

**1. APPLICATION FOR PLANNING PERMIT
D/829/2011
830 PLENTY ROAD, RESERVOIR VIC 3073**

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OWNER/APPLICANT/CONSULTANTS:

Applicant: Kingstead Pty Ltd
C/O Urbis Pty Ltd
Level 12, 120 Collins Street
MELBOURNE VIC 3000

Owner: Kingstead Pty Ltd
1A Dudley Street
BRIGHTON VIC 3186

Consultant:

Urbis Pty Ltd Level 12, 120 Collins Street MELBOURNE VIC 3000

SUMMARY:

- The application seeks the approval for the redevelopment of the land for a multi-level mixed use development incorporating detached townhouses, ground floor retail, two (2) multi-use residential buildings and associated on-site basement car parking. The development comprises 294 dwellings.
- The design response represents a substantial change to the character, built form and scale of the locality, endemic of the degree of change consigned to higher order activity centres.
- The land is zoned Business 1 and is encumbered by a Development Contribution Plan Overlay.
- The land is identified in the Municipal Strategic Statement (MSS) as being included in the Summerhill Village primary neighbourhood activity centre.
- No restrictive covenant affects the land; a drainage and sewerage easement runs parallel to the rear and side boundaries though contains no physical infrastructure.
- Recommendation – Notice of Decision to Grant a Planning Permit subject to Conditions.

CONSULTATION:

- The application was placed on public notice commencing 8 February 2012 by way of multiple signs on the Plenty Road frontage and notices to neighbours within proximity of the subject land.
- 24 submissions were received.
- Although separate discussions have been held with the permit applicant and various objectors throughout the process, no consultation meeting was held.
- The application has been referred internally to the following Council Units:
 - Capital Works Unit
 - Transport Management and Planning Unit
 - Public Realm Unit
 - Environmentally Sustainable Design Officer
 - Strategic Planning Unit
- The application has been referred externally to the Department of Transport. VicRoads were notified as a neighbour under Section 52 of the Planning and Environment Act 1987 and their response has been accounted for as one (1) of the 24 submissions received.

Referral authority conditions have been incorporated into the Recommendation.

REPORT

INTRODUCTION AND BACKGROUND

- There is no history with the site.
- The adjoining site to the east has approval for a 12 storey mixed use retail and residential development. This development has not commenced.

ISSUES AND DISCUSSION

Subject site and surrounding area:

- The subject land is located on the southern side of Plenty Road, approximately 150 metres east of the intersection with Plenty Road and Albert Street.
- It is irregularly dimensioned with a frontage of 80 metres to Plenty Road, encompassing 1.7 Ha and with a fall of 5 metres towards the eastern boundary, the most discernible within the first 10 metres of the site as it descends away from Plenty Road.
- The site is located on a ridgeline and slopes away from Plenty Road being elevated above residential areas to the east with uninterrupted views of the City skyline to the south.

- The site is part of the Summerhill Village shopping centre / Target Centre, a primary neighbourhood centre though its function has dissolved in recent years due to the closure of Target.
- The site is occupied by a building of circa mid 1990s completed in a rendered finish, single storey in height with hipped roof features which assist in anchoring the various corners of the building. It is orientated in a u-shape with tenants consisting of a Safeway supermarket, hotel, pharmacist and various specialised retail uses wrapping around a central car park. 229 at grade parking spaces are available with additional basement parking providing a total of 357 spaces on-site. The 'application site' however excludes that land occupied by the hotel which remains on a 13 year lease to the current licensee.
- The site enjoys access via two (2) locations off Plenty Road – one (1) being towards the western boundary of the site, the other towards the eastern boundary. The western access point is managed by a signalised intersection.
- Vegetation on-site is planted and consists of both indigenous and non-indigenous species. None is considered significant.
- Plenty Road is a divided carriageway, three (3) lanes run in each direction with tram route 86 running the centre median. There is no kerbside parking lane. The road is recognised as a major transport route linking High Street Thornbury with the fringe settlement of Whittlesea, spanning a length of 31 km.
- Adjoining land in the streetscape is characterised by the following:
 - To the north of the site beyond Plenty Road is residential development of low to medium density, generally post war circa.
 - East of the site beyond the Coles supermarket and former Target department store is the Summerhill residential village.
 - South of the site are intact original post war housing with minimal infill development occurring within the neighbourhood. This housing is situated below the level of the subject site.
 - West of the site are former commercial buildings of 1960s circa which remain unused.
- The following services are available in proximity to the site:
 - Tram route 86 is available to the site frontage with various local bus services available in Plenty Road and Albert Street.
 - Summerhill Hotel and Foodstar Restaurant are situated within the confines of the site.
 - Coles supermarket is to the east of the land. The nearest major activity centre is Northland Shopping Centre, 2.2 km south of the subject land.
 - Various primary, secondary and tertiary education facilities are available within proximity to the site with Latrobe University and RMIT situated between 3 and 6 km to the north.

Proposal

- It is proposed to demolish the western buildings which includes the existing supermarket and specialty shops whilst retaining the hotel, restaurant and single retail premise towards the eastern boundary.

- New development encompasses the following elements:
 - 25 townhouses (13 independent of the multi-level residential building and 12 semi-engaged with the tower);
 - 294 apartments over 16 levels;
 - 273 m² of ground floor retail space over three (3) tenancies; and,
 - 424 car parking spaces (including the 13 spaces associated with the detached southern town houses).
- The design addresses the site's topography by locating the tower element towards Plenty Road reducing the shadow length cast over existing residential properties to the south.
- The existing access point will be retained from Plenty Road.
- The design is influenced by the site's orientation and opportunities providing a modern and architecturally unique solution in a mixed use streetscape. Car parking has been incorporated within the basement and ground level of the development to maximise the site's building footprint.
- 13 two (2) storey townhouses are positioned against the southern boundary of the site offering a less industrial interface with existing residential development to that which currently exists. These townhouses will be accessed from a private internal road via the existing signalised entrance to the subject land. These townhouses are orientated to the north and entail three (3) bedrooms, ground floor living and private open space. A single carport is provided for each dwelling.
- 12 two (2) storey townhouses are proposed to front the northern side of the internal access road and adjoin the residential towers with access to the basement garage. Similar to the southern townhouses, these dwellings comprise three (3) bedrooms, ground floor living and private open space. A single parking space is provided within the basement car park.
- Adjoining the Plenty Road frontage are the two (2) residential towers with basement car parking, separated at ground level by a street plaza fronting Plenty Road. The eastern tower scales a height of 19 storeys, the western 13 storeys, which include two (2) basement levels and a lower and upper ground floor level reflecting the topography of the site. From Plenty Road, 16 storeys (east tower) and 10 storeys (west tower) are visible.
- The composition of the towers are best summarised in the following tables:

Eastern Tower:

Floor	Dwellings	Car parking / Cycle	Commercial	Studio	1 bed	2 bed	3 bed	Communal area
Basement 2	-	75 / 0	-	-	-	-	-	-
Basement 1	-	54 / 0	-	-	-	-	-	-
Lower Ground	5	59 / 0	-	-	-	5	-	Refuse area, hard rubbish area and

								substation
Upper Ground	5	49 / 138	2 (96m ² & 82m ²)		5	-	-	Amenities Area
One	10	42 / 0	-	2	4	4	-	Amenities Area
Two	19	-	-	4	9	6	-	-
Three	16	-	-	2	6	6	-	-
Four	16	-	-	2	6	6	-	-
Five	16	-	-	2	6	6	-	-
Six	16	-	-	2	6	6	-	-
Seven	16	-	-	2	6	6	-	-
Eight	16	-	-	2	6	6	-	-
Nine	16	-	-	2	6	6	-	-
Ten	16	-	-	2	6	6	-	-
Eleven	6	-	-	-	2	1	3	-
Twelve	6	-	-	-	2	1	3	-
Thirteen	6	-	-	-	2	1	3	-
Fourteen	6	-	-	-	2	1	3	-
Fifteen	6	-	-	-	2	1	3	-
Roof	-	-	-	-	-	-	-	Lift over-run & plant room
TOTAL		279/138		22	76	68	15	(181)

- Total number of dwellings in the eastern tower – 181.
- Total building height above natural ground level at Plenty Road is 53 metres, 57.3 metres as measured from its southern side.

