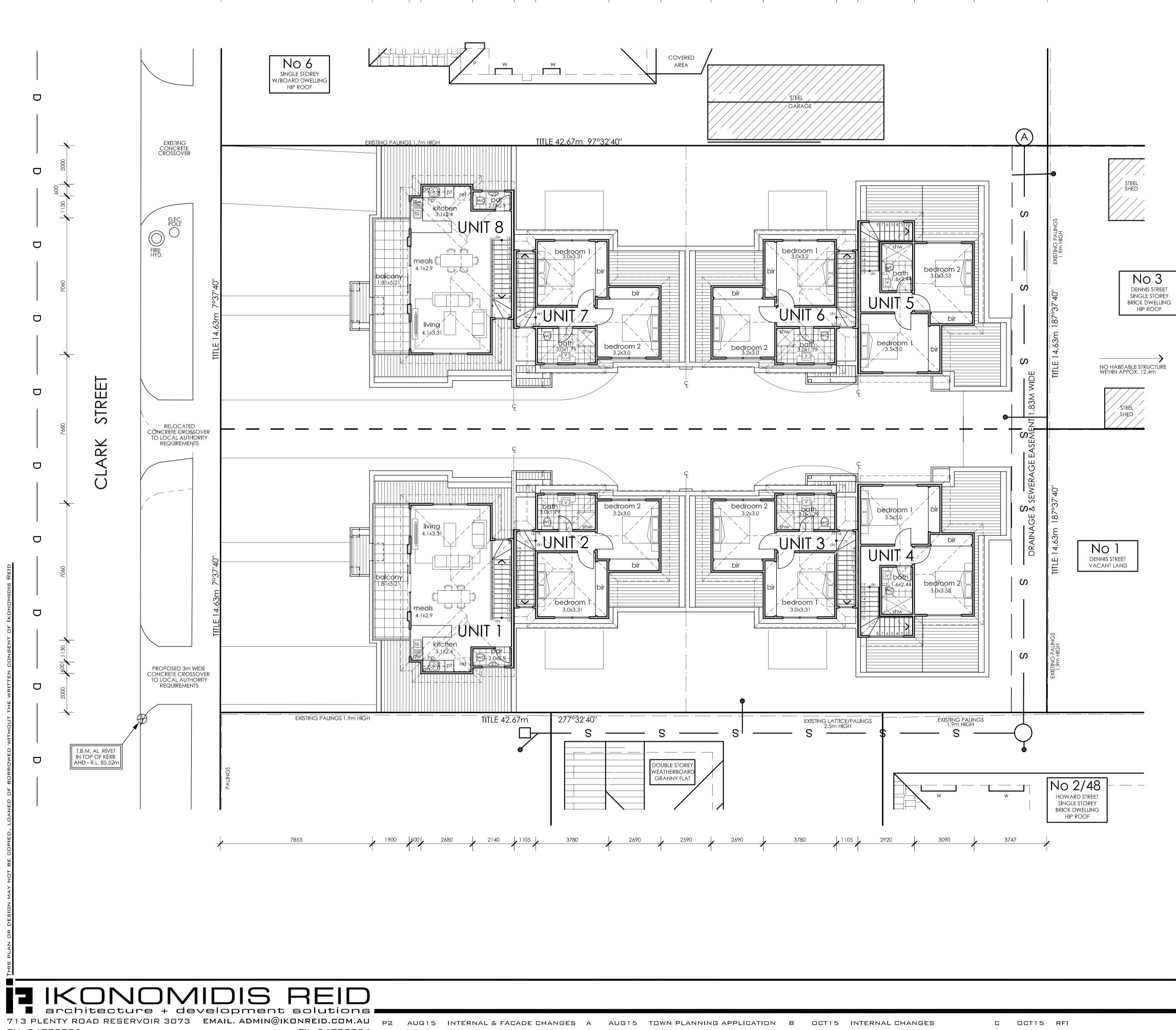
LEGEND

1500 main sewer pipe. MATERIAL UNKNOWN. DEPTH 2.31m TO INVERT LEVEL.

1500 CONCRETE MAIN SEWER PIPE.

OFFSET UNKNOWN.

CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION LEGAL POINT OF DISCHARGE -DESIGN PLANS ARE REQUIRED TO BE SUBMITTED FOR APPROVAL BY LPOD COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR



2680 2140 1105

3780

2690 2590

2690

1105

2920

3090

3790

3780

1900

7810

PH. 94782836

FX. 94782034

Rev Date Issue

Rev Date Issue

PROPOSED MULTI UNIT DEVELOPMENT 2-4 CLARK STREET, RESERVOIR JOB NO. SCALE. DRAWN. DATE. 009669 1:100 SP 0CT15 TPO5 С OCT15



2			
`	\leftarrow		
	ľ		
Г			
\	-		
0/17			
、			
01 10			
5			
<u>\</u>	-		
_			
0/44			
、			
_			
ŕ			

CONFIRM	EXACT POSITION ON SITE PRIOR TO CONSTRUCTION					
DEPTH TO I OFFSET UN	PIPE UNKNOWN SIZE. UNKNOWN MATERIAL. NVERT LEVEL UNKNOWN. KNOWN. EXACT POSITION ON SITE PRIOR TO CONSTRUCTION					
LPOD	LEGAL POINT OF DISCHARGE - DESIGN PLANS ARE REQUIRED TO BE SUBMITTED FOR APPROVAL BY COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR CONSTRUCTION OF STORMWATER DRAINAGE BY THE DEVELOPER VIA THE EASEMENT AT REAR OF 46 HOWARD STREET TO COUNCIL REQUIREMENTS.					
	THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS.					
THE DRAINAGE TO BE DESIGNED VIA GRAVITY NO PUMP SYSTEMS PERMITTED.						
	EXISTING TREES + EXISTING SPOT LEVELS	NOTE: ALL LEVELS ARE TO A.H.D				
	PROPOSED LANDSCAPE TO FUTURE DETAIL					
STIP W D POS	SEWER TIE IN POINT HABITABLE ROOM WINDOW DOOR PRIVATE OPEN SPACE	NOTE: ALL SETBACKS DIMENSIONS TO FIRST FLOOR ARE TO STRUCTURAL WALL FACE EXCLUDING CLADDING				

S

LEGEND

_____ S

1500 MAIN SEWER PIPE. MATERIAL UNKNOWN.

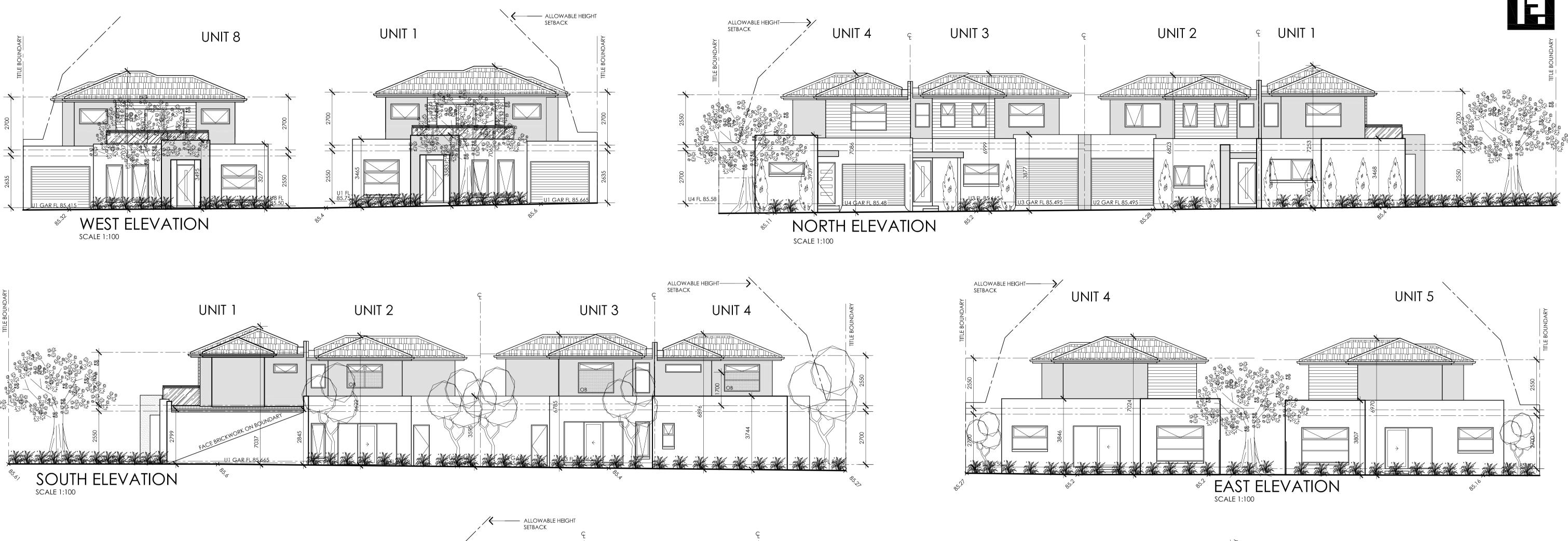
_____ S _____ S

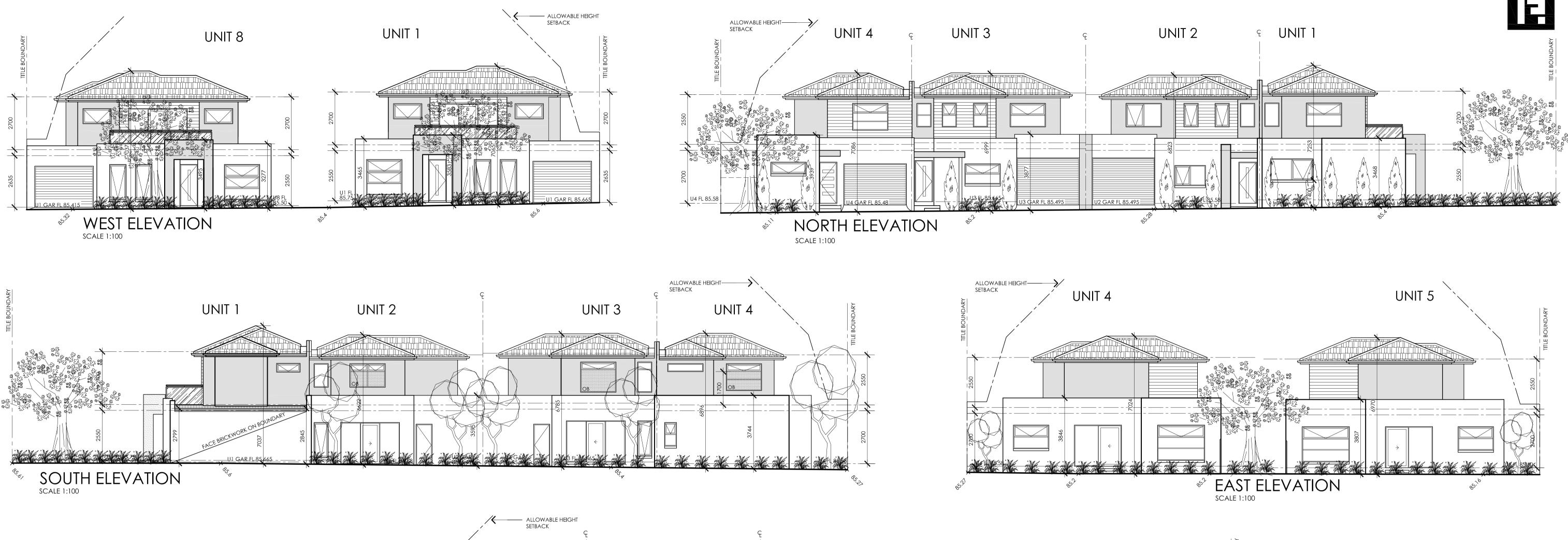
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

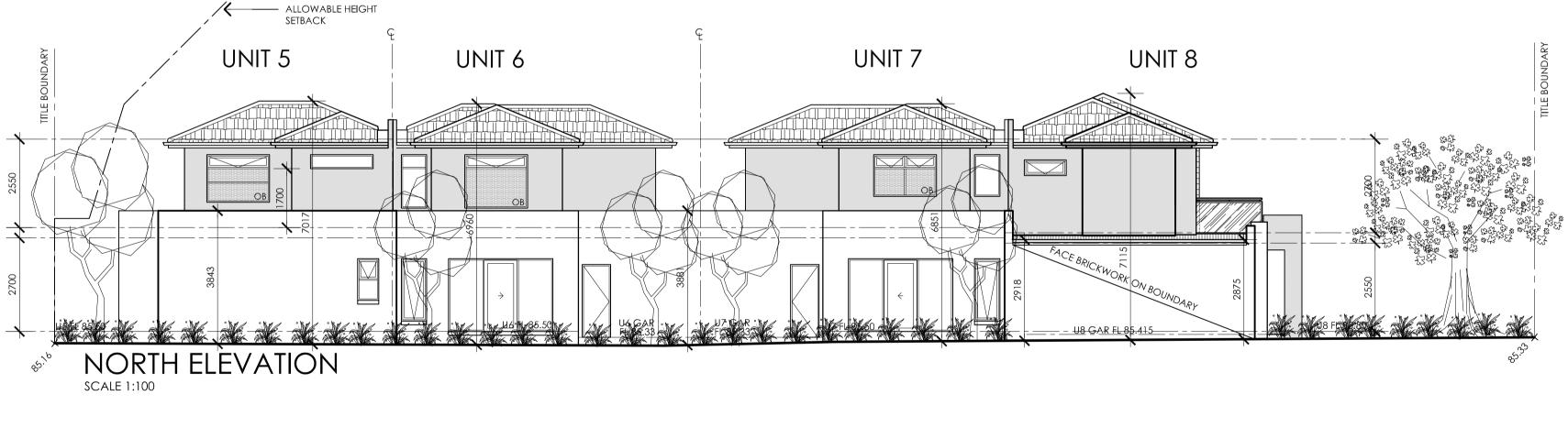
1500 CONCRETE MAIN SEWER PIPE. DEPTH 2.74m TO INVERT LEVEL. OFFSET APPROX. 1.2m WEST FROM EAST BOUNDARY

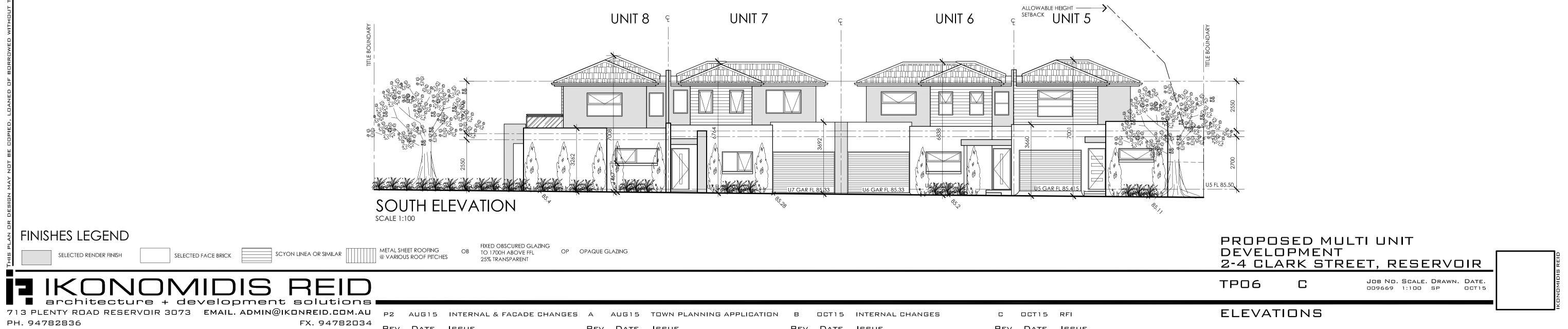
DEPTH 2.31m TO INVERT LEVEL. OFFSET 1.07m SOUTH FROM SOUTH BOUNDARY.

-(B)









FINISHES LEGEND SELECTED RENDER FINISH

SELECTED FACE BRICK

IKONOMIDIS REID

PH. 94782836

Rev Date Issue

5.3 APPLICATION FOR PLANNING PERMIT D/648/2015 109 Wood Street, Preston

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid	Lan Kha and Buoi Kha	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising the construction of three (3) double storey dwellings. Two (2) of the dwellings will have three (3) bedrooms and access to two (2) on site car spaces (one under cover) while the other dwelling has only two (2) bedrooms and access to a garage. Private open space is provided at the ground level for two (2) of the dwellings and at balcony level for the third.
- The site is zoned General Residential Zone Schedule 2
- The Certificate of Title indicates that the land is encumbered by a restrictive covenant which prohibits: excavating the land and/or carrying away any marlstone earth clay gravel or sand from the land. The covenant contains the exception relating to the excavation and removal of material for the erection of a building on the land therefore it is not considered that the covenant would restrict the proposed development.
- 15 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 one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Capital Works; Transport Management and Planning.
- This application was not required to be referred to external authorities.

RECOMMENDATION

THAT Planning Permit Application D/648/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 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 Sheet T drawn by Greg Corbin and Associates and received by Council on the 23 June 2015) but modified to show:
 - a) The minimum distance between finished garage floor level (FGFL) and the ceiling to be 2.2 metres.
 - b) The height of the southern property boundary fence to be a minimum height of 1.8 metres as measured above natural ground level (NGL).

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.

- c) A section diagram demonstrating how the external privacy screens to habitable room windows have a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
- d) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of two (2) medium and four (4) small canopy trees.
- e) External retractable shading devices of all east and west facing habitable room windows.
- f) Fixed external shading devices over all north facing habitable room windows.
- g) The upper level western habitable room window of bedroom 3 of dwelling 2 relocated to the eastern wall.
- h) A fence between the front gardens of dwellings 1 and 2. This fence must be a maximum height of 1.2 metres above NGL.
- i) A revised schedule of construction materials and finishes including colours (including colour samples).
- j) The finished first floor levels shown on the plans for each of the dwellings.

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. 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) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, a minimum of two (2) medium sized and four (4) small sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) 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.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (eg. grass (lawn), gravel, paving and garden beds).
 - j) 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.

- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- I) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 5. 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.

- 6. 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.
- 7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 9. 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.

- 10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 11. The land must be drained to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. 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.
- 14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 15. 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; and
- d) Drained

to the satisfaction of the Responsible Authority.

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

16. 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, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 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 This planning permit must be attached to the "statement of matters affecting land being sold", under section 32 of the *Sale of the 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.

REPORT

INTRODUCTION AND BACKGROUND

There is no planning history for the site on Council's Records.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 38 metres long by 20.2 metres wide for a total site area of approximately 765 square metres. The site is wider and larger than most lots between Kathleen Street to the east and Pleasant View Drive to the west which are on average between 530 and 670 square metres.
- The land is located within the General Residential Zone Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The land is located on the south side of Wood Street, approximately 20 metres west of Kathleen Street and 100 metres west of Albert Street and 150 metres east of Pleasant View Drive 150.
- The subject site is currently occupied by a single storey hipped roof, weatherboard dwelling that is setback approximately 9 metres from the front property boundary. A driveway exists along the western boundary, leading to a brick garage which is located on the title boundary. The dwelling occupies the front half of the site with lawn and concrete occupying the front and rear yards. An easement exists along the rear boundary.
- To the east of the site is a medium density housing development consisting of four (4) single storey dwellings fronting both Wood Street and Kathleen Street. The secluded private open spaces (SPOS) of these dwellings abut the common boundary with the dwellings themselves setback between 1 and 3 metres.
- To the west of the site is a single storey weatherboard dwelling with a hipped roof. This dwelling is setback 9 metres from the frontage and 1.3 metres from the common boundary. A driveway exists along the western boundary leading to a garage in the rear yard.
- To the north of the site is the Wood Street road reserve beyond which are single storey dwellings with pitched hipped roof forms and consistent front setbacks of 10 metres average.
- To the south of the site is the rear yard of a lot facing Kathleen Street. Specifically a brick and cement sheet garage is sited near the existing property boundary with concrete abutting the remainder of the boundary. This site is occupied by a single storey brick clad dwelling with a hipped roof.

- Parking directly in front of the site on both sides of Wood Street is restricted with a bus zone and no standing area declared. There are no parking restrictions along Kathleen Street or Pleasant View Drive. Parking along Wood Street is generally difficult and restricted as this road acts as a thoroughfare between Albert Street and Plenty Road, however there is ample parking available in the side streets.
- The area is well serviced with Northland shops just east of Albert Street, Preston Primary school located off Sylvester Grove and variaous parks and walking tracks near Darebin Creek. Additionally bus services exist along Wood and Albert Street.

Proposal

It is proposed to construct three (3) double storey dwellings as follows:

Dwelling 1

- This dwelling is reverse living and abuts the driveway.
- Ground floor will consist of an entryway, two (2) bedrooms, family bathroom, study nook, laundry and single garage;
- The first floor will consist of living, meals and kitchen area, toilet and a 12.7 square metre balcony;
- The dwelling will have access to 66 square metres of private open space including a ground level service yard and front garden;

Dwelling 2

- Ground floor will consist of entryway, master bedroom with ensuite and WIR, laundry, toilet and living, meals, kitchen and double garage;
- First floor will consist of two (2) bedrooms, family bathroom, ensuite, toilet and TV room;
- The dwelling will have access to 81 square metres of private open space of which 35 is deemed secluded;

Dwelling 3

- Ground floor will consist of entryway, master bedroom, laundry, family bathroom and living, meals, kitchen area and double garage;
- First floor will consist of two (2) bedrooms, family bathroom and study nook;
- The dwelling will have access to 80 square metres of private open space of which 36 square metres is deemed secluded;

Objections

• 15 objections received.

Objections summarised

- Neighbourhood character double storey form in the rear yard is inappropriate.
- Overlooking.
- Building height/size is inappropriate/visual bulk.

- Decreased pedestrian safety.
- Parking Traffic congestion.
- Overdevelopment of the site.
- Overshadowing.
- Inappropriate aesthetic of medium density housing.
- Unit 3 is inadequately setback from the property boundaries.
- Increased noise.

Officer comment on summarised objections

Only four (4) objectors are proximate to the site. This has been shown on the map titled Objector Location Map.

Neighbourhood character - double storey form in the rear yard is inappropriate

The proposed development has been assessed against Council's neighbourhood character guidelines for precinct F5 and is shown to be compliant with all aspects contained within these guidelines. The proposed development consists of three double storey dwellings on a lot of over 750 square metres, which is entirely reasonable. Additionally the site is well located with respect to shops and public transport. See assessment under the guidelines in the body of this report below.

<u>Overlooking</u>

All upper level windows have been shown on the plans as being screened with appropriate glazing/screens up to a height of 1.7 metres above finished floor level (FFL). See Standard B22 in this report for further assessment.

Building height/size is inappropriate/visual bulk

The proposed dwellings are to have a maximum height of 7.1 metres which is under the 9 metre maximum as required by the standard. The proposed double storey construction is an appropriate transition of height above adjoining single storey dwellings and an entirely legitimate design outcome in suburban residential settings such as this.

The size of the development is appropriate with recessed upper levels, separation between the dwellings and ample space on site for vegetation. This ensures the development is well proportioned with respect to the block size.

The proposal is not considered bulky to the street or adjoining lots with generous setbacks provided from the property boundaries, combined with varied materials and modest wall heights (all under 6 metres). See Standard B9 in this report for further assessment on building height.

