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## AGENDA

Planning Committee Meeting to be held at  
Preston Town Hall  
284 Gower Street, Preston  
on Monday 14 December 2020 at 6.30pm.

This Planning Committee Meeting will be held in the Preston Town Hall, 284 Gower Street, Preston however the meeting will not be open to the public due to COVID-19 Restrictions

The meeting will be available for the public to watch through livestreaming via Councils website [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)



## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN**

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



(2)

### English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

### Arabic

هذا هو جدول اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8888 8470.

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

### Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

### Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

### Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

### Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

### Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

### Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

### Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

### Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

### Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

# Table of Contents

Item Number	Page Number
1. MEMBERSHIP .....	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST .....	1
4. CONSIDERATION OF REPORTS .....	2
4.1 APPLICATION FOR PLANNING PERMIT D/722/2018	
800-802 & 820 PLENTY ROAD RESERVOIR .....	2
4.2 APPLICATION FOR PLANNING PERMIT D/672/2019	
61 EDWARDES STREET, RESERVOIR.....	108
5. OTHER BUSINESS .....	207
5.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	
.....	207
6. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL .....	231
7. CLOSE OF MEETING.....	231

# Agenda

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## **1. MEMBERSHIP**

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

## **2. APOLOGIES**

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

## 4. CONSIDERATION OF REPORTS

### 4.1 APPLICATION FOR PLANNING PERMIT D/722/2018 800-802 & 820 PLENTY ROAD RESERVOIR

**Author:** Statutory Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Japara Developments Pty Ltd	Japara Developments Pty Ltd	Planning & Property Partners Pty Ltd.

### SUMMARY

- This matter relates to an application for the use and development of the land for a retirement village and residential aged care facility, the removal of native vegetation and alteration of access to a road in a Road Zone Category 1.
- At the 14 April 2020 Planning Committee meeting it was resolved to refuse Planning Permit Application D/722/2018.
- The substantive issues set out in the Notice of Refusal include: development contrary to state planning policy on urban design, negative impact on residential amenity of adjoining properties and that aspects of the building envelope are contrary Design and Development Overlay – Schedule 17.
- The Applicant has applied to have Council’s decision reviewed at VCAT.
- A VCAT compulsory conference (mediation) was held on 7 October 2020. At the compulsory conference, the parties reached an ‘in principle’ agreement to settle the matter via consent and subject to the conditions detailed in the recommendation section of this report.
- The purpose of this report is to consider the ‘in principle’ agreement reached by the parties at the compulsory conference.
- Should Council resolve to settle the matter via consent, a planning permit will be issued and the VCAT hearing will be vacated. Alternatively, should Council resolve not to settle this matter, the Application will proceed to a hearing which is currently listed for four (4) days commencing 19 April 2021. At the hearing, Council would rely upon the grounds contained within the Notice of Refusal dated 21 April 2020.
- The ‘in principle’ agreement is without prejudice. In other words, the agreement and anything said or done in the course of the compulsory conference is not admissible at a hearing should this matter not settle.
- The site is zoned Commercial 1 and is affected by a Design and Development Overlay (Schedule 17) and Development Contributions Plan Overlay Schedule 1.
- There are no restrictive covenants on the titles for the subject land.
- It is recommended that the application be supported.

**CONSULTATION:**

- There was one (1) statement of grounds received by VCAT, with the objector nominating to become a party and actively participate in the proceedings.
- A VCAT compulsory conference (mediation) was held on 7 October 2020 and was attended by all parties.
- The application has been listed for an Administrative Mention on 15 December 2020. Among other administrative requirements, all parties must advise VCAT whether the matter is resolved.

**Recommendation**

**That** Council advise the Tribunal it has considered the 'in principle' agreement reached by the parties at Compulsory Conference on 7 October 2020 and supports the proposal subject to the conditions set out below.

**That** Council request the Tribunal make orders with the consent of the parties to this effect.

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing no's TP.00 to TP.49, dated 14 September 2019, project no. 2016020 and prepared by Godfrey Spowers (Victoria) Pty Ltd.) but modified to show:
  - a) Critical height dimensions shown to the elevations (and levels to AHD) with a maximum height of 20 metres (not including roof top plant and communal areas).
  - b) The following amendments to the Plenty Road façade in accordance with drawing no's SK\_11, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd:
    - i. Amended layout to Apartments 308, 408, 508 to provide a balcony opening to the north-east façade.
    - ii. Increased width to the central entry from Plenty Road.
  - c) The southern elevation is to be amended in accordance with drawing no SK\_10, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd to show increase glazing inset and deeper reveal to the central dining area of the first, second and third floors of Building A.
  - d) Bicycle parking spaces must be dimensioned as follows: Horizontal spaces (ground-mounted):
    - i. Double-sided parking rails or hoops set 1000mm apart, or 500mm from a wall or fence.
    - ii. Allow 1800mm long envelope for the bicycle, plus 1500mm wide aisle for access.Vertical spaces (wall-mounted):
    - i. Rails mounted at 500mm spacing between centres if mounted at staggered heights, or 1000mm if mounted at a single height.
    - ii. Rails to be mounted so that bicycles need to be lifted only between 50mm-350mm (staggered rails should be mounted at alternating heights of 1850mm and 2150mm).

- iii. Must allow 1200mm envelope for the bicycle to extend out from the wall, plus a 1500mm wide aisle for access.
- e) The width of the ramp providing access to the Lower Ground B car park is to be a minimum width of 6.1 metres between ramp walls and is to be revised, as per swept paths prepared by TTM Consulting (Vic) Issue A, dated 23 August 2018.
- f) Details of signage to inform drivers that the public road along the southern boundary allows exit only movements from the subject site.
- g) The intersection between the southern boundary road and accessway leading to the lower ground car park is to be clearly shown including methods of dealing with conflicting vehicle movements.
- h) Allocation of car parking spaces to dwelling units and commercial uses.
- i) Full dimensions of car spaces and accessways showing compliance with Design standard 2 – Car parking spaces, of Clause 52.06-9 of the Planning Scheme.
- j) Details of the tandem car spaces with minimum dimensions of 4.9 metres in length x 2.6 metres in width and separated by a minimum of 500mm.
- k) 17 car parking spaces proposed on land adjacent to the eastern access removed from the plans.
- l) The accessible parking space on the basement level is to be dimensioned in accordance with AS2890.6:2009.
- m) Details of column location in the basement area, ensuring compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-9 of the Planning Scheme.
- n) Parking spaces bounded by a wall are to be widened by 300mm.
- o) Ramp transitions are to be a minimum 2 metres wide.
- p) Screening of overlooking of adjoining residential properties to the south in accordance with the requirements of Standard B22 (within 9 metres and a 45-degree angle) **and where screening is required to balconies or terraces, such screening must be a minimum height of 1.8m or otherwise through screen vegetation.**
- q) **Section shadow diagrams to demonstrate compliance with Standard B21 of ResCode.**
- r) Details of all window openings.
- s) Install an east facing operable window to Unit 305.
- t) Install an east facing operable window to E14.
- u) Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.
- u) The water tank must be connected to the toilets for the independent living units for the lower levels.
- v) Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.
- w) Full details on the waste and recycling chutes.
- x) A single communal antenna for the development (refer also to Condition No. 17 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- y) Details of lighting to the garage and common ground level and lower ground level areas.



- z) Full details of shade and seating to the communal roof top terraces.
- aa) Location of mailboxes adjacent to the building entry, in an active well-lit and weather protected.
- bb) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 7 of this Permit.
- cc) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- dd) A notation indicating the extent of the construction of the rear right of way (refer to Condition no. 13 of this Permit).
- ee) Noise attenuation measures required by the acoustic assessment under Condition 14 of this permit.
- ff) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition no. 9 of this Permit).
- gg) Modifications in accordance with the Waste Management Plan (Refer to Condition no. 15 of this Permit).
- hh) A landscape plan in accordance with Condition No. 4 of this Permit.
- ii) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

**The south facing lower ground elevation abutting the laneway to be of muted / non- reflective tones.**

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

When approved, the plans will be endorsed and form part of this Permit.

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed or the use is not started within five (5) years of the date of this Permit.

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible

Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Provision of a minimum of six (6) suitable medium canopy trees and ten (10) suitable small canopy trees.
- b) Tree protection measures, in accordance with Condition No. 7 of this Permit.
- c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) **Planter sections to demonstrate compliance with Condition no. 1(p) of this Permit, as required.**
- o) **Details of the proposed irrigation system for all planters, including details of a proposed maintenance schedule.**
- p) **Creepers to produce a green wall at the lower ground and ground southern façade for all non-brick sections at the southern boundary of the Site.**
- q) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<b><i>Tree (as defined in the tree assessment by Axiom Tree Management Pty Ltd dated 8 May 2018)</i></b>	<b><i>TPZ (radius from the base of the trunk)</i></b>
Tree 4 – Located within the adjoining property to the south	3.2 metres
Tree 5 – Located within the adjoining property to the south	2.5 metres

- Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
  - Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
  - The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
  - No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
  - No storage or dumping of tools, equipment or waste is to occur within a TPZ.
  - Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
  - Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.
- (8) Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.

Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.

- (9) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

The development must be constructed in accordance with the requirements/recommendations of the SDA to the satisfaction of the Responsible Authority.

- (10) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - i. An assessment using an industry recognised stormwater tool;
    - ii. The type of Water Sensitive Urban Design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - iv. A plan illustrating where all impervious surfaces will be treated and drained;
    - v. A construction and maintenance schedule;
  - b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

- (11) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- a) Erosion and sediment.
  - b) Stormwater.
  - c) Litter, concrete and other construction wastes.
  - d) Chemical contamination.

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (12) At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.

- (13) Prior to the occupation of the development:
- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the eastern end

of the property and continuing west, must be submitted to and approved by Council.

- b) The right of way abutting the western boundary of the property, commencing from the southern boundary of the property, commencing from the eastern end of the property and continuing west, must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

- (14) Before development starts, an Acoustic Assessment of the development generally in accordance with the submitted report by Resonate dated 31 August 2018, to the satisfaction of the Responsible Authority, must be submitted to the Responsible

Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

- (15) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

Waste storage and collection must be undertaken in accordance with the approved waste management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (16) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and road reserve adjacent to the subject site.

The plans must include the following details:

- a) A detailed level and feature survey of the footpaths and roads, including the depth of the footpaths from the external façades to the kerb.
- b) Premium footpath paving (Abri masonry) in two tone (charcoal grey and steel grey or another suitable option) to the Plenty Road road reserve adjacent to the subject site.
- c) A planting schedule of proposed street tree vegetation and canopy trees detailing the botanical name, common name, size at maturity and quantities of all plants. All

footpath planting must be provided in passively irrigated pits, either WSUD pits or resin bound surfacing and flush with the pavement. Planter boxes must not be provided.

- d) Any required relocation of parking and traffic signs.
- e) Any other works to the public land adjacent to the development.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with the prior written consent of the Responsible Authority.

- (17) Prior to the commencement of any works, the permit holder is to provide written approval for all relevant service authorities that benefit from any easements to be expunged/relocated to the satisfaction of the Responsible Authority.
- (18) Prior to the commencement of any works, the permit holder is to provide an appropriate lease to allow use of the adjacent VicRoads land to the satisfaction of the Responsible Authority.
- (19) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (20) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.  

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (25) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (27) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat;
  - d) Drained;
  - e) Line-marked to indicate each car space and all access lanes;

- f) Clearly marked to show the direction of traffic along the access lanes and driveways  
to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

- (28) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

#### **VicRoads Conditions:**

- (29) Prior to the commencement of works, amended ground floor plans must be submitted to and approved by the Roads Corporation (VicRoads). The plans must show a redesigned loading bay access (at the south boundary), provided with physical constraints (such as boom gate), to prevent other vehicles from the development from entering Albert Street directly from the site.
- (30) The development must be managed during construction so as not to compromise the operational efficiency of Plenty Road Reservoir or public safety.

#### **NOTATIONS**

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

## INTRODUCTION AND BACKGROUND

An Application for Review against Council's Refusal to Grant a Permit was lodged with VCAT on or about 2 June 2020.

There was one (1) statement of grounds received by VCAT. The Objector has nominated to become a party and actively participate in the proceedings.

At the VCAT compulsory conference on 7 October 2020, the parties reached an 'in principle' agreement to settle the matter via consent and subject to the conditions detailed in the recommendation section of this report.

The 'in principle' agreement does not delete any conditions set out in the Officer's recommendation from the 14 April 2020 Planning Committee Meeting. Rather, a series of permit conditions (noted in **Bold**) have been added to address the building design and off-site amenity concerns raised by Council and the Objector.

The matter is set down for the following key dates:

- Administrative Mention – 15 December 2020 (to advise VCAT of Council's resolution);
- Hearing – 19 April 2021 (4 days).

## ISSUES AND DISCUSSION

### Proposal

- The proposal is for the construction of two (2) mixed-use six (6) storey buildings (Building A and Building B), providing retail and food and drink premises with the primary use being a residential aged care facility and retirement village.
- A total of 123 car parking spaces are proposed within basement and lower ground levels, with access via the existing accessway to the east (for the lower ground level) and the rear Right of Way for the basement parking area.
- Building A
  - A café/restaurant and independent living units are contained at ground floor fronting Plenty Road.
  - The ground floor also contains pedestrian entry to the internal core area, a kitchen (for meal preparation and distribution throughout the building). Additional independent living units are located at the rear ground floor, with a total of twelve (12) independent living units at this level. Various staff facilities and operational rooms are provided within the basement level of the building including the laundry, a staff facilities and other meeting rooms.
  - A total of ninety (90) aged care suites are provided from the first floor to the third-floor levels, with communal lounge and dining areas and terraces to the south.
  - The fourth-floor level has 15 assisted living units, with a communal lounge and terrace area and south facing balconies for the units.
  - The roof has a communal terrace area.
- Building B



- At ground level, Building B contains a retail premises to Plenty Road, with independent living units located behind the retail premises.
- This building is primarily used for a retirement village with a total of 47 independent living units across the six (6) levels, with a variety of unit layouts and sizes (one (1), two (2) and three (3) bedrooms) and each unit with private open space area in the form of terraces and balconies (of 8 - 33 square metres).
- There is a pool and gymnasium to the basement level and a communal terrace area to the roof.

### **Statement of Changes**

As a result of the 'in principle' agreement, the changes to development can be summarised as follows:

- Condition 1(p)/Condition 4(n) have been amended to require additional height to privacy screening or a comparable treatment with landscaping to prevent overlooking;
- Condition 1(q) has been added to confirm extent of overshadowing from the development to adjoining properties;
- Condition 1(ii) seeks to amend the materiality of the wall abutting the rear laneway to non-reflective and muted colours;
- Condition 4(o) requires planters to be provided with details of irrigation and maintenance;
- Condition 4(p) requires a green wall façade for non-brick sections of ground and lower ground floor walls along the southern elevation.

### **PLANNING ASSESSMENT**

#### **What is the 'in principle' agreement reached by the parties at compulsory conference and what effect does it have?**

The 'in principle' agreement retains all permit conditions contained in the Officer's recommendation from the 14 April 2020 Planning Committee Meeting. As noted in the above statements of changes, the proposal primarily differs in terms of improving the southern elevation and the interface with the properties to the south. These conditions have been requested by the Objector to address concerns relating to overlooking of his property, which is located at the rear of the subject site. Furthermore, conditions requiring additional landscaping and climbing plants at the ground and lower ground along the southern boundary will provide a softer interface to adjoining properties.

Importantly, discussions at a compulsory conference occur on a 'without prejudice' basis and in the event that this matter does not settle, the Tribunal is not bound by any of the discussions/agreements reached as part of their future decision making nor can they be raised by any of the parties. In other words, if Council does not settle this matter, there is no guarantee that the conditions agreed to by the parties at compulsory conference will reflect those imposed by the Tribunal in the future if a planning permit were to be issued. This is because a party may agree to changes which are not necessarily requirements of the Darebin Planning Scheme in the course of a compulsory conference.

#### **Does the agreement address the substantive concerns in Council's refusal?**

In certain respects, the 'in principle' agreement does not explicitly address all of the grounds in Council's refusal. This is because the site is located in a major activity centre designated for substantial change under Clause 21.03 of the Planning Scheme, where policy encourages higher scale and more intense mixed-use redevelopment.

As a strategic opportunity site, the Planning Scheme specifically encourages a more intensive redevelopment which meets the future housing and accommodation needs of Darebin. It is therefore arguable that the proposed increase in density is wholly contemplated in this policy context. In these circumstances, expectations of strict compliance with Planning Scheme provisions which are called up by Council’s grounds of refusal must be tempered by the overarching policy expectations.

Having regard to the grounds of refusal, Council must consider whether the following issues have been resolved:

Visual Bulk

In respect of visual bulk, Council’s grounds of refusal raise concerns that when viewed from the south, the proposal will present as excessive, especially to the Summerhill Road properties.



In particular, Building A extends across the width of six (6) Summerhill Road properties which may result in some visual bulk impacts and off-site amenity impacts. Importantly, residential amenity of adjoining properties must be viewed through the lens of the policy expectations for the subject site. In this instance, the site and adjoining properties to the south are also located in an area of substantial change under Clause 21.03. The density which has been proposed is arguably of an appropriate scale on a site which enjoys both policy and strategic support for more intensive mixed-use redevelopment.

In respect of the ‘in principle’ agreement, conditions have been included which require additional overlooking treatment, landscaping and materials treatment along the southern elevation. These conditions will, among other things, assist in visually softening and breaking up the expanse of building form along its southern interface to achieve a less ‘bulky’ design response overall.

Compliance with Design and Development Overlay – Schedule 17 (DDO17)

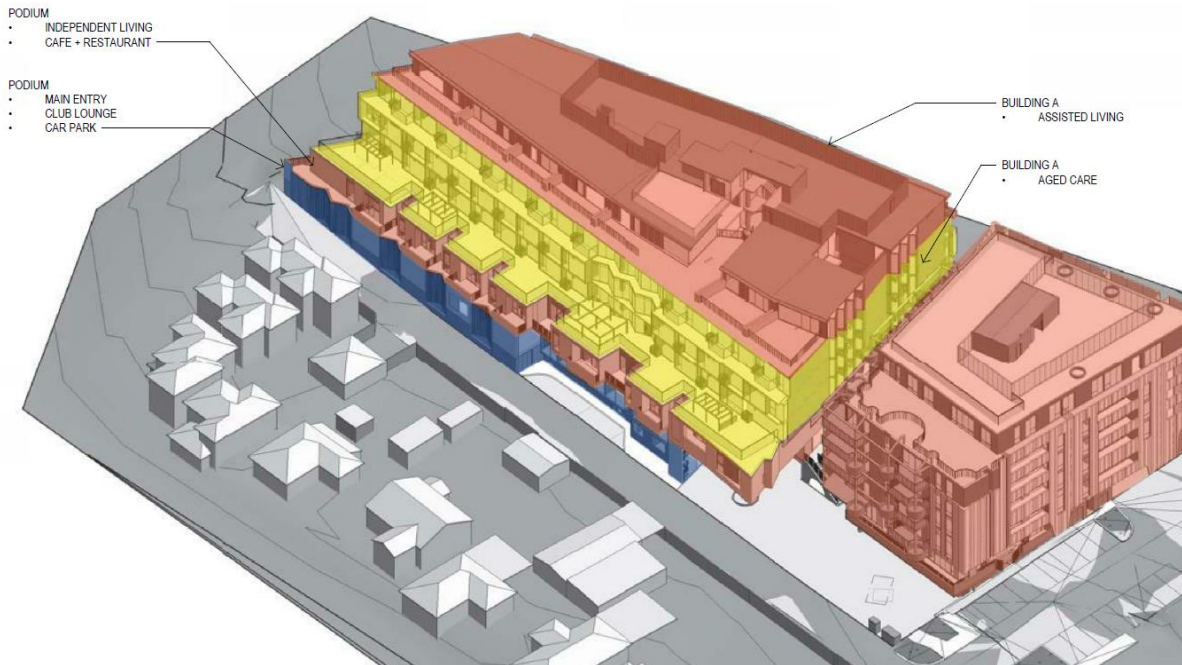
As a related issue to visual bulk, Council’s grounds of refusal raise concerns that the development does not achieve compliance with the rear setback requirement of 30 degrees under DDO17.

Under the provisions of Clause 2.1-3 in the schedule of DDO17, policy seeks that building form is contained within a 30-degree rear setback envelope. Albeit, the setback requirement is not a mandatory control.

An analysis of the plans shows that this requirement has not been met, with apparent non-compliance affecting most levels of Building A.

In some respects, it may reasonably be argued that compliance with the rear boundary setback requirement is not realistically achievable without drastically reducing the building height due to the fall of approximately 6.0 metres from the front to the rear of the site. In this respect, the policy is pulling in different directions to achieve a higher provision of housing to meet the needs of Darebin and prescribing rear building envelope. Where tension between policies exists, Clause 71.02-3 directs decision makers to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The aspects of non-compliance are generally confined to Building A. It is considered that the agreement reached by the parties, while not addressing the setback issue directly, will provide a softer interface (for reasons outlined above), while still meeting Darebin’s housing and accommodation needs which are called up by Clause 21.03 of the Planning Scheme.



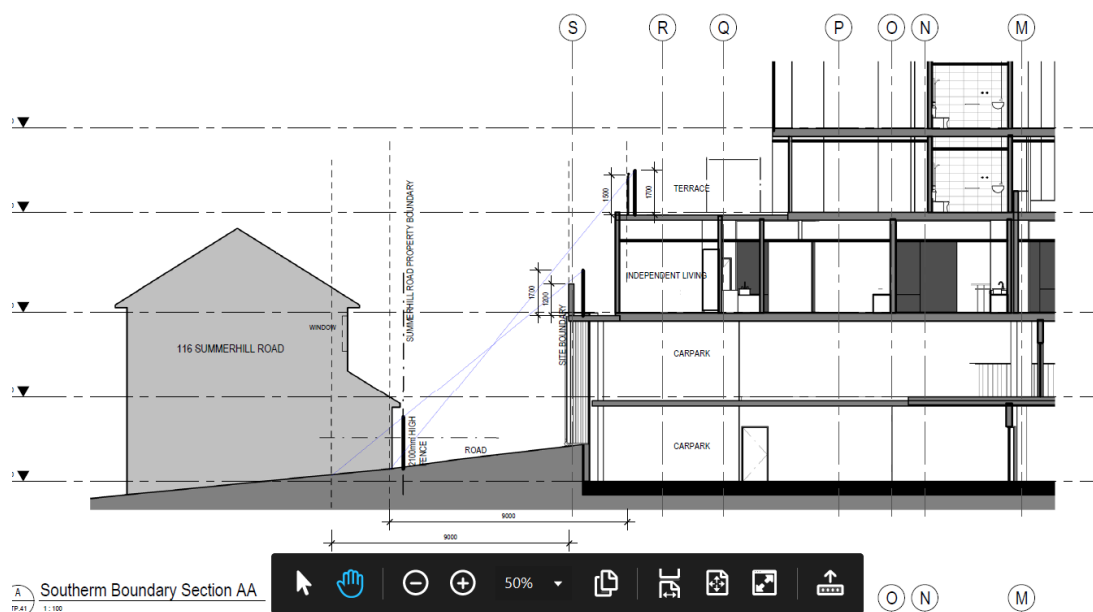
Overlooking

An analysis of the plans shows that there are a number of aged care and independent living units with what is essentially a southern outlook, towards the rear yards of a number of adjacent residential properties.

The section diagrams accompanying the application show that such properties to the south are a combination of being beyond 9 metres (i.e. beyond 9 metres, the Planning Scheme does not require privacy screening), or show that view lines would be blocked by existing fencing (within the 9-metre arc). Where this is not achieved, units are fitted with a 1.7-metre-high screen above FFL (finished floor level) to prevent overlooking.

While the proposal may technically comply with the requirements of the Darebin Planning Scheme in terms of overlooking, Council’s refusal nonetheless takes issue with the potential for overlooking of adjoining residential properties.

As noted in the ‘in principle’ agreement above, the parties have agreed to include conditions in excess of the Planning Scheme requirement (in particular, privacy screening to 1.8 metres), to address perceptions of overlooking from the balconies and terraces along the interface to the Summerhill Road properties. This represents an example of where the objectors stand to benefit from a settlement agreement, and where VCAT is unlikely to impose a condition should the matter proceed to a hearing.



