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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 19 August 2019
at 6.00pm.

Table of Contents

Item Number		Page Number
1.	MEMBERSHIP	1
2.	APOLOGIES.....	1
3.	DISCLOSURES OF CONFLICTS OF INTEREST	1
4.	CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	1
5.	CONSIDERATION OF REPORTS	2
5.1	APPLICATION FOR PLANNING PERMIT D/945/2018 635 HIGH STREET PRESTON VIC 3017	2
5.2	APPLICATION FOR A PLANNING PERMIT - D/843/2017 295-297 GILBERT ROAD PRESTON	16
5.3	APPLICATION FOR A PLANNING PERMIT D/852/2018 37 STOREY ROAD RESERVOIR	36
5.4	PRESTON MARKET UPDATE.....	51
6.	OTHER BUSINESS	52
6.1	GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	52
7.	URGENT BUSINESS.....	53
8.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	53
9.	CLOSE OF MEETING.....	53

Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 15 July 2019 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/945/2018 635 HIGH STREET PRESTON VIC 3017

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Smart Planning and Design	Spencer High Investments PTY LTD	-

SUMMARY

- This application seeks approval to use the first floor of the Preston Hotel for the purpose of a residential hotel (backpacker’s hostel).
- The residential hotel use is to be located at the first floor of the building and involves minor internal reconfiguration to provide a laundry and kitchen. Existing store rooms would be converted into shared bedrooms containing between 2 to 6 beds. In total the 32 beds are provided within eight (8) rooms.
- Access to the first floor residential hotel would be from the existing foyer at ground level from Spencer Street.
- No external modifications are proposed to the building.
- Existing conditions for the ground floor hotel use would not change. This currently includes a public bar, bistro, gaming room, TAB, outdoor area and associated amenities. The hotel has been in operation since 1924.
- The site is partly located within the Priority Development Zone (hotel) and partly within the Neighbourhood Residential Zone (car park) and is affected by the Environmental Audit Overlay and Development Contributions Plan Overlay.
- There is no restrictive covenant registered on the title for the subject land.
- Twenty-six (26) objections were received against the application.
- A Section 57A amendment was received on 5 July 2019 to update the information supporting the application. The updated information correctly categorises the proposed use as a residential hotel (backpacker’s hostel) and not a rooming house. Both uses have different definitions in the Planning Scheme.
- The proposal is generally consistent with the objectives and decision guidelines at Clause 21.04-5, Clause 37.06-1, Clause 52.06 and Clause 52.34 of the Darebin Planning Scheme.
- It is recommended that the application be supported and a Notice of Decision to grant a Planning Permit be issued subject to conditions.

CONSULTATION:

- Public notice was given via two (2) signs posted on site (Spencer and High Street frontages) and letters sent to surrounding owners and occupiers.

- Following initial advertising a second round of advertising was requested. The 2nd round covered changes to the categorisation of uses as noted in the summary above to make it clear that the proposal involves a backpacker's hostel which is short term tourist accommodation and not a rooming house which is for long stay residents.
- This application was referred internally to Council's:
 - Transport Engineering and Strategy Unit.
 - Equity and Wellbeing Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/945/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application identified as the Ground and First Floor Plan, WD101, revision C, dated 21/03/2019, drawn by Powerhouse Aus-Global Projects. but modified to show:
 - a) Title boundaries dimensioned as per Lot 1 on Title Plan TP253761X (635 High Street PRESTON).
 - b) A notation confirming not more than 32 guests are to be accommodated within the residential hotel (backpacker's hostel) at any one time.
 - c) All reference to 'rooming house' deleted from plans and replaced with residential hotel.
 - d) A management plan in accordance with Condition 8 of this Permit.
- (2) The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

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

- (4) Before the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make 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 use commences all conditions of the Statement of Environmental Audit must be complied with. 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 use commences the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

- All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. 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.

- (5) There shall be on the premises at all times while they are being used for the purpose hereby permitted, a person over the age of 18 years (known as “the Manager”) responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, and ensuring compliance with these conditions to the satisfaction of the Responsible Authority.
- (6) The amenity of the area must not be adversely affected by the use as a result of the:
 - a) transport of materials, goods or commodities to or from the land; and/or
 - b) appearance of any building, works, stored goods or materials; and/or
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
 - d) in any other way,to the satisfaction of the Responsible Authority.
- (7) Arrangements for guest access to the premises after 10.00pm must ensure that such access does not detrimentally impact upon the amenity of residents in the immediate area of the premises to the satisfaction of the Responsible Authority.
- (8) Prior to the commencement of the use a management plan must be prepared and submitted and approved to the satisfaction of the Responsible Authority.

When endorsed this plan will form part of this permit. The plan must include, but not be restricted to, the following:

- a) Procedures, and standards for guests to minimise amenity problems in the neighbourhood.
- b) Establishment of a complaints hotline for use by residents in the vicinity of the premises, being the telephone number or numbers for registration of complaints or comments about the operation of the premises or the conduct of the guests. This hotline must be staffed at all times. A permanent register of all calls to this hotline must be maintained to the satisfaction of the responsible authority and be available for inspection upon request.
- c) Standards for property maintenance, health and cleanliness including measures to be undertaken to ensure areas surrounding the establishment is kept clean of litter.
- d) Security against thefts and break-ins, including security of guests’ belongings.
- e) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
- f) Establishment of house rules (to be displayed and clearly visible to guests in the premises at all times) regarding:
 - Guest behaviour
 - Noise
 - Alcohol consumption

- Littering
- g) Appropriate management and security practices for the use including for the safety of guests in and around the premises.
- h) A Green Travel Plan including procedures and measures to reduce patron reliance on cars.
- i) Ensuring that the accommodation component (residential hotel) is sufficiently secure from the hotel at the ground level to prevent unauthorised hotel patrons from accessing the accommodation.

Once to the satisfaction of the responsible authority, the management plan will be endorsed and form part of this permit. The management of the residential hotel (Backpacker's hostel) must be in accordance with the endorsed management plan.

- (9) No more than 32 guests may be accommodated within the residential hotel (backpacker's hostel) at any one time except with the further written consent of the Responsible Authority.
- (10) All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in condition no. 1 of this permit and any additional 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 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.

INTRODUCTION AND BACKGROUND

Historical applications in relation to the site are as follows:

- D/96/2007 – Buildings and works to the existing hotel to provide a courtyard and smokers area – Permit issued 8 September 2009;
- Older historical applications, which include an extension to the hotel and signage; and
- D/134/2019 was submitted to Council on 22 March 2019 and is yet to be determined. The application relates to car park works associated with the hotel. It is noted that the application does not include a reduction to the current car or bicycle parking spaces.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site known as 635 High Street Preston, in its entirety, is an irregular shaped allotment comprised of multiple land parcels. The hotel is located on Lot 1 on Plan of Subdivision 253761X and is a rectangular allotment, which has a frontage to High Street of 24.38 metres, depth of 39.87 metres and approximate site area of 972 square metres.
- The land is located on the western side of High Street at the intersection of Spencer and Wood Streets, and the area is predominantly characterised by a mixture of commercial uses located within single and double storey buildings.
- The subject site is occupied by the Preston Hotel and associated car parking.
- The land is partly located within the Priority Development Zone (Schedule 2) and partly within the Neighbourhood Residential Zone (Schedule 1). The building, in which the use is proposed, is wholly contained within the Priority Development Zone.
- The hotel is in operation and comprises of a public bar, bistro, gaming room, TAB, outdoor area and associated amenities at the ground floor and function room, offices and store rooms at the first floor.
- The hotel is licensed to open from 11am to 7am (20 hours per day) 7 days a week.
- Located to the north are offices and service businesses such as hairdressing and real estate agents.
- Directly to the south is a car dealership, whilst to the south west are residential properties fronting Spencer Street.
- Located to the east across High Street are medical centres. An application for a 6 storey mixed use development comprising 44 serviced apartments (Quest apartments), 21 dwellings and commercial space is currently under construction to the south east of the subject site at 518-528 High Street, Preston.
- Directly to the west of the hotel is the car park associated with the hotel whilst beyond the car park are residential properties fronting Spencer Street.
- On street parking restrictions are applicable to the area, with parking limited to 1 hour along High Street (outside of clearway times), limited unrestricted parking along the northern side of Spencer Street and 1-hour parking on the southern side of Spencer Street (permit parking applies to this areas after 6.30pm on weeknights and after 1.30pm on Saturdays).
- The site is located within an 800m catchment of trains, tram and buses including Regent train station (City to Mernda), No. 86 tram (Bundoora RMIT - Waterfront City Docklands), and bus routes 552 (North East Reservoir - Northcote Plaza via High

Street), 553 (Preston - West Preston via Reservoir) and 567 (Northcote - Regent via Northland).

