



Moreland City Council

## **COUNCIL AGENDA**

### **SPECIAL COUNCIL MEETING**

### **PLANNING AND RELATED MATTERS**

**WEDNESDAY 10 JULY 2019**

**COMMENCING 6.30 PM**

**COUNCIL CHAMBER, MORELAND CIVIC CENTRE,  
90 BELL STREET, COBURG**

#### **Language Link**

This is the Agenda for the Council meeting.  
For assistance with any of the agenda items,  
please telephone 9240 1111.

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Questo è l'ordine del giorno per la Riunione del consiglio Comunale. Se hai bisogno di aiuto sugli argomenti in discussione, sei pregato di telefonare al Language Link al numero 9280 1911.

Αυτή είναι η Ημερήσια Διάταξη για τη Συνεδρίαση του Συμβουλίου (Council Meeting). Για βοήθεια με οποιοδήποτε από τα θέματα της ημερήσιας διάταξης, παρακαλείστε να τηλεφωνήσετε στο Γλωσσικό Σύνδεσμο (Language Link), στο 9280 1912.

هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط Language Link على الرقم 9280 1913.

Belediye Meclisi Toplantısının gündem maddeleri burada verilmiştir. Bu gündem maddeleri ile ilgili yardıma ihtiyacınız olursa, 9280 1914 numaralı telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह कांसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

这是市政府例会的议题安排，如果需要协助了解任何议题内容，请拨打9280 0750。

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।  
ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ,  
ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।



**1. WELCOME**

**2. APOLOGIES**

Leave of absence has been granted to:

Cr. Carli Hannan - 11 April 2019 to 12 August 2019 inclusive

Cr. Davidson - 19 June 2019 to 31 July 2019 inclusive

Cr. Tapinos - 17 June 2019 to 30 July 2019 inclusive

Cr. Yildiz - 5 July 2019 to 21 July 2019 inclusive

**3. DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS**

**4. COUNCIL REPORTS**

**CITY FUTURES**

**DCF55/19     116 JUKES ROAD, FAWKNER - PLANNING  
APPLICATION MPS/2018/645 (D19/250760)**

**3**

# DCF55/19 116 JUKES ROAD, FAWKNER - PLANNING APPLICATION MPS/2018/645 (D19/250760)

## Director City Futures

## City Development

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### Executive Summary

*This matter was presented to the Council Meeting designated for Planning and Related Matters on 26 June 2019 for decision. Due to a procedural anomaly, this matter was not properly determined in accordance with the requirements of the Local Government Act 1989. This matter is being presented to Council at this Special Council Meeting designated for Planning and Related Matters, to ensure a timely decision by Council on this matter. The decision will be informed by review of the submitters and permit applicant who addressed Council at the Planning and Related Matters meeting on 26 June 2019 – by video replay.*

The application seeks approval for the development of 5 dwellings. The application was advertised and 31 objections were received. The main issues raised in objections are neighbourhood character, traffic, parking, overshadowing and overlooking.

A Planning Information and Discussion meeting was held on 28 May 2019. No changes were made to the proposal following the meeting.

The report details the assessment of the application against the policies and provisions of the Moreland Planning Scheme.

The key planning considerations are:

- Whether the development adequately responds to the objectives of the Design and Development Overlay Schedule 24 (DDO24) and the purpose of the Residential Growth Zone Schedule 2 (RGZ2);
- Whether the design of the building is acceptable in its context;
- Whether the car parking provision is acceptable; and
- Whether the off-site amenity impacts are acceptable.

The proposal has strong strategic support given its location in the Bonwick Street, Fawkner Neighbourhood Centre. The proposal has a high level of compliance with the relevant provisions of the Moreland Planning Scheme including Clause 32.07 (Residential Growth Zone, Schedule 2), Clause 43.02 (Design and Development Overlay, Schedule 24) and Clause 55. Subject to conditions of this recommendation, including increasing the size of the study to Dwelling 1, to improve the ground floor presentation, it is considered that the proposal responds appropriately to the preferred character of the area.

It is recommended that a Notice of Decision to Grant a Planning Permit be issued for the proposal.

