



ANTHONY G. AND ASSOCIATES PTY LTD

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05th of June 2024

Darebin City Council
 Jacquie Payne
 Statutory Planning Department
 274 Gower Street
 Preston, VIC 3072
 PO Box 91
 Preston, VIC 3072

Email: mailbox@darebin.vic.gov.au

Re: REQUEST FOR FURTHER INFORMATION – RESPONSE 02

Application No:

D/312/2023

Location:

29 ANDERSON ROAD
 THORNBURY VIC 3071

Proposal:

Buildings and works comprising the addition of a small storage area of 52 square metres as shown on the plans accompanying the application

Dear Ms Jacquie,

I refer to your recent correspondence and enclose amended drawings Rev-B and further information as requested.

In response to your queries, we advise as follows:

Further Information Items

Application Form and Fees

1. *The application must be accompanied by an accurately completed Application Form as required under Sections 47 & 48 of the Planning and Environment Act 1987:*

- a. *The Proposal section of the application form has not been fully completed. In this section, detail all planning permit triggers under the Darebin Planning Scheme for which planning approval is sought e.g. buildings and works, car parking reduction etc., as applicable.*

Refer to amended application submitted.

- b. *Based on the supporting documents supplied at lodgement, it appears the application seeks approval for a combination of permit triggers (buildings and works and car parking reduction). Under Section 47(1)(b) of the Planning and Environment Act, the application for a permit must be accompanied by the prescribed fee/s. Please contact Planning Admin on 8470 8850 or townplanning@darebin.vic.gov.au to obtain an invoice for outstanding fees.*

Refer to the amended application submitted, please issue amended invoice for payment..

Darebin City Council Received 5-06-2024

c. *Covenant/Restriction: It appears there is a covenant (Covenant 1188860) on the Certificate of Title. This option on the application form must be selected and a legible copy of the covenant/restriction/Section 173 Agreement must be provided.*

Refer to amended application submitted and copy of 173 Agreement

d. *In order to address the request made under 1(a)/1(b)/1(c) above, go to <https://au.openforms.com/Form/5b03ce76-c570-49eb-902f-b7b1f0898590> and complete the online form which constitutes an amendment to the application under Section 50A of the Planning and Environment Act. No additional application fees apply, and the online form may be lodged at any time prior to or at the same time as the Further Information package.*

Amended application submitted online.

Certificate of Title

2. *A complete and recent (issued within 3 months) Certificate of Title including the registered search statement, plan of subdivision and copies of any covenants, restrictions or agreements registered on the title. A recent certificate of title can be purchased from <https://www.landata.vic.gov.au/>*

Current certificate of Title attached.

Planning and Urban Context Report

3. *A written assessment of the development against relevant policies in the Darebin Planning Scheme, including but not limited to Local and State Planning policies, Industrial 3 Zone, Environmental Significance Overlay – Schedule.*

Refer attached planning report prepared by G2 Planning dated 3rd June 2024.

Feature and Level Survey Plan

4. *The plans revised to state that the site is not a warehouse – It's an industry (dim sim manufacture).*
 5. *The plans comprehensively labelling the site (i.e. the new storage space along the southern side boundary is not storage space, its manufacturing).*
 6. *Confirmation of any trees that have been removed from the site to facilitate the storage sheds etc.*

Plan notes updated as per items 4 & 5

No existing trees on site have been removed.

Car Parking and Access

7. *As your application seeks a reduction to the statutory car parking ratios, a Car Parking Demand Assessment in accordance with Clause 52.06-7 of the Darebin Planning Scheme, prepared by a qualified professional, must accompany the application.*

Also to facilitate the car parking reduction assessment:

- *How many staff work there?*
- *What are the hours of operation?*

Refer to Traffic Assessment report prepared by TTM dated 31st May 2024.

Environmentally Sustainable Design (ESD)

8. *In accordance with Clause 22.12 of the Darebin Planning Scheme a Sustainable Design Assessment (SDA)/Sustainability Management Plan (SMP) must accompany this application (refer to Issues section of this letter). Show the ESD recommendations of the report on the plans.*

Refer to Sustainable Design Assessment report prepared by Green Rate dated 14th March 2024.