Decreased pedestrian safety

The proposed development is not considered to increase the risk of pedestrian accidents as only one (1) new vehicle crossover is being proposed. This new crossover will only service three (3) cars which will not detrimentally impact on the safety of pedestrians. Furthermore these cars are able to exit the site in a forwards direction.

The crossover to Dwelling 2 is existing as is the reversing arrangement of the cars.

On balance the proposal will not compromise pedestrian safety as a result of an additional vehicle crossover proposed.

Parking – Traffic congestion

The increase in traffic movements in the street, arising from an additional two (2) dwellings, is considered to be an increment that will not affect local traffic conditions. Furthermore, the development provides the requisite number of car spaces on site for the number of bedrooms each dwelling has. This complies numerically with the Darebin Planning Scheme under Clause 52.06.

It is estimated that vehicle movements to and from the site will be at peak times in the morning and afternoon, however this is not considered to be unreasonable and will not greatly increase existing traffic movements in the street.

Wood Street typically holds a large volume of traffic between Northland and Plenty Road, and the additional vehicles can easily be accommodated on the Wood Street and the surrounding road network.

Overdevelopment of the site

It is noted that the site is of medium size and well proportioned (with a frontage to Wood Street of 20.2 metres, a depth of 38 metres for an overall site area of 765 square metres) and is located in the General Residential Zone – Schedule 2 where residential development at a range of densities and varieties is allowed.

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme and not based on a subjective concern of 'too many units'. In fact, the Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development.

The proposal will provide affordable housing in an area that is well serviced and close to the central business district (CBD). The composition of housing types should be mixed to provide greater choice, as not everyone can afford or wants to live in a large freestanding home or maintain a yard. These townhouses will provide diverse housing options.

It is also noted that the proposed development complies with most elements of Clause 55 of the Darebin Planning Scheme.

Overshadowing

The proposal complies with Standard B22 (Overshadowing) of the Darebin Planning Scheme. Overshadowing of the neighbouring properties is acceptable and marginal beyond the shadow cast from the existing fence.

There will be no additional shadow cast onto the lot to the rear.

Inappropriate aesthetic of medium density housing

The proposed development complies with the neighbourhood character guidelines for Precinct F5.

Unit 3 is inadequately setback from the property boundaries

The proposed setbacks between Unit 3 and the property boundaries comply with Standard B17 of the Darebin Planning Scheme.

Increased noise

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

PLANNING ASSESSMENT

Clause 21.03 Housing

The site and wider area has been identified as one for incremental change, where a moderate level of development over time is permitted. The land is well located with respect to schools, shops and public transport.

The proposed density of the development is acceptable in this instance with shops, schools and public transport all within an 800 metre catchment of the site. Additionally, the wider area is already experiencing a modest degree of residential infill development (therefore precluding the site as one for only minimal change).

Neighbourhood Character Precinct Guideline Assessment - Precinct F5

Vegetation

Scattered shrubs including one small canopy trees are located on the site, however none of these are significant or require protecting.

The vegetation on site will be replaced by six (6) canopy trees of varying size via a condition of approval. These additional canopy trees will enhance the garden landscape of the wider area.

There is no accompanying landscape concept plan (to be required as a condition on any approval), however the proposal is appropriately sited and designed to provide an acceptable amount of garden space to the street frontages, as well as the side and rear boundaries, to contribute to the garden setting of the wider area and soften the development to adjoining lots.

Complies subject to condition

<u>Siting</u>

The proposed front garden is large enough for the planting of vegetation to enable the continuation of the garden setting in this area. The proposal allows sufficient space along the property boundaries to plant canopy trees to soften the development.

The dwellings are setback 8 metres from the front boundary which provides a generous space for larger scale vegetation to the street.

The positioning of garage 2 on the boundary matches the location of the existing garage associated with the original house. The original house extended virtually the entire width of the lot with little relief from the side boundaries. The proposed arrangement improves upon this, with a large setback from the eastern property boundary. This, coupled with the fact the proposed garage is located on the boundary as previously, ensures the proposal maintains a somewhat similar position on site as the original dwelling.

The proposed front garden matches adjoining front gardens. While two (2) crossovers are proposed, the remaining 90 square metres of front garden is ample space to accommodate an appropriate garden arrangement. On balance, the sizeable front yard and lack of visibility of garages 1 and 3 ensures that garages are not seen as a dominant feature of the development. The visibility of garage 2 is not dissimilar to the arrangement of numerous lots along Wood Street, whereby garages are located to the side of dwellings.

Complies

Height and building form

The proposed development is double storey, which respects nearby double storey development. The overall height of the development is approximately 7.1 metres which is below the 9 metre maximum allowed by the standard.

The proposed development provides an appropriate height transition above single storey developments.

Complies

Materials and design detail

The wider area is beginning to show signs of urban renewal as evidenced in the recent developments found proximate to the site, including the rezoning of the eastern area of Wood Street to the Residential Growth Zone. The modest design approach adopted here respects both the existing and preferred neighbourhood character of the area and is considered appropriate.

The use of varying materials (render, brick, scyon linea cladding or similar, concrete roof tiles and glazing), wall surfaces, window openings and a combination of both pitched and flat roofs ensures the proposed building is well articulated.

The materials and construction schedule will need to be resubmitted in colour.

Complies subject to condition

Front boundary treatment

No front fence is proposed as part of this application. This is acceptable because views are maintained between the streetscape and the development.

Complies

Clause 55 Assessment

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

Clause 55.02-4 B4 Infrastructure

The development is to be located in an established area where there is adequate infrastructure. The proposal will not exceed the capacity of local infrastructure. It is determined that drainage is available to the site subject to conditions.

Complies subject to condition

Clause 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of 7.1 metres which complies with the standard requiring a maximum height not exceeding 9 metres.

The overall height of the development is modest with walls heights less than 6 metres high above natural ground level (NGL). The proposed development is considered respectful.

Complies

Clause 55.03-5 B10 Energy Efficiency

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

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.
- Use of eaves at the ground and first floors.
- The west facing habitable room window of bedroom 3 of Dwelling 2 should be relocated to the eastern side so that it does not require screening and to alleviate the extent of glazing along the western upper level that must be screened. A window on the eastern elevation will provide at least some type of outlook.
- Additionally a condition of approval will require that all east and west facing habitable room windows are provided with retractable shading devices and that all north facing windows are provided with fixed awnings.

Complies subject to condition

Clause 55.03-8 B13 Landscaping

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

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

A detailed landscape plan will be required as a condition of any approval along with the inclusion of a minimum of six (6) canopy trees of varying size.

Complies subject to condition

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor Boundary	Wall height	Required Setback	Proposed setback	Compliance
Eastern – Dwelling 1	3.7 metres	1.03 metres	4 metres	Yes
Dwelling 3	2.7 metres	1 metre	1 metre	Yes
Western Dwelling 2 and 3	2.7 metres	1 metre	3 metres	Yes
Southern – Dwelling 3	2.7 metres	1 metre	1.85 metres	Yes

First Floor

Boundary	Wall height	Required Setback	Proposed setback	Compliance
Eastern –				
Dwelling 1	5.7 metres	1.63 metres	5 and 6.7 metres	Yes
Dwelling 3	5.6 metres	1.6 metres	5 metres	Yes
Western – Dwelling 1	5.7 metres	1.63 metres	3.9 and 4.4 metre	Yes
Dwelling 3	5 metres	1.42 metres	3.4 and 4.8 metre	Yes
Southern – Dwelling 3	5.5 metres	1.57 metres	3.65 metres	Yes

The ground and first floor setbacks proposed are reasonable and go well beyond what the standard requires. All the first floor walls are less than 6 metres high which is reasonable and considered appropriate within the context of the wider area.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the east, south and west by the proposed development is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9 am and 3 pm on 22 September.

Shadow cast beyond shadow already created by the existing fence is marginal and doesn't occur at all along the eastern property boundary.

Complies

Clause 55.04-6 B22 Overlooking

The proposed dwellings at ground floor have finished floor levels (FFL) less than 0.8 metres above NGL at the boundary. A proposed 1.8 metre high boundary fence on the western property boundary, and an existing 1.7 metre high fence on the southern boundary, will sufficiently limit overlooking, provided a trellis be added to the southern boundary fence (included as a condition of approval).

There are no ground floor habitable room windows along the eastern elevation.

The development is designed to limit views into neighbouring secluded private open space and habitable room windows.

All upper storey windows are appropriately designed and/or screened to ensure no overlooking with a combination of both obscure glazing, sill heights located 1.7 metres above finished floor level and external screens provided. A condition of approval will request that a section diagram of the external screens is provided.

Complies subject to condition

Clause 55.06-3 B33 Common Property

The public, communal and private areas within the development are clearly delineated, however a condition of approval will require that a dividing fence is installed between the two front gardens of Dwellings 1 and 2.

The common property is functional and capable of efficient management.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved for Dwellings 2 and 3 through the provision of a minimum of 40 square metres of private open space, of which 25 square metres is deemed secluded, located to the side or rear of the dwelling, with a minimum dimension of 3 metres and conveniently accessed from a living room.

Dwelling 1 is provided with a 12.7 square metre balcony conveniently accessed from a living area, along with a front yard and service yard.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	66 square metres	12 square metres (balcony)	3.5 metres
Dwelling 2	81 square metres	35 square metres	3 metres
Dwelling 3	80 square metres	36 square metres	3 metres

The reverse living arrangement of Dwelling 1 is acceptable as the dwelling is still provided with 66 square metres of private open space, including a ground level service yard and front garden.

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

One car parking space is provided for the two bedroom dwellings.

Two car parking spaces are provided for each of the three bedroom dwellings with one space under cover.

Design Standards for Car parking

The car parking spaces, garage and the access-way have appropriate dimensions to enable efficient use and management of the site.

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

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

Garage dimensions of 6 metres length x 3.5 metres wide comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

Visibility splays have been shown on the plans and are acceptable.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Comp	liance
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
	-	1		
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings.	Y	Y
	•	· · · · · · · · · · · · · · · · · · ·		
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new	Ý	Y

Clause	Std		Comp	liance
		development.		
55 00 F	DE	Integration with the atreat		
55.02-5	B5	Integration with the street	Y	Y
		Dwellings 1 and 2 appropriately integrate with Wood Street.	Ť	r
55.03-1	B6	Street setback		
		The required setback is 8 metres and the dwellings	Y	Y
		are set back 8 metres from the street frontage.		
55.03-2	B7	Building height		
		7.1 metres.	Y	Y
55.03-3	B 8	Site coverage		
55.05-5	Бо	Site coverage 46%.	Y	Y
		4070.		
55.03-4	B9	Permeability		
		32%.	Y	Y
		•		
55.03-5	B10	Energy efficiency	,	
		Please see assessment in the body of the report.	Y	Y
<u> </u>	D44			
55.03-6	B11	Open space		V
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
00.00 1	012	The proposed development is secure and the	Y	Y
		creation of unsafe spaces has been avoided.	•	•
		· · · · · · · · · · · · · · · · · · ·		
55.03-8	B13	Landscaping	,	
		Please see assessment in the body of the report.	Y	Y
	D44	A		
55.03-9	B14	Access	Y	V
		Access is sufficient and respects the character of the area.	Ŷ	Y
55.03-10	B15	Parking location		
	-	Parking facilities are proximate to the dwellings they	Y	Y
		serve, the access is observable. No habitable room		
		windows will be impacted upon from the access-		
		ways.		
<u> </u>	D47	Side and year activeska		
55.04-1	B17	Side and rear setbacks	V	V
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
	1			
55.04-2	B18	Walls on boundaries		
		Length: 6.5 metres.	Y	Y
		Height: 3.16 metres.		
	1	Walls on boundaries comply with the requirements		

Clause	Std		Comp	liance
		of this standard.		
55.04-3	B19	Daylight to existing windows		
55.04-5		Sufficient setbacks exist to allow adequate daylight to existing habitable room windows.	Y	Y
55.04-4	B20	North-facing windows		
		Development is set back in accordance with the standard.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views.	Y	Y
55.04-8	B24	Noise impacts		
55.04-0	024	Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
00.00 2		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
00.00 0	DLJ	Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided for each dwelling.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y

Clause	Std		Comp	liance
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common property		
		While the common property areas are appropriate and manageable, a condition of approval will require that a dividing fence between the front gardens is shown on the plans.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response		
Capital Works	No objection, subject to condition included in recommendation.		
Transport Management and Planning	No objection, subject to conditions being included in the recommendation which relate to the headroom of the garage being a minimum of 2.2 metres.		

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

• The site is zoned General Residential Zone – Schedule 2. Under Clause 32.08-4 (General Residential Zone) a planning permit is required to:

- Construct two or more dwellings on the lot

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03, 21.03-2, 21.03-3, 21.03-4
Zone	32.08
Overlay	45.06*
Particular provisions	55
General provisions	65.01
Neighbourhood Character Precinct	F5

*Currently Council's ability to request the levy has expired as the Schedule to the Clause expired on the 30 June 2014.

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

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.

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

• Chris McKenzie, on behalf of the applicant

COMMITTEE DECISION

MOVED: Cr. O. Walsh SECONDED: Cr. T. Laurence

THAT Planning Permit Application D/648/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 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 Sheet T drawn by Greg Corbin and Associates and received by Council on the 23 June 2015) but modified to show:
 - a) The minimum distance between finished garage floor level (FGFL) and the ceiling to be 2.2 metres.
 - b) The height of the southern property boundary fence to be a minimum height of 1.8 metres as measured above natural ground level (NGL).

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.

- c) A section diagram demonstrating how the external privacy screens to habitable room windows have a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
- d) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of two (2) medium and four (4) small canopy trees.
- e) External retractable shading devices of all east and west facing habitable room windows.
- f) Fixed external shading devices over all north facing habitable room windows.
- g) The upper level western habitable room window of bedroom 3 of dwelling 2 relocated to the eastern wall.
- h) A fence between the front gardens of dwellings 1 and 2. This fence must be a maximum height of 1.2 metres above NGL.
- i) A revised schedule of construction materials and finishes including colours (including colour samples).
- j) The finished first floor levels shown on the plans for each of the dwellings.

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. 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) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, a minimum of two (2) medium sized and four (4) small sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) 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.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (eg. grass (lawn), gravel, paving and garden beds).
 - j) 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.

- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- I) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 5. 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.

- 6. 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.
- 7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 9. 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.

- 10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 11. The land must be drained to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. 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.
- 14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 15. 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; and
- d) Drained

to the satisfaction of the Responsible Authority.

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

16. 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, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 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 This planning permit must be attached to the "statement of matters affecting land being sold", under section 32 of the *Sale of the 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.

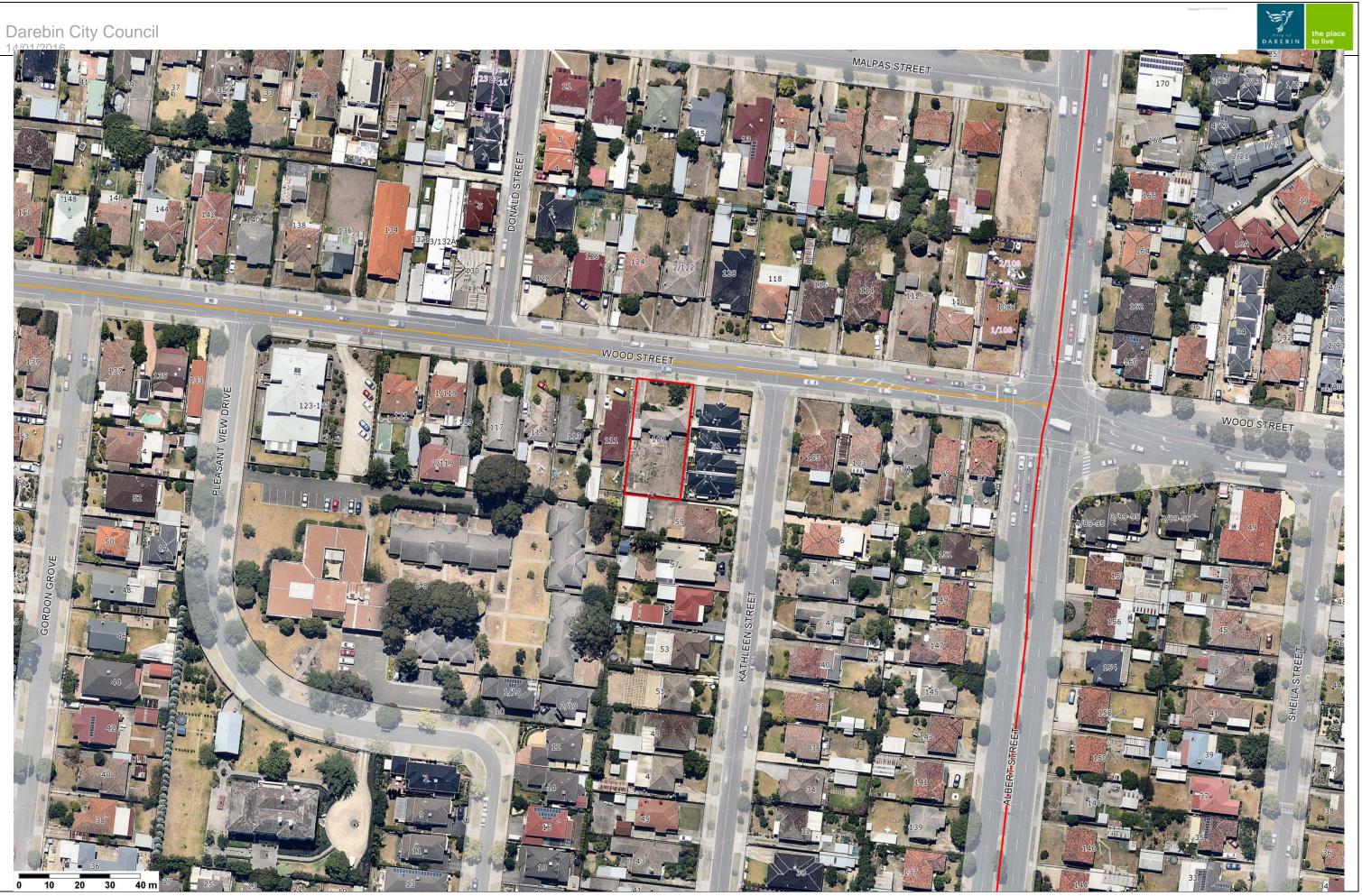
CARRIED

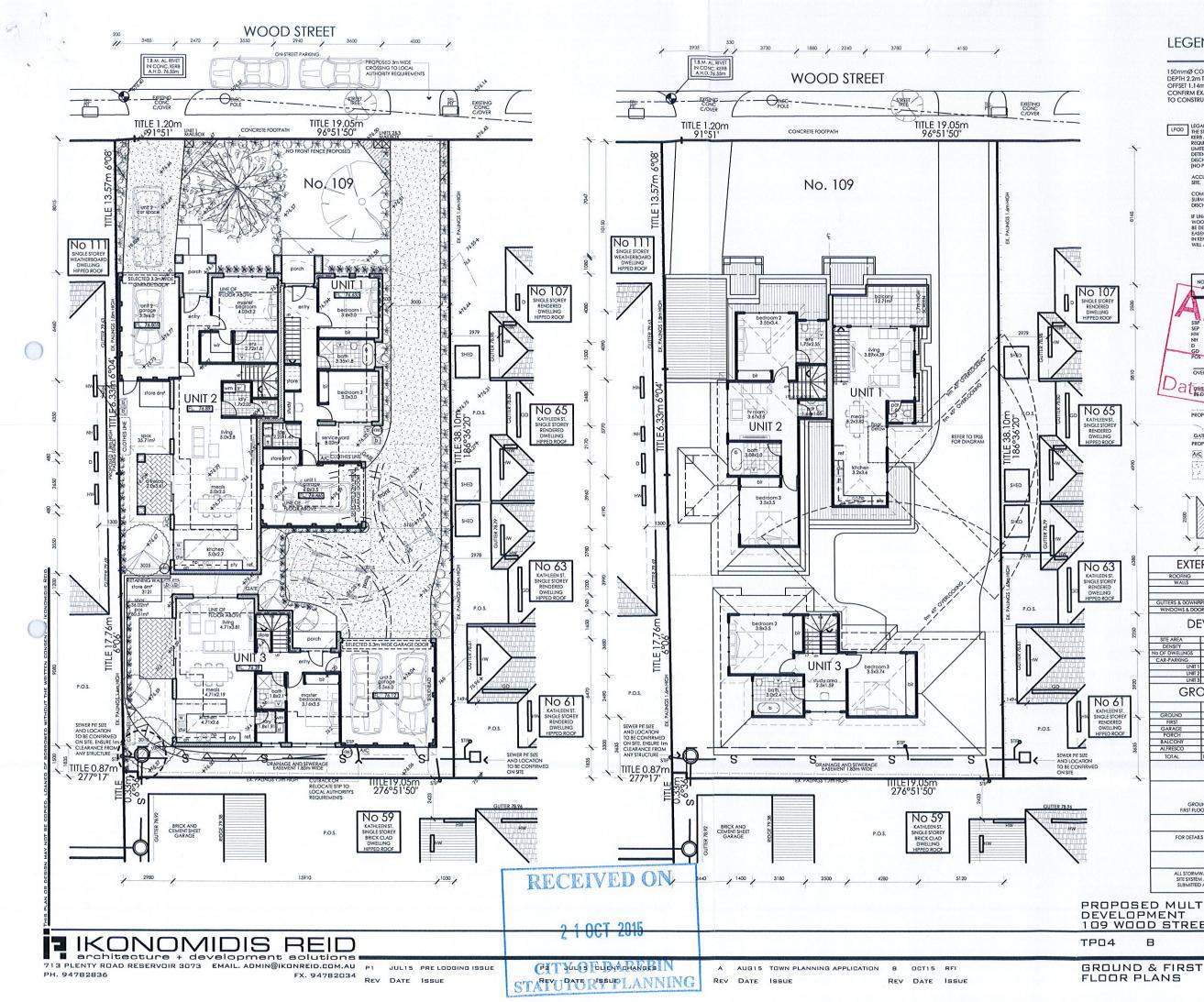
Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>
Cr. Oliver Walsh	Cr. Gaetano Greco
Cr. Tim Laurence	Cr. Angela Villella
Cr. Vince Fontana	Cr. Bo Li
Cr. Steven Tsitas	
Cr. Julie Williams	
Cr. Trent McCarthy	

The Chairperson, Cr. Fontana declared the Motion to be carried.

Cr. Tsitas temporarily left the meeting during discussions at 7.43 pm and returned at 7.49 pm.