- The site is located within the Preston Central Principle Activity Centre (Precinct H – Auto Alley) and is approximately 500m from the High Street/Murray Road intersection.

Proposal

- The application seeks to use the first floor of the Preston Hotel for the purpose of a residential hotel (backpacker's hostel).
- Minor internal changes are proposed to provide for a laundry, kitchen and a conversion of the existing rooms into shared bedrooms, which will contain between 2 to 6 beds. It is proposed that the use has a total of 32 beds contained within eight (8) rooms.
- No external changes to the building are proposed and there are no changes to the existing car parking arrangement for the hotel.

Objections summarised

- Increased violence, anti-social and illegal behaviour.
- Increased noise and littering.
- Proximity to residential properties, medical and childcare centres inappropriate – safety and drug concerns.
- Inappropriate housing typology above a pub/hotel – rooming house residents already vulnerable in terms of susceptibility to drug, alcohol and gambling issues.
- Increased traffic.
- Insufficient parking.
- Decreased housing values.
- Misuse of rooms as “rooming house”.
- Increased number of persons utilising gaming area and bar.
- Negatively impact the “community feel” of the area.
- Objections to car park modifications related to application D/134/2019.

Officer comment on summarised objections

Increased violence, anti-social and illegal behaviour

In assessing a use application, consideration must be given to any negative impacts to the amenity of the surrounding area and this is assessed in detail below. Serious crime or perceived increases to crime are not matters regulated through the planning scheme and are matters that should be raised/addressed by the relevant authorities such as Victoria Police.

In relation to the proposed use, conditions would be included to limit amenity impacts associated with the proposed use. Conditions in part, will ensure a management plan is prepared for the use with a manager located on the premises at all times to ensure the conduct of guests would be within acceptable limits, noting that a breach of permit conditions gives rise to enforcement matters.

Increased noise and littering

The subject site is located within a commercial area and is characterised by a variety of uses. It is not expected that the proposed residential hotel would unreasonably result in

additional negative impacts such as noise or rubbish pollution in the area, given the existing level of activity and extent of change expected in the future. As already noted, conditions will ensure a manager is located on the premises at all times to ensure the conduct of guests does not negatively impact external and nearby residential amenity.

Proximity to residential properties, medical and child care centres inappropriate – safety and drug concerns

As noted above, conditions including a management plan will be imposed on any permit issued to limit negative amenity impacts.

However, speculation in regard to the type of occupant does not necessarily determine or gauge impact upon levels of safety within the community and does not determine whether drug use or inappropriate behaviour will be more prevalent in the area. Should these issues arise, they should be raised/addressed by the relevant authorities such as Victoria Police.

Inappropriate housing typology above a pub/hotel – rooming house residents already vulnerable in terms of susceptibility to drug, alcohol and gambling issues

The application is not for a rooming house. The proposed accommodation provides a place for people to stay away from their normal place of residence.

Increased traffic

The level of additional traffic generated by the proposal is not expected to adversely impact on the operation of the surrounding street network. This is assessed in detail below.

Generally, it is expected that guests of the residential hotel would have a low level of car ownership.

Insufficient parking

There is no specified car parking rate for residential hotel under the Darebin Planning Scheme. As such, car parking is required to be provided to the satisfaction of the Responsible Authority. The application has been referred to Council's Transport Engineering and Strategy Unit. Comments received indicate that on-site car parking provisions is sufficient to cater for the expected demand from the residential hotel. Further to this, the site has excellent access to public transport, and it is expected that staff and guests are likely to utilise these services. Car parking provision is assessed in further detail below.

Decreased housing values

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

Misuse of rooms as "rooming house"

The proposal is not for a rooming house and cannot be used for long term residential accommodation. Any failure to comply with the conditions of a Permit would result in an enforcement proceeding.

Increased number of persons utilising gaming area and bar

From an EGM Policy perspective, the Policy aim is to make the City of Darebin free of the harm associated with Electronic Gaming Machines (EGMs).

It is acknowledged that guests staying above an established hotel with gaming machines will have the choice to use gaming machines and other facilities at the hotel (bistro, bar etc.).

There is no evidence available to guide Council on whether guests would frequent the gaming area.

Nonetheless, there is nothing within the Darebin Planning Scheme that specifically regulates a person's behaviour. Land use and zoning regulates the appropriateness of land uses proximate to other uses and determines what uses require permits or are prohibited. The bar and gaming are existing on the site and long established. Accommodation is regularly paired with hotels that include gaming. Whilst it is acknowledged that the accommodation may lead to guests utilising the hotel facilities which includes gaming, it is not considered that this is a sufficient reason to refuse the application on planning policy grounds.

Negatively impact the "community feel" of the area

The Preston Hotel is a long established hotel in a commercial area. It is not considered that adding accommodation would negatively change the community feel currently present within the area.

Objections to car park modifications related to application D/134/2019

These are not relevant considerations in relation to this application.

PLANNING ASSESSMENT

Clause 21.04-5 Arts, Culture and Tourism

It is noted within Council policy that whilst tourism plays a small role in Darebin's economy, there are opportunities to build on a number of identified and diverse assets within Darebin to encourage residents and visitors to stay and enjoy the attractions within the City. Recreational and tourist opportunities include Bundoora Park and Homestead, Merri and Darebin Creeks, strip retail centres, cultural activities, Preston Market, factory retail outlets, public open space and Darebin's multicultural cafés and restaurants.

Darebin has a well-established, though constantly evolving and expanding arts and cultural scene that is closely associated with the municipality's identity, attracts a broad range of visitors and generates considerable economic benefits.

Arts, culture and tourism are all closely linked with the local economy and policy in relation to economic development in part seeks to encourage people from outside the area to visit Darebin. One strategy which seeks to achieve this aim is to encourage the development of a diverse range of short-term tourist accommodation opportunities.

In this regard the proposed accommodation supports this objective and will encourage visitors to access Darebin through the provision of affordable short stay accommodation which may additionally serve to encourage visitors to attend arts and cultural activities within the area.

Preston Central Structure Plan

The Preston Central Structure Plan provides a number of overarching objectives, strategies and policies in relation to Preston Central's expanded role and activity mix.

Primarily there is policy support to promote Preston Central as a major integrated sustainable centre of economic, social, community, civic, and residential activity for Darebin and the northern region of Melbourne.

Retail, office, entertainment, community and civic development suitable for activity centres will be encouraged to locate within Preston Central, and discouraged from locating outside activity centres.

A residential hotel (backpacker's hostel) is considered suitable in regard to these overarching goals and is considered to appropriately support economic development within the area. It is additionally considered to be well placed in relation to further development in the area, particularly entertainment, community and civic development that has the capacity to attract tourists.

In regard to transport strategies, objectives seek to provide integrated, safe and convenient access to and circulation within Preston Central, with priority for walking, cycling, and public transport. Policies which seek to achieve this goal include:

- Reducing the dominance of traffic within the centre and increasing priority for other forms of travel; and
- Car parking provided at a rate that balances the needs to support the centre—recognising the requirements of individual precincts—and discourage unnecessary car use.

Further to this, strategies specific to Precinct H (Auto Alley) aim to have at least 20% of workers and 40% of visitors to the centre arrive by walking, cycling or public transport.

As the site is located proximate to public transport, it is considered that the proposed use supports the above objective. Typically, backpacker tourists have limited access to personal vehicles making accommodation with good access to public transportation essential. The proposed use is therefore unlikely to have any impact on parking and traffic activity in neighbouring streets.

Clause 37.06-1 Priority Development Zone (Schedule 2)

In the Priority Development Zone, a Planning Permit is required to use the land for accommodation.