Western Tower:

Floor	Dwellings	Car parking / Cycle	Commercial	Studio	1 bed	2 bed	3 bed	Communal area
Basement 2	-	56 / 0	-	-	-	-	-	-
Basement 1	-	50 / 0	-	-	-	-	-	-
Lower Ground	4	26 / 0	-	-	4	-	-	Lobby & service area, storage areas (x2), refuse & plant / store
Upper Ground	5	0 / 102	1 (165 m ²)	-	11	-	-	Amenities & storage areas (x2)
One	11	-	-	-	8	3	-	-
Two	11	-	-	-	8	3	-	-
Three	9	-	-	1	5	3	-	-
Four	9	-	-	1	5	3	-	-
Five	9	-	-	1	5	3	-	-
Six	9	-	-	1	5	3	-	-
Seven	5	-	-	-	2	2	1	-
Eight	5	-	-	-	2	2	1	-
Nine	5	-	-	-	2	2	1	-
Roof	-	-	-	-	-	-	-	Lift over-run & plant room

TOTAL		132 / 102		4	57	24	3	(88)
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- Total number of dwellings in the eastern tower – 88.
- Total building height above natural ground level to Plenty Road is 34.5 metres, 38.8 metres as measured from its southern side.
- Total parking spaces for the entire development is 424 spaces, with a further 94 spaces available to the hotel, restaurant and retail.

Objections

- 24 submissions were received.

Objections summarised

- No provision for commercial tenancies eg; supermarkets, post offices, doctors' surgeries
- Overshadowing
- Loss of view
- Traffic congestion / safety
- Adequacy of existing infrastructure to accommodate proposed development
- Property devaluation
- Overlooking
- Density
- Height inconsistent with neighbourhood character / elevated site characteristics
- Visually intrusive in landscape
- Effects during construction – noise, dust, damage to nearby buildings / request for engineers report on current condition of existing dwellings in Summerhill Road.
- Noise & Air Pollution
- Increased levels of crime
- Change of zone to residential inappropriate – should remain business / commercial
- Loss of existing supermarket and speciality retail
- Inability to use / install solar panels on roof due to continual overshadowing of existing homes to the south.
- Public transport unable to accommodate increased traffic
- Affect of trees on property at 106 Summerhill Road
- Townhouses too close to back yard
- Development will create an urban ghetto - social issues associated with high density housing
- No consultation by developer with community prior to drafting plans
- Taxis / ambulances / tradespeople will find it difficult to access retirement villages
- Would like an environmental study completed on impact of development
- Would like a traffic management plan implemented
- What are the OH& S arrangements in place whilst the building is under construction
- Would like a rebate on rates
- Oversupply of housing with declining population growth
- Waste collection should occur on-site
- Car parking survey not representative of peak times on-site
- Car parking survey does not include trade of Go-Lo
- Loss of access / egress from site via signalised intersection to the west.

Officer comment on summarised objectionsNo provision for commercial tenancies eg; supermarkets, post offices, doctors surgeries

Three (3) commercial tenancies are proposed as part of the development. The retained building comprises a hotel, restaurant and retail outlet. A Coles supermarket is located to the east at 850 Plenty Road. Additional retail tenancies may become available on this site including two (2) supermarkets, one (1) department store, nine (9) specialty shops and one (1) kiosk approved under permit D/889/2009. It should be noted that the lease for the Safeway supermarket is not being extended beyond the end of this year as a result of a new supermarket being constructed 3 kilometres to the north within the proposed Lancaster Gates local neighbourhood activity centre. These are market driven circumstances that are outside the influence of the planning process.

Overshadowing / Inability to use / install solar panels on roof due to continual overshadowing of existing homes to the south.

The accompanying shadow plans provided by the permit applicant suggest that the residential towers will contain shadow impacts within the subject site. No shadow will be cast over the habitable rooms of dwellings in Summerhill Road at the September equinox. The two (2) storey townhouses positioned against the southern property boundary will cast a short shadow over neighbouring residential properties. This shadow will not compromise the usability of existing secluded open space to properties in Summerhill Road.

Loss of view

In the absence of specific overlay controls designed to protect view lines, no entitlements to a view prevail.

Traffic congestion / safety / would like a traffic management plan implemented

A traffic report accompanied the application and whilst aspects of parking demand and supply may be questioned, these concerns can be addressed through conditions of any permit that may issue. Both the applicant's report, Council's traffic engineer and VicRoads are satisfied that the site can accommodate the traffic numbers generated by the development in a safe manner without leading to unreasonable congestion across the site. Concerns with the accessibility and usability of the hotel car park arising from the loss of the western access cannot be sustained. The traffic experts are satisfied that the existing access to Plenty Road is sufficient to provide safe access and egress for the site given anticipated demand of commercial tenants.

Concerns expressed with the accessibility of a number of parking spaces towards the eastern entrance are noted. This application does not propose or require a change to the existing access and egress arrangements at this location and therefore is beyond Council's authority to require a redesign through this application.

Adequacy of existing infrastructure to accommodate proposed development

Any improvements required to existing utilities for reason of the development will be at the responsibility of the developer. Infrastructure outside the site arising from general population growth, be that retail, transport, medical or educational will be for the responsibility of the relevant service provider.

Property devaluation

Property devaluation is not sufficient reason for the application to be dismissed. There is no evidence to prove that this development will reduce the property values within the neighbourhood.

Overlooking

The building's height will create overlooking however the realm of consideration extends only to within nine (9) metres of the boundary of a private lot. Refer to commentary under Clause 22.10 below.

Density

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

Height inconsistent with neighbourhood character / elevated site characteristics / Visually intrusive in landscape

The buildings introduce a unique design approach in the landscape, adding a significant increased to the height of existing development, from whichever direction it is viewed. The design has however been influenced by the need to provide transition in height, maximise solar access and create a visually attractive element in the landscape. The alignment of boundary walls of the residential towers and the use of both vertical and horizontal modulation creates strong visual interest and contributes to the existing built form.

Effects during construction – noise, dust, damage to nearby buildings / request for engineers report on current condition of existing dwellings in Summerhill Road

Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not explicitly managed through the Planning & Environment Act or Darebin Planning Scheme. The development is setback sufficiently from existing residential development to prevent damage to building foundations.

Noise & Air Pollution

The proposed use is residential and 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.

Increased levels of crime

There is no evidence to link private residential apartment development with increased crime rates or reduced safety for residents.

Change of zone to residential inappropriate – should remain business / commercial

The land retains a Business 1 zoning, irrespective of the proposed residential land use.

Loss of existing supermarket and speciality retail

It is not at Council's discretion to require the land owner retain the existing commercial tenancies.

Public transport unable to accommodate increased traffic

That the existing public transport system may be well frequented is not reason to veto this application. The availability of public transport is under the auspice of the State Government.

Affect of trees on property at 106 Summerhill Road

The development does not adjoin 106 Summerhill Road and therefore will not affect these trees.