LEGEND



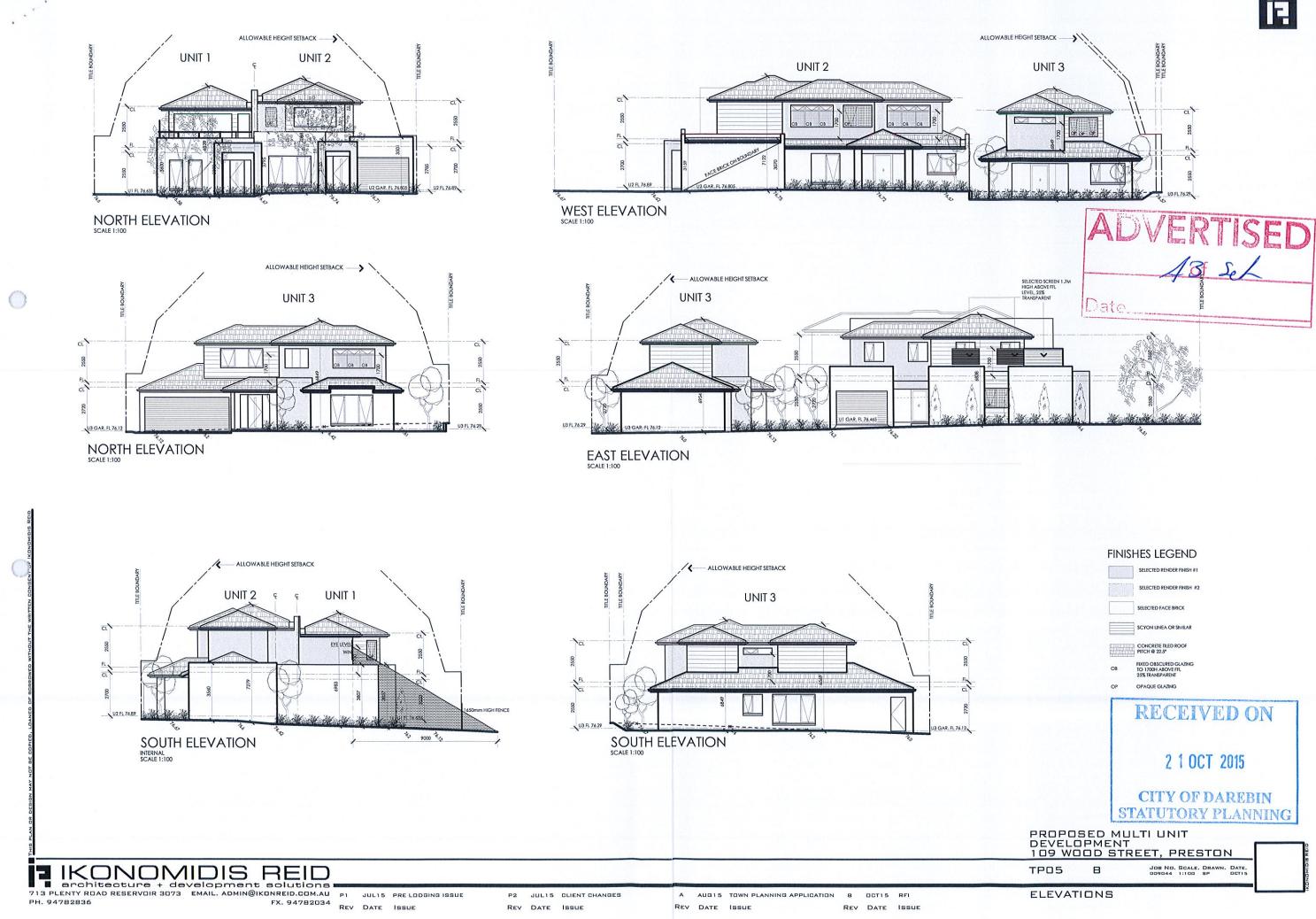
- S 1.50mm@ CONCRETE MAIN SEWER PIPE. DEPTH 2.2m TO INVERTIEVEL. DEPTH 2.2m TO INVERTIEVEL. OFFSET 1.14m NORTH FROM SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LEGAL POINT OF DISCHARGE -THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE KERRA ND CHANNEL AT FROM TIM WOOD STREET TO COUNCIL REQUERVENTS WITH THE DECHARGE FROM THE WHOLE STE BEING LUMIED TO NOT MORE THAN 0.35 COETICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND STE DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE GRAVITY. (NO PUMP SYSTEMS PERMITED) ACCURATE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON COMPUTATIONS AND RETENTION DESIGN IS REQUIRED TO BE SUBMITTED TO THIS OFFICE FOR COMPLIANCE WITH LEGAL POINT OF DISCHARGE. IF UNABLE TO DISCHARGE TO THE KERB AND CHANNEL AT FRONT IN WOOD STREET VIA GRAVITY AN OUTFALL DRAIN WILL BE REQURED TO BE DESIGNED AND CONSTRUCTED BY THE DEVELOPER VIA THE EASEMENT OF THE REAR OF THE STRE EAST TO THE KERB AND CHANNEL IN EEMENT STREET TO COUNCL REQUIREMENTS. RETENTION SYSTEM WILL APPLY AS ABOVE. EXISTING SPOT LEVELS NOTE: ALL LEVELS No 107 EXISTING TREES NON H/ DOOR OVERHEAD POWERLINES D 3 DWELLING, GARAGE & VEGETATION TO BEDEMOLISHED SHOWN DASHED FENCE No 65 PROPOSED 1.8 HIGH PAUNG FENCE RENDERED GATE PROPOSED 1.8 HIGH GATE TO MATCH PALING FENCE AC UNIT LOCATION TO BE CONFIRMED ON SIDE. COLOURED CONCRETE DRIVEWAY/PATH SELECTED PAVING TRIAN VISIBILITY SPLAY NOTE: TRIAN VISIBILITY SPLAYS MEASURING 2.0m (WIDT) PEDESTRIAN VISIBILITY SPLAYS MEASURING: 2.0m [WIDIH ACROSS THE FRONTAGE BY 2.5m [DEPTH INTO STIE], TO THE EAST & WEST SIDES OF THE EXSTING & PROPOSED CROSSOVER TO WOOD STREET WHERE WITHIN THE SUBJECT SITE, ANY STRUCTURES OR VEGETATION WITHIN THESE SPLAYS MUST NOT BE MORE THAN 0 9m IN HEIGH 1 / 2000 / **EXTERNAL FINISHES SCHEDULE** No 63 KATHLEEN ST. SINGLE STORE RENDERED DWELLING CONCRETE ROOFING TILES WALLS FACE BRICKWORK FEATURE STONE/ALTERNATIVE BRICKWORK LIGHT WEIGHT CLADDING POWDERCOATED ALUMINIUM WINDOWS & DOORS DEVELOPMENT SUMMARY
 764.82m2
 BUILDING SITE COVERAGE
 352.43m2 (46.08%)

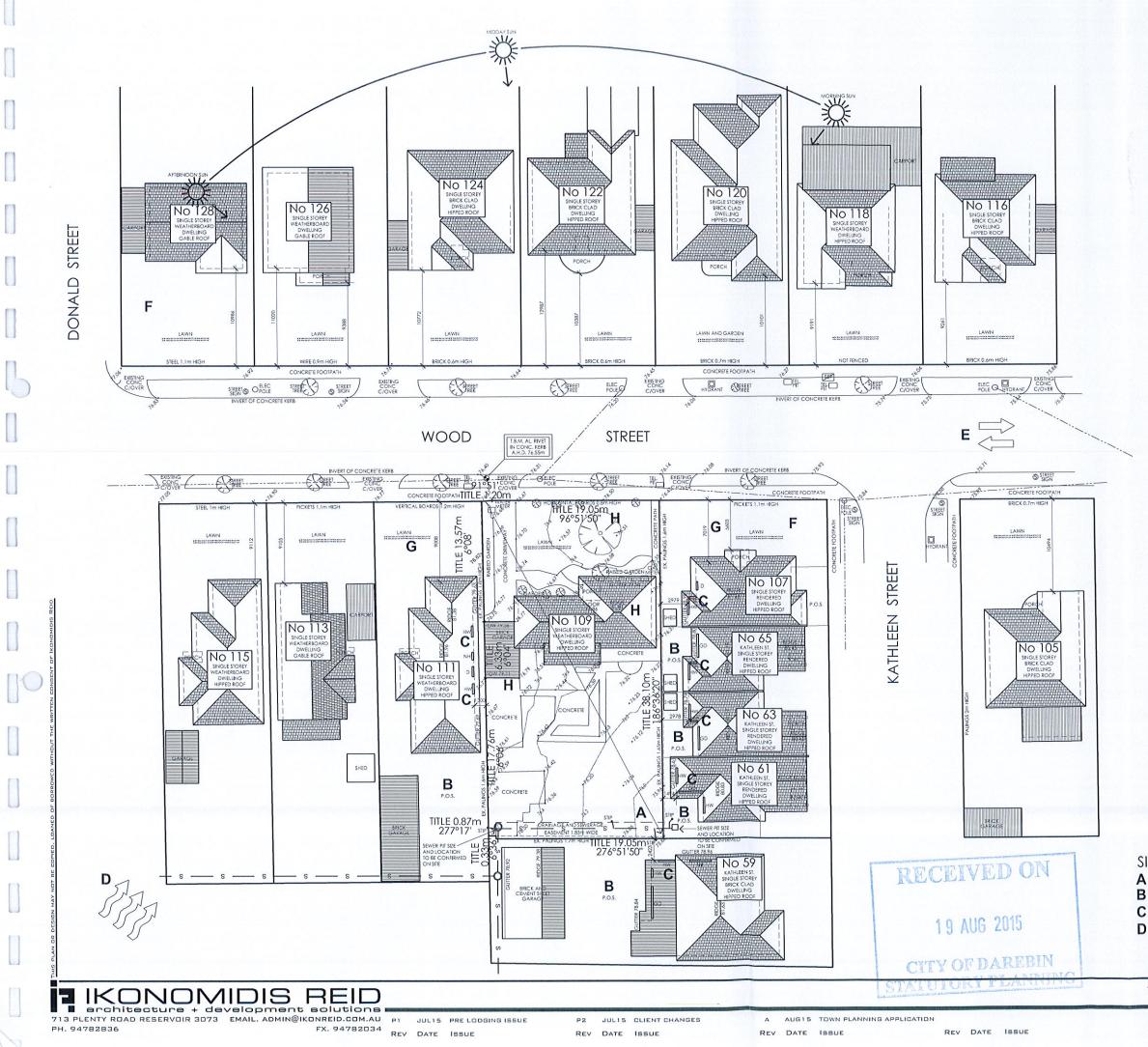
 1:254
 SITE PERMEABILITY
 250.48m2 (32.75%)
 UNGS PRIVATE OPEN SPACE **GROSS BUILDING AREA / UNIT:** No 61 UNIT 2 UNIT 1 UNIT 3 KATHLEEN S SINGLE STOR RENDERED 60.26m2 47.53m2 26.74m2 4.62m2 12.71m2 NA 103.75m2 67.09m2 24.30m2 4.47m2 NA 81.28m2 55.30m2 37.04m2 2.76m2 GARAC 7.21m 51.86m2 (17.365Q) 206.82m2 (22.265Q) 176.38m2 (18.985G TOTAL CONSTRUCTION INTERNAL WALLS-90mm HICK TIMBER STUD CONSTRUCTION EXTERNAL WALLS-GROUND FLOOR 2-40mm THICK BRICK VEHEER CONSTRUCTION RIST FLOOR - 90mm THICK TIMBER STUD AND UGHT WEIGH CLADDAN LANDSCAPING FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARTATE LANDSCAPE PLAN-TO BE SUBMITTED AT A LATER DATE STORMWATER ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DSCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMATER TO BE DSCHARGED PROPOSED MULTI UNIT DEVELOPMENT 109 WOOD STREET, PRESTON

JOB NO. SCALE. DRAWN. DATE. 009044 1:100 SP OCT15

в



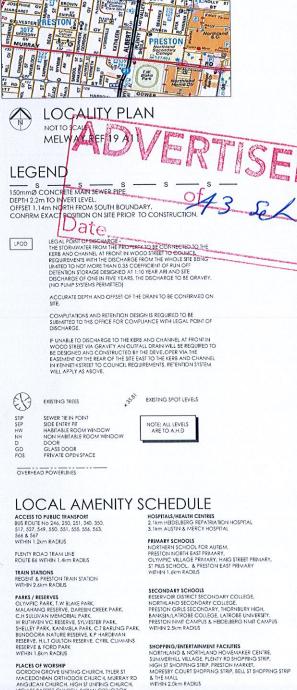




В С D



ANDRE



McCOMAS IN 5 SDALE

SITE CHARACTERISTICS E

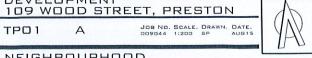
NORTH-WEST TO SOUTH-EAST	E
- ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING	F
- SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED	G
- SURROUNDING AREA EXPOSED TO PREVAIJING WINDS AND BAD WEATHER	Н

- DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE - EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE

DISTANCE TO CBD APPROX, 11KM

- EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES
- EXISTING DWELLING, OUTBUILDINGS & VEGETATION TO BE DEMOLISHED AND SITE CLEARED

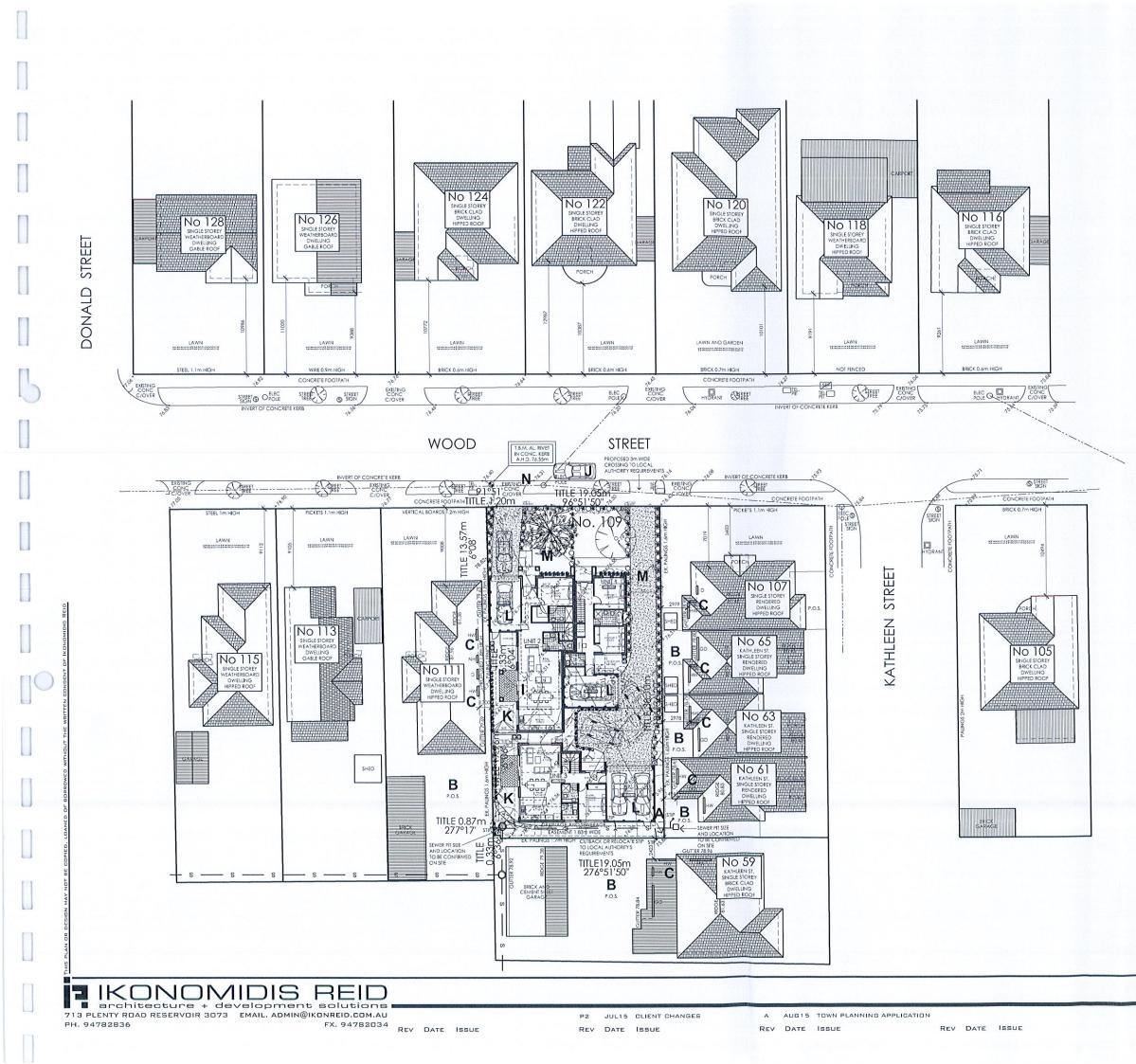
PROPOSED MULTI UNIT DEVELOPMENT



NEIGHBOURHOOD & SITE DESCRIPTION PLAN

PLACES OF WORSHIP

PLACES OF WORSHIP GORDON GROVE UNTING CHURCH, TYLER ST MACEDONIAN DRTHODOX CHURCH, MURRAY RD ANGUCAN CHURCH, HIGH STUMTING CHURCH, HIGH ST BAPTIST CHURCH, SYRIAN ORHOOOX CHURCH, SALVAIION ARMY CHURCH & ST PUS CHURCH, SALVAIION ARMY CHURCH & ST PUS WITHIN 2.5km RADIUS

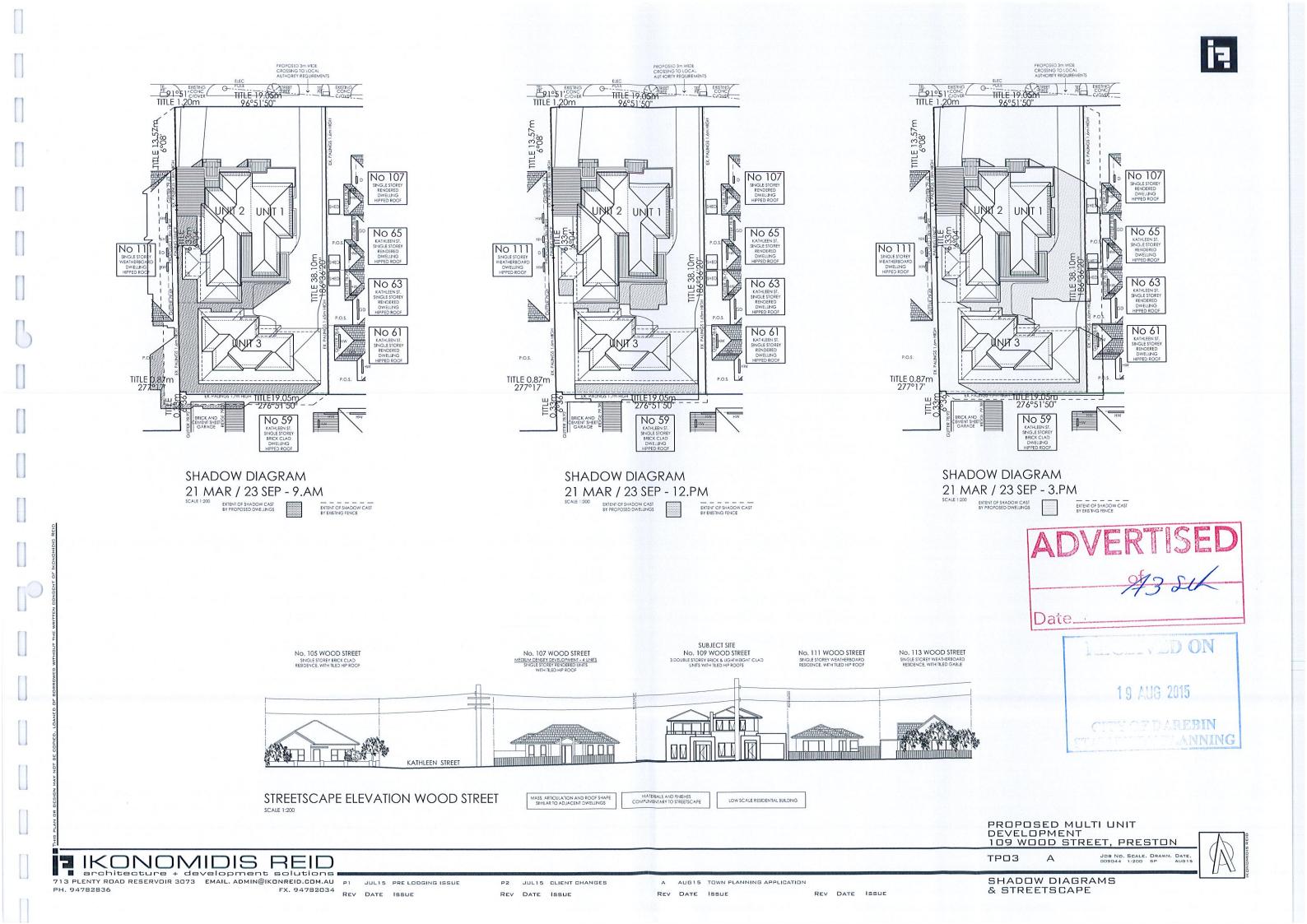


AL	DVERTISE
LEGEND	0143 Set
Date	s s s s
DEPTH 2.2m TO INVE OFFSET 1,14m NORTH	MAIN SEWER PIPE.
LINE STOR KERB AND REQUIRE LIMITED TO DETENTIO DISCHAR	INT OF DISCHARGE - WWATER FROM THE PROPERTY TO BE CONNECTED TO THE CHAINEL AT FROM THE WOOD STREET TO COUNCIL evens with the DOCHARGE FROM THE WHOLE BY BEING D NOT MORE THAN 0.35 COEFFICENT OF RUN OFF IN JORAGE DESCHOOT AT 10 TO FRAM ARI AND STE DE OF ONE IN RIVE YEARS, THE DISCHARGE TO BE GRAVITY. PSYSTEM REPRUITED)
SITE.	TE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON
COMPUT SUBMITTE DISCHAR	ATION'S AND RETENTION DESIGN IS REQUIRED TO BE D TO THIS OFFICE FOR COMPLIANCE WITH LEGAL POINT OF GE.
WOOD S BE DESIG EASEMEN IN KENNE	ETO DISCHARGE TO THE KERB AND CHANNEL AT FRONT IN REET VIA GRAVITY AN OUIFALL DRAIN WILL BÉ REQUIRED TO DE DATO CONSTRUCTO BY THE DEVE OTBER NA THAN TO ET THE REAR OF THE SITE EAST TO THE KERB AND CHANNEL TH STREET TO COUNCIL REQUIREMENTS, RE ENTIDON SYSTEM LY AS ABOVE.
NH NON HABIT. D DOOR GD GLASS DOO POS PRIVATE OF OVERHEAD POWERLIN	R PSPACE
Δ	- SITE FALLS APPROX. 770mm FROM
B	NORTH-WEST TO SOUTH-EAST - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVERLOOKING & OVERSHADDWING
C	-SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
Ī	- LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONENT O CAPPURE SIN.
J	- EXISTING ON STREET CAR PARKING TO BE MAINTANED
к	PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
L	- CAR PARKING AVAILABLE ON SITE IS PROVIDED IN THE FORM OF IX SINGLE CAR GARAGE FOR UNIT I, IX SINGLE CAR GARAGE AND I X CAR SPACE FOR UNIT 2 AND I X DOUBLE CAR GARAGE FOR UNIT 3
М	- SURVELLANCE OF WOOD STREET POSSIBLE FROM ALL UNITS & INTERNAL DRIVEWAY
N	ACCESS TO THE STE IS VIA AN EXISTING AND PROPOSED CONCRETE CROSSOVER TO WOOD STREET
	RECEIVED ON

19 AUG 2015

CITY OF DAREBIN STATUTORY PLANNING





5.4APPLICATION FOR PLANNING PERMIT D/1071/2014117 Flinders Street, Thornbury

AUTHOR: Principal Planner – Craig Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid	Stephen Duhovic and Sabina Duhovic	Planning Appeals P/L

SUMMARY:

- On 28 August 2015 the Planning Committee refused an application for the construction of three (3) double storey dwellings to the rear of the existing dwelling. A review of Council's decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is for a medium density housing development comprising two (2) double storey dwellings to the rear of the existing dwelling.
- The site is zoned General Residential Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 13 objections were originally received against this application.
- One (1) objector has lodged a statement of ground with respect to the amended plans however has not elected to be a party to the proceeding.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

CONSULTATION:

- The applicant has advised that the amended application and plans have been circulated to all parties to the proceeding in accordance with Practice Note PNPE9.
- The substituted plans were not referred to any internal departments for comment.
- The substituted plans were not required to be circulated to any external referral authorities.