The proposed use has been defined as a residential hotel as it provides accommodation in serviced rooms for persons away from their normal place of residence (tourists).

In regard to the use of the term 'backpacker's hostel', is noted that not all uses are listed or defined within the planning scheme. A Backpacker's hostel is one such term that is not defined. However as noted at Clause 73 (Meaning of terms), of the Planning Scheme "a term used in this planning scheme has *its ordinary meaning* unless that term is defined". As such the ordinary definition of the term applies. A backpacker in this case, being one who travels. It is logical that any accommodation sought whilst travelling, would be accommodation away from their normal place of residence. In regard to the proposal, the assessment will need to consider the decision guidelines and associated Council policies, as appropriate to the proposed use as defined above as a Residential Hotel (Backpacker's hostel), which is a permit required use within the zone.

The site is located within the Priority Development Zone, which seeks to encourage intensive development and use of the land for retail, residential, office, entertainment, community and civic activity; provide opportunities for sustainable travel and increased use of public

transport; and implement the Preston Central Incorporated Plan March 2007 (as amended 2014).

The Preston Central Incorporated Plan identifies the site to be within Precinct H (Northern Gateway).

Broader use and development objectives within the policy seek to strengthen and promote the role of Preston Central as a social and economic attractor in the Northern region and to ensure land use, development, transport and movement outcomes integrate with adjoining precincts and the wider Preston Central Activity Centre.

In relation to the proposed use, the site is considered well placed and appropriate within the Preston Central Activity Centre Precinct. This is due to being located proximate to public transport and therefore has the capacity to support sustainable travel and is additionally located with reasonable access to recreational and tourist opportunity.

The use is considered one that can attract tourists, which in turn will be of economic benefit to the immediate business community. Due to the site's location and proximity to Precinct B: High Street Central, persons staying within the hotel are likely to frequent businesses within these areas for their immediate needs. It is considered this will have an economic benefit to the community and particularly for small businesses, which often rely on passing foot traffic for trade.

Further to the above, as the intended guests (travellers) are not likely to have vehicles, it is probable that public transport will be the main form of transport utilised, which is in keeping with the transport outcomes proposed for area.

Consideration also needs to be given to any amenity impacts to the surrounding residential area.

In this regard, the use is located above an existing managed hotel and has some separation from residential properties. The proposed use is a residential use and primarily it is expected that guests will be staying for short periods of time. Use would mainly be in the evening and guests are likely to generally be engaged in other activities during the day.

In addition, while it is expected there would be an increase of persons frequenting the premises, this is not an unreasonable outcome given the zoning and future expectation for the area, and any increase to patron numbers is not expected to have a discernible impact to the amenity of the area. As such, the use as a Residential Hotel is considered appropriate, as it is consistent with the objectives of the zone and future growth expectations.

Permit conditions will be included to help manage amenity impacts as a result of the proposed use. Conditions will relate to after-hours access arrangements, management responsibilities and the provision of a management plan relating to the ongoing management of the premises.

It is considered these conditions will assist with maintaining the amenity of the area and assist to provide neighbouring residents with a means of resolving any planning related issues should they arise.

Darebin Electronic Gaming Machine Policy 2018-2022

Council adopted Darebin's Gaming Machine Policy on 3 December 2018 and as such formalised its position in reducing harm resulting from EGM's.

Council in its Electronic Gaming Machine Policy has acknowledged that gambling through EGMs has had and will continue to have a negative effect on individuals, families and communities.

As noted throughout this report, the application seeks to provide accommodation for people away from their normal place of residence and not for long term accommodation. Gaming at the hotel is existing and no changes are proposed in the application. The type of accommodation is targeted toward traveller/visitors to the municipality and not vulnerable groups.

It is not considered that the proposed accommodation would unreasonably limit strategies of Council's EGM policy related to legislation regulation, advocacy, organisational alignment and evidence research data, which seek to reduce the harm caused by EGMs. Nor is the proposal contradictory to any of the related policies and actions which are detailed within the Electronic Gaming Machine Policy Action Plan. These policies include not providing community grants, funding, sponsorship, Council facilities, publicity or promotion for community groups/organisations that promote gambling and supporting those organisations that wish to divest themselves of EGMs.

Clause 52.06 Car Parking

Under Clause 52.06-6 a residential hotel does not have a specified car parking rate and therefore car parking is to be provided to the satisfaction of the responsible authority.

Currently the car park area located to the rear of the hotel, which contains a total of 93 car parking spaces, is available for staff and visitors to the premises.

In relation to the proposed use, and the acceptability of the proposal in regard to car parking, a car park demand assessment was undertaken and submitted with the application, which indicates current demand to be low to moderate, with a maximum 62% occupancy rate observed.

In addition, the demand likely to be generated by the residential hotel is considered to be low. This is based upon the anticipated car ownership rates of guests and the expectation that guests will use the full range of public transport services available. As such, it is considered the use will generate a peak parking demand of up to five spaces.

A site inspection undertaken by Council during business hours confirmed the availability of on-site car parking. Overall the current car parking provision on site is considered to be able to accommodate any small increases in car parking demand. Additionally, it is considered that the level of additional traffic generated by the proposal can be accommodated without adversely impacting the operation of the surrounding street network.

Clause 52.34 Bicycle Facilities

Clause 52.34-1 (Provision of bicycle facilities), specifies that a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The Darebin Planning Scheme does not identify a specific rate for residential hotel. The Preston Hotel, currently provides ten (10) bicycle spaces in the form of horizontal hoops, located within the car parking area, proximate to the rear entrance of the hotel.

A planning assessment against the decision guidelines at Clause 52-34-4 has been undertaken in regard to the existing bicycle infrastructure and it is considered the design and

location of the existing bicycle infrastructure is adequate for the existing use and the proposed new use in terms of security, visibility and accessibility.

Predominantly this is due to the bicycle hoops being located proximate to the rear entrance within view of security cameras as well as staff and patrons entering and exiting the premises; and are located within the existing car park, separated by bollards, which is considered to sufficiently minimise conflict between cyclists and vehicles.

In addition, the type of bicycle hoops provided are considered to be easy to use and access.

As such, the existing bicycle infrastructure is considered to meet the design guidelines applicable to bicycle spaces and rails and are considered to comply with the purpose of the clause.

Clause 45.03 Environmental Audit Overlay

The site is located on land covered by an Environmental Audit Overlay.

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.*

This must form a condition of any approval.

Conclusion

On balance, and given the above assessment against the relevant planning policy framework, the proposed use of the site as a residential hotel is considered acceptable for the following reasons:

- The proposed use of the land for a residential hotel is considered to be consistent with the objectives of Schedule 2 to the Priority Development Zone as it is residential in nature and provides short term accommodation is likely to provide tourism opportunities and result in an increase in use of public transport.
- The development is consistent with the Preston Central Incorporated Plan March 2007 (amended 2014) and Preston Central Structure Plan 2006 (as amended).
- Car parking and bicycle provision is acceptable.
- Amenity impacts are considered to be within reasonable limits.
- The proposal is not considered contrary to Council's Electronic Gaming Machine Policy or Action Plan.