Townhouses too close to back yard

The townhouses frame a large proportion of the southern boundary, the remainder being open space. This design response provides a transition in building height and utilises open space to break up the visual mass and create articulation. The length and height of wall complies with the requirements of Clause 54.04-2 of the Darebin Planning Scheme.

Development will create an urban ghetto - social issues associated with high density housing

The development has been well designed providing community meeting points, street activation and creates clear view lines through the site encouraging a sense of community and interaction between residents. A mix of dwelling sizes allow for singles, couples and families to reside on-site. There is no foundation to support this objection.

No consultation by developer with community prior to drafting plans

Noted. The community was consulted through notices erected on-site, letters to neighbours and information conveyed in the local newspaper.

Taxis / ambulances / tradespeople will find it difficult to access retirement villages

The site does not adjoin or propose any change to the driveway access of the retirement village.

Would like an environmental study completed on impact of development

An environmental study is not required by the Darebin Planning Scheme for this site.

What are the OH& S arrangements in place whilst the building is under construction

All construction activity must comply with Occupational Health and Safety Standards. This is the responsibility of the successful tenderer appointed for the site development and is not managed through the planning process.

Would like a rebate on rates

There is no legal entitlement for a waiver or reduction on Council rates as a direct result of the grant of a permit to develop land.

Oversupply of housing with declining population growth

State Government policy is to encourage higher density housing in well located activity centres with access to public transport, recreation, education and other convenience services. This site fulfils the locality requirements.

Waste collection should occur on-site

All resident waste collection will occur from within the site boundaries. It has been proposed that the three (3) commercial tenants have collection from Plenty Road by a private contractor. Collection from Plenty Road is an acceptable outcome on the premise that it occurs prior to 7am on weekdays to avoid conflict with peak traffic periods.

Inaccuracies in the applicant's traffic survey

Concerns raised regarding the traffic survey are acknowledged. Council staff are satisfied that adequate parking will be available for existing tenants.

PLANNING ASSESSMENT

WHY IS A PERMIT REQUIRED?

Clause 34.01-1 (Business 1 Zone) – A permit is required to use land for the purposes of accommodation. A permit is not required for a ‘shop’. Prospective commercial tenants will need to ascertain from Council whether a permit will be required for the proposed use.

Clause 34.01-4 (Business 1 Zone) – A permit is required for buildings and works.

Clause 52.06-1 (Car Parking) – A permit is required to reduce the car parking requirement (existing uses).

Clause 52.07 (Loading and Unloading of Vehicles) – A permit is required to waive loading bay requirements.

Clause 52.02 (Easements, Restrictions and Reserves) – A permit is required to remove an easement from title.

A development contribution is required in accordance with the Development Contribution Plans Overlay – Schedule 1.

State Planning Policy FrameworkClause 11.01 Activity Centres

The development site is located within the existing Summerhill Village primary neighbourhood activity centre. This development shifts the focus of the activity centre from a site which is primarily reliant upon commercial development and land use activity to a more residential based land use with ancillary commercial elements. In many respects, the proposal fragments the Centre; equally though, it recognises the future potential of the site and the opportunity to merge residential and commercial uses together on a site enjoying the proximity to public transport and a range of other facilities. The hierarchical status of the centre remains unchanged given the approved development of 850 Plenty Road.

Clause 11.04 Metropolitan Melbourne

The development imparts a significant change in the structure and relationship of the Activity Centre with the surrounding neighbourhood by removing the anchor tenant and ancillary specialities from the Centre. In trade, three (3) new commercial tenancies will be introduced designed around a central plaza that links with the entrance of the residential apartment buildings. The commercial element and plaza play a pivotal role in pedestrian movements through the site, remaining accessible to persons residing outside the site.

Clause 15.01 Built Environment & Heritage

It is policy to create urban environments that are safe, functional and afford good quality surrounds with a sense of place and cultural identity and to achieve urban design outcomes that contribute positively to the local urban character. The design response implements this objective through:

- Presenting a bold attractive form of architectural standard that value adds to the Plenty Road streetscape with building articulation and visual permeability between the eastern and western towers to improve solar access;

- Alleviating building mass through curved architecture, perhaps best illustrated in the floor and site layout plans;
- Activation of Plenty Road from the outdoor living areas of residential apartments and commercial tenancies with car parking disguised to the rear / beneath road level;
- Provision of a landscaped artery between the buildings with a prominent water feature, interfaced by residential apartments to create safe pedestrian movements;
- A clearly defined pedestrian network and ease of accessibility throughout the site;
- Lift overruns, plant and equipment designed into the building and being centrally positioned to avoid creating a visually dominant element when viewed from nearby residential premises; and,
- Offering residential diversity and integration of housing with commercial land use activities.

Despite the strengths of the design response, the unique form and scale of the development in this location is challenged in delivering an outcome that represents any link with the existing built form and character, including the townhouses sited against the southern property boundary. Some leniency is due as the land is zoned Business 1, as opposed to Residential 1 and the site presents as a large development parcel. In many respects, this development has an opportunity to create its own character, being on an island occupied by commercial land uses and separated from residential land to the north by Plenty Road. It must also be considered in context with an approved 12 storey mixed use development on the site to the east (850 Plenty Road).

Refer also to commentary under Clause 22.10 response below.

Clause 15.02 Sustainable Development

The design response provides for higher residential densities within an activity centre which benefits from convenient access to public transport, education, medical and passive and active recreation space. The design responds to the site orientation providing two (2) separate buildings positioned to penetrate light through to the rear of the site via the street plaza.

Natural light and ventilation is afforded throughout the development to each dwelling and there are only a few instances where bedrooms of the apartments do not have direct access to natural light. In these instances, the applicant has agreed to the use of glazing to the internal bedroom wall to improve access to natural lighting.

Further opportunities exist to embrace passive solar design and resource efficient improvements by way of a condition of any permit to issue and these have been listed at Condition 1 of the Recommendation.

Clause 16.01 Residential Development

It is policy that new housing is designed to respond to the community needs by providing a wider range of affordable higher density housing developments strategically located close to transport corridors and activity centres. The development achieves these principles by providing 294 dwellings over multiple levels comprising of studio, one (1), two (2) and three (3) bedroom apartments and a further 25 three (3) bedroom townhouses south of the main residential buildings which benefit from:

- Location within a primary neighbourhood activity centre (Summerhill Village) identified within Council's MSS where higher densities are encouraged;

- A frontage to tram route 86 and local bus services;
- Proximity to education, commercial and recreation services; and,
- Affordable sustainable housing opportunities on a site appropriate for higher density housing.

Clause 17.01 Commercial

Though fragmenting an existing activity centre by removing the majority of commercial tenants from the site, the site remains part of a broader activity centre encompassing the proposed mixed use hub at 850 Plenty Road. Complementing the proposed development and use at this location is the development of three (3) new commercial tenancies as part of this proposal to service the needs of residents and the local community.

Clause 19.03 Development Infrastructure

A development contributions plan overlay exists over the land. Contributions will apply to both the residential and commercial components of the proposed development at the issue of a building permit.

Local Planning Policy Framework

Clause 21.05-2 Objectives, Strategies and Implementation (Housing)

While residential or mixed use development of four (4) or more storeys contributes positively to economic and social conditions in the City, care is required to ensure that impacts on existing uses are contained. This requires attention to overshadowing, privacy, acoustic separation, vehicle access, car parking arrangements and the relationship of new buildings to their surroundings in both visual and functional terms.

The proposal is consistent with the following characteristics where Council will generally support mixed use development of four (4) or more storeys:

- Site is located on a Road Zone Category 1;
- Site is fronted by Tram Route 86 and enjoys access to various bus routes;
- Site is within walking distance of high order conveniences, recreational and educational land use; and,
- Enjoys a high level of amenity with views to the Melbourne CBD and designed so that the majority of habitable rooms receive direct outlook to an external window.