## Officer Recommendation

That a Notice of Decision to Grant a Planning Permit number MPS/2018/645 be issued for the construction of 5 dwellings at 116 Jukes Road, Fawkner, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 20 November 2018 but modified to show:
  - a) The study for dwelling 1 must be open and increased to a minimum width of 3.0 metres. This will require the double garage to be reconfigured to a single car garage.
  - b) Reconfiguration of first floor, including deletion of bedroom 3 to dwelling 1 to comply with Clause 52.06 (car parking).
  - c) A minimum 0.5 metre landscape strip along the accessway to the west boundary.
  - d) The east and west first and second floor elevations to be clad in scyon cladding for dwellings 2 and 4.
  - e) The glass balustrades to the balcony of dwelling 1 be replaced with powder coated aluminium battens.
  - f) The front fence and planter deleted, other than the most western section.
  - g) The western most section of the front fence retained and comprised of exposed brickwork.
  - h) An area for shared waste and recycling bins. The storage area is to accommodate 2x240 litre mobile waste bins and 2x240 litre recycling with space for a green waste bin, screened from view from the street and located behind the front building line.
  - i) An amended landscape plan in accordance with condition 3 of this permit.
  - j) All council trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with condition 5 of this permit.
  - k) A screen diagram drawn at a scale of 1:50 which details the screen associated with balconies 2-5. This diagram must include:
    - i. All dimensions, including the width of slats and the gap between slats.
    - ii. All side screens.
    - iii. How compliance is achieved with the standard of Clause 55.04-6 (overlooking) of the Moreland Planning Scheme.
  - l) Initiatives contained within the Sustainable Design Assessment, including:
    - i. A Water Sensitive Urban Design (WSUD) Catchment Areas Plan, to include all impervious surfaces (dimensioned, with incremental and total areas) and their treatment/non-treatment to align with the entries in the amended STORM Report.
    - ii. On-site stormwater treatments as per the STORM report (including rainwater harvesting tanks, raingardens, etc). Rainwater harvesting tanks must be confirmed to be used for reuse within the dwellings, and that they are completely independent of any detention requirements (through the Legal Point of Discharge process).
    - iii. External shading (not roller shutters) for the exposed east and west facing

habitable room windows on the first and second floors which demonstrates the windows will be protected from sun during peak heat temperatures whilst not detracting from desired winter heat gain. East and west facing shading is recommended to be adjustable.

- iv. Double glazing (or better) provided for all living room windows (including sliding door glazing), kitchens and bedrooms, indicated on each individual window on the floor plans and elevations.
  - v. A minimum of one secure, accessible bicycle parking space per dwelling.
  - vi. The colour and material schedule amended so that the glazing for kitchens, living areas and bedrooms, is specified as being double glazing (or better).
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

### **Landscape Conditions**

3. Prior to the commencement of any development works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be generally in accordance with the landscape plan dated 12 September 2018 but modified to provide the following:
- a) An amended schedule of all proposed trees shrubs and ground covers (including numbers, size at planting (including pot sizes), size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
  - b) The provision of at least two trees within the front setback to assist in the integration of the development within the existing streetscape, with the tree species selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. The size at planting must be a minimum of 1.5 metres tall and in a pot size of not less than 30 litres.
  - c) The provision of at least five *Pryus Calleryana* 'Capital' Fastigate trees or similar to fit within a 500 millimetres wide landscaping area provided along the accessway to the west boundary.
  - d) The provision of at least three trees within the rear setback with the tree species selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. The size at planting must be a minimum of 1.5 metres tall and in a pot size of not less than 30 litres.
  - e) The entire lawn area within the front setback be planted out with groundcovers and shrubs.
4. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.
5. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:
- a) Extent
- The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured

at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

c) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating 'Tree Protection Zone – No Entry', to the satisfaction of the Responsible Authority.

d) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1 centimetre of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, to the satisfaction of the Responsible Authority.

f) Access to TPZ

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

### **Development Contributions**

6. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

### **ESD Conditions**

7. Prior to the endorsement of plans, a Sustainable Design Assessment (SDA) must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the BESS report by Composite Design and Drafting (Project Number 14794) and STORM (Transaction IDs 633685) but modified to include the following changes:
- a) Submission of the preliminary NatHERS ratings (as per claimed credit Management 1.1 Thermal performance Modelling – Multi-Dwelling Residential').
  - b) An amended 'Energy' category in the BESS report which:

- i. Has an improved response to Clause 22.08 including best practice Energy Performance (i.e. accurate NatHERS ratings with an average of 6.5 stars).
  - ii. Shows accurate and complete heating loads, cooling loads and resultant star ratings, that reflect the preliminary NatHERS ratings (see condition above).
- c) An amended STORM report that maintains a minimum score of 100% but is modified so that:
  - i. The pervious and impervious areas are consistent with the areas identified on the development plans. Specific impervious areas in the STORM report (such as a roof area) must also be consistent with the development plans.
  - ii. All pervious and impervious areas accounted for.
  - iii. Rainwater tanks and number of bedrooms being served to be consistent with the development plans and BESS report.
  - iv. Details are provided of treatment of rainwater from trafficable areas prior to delivery to rainwater tanks in SMP and on plans. This must include management and maintenance plan and responsibilities. Alternatively, treatment of water from trafficable areas via other system type (e.g. raingardens) may be proposed in line with revised STORM Rating Report.
  - v. All stormwater treatments can be realistically achieved and are practical, based on the roof areas and the location of rainwater tanks and other treatments such as raingardens. The use of charged rainwater harvesting systems which will run underneath buildings must be acknowledged and accepted. If raingardens are used, they must reduce impact on neighbouring properties.
- d) The 'Water' category in the BESS report amended as per the changes to the STORM report.
- e) Confirmation of selected type and star rating of all 'Water' category fixtures, fittings and appliances (including the 5-star toilet, which has an integrated basin).

Where alternative ESD initiatives are proposed to those specified in this permit, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainable Design Assessment and associated notated plans will be endorsed to form part of this permit.

### **General conditions**

- 8. Prior to the issuing of Statement of Compliance or occupation of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
- 9. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
- 10. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
- 11. All stormwater from the land, where it is not collected in rainwater tanks for re-use,

must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).

12. Prior to the commencement of the development, a legal point of discharge is to be obtained, and, where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge must be submitted to and approved by the Responsible Authority.
13. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.
14. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
15. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
16. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

#### **Time limit**

17. This permit will expire if one of the following circumstances applies:
  - a) The development is not commenced within 2 years from the date of issue of this permit;
  - b) The development is not completed within 4 years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or:

- Within 6 months after the permit expires to extend the commencement date.
- Within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

**Notes:** **These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.**

**Note 1:** Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

**Note 2:** Council charges plan checking (2.5%) and supervision (0.75%) fees on the cost of constructing the drain.

**Note 3:** Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

**Note 4:** Council may not issue individual bins to new Owners Corporation developments. In the event that shared bins are provided for this development, an amendment to the plans may be required to show the location of a storage area for the shared bins on common land. Please contact Council's City Infrastructure Department on 9240 1111 for more information.

**Note 5:** This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland



Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

## **1. Background**

### **Subject site**

The site is located on the north side of Jukes Road, approximately 600 metres east of Sydney Road in Fawkner. The site is rectangular and has a frontage of 15.85 metres and a depth of 37.18 metres. The total site area is 589.3 square metres. A 1.83 metre wide easement runs along the rear (north) boundary of the site.

The site is occupied by a single storey brick veneer dwelling with a tiled hipped roof and low front picket fence. Vehicle access to the site is via an existing crossing located at the western edge of the frontage. To the rear is a large outbuilding located on the property boundary to the west. The site is relatively flat.

There are no restrictive covenants indicated on the Certificate of Title.

### **Surrounds**

The site is located approximately 65 metres east of Bonwick Street which contains a variety of shops and services. Jukes Road is characterised by predominately single storey detached dwellings. Dwellings are constructed of weatherboard or brick with hipped or gabled roofs.

There are current valid planning permits approved for similar developments at 112 and 106 Jukes Road.

To the east and west there are single storey brick dwellings with tiled roofs. To the north, the site abuts residential lots containing dwellings with a frontage to Hudson Street.

C.B Smith Reserve is located approximately 130 metres south-east of the site. Fawkner Leisure Centre, Fawkner Library, John Fawkner College and Darul Ulum College are also located further east along Jukes Road.

### **The proposal**

The proposal is summarised as follows:

- Construction of a 3-storey building with a maximum height of 9.5 metres.
- Five dwellings comprising a mix of 2 and 3-bedrooms.
- Dwellings 1 and 5 will have a double car garage and dwellings 2-4 will each have a single garage, all accessed via the existing crossing located at the western edge of the frontage.
- Balconies with a minimum area of 9.4 square metres and a width of 2.0 metres are provided to each dwelling.
- A mix of materials including brickwork and render and scyon cladding is proposed.

The development plans form **Attachment 2**.



*3D of proposed development*

### **Statutory Controls – why is a planning permit required?**

<b>Control</b>	<b>Permit Requirement</b>
Residential Growth Zone 2	32.07-5: A permit is required to construct more than one dwelling on a lot.
Design and Development Overlay 24	43.02-2: A permit is required to construct a building or construct or carry out works.