REFERRAL SUMMARY

Department/Authority	Response
Transport Engineering and Strategy	No objection
Equity and wellbeing Unit	No objection. <ul style="list-style-type: none"> • Safety for guests should be included in scope of management plan. • It is noted that accommodation is regularly paired with premises which have gaming machines. • It is evident that there are wellbeing concerns given it is an EGM venue, but unfortunately it is not considered there is anything strong enough on planning grounds to object to this.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 37.06-1 (Priority Development Zone – Schedule 2) – A permit is required to use the premises as a Residential Hotel (Backpacker’s hostel).
- Clause 45.06 (Development Contributions Plan Overlay) – As specified in Part 3.1 of the City of Darebin Development Contributions Plan, June 2004 (Revised 2015), no contributions are able to be collected after 30 June 2014.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.03-1S, 13.04-1S, 17.01-1S, 17.04-1S
LPPF	21.04-5, 22.05
Zone	32.09, 37.06
Overlay	45.03, 45.06
Particular provisions	52.06, 52.34
General provisions	64.01, 65.01
Neighbourhood Character Precinct	n/a

POLICY IMPLICATIONS

Environmental Sustainability

Nil

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme
- Preston Central Structure Plan 2006 (as amended)
- Preston Central Incorporated Plan March 2007 (amended 2014)
- Planning and Environment Act 1987
- Darebin Electronic Gaming Machine Policy 2018-2022

Attachments

- 635 High Street PRESTON VIC 3072 - Aerial photo (**Appendix A**)
- 635 High Street PRESTON VIC 3072 - Advertised plans (**Appendix B**)
- 635 High Street PRESTON VIC 3072 - Site and surrounds (**Appendix C**)

DISCLOSURE OF INTEREST

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

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

**5.2 APPLICATION FOR A PLANNING PERMIT - D/843/2017
295-297 GILBERT ROAD PRESTON**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Architectural Home Designs 6 Duncan Street FAIRFIELD VIC 3078	Tahir and Medina Suljovic 295-297 Gilbert Road PRESTON VIC 3072	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address vehicle access, ESD, stormwater management, materials, landscaping, windows and shading.
- The proposal is recommended for approval because it attains a satisfactory level of compliance with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme. The proposal also has strong strategic support in the Planning Scheme with the Municipal Strategic Statement identifying the Gilbert Road corridor as a substantial housing change area. The site is supported for increased residential density under the General Residential Zone which allows development of up to 3-storeys in height.
- The proposal involves the retention of the existing milk bar and development of six (6) dwellings above and to the rear of the milk bar. Dwellings 1, 2, 3 and 4 provide a 3-storey height, with dwellings 5 and 6, located to the rear providing a height of 2-storeys.
- All dwellings provide a similar layout comprising either 1 or 2 bedrooms with first floor living spaces and a north or east facing balcony. In addition to ground level courtyards to Dwellings 2 – 6.
- One (1) car parking space is provided to each dwelling. This presents a full complement of resident car parking. No car parking is provided to the existing milk bar to be retained. This represents a reduction of one (1) car parking space.
- Visitor car parking is not required as the site is located on the Principal Public Transport Network.
- A General Residential Zone (Schedule 2) applies.
- The mandatory garden area requirement is 30%. The proposal achieves a garden area of 30.06% (191.35 square metres).
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against the application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.

- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, Property Unit and the ESD officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/843/2017 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 (plans identified as: P1, P2, P3, P4 and P5, dated 16 May 2019, WD 1 to 6, dated 17 May 2019 and prepared by Architectural Home Designs and S1 to S16, dated 21 May 2019 and prepared by D&A Consulting Group) but modified to show:
 - a) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
 - b) A landscape plan in accordance with Condition No. 5 of this Permit.
 - c) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 6 of this Permit).
 - d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). Timber weatherboards are discouraged.
 - e) 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.
 - f) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - g) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
 - h) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and habitable room windows. Casement, sliding, sash and or louver windows must be provided to maximise ventilation.
 - i) Details of a new garage door to Dwelling 1 fronting Gilbert Road. The door must be designed to blend with the development.
 - j) Location of indicative signage to the milk bar.
 - k) Solar panels to the roof of each dwelling.
 - l) The setback of balconies from the north property boundary.
 - m) The right of way labelled as constructed (refer to Condition No. 7 of this Permit).

- n) A section diagram of the 1.7 metre balustrades and screens provided to Dwellings 2, 3, 4, 5 and 6. The screens must be no more than 25% open and constructed utilising durable materials.
- o) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the either side of the existing crossover to Gilbert Road. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- p) Modifications in accordance with the plan identified as P1 prepared by Architectural Home Designs dated 18 July 2019. The modifications include increased ground level setbacks from the southern property boundary, minor internal changes to the ground floor level of dwellings 2 - 6 to achieve satisfactory vehicle access and the modification of the ground level of dwellings 2, 3 and 4 including the provision of laundries within the retreat spaces.

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:
 - a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.

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

- a) Before this Permit expires;
 - b) Within six (6) months after the expiry date; or
 - c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) 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.

- (5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) 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 (e.g. 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.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (6) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - i) An assessment using an industry recognised stormwater tool;
 - ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - iv) A plan illustrating where all impervious surfaces will be treated and drained; and

- v) A construction and maintenance schedule.
- b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces; and
- c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements.

The development must be constructed and maintained in accordance with the requirements and recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

- (7) Prior to the occupation of the development:
- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from Gilbert Road to the western end of the property. Plans must be submitted to and approved by Responsible Authority.
 - b) The right of way abutting the southern boundary of the property, commencing from Gilbert Road to the western end of the property must be constructed, surfaced and drained in accordance with the approved plans.

All works must be carried out by the developer at their cost and be under supervision of the responsible authority. The works must be carried out to the satisfaction of the Responsible Authority.

- (8) Before the development is occupied, streetscape improvement works in the Gilbert Road road reserve adjacent to the subject site must be carried out by the developer at their cost, under supervision, and be to the satisfaction of the Responsible Authority. The streetscape improvements must include the following:
- a) Demolition of the existing footpath pavement and replacement with new concrete paving with joints. The new concrete is to match the colour of the existing concrete abutting closely as practicable.
 - b) Install a council suite of furniture including a recycling and waste bin (side by side) bench seat and bike hoop.
- (9) 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.
- (10) 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.
- (11) The existing milk bar must be retained in accordance with endorsed plans.
- (12) 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.
- (13) 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.

- (14) 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.

- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (17) 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.
- (18) 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.
- (19) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (20) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They

can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

INTRODUCTION AND BACKGROUND

This matter was initially scheduled for consideration at the Planning Committee meeting on 20 June 2019. At that meeting officers advised that further information was being sought in regard to vehicle ingress and egress to the site and the Planning Committee of Council resolved to defer the planning application for consideration to the Planning Committee meeting of 15 July 2019.

The applicant subsequently submitted amended plans on 28 June 2019 which addressed the issues in relation to vehicle ingress and egress. The amended plans showed increased building setbacks from the southern property boundary and consequent minor internal changes to the ground floor of the development. The minor changes were compliant with relevant planning controls and do not present any changes in impact to neighbours, that may warrant further notification.

The application was re-submitted for consideration at the Planning Committee meeting on 15 July 2019. However, the Planning Committee was unable to reach a decision on the application. Under the Planning & Environment Act (1987), Council is obliged to make a decision on this application, the application is therefore submitted back to the Planning Committee for a decision.

The application has been further amended since 15 July 2019, in an attempt by the permit applicant to address some of the concerns raised at this previous meeting. The amended plans attempt to address concerns about the potential adaptation of study and retreat rooms as bedrooms. This is achieved by swapping the location of the ground level bathroom and laundry facilities within dwellings 2, 3 and 4. As a result, the laundry is located within the ground level retreat areas of these dwellings. The provision of the laundries within the retreat areas is designed to reduce the likelihood of their use as bedrooms. This is discussed in further detail under the Clause 52.06 (Car parking) assessment below.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 13.49 metres in width and 45.72 metres in length with a site area of 636 square metres.
- A General Residential Zone (Schedule 2) applies.
- The site is identified for substantial housing change within the Municipal Strategic Statement, including development of up to 3-storeys in height.