Overshadowing

An analysis of the plans shows that when existing fence shadows are taken into account, 1/116 Summerhill Road appears to be the most affected between the hours of 9am and 10am at the equinox.

Although forming a ground of refusal, it is arguable that the extent of overshadowing of adjoining properties to the south will be absorbed within the existing fence line shadow at the equinox and the proposal therefore complies with the relevant overshadowing test in the Planning Scheme.

Notwithstanding, the parties have agreed to include a condition within the ‘in principle’ agreement, requiring section diagrams which demonstrate compliance with Standard B21

(Overshadowing) of Clause 55.04-5, which will remove any doubt that the development does not cause unreasonable overshadowing.

**REFERRAL SUMMARY**

- Due to the nature of amendments proposed by the ‘in principle’ agreement, the application was not internally or externally re-referred.

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required**

- Clause 34.01-1, a planning permit is required to use the land for a dwelling.
- Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
- Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.
- Clause 52.06-3, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
- Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
- Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1.
- Clause 52.34-2, a permit is required to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.
- Clause 45.05 applies to the land, however Council’s ability to request development contribution expired with the Schedule in June 2014.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11.01-1S, 11.01-1R, 11.02-1S, 11.02-2S, 11.03-1S, 11.03-1R, 12.01-2S, 13.07-1S, 15, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-4S, 15.01-5S, 16, 16.01-1S, 16.01-2S, 16.01-2R, 16.01-3S, 16.01-4S, 16.01-7S, 17, 17.01-1S, 17.02-1S, 18, 19, 19.01, 19.02, 19.02-1S, 19.03
LPPF	21.01-2, 21.01-4, 21.01-6, 21.02, 21.02-3, 21.03, 21.04, 21.05 22.06, 22.12
Zone	34.01
Overlay	43.02, 45.06
Particular provisions	52.06, 52.29, 52.34, 53.18
General provisions	65.01

**POLICY IMPLICATIONS**

**Environmental Sustainability**

A Sustainable Design Assessment (SDA) has been requested as a condition of approval and forms part of the ‘in principle’ agreement between the parties.

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

### RELATED DOCUMENTS

- Darebin Planning Scheme
- *Planning and Environment Act (1987)*

### Attachments

- Advertised Plans (**Appendix A**) [↓](#)
- Notice of Refusal (**Appendix B**) [↓](#)
- Delegate Report (**Appendix C**) [↓](#)

### DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

DWG NO.	NAME
TP-00	LOCATION PLAN & DRAWING SCHEDULE
TP-01	NEIGHBOURHOOD AND SITE CONTEXT ANALYSIS
TP-02	EXISTING CONDITIONS AND DEMOLITION PLAN
TP-03	DESIGN RESPONSE - SITE PLAN
TP-04	HEIGHT CONTROLS AND SCENIC DESIGN RESPONSE PLAN
TP-05	HEIGHT CONTROLS AND DESIGN RESPONSE SECTIONS SHEET 1
TP-06	HEIGHT CONTROLS AND DESIGN RESPONSE SECTIONS SHEET 2
TP-07	DESIGN RESPONSE - BUILDING MASSING
TP-08	OVERALL FLOOR PLAN - BASEMENT / UNDERGROUND
TP-09	OVERALL FLOOR PLAN - PLENTY ROAD GROUND
TP-10	OVERALL FLOOR PLAN - FIRST LEVEL
TP-11	OVERALL FLOOR PLAN - SECOND LEVEL
TP-12	OVERALL FLOOR PLAN - THIRD LEVEL
TP-13	OVERALL FLOOR PLAN - PLANT LEVEL
TP-14	OVERALL FLOOR PLAN - FOURTH LEVEL
TP-15	OVERALL FLOOR PLAN - PLANT LEVEL
TP-16	OVERALL ELEVATIONS - NORTH & EAST (WITH PLANTING)
TP-17	OVERALL ELEVATIONS - SOUTH & WEST (WITH PLANTING)
TP-18	OVERALL ELEVATIONS - NORTH & EAST
TP-19	OVERALL ELEVATIONS - SOUTH & WEST
TP-20	FLOOR PLAN WEST - BASEMENT / UNDERGROUND
TP-21	FLOOR PLAN EAST - BASEMENT / UNDERGROUND
TP-22	FLOOR PLAN WEST - LOWER GROUND A
TP-23	FLOOR PLAN EAST - LOWER GROUND A
TP-24	FLOOR PLAN WEST - PLENTY ROAD GROUND A
TP-25	FLOOR PLAN EAST - PLENTY ROAD GROUND A
TP-26	FLOOR PLAN WEST - FIRST LEVEL A
TP-27	FLOOR PLAN EAST - FIRST LEVEL A
TP-28	FLOOR PLAN WEST - SECOND LEVEL A
TP-29	FLOOR PLAN EAST - SECOND LEVEL A
TP-30	FLOOR PLAN WEST - THIRD LEVEL A
TP-31	FLOOR PLAN EAST - THIRD LEVEL A
TP-32	FLOOR PLAN WEST - FOURTH LEVEL A
TP-33	FLOOR PLAN EAST - FOURTH LEVEL A
TP-34	FLOOR PLAN WEST - PLANT LEVEL A
TP-35	FLOOR PLAN EAST - PLANT LEVEL A
TP-36	ELEVATIONS - NORTH
TP-37	ELEVATIONS - EAST & WEST
TP-38	ELEVATIONS - SOUTH
TP-39	ELEVATIONS - INTERNAL PLAZA - EAST & WEST
TP-40	BUILDING SECTIONS
TP-41	SOUTHERN BOUNDARY OVERLOOKING DETAIL SECTIONS SHEET 1
TP-42	SOUTHERN BOUNDARY OVERLOOKING DETAIL SECTIONS SHEET 2
TP-43	SHADOW STUDIES - SHEET 1
TP-44	SHADOW STUDIES - SHEET 2
TP-45	SHADOW STUDIES - SHEET 3
TP-46	SHADOW STUDIES SHEET 4
TP-47	EXTERNAL FINISHED GROUND/ROAD
TP-48	3D VIEW FROM PLENTY ROAD
TP-49	3D VIEW OF INTERNAL PLAZA

# JAPARA

## 800 PLENTY ROAD, RESERVOIR, VIC

### JAPARA RESERVOIR AGED CARE

#### TOWN PLANNING ISSUE



LOCATION PLAN



PLENTY ROAD PROPOSED PERSPECTIVE

Godfrey Spowers (Vicorel) Pty Ltd  
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PLENTY ROAD BOUNDARY  
EXISTING RETAINING WALL TO BE RETAINED



PLENTY ROAD BOUNDARY  
EXISTING STAIR TO BE REMOVED



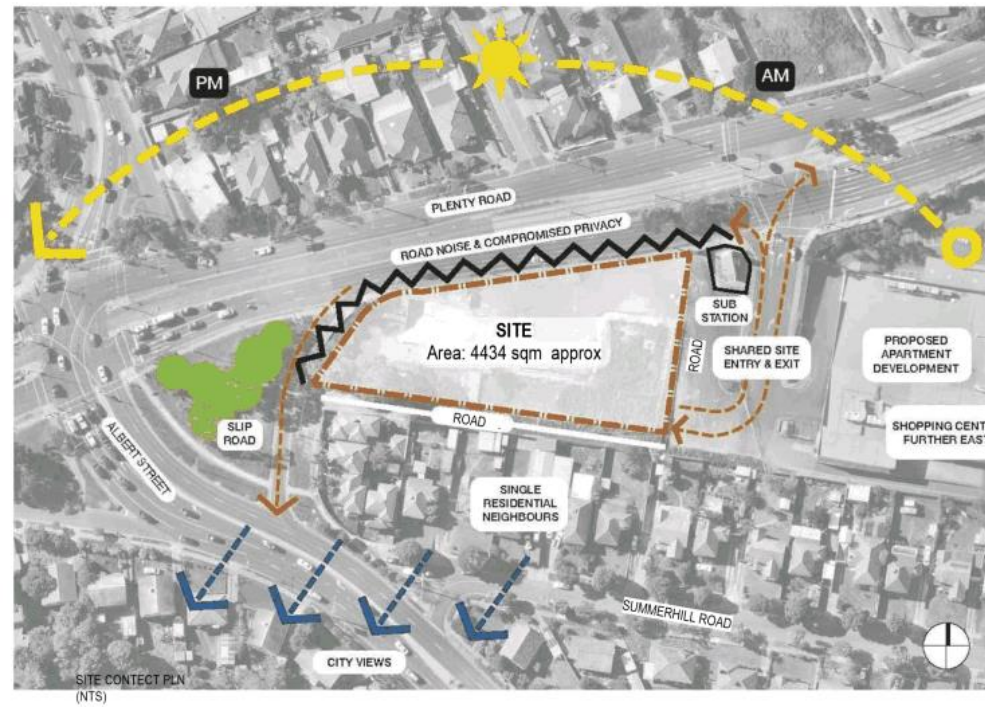
SHARED ACCESS ROAD LOOKING TO PLENTY ROAD  
VICROADS SUBSTATION



PLENTY ROAD  
VICROADS SUBSTATION



PLENTY ROAD BOUNDARY  
VIEW TO THE CITY



PLENTY ROAD BOUNDARY  
VIEW TO THE CITY



ACCESS ROAD  
LOOKING EAST



ACCESS ROAD  
FROM SLIP LANE



ACCESS ROAD  
LOOKING EAST



ACCESS LANE  
LOOKING EAST TO SHARED ACCESS ROAD



ACCESS LANE  
LOOKING WEST



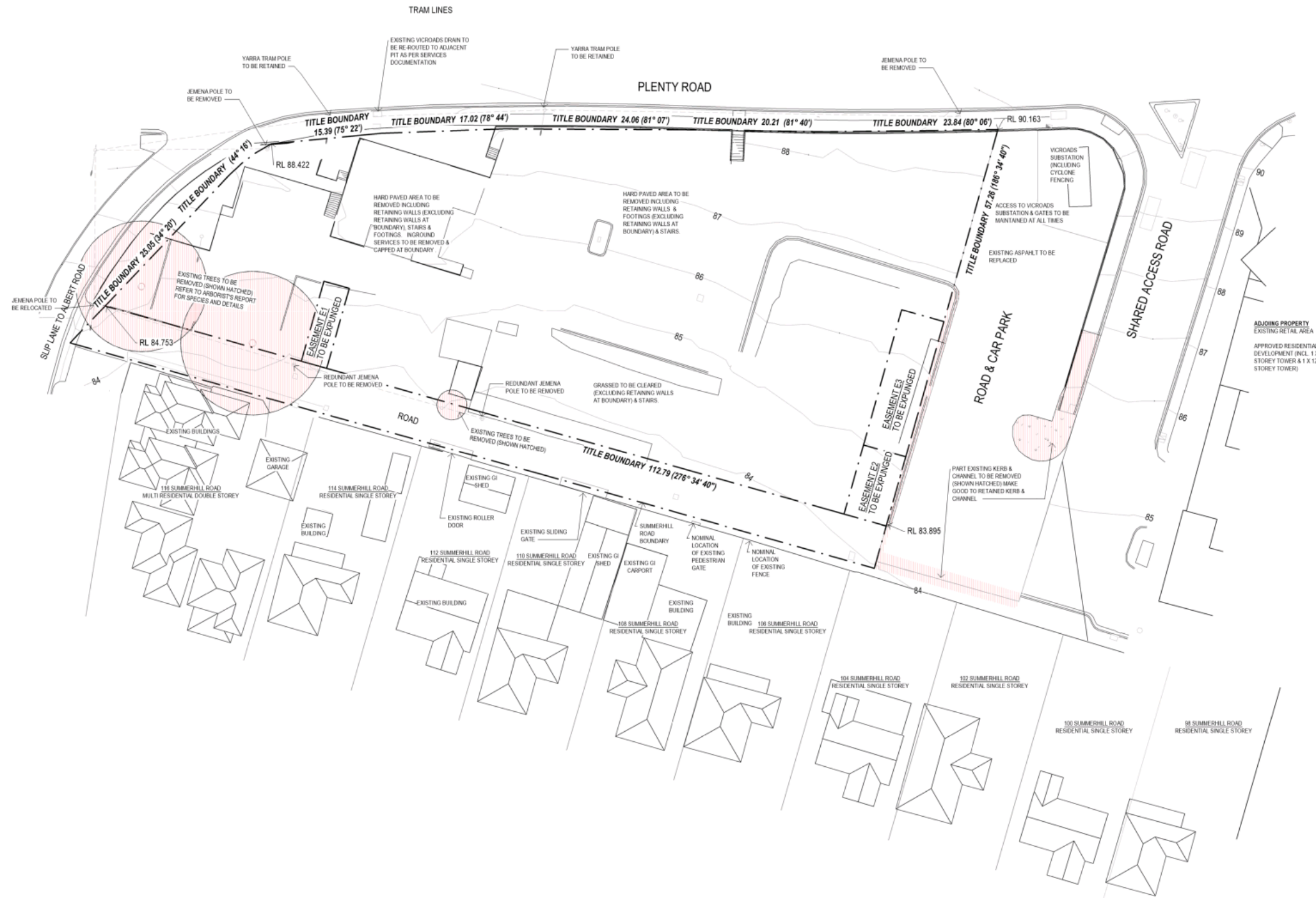


**EXISTING EASEMENTS**

**EASEMENT E1**  
SEWER EASEMENT TO BE RELOCATED AS PER SERVICES ENGINEER'S DOCUMENTATION  
EASEMENT TO BE EXPUNGED

**EASEMENT E2**  
SEWER & GAS EASEMENT TO BE RELOCATED AS PER SERVICES ENGINEER'S DOCUMENTATION  
EASEMENT TO BE EXPUNGED

**EASEMENT E3**  
SEWER & GAS EASEMENT TO BE RELOCATED AS PER SERVICES ENGINEER'S DOCUMENTATION  
EASEMENT TO BE EXPUNGED



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NORTH

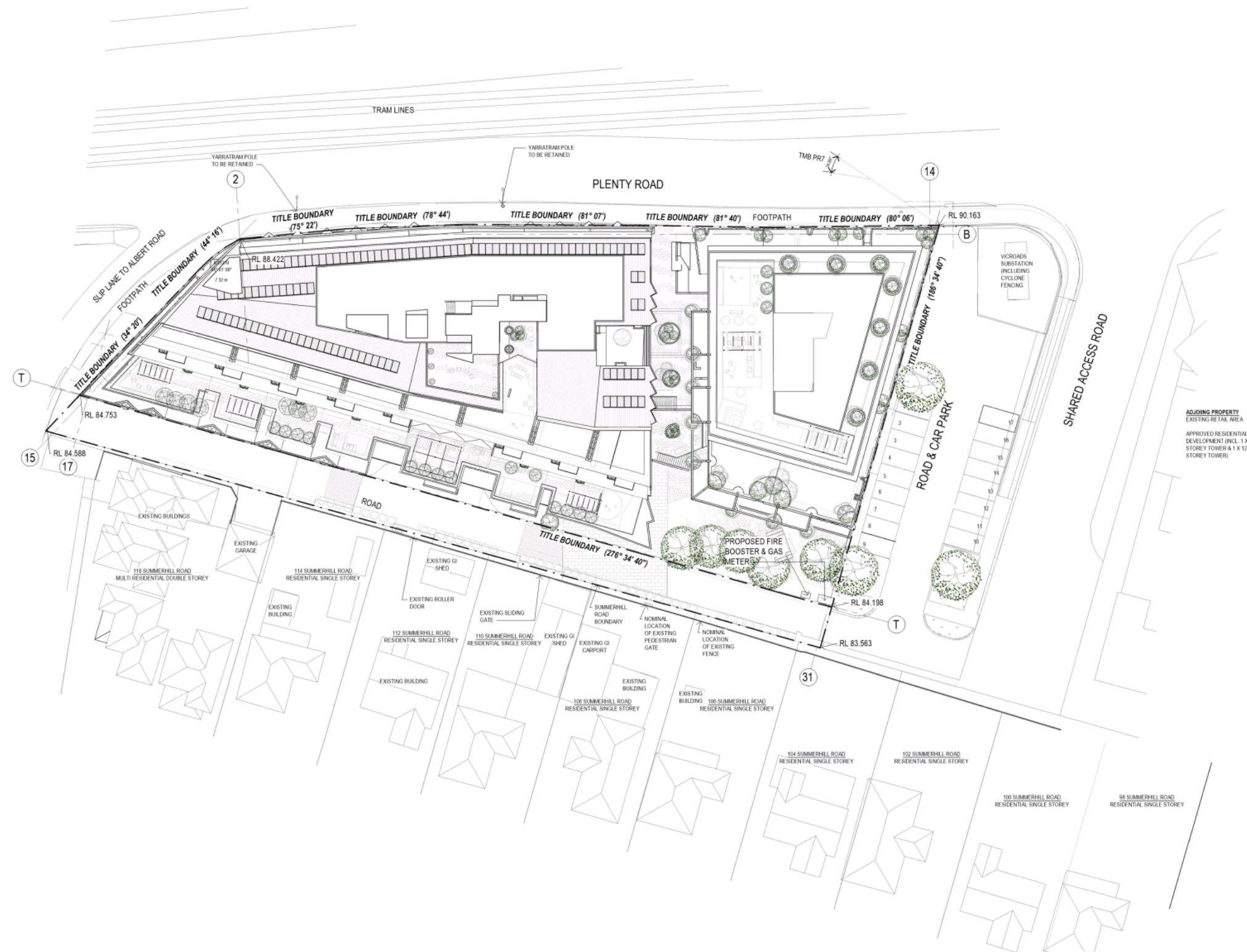
JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

EXISTING CONDITIONS AND DEMOLITION PLAN  
Drawing

2016020 14/09/18 TP.02 1 : 250 @ B1  
Project No. Issue Date Drawing Number Scale

Darebin City Council Received 15/07/2020



JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

DESIGN RESPONSE - SITE PLAN  
Drawing

2016020 14/09/18 TP.03  
Project No. Issue Date Drawing Number

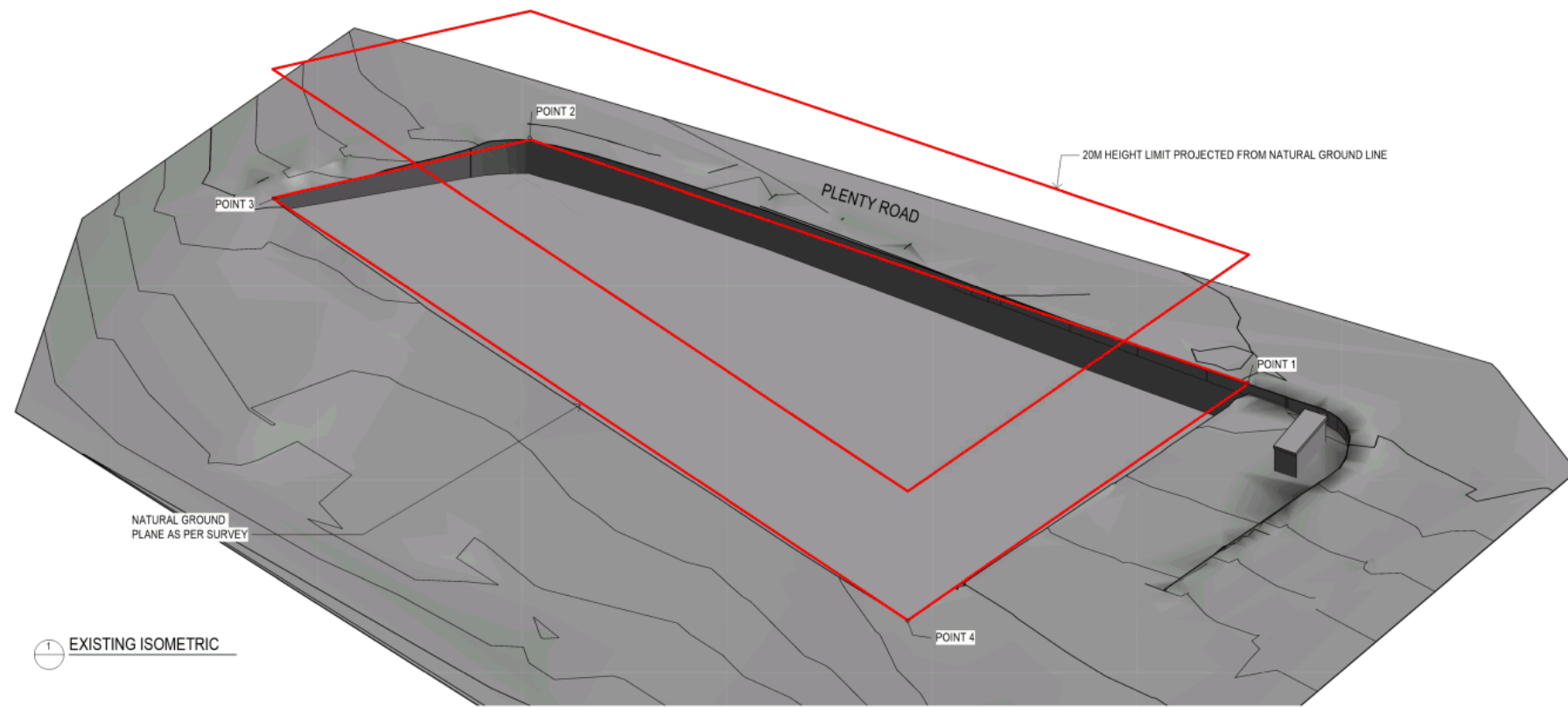
1 : 250 @ B1  
Scale



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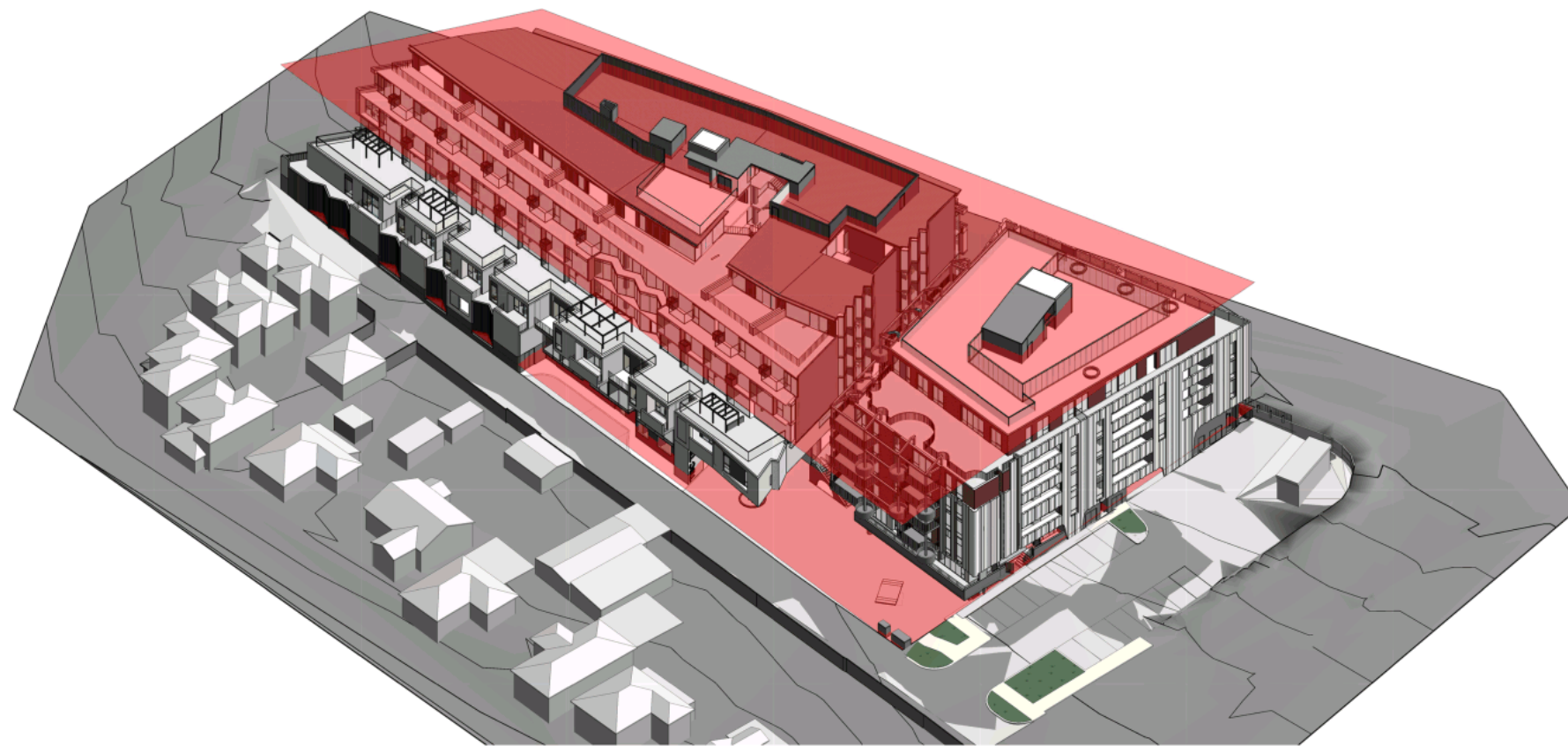
Darebin City Council Received 15/07/2020