The following Particular Provisions of the Moreland Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay
- Clause 45.09: Parking Overlay. The parking overlay means that the 'Column B' rates in the table to Clause 52.06 apply. As a result, no visitor car parking is required for the development.
- Clause 55: Two or more dwellings on a lot and residential buildings.

## **2. Internal/External Consultation**

### **Public notification**

Notification of the application has been undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing a sign on the Jukes Road frontage of the site.

Council has received 31 objections to date. A map identifying the location of objector's forms **Attachment 1**.

The key issues raised in objections are:

- Neighbourhood character
- Traffic/parking
- Overdevelopment
- Overlooking
- Visual bulk
- Inadequate open space
- Property values
- No demand for medium density in the area

A Planning Information and Discussion meeting was held on 28 May 2019 and attended by Cr Natalie Abboud and Cr Sue Bolton, Council Planning Officers, the applicant and 7 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond. No changes were made to the proposal following the meeting.

### Internal referrals

The proposal was referred to the following internal branches/business units:

Internal Branch/Business Unit	Comments
Urban Design Unit	Extend the scyon cladding depicted on the upper levels of dwellings 2 and 4, down to the first level to the west elevation to replace the rendered treatment. This will help to better distinguish the dwellings apart from one another.
Development Advice Engineer	No objections were offered to the proposal subject to modifications, which are addressed by conditions detailed in the recommendation.
ESD Unit	No objections were offered to the proposal subject to modification, which are addressed in the conditions detailed in the recommendation.

## 3. Policy Implications

### Planning Policy Framework (PPF)

The following Planning Policies are of most relevance to this application:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage, including:
  - Built Environment (Clause 15.01)
  - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
  - Sustainable Development (Clause 15.02)
- Clause 16.02 Housing, including:
  - Integrated Housing (Clause 16.01-1S and 16.01-1R)
  - Location of Residential Development (Clause 16.01-2S)
  - Housing Opportunity Areas (Clause 16.01-2R)
- Clause 18 Transport

### Local Planning Policy Framework (LPPF)

The following Key Strategic Statements of the Municipal Strategic Statement (MSS) and the following Local Planning Policies are of most relevance to this application:

Municipal Strategic Statement:

- Clause 21.01 Municipal Profile
- Clause 21.03-1 Activity Centres
- Clause 21.02 Vision
- Clause 21.03-3 Housing
- Clause 21.03-4 Urban Design, Built Form and Landscape Design
- Clause 21.03-5 Environmentally Sustainable Design (Water, Waste and Energy)

Local Planning Policies:

- Clause 22.01 Neighbourhood Character
- Clause 22.03 Car and Bike Parking and Vehicle Access
- Clause 22.08 Environmentally Sustainable Design

Council through its MSS, seeks increased residential densities within its Activity Centres to take advantage of access to public transport and other services within these locations. The subject site is located within the Bonwick Street Neighbourhood Centre. In this centre a change towards a new character to accommodate buildings up to and including four storeys is supported. The proposal enjoys strong strategic policy support.

#### **Human Rights Consideration**

This application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Moreland Planning Scheme) reviewed by the State Government and which complies with the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

#### **4. Issues**

In considering this application, regard has been given to the Planning Policy frameworks, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

##### **Does the proposal respond to the preferred character of the area?**

The proposal is an acceptable response to Clause 22.01 (Neighbourhood Character) and Clause 55.02 (Neighbourhood Character and Infrastructure) of the Moreland Planning Scheme.

The site is located within the Residential Growth Zone, Schedule 2 (RGZ2), which seeks to provide housing at increased densities in buildings up to and including four storeys. The RGZ2 contains local variations to Clause 55 standards including site coverage, landscaping, side and rear setbacks and private open space.

Clause 22.01-2 includes the following objectives for development within Neighbourhood Centres:

*To facilitate an increase in density and scale of built form at a lesser intensity and scale to the larger centres of Coburg, Brunswick and Glenroy.*

*To support change towards a new character as defined in Schedule 24 to the Design and Development Overlay (DDO24).*

The Design and Development Overlay (DDO24) includes the following objectives:

*To ensure built form outcomes are appropriate to the context of Moreland's Neighbourhood Centres.*

*To improve the quality of higher density and mixed use developments by providing appropriate built form guidance.*

*To improve amenity outcomes for residents in higher density and mixed use developments and for residents in adjacent buildings.*

*To ensure that new development makes a positive contribution to the public realm.*

DDO24 contains requirements for overall building height; front, side and rear setbacks; the building frontage; building articulation and landscaping.