Whilst not within an identified precinct for residential redevelopment and intensification, there are no obvious reasons to discourage the site being intensified and developed for higher density mixed use purposes as proposed, rather it is about ensuring that the design response appreciates and protects the internal and external residential amenity of prospective tenants and adjoining residential properties.

Clause 21.05-3 Objectives, Strategies and Implementation (Urban Design)

The principles of this clause of the MSS have been encompassed through the assessment of the application pursuant to Clause 22.10.

Clause 22.03 Activity Centres Policy

Applying to land identified in the *Retail Activity Centres Strategy 2005*, the policy provides directives to developing and integrating a mix of activities to create vibrant and active destinations.

The proposal delivers a design solution consistent with the decision guidelines of the Clause, achieving a high quality architectural presence with emphasis on built form and articulation, where vehicle and pedestrian movements can flow seamlessly through the site and with good accessibility to public transport. The design affords a retail and open space plaza as a focal point to the development, with the residential towers radiating out from this space. The catchment of the commercial tenancies will in principal, be those residing on the site though depending on the nature of the use, may also extend to passing commuters and other local residents.

Clause 22.09 Residential and Mixed Use Development of Less than 4 Storeys in Business 1, Business 2 and Priority Development Zones 1 & 2

This policy provides a specific local approach to design and built form elements of new development, building upon the objectives and principles of State urban design principles at Clause 15.01 and Clause 55. The policy is specifically informed by, and requires consideration of Clause 55 in the assessment of any application for development of less than 4 storeys. As such, the following assessment applies to the 25 two (2) storey dwellings to the south end of the site.

- Sustainability
 - The primary living space of each townhouse is situated on the ground floor, orientated towards the internal access road which results in both north and southern orientation. All habitable rooms of the townhouses face a courtyard open to the sky of the minimum requisite dimensions. Though the design benefits from attached wall construction, it lacks good cross-flow ventilation.
 - An area of at least 3.0 m² with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.
- Design & Materials
 - Uniquely different in density and architectural form to the underlying characteristics of residential development in Summerhill Road, the design shifts away from the commercial built form interface with existing residential and offers a gradual transition in height to the residential towers.
 - The design eliminates the uninterrupted building mass evident through the existing commercial development which occupies the land.
- Building Height
 - The maximum building height of the townhouse section is 6.2 metres, transitioned back from the rear (southern) boundary taking account of general site topography and attempting to address the difference in site levels and building height between existing and proposed development.
- Setbacks
 - The dwellings are not positioned adjacent to Plenty Road.
 - The new internal access road will become a private road, with dwellings setback 5.0 metres from the kerb line.

- Dwelling Diversity
 - Amongst the 25 townhouses, all are consistent in the number of bedrooms and layout with ground floor living. The diversity however is introduced through the residential towers which provide for a variety of household needs including studio, 1 and 2 bedroom dwellings.
- Car Parking & Vehicle Access
 - Vehicle access is via the signalised intersection to the west of the site shared with Plenty Road. This connects to the new private internal access road delivering safe, manageable and convenient connections with minimal conflict anticipated between vehicles entering and egressing from the carports and traffic associated with the residential towers and commercial tenancies.
 - Parking facilities for the dwellings on the southern side of the internal access road are available within a carport, the remaining spaces are provided in a secure basement car park. Car parking in most respects is convenient to the residence with the northern townhouses having rear access direct into the ground level car park.
 - The overall provision for parking on-site (entire development) offers adequate parking to satisfy the required ratios of Clause 52.06 (formerly Clause 55.03-11).
 - Though the southern townhouses enjoy only one (1) parking space on-site, additional resident and visitor parking is provided in the residential tower car parks, not within convenient proximity to the southern townhouses.
- Street Address
 - The entrances to each dwelling are visible and easily identifiable. This is achieved through individual numbering and entrance illumination. A sense of address and shelter is also provided.
- Amenity Impacts, including Overshadowing and Overlooking
 - The shadow cast by the development over existing residential open space is minimal and does not exceed the maximum length of shadow specified at the provisions of Clause 55.04-5 – Overshadowing.
 - No windows are positioned to overlook adjoining residential properties.
- On-Site Amenity Impacts, including Private Open Space
 - Habitable rooms are designed to receive adequate natural light and ventilation with access to a 3 m² light court.
 - Inadequate private open space is provided in the amounts as referred below:
 - Northern townhouses:
 - First floor balcony – 3 m²
 - Ground floor internal courtyard – 11 m² - minimum dimension 3 metres
 - Secluded front yard – 14 m²
 - Total area of private open space - 27 m² per dwelling
 - Southern townhouses:
 - Ground floor internal courtyard – 9 m²
 - Secluded front yard – 13 m²
 - Total area of private open space – 22 m² per dwelling
 - The shortfall is counterbalanced by the introduction of communal open space for the shared use of all residents.
 - Whilst the north orientated courtyard to the southern townhouses are orientated to the north and potentially enjoy solar access, the northern townhouses essentially shadow their own secluded private open space.

- Limited solar access is provided to the secluded open space of the townhouses on the north side of the access road.
- Waste Management
 - Each dwelling will be provided with an individual 120 litre garbage bin. The Waste Management Plan proposes collection from the kerbside. As the internal road is private, the waste management plan must be amended to cite the collection of receptacles by a private contractor as opposed to Council contractors.
- Equitable Access
 - The dwellings are not ideally suited for persons with restricted mobility. This lack of access is countered by the residential towers.
- Utility Services
 - The site enjoys access to reticulated services. Stormwater must be managed to the satisfaction of Council.

Clause 22.10 Residential and Mixed Use Development of 4 or More Storeys

This policy provides a specific local approach to design and built form elements of new development, building upon the objectives and principles of State urban design principles at Clause 15.01 and being informed by specific objectives of Clause 55 and the *Guidelines for Higher Density Residential Development*. This response applies to the two (2) residential towers.

- Sustainability
 - The design response allows the majority of habitable rooms to be serviced with direct solar access and ventilation. Where this is not achieved (bedrooms), internal walls can be modified and adapted to provide glazing and natural light filtration through from the primary living areas.
 - Balconies are predominantly orientated to the north, east or west to improve solar access.
 - The opportunity exists to provide further natural ventilation and solar access to corridors.
- Design & Materials
 - Each residential tower is designed with an emphasis on vertical and horizontal modulation to create visual interest, lessen visual mass whilst improving opportunities for solar access into the habitable space of each tower.
 - The residential towers encircle a central publicly accessible space ('street plaza') fronting Plenty Road. Aside from providing access to the residential towers and commercial tenancies, it offers an 18.7 metre wide permeable corridor to the townhouses south of the towers allowing ventilation and natural light penetration from Plenty Road through the site and thereby increasing the number of dwellings which enjoy natural solar access. This central plaza provides movement and activity through the development site contributing to the overall revitalisation and interface between the site and the public realm.
 - Car parking is screened from the street beneath the residential towers enabling the design to maintain an active interface with Plenty Road.
 - The layout of the development gives longer term consideration to the site with the possible redevelopment of the hotel site in the future. The internal access road can be continued through to the hotel site.

