

12 December 2023

**C.KAIROUZ**  
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780 High Street, Thornbury VIC 3071

**Attention:** Harrison Smith,

Statutory Planner

Darebin City Council

**Subject:** Response to Request for Further Information**Planning Application No:** D/116/2023**Property Address:** 20 Helen Street, Northcote VIC 3070

We refer to the above application number and are pleased to submit this response to council's RFI.  
Thank you for the time and consideration during this RFI response.

Please refer to the following attachments:

1. Cover letter.
2. Architectural drawings.
3. WSUD Report.
4. Environmental Assessment.

Council Comment	Application Response
Garden Area Requirement	
1. Provide an accurate Garden Area plan, showing 'garden areas' as defined in Clause 73.01 (General Terms) of the Darebin Planning Scheme. The plan must demonstrate a minimum garden area of 25%. Refer to Issues section of this letter.	Refer to A14 of architectural drawings.
Development Drawings	
Floor Plans	Refer to floor plans.
2. Finished floor levels of all buildings/dwellings, including garages.	
3. Visibility Splays in accordance with Clause 52.06-9 Design Standard 1 – Accessways. Refer to Issues section of this letter.	Refer to A07.
Elevations	Refer to A10.1
4. Modify the wall on boundary figures for the northern elevation to remove the proposed retaining wall from the wall on boundary average figures and only include the section that exceed 3 meters.	
5. Show window operability.	Updated on elevation drawings.
Perspective/3-D Drawings	
6. Accurately scaled and detailed 3D renders of the development of the proposal from the following angles: a) Perspective of a person standing in front of the property looking down at the front garden/basement. b) Perspective from standing on the eastern side of Helen Street looking at the subject site from the north and south.	
Shadow Diagrams	Refer to A13 and A13.1 drawings.

Darebin City Council Received 13-12-2023

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7. Shadow diagrams amended to: c) Capture the full extent of the secluded private open space (if any) of the apartment building located to the northeast of the subject site. d) Shadows cast at hourly intervals between 9:00am and 3:00pm on 22 September (Equinox)	
Material Schedule 8. Schedule amended to include the proposed material for the front gates.	Refer to A11, front fence elevation
Site Services 9. Show the location of all site services such as solar facilities, pool equipment, gas/electricity/water metres, letter boxes, clotheslines, waste bins, storage sheds and the like.	Refer to ground floor plan.
Building Height 10. Provision of product information including dimensions of the proposed lifts. Plans should be modified to reflect the provided product information (i.e. including additional area for the functioning of the lift.	Refer to elevations and particularly A12.1 for lift specifications.
Stormwater Management in Urban Development 11. Under Clause 53.18 of the Darebin Planning Scheme, an application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system (refer to Issues and Guidance section of this letter). Show all WSUD and management features on the plans.	Refer to report submitted with the RFI response.
Site History Review - Potentially Contaminated Land 12. Council records indicate that adjoining sites may be potentially contaminated and are currently subject to an Environmental Audit Overlay (EAO). In accordance with Appendix 2 of Planning Practice Note 30 (PPN30), a site history review may need to be carried out by a suitably qualified environmental consultant or urban planner to gather further information on the likelihood of contamination. The results of this review will determine whether a Preliminary Site Investigation (PSI) or Preliminary Risk Screen Assessment (PRSA) is necessary. Refer to the Issues and Guidance section of this letter for further guidance and information.	Refer to Diomides Environmental assessment.

Initial Issues and Guidance regarding the proposal:

Council Comment	Application Response
<b>Urban Design and Context Analysis</b>	
The provided Urban Design Context Analysis does not adequately justify the proposed design outcome, including but not limited to the boundary to boundary built form and the "sunken" front garden. The analysis should clearly illustrate the opportunities and constraints of the site and how they have influenced the design response. Refer to Pages 10-13 of the Urban Context section of the Darebin Good Design Guide for an example of information required in the Urban Context Analysis. <a href="https://www.darebin.vic.gov.au/Planningand-">https://www.darebin.vic.gov.au/Planningand-</a>	The reduction of the sunken front garden is significantly reduced to facilitate safe and typical use of front gardens on ground floor. There remains a portion of the front open to sky to facilitate access to daylight. It is considered subterranean secondary spaces and an efficient use of site.

building/Planning/Planning-step-2-prepare-your-plans/Good-design-guides-anddesign-excellence/Medium-density

### Minimum Garden Area Requirement

- The garden area plan submitted with the application does not accurately show garden areas as defined in in Clause 73.01 of the Darebin Planning Scheme.
- In accordance with Clause 32.09-4 (Neighbourhood Residential Zone) of the Darebin Planning Scheme there is a mandatory minimum garden area requirement for construction or extension of a dwelling or residential building on a lot as set out in the table below. It does not appear that the garden area requirement of 25% is met by the development proposal. Garden area cannot be rectified via conditions of any approval. An application that does not meet the mandatory garden area requirement will be refused without further notice.