Overall, it is considered that, subject to the conditions detailed in the recommendation, the proposal would respond to the RGZ2, Clause 22.01 and DDO24 in the following ways:

##### **Site coverage**

The site coverage of the development is 53%, which does not exceed the prescribed 60% site coverage in the RGZ2.

### ***Building height***

The proposal has a maximum height of 3 storeys (9.5 metres), which sits within the 13.5 metre building height specified in DDO24 and the RGZ2.

### ***Setbacks***

The side and rear setbacks of the DDO24 and RGZ2 are discretionary and varies the usual setback requirements of Standard B17 from Clause 55. It seeks to integrate core planning concepts related to design quality, amenity, landscaping, built form character and liveability. The proposal complies with the prescribed setbacks of DDO24 at first and second floor. The proposal achieves the 4.5 metre setback from primary outlooks and a 2 metre setback from secondary outlooks at these levels.

The setback provisions in DDO24 state that the side setbacks should be planted with trees. It is recommended that increased landscaping be provided, as detailed in the Landscaping section of this report.

### ***Public Realm Interface***

Subject to conditions of the recommendation, the proposal can provide an appropriate response to the building articulation, design and site service requirements of DDO24 specifically:

- A condition included in the recommendation will require extending the scyon cladding depicted on the upper levels of dwellings 2 and 4, down to the first level to replace the rendered treatment. This will result in the same effect that exists on the eastern side of the building. It will help to better distinguish the dwellings apart from one another and reduce the amount of rendered cladding visible from the street. Overall, the proposal is not considered to cause excessive visual bulk in an area where a 4-storey built form is anticipated.
- Dwelling 1 has a frontage to Jukes Road. This dwelling contains habitable room windows and balconies facing the street, which provides opportunities for landscaping, casual surveillance of the public realm, and activation of the site's frontage. However, the habitable room at ground floor is considered inadequate in size. The garage will be required to be reduced from a double garage to a single garage to achieve this. As a result, a bedroom will need to be deleted. This is addressed through conditions in the recommendation.
- The proposed car parking facilities do not dominate the streetscape given that a single crossover is proposed to Jukes Road, and garages are located to the rear.
- A waste storage area has not been shown. This will be included as a condition with this recommendation to be provided and screened from view.

### ***Landscaping***

The overarching landscaping objective of DDO24 is to ensure setbacks in residential areas provide sufficient space for tree planting to enhance the landscape character of the area. A landscape plan submitted with the application shows a tree within the front setback. A condition in the recommendation will require an additional canopy tree within the front setback.

The accessway on the western side of the development limits the opportunities for tree planting within this setback. A condition included in the recommendation will require at least 0.5 metres of landscaping along the length of the accessway and planted with tall and narrow trees that are suitable to be planted in the available space.

A minimum of 3 trees will also be required to be planted within the rear setback. The tree species must be selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014.

There are no trees planted along the pedestrian accessway along the eastern boundary, as the area available is not viable for trees to grow. However, there are garden beds provided which will be planted with shrubs and groundcover. On balance it is considered the proposal will meet the landscaping objectives of DDO24.

A planter bed has been provided in front of the front brick fence. This area is 300 millimetres wide and therefore too narrow to viably allow plants to thrive. It is recommended the west most section wall with letterboxes is retained and be given an exposed brick finish rather than being rendered while the other two sections are removed entirely. It is also recommended that the entire lawn area be planted out with groundcovers, shrubs and an additional canopy tree. This will greatly improve the street appearance through a denser, layered greening of the front setback. This is included as a condition in the recommendation.

#### **Has adequate car parking been provided?**

Pursuant to Clause 52.06-5, the following car parking provision is required given the subject site is covered by a Parking Overlay:

Land Use	Parking requirement	Parking supply
2 x 3 bedroom dwellings	4	4
3 x 2 bedroom dwellings	3	3
<b>Total</b>	<b>7</b>	<b>7</b>

Seven spaces are required for the dwellings. The development provides 7 on-site spaces. No visitor space is required as the site is located within a Parking Overlay. It is noted that a condition included in the recommendation will reduce Dwelling 1 from three to two bedrooms and parking provisions. Importantly these conditions ensure compliance remains with Clause 52.06.

The dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street. This is included as a note on the planning permit in the recommendation.

#### **What impact does the proposal have on car congestion and traffic in the local area?**

In relation to traffic impacts, Council's Development Advice Engineer has assessed the proposal and considers that the development will result in 24 additional vehicle movements per day on Jukes Road. This is not a significant increase to traffic volumes on this collector road.