- The apartment buildings have been positioned to create a generous separation distance from existing residential properties to the south. The use of the lower podium and two (2) storey townhouses assist in transitioning the development from existing single storey housing to the high rise development.
 - A variety of cladding materials and tones influence the character and visual interest of the design.
 - Though the design may not respect the architectural form or scale of residential dwellings to the south, the design response respectfully acknowledges the context by being sited to eliminate shadow during the equinox over adjoining residential development to the south.
 - The design avoids the use of blank walls that increase the likelihood of graffiti.
 - Roof top plant and equipment is positioned to minimise views from adjoining property.
- Building Height
 - The building height from natural ground level to roof crest is as follows:
 - Western tower: Base – 10 metres (measured from Plenty Road frontage)
 - Middle - 22 metres
 - Upper – 34.5 metres
 - Eastern tower: Base – 10 metres (measured from Plenty Road frontage)
 - Middle – 35 metres
 - Upper – 53 metres
 - Despite introducing a foreign height to Plenty Road, the development is comfortably balanced with the overall development frontage to Plenty Road exceeding its height (width vs height). The height is also in proportion to an approved, but not yet constructed mixed use development at 850 Plenty Road of 12 storeys.
 - The design response offers interest through the architectural form and visual and solar permeability through the site reducing the development's massing as evidenced in the southern 3D view of the applicant's submission (pg ref: 43).
- Setbacks
 - The development provides a built edge across the vast majority of the site's frontage, except for a 9 metre opening to the street plaza which provides the interface and access point between the public and private realm.
 - The design is heavily articulated and includes a staggered setback thereby removing the visual mass that this clause seeks to avoid.
 - Generous setbacks of the towers from the southern (rear) boundary to ameliorate the effects of overshadowing.
- Dwelling Diversity
 - The development provides a range of studio, one (1), two (2) and three (3) bedroom dwellings.
- Car Parking & Vehicle Access
 - The existing signalised intersection west of the site from Plenty Road will direct traffic through to the new private access road and car parking accessed at the rear of the residential towers.
 - An adequate number of car parking spaces are provided for on-site.
 - The internal access road and car parking areas will require appropriate lighting to provide for the safe movement of pedestrians and motorists.
 - Opportunity exists for visitor drop off – pick up including taxis and the use of loading / unloading via an area between the two (2) access ramps.

- Street Address
 - As a primary Neighbourhood Activity Centre, the proposal integrates residential with commercial land use activities. Specifically, three (3) new commercial tenancies will be introduced into the development, activating the street and street plaza with generous glazing,
 - Residential dwellings above maintain an interface and surveillance over the public realm – the Plenty Road frontage and the street plaza.
- Amenity Impacts including Overshadowing and Overlooking
 - Shadow plans reveal no shadow cast from the residential towers over adjoining residential land at the equinox.
 - The development will generate distant views of residential properties situated south of the subject land, though at its nearest point, 48.9 metres separates the residential tower (west tower) from the southern boundary.
- On-site Amenity and Facilities including Private Open Space
 - The use of double or triple glazing would assist in suppressing noise and protecting the amenity of prospective tenants, particularly vehicles and trams along Plenty Road.
 - The majority of habitable rooms enjoy direct natural solar access.
 - Open space varies between an inadequate and non-compliant 5 m² up to 47 m².
- Waste Management
 - Waste disposal and storage is via a waste area assigned in the basement car park. Waste will be collected from each level by the building manager.
 - A waste management plan accompanied the application which details the frequency of collection and location of collection from the internal access road.
- Equitable Access
 - Access ramps are provided throughout the development. One (1) disabled car parking space has been allocated on-site.
- Utility Services
 - Any upgrades to utility services to accommodate the proposed development will be at the cost of the land developer.

Zones & Overlays

Clause 34.01 Business 1 Zone

The subject land is zoned Business 1 under the Darebin Planning Scheme. The purpose of the Business 1 zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.*

Planning approval is required for the development and use of the land for accommodation and for the development of commercial tenancies.

The development and use addresses the substantive requirements of the decision guidelines which are derived specifically by Clause 54, providing an outcome which integrates well into the Plenty Road streetscape and offers separation and appropriate transition to the height of the residential towers.

The loss of commercial space is countered by the positioning of the few proposed commercial tenancies of this development closer towards and more accessible from Plenty Road and the approved mixed use development at 850 Plenty Road.

The following table is a detailed assessment of the decision guidelines of Clause 34.01:

Clause 34.01-2 – Use:

Decision Guideline	Response
The SPPF and the LPPF including the MSS and local planning policies	The proposed use of the land for accommodation complies with the requirements of the SPPF and LPPF providing a mix of land use activities within the Activity Centre.
The effect that existing uses may have on the proposed use	Surrounding land uses are predominantly residential. The proposed residential use is not designed to interface the more noise offensive hotel use to the east.
The drainage of the land	Drainage is to the south-west corner. Drainage will need to be addressed to the satisfaction of Council as a condition of any permit that may issue.
The availability of and connection to services	The site is fully serviced and is suitably located for residential land use.
The effect of traffic to be generated on roads	The use will generate increased traffic levels. Access and egress to the site will be managed via the existing signalised access / egress points to the subject land.
The interim use of those parts of the land not required for the proposed use	The entire site will be developed and used for various purposes outlined in the plans accompanying the application. There is no management regime necessary for undeveloped / unused parts of the site.

Clause 34.01-4 – Buildings and Works:

Decision Guideline	Response
The SPPF and the LPPF including the MSS and local planning policies	As previously described.
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport	Principal access to the site will be from the signalised intersection at the western end of the site. This access will provide for the collection of waste, supplies to the commercial tenancies and on-site parking. Pedestrian movements will be via the central artery that brings the eastern and western wings together.
The provision of car parking	424 parking spaces are proposed on-site. This complies with Clause 52.06.
The interface with adjoining zones, especially the	The design works on a transition between the

relationship with residential areas	existing single storey form to the south rising to the proposed higher density tower element. Against the southern boundary, a single storey wall adjoins for the majority of the length, stepping back to a first floor element. Visual permeability and solar access remains to protect the amenity of existing residents.
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road	There are no valuable aspects to the immediate streetscape east and west of the development footprint that requires special consideration as part of the proposal. To the east and west is car parking sitting below road level, flanked to the south by tired, in most case vacant commercial premises. The proposal adopts current planning principles by activating the public realm and improving pedestrian access through the site.
The storage of rubbish and materials for recycling	Refuse for each apartment tower will be stored in central refuse areas in the lower ground floor of each tower.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas	A site manager will be required to be appointed for ongoing maintenance of the shared spaces within the development site.
The availability of and connection to services	The site is fully serviced.
The design of buildings to provide for solar access	The buildings are appropriately designed to maximise solar access. Minor amendments are required which have been previously raised in this report.
The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement	Not applicable

Clause 45.06 Development Contributions Plan Overlay

Development Contributions will apply at the time of a building permit. Any planning permit to issue will be conditioned accordingly.

Particular Provisions

Clause 52.02 Easements Restrictions Reserves

Planning approval is required for the removal of easement E-1 created by LP60468. This easement provides for water and sewerage although the applicant's investigations reveal that no physical infrastructure relevant to the purpose behind the easement applies to the site. Council's capital works unit and likewise, Yarra Valley Water have confirmed this to be the case.

Clause 52.06 Car Parking

The development comprises 269 dwellings contained within the residential towers, 25 separate townhouses and three (3) commercial tenancies.

During the assessment and determination of the application, Amendment VC90 was gazetted which introduced lesser requirements for car parking. The previous Clause 52.06 triggered a requirement for 610 spaces where as the current requirement is 407 spaces. The proposed development exceeds this requirement with 424 spaces provided, a surplus of 17 spaces exist.