RECOMMENDATION

THAT Council advise the Tribunal it has considered the substituted plans (identified as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) and supports the proposal subject to the conditions set out below.

THAT Council request the Tribunal make orders with the consent of the parties to this effect.

This Permit Allows:

A medium density housing development comprising two (2) double storey dwellings to the rear of the existing dwelling, in accordance with the endorsed plans.

Subject to the following conditions:

- 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 Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) but modified to show:
 - a) The car spaces for the existing dwelling dimensioned at 4.9 metres length x 2.6 metres width with a minimum 500 millimetre clearance between.
 - b) The front fence of the existing dwelling with a minimum transparency of 25%.
 - c) A detail/elevation of the 1.8 metre selected feature fence adjacent to the entry of Dwelling 3.
 - d) The internal fence between the existing dwelling and pedestrian path of the proposed dwellings to be of a dressed/capped (or equivalent) style.
 - e) Fixed external shading devices for all north-facing habitable room windows.
 - f) Adjustable external shading devices for all east- and west-facing habitable room windows.
 - g) Unless required to be fixed under Clause 55.04-6 Standard B22, all windows are to be operable.
 - h) Operable windows are to be of casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.
 - i) Skylights, daylight tubes or equivalent provided to the first floor powder rooms of Dwellings 2 and 3.
 - j) All windows shown with 1.7 metre privacy screens on the elevations to refer to the 'Aluminium Louvre Screen Detail' on Sheet No. TP-06 (Rev. E).

The detail must be updated to refer to a maximum transparency of 25%.

k) The sill height of Dwelling 3 – Bed 3 (east-facing) dimensioned at a minimum height of 1.7 metres.

- I) 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.
- m) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- n) A landscape plan in accordance with Condition No. 4 of this Permit.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. 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. 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) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- f) 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.
- g) Hard paved surfaces at all entry points to dwellings.
- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- i) Type and details of edge treatment between all changes in surface (eg. grass (lawn), gravel, paving and garden beds).
- j) 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.
- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- I) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 5. 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.

- 6. 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.
- 7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 9. 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.

- 10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 11. The land must be drained to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. 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.
- 14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 15. 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; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

16. 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, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

REPORT

INTRODUCTION AND BACKGROUND

On 28 August 2015 Council resolved to refuse application D/398/2014 on the following grounds:

- 1. The proposal fails to comply with the desired future character of the area through the absence of meaningful landscaping opportunities throughout the site, extensive boundary to boundary and double storey built form at the rear of the property and expansive use of rendered surfaces.
- 2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - Clause 55.02-2 (Residential Policy).
 - Clause 55.02-5 (Integration with the Street).
 - Clause 55.03-5 (Energy Efficiency).

- Clause 55.03-8 (Landscaping).
- Clause 55.03-10 (Parking Location).
- Clause 55.04-1 (Side and Rear Setbacks).
- Clause 55.03-5 (Overshadowing).
- Clause 55.06-3 (Common Property).
- 3. The proposal will adversely impact the amenity of the neighbouring secluded private open space through the presentation of visual bulk, overshadowing of private open and functionality of adjacent solar panels.
- 4. The proposed dwellings are provide with poor internal amenity through overt reliance on retrofitted screening measures to windows and balconies, excessive depth of living areas, south-facing bedrooms and failure to maximise the northern aspect of the site.
- 5. The common pedestrian path for the proposed dwellings poorly integrates with the street and does not adequately announce the entry of the three (3) dwellings to the public realm.
- 6. The proposed car parking location for the existing dwelling is inconvenient for future residents and unnecessarily convoluted.

On 5 October 2015 Council was advised that an appeal had been lodged with the Tribunal.

On 17 December 2015 amended plans were circulated in accordance with the requirements of Practice Note PNPE9. These plans are referred to as as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid. These are the plans to be considered by Council.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 48.28 metres in length and 14.83 metres in width with a site area of 716 square metres.
- The land is located within the General Residential Zone Schedule 2 and encumbered by the DCPO (noting that the approved plan has expired).
- The land is located on the northern side of Flinders Street, 90 metres west of the intersection with Victoria Road.
- The site is currently occupied by a four (4) bedroom single storey brick dwelling. A recently constructed crossover on the western side of the dwelling provides access from Flinders Street. The brick garage located at the rear of the site will be demolished to accommodate the proposed development.
- A constructed right of way runs east-west along the rear of the site.
- The land exhibits a discernible slope upward from south (Flinders Street) to north (right of way) of approximately 1.6 metres over the length of the site.
- To the east is a single storey detached brick dwelling. A garage with solar panels located on the roof is located at the rear of the site abutting the common boundary.
- To the west are four (4) single storey units. A common driveway aligns the common boundary with the subject site.

- To the north across the right of way is the rear private open space of the single storey detached weatherboard dwelling fronting Collins Street.
- To the south across Flinders Street are a single and double storey unit development (1 and 2/144 Flinders Street) and a detached single storey dwelling (142A Flinders Street).
- The land is located approximately 1 kilometre east of High Street, Thornbury.
- The nearest public transport services are bus routes 251 (Victoria Road) and 552 (Mansfield Street / Victoria Road).
- On-street car parking is available on both sides of Flinders Street and is unrestricted.

Statement of Changes

Changes to the application from that originally considered by the Planning Committee generally comprise a reduction of dwellings at the rear of the site from three (3) to two (2). The revised configuration allows these dwellings to be provided with ground floor open space in lieu of 'reverse living' balcony space.

Changes to the plans are as follows:

Ground Floor

- Existing house (Dwelling 1) with 2 car spaces using existing crossover from Flinders street.
- Front fence design is semi-permeable and provides visibility splays for vehicles.
- Units 2 and 3 pedestrian entry still via path along west side with recessed entry gazebo and landscaping along path. Unit 3 porch design highlights the entry point.
- Unit 2 is a 3-bedroom conventional design with double garage off laneway (with storage), open plan living areas and 40.6 square metres secluded private open space along western side.
- Unit 3 is a 3-bedroom conventional design with double garage off laneway (with storage), open plan living areas and 40.2 square metres secluded private open space along western side.
- Boundary walls now limited to 6460mm garage wall each side (where west side had 14690mm previously).
- Redesign creates more generous side setbacks with more landscaping opportunity along both sides, with clear mid-block break retained.

Frist Floor

- Existing house as single storey remains the same.
- All first floor balconies removed.
- Dwellings 2 and 3 rear bedrooms setback 860mm-950mm from lane.
- Dwelling 2 side setbacks now range from 2500mm to 4000mm, with Bed 1 now 3700mm opposite POS area for 3/115 Flinders Street (was 1650mm).
- Dwelling 3 side setbacks now range from 2080mm to 3580mm, with Bed 1 now 3280mm opposite rear shed in POS area for 117A Flinders Street (was 1650mm).

Elevations

- Contemporary skillion roof design retained and modified to reflect the new floor plans.
- Side setbacks fully comply with Clause 55 setback profiles.
- All overlooking measures implemented.

Shadow Diagrams

• Updated as above.

PLANNING ASSESSMENT

The Tribunal Practice Note PNPE9 provides that permit applicants may seek to amend plans that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having refused the application on the ground set out above, Council must now consider the amended plans. Key questions to be resolved by the Planning Committee with respect to the amended plans are:

- Do the substituted plans adequately address Council's grounds of refusal?
- Do the amendments result in any other issues that would warrant not supporting the proposal?

Ground 1: Neighbourhood Character

Council's original assessment revealed fundamental failures with the neighbourhood character response having regard to the guidelines for Precinct C2. In particular this related to landscaping opportunities throughout the site, extensive boundary-to-boundary and double storey built form at the rear of the property and expansive use of rendered surfaces.

The revised proposal addresses these concerns in the following ways:

• The revised proposal provides more significant in-ground landscaping opportunities along the side boundaries due to the location of the open space to Dwellings 2 and 3. This will sufficiently compliment the landscaping in the front and rear yards of the existing dwellings and along the pedestrian path.

A condition will require a detailed landscape plan be provided and approved by Council's Public Realm Unit prior to the commencement of the development.

- The extent of boundary-to-boundary construction has been markedly reduced and is now limited to the two (2) 6.46 metre garage walls. For the remainder of the side boundaries next to the proposed dwellings a more generous 3 (or more) metre setback is provided which allows for landscaping opportunities detailed above and reduces the bulk and proximity of form to the neighbours.
- The double storey mass at the rear of the property has also been reduced through the reduction of the number of dwellings, and sited more appropriately to respond to the neighbouring interfaces. In particular the majority of the upper level form has been located adjacent to outbuildings and driveway and more generous setbacks provided relative the private open space.

• The materials and finishes palette has been modified to provide greater variation in presentation and texture. In particular the amount of rendered surfaces has been reduced to include a matrix style feature cladding. The render that does remain is proposed and three (3) colours to limit expanses of unarticulated surfaces.

A condition will require a detailed materials and finishes schedule.

Ground 2: Compliance with Clause 55 Requirements

Residential Policy

The site's suitability for some form of medium density housing intensification is not in dispute. Council's previous issues with respect to residential policy related to the proposal's failure to achieve acceptable off-site amenity impacts. As highlighted in the sections below, the revisions provide an improved design outcome that addresses the off-site impacts previously identified.

The proposal now presents a suitable medium density housing proposal that will benefit from the locational attributes of the subject site while managing impacts on the neighbouring properties.

Integration with the Street

The revised proposal retains the separate pedestrian entry for the rear dwellings that runs along the western boundary of the site. As a result of the amendments this entry will now only serve two (2) dwellings in lieu of three (3).

The 1.5 metre wide path is dictated by the location of the lawfully constructed crossover and provides for both pedestrian movement and the planting of complimentary shrubs. Letter boxes and a pergola feature will announce the entry to the street.

Having reviewed the entry layout and also other similar examples in the surrounding area, the proposed treatment provides an appropriate integration with the street network.

Energy Efficiency

The original proposal exhibited two (2) key issues with respect to energy efficiency – internal amenity (namely daylight access), and the impact on neighbouring solar panels. Both of these matters have been satisfactorily addressed in the revised proposal.

The removal of one (1) of the rear dwellings has resulted in a more conventional side-by-side arrangement at the rear of the site with increased setbacks from the side boundaries.

This has improved daylight access to habitable rooms and decreased the relative depth of the living areas. As the two (2) proposed dwellings now adopt a traditional ground floor living typology, the secluded private open space areas are afforded greater amenity (in lieu of previously screened balconies).

Conditions to the effect of the following will achieve a suitable energy efficiency outcome for the dwellings:

• Fixed external shading devices for all north-facing habitable room windows.

- Adjustable external shading devices for all east and west-facing habitable room windows.
- Unless required to be fixed under Clause 55.04-6 Standard B22, all windows are to be operable.
- Operable windows are to be of casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.
- Skylights, daylight tubes or equivalent provided to the first floor powder rooms of Dwellings 2 and 3.

The impact on the neighbouring solar panels (at 117A Flinders Street) is reduced by virtue of the amended proposal. As noted in the original officer assessment the relevant tests are set out in John Gurry and Assoc Pty Ltd v Moonee Valley CC and Ors (Includes Summary) (Red Dot) [2013] VCAT 1258.

Having reviewed the amended proposal and 'on the ground' characteristics of the respective properties, the following are noted:

- The test under the Darebin Planning Scheme is one of acceptability and reasonableness not mitigating impact entirely. The equinox is the accepted period of assessment (being the 'middle ground' between the winter and summer solstices).
- Anticipated change for the area under policy is one of incremental intensification which anticipates a level of medium density in-fill development. The 'middle tier' of residential zoning is somewhat neutral on the extent of intensification.
- The solar panels adjacent to the common boundary are arranged in three rows of 2-2-3 (from north to south). The northern two (2) rows are set back some 1-1.3 metres from the common boundary.
- The greatest impact is caused by the first floor Bedroom 2 and ensuite of Dwelling 3. Sectional analysis derived from the shadow diagrams and elevations provided indicates:
 - 1. The point of intersection of the neighbouring garage roof is not as severe as indicated on the two-dimensional shadow diagrams as it is elevated above ground level;
 - 2. The panels are not impacted between 9.00 am and 1.00 pm;
 - 3. At 2.00 pm the shadow will only partially impact the panel in the south-west corner with the remaining 15 panels unaffected; and
 - 4. At 3.00 pm the shadow will partially impact three (3) panels with the remaining 13 panels unaffected.

The impact of the revised proposal on the neighbouring solar panels is considered acceptable.

Landscaping

Vegetation to be removed from the rear of the site is generally unremarkable and provides limited amenity to the surrounding neighbourhood.

Council's refusal of the original application raised concern with the opportunity for future landscaping being severely limited throughout the site.

The front setback area will be retained as existing and provides opportunities for the planting of canopy trees and complimentary understorey shrubs/plants. Similarly the 1.5-2.5 metre wide pedestrian path provides further opportunities along the western boundary of the site.

The reduction of dwellings and revised siting at the rear has removed the boundary-toboundary nature (save for the short section of garage walls) and now provides private open space areas in excess of 3.0 metres wide which can accommodate more meaningful landscaping along the side elevations.

The revised development illustrates that an appropriate landscape response can be developed for the site, and a condition will require a detailed plan be provided to this effect prior to the commencement of the development.

Parking Location

The previous concerns with the car parking location related to the supplementary (third) car parking space located at the rear of the site for existing dwelling.

This garage has been removed under the revised proposal with the existing dwelling provided with the requisite car parking from Flinders Street.

Side and Rear Setbacks

The previous proposal exhibited side and rear setbacks that failed to comply with the requirements of Clause 55.04-1 – Standard B17. Further, the massing of the proposed dwellings was such that the setbacks of the double storey form would unreasonably impact the amenity of the neighbouring properties. The amended proposal generally exhibits compliance with the requirements of the standard.

Ground noor.					
Boundary	Wall height	Required Setback	Proposed setback		
West – Dwelling 2	3.9 metres	1.09 metres	3.5 metres		
North – Dwelling 2	2.99 metres	1.0 metre	0.81 metre		
North – Dwelling 3	3.55 metres	1.0 metre	0.81 metre		
East – Dwelling 3	3.4-3.6 metres	1.0 metre	1.33-3 metres		

Ground floor:

First Floor

Boundary	Wall height	Required Setback	Proposed setback
West – Dwelling 2	5.7-6.3 metres	1.63-1.81 metres	2.5-3.7 metres
North – Dwelling 2	6.75 metres (average)	1.95 metres	0.86 metre
North – Dwelling 3	6.58 metres (average)	1.89 metres	0.86 metre
East – Dwelling 3	5.6-6.1 metres	1.6-1.75 metres	2.08-3.58 metres

The setback from the two side boundaries where the proposal directly interfaces with the neighbouring residential properties now exceeds the requirements of the standard. In addition, the building mass has been rearranged to limit the impact on secluded private open space and buffer the form adjacent to neighbouring on-boundary construction.

The only areas on non-compliance with the standard now relate to the northern boundary. This interface forms the right of way which provides a further 4 metre buffer to the neighbouring properties. Further, the subject site is to the south of these properties thus does not result in any additional overshadowing. The siting along the northern interface is acceptable for these reasons.

Overshadowing

The original proposal resulted in overshadowing to the neighbouring properties that exceeded the requirements of Clause 55.04-5 – Standard B21. In particular this related to 3/115 Flinders Street which would be further overshadowed despite not receiving compliant solar access under current conditions.

The amended proposal reduces the first floor mass of (now) Dwellings 2 and 3 to the extent that the only additional overshadowing of the neighbouring property at 3/115 Flinders Street falls on roof rather than private open space.

Overshadowing of the private open space to the west remains compliant with the requirements of the standard.

Common Property

The proposed arrangement of common property has been rectified primarily through the removal of the aforementioned rear garage of the existing dwelling.

The amended arrangement provides for clear delineation of common areas and access in a more conventional development layout.

Ground 3: Off-site Amenity Impacts

The off-site amenity impact sited in Council's refusal covered matters of visual bulk, overshadowing of open space and impact on neighbouring solar panels. These matters have been discussed above however (in summary) have been rectified as follows:

- The visual bulk of the proposal is notably reduced through the reduction of the number of dwellings from three (3) to two (2) with a commensurate reduction of the built form at the rear of the site. Increased setbacks at ground and first floor, greater open space areas, rearrangement of the boundary-to-boundary construction and landscaping opportunities will ensure an appropriate interface with the neighbouring properties.
- The additional overshadowing caused by the proposal now complies with the requirements of Clause 55.04-5 Standard B21. The only additional overshadowing to the constrained yard of 3/115 Flinders Street falls on roof area with the secluded private open space unaffected during the assessment period.
- The impact on the neighbouring solar panels at 117A Flinders Street has been reduced as a result of the above and is now considered to be acceptable. Details of the solar panels are discussed in detail above.

Ground 4: On-site / Internal Amenity

The on-site/internal amenity concerns sited in Council's refusal covered matters of excessive screening measures, depth of living areas and general orientation of the proposed dwellings. These matters have been discussed above however (in summary) have been rectified as follows:

- The reduced number of dwellings has created two (2) conventional ground floor living homes rather than three (3) reverse living townhouses. Consequently there are no longer first floor screened balconies being relied upon as the primary private open space areas.
- The ground floor yards proposed are afforded northern sunlight access in accordance with the requirements of Clause 55.05-5 Standard B29.
- Screening measures to habitable rooms now comprises (generally) partially transparent screens in lieu of fixed obscured glazing which allows for an element of outlooks and direct solar access.
- The ground floor living areas are now 4.0 metre deep from the available light source.

The development now provides a vastly improved level of internal amenity to future occupants.

Ground 5: Pedestrian Entry from Flinders Street

Details relating to the pedestrian entry at Flinders Street are discussed above under Ground 2 above (Integration with the Street)

Ground 6: Car Parking (Existing Dwelling)

Details relating to the rear car parking space for the existing dwelling are discussed above under Ground 2 above (Parking Location and Common Property).

In summary it has been removed and is no longer an issue for the amended proposal.

Any Other Matters

The revised plans do not introduce any new issues which would otherwise require Council to maintain its refusal of the application.

Any outstanding matters are merely clarifications that can be easily and routinely addressed via conditions as set out in the recommendation above.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

• Clause 32.08-4: Construction of two (2) or more dwellings on a lot.

Section of Scheme	Relevant Clauses
SPPF	11, 15, 16, 19
LPPF	21.03, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	C2

Applicable provisions of the Darebin Planning Scheme

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

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.

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

• Chris McKenzie, on behalf of the applicant

COMMITTEE DECISION

MOVED:	Cr. S. Tsitas
SECONDED:	Cr. T. Laurence

THAT Council advise the Tribunal it has considered the substituted plans (identified as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) and supports the proposal subject to the conditions set out below.

THAT Council request the Tribunal make orders with the consent of the parties to this effect.

This Permit Allows:

A medium density housing development comprising two (2) double storey dwellings to the rear of the existing dwelling, in accordance with the endorsed plans.

Subject to the following conditions:

- 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 Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) but modified to show:
 - a) The car spaces for the existing dwelling dimensioned at 4.9 metres length x 2.6 metres width with a minimum 500 millimetre clearance between.
 - b) The front fence of the existing dwelling with a minimum transparency of 25%.
 - c) A detail/elevation of the 1.8 metre selected feature fence adjacent to the entry of Dwelling 3.
 - d) The internal fence between the existing dwelling and pedestrian path of the proposed dwellings to be of a dressed/capped (or equivalent) style.
 - e) Fixed external shading devices for all north-facing habitable room windows.
 - f) Adjustable external shading devices for all east- and west-facing habitable room windows.
 - g) Unless required to be fixed under Clause 55.04-6 Standard B22, all windows are to be operable.
 - h) Operable windows are to be of casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.

- i) Skylights, daylight tubes or equivalent provided to the first floor powder rooms of Dwellings 2 and 3.
- j) All windows shown with 1.7 metre privacy screens on the elevations to refer to the 'Aluminium Louvre Screen Detail' on Sheet No. TP-06 (Rev. E).

The detail must be updated to refer to a maximum transparency of 25%.

- k) The sill height of Dwelling 3 Bed 3 (east-facing) dimensioned at a minimum height of 1.7 metres.
- I) 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.
- m) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- n) A landscape plan in accordance with Condition No. 4 of this Permit.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. 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. 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) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of

planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- f) 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.
- g) Hard paved surfaces at all entry points to dwellings.
- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- i) Type and details of edge treatment between all changes in surface (eg. grass (lawn), gravel, paving and garden beds).
- j) 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.
- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- I) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 5. 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.

- 6. 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.
- 7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006.