- A Road Zone (Category 2) applies to Gilbert Road.
- An unmade right of way (ROW) adjoins the south boundary of the site.
- The land is located on the west side of Gilbert Road, north of the intersection with Bruce Street.
- The land is developed with a single storey milk bar and associated dwelling attached to the rear of the milk bar. The milk bar accounts for the initial quarter of the building (approximately) and is constructed to the front boundary. The remaining section of the building is dedicated to the dwelling. A garage and area of secluded private open space is located to the rear of the site and adjacent the north boundary. The larger part of the south boundary is finished with an opaque corrugated laser light fence to an approximate height of 3 metres.
- A garden comprising trees and shrubs is located to the rear.
- The site provides a fall of approximately two (2) metres from the south-east corner to the north-west corner of the site.
- To the north of the site is a single storey dwelling setback 9.15 metres from the Gilbert Road frontage and 850mm from the common boundary. Three (3) windows are located adjacent the common boundary.
- To the south on the opposite side of the ROW is a former warehouse and factory constructed to the front boundary and with a large site coverage. No formal car parking area is provided on site. This site was the subject of planning application D/820/2015 to develop a three (3) and four (4) storey mixed use development comprising a retail premises and 23 dwellings. The application was refused by Council. This decision was subsequently affirmed by the Tribunal.
- To the south of the site on the north-west corner of the Gilbert Road and Bruce Street is a medical centre. The adjacent section of the medical centre occupies a shopfront constructed to the street frontage. The other section of the medical centre has the appearance of a dwelling and is setback from Gilbert Road and Bruce Street. A car park is provided to the rear of the site.
- To the south of the site on the south-west corner of the Gilbert Road and Bruce Street is a double storey building which is used as a pharmacy and dwelling.
- To the east of the site on the opposite side of Gilbert Road are various single and double storey residential developments.
- To the west of the site is a single storey dwelling fronting Belmont Street. A garage and shed is located within the rear of the property near the rear boundary of the site.
- On-street parking on Gilbert Road is subject to a *Clearway (4pm-630pm Mon-Fri)* restriction on the western side (site frontage) and subject to a *Clearway (7am-9am Mon-Fri)* restriction on the eastern side.
- A small group of shops and services are located approximately 250 metres to the south at the intersection of Gilbert Road and Bell Street. Another small group of shops are located 500m to the north at the intersection Gilbert Road and Murray Road. A larger group of shops are located 1km to the south around the intersection of Gilbert Road and Miller Street.
- Tram services operate on Gilbert Road.
- Preston Principal Activity Centre and Preston Railway Station are located over 1km to the north east of the site.

Proposal

- Retention of the existing milk bar and the development of six (6) dwellings above and to the rear of the milk bar.
- The milk bar provides a zero setback to Gilbert Road and a floor area of 49.29 square metres. A glazed shop front is provided.
- Dwelling 1 sits above the milk bar and is setback 2.5 metres from the frontage. A living room with a 24 square balcony facing Gilbert Road is provided at 1st floor level. Two (2) bedrooms are provided at 2nd floor level. An open car space is provided at ground level to the north of the milk bar with access via the existing crossover to Gilbert Road.
- Dwellings 2, 3 and 4 provide a 3-storey height comprising study space and retreat at ground level, 1st floor living spaces with north facing 13 square metre balconies and two (2) bedrooms at 2nd floor level.
- Dwelling 5 provides a 2-storey height comprising a study and bedroom at ground level and a further bedroom and living space with north facing 9.4 square metre balcony at 1st floor level.
- Dwelling 6 provides a 2-storey height comprising a study and bedroom at ground level and a living space with north facing 9.79 square metre balcony at 1st floor level.
- Dwellings 2 – 6 provide north facing courtyards of 32.5 square metres.
- One (1) enclosed car parking space is provided to dwellings 2-6 with access to the adjacent unmade ROW. Dwelling 1 has access to an open car space direct to Gilbert Road.
- The dwellings are finished in brick at the ground level and vertical cladding at 1st and 2nd floor level.

Objections summarised

Six (6) objections received.

- Car parking
- Traffic
- Design / Neighbourhood Character
- Height
- Overshadowing
- Privacy
- Noise
- Overdevelopment / Too many units in the street
- Use of retreat spaces
- Asbestos

Officer comment on summarised objections

- Car parking

A full complement of resident car parking is provided to the six (6) dwellings in accordance with Clause 52.06 (Car parking) of the Darebin Planning Scheme.

No car parking is provided to the existing milk bar to be retained. This represents a reduction of one (1) car parking space.

Visitor car parking is not required as the site is located on the Principal Public Transport Network.

A detailed assessment of car parking is provided under the Clause 52.06 (Car parking) assessment below.

- Traffic

Additional traffic is not a critical issue as the adjacent road network has capacity to accommodate the additional vehicle movements associated with the proposal.

- Design / Neighbourhood Character

Refer to the assessment of neighbourhood character under the Planning Assessment section of this report.

- Front setback

As a result of retaining the existing milk bar, the front setback to Gilbert Road is zero. Council cannot force an applicant to remove a building, therefore, the front setback is to remain at zero.

- Height

The 3-storey height of the proposal is compliant with the Darebin Planning Scheme which recommends a height of up to 3-storeys for the site and adjacent sites fronting Gilbert Road.

- Overshadowing

Shadows cast by the development will be within the parameters set out at Clause 55 of the Darebin Planning Scheme. It is noted that most of the shadows will be cast over the adjacent ROW located to the south of the site.

- Privacy

All upper storey windows and balconies are appropriately designed and screened to reduce overlooking of adjacent residential properties in accordance with Clause 55 of the Darebin Planning Scheme.

- Noise

The proposed residential use will have noise impacts consistent with those 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.

- Overdevelopment / Too many units in the street

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

- Use of retreat spaces

Dwellings 2, 3, 4 and 5 provide a retreat at ground level with direct access to a ground level courtyard. The retreat is an open space and a transitional space linking the

corridor to the courtyard not unlike a living room. Given the lack of privacy afforded to this space it is unlikely that this space would be utilised as an additional bedroom. In addition, changes made to plans resulting from improving vehicle ingress and egress has made these spaces smaller.

- Asbestos

Asbestos is regulated by the State Government. Applicants must follow stringent guidelines to ensure the safe removal of asbestos. This process sits outside the planning permit process.

PLANNING ASSESSMENT

Clause 32.08 General Residential Zone and Local policies

A General Residential (Schedule 2) applies to the site. The relevant purpose of the zone is to implement State and Local Planning Policy, encourage development that respects neighbourhood character and to implement neighbourhood character policy and adopted neighbourhood character guidelines, to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Development of up to 3-storeys (12 metres) is permitted within this zone.

A substantial housing change designation pursuant to Clause 21.03 of the Planning Scheme applies to the site. Substantial change areas are defined in the planning scheme as follows:

Residential, commercial and designated activity centres that have the capacity to accommodate substantial residential development over time. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future.

The site is included in a substantial change area because it has a frontage to a strategic corridor (Gilbert Road) and is proximate to a tram route. Under the policy at Clause 21.03, there is a hierarchy of substantial change areas. The scale and intensity of residential growth will differ across these areas depending on their strategic capacity to accommodate municipal growth and future housing needs. Generally, residential growth adheres to the following hierarchy:

- Preston Central and Northland East Preston Activity Centres
- Reservoir and Northcote Activity Centres
- Neighbourhood Centres
- Strategic Corridors including Plenty Road and St Georges Road
- Other substantial change areas as identified in the Strategic Housing Framework Plan.

The residential area to the west of the site is included in an Incremental Change Area under the policy at Clause 21.03. It is policy that the design of development at the interface between Substantial Change and Incremental Areas, provide a sensitive transition.

The Neighbourhood Character policy at Clause 22.02 is also relevant, even though the site is included in a Substantial Change Area. This policy applies to land in the Neighbourhood Residential Zone and the General Residential Zone and policy requires the proposal to be assessed against the preferred character statement and design guidelines in the Darebin Neighbourhood Character Study & Precinct Guidelines 2007.

The State and local planning policy frameworks seeks to:

- *Encourage residential consolidation of established urban areas;*
- *Facilitate residential and commercial development in existing activity centres and where good access to public transport exists;*
- *Encourage the design of energy efficient buildings;*
- *Ensure that development respects existing or preferred neighbourhood character;*
- *Ensure that development improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing;*
- *Achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community;*
- *Encourage the provision of housing to accommodate future housing needs and preferences of the local community;*
- *Encourage the design of development at interfaces between Substantial Change and Incremental Areas that provides a sensitive transition, with particular consideration given to avoiding unreasonable amenity impacts on adjoining sensitive residential interfaces.*
- *Encourage the design of developments that do not unreasonably impact on the potential for neighbouring sites to be developed in accordance with the planning scheme.*

The site's physical context presents both opportunities and constraints. The site is located on a main road (included in a Road Zone Category 2) with a tram route 112 operating from West Preston to St Kilda. It has regular dimensions and an area of 636 square metres. An unmade ROW extends adjacent the southern boundary of the site. The site has a history of non-residential use (to Gilbert Road) and forms part of a small group of commercial uses comprising a single storey warehouse and a medical centre to the south. These sites form part of the Gilbert Road substantial change corridor and have the potential to be developed in accordance with the Planning Scheme's policies and provisions.