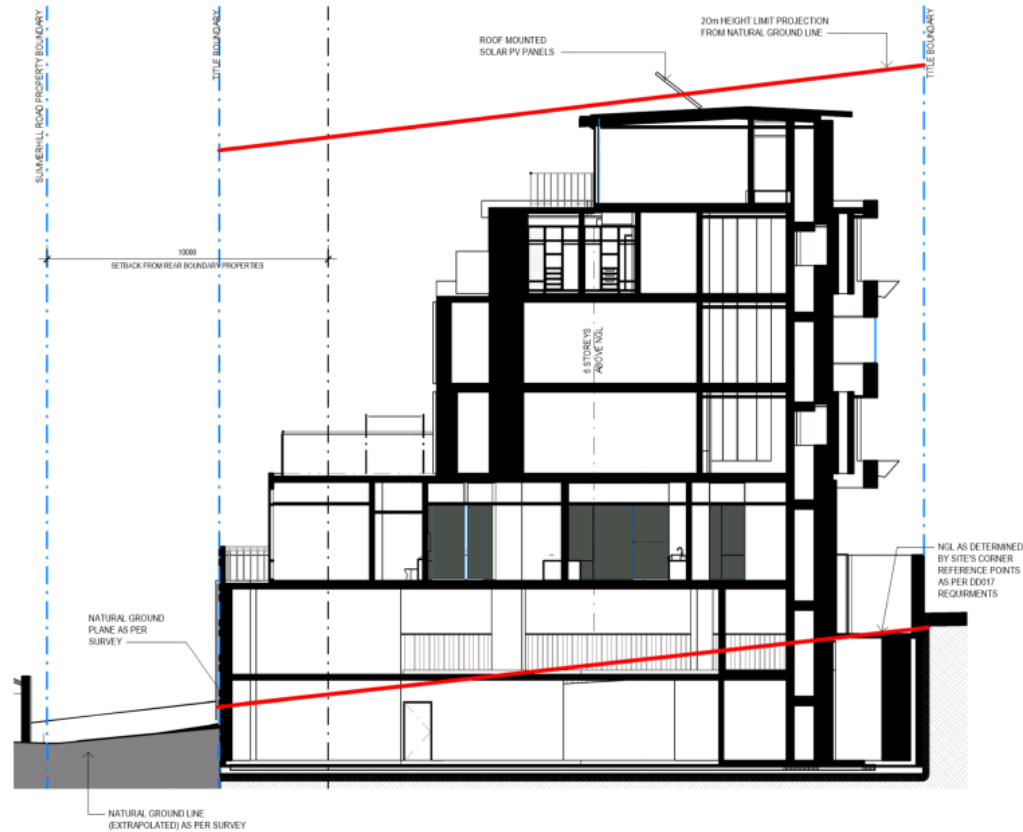


POINT	NATURAL GROUND (AHD)	20.0m LIMIT (AHD)
1	+90.163	+110.163
2	+88.422	+108.422
3	+84.753	+104.753
4	+84.198	+105.198

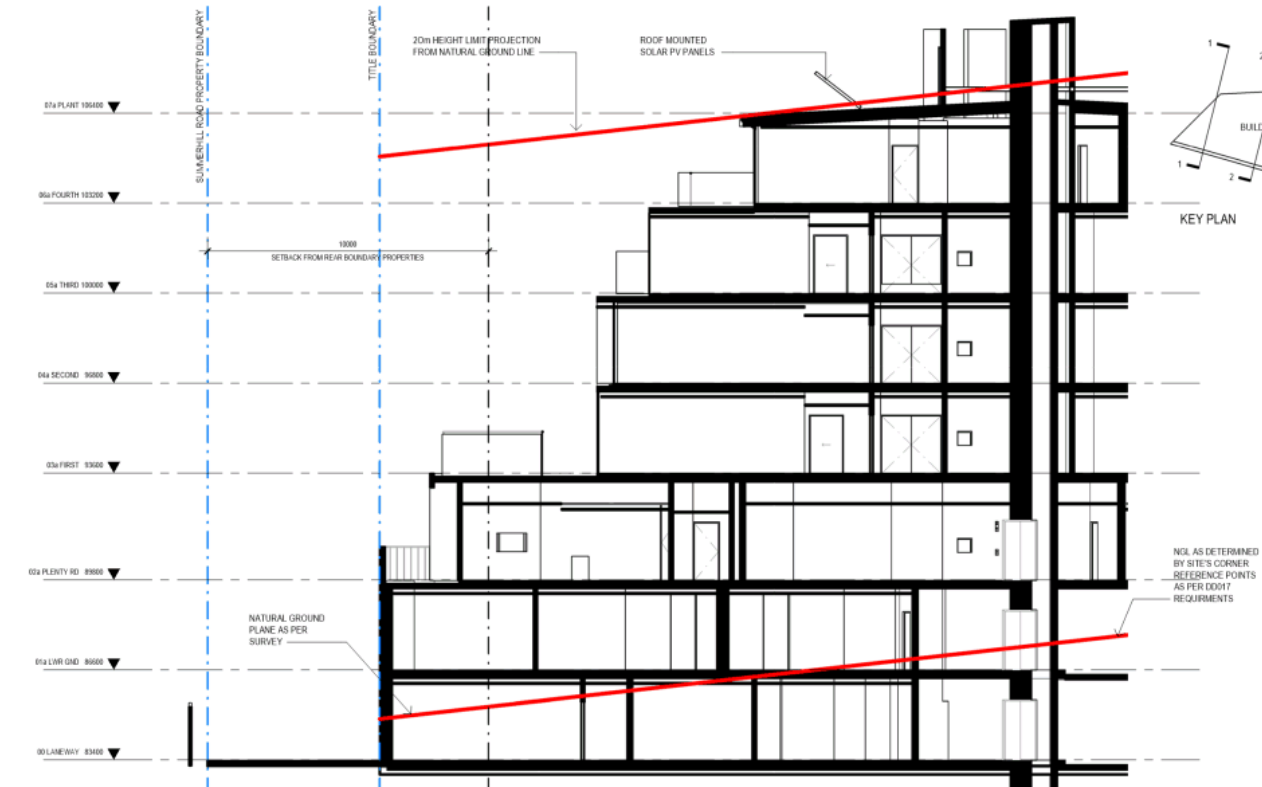
PERSPECTIVE DRAWINGS OF DAREBIN CITY COUNCIL'S PRINCIPLE PLANNING CONTROLS FOR HEIGHT, VIEWED FROM SOUTH EAST.

REFERENCE POINTS DETERMINED BY CORNER LOCATIONS OF THE SITE AS PER DD017 REQUIREMENTS

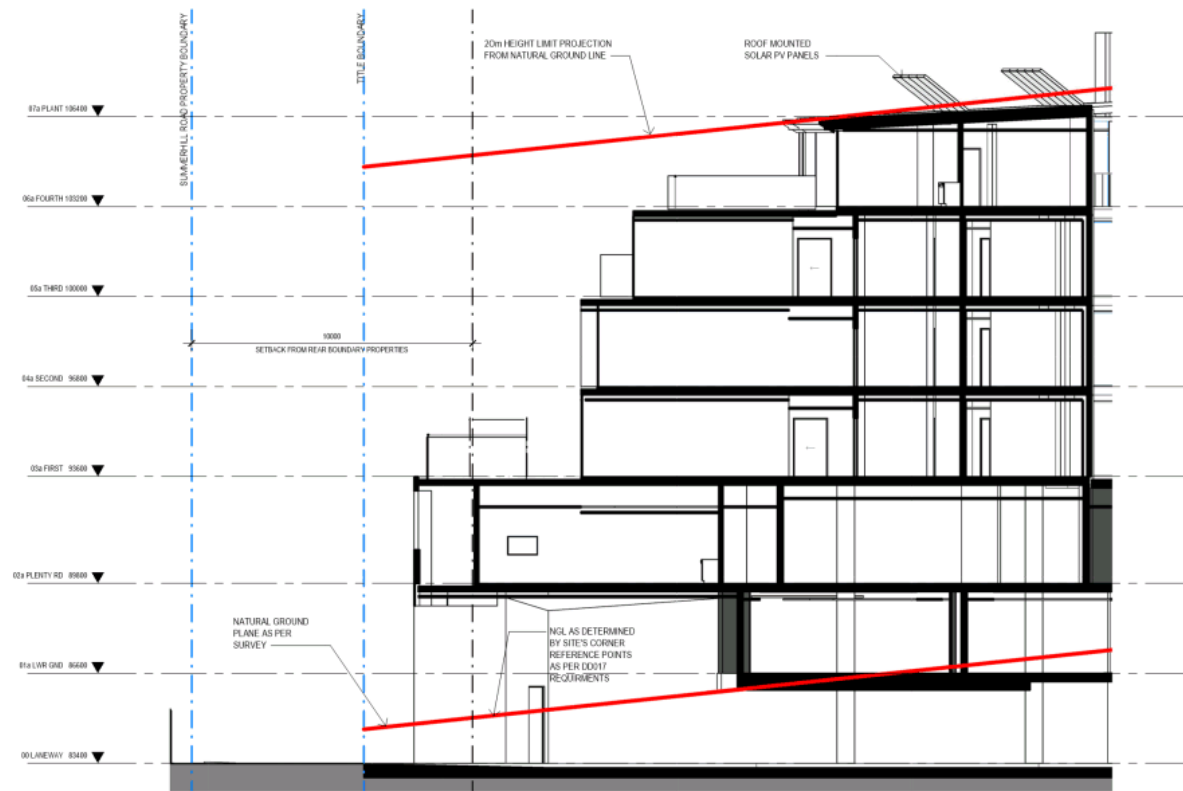




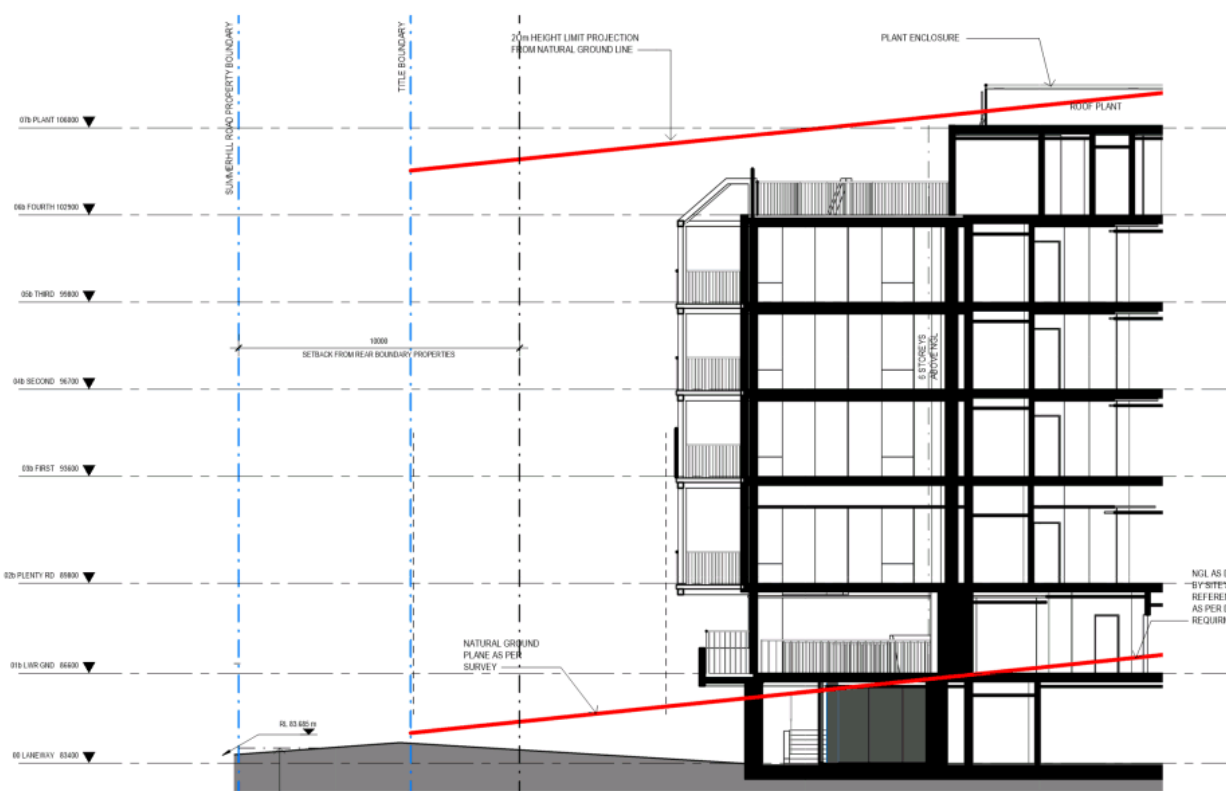
1 SECTION @ GRID 19  
1:100



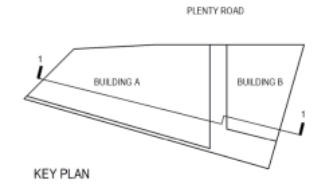
2 SECTION @ GRID 23  
1:100

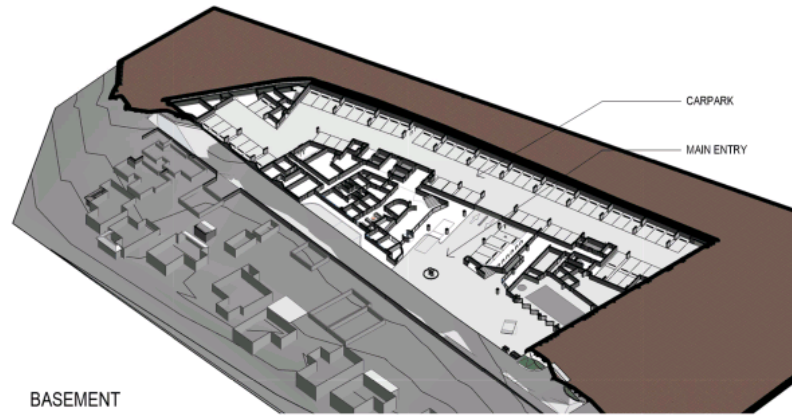


3 SECTION @ GRID 27  
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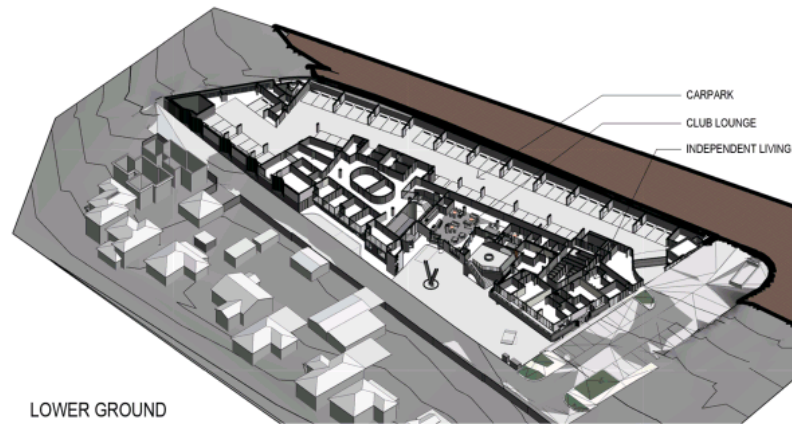


4 SECTION @ GRID 30  
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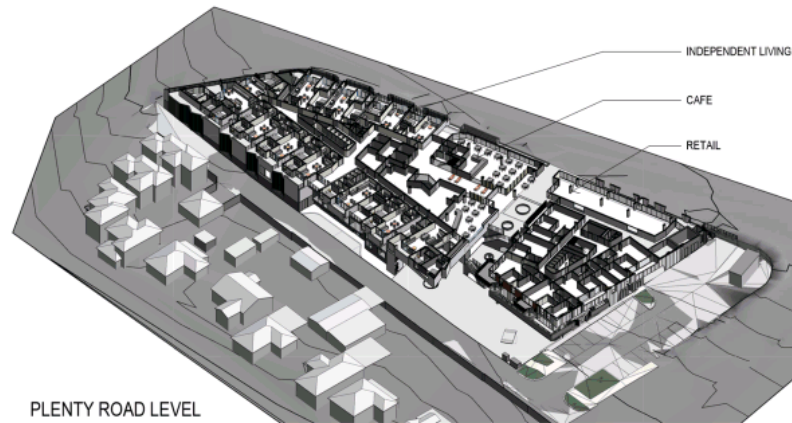




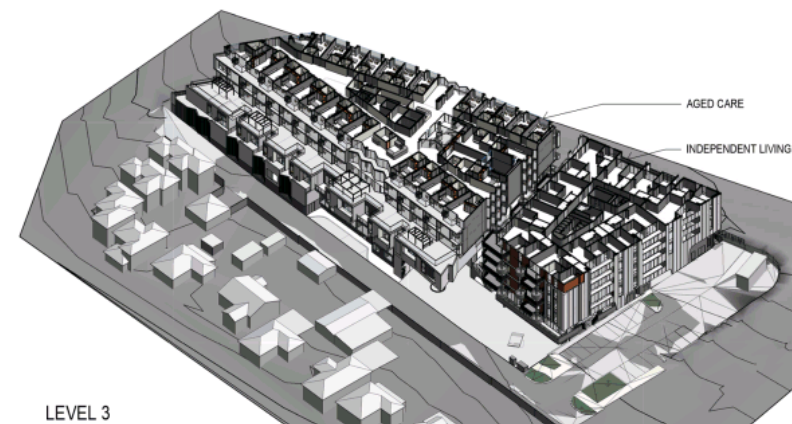
BASEMENT



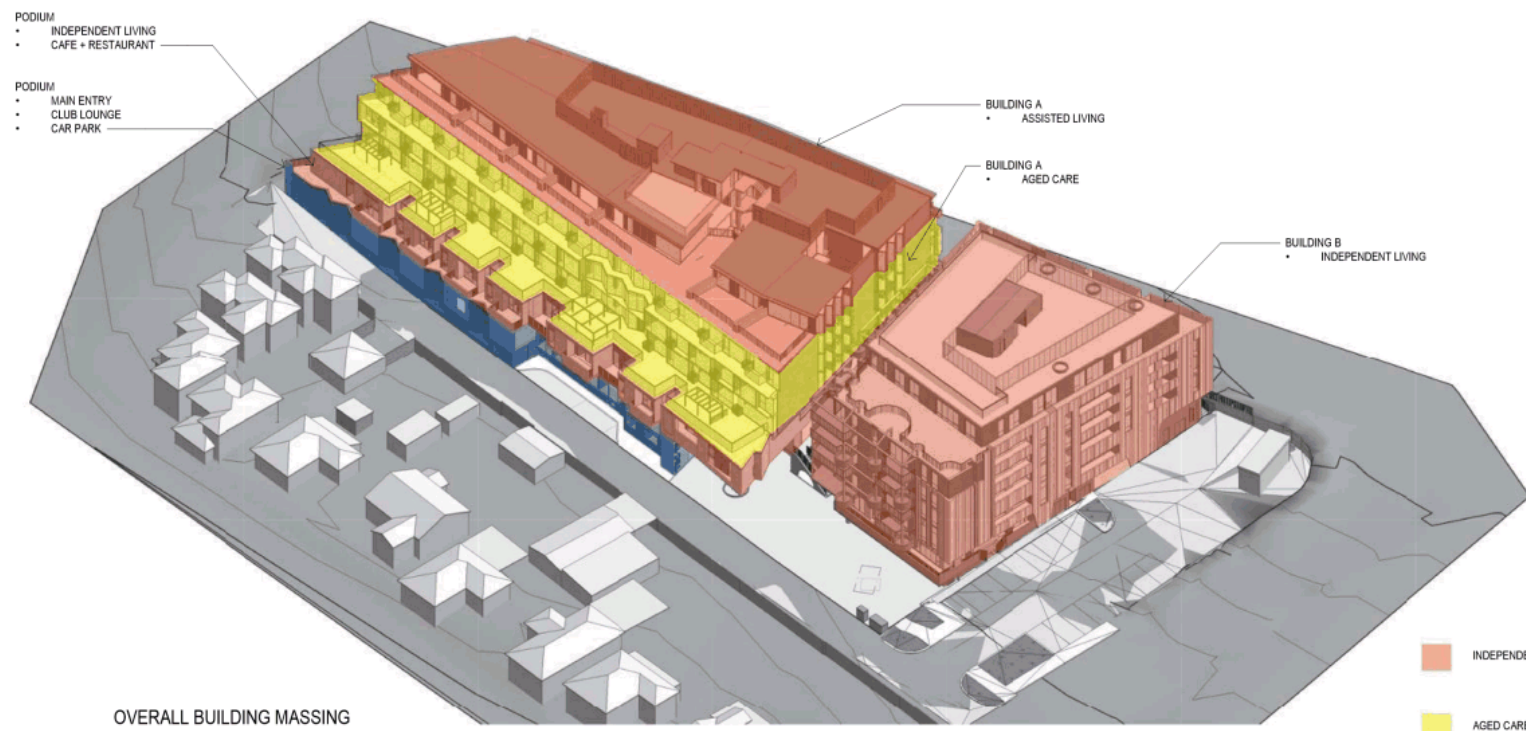
LOWER GROUND



PLENTY ROAD LEVEL



LEVEL 3



- INDEPENDENT LIVING + ASSISTED LIVING
- AGED CARE
- MAIN ENTRY, CLUB LOUNGE, CARPARK

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

DESIGN RESPONSE - BUILDING MASSING  
Drawing

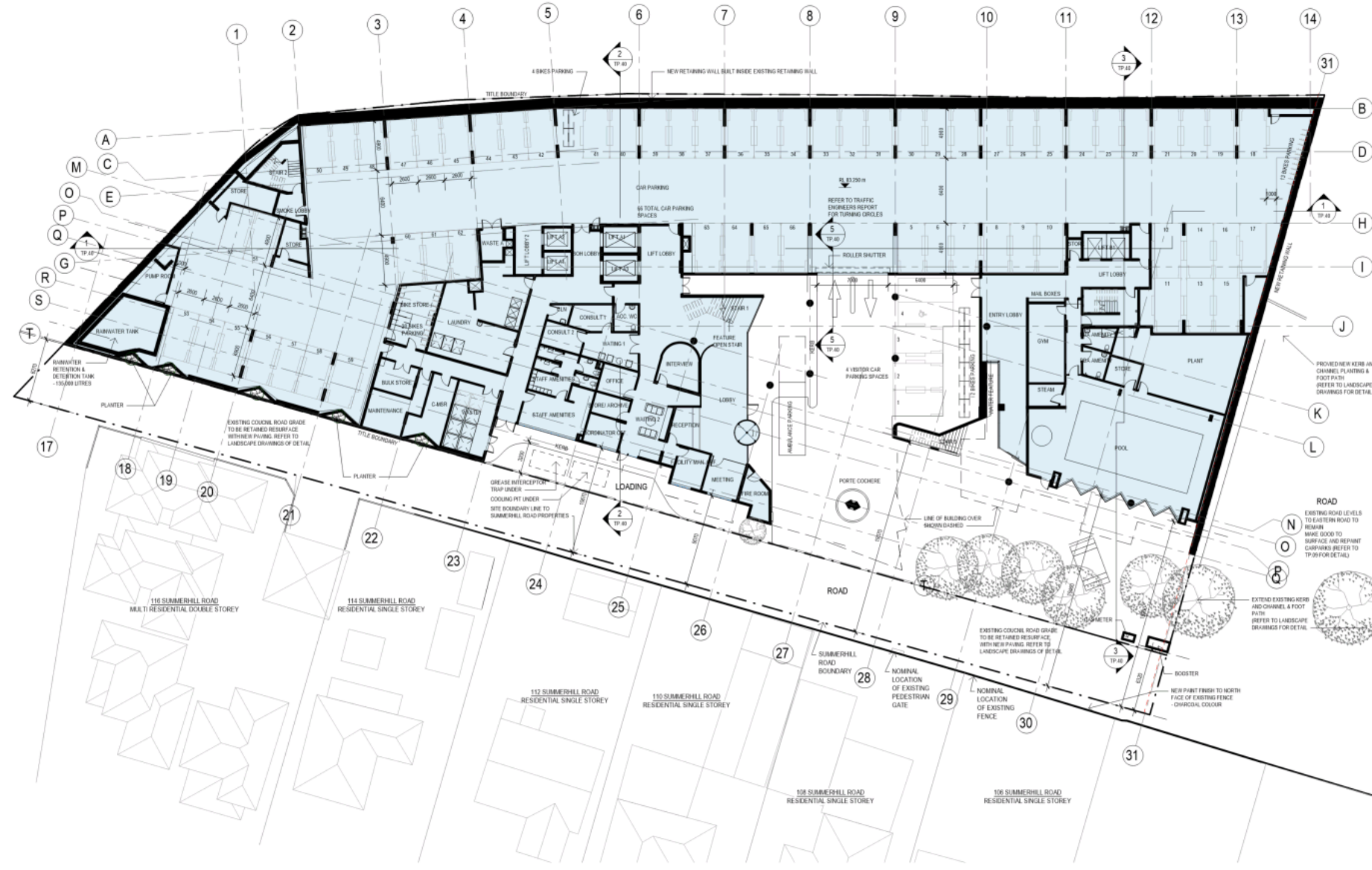
2016020 14/09/18 TP.07  
Project No. Issue Date Drawing Number