This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

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

- 10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 11. The land must be drained to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. 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.
- 14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 15. 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; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

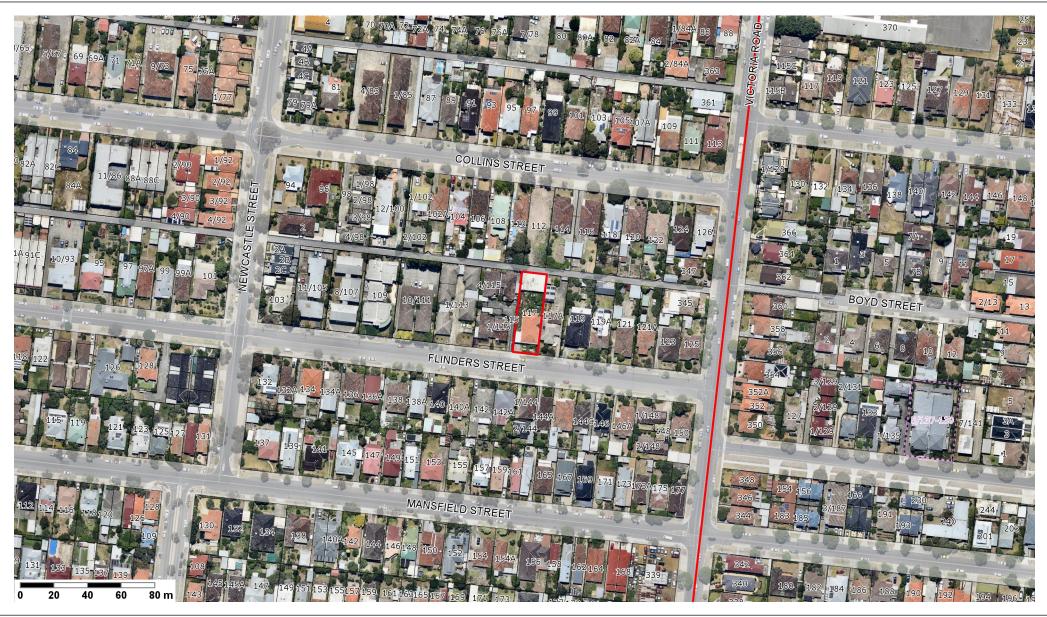
16. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel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

CARRIED

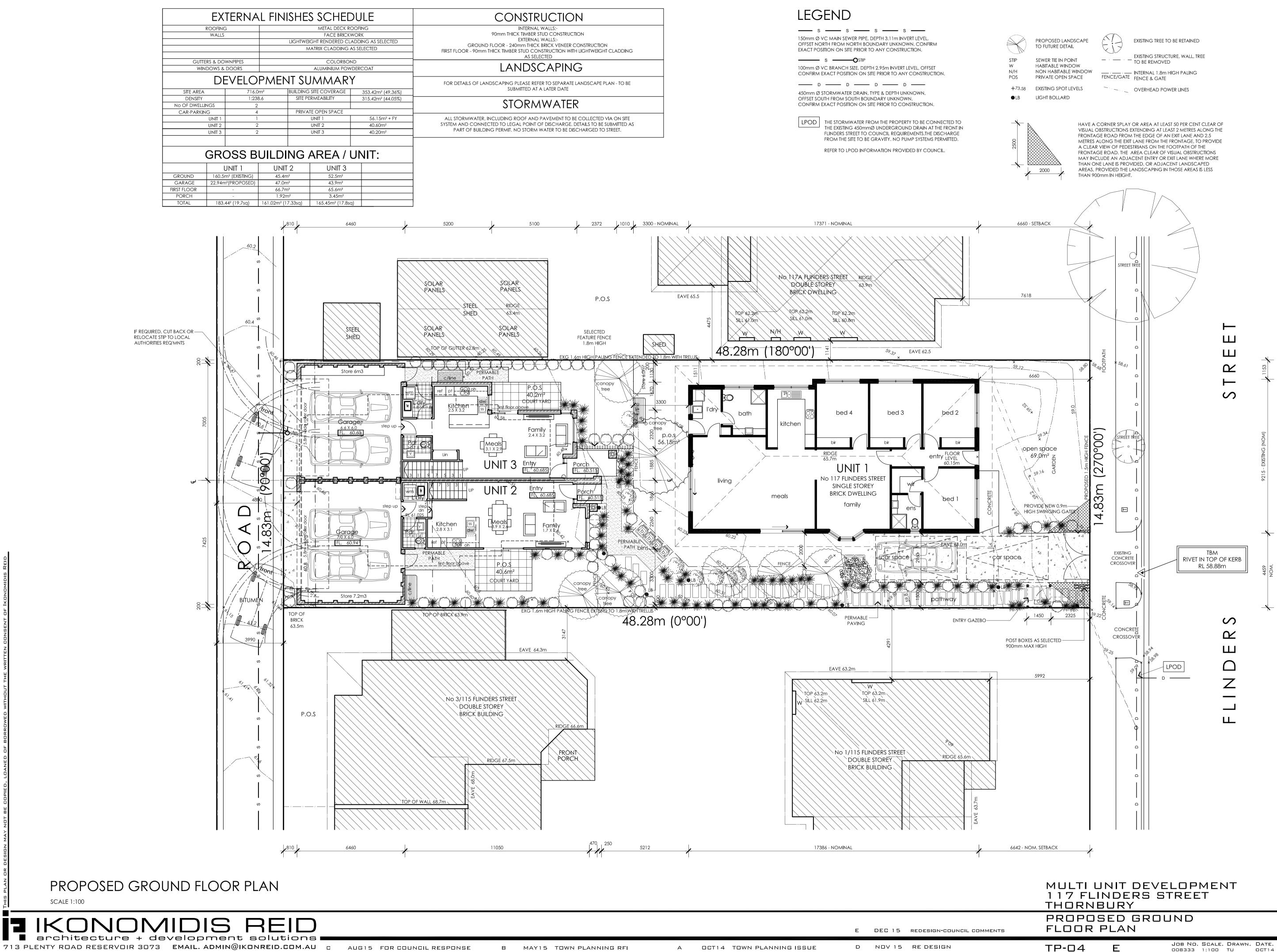
Cr. Walsh temporarily left the meeting during discussions of the above item at 8.00 pm and returned at 8.01 pm.

117 Flinders Street, Thornbury

Darebin City Council

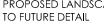






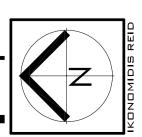
PH. 94782836

Rev Date Issue

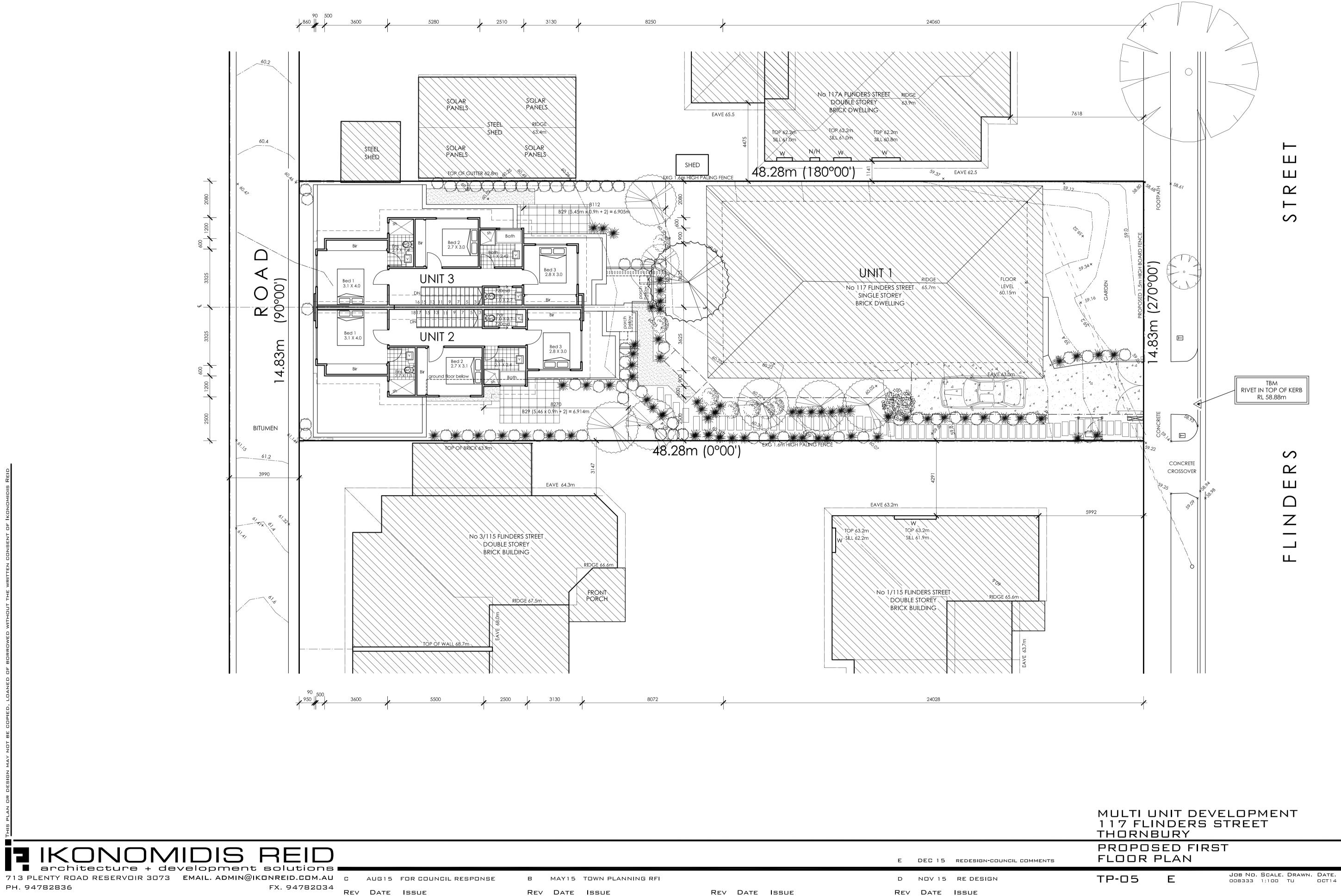






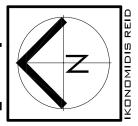


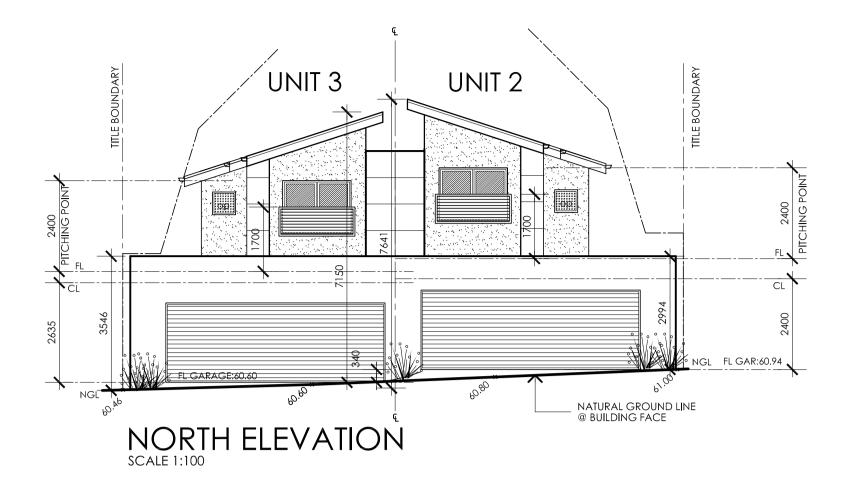
FX. 94782034

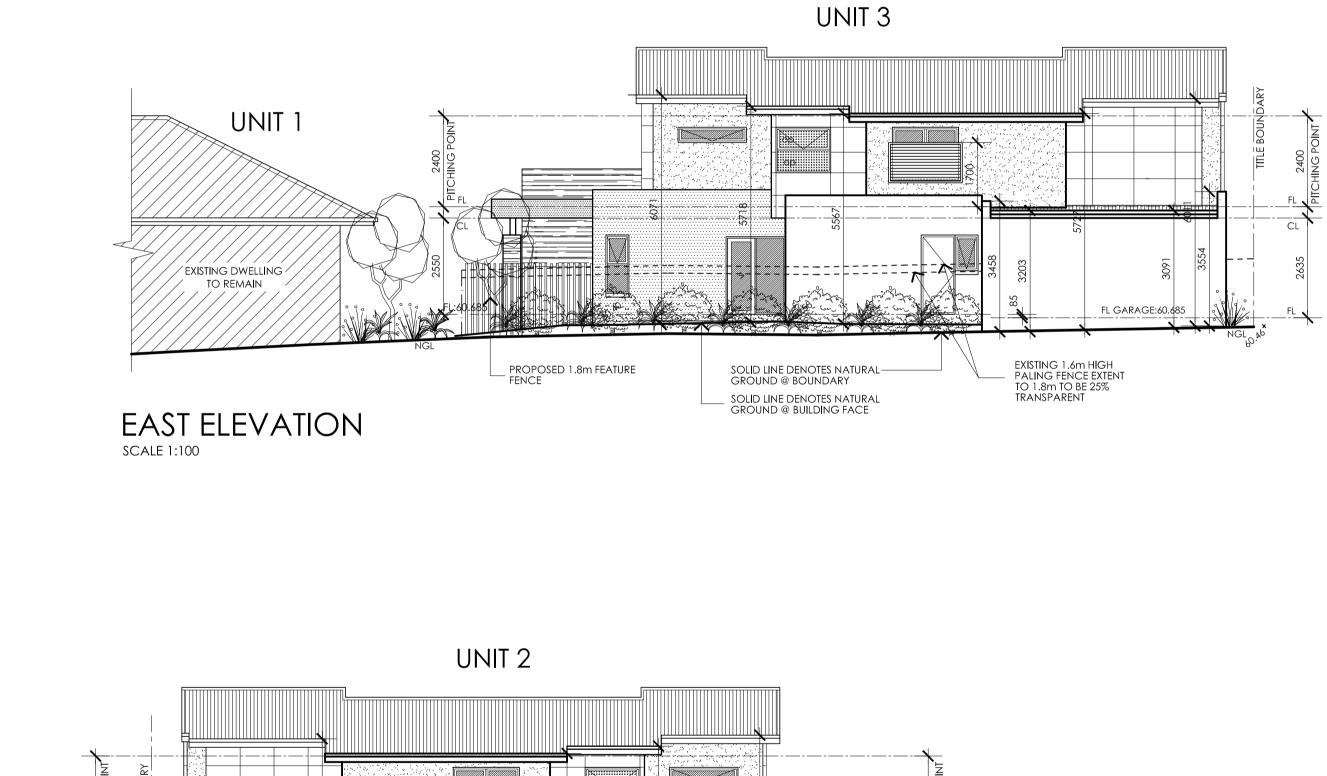


		Е	DEC 15	REDESIGN-COUNCIL COMMENTS
B MAY15 TOWN PLANNING RFI		D	NOV 15	RE DESIGN
Rev Date Issue	REV DATE ISSUE	Re∨	DATE	ISSUE



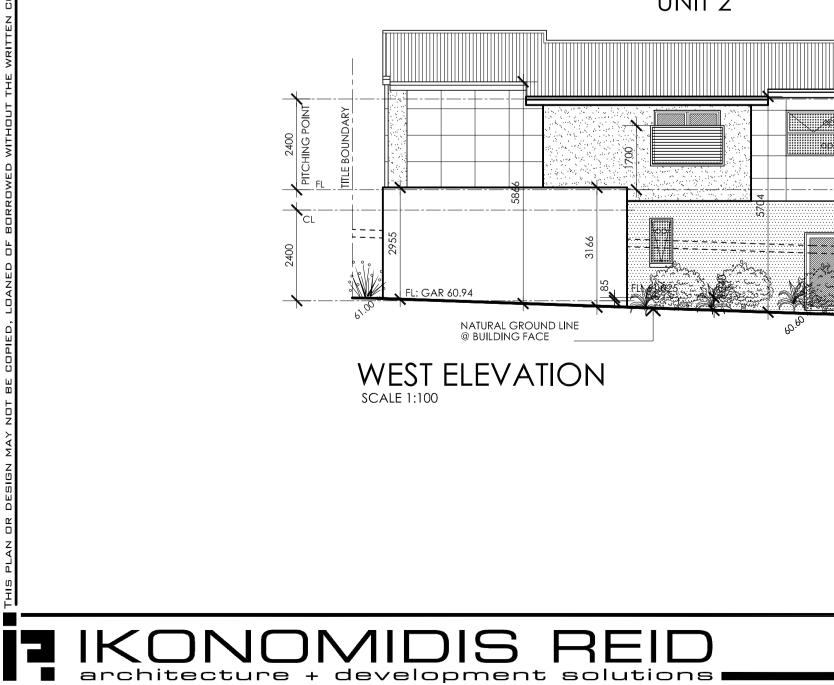






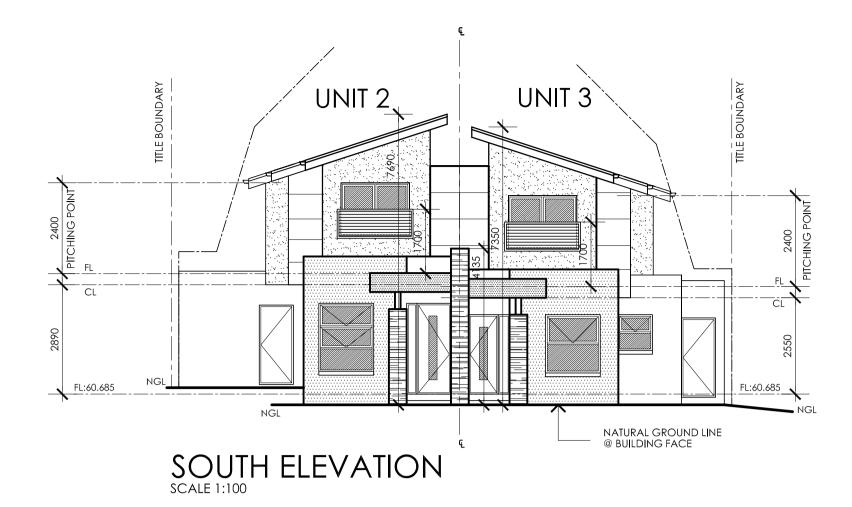
-_____

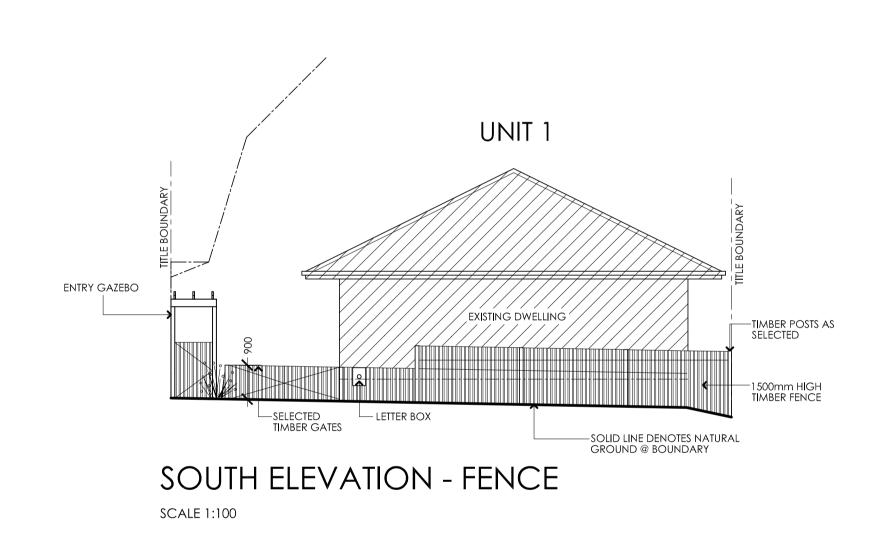
EXISTING 1.6m HIGH PALING FENCE EXTENT TO 1.8m TO BE 25% TRANSPARENT

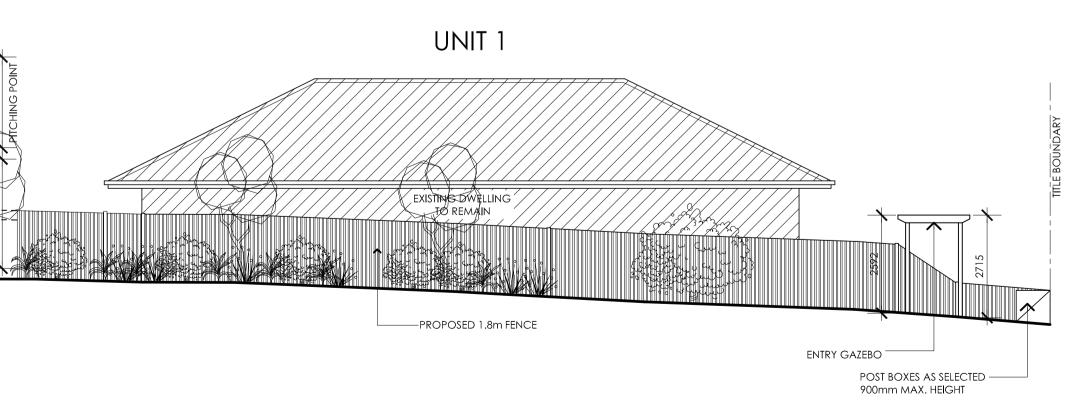


713 PLENTY ROAD RESERVOIR 3073 EMAIL. ADMIN@IKONREID.COM.AU C AUG15 FOR COUNCIL RESPONSE PH. 94782836

FX. 94782034 Rev Date Issue

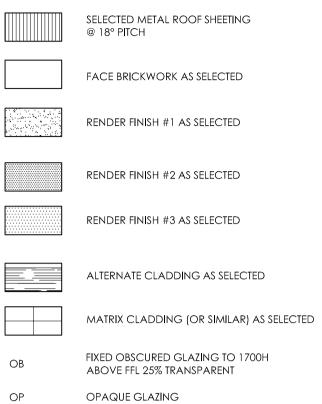






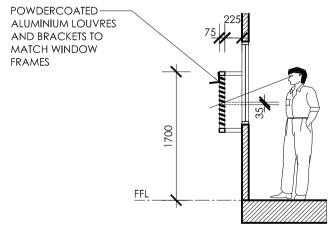
						E	DEC 15	REDESIGN-COUNCIL COMMENTS
в	MAY15	TOWN PLANNING RFI	А	OCT14	TOWN PLANNING ISSUE	D	NOV 15	RE DESIGN
Rev	DATE	ISSUE	Rev	DATE	ISSUE	Rev	DATE	ISSUE

EXTERNAL FINISHES LEGEND



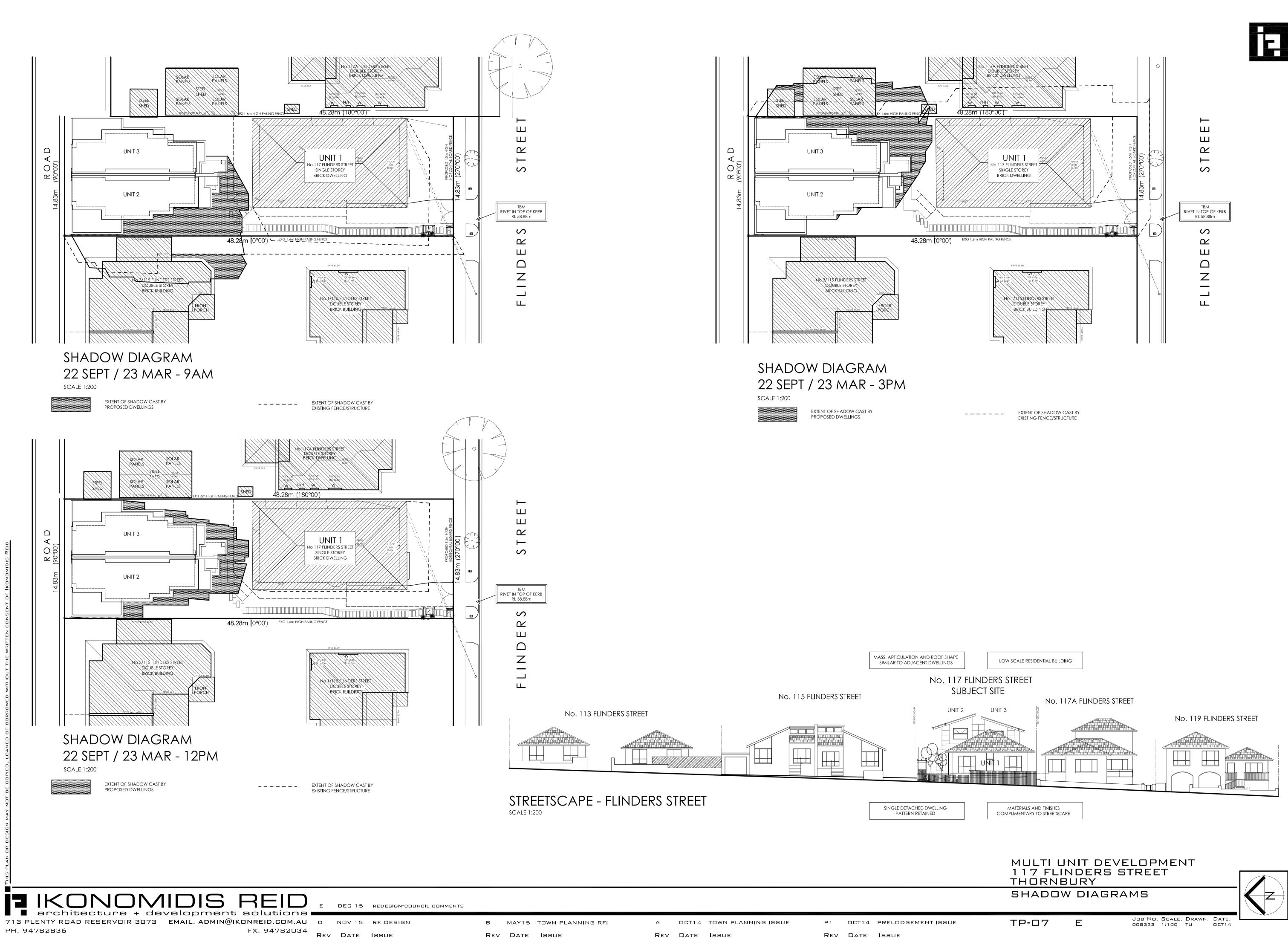
NOTE:

- ALUMINIUM POWDERCOATED WINDOWS - 2100mm HEAD HEIGHT U.N.O



aluminium louvre screen detail SCALE 1:50

MULTI UNIT DEVELOPMENT 117 FLINDERS STREET THORNBURY ELEVATIONS

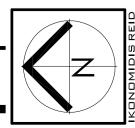


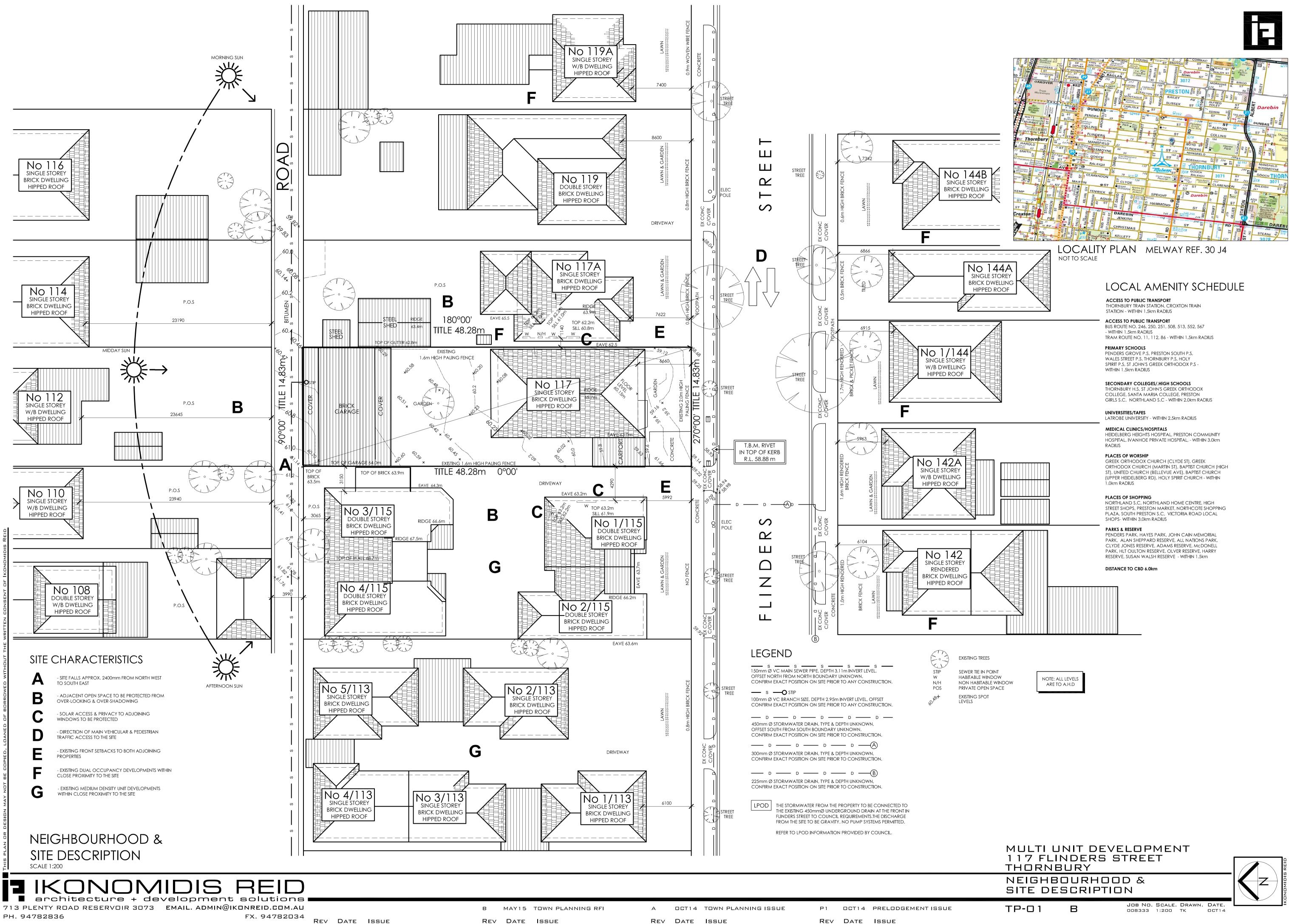
REV DATE ISSUE

Rev Date Issue

Rev Date Issue



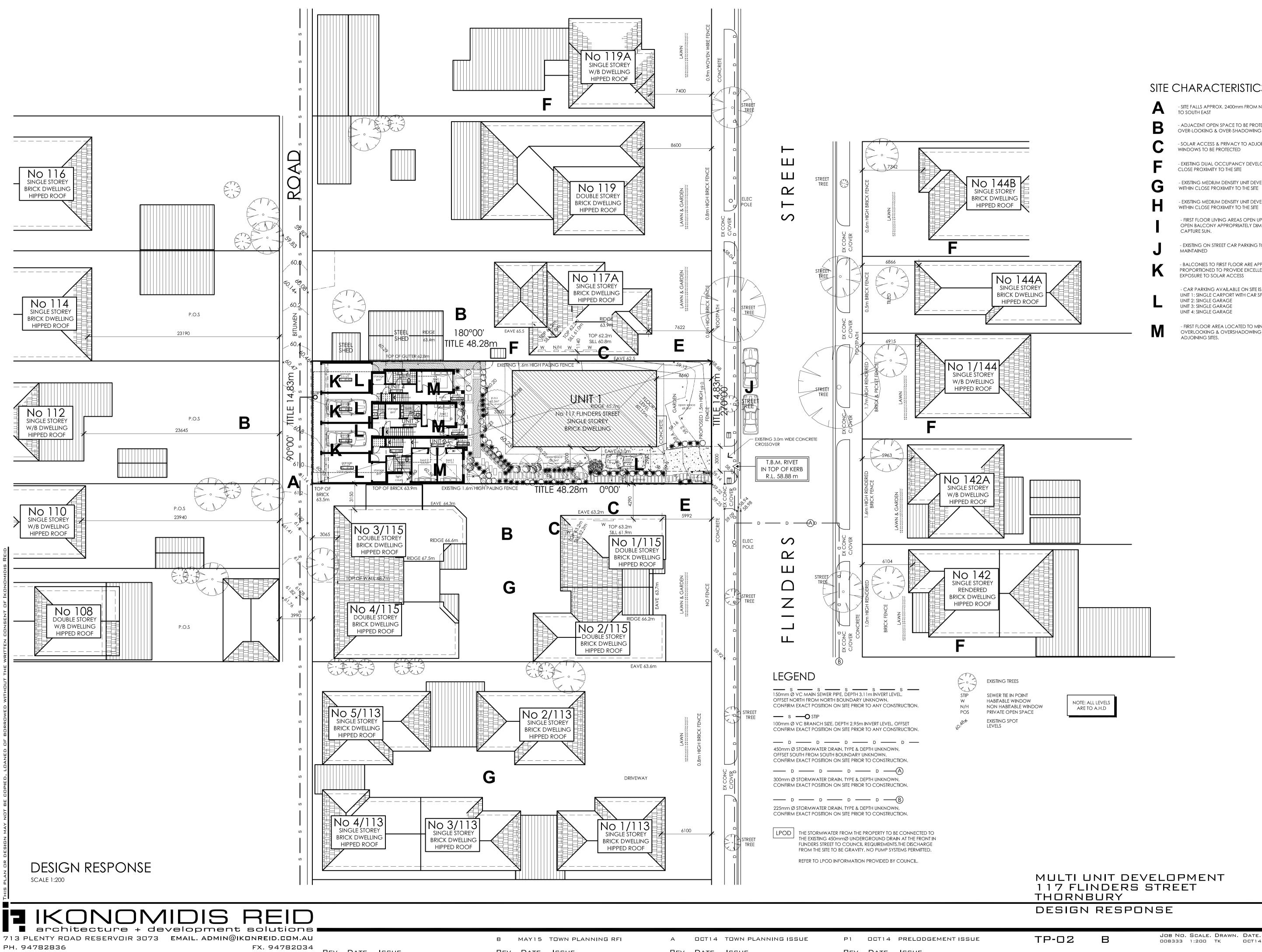




PH. 94782836



Rev Date Issue



PH. 94782836

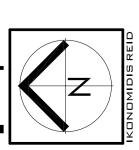
REV DATE ISSUE

REV DATE ISSUE

REV DATE ISSUE



MULTI UNIT DEVELOPMENT 117 FLINDERS STREET DESIGN RESPONSE



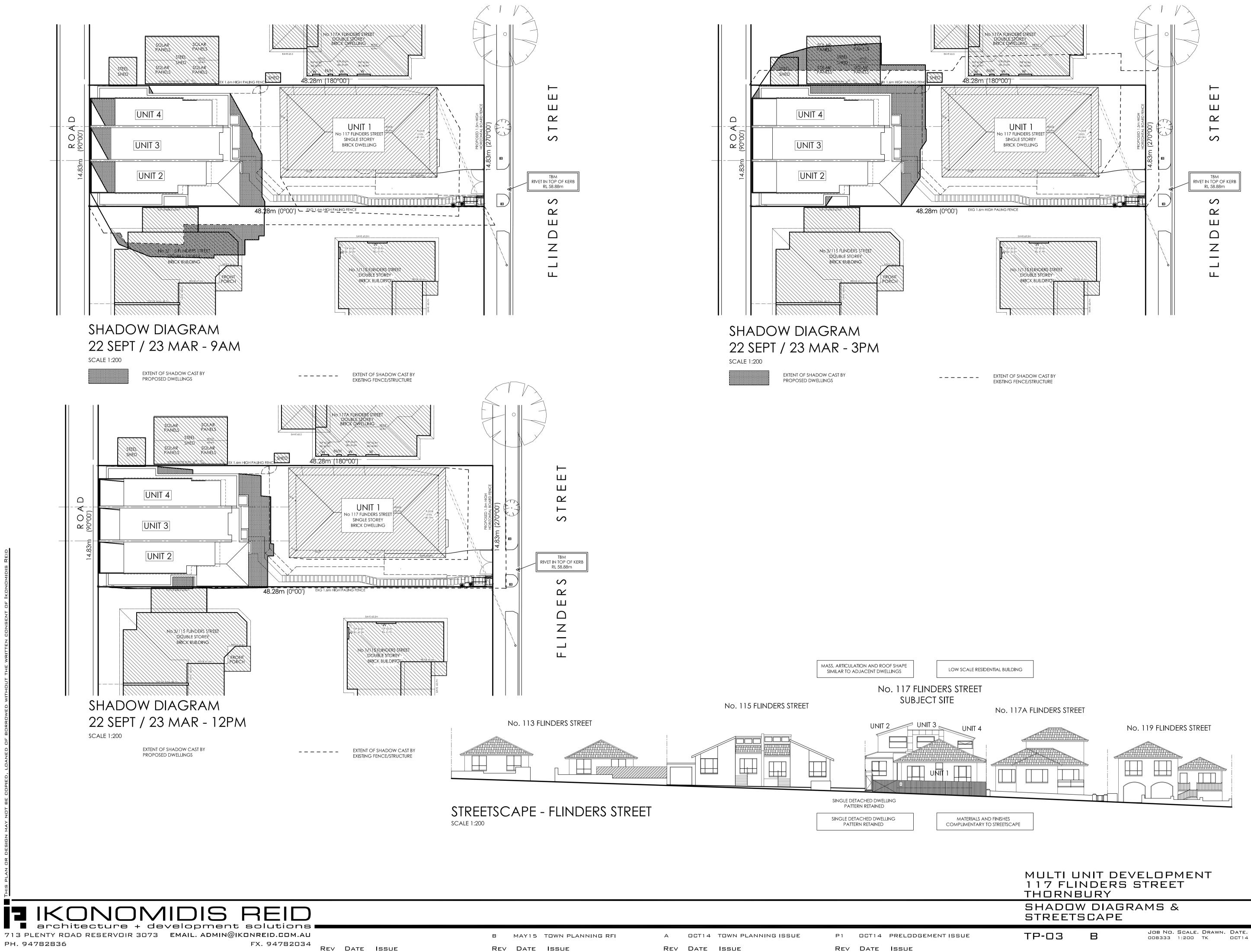
OCT14



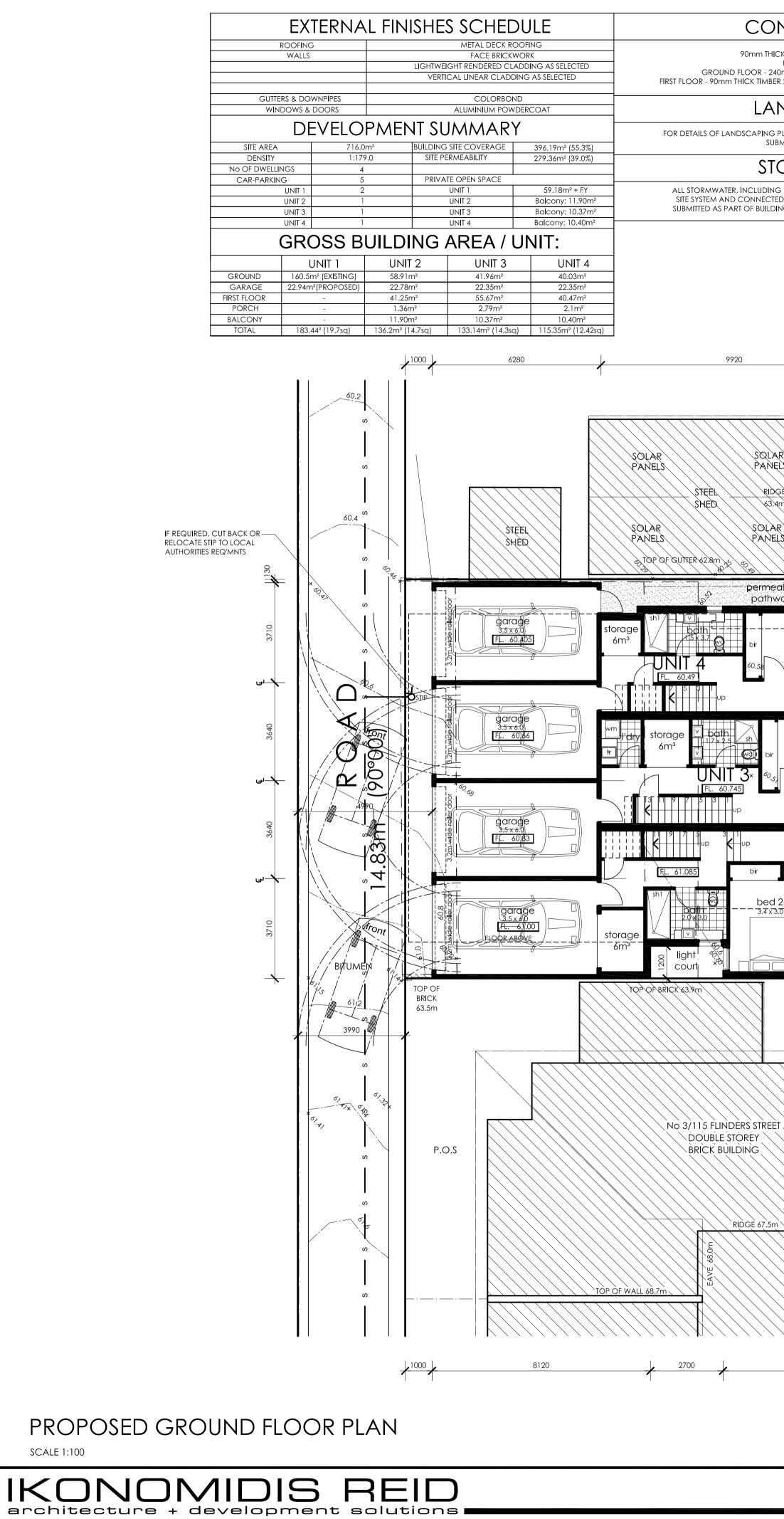
SITE CHARACTERISTICS

- SITE FALLS APPROX. 2400mm FROM NORTH WEST to south east
- ADJACENT OPEN SPACE TO BE PROTECTED FROM
- OVER-LOOKING & OVER-SHADOWING - SOLAR ACCESS & PRIVACY TO ADJOINING
- WINDOWS TO BE PROTECTED
- EXISTING DUAL OCCUPANCY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- FIRST FLOOR LIVING AREAS OPEN UP TO PRIVATE OPEN BALCONY APPROPRIATELY DIMENSIONED TO CAPTURE SUN.
- EXISTING ON STREET CAR PARKING TO BE MAINTAINED
- BALCONIES TO FIRST FLOOR ARE APPROPRIATELY PROPORTIONED TO PROVIDE EXCELLENT NORTH EXPOSURE TO SOLAR ACCESS
- CAR PARKING AVAILABLE ON SITE IS AS FOLLOWS: UNIT 1: SINGLE CARPORT WITH CAR SPACE UNIT 2: SINGLE GARAGE unit 3: single garage UNIT 4: SINGLE GARAGE
- FIRST FLOOR AREA LOCATED TO MINIMISE overlooking & overshadowing to ADJOINING SITES.

Rev Date Issue







713 PLENTY ROAD RESERVOIR 3073 EMAIL. ADMIN@IKONREID.COM.AU FX. 94782034 PH. 94782836

Rev Date Issue

CONSTRUCTION INTERNAL WALLS:-90mm THICK TIMBER STUD CONSTRUCTION EXTERNAL WALLS:-GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION FIRST FLOOR - 90mm THICK TIMBER STUD CONSTRUCTION WITH LIGHTWEIGHT CLADDING AS SELECTED LANDSCAPING FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE SUBMITTED AT A LATER DATE STORMWATER

ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORM WATER TO BE DISCHARGED

LEGEND

_____s ____s ____s ____s ____ 150mm Ø VC MAIN SEWER PIPE, DEPTH 3.11m INVERT LEVEL, OFFSET NORTH FROM NORTH BOUNDARY UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO ANY CONSTRUCTION.

----- s ----Ostip 100mm Ø VC BRANCH SIZE, DEPTH 2.95m INVERT LEVEL, OFFSET CONFIRM EXACT POSITION ON SITE PRIOR TO ANY CONSTRUCTION.

____ D ____ D ____ D ____ 450mm Ø STORMWATER DRAIN, TYPE & DEPTH UNKNOWN, OFFSET SOUTH FROM SOUTH BOUNDARY UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LPOD THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING 450mmØ UNDERGROUND DRAIN AT THE FRONT IN FLINDERS STREET TO COUNCIL REQUIREMENTS.THE DISCHARGE FROM THE SITE TO BE GRAVITY. NO PUMP SYSTEMS PERMITTED. REFER TO LPOD INFORMATION PROVIDED BY COUNCIL.

Á STIP W N/H POS ●LB

1190 2562 3300 - NOMINAL 17371 - NOMINAL NO 117A FLIMPERSSTREET RIDGE \SQLAR\ DOUBLESTOREY 83.9m PANELS BRICK DWELLING EAVE 65.5 P.O.S *`*RIDGÈ⁄ JOR 62,2m 63.4m TQP & 2.2m TQP 82.2m SILL 61,0m SILL & T.OM SHLL & 0.8m 'SOLAR' PANELS SHED 48.28m (180°00' 59.3> EAVE 62.5 EXC 1 4m HIC permeable 59.12 pathway bed 2.45 x 3 • bed 3 bed 4 bed 2 bath kitchen p.o.s 59.18m² bir bir bir __<u>RIDGE</u> ____ ___ __ __ entry LEVEL FLOOR $- - \prec$ ____ UNIT 1 2.64 K 3.4 No 117 FLINDERS STREET living SINGLE STOREY BRICK DWELLING meals bed 1 porch family .. _60.66 er UNIT 2 entry $-\frac{bed 2}{3.4 \times 3.0}$ 48.28m (0°00') PERMABLE -ENTRY GAZEBO PAVING PERMABLE PATH EAVE 64.3m EAVE 63.2m `TÒP 63.2m TOP 63.2m SILL 62.2n DGE 66.6 FRONT No 1/115 FLINDERS STREET RIDGE 65.6m DOUBLE STOREY RIDGE 67.5m BRICK BUILDING 17386 - NOM**I**NAL 6642 - NOM. SETBACK 6570 5862