The site has sensitive interfaces to residential properties to the west that form part of an incremental housing change area, and a direct abuttal with a dwelling fronting Gilbert Road to the north which forms part of the substantial housing change area.

It is considered that the proposal achieves an appropriate response to the site's strategic and physical opportunities and constraints.

The massing of the proposal steps down from 3-storeys at the frontage to the mid-section of the site to an eventual 2-storey height (Dwellings 5 & 6) at the rear of the site.

Dwelling 1 (fronting Gilbert Road) provides an additional 2-storeys above the milk bar. This element of the proposal will be noticeably different from the current appearance of the site, but it will not be unprecedented in terms of scale and height on Gilbert Road where developments of 2 and 3 storeys are present. Dwelling 1 presents a flat roof form with the external walls clad in vertical cladding. Critically, the two (2) additional storeys are setback 2.5 metres behind the existing parapet providing articulation and a satisfactory transition in scale to the Gilbert Road streetscape.

Dwellings 2, 3 and 4 also provide a 3-storey height and provide generous setbacks from the sensitive interface to the northern neighbour of between 4.0 to 6.0 metres. Balconies project into this setback and provide a minimum setback of 3.0 metres to the north boundary.

Dwellings 2 to 6 provide a northern aspect from 1st floor living spaces and large balconies (open to the sky). While a side facing aspect is generally discouraged, the provision of large

uncovered balconies provides an appropriate level of outlook and daylight to these dwellings. The angled form of the balconies encourages views to the north-east toward Gilbert Road. The setback of the proposal from the northern boundary ensures that any future development on the adjacent site is not unduly compromised. Ground level courtyards are also provided to dwellings 2 to 6 adjacent to the north boundary with good opportunities to landscape this section of the site to soften the appearance of the proposal from the northern neighbour.

Dwelling 5 and 6 step down to 2-storeys. Dwelling 6 is constructed on the rear boundary at ground level and is setback 1.8 metres at 1st floor level. A large garage and garden shed are located within the rear of No. 2 Belmont Street which further buffers the visibility of the proposal as viewed from this adjacent property. The upper level of dwelling 6 is setback approximately 11 metres from the rear backyard of No. 2 Belmont Street and does not reduce the level sunlight into this space.

The proposal provides setbacks of between 2.1 to 2.6 to the southern boundary, at the upper levels. This is appropriate given the location of the adjacent ROW and former warehouse building to the south of the site.

The siting and massing of the proposal are considered a logical approach to the opportunity provided by the retention of the existing milk bar, the main road frontage of the site, the adjacent residential land to the north and west, the ROW, and the large footprint warehouse building to the south.

Objective 1 (Urban Design Excellence) of Clause 21.02-3 of the Planning Scheme is to ensure *development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work*. Strategies to achieve this outcome include: *Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged and; Collect development contributions from private development for streetscape upgrades*.

A planning permit condition has been imposed requesting the applicant to undertake streetscape improvement works in the Gilbert Road road reserve adjacent to the site. Such works must be carried out by the developer and at their cost.

Neighbourhood Character Precinct Guideline Assessment - Precinct E3

Existing Buildings

The existing building is a single storey milk bar and dwelling. The milk bar component is to be retained and incorporated into the development.

Complies

Vegetation

Vegetation is proposed in the form of landscaping adjacent the north boundary which will soften the appearance of the development from the adjacent residential neighbour to the immediate north. A landscape plan is requested as a condition of approval.

Complies

Siting

The existing milk bar to be retained provides a zero setback to Gilbert Road. Dwelling 1, located above the milk bar, provides a 2.5 metre setback from the frontage. This is considered an appropriate outcome from a design and massing perspective.

The dwellings to the rear comprise three (3) 3-storey dwellings and two (2) 2-storey dwellings. The generous setbacks provide adequate visual separation from neighbouring residential properties to the north and west of the site.

Complies**Height and Building Form**

The proposal introduces two (2) additional storeys above the existing single storey milk bar. The additional levels are setback 2.5 metres from the frontage and present a flat roof form finished in vertical cladding. The dwellings 2, 3 and 4 are also 3-storeys with dwellings 5 and 6 providing a 2-storey height.

In terms of a transition the proposal is adjacent a ROW to the south. Opposite the ROW is a former warehouse constructed to the street frontage and adjacent the opposite side of the ROW.

To the north of the site is a single storey dwelling setback 9.15 metres from the Gilbert Road frontage and 850mm from the common boundary. The development will be most noticeable when viewed in the context of this adjacent dwelling. Nonetheless, the site should be viewed as part of a small cluster of commercial buildings and uses rather than belonging to the residential properties to the immediate north. In terms of transition the upper storeys provide generous setbacks from the north boundary to mitigate any adverse amenity and visual bulk impacts. Adequate space for landscaping along the north boundary is also allowed for to soften the appearance of the proposal from neighbouring properties.

Dwellings 5 and 6 are 2-storeys in height and sited within the context of outbuildings within the rear of adjacent residential properties located to the west, a former warehouse to the south and rear garden to the north. The height and setbacks provided to these dwellings are 1.8m to 6.0m from the west and north boundary respectively and are appropriate to this context.

Complies**Materials and Design Detail**

The materials consist of brick to the ground level and vertical cladding to the upper levels. The use of brick provides a common thread with the adjacent residential context and is appropriate. Additional vertical cladding in-lieu of render has been sought through the application process.

Complies**Front Boundary Treatment**

No front fence is proposed as the milk bar to be retained is constructed to the site frontage.

Not applicable

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 55.04-6 B22 Overlooking

All upper storey windows and balconies are appropriately designed and screened to reduce opportunities to overlook adjacent residential properties.

Complies

- Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space (POS) for the recreation and service needs of residents. This is achieved through the provision of at least 9.4 square metre balconies with a width of at least 2.0 metres and convenient access from a living room and 32.5 square metre ground level courtyards to dwellings 2 – 6.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	24m ² (balcony)	24m ² (balcony)	2.5 metres (balcony)
Dwelling 2	46m ²	13.53m ² (balcony) & 32.5m ² courtyard	2.0 metres (balcony) 4.0 metres (courtyard)
Dwelling 3	46m ²	13.56m ² (balcony) & 32.5m ² courtyard	2.0 metres (balcony) 4.0 metres (courtyard)
Dwelling 4	46m ²	13.72m ² (balcony) & 32.5m ² courtyard	2.0 metres (balcony) 4.0 metres (courtyard)
Dwelling 5	42m ²	9.4m ² (balcony) & 32.5m ² courtyard	1.32 metres (balcony) 4.0 metres (courtyard)
Dwelling 6	42m ²	9.79m ² (balcony) & 32.5m ² courtyard	2.0 metres (balcony) 4.0 metres (courtyard)

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 (1) resident car parking space is provided to each two (2) bedroom dwelling. This represents a full complement of resident car parking.

No visitor car parking is required because the site is located on the Principal Public Transport Network.

No car parking is provided to the existing milk bar to be retained. This represents a reduction of one (1) car parking space.

On consideration of the decision guidelines contained within Clause 52.06-6 of the Planning Scheme, the proposed car parking reduction is satisfactory in this instance, noting the following:

- The site is in proximity to public transport modes, bicycle routes and a small cluster of retail uses.
- A reduction of one (1) parking space for this milk bar is appropriate given the car parking demands of staff and customers are expected to be low for a space of just 49 square metres.
- Small milk bars are generally the focus of customers located in the immediate catchment, who could reasonably rely upon available on-street parking vacancies within the surrounding street network, public transport, bike riding and walking.

Dwellings 2, 3 and 4 include a ground level space labelled as a retreat. The retreat spaces measure 3.0 X 2.9 metres with a 1.2 metre opening to a corridor. A laundry is located within each retreat space. These spaces are designed to provide an additional living space with direct access to the north facing courtyards serving these dwellings. As designed these spaces are not considered practical for use as an additional third bedroom. The spaces act as a transitional area for occupants to access the rear courtyards. Access to the laundry areas is also required via these spaces. The retreats therefore do not trigger a requirement to consider the provision of an additional car parking space to dwellings 2, 3 and 4.