  
NORTH  
@ B1  
Scale

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Darebin City Council Received 15/07/2020



SUMMARY	
UNDERCOVER CARPARKING SPACES INCLUDING 1 ACCESSIBLE SPACE	4
SECURE CARPARKING SPACES	62
TOTAL CAR PARKING SPACES	66
BIKE PARKING SPACES	29

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JAPARA RESERVOIR AGED CARE  
 Project

JAPARA  
 Client

OVERALL FLOOR PLAN - BASEMENT LANEWAY  
 Drawing

2016020 14/09/18 TP.08 1 : 200@ B1  
 Project No. Issue Date Drawing Number Scale

Darwin City Council Received 15/07/2020



SUMMARY	
CAR PARKING SPACES	57
BIKE PARKING SPACES	12
1 BED INDEPENDENT LIVING UNITS	4

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - LOWER GROUND  
Drawing

2016020 14/09/18 TP.09  
Project No. Issue Date Drawing Number

1 : 200 @ B1  
Scale



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Darebin City Council Received 15/07/2020





SUMMARY		
RETAIL AREA	BUILDING B	200m <sup>2</sup>
CAFE + RESTAURANT AREA	BUILDING A	284m <sup>2</sup>
1 BED INDEPENDENT LIVING UNITS	BUILDING A	3
	BUILDING B	1
2 BED INDEPENDENT LIVING UNITS	BUILDING A	7
	BUILDING B	5
3 BED INDEPENDENT LIVING UNITS	BUILDING A	2
BIKE PARKING SPACES		5

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - PLENTY ROAD GROUND  
Drawing

2016020 14/09/18 TP.10 1 : 200@ B1  
Project No. Issue Date Drawing Number Scale



NORTH

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SUMMARY		
AGED CARE ROOMS	BUILDING A	30
1 BED INDEPENDENT LIVING UNITS	BUILDING B	2
2 BED INDEPENDENT LIVING UNITS	BUILDING B	8

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - FIRST LEVEL  
Drawing

2016020 14/09/18 TP.11 1 : 200 @ B1  
Project No. Issue Date Drawing Number Scale



Darebin City Council Received 15/07/2020

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SUMMARY		
AGED CARE ROOMS	BUILDING A	30
1 BED INDEPENDENT LIVING UNITS	BUILDING B	2
2 BED INDEPENDENT LIVING UNITS	BUILDING B	8

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - SECOND LEVEL  
Drawing

2016020 14/09/18 TP.12  
Project No. Issue Date Drawing Number

1 : 200 @ B1  
Scale



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SUMMARY		
AGED CARE ROOMS	BUILDING A	30
1 BED INDEPENDENT LIVING UNITS	BUILDING B	2
2 BED INDEPENDENT LIVING UNITS	BUILDING B	8

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - THIRD LEVEL  
Drawing

2016020 14/09/18 TP.13  
Project No. Issue Date Drawing Number

1 : 200 @ B1  
Scale



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SUMMARY		
1 BED ASSISTED LIVING UNITS	BUILDING A	14
2 BED ASSISTED LIVING UNITS	BUILDING A	1
2 BED INDEPENDENT LIVING UNITS	BUILDING B	6
3 BED INDEPENDENT LIVING UNITS	BUILDING B	1

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

OVERALL FLOOR PLAN - FOURTH LEVEL  
Drawing

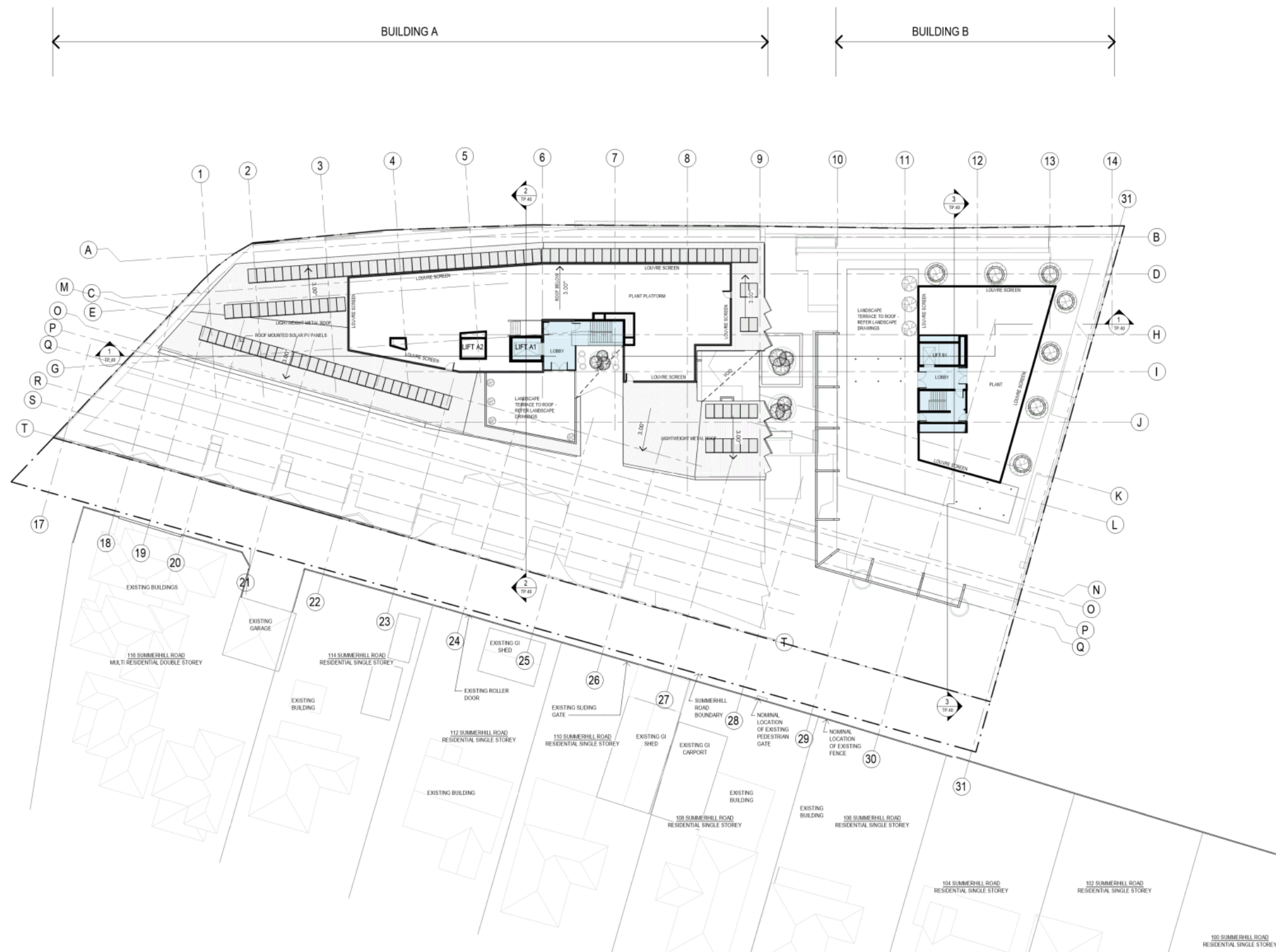
2016020 14/09/18 TP.14 1 : 200 @ B1  
Project No. Issue Date Drawing Number Scale



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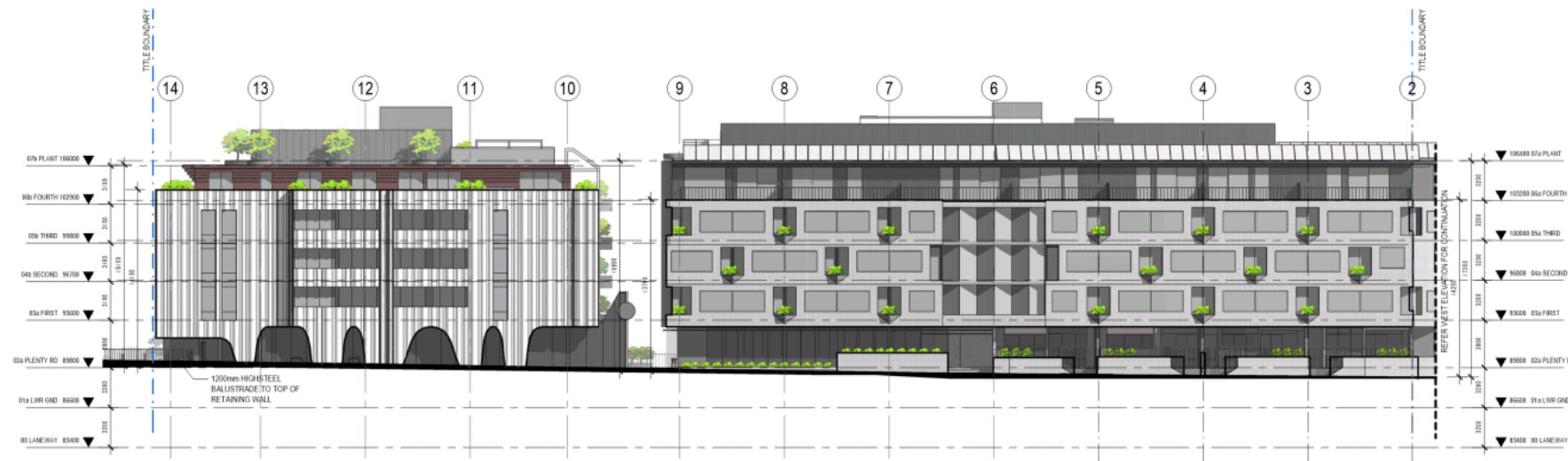




REFER TO 1:100 ELEVATIONS FOR NOTES, FINISHES AND DIMENSIONS

PLANTING IS SHOWN INDICATIVELY ONLY. REFER TO LANDSCAPE DOCUMENTATION FOR DETAILS

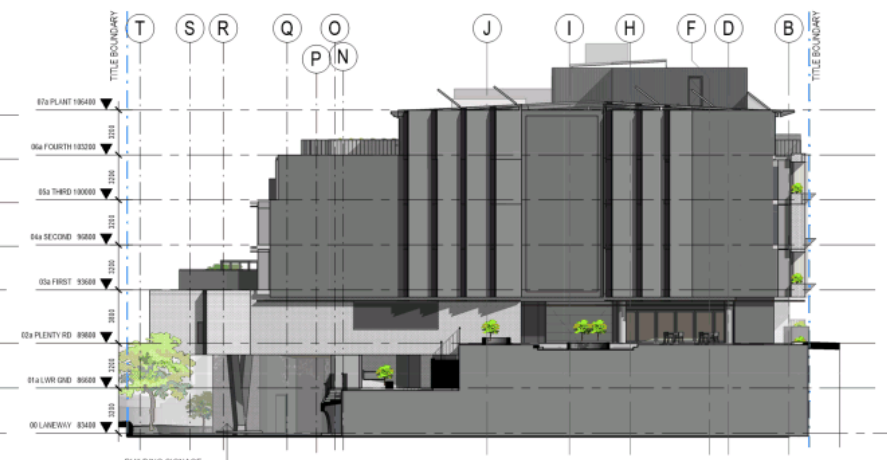
REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



1 NORTH ELEVATION - OVERALL  
1:200



2 EAST ELEVATION - OVERALL  
1:200



3 EAST ELEVATION - OVERALL PIAZZA BUILDING A  
1:200

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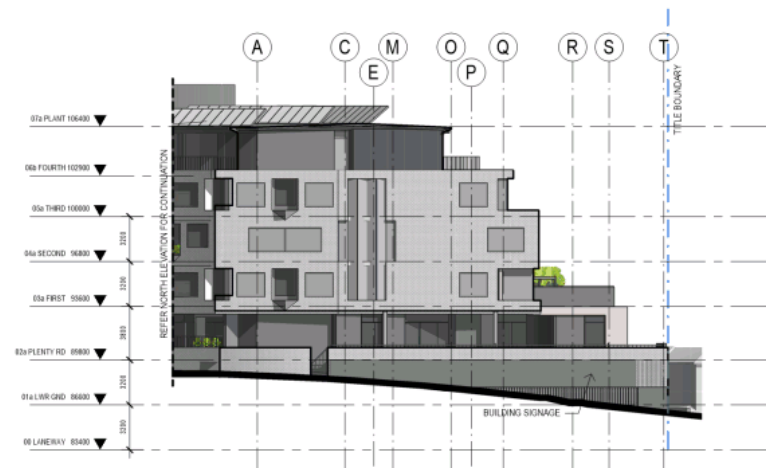
REFER TO 1:100 ELEVATIONS FOR NOTES, FINISHES AND DIMENSIONS

PLANTING IS SHOWN INDICATIVELY ONLY. REFER TO LANDSCAPE DOCUMENTATION FOR DETAILS

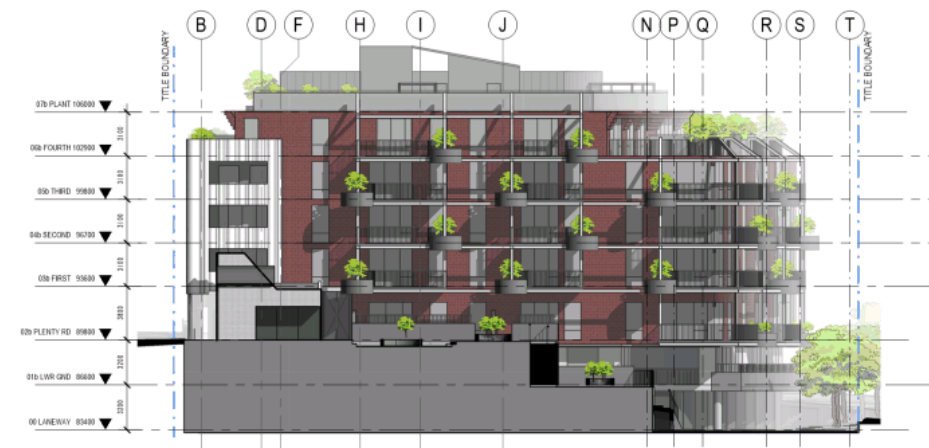
REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



1 SOUTH ELEVATION - OVERALL  
1:200



2 WEST ELEVATION - OVERALL  
1:200



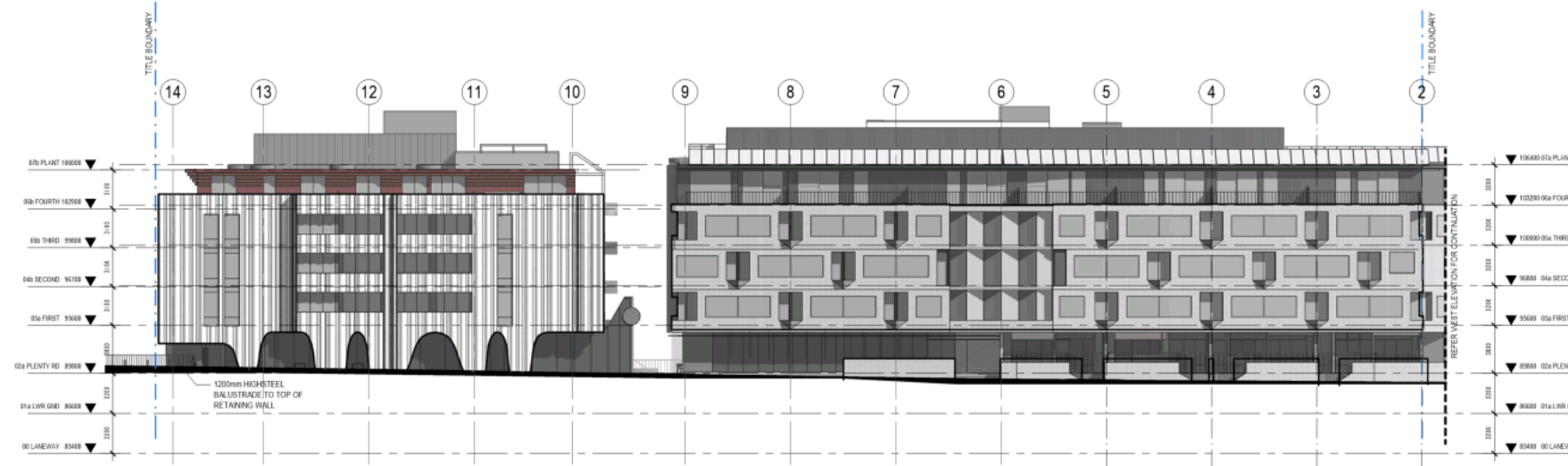
3 WEST ELEVATION - OVERALL PIAZZA BUILDING B  
1:200

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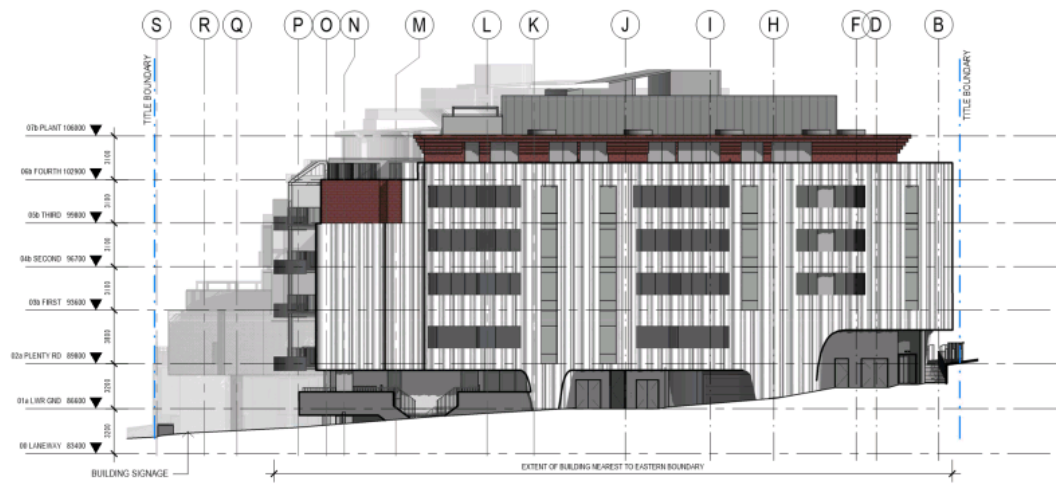




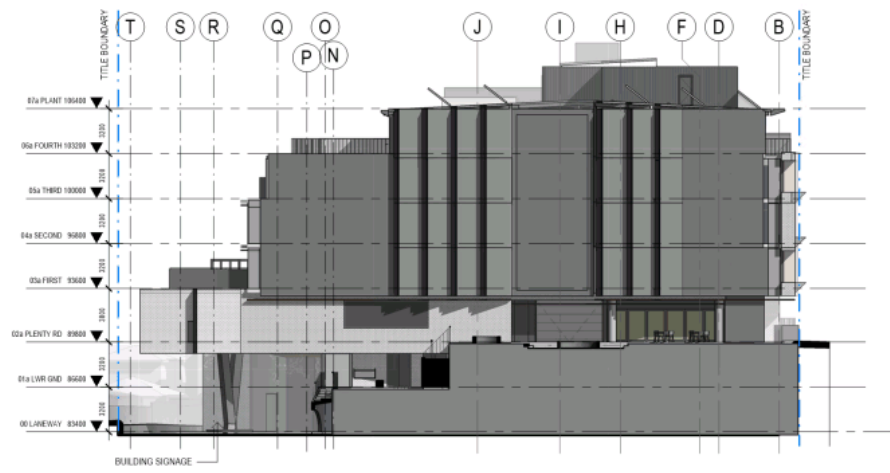
REFER TO 1:100 ELEVATIONS FOR NOTES, FINISHES AND DIMENSIONS  
 REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



1 NORTH ELEVATION - OVERALL  
 1:200



2 EAST ELEVATION - OVERALL  
 1:200



3 EAST ELEVATION - OVERALL PIAZZA BUILDING A  
 1:200

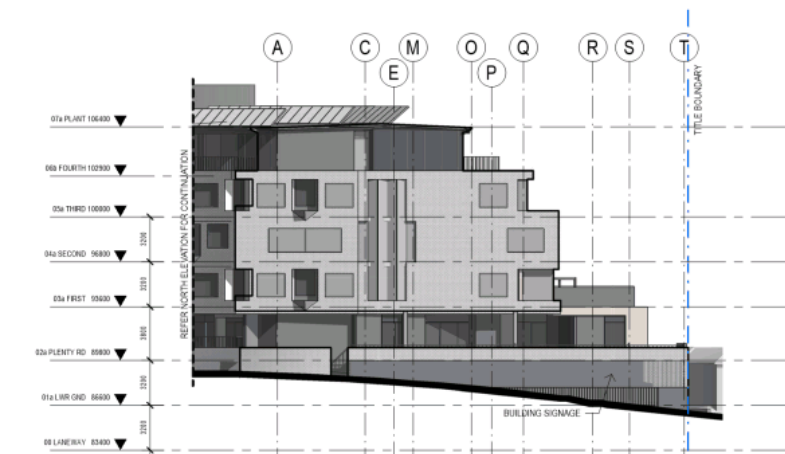
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REFER TO 1:100 ELEVATIONS FOR NOTES, FINISHES AND DIMENSIONS  
 REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



1 SOUTH ELEVATION - OVERALL  
 1:200



2 WEST ELEVATION - OVERALL  
 1:200



3 WEST ELEVATION - OVERALL PIAZZA BUILDING B  
 1:200

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00 LANEWAY - WEST A  
1:100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - BASEMENT LANEWAY A  
Drawing