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500sqm	25%

Garden area is defined in Clause 73.01 of the Darebin Planning Scheme as: Any area on a lot with a minimum dimension of 1 metre that does not include:

- a dwelling or residential building (refer to exceptions in the clause)
- a driveway; or
- an area set aside for car parking.

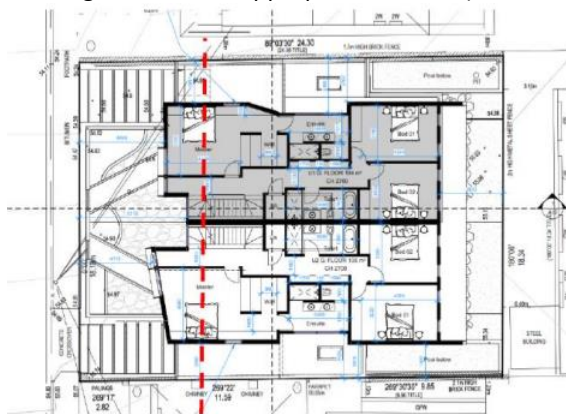
It appears that the rooftop terrace has been included as garden area in page A14 areas diagram. Under Planning Practice Note 84 (May 2022) garden area can include "unroofed terraces, patios, decks, steps or landings less than 800mm in height". This doesn't facilitate the inclusion of rooftop terraces, in the garden area.

Refer to A14 where the 25% requirement is demonstrated.

### Heritage Overlay – Schedule 162

New works (additions/alterations/new buildings)

The ground floor setback is acceptable; however, the first floor should be further setback to limit the impact of the increased bulk of the development on a predominantly single-storey streetscape. It is noted that the second storey of the existing non-contributory building is set back, diminishing the impact of this level on the streetscape. It is suggested that the rear of the front south chimney to the adjacent building would be an appropriate setback (refer mark-up below)



The upper-level setback has increased to provide the visual recession called for under the heritage review. The floor plans continue to show the location of the chimney adjoining, with the upper level now capable of being closely in line with the chimney. The limitation of meeting that chimney is the internal amenity. The recession now provided is considered balanced and in line with heritage suggestions.

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Amend the roof form of the new dwellings to be more responsive to the traditional pitched roofs of the precinct.	Refer to the front architectural 3D and redesign with the pitch element now incorporated.
Amend the design of the ground floor to provide clearer articulation and detail to the façade. This could include details such as windows, a delineation in materiality and/or addressing the relationship between the garages and the main built form.	Refer to floor plans, elevations and material schedule. The timber look and coloring now proposed is considered domestic and warming to the streetscape.
Amend the design of the large first-floor windows. As currently proposed, these windows add to the overall sense of bulk and height of the building and should be amended to include more solidity.	The upper level and incorporation of the pitch element deescalate the proportion and size of windows. Whilst they are larger than the domestic size of windows it is a common contemporary response, capable of providing great access to light.
Amend the design of the central stairwell to include more solid elements and lessen the overall impact of this element within the streetscape.	No stairwell at the front proposed.
Reconsider the sunken front garden and elevated walkways. These are adding to an overall sense of bulk and disruption of the heritage streetscape (discussed in further detail below).	Access to the front is now typical and a reduced sunken garden is proposed. The remaining sunken garden is centralized inward to the lot, set in from the street and is considered safe and in line with previous feedback.
Delete the landscaping to the parapet of the roof and reduce the rooftop terrace in overall scale to further limit the impact of the additional habitable level on the single-storey streetscape.	The rooftop and landscape has reduced. Refer to A09.
Amend the colour of the black battens to the ground floor. Black is not a sympathetic colour in a heritage streetscape, and its overuse in this project adds to an overall sense of bulk – consider the use of brick as proposed to the side walls to the façade as well.	Amended. Refer to materials schedule on A11.
Provide additional articulation to the blank concrete façade elements.	Achieved. Refer to A11, 3D and elevation drawings.
Vehicle Accommodation	
Changes in materiality to the façade of the garages are required, as noted above. A natural timber batten would be more appropriate in this instance.	Adopted.
Fences	
The proposed solid concrete fence is not supported. This is a nonpermeable material that would disrupt the streetscape. Noting that a brick fence currently exists on the site, this proposal presents the opportunity to provide a modern interpretation of tractional fence styles (e.g. metal battens). The 1.2m proposed height is acceptable.	The concrete fence has been reduced and proposed to be located mid lot. Additionally, battens are incorporated as suggested.
The material of the operable vehicle gates should also be clarified.	Batten fences are proposed to be operable.
Landscape Setting	
The proposed landscape setting is not supported. The sunken landscape associated with the basement level is completely out of keeping with the heritage streetscape, as are the angled elevated walkways. A significant amendment to the approach to the front setback is required in order to be acceptable. This would include ensuring that the front garden remained at NGL in line with the footpath at a minimum. This would require significant reconfiguration of the basement level.	The sunken garden has been reduced and the accessway off Helen Street amended. The ability to provide landscaping is outlined in the ground floor plan. When reading alongside the basement plan (and area reserved for garden), there is an ability to provide semi mature/ mature vegetation that over time will contribute positively to the streetscape and front garden aspirations of the area. We also acknowledge the current under landscaped setting and immediate context where dwellings sit