Jukes Road is classified as a collector road in the Moreland Integrated Transport Strategy 2010-2019 (Reference document) with a preferred maximum of 7,000 vehicles per day. Collector roads are important local roads whose function is to provide links between arterial and local roads. They provide access within a local precinct and serving abutting properties and often form key links for local, bus, pedestrian and bicycle networks.

The recorded data outside of property 157 and 177 Jukes Road reveal vehicle volumes exceeding Council's preferred maximum, which is expected, as the location of the survey was undertaken at the western end of Jukes Road which connects with Sydney Road (arterial road). Higher vehicle volumes can be expected where Jukes Road first intersects with Sydney Road, as vehicles accessing the local road network will be funnelled into Jukes Road prior to being distributed into the surrounding local road network. This is supported by surveys taken further east on Jukes Street which reveal a significant drop in vehicle volumes which can be attributed to traffic being distributed into local roads such as Bonwick Street and William Street.

Whilst this exceedance in part of Jukes Road is an indicator of high traffic volumes, Council's Development Advice Engineer is satisfied that the operation of Jukes Road will not be adversely affected by the additional 24 vehicles generated from the proposal.

Bonwick Street is undergoing a shopping strip renewal program undertaken by Council's Urban Design Unit. The renewal program will see improved pedestrian access and encourage more sustainable modes of transport to reduce congestion.

Existing parking problems and traffic congestion in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject land.

**What impact does the proposal have on cycling, bike paths and pedestrian safety, amenity and access in the surrounding area?**

The proposal provides an acceptable response to Council's Local Planning Policy Clause 22.03 (Car and Bike Parking and Vehicle Access) as it:

- Utilises the existing single width crossover.
- Limits the removal of on-street public parking spaces, removal of street trees, and encroachment into landscaped front setbacks.
- A condition of the recommendation requires provision of one bicycle parking space to each dwelling.

**Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?**

ESD features of the development are considered to be adequate and include:

- A BESS score of 60%.
- A 100% STORM score, which includes 8,500 litre rainwater harvesting tanks.
- Double glazing.

Council's ESD Unit has advised that the proposal responds well to Council policies, and have suggested further improvement through minor changes, most notably increased shading to east and west facing windows. This shading could be provided by retractable awnings or relatively unobtrusive roller blinds fitted close to the glazing externally for living room windows. Shading to some bedroom windows is partially provided by the proposed window shrouds, however as they are east and west facing they will require external shading and will be supplemented with double glazing. These modifications are required by conditions in the recommendation.

**Is the proposal accessible to people with limited mobility?**

Objective 9 of Clause 21.03-3 (Housing) is to increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community. Due to the typology of the dwellings being townhouse, the living areas are located at first floor and therefore will not be accessible to people with limited mobility.

**Does the proposal satisfy the requirements of Clause 55?**

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken. The proposed development complies with the standards and objectives of Clause 55. Key issues from the Clause 55 assessment are discussed under the headings below.

***Overshadowing***

The site has a north-south orientation and results in minimal shadow impact to the adjoining properties, with shadow cast to the secluded private open space to the adjoining properties during either the morning or afternoon at the equinox. Therefore the adjoining properties will receive a minimum of five hours of sunlight to their secluded private open spaces between 9 am and 3 pm.



### **Overlooking**

The proposal has been designed to restrict overlooking of the adjoining dwellings, as sought by Clause 55.04-6, with horizontal slats provided to restrict views over 118 Jukes Road from the first floor balconies. Habitable room windows also have fixed screening to 1.7m above finished floor level. As a result, the proposal maintains appropriate levels of privacy to adjoining properties. Overlooking of front yards or to properties further afield meets the objectives and standards of the Clause.

The consequence of the high screening is a compromised outlook for future residents. It is noted that the decision guidelines of this clause includes consideration of *'the internal daylight to and amenity of the proposed dwelling'*. The internal amenity of these dwellings is acceptable as there will be adequate ventilation and daylight, as the dwellings are dual aspect.

### **On-site amenity and facilities**

The proposal meets the requirements of the scheme in relation to on-site amenity and facilities, including the provision of balconies which meet Clause 55 requirements.

## **5. Response to Objector Concerns**

The following issues raised by objectors are addressed in section 4 of this report:

- Neighbourhood character
- Traffic/parking
- Landscaping

Other issues raised by objectors are addressed below.