	Dwelling size	Ratio	No. of	Total Required	Total Provided
Residential Tower	Studio, 1 & 2 bedroom	1 space / 1 dwelling	251	251	
	3 bedroom	2 space / 1 dwelling	18	36	
	Visitors	1 space / 5 dwellings	(269)	54	
Townhouses	3 bedroom	2 space / 1 dwelling	25	50	
	Visitors	1 space / 5 dwellings	(25)	5	
	Total		294	396	424
Commercial (Shop)	273 m ²	4 spaces / 100 m ²		22	
	Total			407	424

Separately but on the same site and necessary for inclusion in parking calculation is the Summerhill Hotel. The hotel and restaurant and single retail premise are shown with 96 (exclusive) parking spaces under the proposed arrangement.

The original approval of the centre in 1995 provided 425 spaces at grade and basement spaces. The approval for the use of the gaming venue in the same year required 60 spaces. The total floor area of the building remaining on-site is unknown. There are no previous approvals that can be located which dictate the number of parking spaces required to be provided for the use of the land as a hotel. Using the current assessment guidelines of Clause 52.06, 120 parking spaces are required for a maximum patronage (in accordance with the liquor licence) of 300 persons.

The traffic report prepared by Cardno on behalf of the permit applicant suggests that an adequate supply of car parking is available for the remaining commercial tenancies on the site, including the hotel, informed from a single day survey carried out in September 2011. At the peak time of the survey, 142 spaces were occupied across the entire site which took into account the existing supermarket and ancillary land uses. Removing the supermarket from the equation changes the parking demand. At 7pm on the survey date, 205 people were on the hotel premises with 125 parking spaces occupied. The traffic report suggests only 50 to 60% of parking demand at the time could be attributed to the hotel, although from further inspections at the same time on the same day of the week (Friday), the demand is more likely to be in the vicinity of 75%. Applying a 75% proportion of total parking demand on-site, 94 parking spaces would have been utilised by the restaurant and hotel patrons at 7pm on the survey date. With an opportunity of providing further staff parking in the south-east corner of the site adjacent the loading bay, this in addition to the 96 available spaces are deemed adequate for the effective continuation of the hotel, restaurant and retail shop (Go-Lo). It should be noted that one (1) of the objectors to this proposal is the proprietor of

the hotel who has expressed legitimate concerns with the change in car parking numbers available to the hotel site.

By way of permit conditions, a total of 102 spaces will be provided to the hotel, restaurant and single retail premise.

The variation of parking requirements for the hotel, restaurant and retail premise takes into account the availability of public transport to the site's frontage, that the restaurant and hotel will receive a high proportion of patronage from the residents of the development proposed herein and that the opportunity exists for overflow and shared parking with the adjoining mixed use development (850 Plenty).

The car parking numbers proposed are considered adequate by Council's Traffic Management Unit.

Clause 52.07 Loading and Unloading of Vehicles

The Scheme requires sufficient land to be set aside to facilitate the safe and efficient loading and unloading of vehicles associated with a commercial land use. With 273 m² of commercial tenancy space provided at the Plenty Road frontage, the Clause requires the provision of a loading bay on-site of area 27.4 m², length 7.6 metres, width 3.6 metres and height of 4.0 metres. No loading bay has been provided. An area for loading and unloading can be provided between the two (2) entrance points to the basement car park, accessed from the new internal road. This offers convenient access for deliveries to the commercial tenancies. It is envisaged that deliveries will be infrequent and will be via either small vans or commercial vehicles.

Clause 52.34 Bicycle Facilities

The table to Clause 52.34 requires that resident cycle parking be provided at a rate of one (1) space per five (5) dwellings and for visitors, one (1) space per 10 dwellings based on the number of dwellings within the residential towers.

Total requisite spaces for the proposed 269 dwellings are 54 for residents and 27 for visitors.

240 bicycle spaces have been provided at ground floor of each residential tower, accessed from an internal corridor. Of the 240 spaces, 138 spaces in the eastern tower are positioned to be accessible to visitors. These areas will need to be appropriately sign posted providing the appropriate guidance and direction to visitors. Visitor access will be via intercom as per the car park.

Commercial uses are unknown limiting the ability to determine and calculate the final requisite number of bicycle parking spaces. At that time, it may be necessary for secure bicycle parking to be provided within the proposed premises.

The applicant has agreed to provide bicycle parking for five (5) bicycles in the street plaza for customers of the commercial tenancies.

Clause 55 ResCode

The 25 townhouses are required to be assessed against the specific provisions of Clause 55 of the Darebin Planning Scheme by reason of Clause 22.09, where as Clause 54 applies

pursuant to the Business 1 zone ordinances. It is determined that the development generally complies subject to conditions, as outlined below.

Standard B1 - Neighbourhood Character

Complies.

Design of the townhouses, particularly on the southern side of the proposed internal access road creates visual permeability through the site and eliminates a continuous building mass as represented through the existing commercial development which occupies the land.

The development introduces an intensive residential component of two (2) storey townhouses to the rear of the site, 13 against the southern boundary of the site adjoining existing residential development. This is contrary to the underlying characteristics of residential development in Summerhill Road though offering a more residential interface to the housing than the existing commercial built form on the site. The design response is acceptable in providing a break and transition between existing housing and the residential towers.

Standard B2: Residential Policy

Complies.

The development is deemed an appropriate response to the site and context with regard to State and Local Planning principles.

Standard B3: Dwelling Diversity

Complies with objective, not with standard

Amongst the 25 townhouses, all are consistent in number of bedrooms and layout with ground floor as opposed to reverse living. The diversity however is introduced through the residential towers which provide for a variety of household needs including studio, 1 and 2 bedroom.

Standard B4: Infrastructure

Complies – subject to condition.

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

Council's Capital Works Unit has commented that drainage is available to the site subject to conditions.

Standard B5: Integration with the Street

Complies.

The dwellings enjoy activation and surveillance over the internal access road and provides clear and adequate vehicle and pedestrian links. High 'hit and miss' front fencing is proposed to the front courtyards to provide privacy and seclusion to the open space of each dwelling whilst offering visual interest and reducing built mass in the proposed streetscape.

Standard B6: Street Setback

Complies.

The new internal access road is to become a private road, with dwellings set 5.0 metres back from the kerb line.

Standard B7: Building Height

Complies.

The maximum building height is 6.2 metres, transitioned back from the rear (southern) boundary taking account of general site topography and attempting to address the difference in site levels and building height between existing and proposed development.

Standard B8: Site Coverage

Complies with objective

Overall site coverage is high representing the density and characteristics proposed for and typically suitable for a commercial site as opposed to the adjoining residential zoned land.

Standard B9: Permeability

Complies with objective.

The development consists of an expansive area of impervious surfacing with minimal green space, characteristic of the existing commercial form and character of the site and adjoining land fronting Plenty Road. Drainage will need to be provided to the satisfaction of Council.

Standard B10: Energy Efficiency

Complies.

The principal living space of each townhouse is situated on the ground floor, orientated towards the internal access road which results in both north and southern orientation. All habitable rooms of the townhouses face a courtyard open to the sky of the minimum requisite dimensions. Though the design benefits from attached wall construction, (insulation purposes), it lacks good cross-flow ventilation.

Standard B11: Open Space

Not applicable.

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

Standard B12: Safety

Complies, subject to conditions

Surveillance is available from first floor courtyards over the front entrance of each dwelling.

Standard B13: Landscaping

Complies, subject to conditions.

The open spaces and setbacks will typically provide for hard paved surfaces. Opportunity for green space (lawn) and trees should be provided along the edge of the carriageway.

A comprehensive landscape plan will be required as a condition of any permit drawing upon recommendations from Council's landscape architect.

Standard B14: Access

Complies.

Vehicle access to and from the site is via the signalised intersection to the west of the site shared with Plenty Road. This provides access to the new private internal access road. Access will be safe, manageable and convenient with minimal conflict anticipated between vehicles entering and egressing from the carports and traffic associated with the residential towers and commercial tenancies.