A OCT14 TOWN PLANNING ISSUE REV DATE ISSUE



SEWER TIE IN POINT HABITABLE WINDOW NON HABITABLE WINDOW

PRIVATE OPEN SPACE +73.58 EXISTING SPOT LEVELS LIGHT BOLLARD

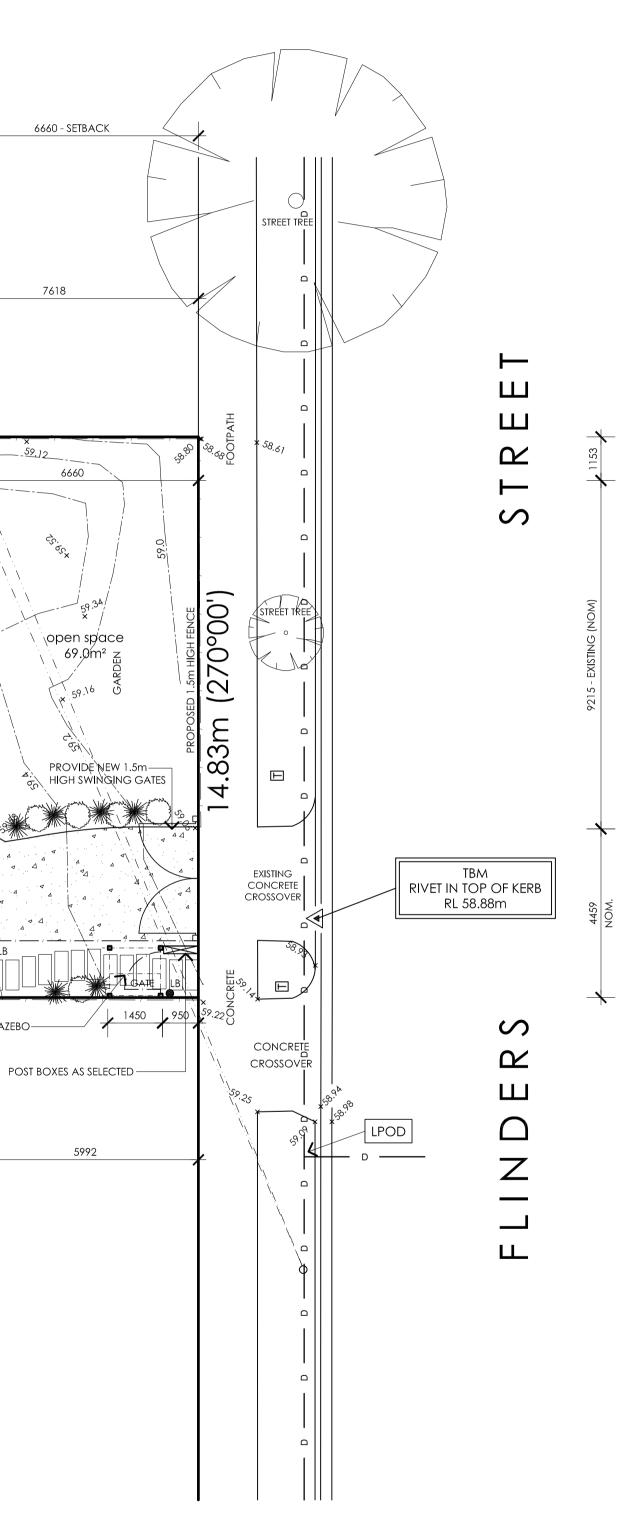


EXISTING TREE TO BE RETAINED

EXISTING STRUCTURE, WALL, TREE TO BE REMOVED



FENCE/GATE FENCE & GATE OVERHEAD POWER LINES





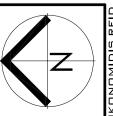
TP-04

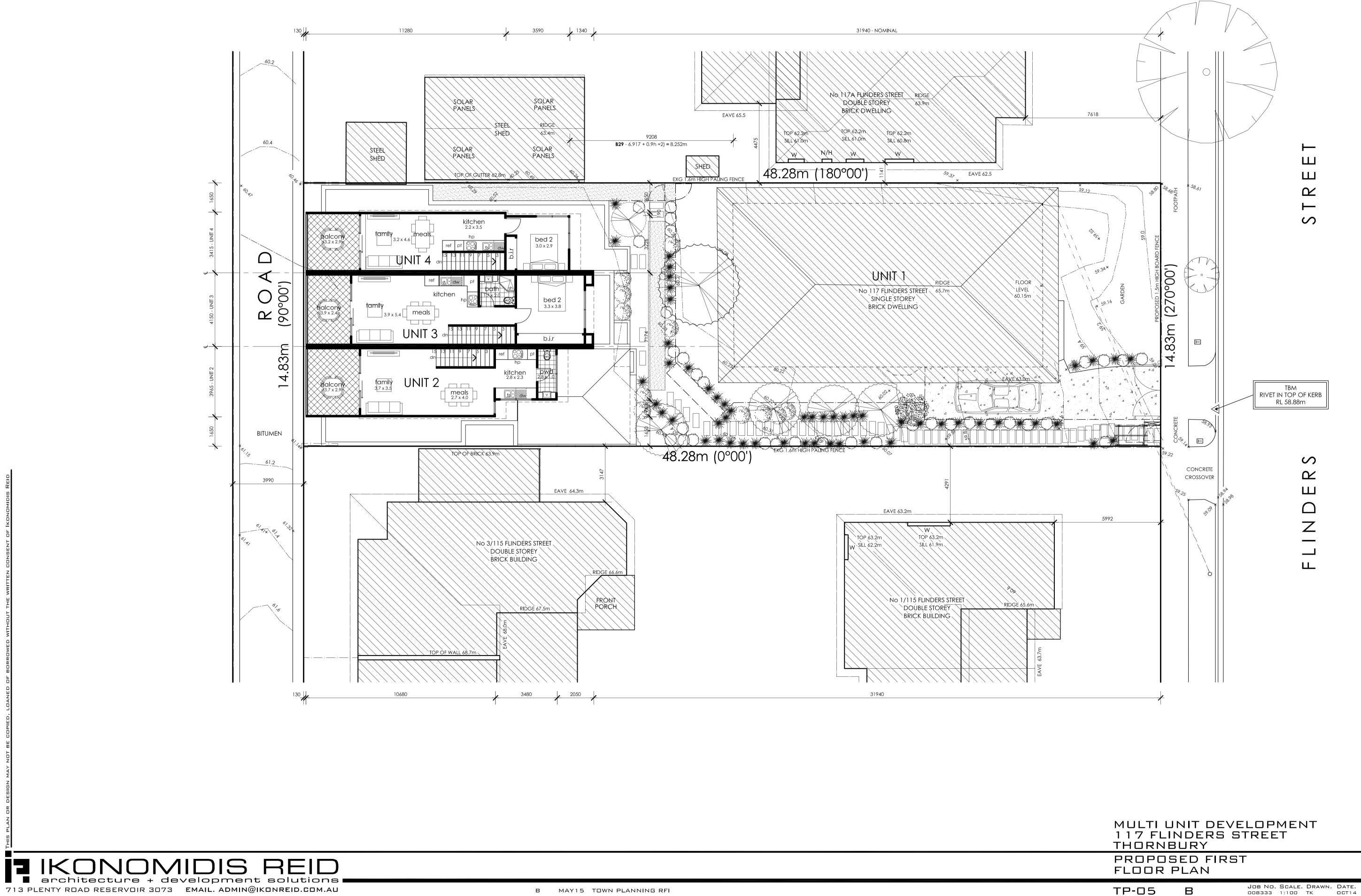
В

JOB NO. SCALE. DRAWN. DATE.

OCT14

008333 1:100 TK





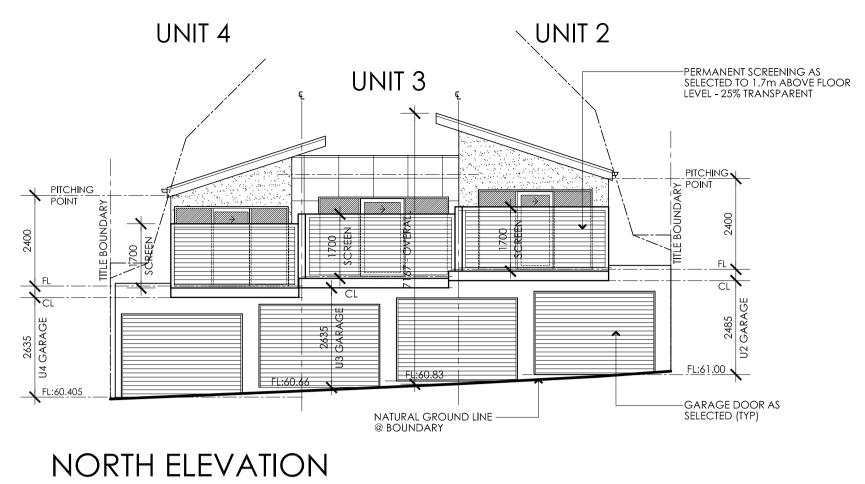
PH. 94782836

FX. 94782034 Rev Date Issue

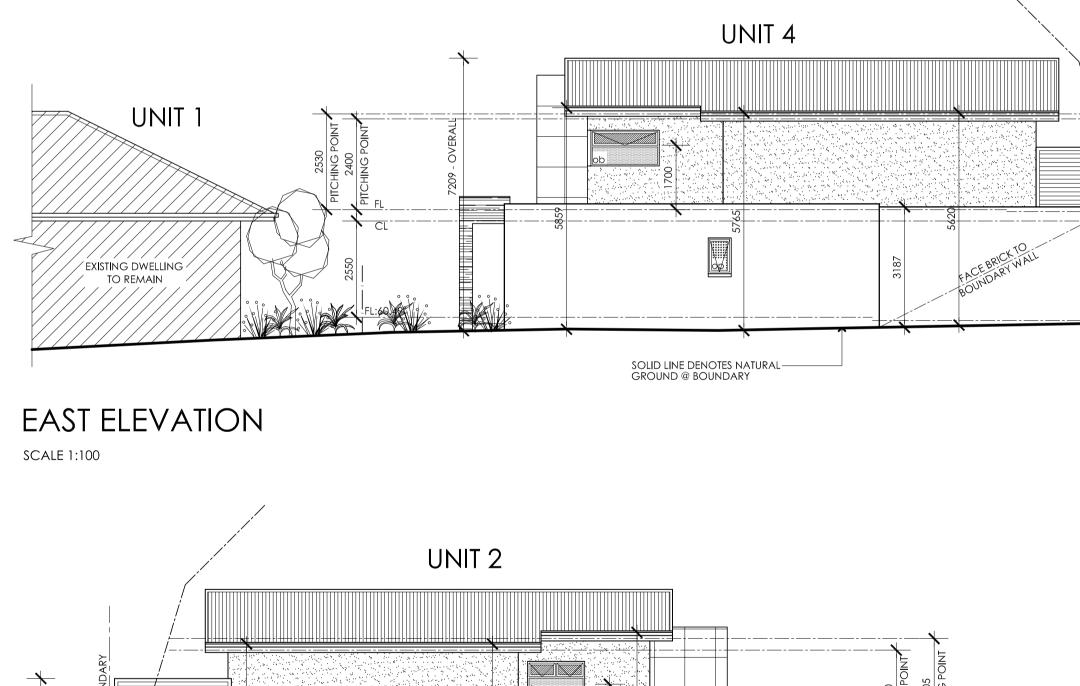




TP-05 В



SCALE 1:100



1700 SCREEN

VCL

2485 3ARAG

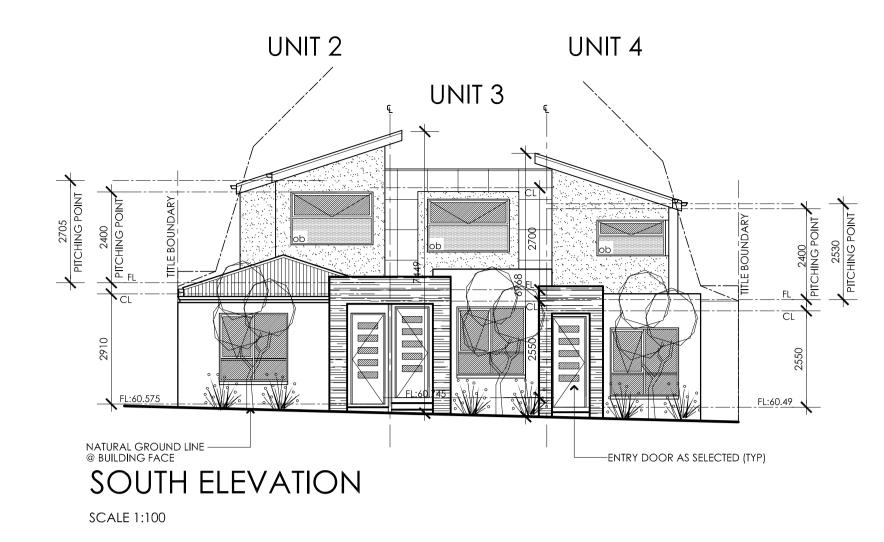
FL:61.00

SCALE 1:100

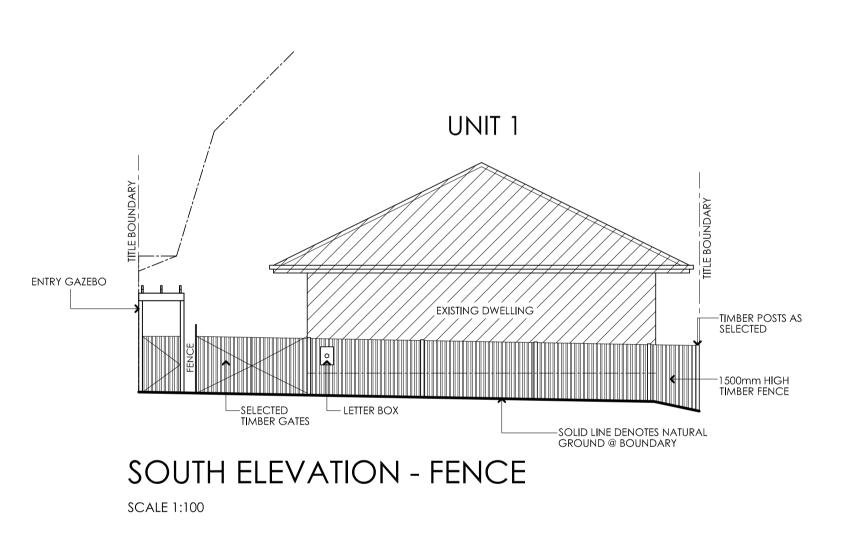
WEST ELEVATION

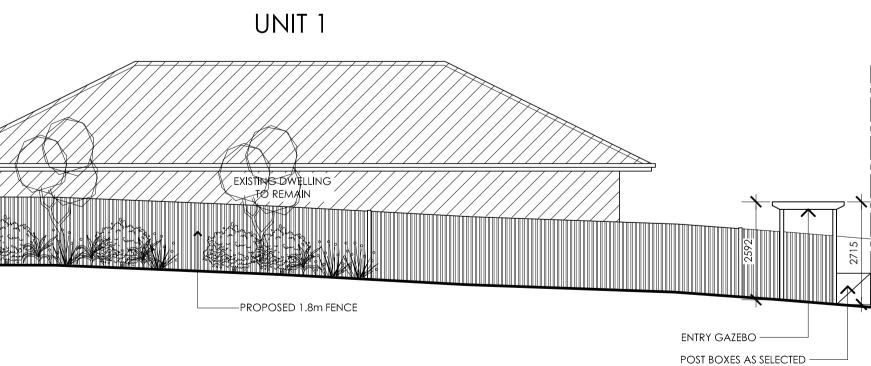
IKONOMIDIS REID architecture + development solutions 713 PLENTY ROAD RESERVOIR 3073 EMAIL. ADMIN@IKONREID.COM.AU

—Solid line denotes natural Ground @ Boundary



-FL:60.405





B MAY15 TOWN PLANNING RFI Rev Date Issue

A OCT14 TOWN PLANNING ISSUE Rev Date Issue

P1 OCT14 PRELODGEMENT ISSUE Rev Date Issue



EXTERNAL FINISHES LEGEND

SELECTED METAL ROOF SHEETING @ 18° PITCH

FACE BRICKWORK AS SELECTED

Render Finish #1 as selected

Render Finish #2 as selected

ALTERNATE CLADDING AS SELECTED

PANEL CLADDING (OR SIMILAR) AS SELECTED

OB

FIXED OBSCURED GLAZING TO 1700H ABOVE FFL 25% TRANSPARENT OPAQUE GLAZING

OP NOTE:

- ALUMINIUM POWDERCOATED WINDOWS - 2100mm HEAD HEIGHT U.N.O

MULTI UNIT DEVELOPMENT 117 FLINDERS STREET THORNBURY ELEVATIONS



TP-06 В

5.5 APPLICATION FOR PLANNING PERMIT D/1034/2014 24 Mutimer Street, Preston

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ikonomidis Reid Pty Ltd	Irene Maria Margaritis

The Manager City Development informed the Committee that the applicant for Planning Permit Application D/1034/2014 had formally withdrawn the Planning Application listed as item 5.5 on the agenda, late in the afternoon on the day of the Planning Committee Meeting, and that the Planning Committee was no longer required or able to make a decision on the application.

6. OTHER BUSINESS

ADOPTION OF SEVERAL COMMITTEE DECISIONS 'EN BLOC'

COMMITTEE DECISION

MOVED: Cr. S. Tsitas SECONDED: Cr. J. Williams

THAT The Planning Committee agree to consider the adoption of the 'Recommendations' contained in Item Nos. 6.1, 6.2 and 6.3 'en bloc'.

CARRIED UNANIMOUSLY

COMMITTEE DECISION

MOVED: Cr. S. Tsitas SECONDED: Cr. O. Walsh

THAT The 'Recommendations' contained at Item Nos. 6.1, 6.2 and 6.3 be adopted 'en bloc'.

CARRIED

6.1 List Scheduled VCAT Appeals

Following is a list 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'.

COMMITTEE DECISION

MOVED: Cr. S. Tsitas SECONDED: Cr. O. Walsh

THAT the list of Scheduled VCAT Appeals be noted.

CARRIED

Delegate Decisions before VCAT

	OCTOBER 2015								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
7/10/2015	D/991/2014	52 Kellett Street, Northcote Rucker	Construct a medium density housing development comprised of three (3) dwellings (two (2) double storey and one (1) triple storey	Refusal – Applicant Appeal	Council's decision affirmed. No Permit Granted.	The critical issue for the Tribunal in this case was whether the proposal adequately addressed neighbourhood character. VCAT acknowledged the proposal met the numerical requirements of ResCode, but was of the view the proposal, with its large double form mass (especially at 1st floor) and siting across much of the lot was an unacceptable response to existing and preferred character of the area. The Tribunal was also critical of the lack of landscaping opportunities.			
16/10/2015	D/489/2014	1-3 Hartley Street, Northcote Rucker	Construction of a double storey apartment development comprising thirteen (13) dwellings	Refusal – Applicant Appeal	Council's decision affirmed. No Permit Granted.	The Tribunal agreed with Council that the introduction of an apartment building would be anomalous given the hinterland location and intact character. There was no policy directive that supported such a significant departure. The landscaping which sought to screen the built form rather than provide a garden setting for the development, continuous double storey form were key			

	OCTOBER 2015								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
						criticisms of the Tribunal which stated the proposal will present as too prominent and dense in the streetscape.			
23/10/2015	D/286/2014	209 Arthur Street, Fairfield Rucker	Two lot subdivision	s87 Cancellation Application	No Decision	The Application was withdrawn by the Applicant.			
23/10/2015	D/873/2014	75 Winter Crescent, Reservoir La Trobe	A medium density development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted	Subject to conditions requiring the moving of a bus stop, the Tribunal was persuaded by the applicant that the development was an appropriate response to neighbourhood character and achieved satisfactory compliance with ResCode.			
No Hearing Required – Resolved by Consent Order 26/10/2015	D/870/2014	192 Station Street, Fairfield	Medium density development comprising the construction of one (1) triple storey dwelling and one (1) double storey dwelling and alteration of access to a road in a Road Zone, Category 1	Notice of Decision - Objector Appeal	Council's Decision Varied Permit Granted	This was an objector appeal brought by a neighbour to the subject site. Following negotiations between the permit applicant and the neighbour, 3 additional conditions to limit off- site amenity impacts were agreed upon. These proposed conditions did not result in a poor planning outcome so Council was willing to consent as well.			
27/10/2015	D/959/2014	9 Mahoneys Road, Reservoir	Construct a medium density housing development comprised of	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	The Tribunal viewed the merits of the proposed development as a straightforward matter however greater consideration was given to the proposed			

			Остове	r 2015		
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
			three (3) double storey dwellings and the variation of the registered restrictive covenant			variation of the restrictive covenant. It was concluded that the proximity of the beneficiaries to the subject land and merits of the development proposal were sufficient to warrant the variation of the covenant. In doing so the Tribunal imposed a condition that a Section 173 Agreement be entered into requiring the development of the land in accordance with the development approved.
29/10/2015	D/1099/2014 Rucker	96 Jenkins Street, Northcote	Construction of four (4) double storey dwellings	Deemed Refusal	Council's Deemed Decision Affirmed – No Permit Granted	The Tribunal identified the site was one where policy sought only modest change due to its distance from shops etc In addition, the Tribunal noted none of the dwellings proposed met Council's varied private open space standard. Given the distance of the site from Northcote Activity Centre, it was not prepared to justify the non compliance with the varied private open space standard. The Tribunal also took issue with the design response, in particular the lack of landscaping and surveillance opportunities at ground floor. It concluded this type of design had the potential to erode the

	OCTOBER 2015							
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result		
						very specific policy intent of the GRZ1, and as such, affirmed Council's deemed refusal.		

	NOVEMBER 2015								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
10/11/2015 (Compulsory Conference)	D/329/2015	229 Gilbert Road, Preston Cazaly	Development of six (6) dwellings and a reduction to the visitor parking requirement	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted	The critical issue for the parties was the interface of the rear of the proposal to the more traditional residential hinterland. The Permit Applicant was willing to make changes to address parties' concerns, accordingly the mediation was successful.			
13/11/2015	D/38/2015	20 Woolton Avenue, Thornbury Rucker	Construction of a medium density development comprising four (4) double storey dwellings	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	The Permit Applicant circulated amended plans which addressed Council and the neighbours' (being the only objector parties) concerns. On this basis, the parties were able to resolve the matte via consent order without the need for a hearing.			
17/11/2015	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston	Extension of Time	Refusal - Applicant appeal		Set down for a further hearing day on 10/02/2016.			
25/11/2015 (Compulsory Conference)	D/440/2015	30-32 St Georges Road Unit 1-3, 32-34 Oakover Road 36 Oakover Road 40-44 Oakover Road, Preston	Use and development of the land for a supermarket, including a reduction in car parking requirements	Refusal - Applicant appeal	Application withdrawn	At the conclusion of the Compulsory Conference the applicant sought leave to withdraw the application. Hearing set to commence 18 January 2016 has been vacated.			
27/11/2015 (Practice Day Hearing)	D/46/2015	235-239 Murray Road, Preston	Use and develop the land for the purpose of a childcare centre; and	Notice of Decision - Objector Appeal	Application struck out	The applicant lodged their review outside of time. The Tribunal ordered that no extension was to be granted and the application was struck			

			Novembe	R 2015		
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
			Make alterations to the access to a road in a Road Zone, Category 1.			out accordingly.
30/11/2015	D226/2008/A	16 Goldsmith Avenue, Preston	Retrospective application to: • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high	Refusal – Applicant Appeal		Hearing adjourned and rescheduled for 05/02/2016.
30/11/2015	D226/2008/B	16A Goldsmith Avenue, Preston	Retrospective application to: • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high	Refusal – Applicant Appeal		Hearing adjourned and rescheduled for 05/02/2016.

	DECEMBER 2015									
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result				
1/12/2015	D/452/2014	66 Mitchell Street, Northcote Rucker	Construction of two (2) double storey dwellings	s87A amendment application	Amendment allowed	The Tribunal did not provide written reasons.				
9/12/2015	D/168/2009/A	52 Showers Street, Preston	Application to amend the endorsed plans which includes removal of skylights and inclusion of windows to the second floor (to be obscured to 1.7 metres above ffl), existing walls to be demolished due to poor condition, internal alterations, dwellings balconies adjusted which includes an increase in dwelling 9 balcony, alterations to windows and doors	Refusal - Applicant appeal	Application Allowed In Part Amendment to Planning Permit Granted	This amendment sought to demolish the outside walls of the existing building and replace them with concrete walls in the same location. The Tribunal was prepared to accept (for the most part) that the replacement of the wall with a concrete wall in the same location would not alter the impact of the redevelopment on adjoining properties and the neighbourhood visually or in any other way. As such, it allowed this amendment to 3 of the subject site's 4 interfaces. The remaining interface was to a residential property. Being the most sensitive interface the Tribunal required the proposed wall be set back in accordance with ResCode.				