Design Standards for Car parking

The garaging and 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.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A. The development contains less than 10 dwellings.	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support the development	Y	Y
55.02-5	B5	Integration with the street		
		The development provides an appropriate frontage to and presentation to Gilbert Road.	Y	Y

Clause	Std		Compliance	
55.03-1	B6	Street setback		
		A zero front setback is provided as a result of retaining the existing milk bar.	Y	Y
55.03-2	B7	Building height		
		10.7 metres (permitted height: 12 metres).	Y	Y
55.03-3	B8	Site coverage		
		62.2%. This is a minor variation to the standard (60%) and is not inconsistent with the pattern of development in the immediate area, including the large warehouse located to the south.	N	Y
55.03-4	B9	Permeability		
		29.7%.	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered generally energy efficient and will not unreasonably impact adjoining properties. Solar panels to the roof of the dwellings are requested as a condition approval.	Y	Y
55.03-6	B11	Open space		
		N/A. The site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure. Unsafe spaces have been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is appropriate and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve. The access is observable and habitable room windows are sufficiently setback from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are setback in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		The height and length of boundary walls comply.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight into adjacent windows.	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary of the site.	Y	Y
55.04-5	B21	Overshadowing open space		

Clause	Std		Compliance	
		Shadows cast by the development are 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		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Adequate solar access is provided to the north facing balconies.	Y	Y
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 neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		A front fence is not proposed.	N/A	N/A
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	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 included in recommendation.

Department/Authority	Response
ESD officer	No objection, subject to condition included in recommendation.
Property Unit	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08 (General Residential Zone) – Construction of multiple dwellings.
- Clause 52.06 (Car parking) – A reduction of one (1) convenience shop (milk bar to be retained) car parking space.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.02-1S, 15.01, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.03, 21.05-1, 21.05-2, 21.05-3, 22.02, 22.12.
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	E3

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme

Attachments

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

DISCLOSURE OF INTEREST

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

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

**5.3 APPLICATION FOR A PLANNING PERMIT D/852/2018
37 STOREY ROAD RESERVOIR**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ikomomidis Reid	Patdan Investments Ptd Ltd 739 Elgar Road DONCASTER VIC 3108	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address landscaping, stormwater management, ESD, materials, windows and shading.
- The proposal is recommended for approval because it attains a satisfactory level of compliance with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme. The site has State and Local planning policy support for medium density housing. The Municipal Strategic Statement identifies Storey Road as an incremental housing change area. The General Residential Zone allows development of up to 3-storeys (11 metres) in height on the site and adjacent sites fronting Storey Road.
- The proposal involves the development of five (5) double storey dwellings.
- A General Residential Zone (Schedule 2) applies to the site.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36.18% (440.07 square metres).
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received against this application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and the ESD officer.

Recommendation

That Planning Permit Application D/852/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (plans identified as: TP04- Rev F, TP05 Rev F and TP06 Rev F, dated 16 June 2019, prepared by Ikonomidis Reid) but modified to show:

- a) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
- b) A landscape plan in accordance with Condition No. 5 of this Permit.
- c) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 6 of this Permit).
- d) The relocation and reconstruction of the crossover to Storey Road to align with the proposed driveway.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the either side of the reconstructed crossover to Storey Road. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- f) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- g) The location of all plant and equipment (including air-conditioners, gas and electricity meters 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.
- h) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- i) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
- j) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and habitable room windows. Casement, sliding, sash and or louver windows must be provided to maximise ventilation.

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:
 - a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.

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

- 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 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.

- (5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) 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 (e.g. 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.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (6) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - i) An assessment using an industry recognised stormwater tool;
 - ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - iv) A plan illustrating where all impervious surfaces will be treated and drained; and
 - v) A construction and maintenance schedule.
 - b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces; and
 - c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements.

The development must be constructed and maintained in accordance with the requirements and recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

All works must be carried out by the developer at their cost and be under supervision of the responsible authority. The works must be carried out to the satisfaction of the Responsible Authority.

- (7) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (8) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (9) 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.
- (10) 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.

- (11) 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.

- (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 plans 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.

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.

INTRODUCTION AND BACKGROUND

No relevant planning history applies.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape with a width of 15.24 metres, a depth of 79.93 metres and a site area of approximately 1216 square metres.
- The site provides a fall of approximately 800mm from the south to the north.
- A General Residential Zone (Schedule 2) applies to the site.
- The site is located within an incremental housing change area within the Municipal Strategic Statement.
- The site contains a single storey brick dwelling.
- Scattered vegetation is spread across the site.
- Vehicle access is via a crossover located adjacent the east boundary.
- To the south is the rear garden associated with a single storey dwelling fronting Northernhay Street. The dwelling includes a recent single storey extension with enclosed swimming pool setback 1.5 metres from the common boundary.
- To the west is a single storey dwelling setback 3.4 metres from the common boundary. The 3.4 metre setback accommodates a driveway. To the rear of the dwelling is a single storey garage setback 1.5 metres from the common boundary.
- To the east is a single storey dwelling setback zero to 2.77 metres from the common boundary. A small shed is located within the rear garden of the property.
- On either side of Storey Road are a number of single and double storey dwellings together with several recent medium density housing developments.
- No parking restrictions apply on Storey Road.
- The site is reasonably well served by public transport with bus services available on High Street to the west and Broadway to the north. Reservoir train station is located 1km to the north.

Proposal

- Development of five (5) double storey dwellings.
- Three (3) bedrooms are provided to dwelling 1.
- Four (4) bedrooms are provided to dwelling 5.
- Two (2) car parking spaces are provided to dwellings 1 and 5.
- Two (2) bedrooms are provided dwellings 2, 3 and 4.
- One (1) car parking space is provided to dwellings 2, 3 and 4.
- No visitor car parking spaces are provided. This represents a reduction of one (1) visitor car parking space.

- All dwellings provide ground floor living spaces and access to an adjacent courtyard of 33.94 to 117.57 square metres in area.
- The dwellings are finished in brick, horizontal cladding and render. Hipped roof forms are provided to each dwelling.

Objections summarised

- Neighbourhood character
- Negative impact of the development on the particular health needs of an adjacent resident and conversely the negative impact the adjacent resident could have on the future occupants of the development.
- Overdevelopment / Density / Precedent
- Visual bulk
- Car parking
- Traffic
- Overlooking
- Loss of light
- Overshadowing
- Noise
- Safety
- Impact on services
- Damage to adjacent properties
- Property devaluation
- Quality of the tenants

Officer comment on summarised objections

- Neighbourhood character
Refer to the assessment against Council's Neighbourhood Character Policy below.
- Negative impact of the development on the particular health needs of an adjacent resident and conversely the negative impact the adjacent resident could have on the future occupants of the development.

An objector has articulated that their son has a particular health condition and because of this they are seeking to protect their property from the perceived negative impact of a two (2) storey development. Their son's condition is triggered by visual clutter (double storey construction in proximity to their property) and noise associated with daily activities of future occupants of dwelling 5.

Considerations of residential amenity are articulated under Clause 55 of the Darebin Planning Scheme which sets out standards relating to setbacks, rear gardens, overshadowing and overlooking, amongst other matters. In regard to these matters the proposal including dwelling 5 satisfy the standards of Clause 55. In addition, the use of a dwelling (as opposed to its construction) does not require a planning permit. This limits Council's ability to restrict the use and everyday activities that residents undertake in their private place of residence. It is expected that the use of the dwellings will have noise impacts consistent with those 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. Council cannot restrict these activities via conditions of

a planning permit as to do so would be considered acting beyond planning controls and considered unlawful.

The interface of dwelling 5 with the adjacent residential property to the south includes a laundry door and living room windows and doors setback 4.3 metres and 8.78 metres from the common boundary respectively. The ground level bedroom is separated from this interface by a walk-in robe and en-suite. Two (2) bedrooms are provided at first floor level setback 4.51 metres from the common boundary. Each bedroom provides a south facing 1.7 metre high sill window to prevent overlooking in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme. Double glazing is provided to all habitable room windows within the development. The interface of dwelling 5 with the southern neighbour accords with Clause 55 and is not inconsistent with the approach provided by many medium density housing proposals throughout Darebin. The design of dwelling 5 is not considered to be any more or less vulnerable to external noise than the majority of Darebin's medium density housing proposals.