Adequate turning areas are provided to allow vehicles to enter carports. A turning area is provided to the eastern end of the internal access road.

Standard B15: Parking Location

Complies.

Parking facilities for the dwellings on the southern side of the internal access road are available within a carport, the remaining spaces are provided in a secure basement car park. Car parking in most respects is convenient to the residence with the northern townhouses having rear access direct into the ground level car park.

Accessibility issues with two (2) dwellings on the northern side of the access road can be resolved by deleting a parking space from the ground level lower floor plan of the eastern tower.

Standard B16: Parking Provision

Does not comply.

The overall parking provision for the development provides sufficient parking according to the ratios of Clause 55.03-11. Notable though is that the second requisite space for the 3 bedroom townhouses on the southern side of the internal access road, and all visitor parking, is provided in the residential tower car parks. Refer to the decision guidelines of Clause 52.06.

Standard B17: Side and Rear Setbacks

Complies

The proposed setbacks respond to the commercial characteristics of the said land, if not the relationship and interface to the adjoining residential zoned land. It does however assist in providing a transition between single storey built form through to the higher residential towers.

Ground floor

Refer to Standard B18 – Walls on Boundaries

First Floor

Boundary	Wall height	Required Setback	Proposed setback
<i>Southern</i>	<i>6.2 metres</i>	<i>1.78 metres</i>	<i>2.0 metres</i>

Standard B18: Walls on Boundaries

Complies with objective, not with standard

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding an average of 3.0 metres.

Boundary & length	Maximum length allowable	Proposed length
Southern (173m)	10m + 40.75m	76.8 metres
Western (75m)	10m + 16.25m	31.8 metres (excluding residential tower)

That the development does not comply with the standard does not mean the design response is inappropriate. Consideration must be afforded to the zone of the land and context, for the right to amenity at this location has to be considered in respect to the zone and the purpose and entitlement for development within the Business zone.

The wall height is shown at 3.0 metres and the applicant should be encouraged to look at opportunities to reduce this height on boundary to a maximum of 2.7 metres above natural ground level.

Standard B19: Daylight to Existing Windows

Complies.

An area of at least 3.0 m² with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.

Standard B20: North Facing Windows

Not applicable.

There are no existing north-facing habitable room windows within 3.0m of the common boundary.

Standard B21: Overshadowing

Complies.

The development will not unreasonably overshadow the secluded open space of adjoining dwellings and meets the objective and standards of this Clause.

Standard B22: Overlooking

Complies.

No windows are positioned on the south elevation of the first floor of the townhouses adjoining the southern property boundary.

Standard B23: Internal Views

Complies.

Overlooking between dwellings are managed by way of internal fencing to secluded open space. Further, the deep frame of the north facing windows of the townhouses also assist in preventing overlooking across neighbouring properties.

Standard B24: Noise Impacts

Complies

There are no noise sources within proximity of the two (2) storey dwellings which would unreasonably affect the general amenity of tenants.

Standard B25: Accessibility

Does not Comply

The dwellings are not ideally suited for persons with restricted mobility. The alternative offered is apartments within the residential towers.

Standard B26: Dwelling Entry

Complies, subject to conditions.

The entrances to each dwelling are visible and easily identifiable. A sense of address and shelter is also provided.

Standard B27: Daylight to New Windows

Complies.

All rooms are serviced by windows fronting a minimum 3 m² light court.

Standard B28: Private Open Space

Does not Comply

Inadequate private open space is provided in the amounts as referred below:

Northern townhouses:

- First floor balcony – 3 m²
- Ground floor internal courtyard – 11 m² - minimum dimension 3 metres
- Secluded front yard – 14 m²
- Total area of private open space - 27 m² per dwelling

Southern townhouses:

- Ground floor internal courtyard – 9 m²
- Secluded front yard – 13 m²
- Total area of private open space – 22 m² per dwelling

This inadequate space is counterbalanced by a communal open space area between the townhouses and hotel.

Standard B29: Solar Access to Open Space

Does not comply.

Whilst the north orientated courtyard to the southern townhouses are orientated to the north and potentially enjoy solar access, the northern townhouses essentially shadow their own secluded private open space.

Standard B30: Storage

Complies, subject to condition.

Whilst limited storage provision below the 6 m³ is provided adjacent to the entrance of the northern townhouses, no storage shed is provided to the southern dwellings. The applicant has agreed to provide storage at the back (south) of the carport.

Standard B31: Design Detail

Complies

The dwellings represent a modern contemporary flat roof design following the built form and design themes associated with the proposed residential tower as opposed to the built form and design of dwellings to the south of the site.

Standard B32: Front Fences

Not applicable.

No front fencing is proposed for the development (front fencing to internal access road only).

Standard B33: Common Property

Complies.

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

Standard B34: Site Services

Complies.

Sufficient area is provided to allow for the installation and the maintenance of site services.

Guidelines for Higher Density Residential Development

These guidelines have been developed to help apply design principles to proposals for higher density residential development. The guidelines are structured around six (6) elements of design consideration, of which the proposal is assessed as follows:

- Urban context

The site is part of the Summerhill Village neighbourhood activity centre. Though foreign to the existing built form and scale, the development builds upon the foundations established by the approval and forthcoming development of 850 Plenty Road.

- Building Envelope

The building height is proportionate to the street width and the intended character as envisaged within Local Planning Policy Framework for high order activity centres.

The active Plenty Road frontage promotes a pedestrian-related scale and the building steps down towards the west and south providing a transition between existing and proposed building heights.

- Street pattern and street-edge quality

The proposal includes an active frontage to Plenty Road and the internal access road created as part of this development.

Car parking is obscured from Plenty Road, with the basement car park accessed via a proposed internal access road.

- Circulation and services

Access and manoeuvrability is acceptable, car parking has been assessed against Clause 52.06 (Car Parking).

The proposal includes provision for site services that can be easily serviced and maintained.

The Waste Management Plan requires review regarding collection points and private in lieu of public contractors.

- Building layout and design

The proposal allows for a mix of dwelling types with one (1), two (2) and three (3) bedrooms.

Storage has been provided on each level of the tower for residents.

The design utilises bold horizontal and vertical elements to establish itself as a new and dominant element in the landscape yet visually appealing and designed with sustainability and site orientation in mind.

- Open space and landscape design

Areas of landscaping have been shown. These will need to be refined through a detailed landscape plans.

Safer Design Guidelines for Victoria

- These guidelines seek to promote safety within new subdivisions, developments and various public spaces. It is considered that the application generally meets the overall objective of these guidelines. The development maintains surveillance over the public realm at both commercial and residential levels.

REFERRAL COMMENTS:

Transport Management & Planning

- No objection subject to the inclusion of permit conditions outlined in Condition 1.

Waste & Environmental Operations

- No objection.

Capital Works

- No objection subject to connection to an approved legal point of discharge. Specifically, the stormwater from the property is to be connected to the existing 225mm drain via the pit in the easement at the rear of the property to Council requirements with the discharge from the whole site limited to that of the capacity of the drain within the catchment. On site retention required to limit the discharge from the site to that of the capacity of drainage system with the storage designed at 1:10 year ARI and site discharge of 1:5 years.

There was some concern raised about the easement along the rear boundary with drainage and this being the potential to cause problems with the townhouses being constructed against the rear boundary. The permit applicant has since provided information which suggests that there is no physical infrastructure within the easement other than the outlet pit at the south west corner of the site.

Strategic Planning

- The proposed development is supported. The site is located within the Summerhill Neighbourhood Activity Centre which can support an intensification of development. The development supports State and local policies in the Darebin Planning Scheme by adding to the residential dwelling supply and maintaining employment opportunities within the City of Darebin.