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	closer to Helen Street, and a few trees from part of the front garden.
<b>Recommendations</b>	
Amend the overall massing and design of the proposed redevelopment in line with the suggestions provided in this document. As currently proposed, the redevelopment is not acceptable from a heritage perspective and requires a careful amendment to better respond to the heritage context. A heritage consultant may be able to help with this process.	Following subsequent meetings with Heritage and Council, the design before Council in this RFI response is considered contextually acceptable and in balance with the changes requested.
Amend the design of the front fence to provide additional permeability. A contemporary interpretation of the traditional fence forms in the street is preferred from a heritage perspective.	Front fence has been amended to provide greater visual permeability.
Amend the front garden to ensure it remains at NGL in line with the footpath. The dropping of the garden to accommodate the basement level is not supported.	The extent of sunken garden is reduced to maintain directives of landscaping at the front.
<b>Clause 22.08 – Northcote Activity Centre</b>	
<p>The subject site is located within the Northcote Activity Centre – Low Change Residential Precinct. While the proposal doesn't require meeting the requirements of Clause 22.12 Environmentally Sustainable Design. The proposal will have to address the objective of the Activity Centre:</p> <ul style="list-style-type: none"> <li>To provide physical form and services that seek to create a more ecologically sustainable activity centre, including incorporating principles of environmentally sustainable design.</li> </ul> <p>Therefore, the proposal is strongly encouraged to address the objective by incorporating Clause 22.12.</p> <p>In addition, the policy contains the following objective that relates to maintaining streetscape elements that contribute to the urban character:</p> <ul style="list-style-type: none"> <li>Maintain rear yards and streetscape elements that contribute to urban character.</li> </ul> <p>This would include the element of the front yard, which has been "sunken" in the front yard, giving the appearance of no front yard in the streetscape</p>	<p>The ESD response is incorporated in this submission.</p> <p>As previously recorded, the typical front garden approach is amended in this response. Whilst there remains a sunken garden, its extent is reduced and considered balanced with the directives of previous comments.</p>
<b>Clause 55</b>	
<p>Standard B1 – Neighbourhood Character: The proposed boundary-toboundary construction is not in accordance with the rhythm and spacing of dwellings in the street. Provide a setback of at least 1 metre for Unit 1 from the northern boundary. While the dwellings south of the subject site are boundary to boundary, the streetscape consists of mostly detached dwellings with narrow side setbacks. It is acceptable that the proposal is set to the southern boundary. However, it should be set off the northern boundary.</p> <p>In addition to Council's Heritage Advisor comments, the proposed "sunken" front yard does not comply with the neighbourhood character that features front gardens.</p>	<p>From on boundary is present within the immediate area – when viewing in areal, refer to 14 – 32 Helen Street. Reconsideration of walls off boundary is requested, particularly with the north.</p> <p>Currently, there is a wall on boundary in relation to the contributory adjoining dwelling (closely around the existing chimneys). Replacing that wall with form on boundary is considered consistent with the existing form, particularly in relation with the immediate adjoining walls on boundary (14-32 Helen Street).</p>
<p>Standard B10 – Energy Efficiency: Window operability is not shown; plans should be amended to show how windows will operate. Windows should assist in providing cross-flow ventilation by being</p>	Operable windows now shown.