Darebin City Council Received 5-06-2024

Stormwater Management in Urban Development

- 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 Sustainable Design Assessment report prepared by Green Rate dated 14th March 2024.

Waste Management

- Show the location of the waste bins. Where are these stored on site? Does the increased floor space increase the level of waste produced on site.

Refer updated plan showing the waste bins location.

Preliminary Assessment Concerns

General

- There is a Covenant registered on the Certificate of Title that is not nominated on the application form. Additionally, the Covenant has not been provided as part of the application documents.

Amended application form submitted

- This information is mandatory as part of the application requirements.

Amended application form submitted

- The written submission received with regard to the assessment against the requirements of the Industrial 3 Zone requirements is not satisfactory. Given that a site inspection has been done and the additional storage area to the south is to be used as part of the manufacturing, a written response as to how this won't impact on the amenity of the wider neighbourhood is required.

The new storage area stores spare parts for the manufacturing and maintains the business machinery. As advised by the tenant it does not manufacture any of the goods (dim Sims) in this area. There will be no impact to any neighbors. The environment will be unchanged.,

- How does this extra manufacturing impact on nearby residential uses or adjoining industries, drainage of the site etc.

No change, refer to previous response.

- The written submission needs to correctly advise that the extra floor space is used for manufacturing purposes and not solely as a warehouse.

Refer previous advice but the plans have been updated to note "Storage & Manufacturing" as requested

Clause 52.06 – Car Parking

- Clause 52.06 applies to an increase in the floor area or site area of an existing use. Before the floor area of an existing use is increased the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

The existing Industry use requires 2.9 car spaces per 100 square metres of leasable floor area. As the floor area is increasing by 102 square metres, an additional 2 car spaces are required to be shown on the plans. If this cannot be provided onsite, then a car parking reduction must be applied for. If a car parking reduction is to be applied for, then a car-parking demand assessment must be submitted which addresses the following matters as identified in Clause 52.06-7 of the Darebin Planning Scheme.

Darebin City Council Received 5-06-2024

As part of the site inspection conducted on the 9 August 2023 by Council's enforcement team, it was noted that car spaces are not available as they are being used for storage purposes. The car spaces must be made available to be used as car spaces and not used as storage spaces.

Refer to Traffic Assessment report prepared by TTM dated 31st May 2024.

Site History

- It appears that the rear driveway and shed have been built without planning approval. The planning permit in 2010 (D/5/2010) was refused by VCAT (VCAT Reference No. P3166/2010), yet works that were refused under this permit, appear to have been completed without the necessary permission (i.e. rear storage area, new driveway from Fyffe Street, additional car spaces to the rear etc).

All of these works will need to be included as part of this planning application including the driveway (see definition of 'works' in the Planning and Environment Act 1987).

Refer to amended application form submitted

Has the proposed storage area to the south been constructed?

As per our inspection, yes the building has been constructed and under enforcement orders by your building department.

What impact did the crossover and shed have on the existing trees in the rear reserve?

No impact as the larger trees is well setback from the boundary and there has been no cracking or movement in the paving surface as a result. The shed has been fixed/bolted to the paving surface with no footing excavated below NGL. This approach ensured no tree roots would be affected, which is the case at this time.

Floor Plans

- According to a recent site visit by Council's enforcement team on the 9 August 2023 the storage rooms are actually being used as part of the manufacturing of the dim sims. Therefore, there is an intensification of the use on site. This needs to be detailed in your submission as this may trigger additional off-site amenity issues.

Refer to previous advice as to the use of the proposed storage area.

Fees

- The proposed application is for more than one class of permit as set out in the table in Council's fee schedule (attached). The proposed application falls into Class 1 and Class 11, therefore the sum of the highest fees and 50% of each corresponding fee applies.

Please issue the invoice and client will make the payment accordingly.

Drainage

- Please be advised that it is your responsibility to ensure this application satisfies the relevant drainage requirements. Darebin's Assets and Capital Delivery Unit will provide comments to you in due course.