ESD Officer

The application was referred to Council's ESD on two (2) separate occasions. The first referral led to the following comments being made, of which some have been incorporated into the recommendation (permit conditions) and have been discussed with the permit applicant.

- Would prefer to see additional information up front prior to the issue of a determination including a Sustainability Management Plan (SMP). Specifically, the following changes were also sought:
 1. Scorecard Assessment
 - The STORM section – for this sized development, 100% should be provided as a minimum. A copy of the actual STORM assessment must also be submitted to Council.
 - Water – The showers should have a nominated flow rate of less than 7.5L/min.
 - Solar hot water, rainwater tanks and notations indicating their connection to roof area and toilets, CO monitors in car parks, motion sensors for lighting in public areas etc must be notated and shown on the plans.
 2. The Plans
 - Minor alterations to maximise solar passive design including all east and west facing main living room windows to be provided with external retractable shades – balcony overhangs will not be sufficient.
 - Ground level lower floor plan to introduce operable north facing windows into the kitchens of the townhouses located on the northern side of the new road; provide operable windows to the corridors and lobby areas of the apartment buildings; and, a north facing window could be introduced to the north most two (2) bedroom apartment.
 - Ground level upper floor plan to allow for the introduction of some operable windows to the corridor areas to the apartments; and, north facing windows could be introduced to the north most apartments in the centre of the development.
 - Level 1 & 2 providing a design that allows for the introduction of some operable windows to the corridor areas to the apartments; and, north east most dwellings of east block fronting Plenty Road. A south west facing window could be introduced to the bedroom of the 2 bedroom dwelling on the middle south east.
 - Level 3 upwards to ensure windows to corridors are operable.
 - Top level to be provided with high performance skylights or roof window which could be introduced into the bathrooms to allow for natural light.

Following this, the permit applicant resolved to provide a Sustainable Design Statement which led to the following comments being offered in the referral response:

3.1 Management

Building users Guide - To encourage and recognise information management that enables building users to optimise the building's environmental performance.

- a. please detail how this strategy will be detailed as there appears to be little scope for the occupants to 'optimise the building's environmental performance.'

3.2 Indoor Environment Quality

a. Please explain why the Green Star categories daylighting, thermal comfort, private external space and natural ventilation have not been answered. These are all passive design strategies that when utilised can dramatically reduce the need for mechanical heating, cooling and artificial light, therefore reducing greenhouse gas emissions.

3.3 Energy

- a. Install ceiling fans to all living areas and common areas. Fans use less energy than air conditioners, reducing electricity bills for residents and the building owner.
Using a fan instead of an air conditioner can slash your power bill by [up to] \$140 each year and reduce carbon pollution by 550kg.
Source - <http://www.savepower.nsw.gov.au/households/power-saving-tips/heating-cooling-and-insulation/use-fans-instead-of-air-conditioning.aspx>
- b. Install energy efficient skytubes or small skylights to all bathrooms on the top floor without a window. These include all of the bathrooms in the townhouses, angled apartments on the west side of the east tower, four of the Level 02 apartments facing Plenty road, Level 06 apartments on the west and south of the west tower, Level 09 apartments on the south of the west tower, Level 10 west facing apartments of the east tower,
- c. Install skylights or other roof top access to natural light such as a roof candle or clerestory window to reduce the dependence on artificial light to all common areas on a top floor.
- d. Two of the bedrooms on Level 01 and on Level 02 on the north east corner appear to have no access to natural light and ventilation. Please explain how this will be rectified.
- e. Most of the development is clad with full height windows which will result in excessive heat loss in winter and excessive heat gain in summer to the apartments. There appears to be no commitment to double glazing which can reduce heat loss and tinted glass is not ideal in Melbourne as it reduces the opportunity for heat gain in the cooler months and light all year. The ESD Officer is aware that the architect wishes to have a certain aesthetic, however it is possible with alternative claddings to achieve a similar appearance. Other projects of the architects' have included aluminium and steel cladding and raw or coloured concrete. Mixing the glazed areas with similar sized insulated panels of steel, aluminium or concrete will reduce heat loss and heat gain.
- f. Ensure the carpark is naturally ventilated wherever possible.

3.3.2 Hot Water

The report states that hot water will be provided by a gas central hot water system supplemented by 20% solar hot water requiring 92 panels. Please show the location and size of the gas boiler and the 92 solar panels required on a roof plan. Ensure there is adequate roof space that is not overshadowed by the proposed towers and that the panels can be angled at the most efficient degree.

3.4 Transport

- a. The provision of 281 bicycle parking spaces is excellent, however the design of the spaces needs adjusting.
The east bike parking is accessed by stairs which are totally incompatible with bike parking. The other entrance is either via a long, narrow corridor and around a very sharp corner OR through two swing doors via an angled hall.
The west bike parking is accessed via a ramp and left turn along a narrow hall and narrow door OR via a ramp, sliding door and a sharp u-turn through a swing door.
It is suggested that the design of the spaces is altered to include direct linear access, larger doors, sliding doors or swing doors that stay open so bikes can be moved in and out of the space easily. Please use the following guide from Bicycle Victoria
http://www.bicyclenetwork.com.au/media/vanilla/file/Bike%20Parking/Bicycle_Parking_Handbook.pdf
Or look at their website or contact them directly for design advice.

<http://www.bicyclenetwork.com.au/general/bike-parking-experts/93879/>

3.5 Water

- a. The report states that 150,000 litres of rain water tanks will be used in the development. On the submitted plans there appears to only be 2 x 20,000 litres. Please show the size and location of all tanks on the plans equivalent to 150,000L. Ensure there is adequate roof area to fill the tanks. It is preferred if the tanks are connected to toilets as the first priority as they re used all year.
- b. B. Show the location of the 5000L fire system tank on the plans.
- c. Increase the area of permeable surfaces.

3.6 Materials

- a. There appears to be only one area in each tower for all waste and recycling. This does not appear to be convenient for residents, possibly discouraging recycling. Perhaps the applicant should consider waste and recycling areas on each floor thorough the apartment
- b. Show the location of the composting system on the plans.

These comments have been reviewed and where appropriate, incorporated into a permit condition.

Public Realm (Landscape Architect)

More thorough and detailed landscape design plans will be required as a condition of any permit that may issue. In particular:

- Further consideration is required to design a footpath treatment that dissolves into the existing street footpath;
- That any part of the landscaping which extends onto the public realm (Council land) be maintained by the developer;
- Provision of seating areas (informal lawn or furniture) as well as native tree species in the communal parkland;
- Trees should be of appropriate specimens and positioned to provide shade in the warmer months over the street plaza and warmth in the cooler winter months;
- Landscape treatments at the T head of the proposed internal road to avoid the road ending at a blank commercial wall.
- Clearly define the pedestrian corridor from the towers to the hotel / retained commercial through landscape treatments – some form of connection, whether formal or informal.
- Consideration of connections between the street plaza and the tram crossing including though nature strip plantings.
- Use of Water Sensitive Urban Design (WSUD) and rain gardens.
- Planting palette be derived from the City of Darebin's Indigenous Plant List.

Refer to the recommendations of condition 9.

Yarra Valley Water

- Yarra Valley Water responded confirming that there was no infrastructure located within the easement proposed for removal from the title.

Department of Transport

- No objection to the grant of a planning permit.

VicRoads

- VicRoads were notified as an adjoining land owner through the public notification process (Section 52 notice). VicRoads responded with a request for additional information which was subsequently provided.

- VicRoads final response requested the inclusion of a condition regarding all waste collection be conducted on-site. Refer to comments under submissions.