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either sash, casement or sliding style and not awning. The proposal also includes large amount of exposed west facing windows. External operable sun shading measures should be provided to ensure the energy efficiency of the proposed dwellings. Bathrooms should be provided with windows (or skylights).	
Standard B13 – Landscaping: We are concerned the development will not provide adequate landscaping. In addition, the "sunken" front yard is not supported and should be raised to be consistent with the neighbourhood character. The rear yard appears to be small and dominated by pools and overhangs that limit the opportunity for canopy tree plantings.	The front is now capable of accommodating some improved landscaping – refer to floor plans. The rear is also capable of planting and to be read alongside the existing large dwelling, with no existing vegetation. The proposed setbacks are considered an improvement to the existing and represent a balanced outcome.
Standard B22 – Overlooking: There is potential for overlooking from the bedroom 1 window of Dwelling 2 to the scheduled private open space of No. 18. Please provide additional information that overlooking is reasonably minimised.	Refer to A08
<b>Internal Amenity</b>	
The home office in the basement should be redefined as storage and not a habitable room. This may require reducing its size or combining it with the proposed living spaces	Whilst the home based office can be repurposed for storage, the purpose is to provide flexible space for future occupants. Habitable spaces are reserved to upper levels, where access to light and adequate amenity it achieved.
<b>Design</b> - In addition to the comments listed above, Council's City Designer has commented on the proposed design and has provided the following comments:	
The front façade should provide more permeability (windows) on the ground floor, including those in the lobby.	Windows are increased at ground level.
The hallowed/sunken front yard should be rationalised, landscaping along the street boundary and car parking access should be raised, and wells provided to provide light to the basements. The wells can be semi-circle to the street to provide visual interest.	This has been incorporated into the revised version of the sunken level.
<b>Implications of future development on adjoining sites</b>	
We are concerned the proposal's attempt to achieve maximum site coverage, and minimal rear open space will be compromised by future development at No. 48 Eastment Street to the east of the subject site. Under the current planning scheme zoning and overlays, the adjoining site could be developed similarly to No. 44 Eastment Street with a four (4) storey apartment building.	The rear open space proposed is to provide ground floor open area for practical use. Over time, it is acceptable to assume the rear will develop as planning intends. The purpose of the roof top space is to acknowledge over time that open area may be encroached. The site coverage is required to provide infill and an additional dwelling. The site is limited by its short length (when compared to lots adjoining). It requires the length of the site. With the limitation and design solution proposed (the roof top, and subterranean terrace), the application balances future infill form with existing.
<b>Car Parking &amp; Access</b>	
In accordance with Clause 52.06-9 Design Standard 1 – Accessways, pedestrian visibility splays (PVS) to the existing and/or proposed crossover to the site must be considered and shown in the development's design. A PVS is defined as an area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the	Achieved and updated on floor plans.

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exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions 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. Please ensure that your services, letter boxes, front fences and landscaping are located and designed to meet the above requirement.	
Council's Transport Unit has requested that the existing crossover be reduced to 3 meters in width and modified to the standard design.	Refer to floor plans.
<b>Design Excellence</b>	
In September 2020, Council endorsed two documents – the Darebin Good Design Guide - Apartment Development and Darebin Good Design Guide - Medium Density Development as part of Council's Design Excellence program. They set out Council's expectations in terms of design quality and are intended to be used as part of the pre-application meetings and in the assessment of planning applications. Applicants are strongly encouraged to use the design guides to shape their designs.	
<b>Drainage</b>	
The stormwater from the property to be connected to the kerb and channel at front in Helen Street to Council requirements. (Discharge via gravity only. No pump systems permitted). Accurate depth and offset of the drain to be confirmed on site.	Noted
The stormwater from the property to be connected to the proposed drain to Council requirements with the discharge from the whole site being limited via on site detention system to Council requirements. (Discharge via gravity only. No pump systems permitted). Accurate depth and offset of the drain to be confirmed on site.	Noted
The OSD is to limit the rate of stormwater discharge from the property based on $C_w=0.4$ , $T_c=10$ mins, $T_{so}=5$ min, ARI 1in5. An ARI of 1in10 shall be used for storage and the greater of post development $C_w$ or $C_w=0.80$ . Accurate depth and offset of the drain to be confirmed on site.	Noted
Computations & retention and design plans are required to be submitted to this office for compliance with legal point of discharge via online portal only (not email) at <a href="https://darebinCouncil.wufoo.com/forms/stormwaterdrainage-plan-application/">https://darebinCouncil.wufoo.com/forms/stormwaterdrainage-plan-application/</a>	Noted
<b>Trees Protection</b>	
Please be advised that Council has a Local Law regarding tree protection across the municipality. To determine whether this affects the proposed development and whether additional Local Law Permits are required, please see the information provided on Council's website at: <a href="https://www.darebin.vic.gov.au/Waste-and-environment/Trees/Trees-on-private-property">https://www.darebin.vic.gov.au/Waste-and-environment/Trees/Trees-on-private-property</a>	Noted
<b>Stormwater Management in Urban Development</b>	
To satisfy the requirements of Clause 53.18 and 55.03-4 of the Darebin Planning Scheme, a Water Sensitive Urban Design (WSUD) plan and STORM report must accompany your application. The WSUD plan must show:	Refer to WSUD report.