2016020 14/09/18 TP.20  
Project No. Issue Date Drawing Number

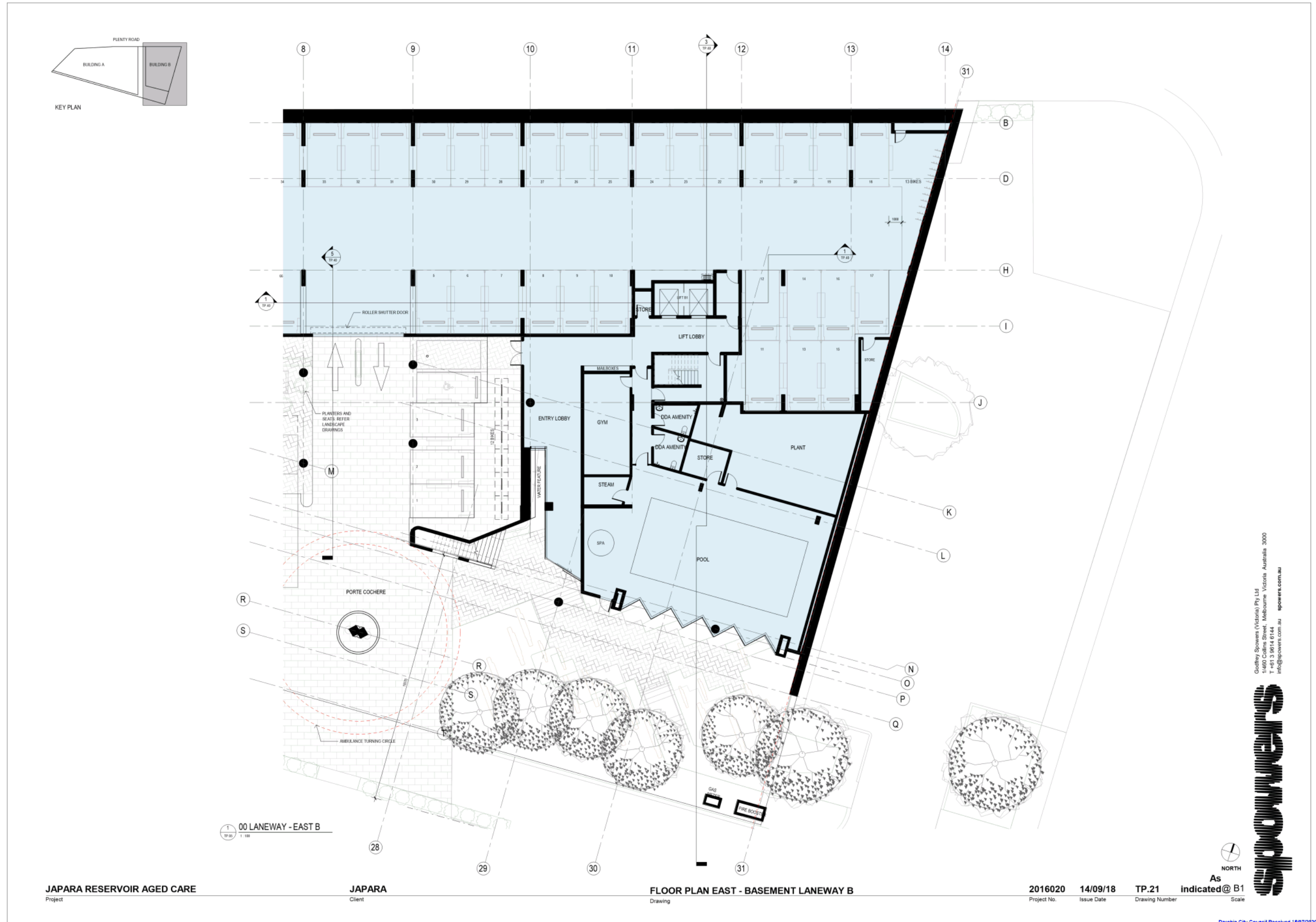
As indicated @ B1  
Scale



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NORTH  
 As indicated @ B1  
 Scale

2016020 14/09/18 TP.21 indicated@ B1  
 Project No. Issue Date Drawing Number Scale

JAPARA RESERVOIR AGED CARE Project  
 JAPARA Client

FLOOR PLAN EAST - BASEMENT LANEWAY B  
 Drawing

Darbin City Council Received 15/07/2020



01a LWR GND - WEST A  
1/100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - LOWER GROUND A  
Drawing

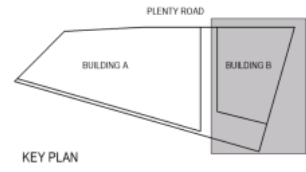
2016020 14/09/18 TP.22  
Project No. Issue Date Drawing Number

NORTH  
As indicated @ B1  
Scale

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NORTH  
 As Indicated @ B1  
 Scale

JAPARA RESERVOIR AGED CARE  
 Project

JAPARA  
 Client

FLOOR PLAN WEST - PLENTY ROAD GROUND A  
 Drawing

2016020 14/09/18 TP.24  
 Project No. Issue Date Drawing Number

indicated@B1  
 Scale

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2 02a PLENTY RD - EAST B  
TP.25 1:100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN EAST - PLENTY ROAD GROUND B  
Drawing

2016020 14/09/18 TP.25 indicated@ B1  
Project No. Issue Date Drawing Number Scale



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03a FIRST - WEST A  
1:100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - FIRST LEVEL A  
Drawing

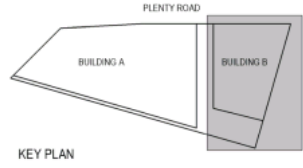
2016020 14/09/18 TP.26 indicated@B1  
Project No. Issue Date Drawing Number Scale



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JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN EAST - FIRST LEVEL B  
Drawing

2016020 14/09/18 TP.27  
Project No. Issue Date Drawing Number

As indicated @ B1  
Scale



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04a SECOND - WEST A  
1/100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - SECOND LEVEL A  
Drawing

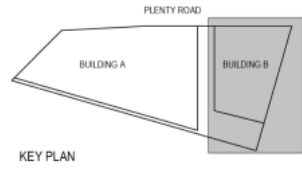
2016020 14/09/18 TP.28  
Project No. Issue Date Drawing Number

NORTH  
As indicated @ B1  
Scale

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04b SECOND - EAST B

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN EAST - SECOND LEVEL B  
Drawing

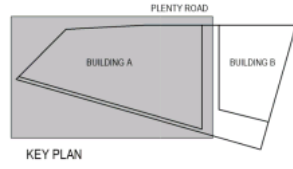
2016020 14/09/18 TP.29  
Project No. Issue Date Drawing Number

NORTH  
As indicated @ B1  
Scale

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05a THIRD - WEST A  
TP.30  
1:100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - THIRD LEVEL A  
Drawing

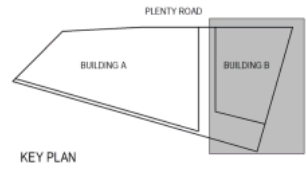
2016020 14/09/18 TP.30  
Project No. Issue Date Drawing Number

NORTH  
As indicated @ B1  
Scale

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JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN EAST - THIRD LEVEL B  
Drawing

2016020 14/09/18 TP.31  
Project No. Issue Date Drawing Number

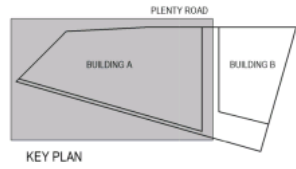
As indicated @ B1  
Scale



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1 06a FOURTH - WEST A  
TP.32 1:100

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

FLOOR PLAN WEST - FOURTH LEVEL A  
Drawing

2016020 14/09/18 TP.32  
Project No. Issue Date Drawing Number

NORTH  
As indicated @ B1  
Scale

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NORTH  
 As indicated @ B1  
 Scale

JAPARA RESERVOIR AGED CARE  
 Project

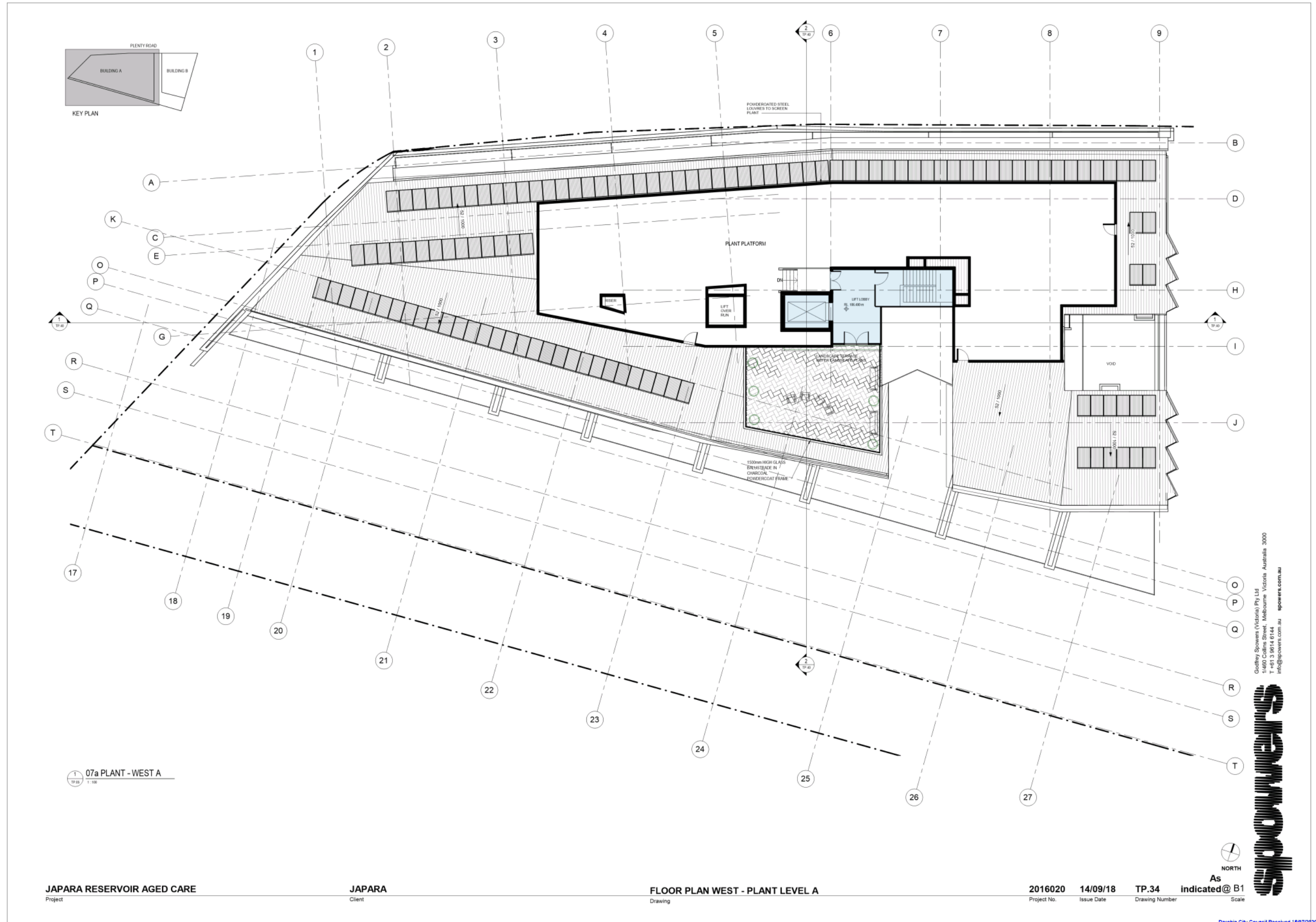
JAPARA  
 Client

FLOOR PLAN EAST - FOURTH LEVEL B  
 Drawing

2016020 14/09/18 TP.33 indicated @ B1  
 Project No. Issue Date Drawing Number Scale

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NORTH  
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 Scale

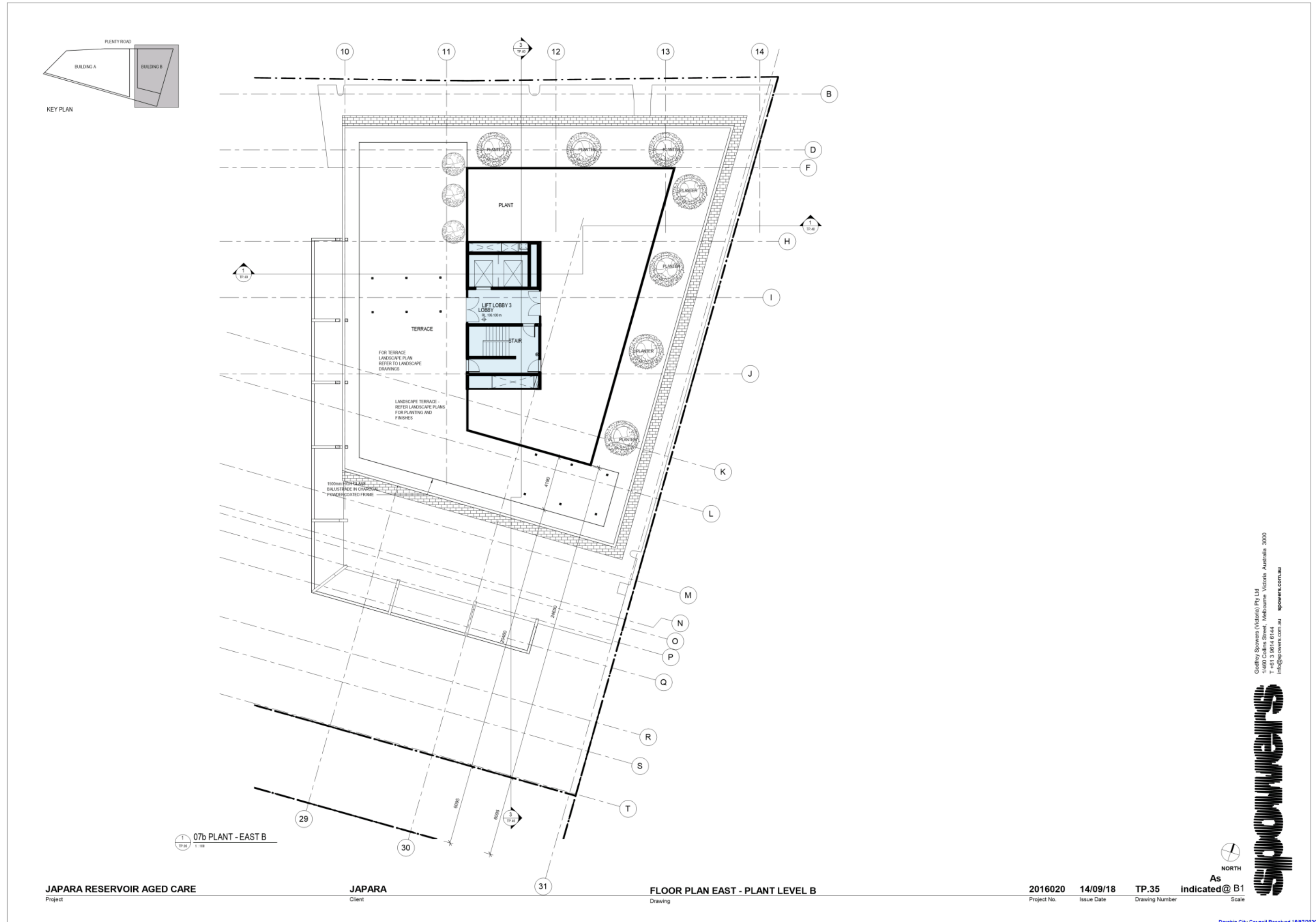
JAPARA RESERVOIR AGED CARE  
 Project

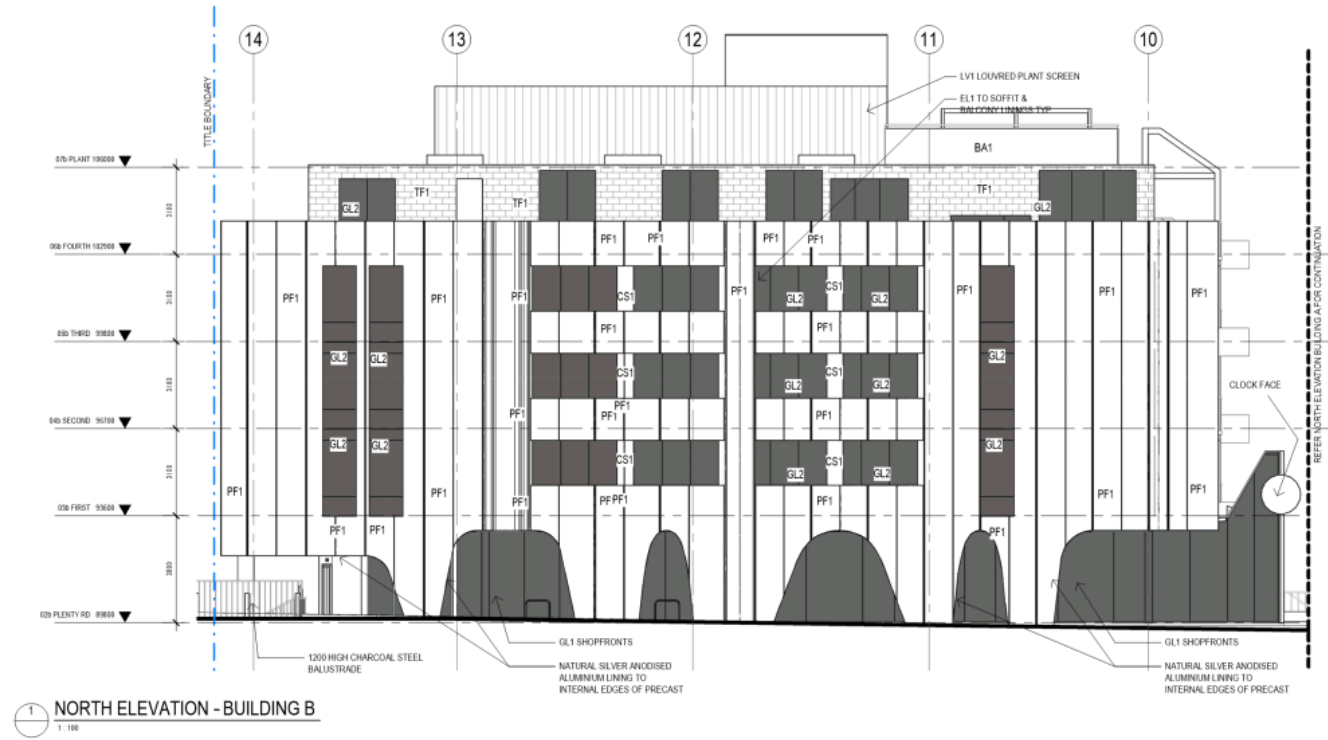
JAPARA  
 Client

FLOOR PLAN WEST - PLANT LEVEL A  
 Drawing

2016020 14/09/18 TP.34 indicated @ B1  
 Project No. Issue Date Drawing Number Scale

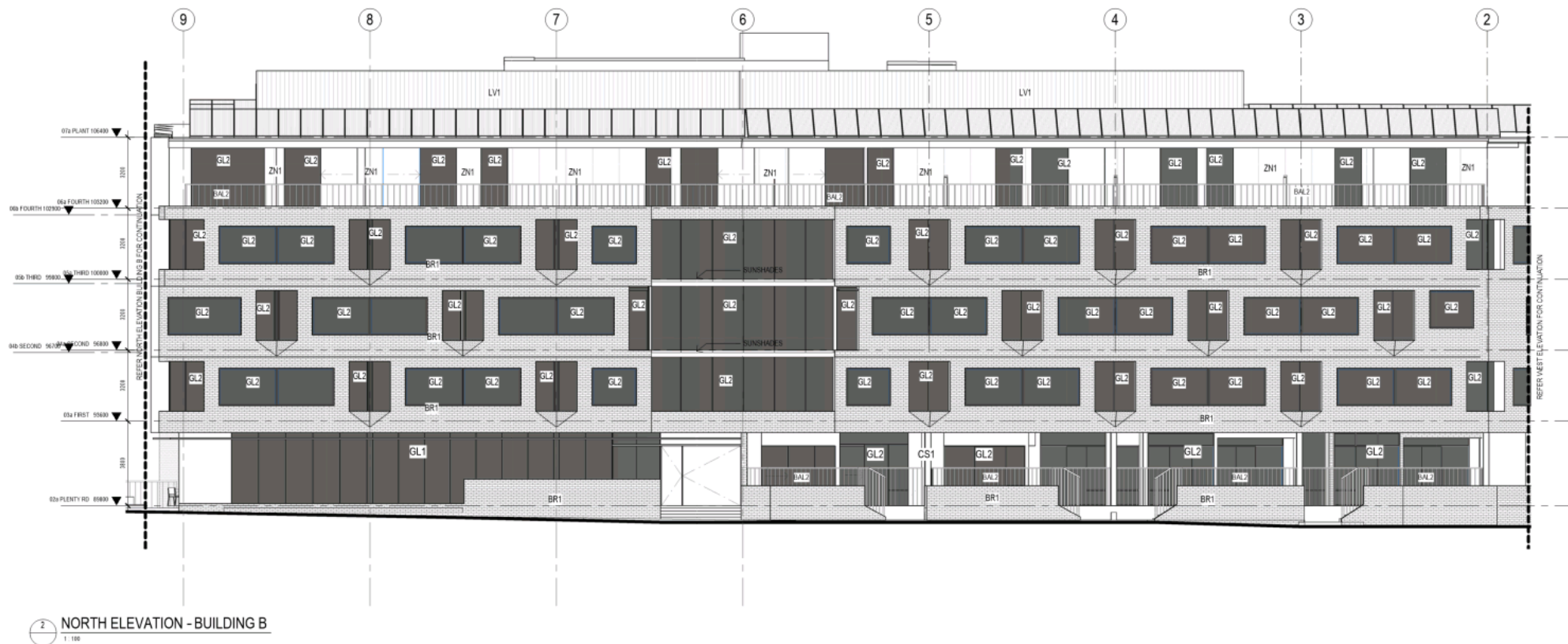
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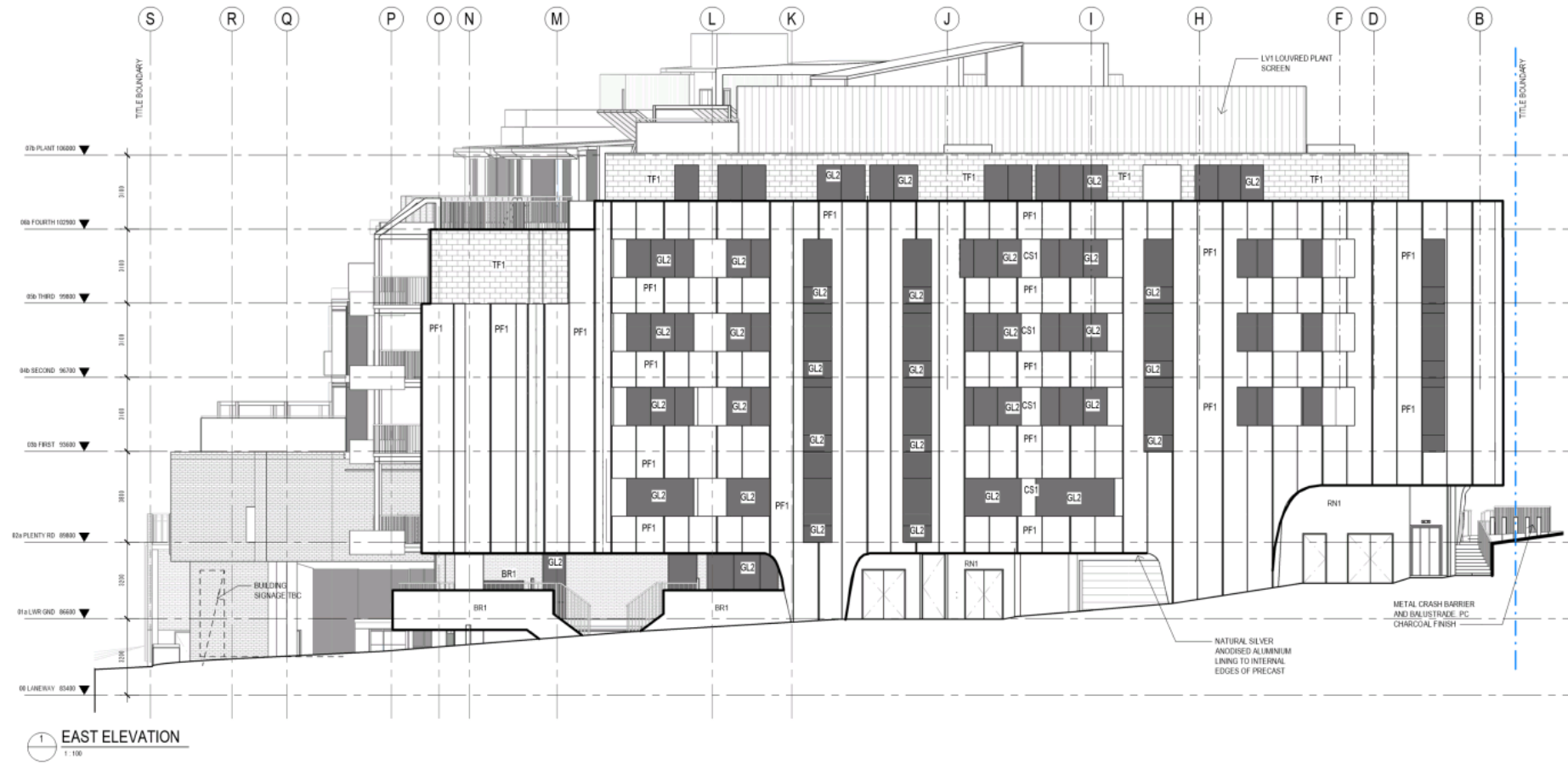
EXTERNAL FINISHES LEGEND		
CODE	MATERIAL	COLOR
BAL1	GLASS BALUSTRADE	GLASS IN CHARCOAL PC FRAME
BAL2	STEEL POST BALUSTRADE	PC CHARCOAL
BR1	BRICK FLEMISH STRETCHER BOND	NEUTRAL GREY / WHITE
BR2	BRICK BRISSE SOUEL	NEUTRAL GREY / WHITE
CS1	EQUITONE OR SIMILAR CLADDING	DARK GREY
GL1	CLEAR GLASS	CHARCOAL ALUMINIUM FRAME
GL2	GREY TINTED GLASS	CHARCOAL ALUMINIUM FRAME
LV1	LOUVERES	CHARCOAL
MT1	PERFORATED METAL SHEET	CHARCOAL
PF1	PRECAST FLUTED CONCRETE	PAINTED OFF WHITE
RR1	RENDER	CHARCOAL PAINT FINISH
TF1	TERRACOTTA FACADE	TERRACOTTA
ZN1	METAL CLADDING	CHARCOAL