- Overdevelopment / Density / Precedent

State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. Clause 16.01 of the State Planning Framework of the Darebin Planning Scheme encourages *higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*. The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not considered that such an increase would be detrimental or substantially more intensive than what is currently experienced.

It is not considered that the development of the land for five (5) dwellings is an overdevelopment of the site or that it will set an undesirable precedent. The consideration of a medium density housing development is based on its compliance with a set of criteria set out in the Darebin Planning Scheme. The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on medium density housing development.

- Visual bulk

In terms of transition the upper storeys provide generous setbacks from the side and rear boundaries to mitigate any adverse amenity and visual bulk impacts. Adequate space for landscaping along the northern and the side boundaries will aid in softening the appearance of the proposal from neighbouring properties.

- Car parking

The proposal provides a full complement of resident car parking and a reduction of one (1) visitor car parking space. An assessment of the proposal against Clause 52.06 (Car parking) of the Darebin Planning Scheme is provided below.

- Traffic

The level of traffic associated with the development is relatively low. The adjacent road network has sufficient capacity to accommodate the additional vehicle movements associated with the development.

- Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows in accordance with Standard B6 (Overlooking) of Clause 55 of the Darebin Planning Scheme.

- **Loss of light**

The development is designed to maintain a satisfactory level of daylight to adjacent windows in accordance with Standard B19 (Daylight to existing windows) of Clause 55 of the Darebin Planning Scheme.
- **Overshadowing**

The level of shadow cast by the development is within the parameters set out under Standard B21 (Overshadowing of open space) of Clause 55 of the Darebin Planning Scheme.
- **Noise**

The proposed residential use will have noise impacts consistent with those 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.
- **Safety**

The proposal raises no obvious issues of safety.
- **Impact on services**

The impact of development upon water and sewage services is not a relevant planning consideration. In any case the site is appropriately located to connect to existing infrastructure. A recent study undertaken by Infrastructure Victoria titled '*Infrastructure Provision in Different Development Settings*' (dated April 2019) considers the capacity and relative cost of infrastructure to support further residential development in Melbourne. Within Melbourne, the capacity of existing infrastructure to support residential development growth varies at different locations. The study confirms that existing areas of Melbourne generally have sufficient capacity to accommodate further incremental levels of development growth.
- **Damage to adjacent properties**

The development does not include any boundary walls or a basement. The likelihood of damage to adjacent properties as a result of the construction is therefore relatively low. Notwithstanding, there are measures under the Building Code of Australia to protect adjacent property owners in the event of damage as a result of construction.
- **Property devaluation**

The impact of development proposals upon the value of adjacent properties is not a relevant consideration under Victorian Planning legislation.
- **Quality of the tenants**

Respondents have formed the view that future residents of this development would disrupt the feel of the area. This view runs against the principles of social inclusion and cannot be given consideration as part of the planning process.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct E7

Existing Building

The existing dwelling is not covered by a Heritage Overlay. The existing dwelling may be removed without a planning permit.

Complies

Vegetation

A nine (9) metre front setback is provided. Large rear courtyards are also provided. This ensures that sufficient space is provided within the front and within the secluded private open space areas for a satisfactory landscape response to soften the appearance of the dwellings from Storey Road and adjacent properties. A detailed landscape plan is requested as a condition of approval.

CompliesSiting

The development provides appropriate front, side and rear setbacks to allow for a satisfactory landscape response. No boundary walls are proposed and the rhythm of dwelling spacing is maintained.

CompliesHeight and building form

The two (2) storey height of the proposal is consistent the streetscape which includes several double storey dwellings. The articulation provided to dwelling 1 is responsive to the double fronted forms found in the street. Hipped roof forms are provided to all dwellings which is consistent with the existing and emerging character of the street.

CompliesMaterials and design detail

The use of brick and timber finishes provides a common thread with the existing and emerging character of the street. The provision of verandahs and varied setbacks provide a satisfactory level of articulation and visual interest. The design detail of the development respects the preferred neighbourhood character through façade articulation, window and door proportions, roof form, verandah treatments and eave widths. In addition, the garages are located to the rear and are designed to be visually compatible with the development and the existing or preferred neighbourhood character.

CompliesFront boundary treatment

No front fence is proposed.

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 55.04-6 B22 Overlooking

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

Complies

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space for the reasonable recreation and service needs of residents. This is achieved through the provision of at least 33.94 square metres of secluded private open space at the side or rear of the dwellings with a minimum dimension of 3.2 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	139.12m ²	33.94m ²	3.4 metres
Dwelling 2	49.44m ²	49.44m ²	3.2 metres
Dwelling 3	49.44m ²	49.44m ²	3.2 metres
Dwelling 4	50.52m ²	50.52m ²	3.2 metres
Dwelling 5	117.57m ²	117.57m ²	4.36 metres

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 (1) car parking space is provided for each of the two (2) bedroom dwellings.

Two (2) car parking spaces are provided for each of the three (3) or more bedroom dwellings with both spaces under cover.

Dwellings 2, 3 and 4 include a study. These spaces are located within a transitional space or are deemed too small for use as a third bedroom.

No visitor car parking space is provided where one (1) space is recommended.

On consideration of the decision guidelines contained under Clause 52.06-6 of the Darebin Planning Scheme, the proposed car parking reduction is satisfactory in this instance, noting the following:

- The site is reasonably proximate to public transport modes, including Reservoir train Station and bus services on High Street and Broadway.
- A reduction of one (1) visitor car parking space is appropriate given the availability of on street car parking in the vicinity of the site.

Design Standards for Car parking

The garaging and the accessways have appropriate dimension to enable efficient use and management.

The double garage of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

The single 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.

Pedestrian visibility splays are to be clearly dimensioned on the plans, extending 2.5 metres along the accessway and 2.0 metres along the site frontage on both sides of the accessway to provide a clear view of pedestrians on the footpath. The crossover to/from Storey Road should be relocated and reconstructed to align with the proposed accessway to provide the pedestrian visibility splays in accordance with Darebin City Council's Standard Concrete Vehicle Crossings for Residential Entrances.

1.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development.	Y	Y
55.02-5	B5	Integration with the street		
		Dwelling 1 appropriately integrates with the street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 9 metres. Dwelling 1 is setback 9 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		7.49 metres.	Y	Y
55.03-3	B8	Site coverage		
		40.53%.	Y	Y
55.03-4	B9	Permeability		
		33.94%.	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required	Y	Y

Clause	Std		Compliance	
		as a condition of approval.		
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently setback from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are setback in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		N/A. No boundary walls are proposed.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight into existing windows.	Y	Y
55.04-4	B20	North-facing windows		
		The adjacent property immediately to the south at No. 24 Northernhay Street includes an enclosed swimming pool with glazing setback 1.52 metres from the common boundary. The swimming pool is not a habitable room and therefore this standard is not applicable. Notwithstanding Dwelling 5 of the proposal is setback more than double the requirement had this standard applied.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadows cast by the development are within the parameters set out under this 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		
		The overlooking measures prevent internal views.	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		

Clause	Std		Compliance	
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting. Refer to the neighbourhood character assessment above.	Y	Y
55.06-2	B32	Front fences		
		N/A. No front fence is proposed which is acceptable.	N/A	N/A
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	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.
ESD officer	No objection, subject to conditions included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.04 (General Residential Zone) - Construction of two or more dwellings.
- Clause 52.06 (Car Parking) - Reduction of one (1) visitor car parking space.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1R, 11.01-1S, 15.01-1R, 15.01-2S, 15.01-5S, 16.01
LPPF	21.03, 22.02, 22.12
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood	E7

Section of Scheme	Relevant Clauses
Character Precinct	

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme.

Attachments

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

DISCLOSURE OF INTEREST

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

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

5.4 PRESTON MARKET UPDATE

Author: Preston Market Precinct Project Support Officer

Reviewed By: General Manager City Sustainability and Strategy

The Planning Report will be circulated separately before the meeting.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Recommendation

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

Related Documents

- Nil

Attachments

- General Planning Information (**Appendix A**)

7. URGENT BUSINESS

8. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

9. CLOSE OF MEETING