We note this a await your department's advice.

Aboriginal Cultural Heritage

- The proposed works that have been constructed on site without a permit may have triggered the requirements for a Cultural Heritage Management Plan as they are not considered an exempt activity under the Aboriginal Heritage Regulations 2007.

Darebin City Council Received 5-06-2024

The rear shed and construction of the driveway is considered 'works'.

Prior to the commencement of work were any of the following undertaken?

- a. *Evidence that the land has been subject to significant ground disturbance in accordance with the following practice note:*
<https://www.aboriginalvictoria.vic.gov.au/sites/default/files/2019-07/Practice-Note-Significant-Ground-Disturbance.docx>
- b. *A Certificate of Preliminary Aboriginal Heritage Test in accordance with the Aboriginal Heritage Act 2006.*
<https://www.aboriginalvictoria.vic.gov.au/preliminary-aboriginal-heritage-test>
- c. *A Cultural Heritage Management Plan in accordance with the Aboriginal Heritage Act 2006.*
<https://www.aboriginalvictoria.vic.gov.au/cultural-heritage-management-plans>

We note that the rear easements E4 (Electrical) and E8 (Sewerage) soil have been significantly disturbed to excavate and install the required services. This would comply with point (a) above and refer to the rear tile area.

Tree Protection

- *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:*

<https://www.darebin.vic.gov.au/Waste-environment-and-climate/Trees/Trees-on-private-property>

Were there any trees removed from the subject site to facilitate these works?

No existing trees have been removed to accommodate the proposed works.

Environmentally Sustainable Design (ESD)

Developments requiring a Sustainable Design Assessment (non-residential development of 100-999sqm)

Sustainable Design Assessment

- *In accordance with Clause 22.12 of the Darebin Planning Scheme a Sustainable Design Assessment (SDA) must accompany this application. It is suggested that the SDA include a Built Environment Sustainability Scorecard (BESS) assessment.*

BESS is an online sustainability assessment tool purpose-built for the Sustainable Design Assessment in the Planning Process (SDAPP) framework. Access BESS at www.bess.net.au

The STORM calculator (<https://storm.melbournewater.com.au/>) will be required to demonstrate best practice water management.

Further information regarding Environmentally Sustainable Design, including FAQs, checklists and guidelines, can be found by visiting the Darebin website at www.darebin.vic.gov.au and clicking on Planning > Planning Forms and Applications > Environmentally Sustainable Design or by calling the Statutory Planning Unit's ESD Officer on 8470 8850.

Refer to Sustainable Design Assessment report prepared by Green Rate dated 14th March 2024.

Stormwater Management in Urban Development

- *To satisfy the requirements of Clause 53.18-3 an application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 and 53.18-6 and should comply with all the standards of Clauses 53.18-5 and 553.18-6 of the Darebin Planning Scheme.*

Refer to Sustainable Design Assessment report prepared by Green Rate dated 14th March 2024.

Darebin City Council Received 5-06-2024

Easements

- *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.*

Noted, should a permit be issued these applications will be made.

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Flood Risk

- *Council and Melbourne Water use the latest flooding information available to ensure that decisions consider current and future flood risks and impacts.*

While your property is not currently within a flood or inundation related overlay, the latest flooding information indicates that it is susceptible to flooding from a 1% AEP (1 in 100-year flood event). A future planning scheme amendment will ensure that the latest information is reflected within the planning controls and overlays. However, in the interim, Council will still be considering flood and related impacts in this planning permit decision.

To inform us, we will refer this matter to Melbourne Water and/or Council's Integrated Water Management Team for expert advice on potential flood impacts.

The finished floor levels for the development may need to be increased and setbacks from boundaries may need to be modified as a result of the overlay.

Noted, and await their/your advice.

We submit that the clarifications and amendments to the application have been addressed and comply and have resolved council concerns.

We look forward to the application proceeding to the next stage and thank you for your assistance and advice and await your further correspondence.

Yours faithfully,

ANTHONY G. AND ASSOCIATES PTY LTD

Anthony Guicas
(Director)



Darebin City Council Received 5-06-2024