REFER TO DRAWINGS TP\_04 TO TP\_06 FOR D0017 HEIGHT COMPLIANCE ANALYSIS



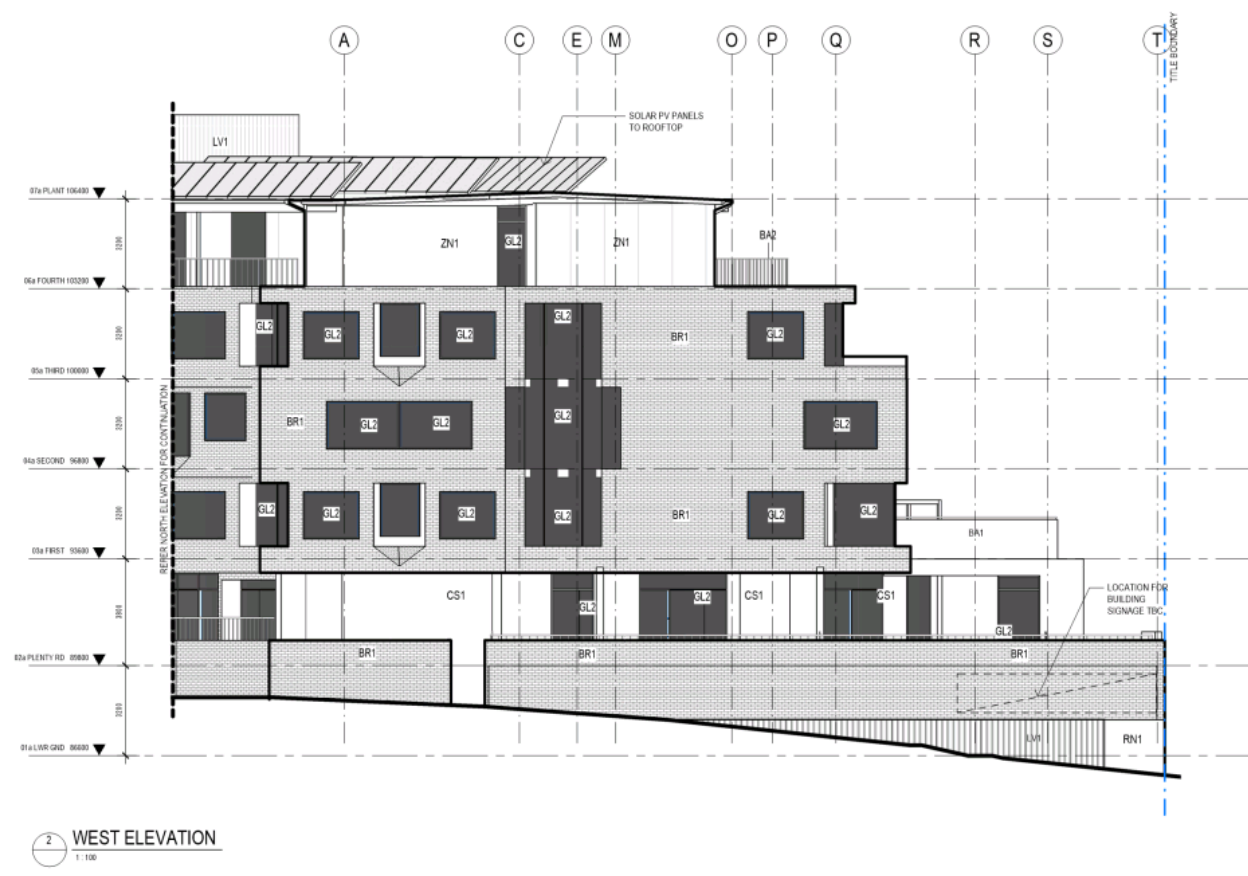
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EXTERNAL FINISHES LEGEND		
CODE	MATERIAL	COLOR
BR1	GLASS BALUSTRADE	GLASS IN CHARCOAL PC FRAME
BR2	STEEL POST BALUSTRADE	PC CHARCOAL
BR1	BRICK FLEMISH STRETCHER BOND	NEUTRAL GREY / WHITE
BR2	BRICK BRISE SOLEL	NEUTRAL GREY / WHITE
CS1	EQUITONE OR SIMILAR CLADDING	DARK GREY
GL1	CLEAR GLASS	CHARCOAL ALUMINIUM FRAME
GL2	GREY TINTED GLASS	CHARCOAL ALUMINIUM FRAME
LV1	LOUVERES	CHARCOAL
MT1	PERFORATED METAL SHEET	CHARCOAL
PF1	PRECAST FLUTED CONCRETE	PAINTED OFF WHITE
RN1	RENDER	CHARCOAL PAINT FINISH
TF1	TERRACOTTA FACADE	TERRACOTTA
ZN1	METAL CLADDING	CHARCOAL

REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

ELEVATIONS - EAST & WEST  
Drawing

2016020 14/09/18 TP.37  
Project No. Issue Date Drawing Number

As indicated @ B1  
Scale

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1 SOUTH ELEVATION - BUILDING A  
1:100



2 SOUTH ELEVATION - BUILDING B  
1:100

CODE	MATERIAL	COLOUR
BAL1	GLASS BALUSTRADE	GLASS IN CHARCOAL PC FRAME
BAL2	STEEL POST BALUSTRADE	PC CHARCOAL
BR1	BRICK FLEMISH STRETCHER BOND	NEUTRAL GREY / WHITE
BR2	BRICK BRISE SOLIEL	NEUTRAL GREY / WHITE
CS1	CONCRETE OR SIMILAR CLADDING	DARK GREY
GL1	CLEAR GLASS	CHARCOAL ALUMINIUM FRAME
GL2	GREY TINTED GLASS	CHARCOAL ALUMINIUM FRAME
LV1	LOUVRES	CHARCOAL
MT1	PERFORATED METAL SHEET	CHARCOAL
PF1	PRECAST FLUTED CONCRETE	PAINTED OFF WHITE
RNT	RENDER	CHARCOAL PAINT FINISH
TF1	TERRACOTTA FACADE	TERRACOTTA
ZN1	METAL CLADDING	CHARCOAL

REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

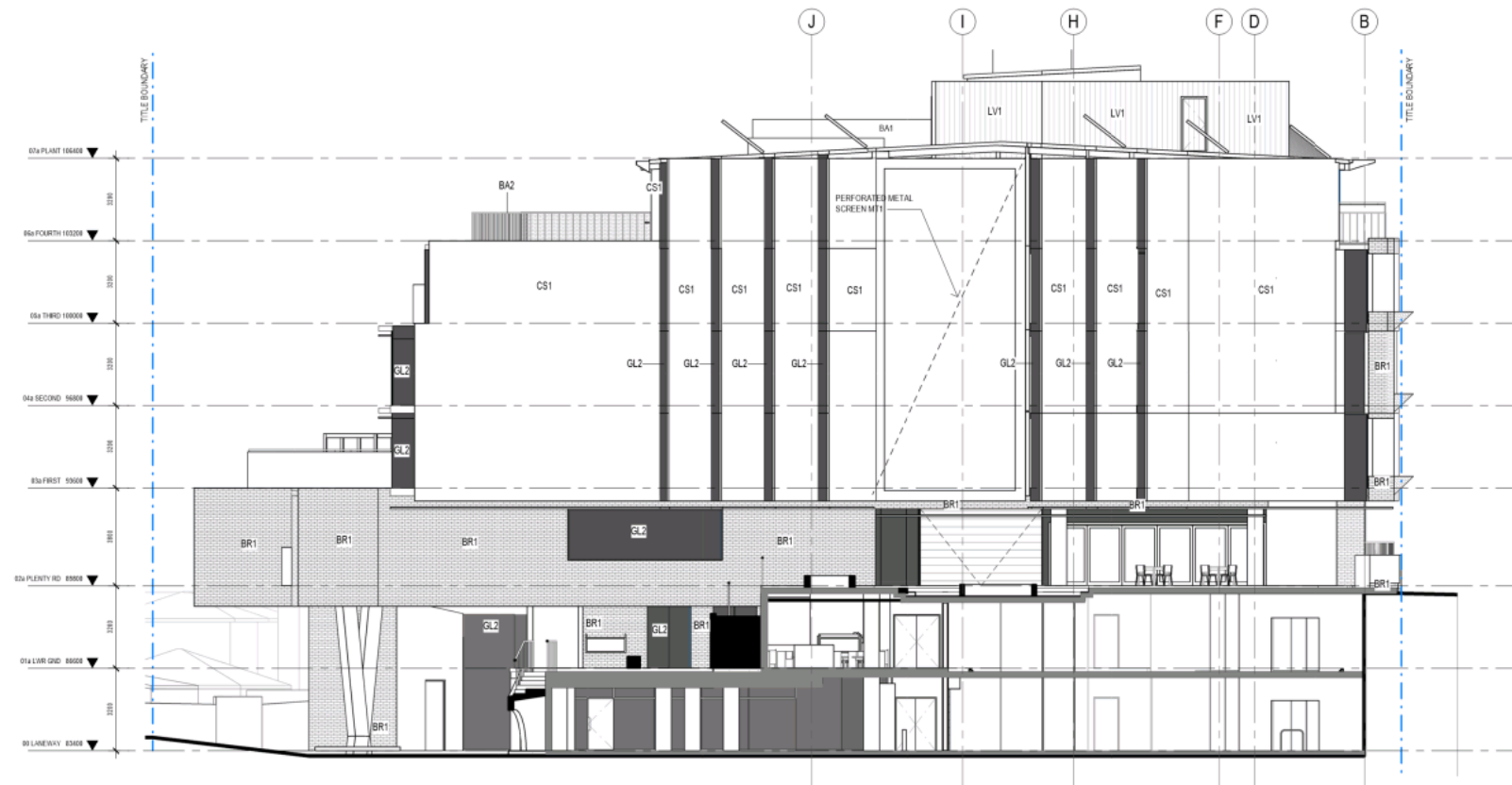
ELEVATIONS - SOUTH  
Drawing

2016020 14/09/18 TP.38 As indicated @ B1  
Project No. Issue Date Drawing Number Scale

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1 EAST ELEVATION - PIAZZA BUILDING A  
1:100

EXTERNAL FINISHES LEGEND		
CODE	MATERIAL	COLOR
BAL1	GLASS BALUSTRADE	GLASS IN CHARCOAL PC FRAME
BAL2	STEEL POST BALUSTRADE	PC CHARCOAL
BR1	BRICK FLEMISH STRETCHER BOND	NEUTRAL GREY / WHITE
BR2	BRICK BRUSH SOLEL	NEUTRAL GREY / WHITE
CS1	EQUIGONE OR SIMILAR CLADDING	DARK GREY
GL1	CLEAR GLASS	CHARCOAL ALUMINIUM FRAME
GL2	GREY TINTED GLASS	CHARCOAL ALUMINIUM FRAME
LV1	LOWRES	CHARCOAL
MT1	PERFORATED METAL SHEET	CHARCOAL
PF1	PRECAST FLUTED CONCRETE	PAINTED OFF WHITE
RND	RENDER	CHARCOAL PAINT FINISH
TF1	TERRACOTTA FACADE	TERRACOTTA
ZN1	METAL CLADDING	CHARCOAL

REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017 HEIGHT COMPLIANCE ANALYSIS



2 WEST ELEVATION - PIAZZA BUILDING B  
1:100

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JAPARA RESERVOIR AGED CARE  
Project

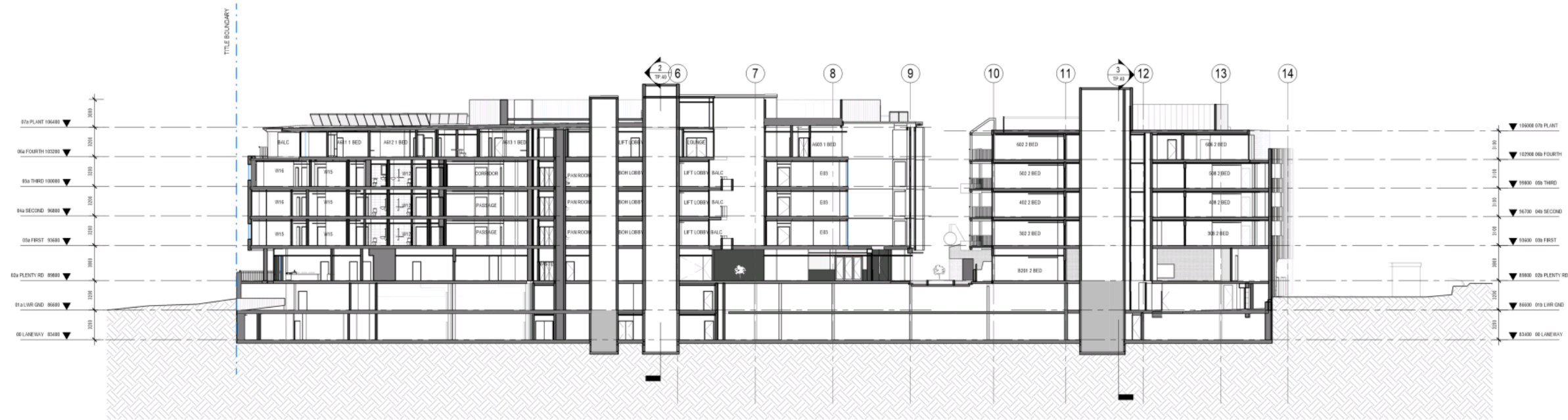
JAPARA  
Client

ELEVATIONS - INTERNAL PIAZZA EAST & WEST  
Drawing

2016020 14/09/18 TP.39 indicated@ B1  
Project No. Issue Date Drawing Number Scale

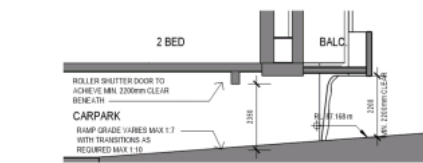
As indicated@ B1  
Scale

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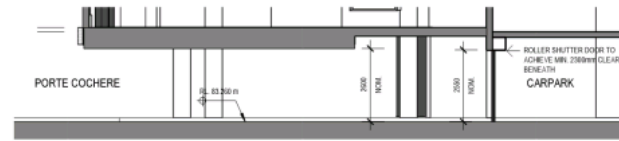


SECTION AA  
TP.01 1:200

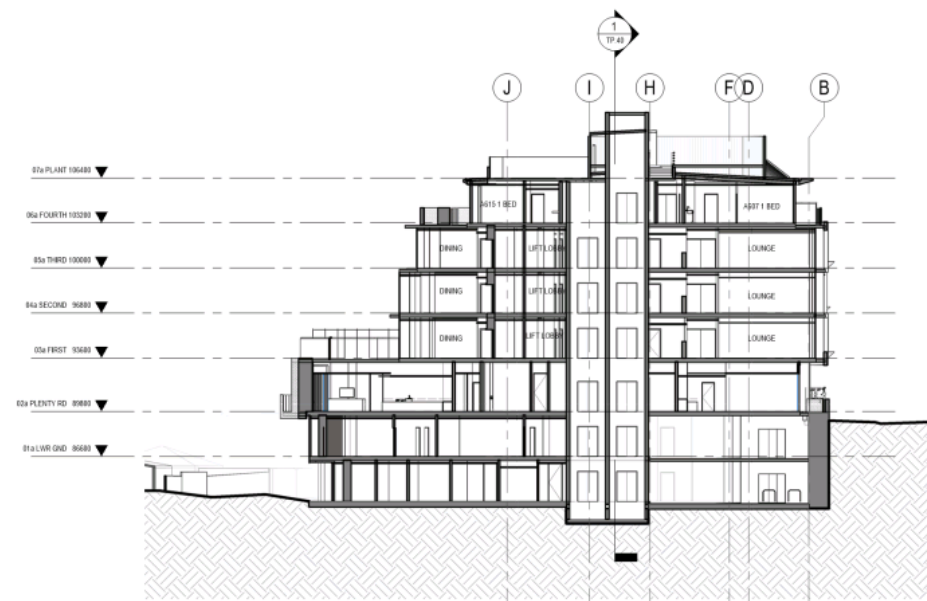
REFER TO DRAWINGS TP\_04 TO TP\_06 FOR DD017  
HEIGHT COMPLIANCE ANALYSIS



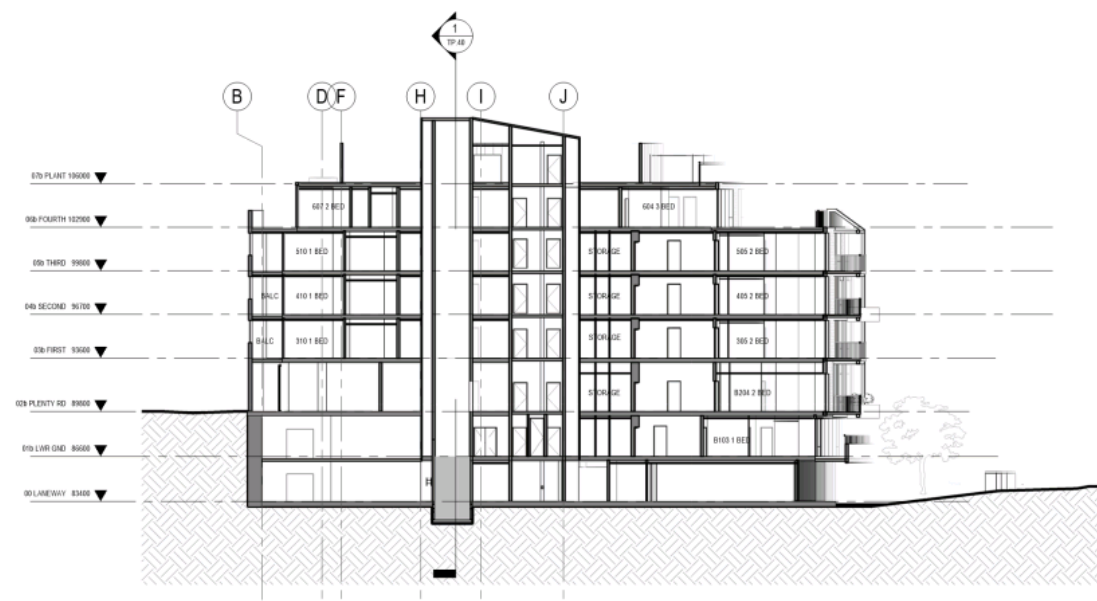
CARPARK DETAIL SECTION DD  
TP.03 1:100



CARPARK DETAIL SECTION EE  
TP.03 1:100



SECTION BB  
TP.06 1:200



SECTION CC  
TP.06 1:200

JAPARA RESERVOIR AGED CARE  
Project

JAPARA  
Client

BUILDING SECTIONS  
Drawing

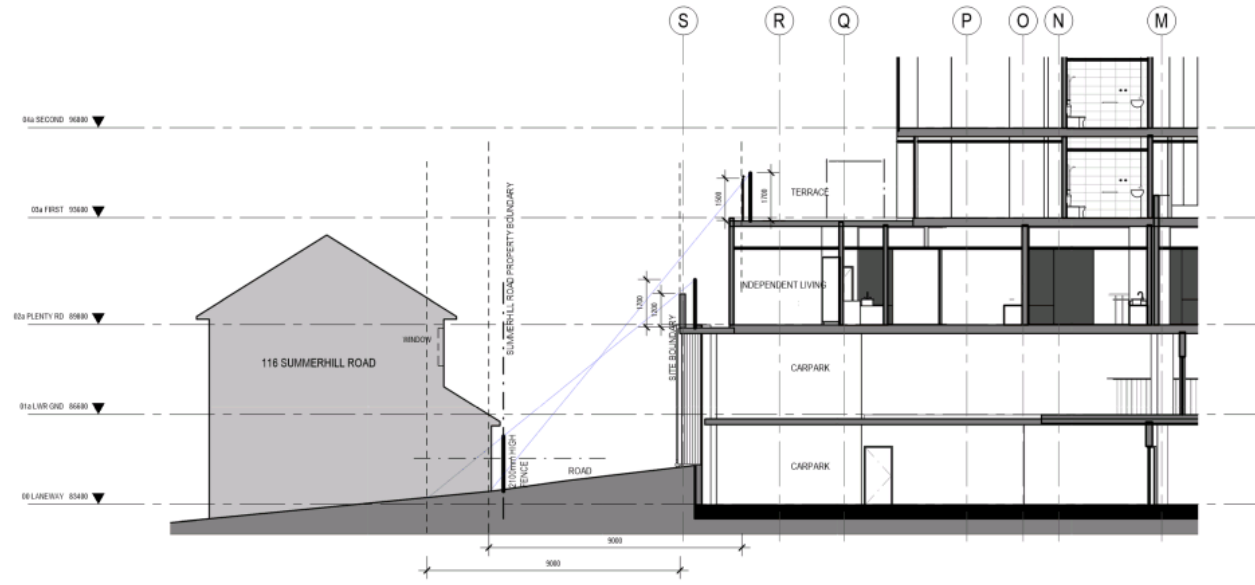
2016020 14/09/18 TP.40  
Project No. Issue Date Drawing Number

As indicated @ B1  
Scale

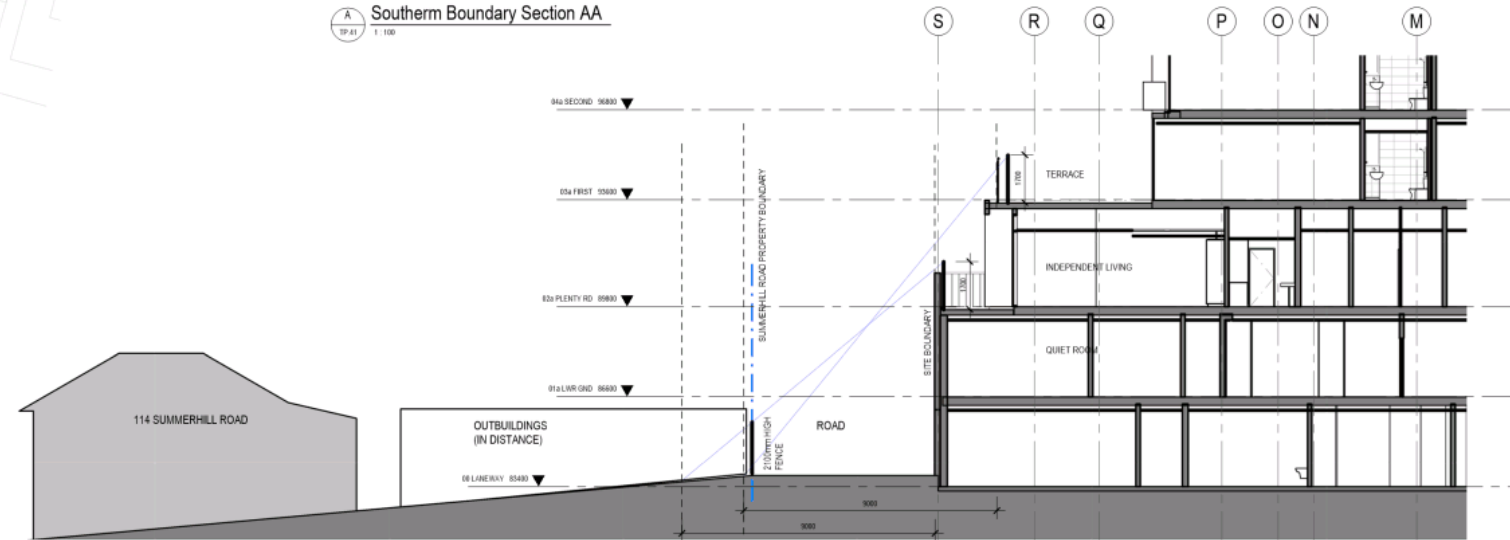
Darebin City Council Received 15/07/2020