### **Visual bulk**

The external façade is generally well articulated to reflect the predominant and emerging scale and grain of the area. Materials are considered appropriate to the context, the face brickwork referencing old and new housing in the area while scyon cladding and deep window frames provide visual contrast and interest.

### **Noise associated with dwellings**

Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter.

### **Overdevelopment**

The proposal satisfies the requirements of Design and Development Overlay 24 and Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an over development of the site. State Government Policy, particularly Plan Melbourne, as well as Council Policy supports higher densities in areas that are within Activity Centres, or within areas with good access to public transport and other services.

Given the sites location in an Activity Centre and its proximity to public transport the level of development proposed is appropriate and consistent with planning policy frameworks.

### **No demand for medium density in the area**

The Victorian Planning System does not enable Council to determine a planning permit application based on an assessment of demand. Whether or not a demand exists is not a relevant consideration on which Council can base a decision to either approve or refuse an application.

## **Property values**

The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impact upon property values. This report provides a detailed assessment of the amenity impacts of this proposal.

### **6. Officer Declaration of Conflict of Interest**

Council officers involved in the preparation of this report do not have a conflict of interest in this matter.

### **7. Financial and Resources Implications**

There are no financial or resource implications.

### **8. Conclusion**

It is considered that the proposed development is an appropriate response to the provisions of the Moreland Planning Scheme, including policies which seek to increase residential density in this location.

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that Notice of Decision to Grant Planning Permit No MPS/2018/645 should be issued for development of 5 dwellings subject to the conditions included in the recommendation of this report.

## **Attachment/s**

- |                          |   |            |
|--------------------------|---|------------|
| <a href="#"><u>1</u></a> | Objector Map- 116 Jukes Road Fawkner      | D19/198073 |
| <a href="#"><u>2</u></a> | ADV2- 116 Jukes Road Fawkner- Devpt Plans | D18/444472 |

**Objector Map: 116 Jukes Road Fawcner**

Note: 23 objectors are located outside of this map





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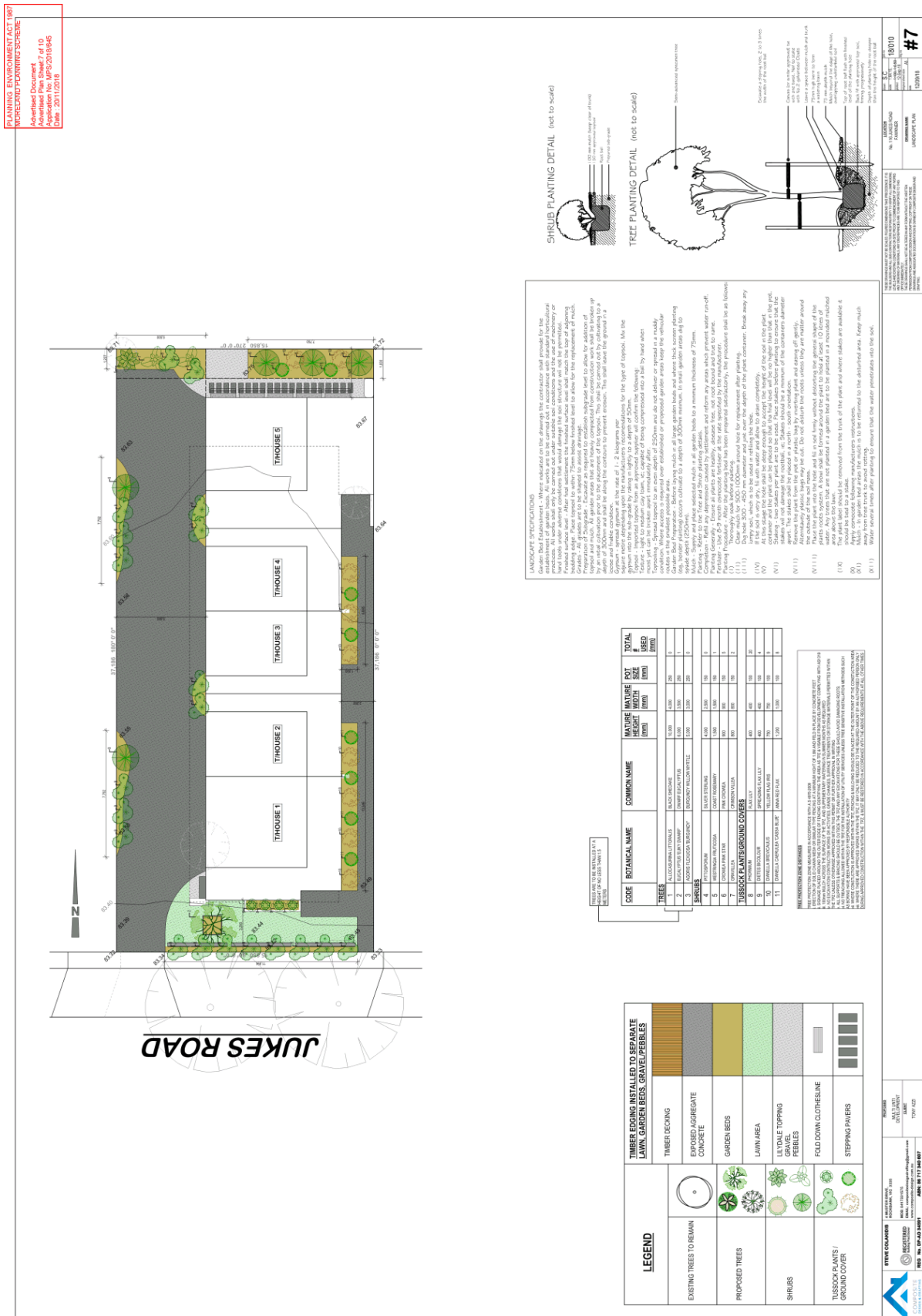