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<p>a) shaded areas and notations indicating which sections of the site divert to legal point of discharge or their respective WSUD treatments.</p> <p>b) shaded areas indicating pervious and impervious sections.</p> <p>c) locations and area specifications for all proposed WSUD treatments including rainwater tank locations.</p>	
<p>In accordance with Clauses 53.18 and 55.03-4 stormwater reuse is strongly encouraged. Permeable and landscaped areas should be maximised. It is recommended that the Melbourne Water STORM tool or MUSIC tool (for large sites) is used to demonstrate compliance with the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).</p> <p>Ensure all features such as rainwater tanks connected to toilets, raingardens, buffer strips and proprietary products are drawn and labelled on the plans. Information such as sections, plant types, drainage direction, plan of where impervious surfaces are being treated/not treated and maintenance schedules must be provided. WSUD features must be in common areas (except water tanks) to ensure they are maintained correctly. In-ground raingardens can only be 100mm, not 300mm deep due to safety concerns.</p>	Refer to WSUD report.
<b>Easement</b>	
<p>Please be advised that it is your responsibility to ensure this application satisfies the relevant easement requirements, including ensuring you are able to obtain any necessary 'build over easement' approvals from all relevant authorities. The precise location of assets within an easement or implied easement/s should be investigated as early as possible as this may affect the siting of buildings.</p>	Noted
<b>Potentially Contaminated Land</b>	
<p>Pursuant to Section 60 of the Planning and Environment Act 1987 as well as Clause 13.04-1S and Clause 65.01 of the Darebin Planning Scheme, a responsible authority, before deciding on a permit application, must consider 'any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.</p> <p>A search of Council records indicates that the properties adjoining subject site are sites covered by an Environmental Audit Overlay (EAO) and therefore may have been historically used for the purpose of industry or for the storage of industrial chemicals; or is adjacent to a site with the potential for contamination.</p> <p>If the site history review of the current and historical use of the land and surrounds (requested under Section 54 of the P &amp; E Act earlier in this letter) shows a history of non-contaminating activities and there is no other evidence or suspicion for contamination, further investigation is not required.</p>	Refer to environmental assessment.
<p>If the site history review indicates there is a likelihood of site contamination, you should proceed to engaging a suitably qualified environmental professional to the satisfaction of the Responsible Authority, to undertake a Preliminary Site Investigation (PSI). The site's</p>	Refer to environmental assessment.



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environmental condition may affect the parameters of the planning proposal. The findings of the PSI will indicate whether a Preliminary Risk Screen Assessment (PRSA) or Environmental Audit will be required. A suitably qualified environmental consultant can be found using this resource: <a href="https://www.epa.vic.gov.au/for-business/find-atopic/environmental-consultants">https://www.epa.vic.gov.au/for-business/find-atopic/environmental-consultants</a> .	
The PSI shall address the requirements set out in the Planner's Toolkit at <a href="https://www.planning.vic.gov.au/policy-and-strategy/planning-for-environmentprotection/toolkit">https://www.planning.vic.gov.au/policy-and-strategy/planning-for-environmentprotection/toolkit</a> .	Refer to environmental assessment.
For more resources and information visit Victoria Unearthed at <a href="https://mapshare.vic.gov.au/victoriaunearthed/">https://mapshare.vic.gov.au/victoriaunearthed/</a> a tool that brings together information about possible contamination, historical business listings, and more.	Refer to environmental assessment.

We trust this response now satisfies and resolves all concerns raised. In the event this is not the case, please consider this letter as an additional extension of time to complete whatever is outstanding to Council.

Please do not hesitate to contact me should there be any queries.

Kind regards,

**Sue Sukkar**

Senior Associate

Registered Town Planner (MPIA)

MUPL