Godfrey Spowers (Victoria) Pty Ltd  
1/460 Collins Street, Melbourne, Victoria, Australia 3000  
T +61 3 9614 6144  
info@spowers.com.au spowers.com.au

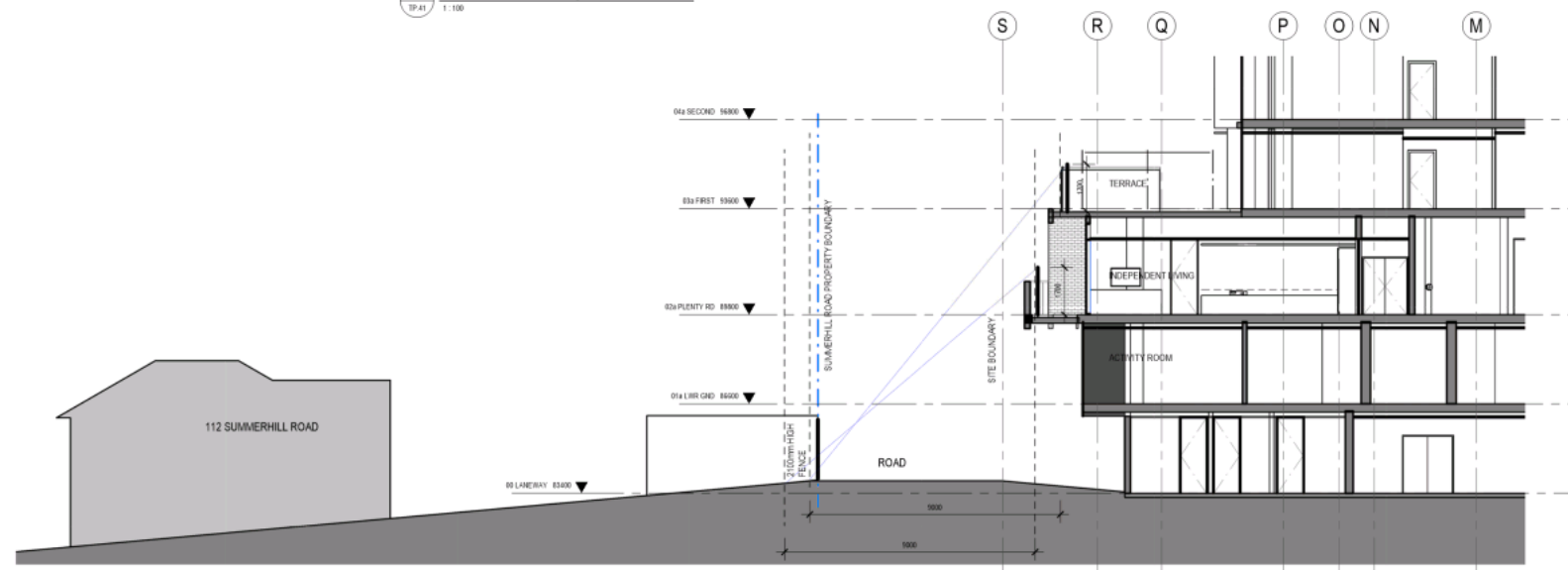




A Southern Boundary Section AA  
TP.41  
1:100



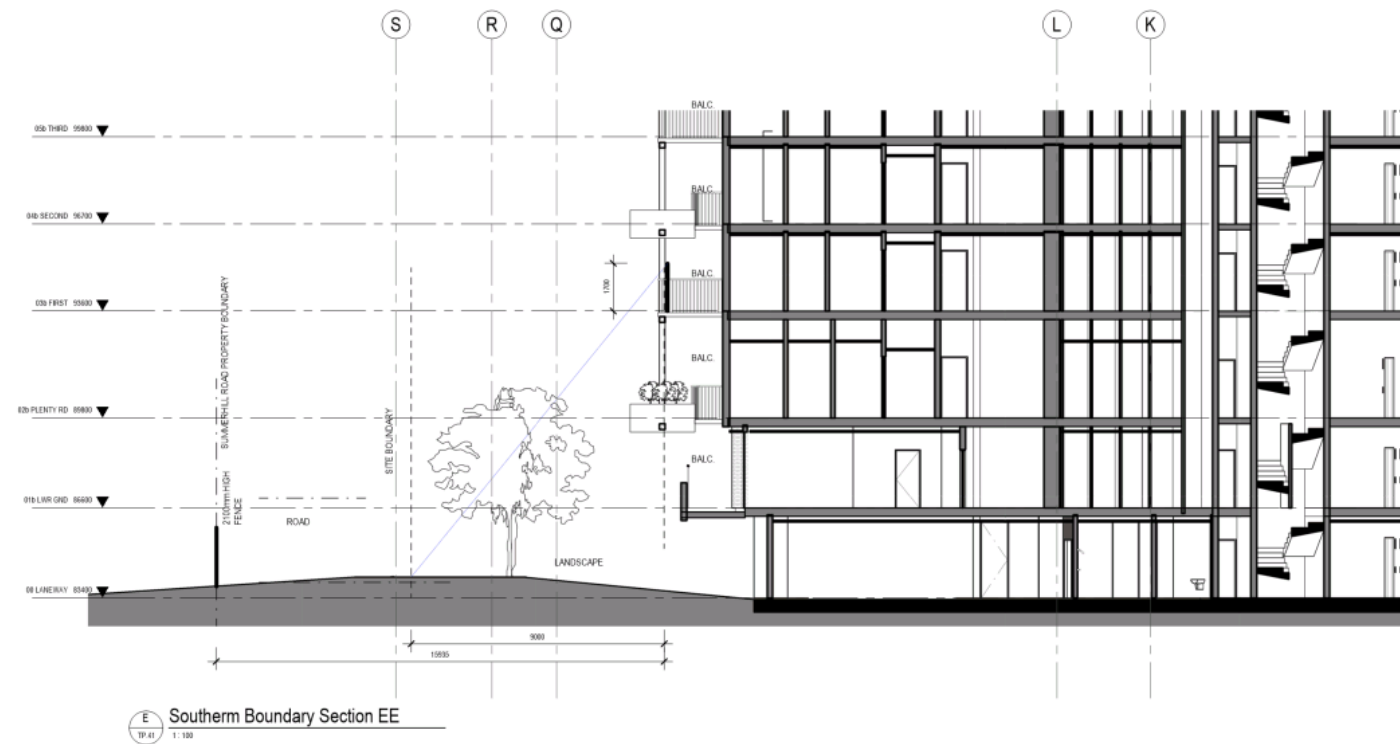
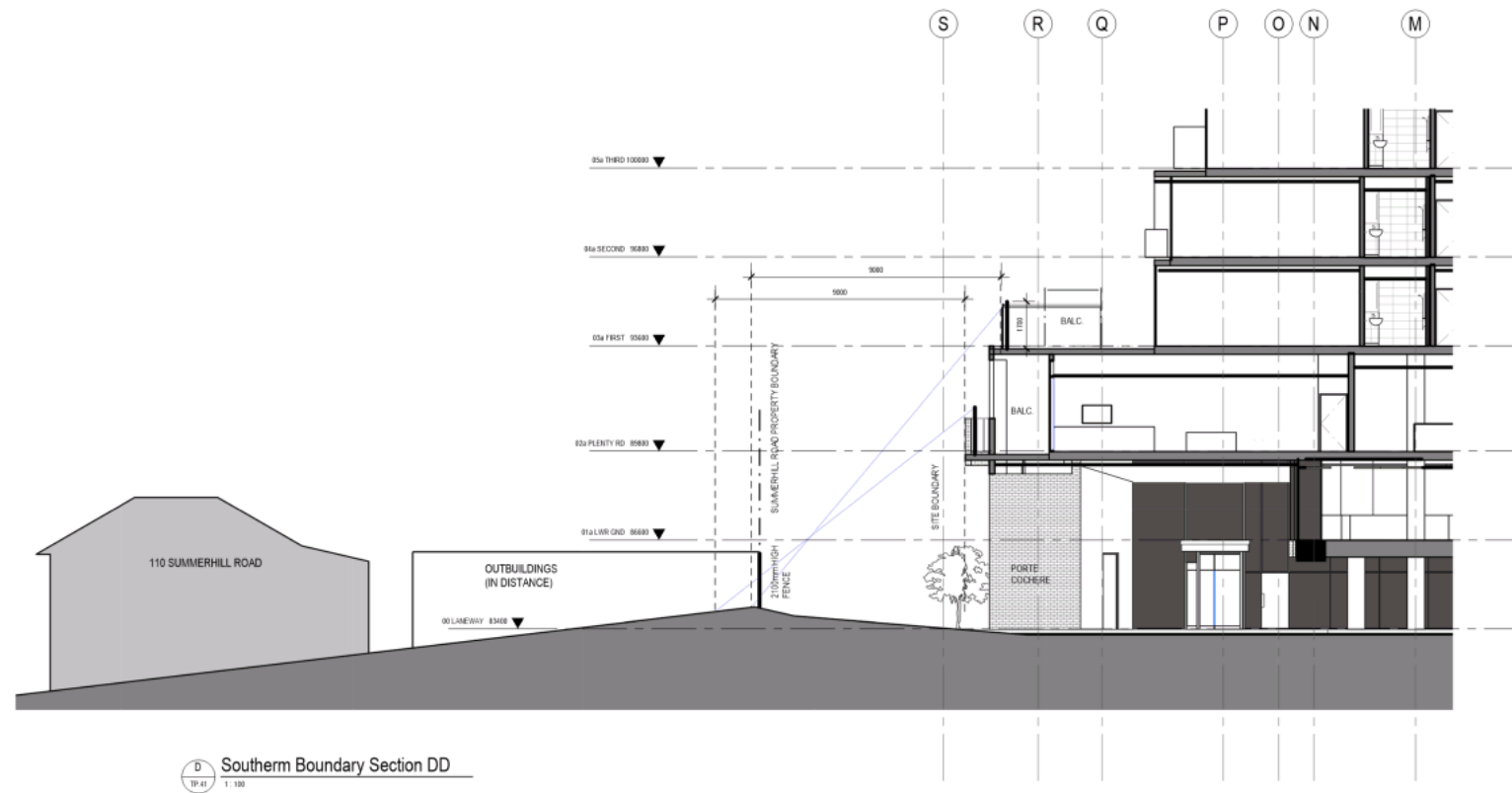
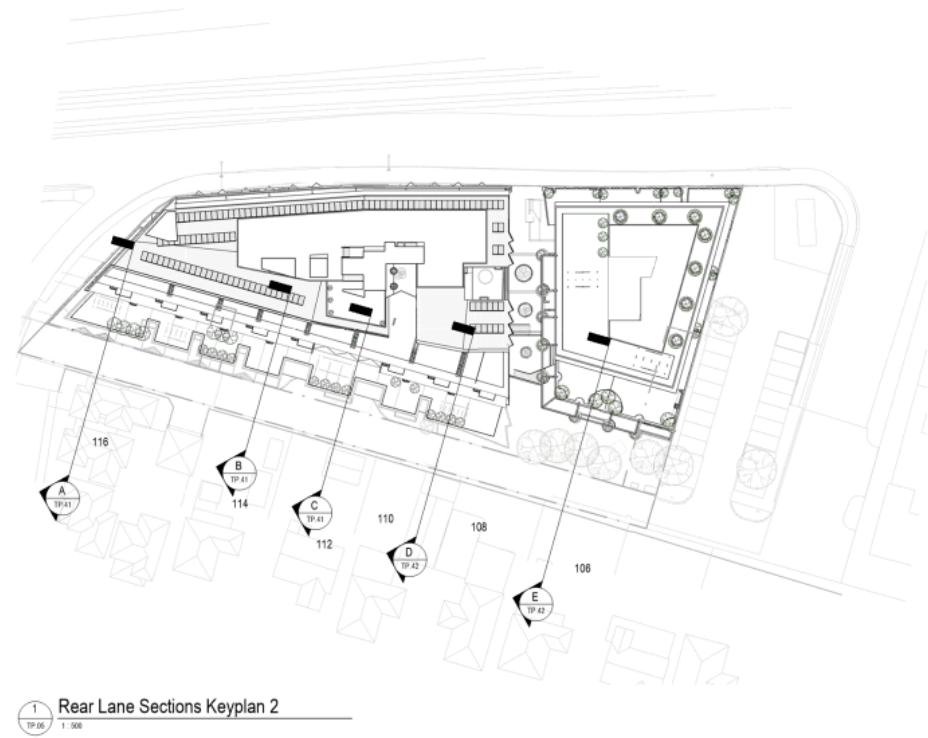
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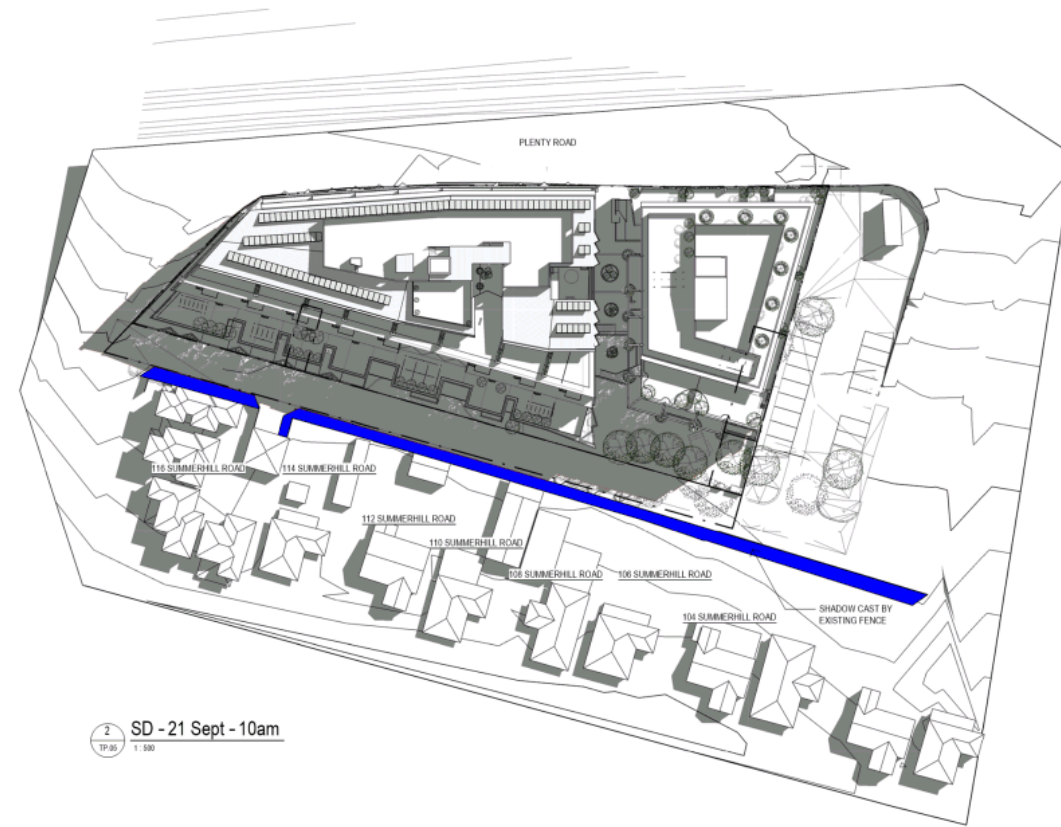
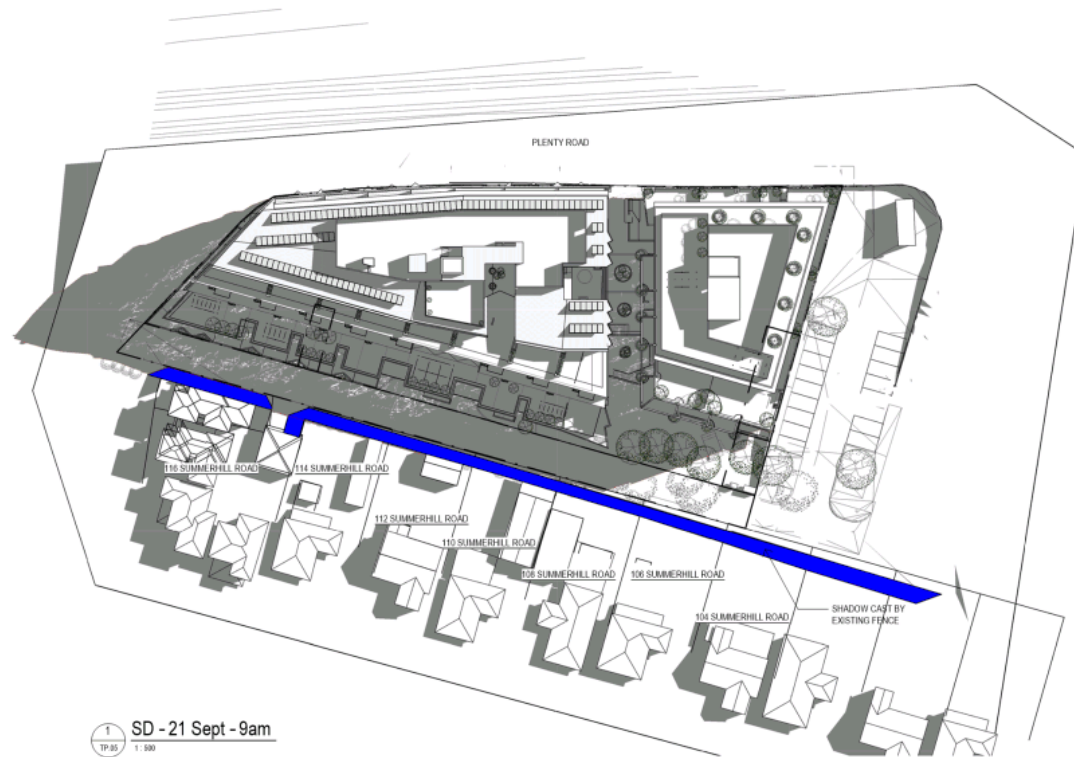


C Southern Boundary Section CC  
TP.41  
1:100



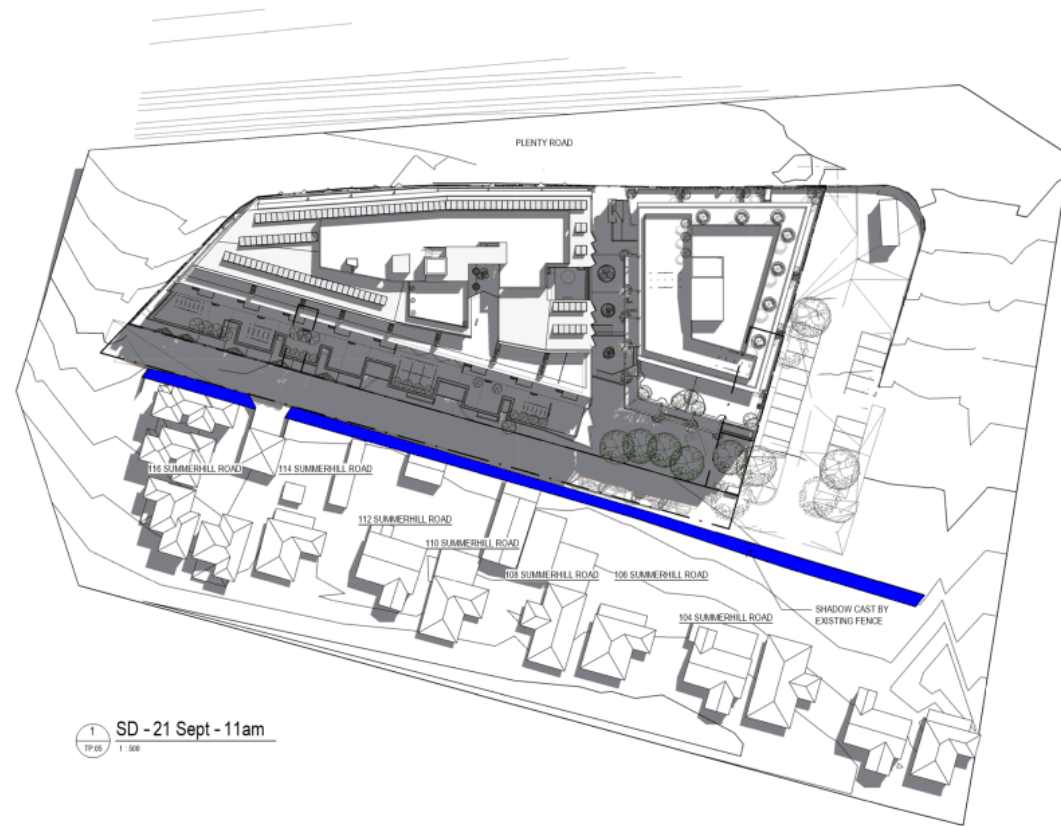




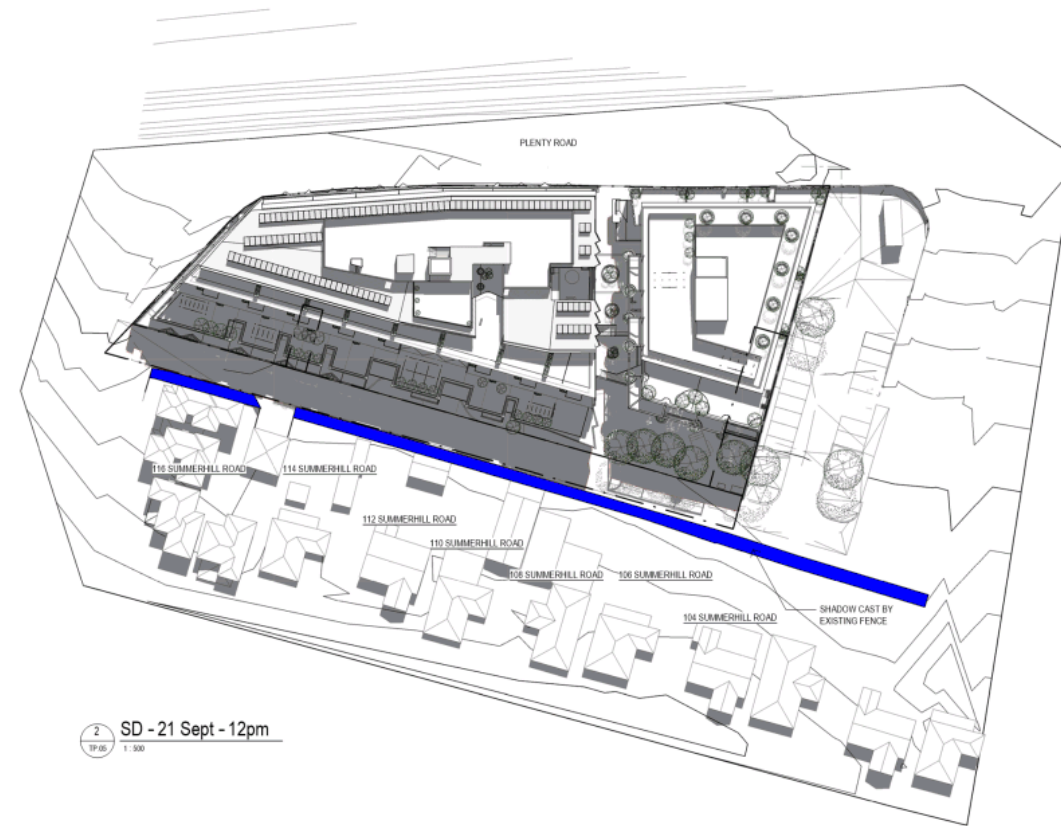


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1 SD - 21 Sept - 11am  
1:500