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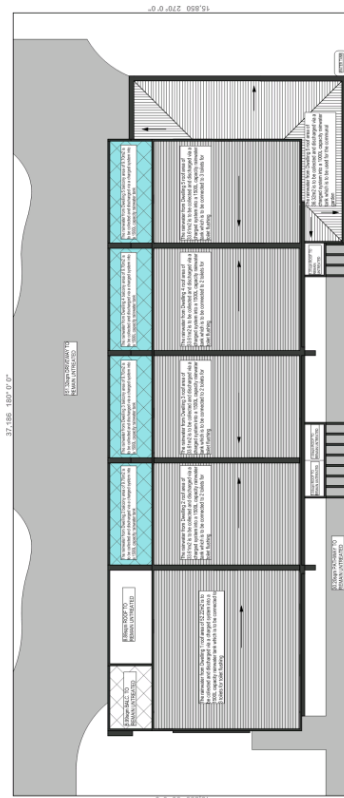
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PLANNING ENVIRONMENT ACT 1987  
MUTUAL EXCLUSIVITY SCHEME  
Advised Document  
Advised Plan Sheet 8 of 10  
Project Number: 2017/00045  
Date: 2011/2018










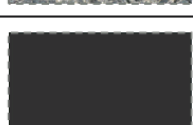
<p>STUDIO COLLABORATIVE ARCHITECTURE 116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>PROJECT 116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>	<p>116 JUKES ROAD FAWKNER VIC 3020 TEL: 03 9471 0000 WWW.STUDIOCOLLABORATIVE.COM.AU</p>
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## External Finishes &amp; Color Schedule

No. 116 Jukes road, Fawkner

PLANNING ENVIRONMENT ACT 1987  
MORELAND PLANNING SCHEME

Advertised Document  
Advertised Plan Sheet:9 of 10  
Application No: MPS/2018/645  
Date : 20/11/2018

EXTERIOR FINISHES	BRAND/ MANUFACTURER	FINISH/ PROFILE	COLOR	COLOR SWATCH
<input type="checkbox"/> Face Brickwork & Mortar	Austral Brick	Industrial	Steel	
<input type="checkbox"/> Stria Board	Dulux		Whisper White	
<input type="checkbox"/> Main Render Walls	Dulux		Domino	
<input type="checkbox"/> Windows / Sliding Doors (Front Façade, 2n Street Front)	A & L Windows		Black	
<input type="checkbox"/> Entry Door	Dulux		Black	
<input type="checkbox"/> Garage Door	Steelene		Monument	
<input type="checkbox"/> Driveway Finish		Exposed Aggregate	Charcoal Grey	
<input type="checkbox"/> Roof Finish 1	Colourbond		Monument	

EXTERIOR FINISHES		BRAND/ MANUFACTURER	FINISH/ PROFILE	COLOR	COLOR SWATCH
<input type="checkbox"/>	Gutters/Facia	Colourbond		Monument	
<input type="checkbox"/>	Downpipes/Spreaders Pipes etc.	Colourbond		Monument	

PLANNING ENVIRONMENT ACT 1987  
 MORELAND PLANNING SCHEME  
 Advertised Document  
 Advertised Plan Sheet 10 of 10  
 Application No: MPS/2018/645  
 Date: 20/11/2018