	DECEMBER 2015								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
11/12/2015	D/207/2014	11 Clarendon Street, Thornbury Rucker	Medium density development comprising the construction of four (4) dwellings within a part two storey, part three storey building plus basement car parking and roof terraces	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	VCAT considered the site was suitable for a modest increase in housing and built form intensification, especially when one considers state and local policy, the absence of built form controls and the site's proximate location to the Thornbury Neighbourhood Centre. In terms of the design response, while contemporary, the Tribunal considered that it interpreted traditional design elements from the area, respected the height of nearby dwellings, allowed room for landscaping and respected the setbacks of nearby buildings. As such, the Tribunal was satisfied the proposal was acceptable from a neighbourhood character point of view.			
14/12/2015 (Compulsory Conference)	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant appeal		Matter did not resolve at the compulsory conference (mediation) – hearing now listed for 4 April 2016			

			DECEMB	ER 2016		
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
15/12/2015	D/731/2014	1-3 Rubicon Street, Reservoir Cazaly	Four (4) double storey dwellings on a lot in the General Residential Zone - Schedule 2	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted	Prior to the hearing of this matter, the Permit Applicant circulated amended plans which achieved Council support. The Tribunal considered that the proposal had a problematic fit in respect of neighbourhood character. Balancing this was the site's eastern interface (towards Plenty Road) which is an area of substantial change and responding to neighbourhood character was less of a policy impetrative. The Tribunal was otherwise satisfied in respect to ResCode matters noting that the relevant standards had been met.
16/12/2015	D/467/2015	290 High Street, Preston Cazaly	Construction of a six (6) storey building (plus basement) comprising one (1) shop and nineteen (19) dwellings; a reduction in the car parking requirement associated with the use plus a basement	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted	Prior to the compulsory conference, the Permit Applicant circulated plans which (amongst other things) reduced the number of dwellings from 19 to 17. The loss of these two dwellings significantly reduced the proposal's visual bulk when viewed from an adjoining residential property. This change, together with additional information provided by the permit applicant meant the parties were able to

	DECEMBER 2016							
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result		
			reduction of car parking, a waiver of loading bay requirements and the removal of an easement			successfully mediate a resolution of this appeal.		

	JANUARY 2016								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
7/01/2016	D/875/2014/A	37 Youngman Street, Preston Cazaly	A medium density housing development comprising the construction of 2 double storey dwellings	Conditions Appeal	Council's Decision Varied	The Tribunal did not provide written reasons.			
11/01/2016 Compulsory Conference	D/493/2015	8 Scotia Street, Preston Cazaly	The partial demolition and construction of a single storey extension to the existing dwelling	Notice of Decision – Objector Appeal	Council's Decision Varied	The Applicant for Review did not attend the compulsory conference. Accordingly, Council and the Permit Applicant agreed on one additional condition to go onto the permit to address the finish of a wall on boundary, which the Tribunal directed be granted.			

	JANUARY 2016									
Date of Hearing	Арр. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result				
19/01/2016 Compulsory Conference	D/519/2015	5A-9 Railway Place, Fairfield Rucker	Proposed mixed use development and dispensation of visitor and retail use parking	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted	Prior to the mediation, the permit applicant circulated amended plans which dealt with a large number of Council concerns in respect of visual bulk, height and massing. Together with increased setbacks to the 4 th and 5 th floors, Council's concerns were mostly addressed. The permit applicant then agreed to provide (amongst other things) additional visitor parking to address resident concerns. As all parties were in agreeance by the end of the day, a permit could issue.				
27/01/2016	D/137/2014/A	35 Gillies Street, Fairfield Rucker	An additional apartment to the first floor parameter and the creation of a loft in the ceiling space via change of roof pitch to 30 degrees	Refusal - Applicant appeal						

	JANUARY 2016								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result			
29/01/2016 Compulsory Conference	D/473/2015	73 Newman Street, Thornbury Cazaly	Alterations to the roof of the existing building (sawtooth roof altered to a flat roof), including an increase to the maximum height of the roof, as shown on the plans accompanying the application.	Notice of Decision - Objector Appeal					

	FEBRUARY 2016									
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result				
1/02/2016	D/757/2014	18 Swift Street, Northcote Rucker	Construction of 2 dwellings	Conditions Appeal						
3/02/2016	D/1052/2014	116 Oakover Road, Preston Cazaly	A medium density housing development comprising the construction of one (1) double storey dwelling to the rear of the existing dwelling	Notice of Decision – Objector Appeal						
5/02/2016	D226/2008/B	16A Goldsmith Avenue, Preston Cazaly	Retrospective application to retain existing crossover,							
5/02/2016	D226/2008/B	16 Goldsmith Avenue, Preston Cazaly	construct concrete hardstand areas, construct a front fence	Refusal – Applicant Appeal						

	FEBRUARY 2016									
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result				
10/02/2016	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston Cazaly	Extension of Time	Refusal – Applicant Appeal						
12/02/2016	D/41/2015	37 Barry Street, Northcote Rucker	Buildings and works comprising the construction of a new double storey dwelling on land in a Neighbourhoo d Residential Zone and Heritage Overlay (HO161) and waiver of one car space	Conditions Appeal						
12/02/2016	D/294/2015	116 Separation Street, Northcote Rucker	Medium density development comprising the construction of three (3), three (3) storey dwellings.	Refusal – Applicant Appeal						

			FEBRUA	RY 2016		
Date of Hearing	Арр. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
16/02/2016	D/1036/2013/A	19 Patterson Street, Preston	Amendment to planning permit to seek a waiver of one car space and construction a "dual occupancy unit" behind the existing house	Failure Appeal		
19/02/2016 Compulsory Conference	D/617/2015	117-121 Edwardes Street, Reservoir La Trobe	Use of the existing building as a childcare centre (up to 136 children) including 29 car parking spaces (no car parking reduction sought) and buildings and works including a new front facade and new openings to the south	Notice of Decision – Objector Appeal		

			FEBRUA	RY 2016		
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
			and east elevation of the building, as shown on the plans accompanying the application.			
22/02/2016	D/897/2014	54 Southernhay Street, Reservoir Cazaly	A medium density housing development comprising the construction of a double storey dwelling to the rear of the existing dwelling			
29/02/2016	D/519/2015	5A-9 Railway Place, Fairfield Rucker	Proposed mixed use development and dispensation of visitor and retail use parking			
29/02/2016	D/318/2015	Rear 19 and 17 Railway Place, Fairfield Rucker	Removal of easement			

Planning Committee Decisions before VCAT

SEPTEMBER 2015								
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result		
11/09/2015	D/1067/2014	9 Bedford Street, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Committee Refusal (contrary to officer recommendation)	Council's decision affirmed – No Permit Granted	There was no dispute between the parties that the site was suited to a more intensive form of housing. The key issues for the Tribunal was the extent of policy support for the proposal, and the proposal's response to neighbourhood character. In respect of policy support, notwithstanding the presence of the Residential Growth Zone on the north side of the street (i.e. opposite the site), the controls and policy which applied to the south side contain a tempered development expectation. This, combined with what the Tribunal considered was a poor design response through too much visual bulk led to the Tribunal affirming Council's refusal.		

	OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
5/10/2015	D/577/2014	9 Rosenthal Crescent, Reservoir La Trobe	A medium density housing development comprised of the construction of four (4) double storey dwellings.	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted	Following the lodgement of amended plans that addressed Council's concerns, Council changed its position from one of refusal to one of support. The Tribunal agreed with Council's decision, noting that the type of change brought about by this application is occurring in many middle ring suburbs developed in the 1960s and is encouraged by the planning scheme.
7/10/2015	D/148/2014	659-661 High Street, Thornbury Rucker	Buildings and works and above-verandah signage as shown on the plans accompanying the application and reduction of the car parking requirement in association with the use of the site as a restaurant.	Conditions Appeal (of Committee Decision)	Council's Decision Varied Permit Granted	The main dispute centred around patron and seat limits for the site. Council sought a limit of 60, the Applicant sought a limit of 100. Another dispute centred around a condition requiring demolition of certain works and construction of car parking at the rear of the site. Notwithstanding the Permit Applicant's expert witnesses, the Tribunal was not persuaded by the Permit Applicant that it had made its case out for a car parking reduction associated with 100 persons/seats. As to the car parking condition, the Tribunal was not persuaded the Permit Applicant had adequately considered staff car parking, which has a different

			Остове	er 2015		
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
						type of demand (i.e. long term) to short term parking from a customer. Accordingly, it did not delete Council's car parking condition.
7/10/2015 (Compulsory Conference – formerly known as mediation)	D/49/2013	88-92 Cramer Street, Preston Cazaly	Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement.	Committee Refusal (contrary to officer recommendation) - Council subsequently resolved to support the proposal		Did not settle at resumed mediation. Matter is now to proceed to a hearing on 28 October 2015.
23/10/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space.	Committee Refusal (contrary to officer recommendation)		Did not finish hearing – adjourned to 24 November 2015.
28/10/2015 (Hearing)	D/49/2013	88-92 Cramer Street, Preston	Proposed additions and alterations to the Preston Mosque including addtional floorspace (977m ²) and a	Committee (contrary to officer recommendation) - second resolution was to switch back to support	Council's Decision Set Aside Permit Granted	The Tribunal (correctly) confined their considerations to the proposed buildings and works with the site benefitting from existing use rights. The Tribunal did not accept submissions that the proposed buildings and works would

PLANNING COMMITTEE MINUTES

	OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
			reduction to the car parking requirement.			unreasonably intensify the existing use on the basis of conditions imposed. The amenity impacts from the proposal were considered acceptable as it was not open to the Tribunal to review the totality of impact; rather just the impacts that would result from the buildings and works that were the subject of the application.

PLANNING COMMITTEE MINUTES

	NOVEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
24/11/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted	The Tribunal considered the site was suitable for new housing given its proximity to the High Street retail centre, Thornbury train station and buses along Dundas Street. As to neighbourhood character, The Tribunal considered Mansfield Street to have a "somewhat varied" character and it also noted the area was experiencing considerable change. As such, notwithstanding the Street Setback standard was not met, the Tribunal considered the proposal an acceptable response that left room for landscaping given the varied setbacks in the street. The Tribunal did not find off site amenity impacts, parking and internal amenity unacceptable.
25/11/2015 (Compulsory Conference)	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure appeal - going to Committee - Council subsequently resolved to oppose in line with Officer Recommendation		Not resolved at Compulsory Conference Referred to hearing on 21/03/2016 for 3 days.

	DECEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
4/12/2015 – Practice Day Hearing (but may be determined on this day per VCAT advice)	Amendment C136	137 St Georges Road, Northcote Rucker	Alleged defect in procedure regarding the adoption of Amendment C136	Section 39 Appeal		Matter is to be heard on 2 May 2016.

	JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
	No Committee Matters Scheduled for January 2016 as of 14 December 2015					

	FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
22/02/2016	D/55/2015	55 David Street, Preston Cazaly	A medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal – Committee subsequently resolved to oppose application in line with Officer Recommendation		

Matters completed and to be heard to 29/02/2016

6.2 Significant Applications Update

Below is a list of applications with a cost of construction of at least \$3,000,000 currently under consideration.

Address	830 Plenty Road, Reservoir
• Ward	Cazaly
 Application No 	• D/458/2015
Proposal	 Mixed use development – 10 offices and 326
Description	dwellings
 Date Received 	• 29 June 2015
Status	 Advertising completed
Address	 518-528 High Street, Preston
• Ward	Cazaly
Application No	• D/297/2015
 Proposal 	 Mixed use development – ground floor retail and
Description	96 dwellings
Date Received	• 5 May 2015
Status	Refusal issued
Address	63-71 Plenty Road, Preston
• Ward	Cazaly
Application No	• D/474/2015
Proposal	 Mixed use development – 2 shops and 135
Description	dwellings
Description Date Received	• 30 June 2015
Status	 Initial assessment
AddressWard	 36-46 High Street, Preston Cazaly
	• D/465/2015
Application No	 Mixed use development – 2 commercial
Proposal	tenancies and 90 dwellings
Description	 30 June 2015
Date Received	 So sure 2013 Further information received
Status	
Address	1/176-180 High Street, Preston
• Ward	Cazaly
Application No	• D/456/2015
 Proposal 	 Mixed use development – 74 dwellings plus
Description	commercial tenancies
Date Received	29 June 2015
Status	Request for further information sent
Address	 74-80 Bruce Street, Preston
• Ward	Cazaly
Application No	• D/466/2015
Proposal	 Residential aged care facility
Description	• 30 June 2015
Date Received	 Advertising completed
Status	
	1

 Address Ward Application No Proposal Description Date Received Status 	 6-34 High Street, Preston Cazaly D/1007/2012 Construction of a mixed use development containing 209 dwellings, seven (7) retail tenancies and gymnasium contained within a 16 level building plus basement car parking. 20 December 2012 Advertising completed
 Address Ward Application No Proposal Description Date Received Status 	 195-209 St Georges Road, Northcote Rucker D/1011/2012 Mixed use development – 102 dwellings and supermarket within a six (6) storey building. 20 December 2012 Application being assessed
 Address Ward Application No Proposal Description Date Received Status 	 531 St Georges Road, Thornbury Cazaly D/485/2014 Residential development – 33 dwellings within a six (6) storey building. 17 June 2014 Further information requested
 Address Ward Application No Proposal Description Date Received Status 	 716 High Street, Thornbury Rucker D/474/2013 Mixed use development – 41 dwellings and four (4) retail tenancies within a five (5) storey building. 3 July 2013 Refused
 Address Ward Application No Proposal Description Date Received Status 	 2 Mc Cutcheon Street, Northcote Rucker D/814/2014 Residential development – 30 dwellings within a four (4) storey building. 8 September 2014 Initial assessment commenced
 Address Ward Application No Proposal Description Date Received Status 	 208-216 High Street, Preston Cazaly D/865/2014 Mixed use development – 76 dwellings and four (4) shops. 23 September 2014 Application has lapsed

 Address 	 223 Gower Street, Preston
• Ward	Cazaly
Application No	• D/1110/2014
 Proposal 	Construction of 20 dwellings – three (3) storey
Description	development.
Date Received	9 December 2014
Status	Further information requested
Address	 29 Railway Place, Fairfield Rucker
• Ward	
 Application No 	• D/1164/2014
 Proposal 	 Mixed use development – 30 dwellings and one
Description	(1) shop.
 Date Received 	• 29 December 2014
Status	 Advertising completed
Address	80 Tyler Street, Reservoir
Ward	Cazaly
Application No	• D/43/2015
Proposal	 Construction of 107 dwellings comprising 63
Description	townhouses and a four (4) storey apartment
	building containing 44 dwellings.
Date Received	• 29 January 2015
Status	Planning permit issued
Address	10 Langwells Parade, Northcote
• Ward	Rucker D/100/2015
Application No	D/109/2015 Construction of sight (0) dwellings contained
 Proposal 	Construction of eight (8) dwellings contained within a four (4) stored building
Description	within a four (4) storey building.
Date Received	3 March 2015
Status	Planning Permit issued
Address	 332-334 Gooch Street Thornbury
• Ward	Rucker
Application No	• D/146/2015
 Proposal 	 Construction of 20 dwellings.
Description	-
Date Received	• 17 March 2015
Status	 Planning permit issued
Address	305 Plenty Road, Preston
• Ward	Cazaly
Application No	• D/187/2015
	 Construction of 19 dwellings contained within a
Proposal Description	five (5) storey building.
Description	• 27 March 2015
Date Received	Further information received
Status	
 Address 	30 Cramer Street, Preston
• Ward	Cazaly
Application No	• D/285/2015
 Proposal 	 Construction of 115 dwellings, two (2) shops and
Description	one (1) office – nine (9) storey building
Date Received	• 1 May 2015
Status	 Further information received

Address	1056-1070 Plenty Road, Bundoora
• Ward	LaTrobe
 Application No 	• D/331/2015
 Proposal 	 Residential development – 24 dwellings
Description	
Date Received	• 14 May 2015
Status	Planning permit issued
Address	27 McColl Street, Reservoir
• Ward	LaTrobe
	• D/426/2015
Application No	
Proposal	Construction of a four (4) storey building
Description	containing 24 dwellings
Date Received	16 June 2015
Status	Notice of Decision issued
Address	 30 St Georges Road, Preston
• Ward	Cazaly
Application No	• D/440/2015
Proposal	 Use and development of the land for a
Description	supermarket including a reduction in car parking
	requirements
Date Received	• 18 June 2015
Status	 Refused – VCAT appeal received
Address	27 Murphy Grove, Preston
	Cazaly
• Ward	• D/461/2015
Application No	
Proposal	 Medium density development – 14 dwellings
Description	00 km = 0045
Date Received	23 June 2015
Status	Refusal issued
 Address 	 70 Dundas Street, Thornbury
Ward	Rucker
 Application No 	• D/542/2015
Proposal	 Construction of a three (3) storey building
Description	containing 10 dwellings
Date Received	• 30 June 2015
Status	 Further information received
Address	384 St Georges Road, Thornbury
• Ward	Cazaly
Application No	• D/742/2015
Proposal	Construction of a four (4) storey mixed use
-	building containing 26 dwellings and a shop
Description	 16 September 2015
Date Received	Refusal issued
Status	
Address	167 Station Street, Fairfield
• Ward	Rucker
 Application No 	• D/748/2015
 Proposal 	Construction of a three (3) storey building
Description	containing 20 dwellings
Date Received	16 September 2015
Status	On advertising

 Address 	1 Ralph Street, Reservoir
• Ward	LaTrobe
 Application No 	• D/804/2015
 Proposal 	 Mixed use development over 5 levels – 22
Description	dwellings and 1 commercial tenancy
Date Received	 6 October 2015
Status	 Further information requested
Address	501 Plenty Road, Preston
• Ward	Cazaly
	• D/762/2015
Application No	 Construction of a six (6) storey building
Proposal	containing 48 dwellings and four (4) commercial
Description	units
Date Received	18 September 2015 Advertising completed
Status	Advertising completed
Address	 752 High Street Thornbury
• Ward	Rucker
Application No	• D/839/2015
Proposal	 Demolition of the existing building and the
Description	construction of a five (5) storey building (plus roof
 Date Received 	terrace) containing 19 dwellings
Status	 Planning Committee – 22 February 2016
Address	283-291 Gilbert Road, Preston
• Ward	Cazaly
Application No	• D820/2015
	Construction of a three (3) and four (4) storey
Proposal	mixed use building containing 23 dwellings
Description	 14 October 2015
Date Received	On advertising
Status	
Address	55 Tyler Street Preston
• Ward	Cazaly
 Application No 	• D897/2015
 Proposal 	 Construction of a gymnasium complex with
Description	swimming pool extension associated with an
	existing school.
 Date Received 	• 4 November 2015
Status	Application cancelled
Address	742-752 High Street, Reservoir
• Ward	Cazaly
Application No	• D/900/2015
Proposal	Construction of 14 three (3) storey dwellings and
Description	nine (9) double storey dwellings.
Date Received	• 5 November 2015
Status	 Planning Committee – 22 February 2016
Address	314 St Georges Road, Thornbury
• Ward	Rucker
	• D939/2015
Application No	
Proposal	Construction of an eight (8) storey building comprising around floor shops and 77 dwellings
Description	comprising ground floor shops and 77 dwellings above.
	abuve.

	40.01 1 0045
Date Received	• 12 November 2015
Status	Request for further information sent
 Address 	2A Austral Avenue, Preston
• Ward	Cazaly
 Application No 	• D/979/2015
 Proposal 	Medium density development
Description	
 Date Received 	• 27 November 2015
Status	To be allocated
Address	108 Wood Street, Preston
Ward	Cazaly
Application No	• D/971/2015
 Proposal 	Mixed use development
Description	
Date Received	• 25 November 2015
Status	 Initial assessment commenced
Address	Rear of 3B Newlands Road, Reservoir
• Ward	LaTrobe
Application No	• D/1009/2015
Proposal	Warehouse
Description	
Description Date Received	3 December 2015
Status	Further information requested
Address	 200 Beavers Road, Northcote Rucker
Ward	• D/1048/2015
Application No	 Proposed construction of 20 three storey
Proposal	townhouses, a four storey apartment building
Description	comprising 23 dwellings and a waiver of the
	visitor car parking requirement
	18 December 2015
Date Received	 Initial assessment commenced
Status	
Address	281 Spring Street, Reservoir
• Ward	Latrobe
Application No	• D/1026/2015
Proposal	• Seven (7) level building plus three (3) basement
Description	levels of car parking comprising four (4)
 Date Received 	commercial tenancies and 50 dwellings
Status	10 December 2015
Address	Initial assessment commenced
Address	72A Station Street, Fairfield
Ward	Rucker D/2/2016
Application No	D/2/2016 Construction of a five storey building comprising
Proposal	Construction of a five storey building comprising Advellings, three (2) retail promises and waiver
Description	20 dwellings, three (3) retail premises and waiver
	of loading requirements and reduction in car
	parking to zero (0)
Date Received	5 January 2016 Initial assessment commenced
Status	Initial assessment commenced

 Address Ward Application No Proposal Description Date Received Status 	 40 Showers Street, Preston Cazaly D/30/2016 Construction of 39 dwellings and a reduction in the visitor car parking requirement 21 January 2016 To be allocated
 Address Ward Application No Proposal Description Date Received Status 	 658 High Street, Thornbury Rucker D/1039/2015 Six (6) storey building comprising ground floor commercial tenancies and 28 dwellings; a reduction in the car parking requirement; a waiver of the loading bay requirement 16 December 2015 Further information requested
 Address Ward Application No Proposal Description Date Received Status 	 1 Matisi Street Thornbury Rucker D/1040/2015 25 warehouses 16 December 2015 Further information requested
 Address Ward Application No Proposal Description Date Received Status 	 16 Clarendon Street, Thornbury Rucker D/10/2016 Three (3) storey apartment building 11 January 2016 Further information requested
 Address Ward Application No Proposal Description Date Received Status 	 1/23 Bell Street, Preston Cazaly D/1086/2015 Use and development part of the site for a restricted retail premises 23 December 2015 Further information requested

COMMITTEE DECISION

MOVED: Cr. S. Tsitas SECONDED: Cr. O. Walsh

THAT the Significant Applications Update be noted.

CARRIED

6.3 List of Applications for next Planning Committee Meeting

Below is a list of applications for the upcoming Planning Committee Meeting. Please note that this 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.

Address	80 Alston Court, Thornbury
Ward	Rucker
	 D/692/2015
Application no.	
Proposal	Construction of three (3) dwellings
No. of objections	• 11
Address	33 Newcastle St Preston
• Ward	Cazaly
 Application no. 	• D/930/2015
Proposal	Construction of four (4) dwellings
 No. of objections 	• 11
 Address 	35 Newcastle St Preston
Ward	Cazaly
 Application no. 	• D/931/2015
 Proposal 	 Construction of four (4) dwellings
 No. of objections 	• 11
Address	742-752 High St Reservoir
Ward	Cazaly
 Application no. 	• D/900/2015
Proposal	Construction of 23 dwellings
 No. of objections 	• 19
Address	752 High St Thornbury
Ward	Rucker
 Application no. 	 D/839/2019
Proposal	Mixed use development comprising a five
 No. of objections 	(5) storey building comprising 15 dwellings
-	and one (1) shop
	• 36
Address	7 Wilkinson Street, Reservoir
• Ward	Cazaly
 Application no. 	• D/489/2015
 Proposal 	 Construction of two (2) dwellings
 No. of objections 	• Nine (9)
Address	29-31 Railway Place, Fairfield
• Ward	Rucker
 Application no. 	• D/1164/2014
Proposal	• Four (4) storey mixed use development
 No. of objections 	with a shop and 26 dwellings; a reduction
•	in the car parking and loading bay
	requirement for shop.
	• Five (5)

 Address Ward Application no. Proposal No. of objections 	 16 Learnington Street RESERVOIR Latrobe D/232/2014 Construction of a single storey dwelling to the rear of the existing Five (5)
 Address Ward Application no. Proposal No. of objections 	 12 Farnan Street up Rucker D/423/2015 Construction of five (5) dwellings and reduction of the standard car parking rate 21
 Address Ward Application no. Proposal No. of objections 	 24 Leamington Street RESERVOIR LATROBE D/565/2015 Construction of a five (5) dwellings 10

COMMITTEE DECISION

MOVED:	Cr. S. Tsitas
SECONDED:	Cr. O. Walsh

THAT the List of Applications for the next Planning Committee meeting be noted.

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.20 pm.