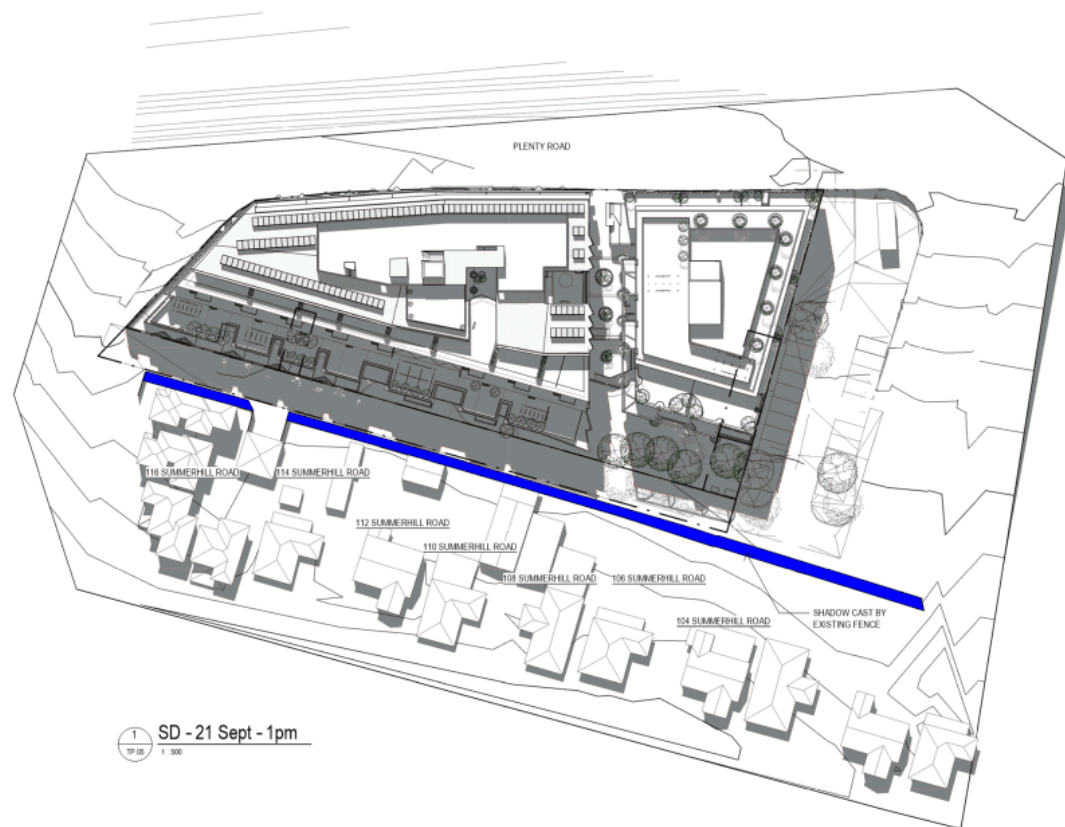
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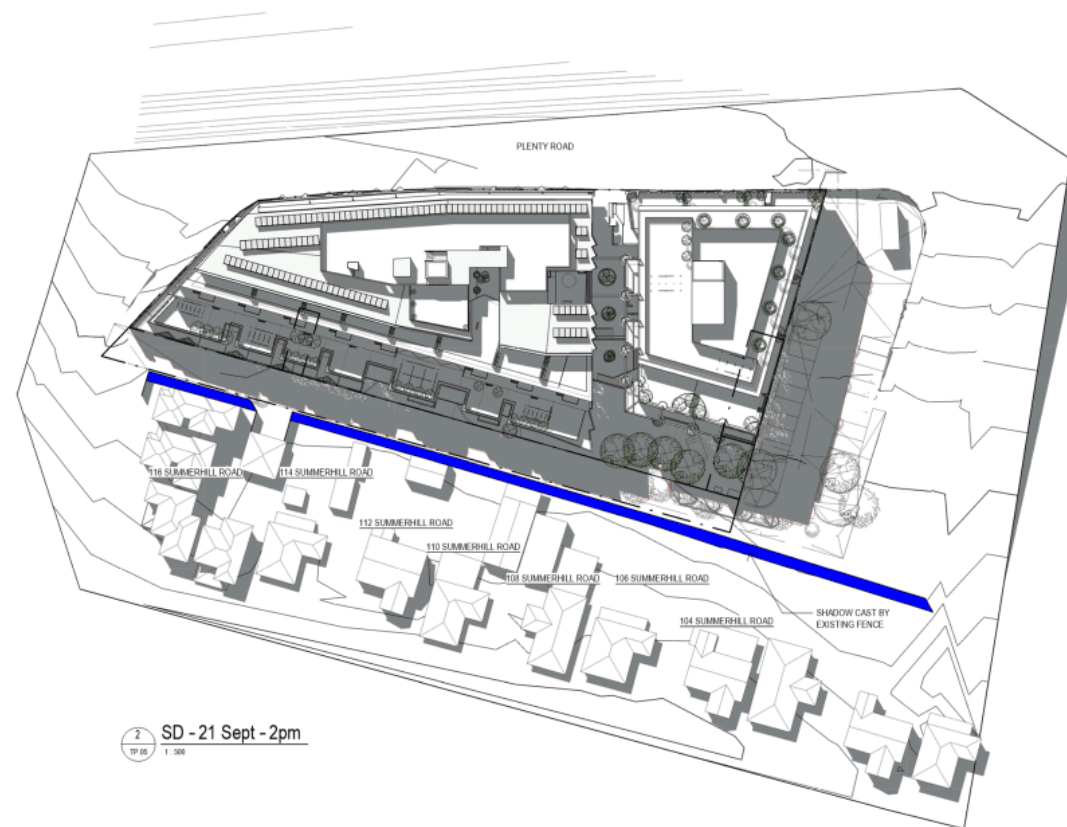
NORTH



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1 SD - 21 Sept - 1pm  
1/300

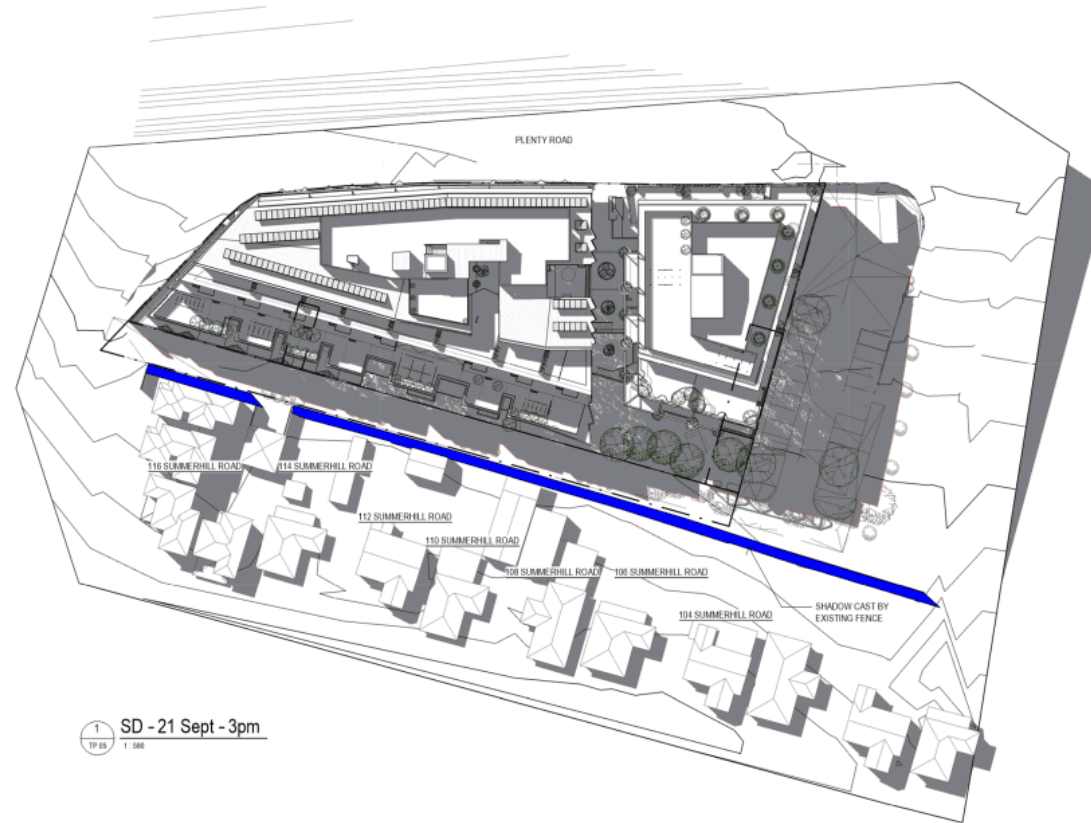


2 SD - 21 Sept - 2pm  
1/300

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NORTH



1 SD - 21 Sept - 3pm  
1/500



NORTH



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ARTIST IMPRESSION



- TF1. TERRACOTTA EXTERIOR CLADDING
- CS1. DARK TONE EQUITONE OR SIMILAR CLADDING
- CS2. MID TONE CEMENT SHEET CLADDING
- CS3. LIGHT TONE CEMENT SHEET CLADDING
- TM1. MID TONE TIMBER FINISH
- ZN1. CHARCOAL/DARK GREY METAL CLADDING
- BR1. NEUTRAL GREY/WHITE BRICK FACADE
- PF1. PRECAST FLUTED
- GL1. CLEAR GLASS
- GL2. GREY TINT GLASS
- RN1. RENDERED CHARCOAL FINISH



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3D VIEW FROM PLENTY ROAD (EAST APPROACH)



3D VIEW FROM PLENTY ROAD (WEST APPROACH)



3D VIEW OF INTERNAL PIAZZA FROM PLENTY ROAD (NORTH)



3D VIEW OF INTERNAL PIAZZA FROM REAR LANE (SOUTH)





**REFUSAL TO GRANT  
A PERMIT**

**Application No:** D/722/2018

**Planning Scheme:** Darebin Planning Scheme

**Responsible Authority:** City of Darebin

**ADDRESS OF THE LAND** 800-802 & 820 Plenty Road RESERVOIR VIC 3073

**WHAT HAS BEEN REFUSED?** Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1, as shown on the plans accompanying the application.

**WHAT ARE THE REASONS FOR THE REFUSAL?**

1. The proposal does not comply with Clause 15.01-1S (Urban Design), Clause 15.012S (Building Design) and Clause 15.01-5S of the Darebin Planning Scheme with respect to the strategic and physical context of the site.
2. The proposal provides excessive visual bulk/mass to the sensitive southern interface, with inadequate setbacks and would adversely impact on the amenity of residential properties.
3. The proposal has not been designed in accordance with the objectives and decision guidelines of Clause 22.06 (Multi Residential and Mixed Use Development) of the Scheme in terms of building height, amenity impacts including overlooking and overshadowing.
4. The height, scale and setbacks of the proposal are contrary to the Design and Development Overlay Schedule 17. The proposal does not provide appropriate setbacks including compliance with the 30 degree requirement, with an excessive height and a lack of transition in scale to adjoining sites to the south.
5. The development does not comply with relevant Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

Date Issued 21/04/2020

Signature for the  
Responsible Authority



## **IMPORTANT INFORMATION ABOUT THIS NOTICE**

### **WHAT HAS BEEN DECIDED?**

- The Responsible Authority has decided to refuse to grant a permit.  
*(Note: This is not a refusal under Division 5 of Part 4 of the Planning and Environment Act 1987).*
- This notice sets out on the reverse side the reasons for the refusal.
- The reasons, or grounds on which the application has been refused, are those of the Responsible Authority unless otherwise stated.

### **WHAT ABOUT APPEALS?**

- The person who applied for the permit may appeal against the refusal. The appeal must be lodged within 60 days of the giving of this notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An appeal must state the grounds upon which it is based.
- An appeal must be served on the Responsible Authority.
- Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
- Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
- A Notice of Appeal form can be obtained from the Victorian Civil and Administrative Tribunal.
- The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne, 3000. The telephone number is 1300 01 8228.

#### **For an objector-**

- If the applicant appeals against this decision, the applicant must give notice in writing to all objectors as soon as practicable after an appeal is lodged. Objectors will be invited to any appeal hearing.

**Darebin City Council Received 15/07/2020**

**5. CONSIDERATION OF REPORTS**

**5.1 APPLICATION FOR PLANNING PERMIT D/722/2018  
800-802 & 820 PLENTY ROAD RESERVOIR**

**Author:** Senior Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Japara Developments Pty Ltd	Aldi Foods Pty Ltd	<ul style="list-style-type: none"> <li>• Godfrey Spowers (Victoria) Pty Ltd.</li> <li>• Fitzgerald Frisby Landscape Architecture.</li> <li>• Planning &amp; Property Partners Pty Ltd.</li> <li>• Hansen Partnership Pty Ltd.</li> <li>• TTM Consulting (Vic) Pty Ltd.</li> <li>• Lucid Consulting Australia.</li> <li>• Axiom Tree Management Pty Ltd.</li> <li>• Resonate.</li> <li>• Leigh Design Pty Ltd</li> </ul>

**SUMMARY**

- The proposal is for the construction of two (2) mixed-use six (6) storey buildings (Building A and Building B), providing retail and food and drink premises with the primary use being a residential aged care facility and retirement village.
- A total of 123 car parking spaces are proposed within basement and lower ground levels, with access via the existing accessway to the east (for the lower ground level) and the rear Right of Way for the basement parking area.
- Building A
  - Plenty Road. The ground level also contains pedestrian entry to the internal core area, a kitchen (for meal preparation and distribution throughout the building). Additional independent living units are located at the rear ground floor, with a total of twelve (12) independent living units at this level. Various staff facilities and operational rooms, are provided within the basement level.
  - A total of ninety (90) aged care suites are provided from the first floor to the third floor levels, with communal lounge and dining areas and terraces to the south.
  - The fourth floor level has 15 assisted living units, with a communal lounge and terrace area and south facing balconies for the units.
  - The roof has a communal terrace area.
- Building B
  - At ground level Building B contains a retail premises fronting Plenty Road, with independent living units sleeved behind.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- This building is primarily used for a retirement village with a total of 47 independent living units across the six (6) levels, with a variety of unit layouts and sizes (one (1), two (2) and three (3) bedrooms) and each unit with private open space area in the form of terraces and balconies (of 8 - 33 square metres).
- There is a pool and gymnasium to the basement level and a communal terrace area to the roof.
- The site is zoned Commercial 1 and is affected by a Design and Development Overlay (Schedule 17) and Development Contributions Plan Overlay Schedule 1.
- There are no restrictive covenants on the titles for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the policies and provisions of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via three signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the City Architect, ESD Officer, Urban design, Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit and the Transport Engineering and Strategy Unit.
- This application was referred externally to VicRoads and Public Transport Victoria.

**Recommendation**

**That** Planning Permit Application on D/722/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP.00 to TP.49, dated 14 September 2019, project no. 2016020 and prepared by Godfrey Spowers (Victoria) Pty Ltd.) but modified to show:
  - a) Critical height dimensions shown to the elevations (and levels to AHD) with a maximum height of 20 metres (not including roof top plant and communal areas).
  - b) The following amendments to the Plenty Road façade in accordance with drawing nos SK\_11, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd:
    - i. Amended layout to Apartments 308, 408, 508 to provide a balcony opening to the north-east façade.
    - ii. Increased width to the central entry from Plenty Road.
  - c) The southern elevation is to be amended in accordance with drawing no SK\_10, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd to show increase glazing inset and deeper reveal to the central dining area of the first, second and third floors of Building A.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- d) Bicycle parking spaces must be dimensioned as follows:
- Horizontal spaces (ground-mounted):
- i. Double-sided parking rails or hoops set 1000mm apart, or 500mm from a wall or fence.
  - ii. Allow 1800mm long envelope for the bicycle, plus 1500mm wide aisle for access.
- Vertical spaces (wall-mounted):
- i. Rails mounted at 500mm spacing between centres if mounted at staggered heights, or 1000mm if mounted at a single height.
  - ii. Rails to be mounted so that bicycles need to be lifted only between 50mm-350mm (staggered rails should be mounted at alternating heights of 1850mm and 2150mm).
  - iii. Must allow 1200mm envelope for the bicycle to extend out from the wall, plus a 1500mm wide aisle for access.
- e) The width of the ramp providing access to the Lower Ground B car park is to be a minimum width of 6.1 metres between ramp walls and is to be revised, as per swept paths prepared by TTM Consulting (Vic) Issue A, dated 23 August 2018.
- f) Details of signage to inform drivers that the public road along the southern boundary allows exit only movements from the subject site.
- g) The intersection between the southern boundary road and accessway leading to the lower ground car park is to be clearly shown including methods of dealing with conflicting vehicle movements.
- h) Allocation of car parking spaces to dwelling units and commercial uses.
- i) Full dimensions of car spaces and accessways showing compliance with Design standard 2 – Car parking spaces, of Clause 52.06-9 of the Planning Scheme.
- j) Details of the tandem car spaces with minimum dimensions of 4.9 metres in length x 2.6 metres in width and separated by a minimum of 500mm.
- k) 17 car parking spaces proposed on land adjacent to the eastern access removed from the plans.
- l) The accessible parking space on the basement level is to be dimensioned in accordance with AS2890.6:2009.
- m) Details of column location in the basement area, ensuring compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-9 of the Planning Scheme.
- n) Parking spaces bounded by a wall are to be widened by 300mm.
- o) Ramp transitions are to be a minimum 2 metres wide.
- p) Screening of overlooking of adjoining residential properties to the south in accordance with the requirements of Standard B22 (within 9 metres and a 45 degree angle).
- q) Details of all window openings.
- r) Install an east facing operable window to Unit 305.
- s) Install an east facing operable window to E14.
- t) Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.

PLANNING COMMITTEE MEETING

10 MARCH 2020

- u) The water tank must be connected to the toilets for the independent living units for the lower levels.
- v) Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.
- w) Full details on the waste and recycling chutes.
- x) A single communal antenna for the development (refer also to Condition No. 17 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- y) Details of lighting to the garage and common ground level and lower ground level areas.
- z) Full details of shade and seating to the communal roof top terraces.
- aa) Location of mailboxes adjacent to the building entry, in an active well-lit and weather protected.
- bb) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 7 of this Permit.
- cc) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- dd) A notation indicating the extent of the construction of the rear right of way (refer to Condition 13 of this Permit).
- ee) Noise attenuation measures required by the acoustic assessment under Condition 14 of this permit.
- ff) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition 9 of this Permit).
- gg) Modifications in accordance with the Waste Management Plan (Refer to Condition 15 of this Permit).
- hh) A landscape plan in accordance with Condition No. 4 of this Permit.
- ii) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.  
  
Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

When approved, the plans will be endorsed and form part of this Permit.

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed or the use is not started within five (5) years of the date of this Permit.

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

- Before this Permit expires;

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Provision of a minimum of six (6) suitable medium canopy trees and ten (10) suitable small canopy trees.
  - b) Tree protection measures, in accordance with Condition No. 7 of this Permit.
  - c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - i) Hard paved surfaces at all entry points to dwellings.
  - j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

PLANNING COMMITTEE MEETING

10 MARCH 2020

- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in the tree assessment by Axiom Tree Management Pty Ltd dated 8 May 2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 4 – Located within the adjoining property to the south	3.2 metres
Tree 5 – Located within the adjoining property to the south	2.5 metres

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

- (8) Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.

Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.

- (9) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.



PLANNING COMMITTEE MEETING

10 MARCH 2020

The development must be constructed in accordance with the requirements/ recommendations of the SDA to the satisfaction of the Responsible Authority.

- (10) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
  - a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - i. An assessment using an industry recognised stormwater tool;
    - ii. The type of Water Sensitive Urban Design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - iv. A plan illustrating where all impervious surfaces will be treated and drained;
    - v. A construction and maintenance schedule;
  - b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

- (11) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
  - a) Erosion and sediment.
  - b) Stormwater.
  - c) Litter, concrete and other construction wastes.
  - d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (12) At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
- (13) Prior to the occupation of the development:
  - a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the eastern end of the property and continuing west, must be submitted to and approved by Council.

PLANNING COMMITTEE MEETING

10 MARCH 2020

- b) The right of way abutting the western boundary of the property, commencing from the southern boundary of the property, commencing from the eastern end of the property and continuing west, must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

- (14) Before development starts, an Acoustic Assessment of the development generally in accordance with the submitted report by Resonate dated 31 August 2018, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
  - a) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
  - b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

- (15) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

Waste storage and collection must be undertaken in accordance with the approved waste management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (16) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and road reserve adjacent to the subject site.

The plans must include the following details:

- a) A detailed level and feature survey of the footpaths and roads, including the depth of the footpaths from the external façades to the kerb.
- b) Premium footpath paving (Abri masonry) in two tone (charcoal grey and steel grey or another suitable option) to the Plenty Road road reserve adjacent to the subject site.
- c) A planting schedule of proposed street tree vegetation and canopy trees detailing the botanical name, common name, size at maturity and quantities of all plants. All footpath planting must be provided in passively irrigated pits, either WSUD pits or resin bound surfacing and flush with the pavement. Planter boxes must not be provided.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- d) Any required relocation of parking and traffic signs.
- e) Any other works to the public land adjacent to the development.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with the prior written consent of the Responsible Authority.

- (17) Prior to the commencement of any works, the permit holder is to provide written approval for all relevant service authorities that benefit from any easements to be expunged/relocated to the satisfaction of the Responsible Authority.
- (18) Prior to the commencement of any works, the permit holder is to provide an appropriate lease to allow use of the adjacent VicRoads land to the satisfaction of the Responsible Authority.
- (19) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (20) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (25) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (27) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all weather sealcoat;
  - d) Drained;
  - e) Line-marked to indicate each car space and all access lanes;
  - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

- (28) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

**VicRoads Conditions:**

- (29) Prior to the commencement of works, amended ground floor plans must be submitted to and approved by the Roads Corporation (VicRoads). The plans must show a redesigned loading bay access (at the south boundary), provided with physical constraints (such as boom gate), to prevent other vehicles from the development from entering Albert Street directly from the site.
- (30) The development must be managed during construction so as not to compromise the operational efficiency of Plenty Road Reservoir or public safety.

**NOTATIONS**

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

**PLANNING COMMITTEE MEETING****10 MARCH 2020**

- N6 This Planning Permit must be attached to the "statement of matters affecting land being sold", under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

**INTRODUCTION AND BACKGROUND**

The following permits have been issued for the subject site.

- TAB issued 26 November 1965,
- Jewellery manufacture issued 3 March 1971,
- Amusement Centre issued 7 December 1971.
- Computer typesetting artwork issued 9 March 1972.
- Furniture showroom issued 12 September 1972.
- Chiropractor clinic issued 17 February 1976.
- D/87/2002 Proposed learning centre issued 20 March 2002.
- Mobile telecommunications facility issued 11 August 2003.
- D/85/2003 use of the land as a Food and Drink premises with liquor licence, internet café training establishment issued October 2003.
- D/317/2003 Place of assembly to run small church services and youth groups.
- D/769/2004 Use of the land as a Place of Assembly including the sale and consumption of liquor and a reduction in the associated car parking requirement was refused.
- D/1006/2004 Use of the land for clinical massage therapy as shown on the plans accompanying the application issued 28 April 2005.
- D/740/2007 Display of internally illuminated business identification signs, internally illuminated sky sign issued 25 March 2008.
- D/704/2008 Construction buildings and works comprising of a supermarket issued 28 May 2009.
- D/549/2009 Removal of easements E4 and Reserve No. 1 recreation undersection 24A of the Subdivision Act issued 21 January 2010.
- D/287/2018 Creation of Easement for drainage purposes over existing VicRoads drainage assets- withdrawn.

**ISSUES AND DISCUSSION****Subject site and surrounding area**

- The land is irregular in shape and comprised of a number of smaller allotments. It has a frontage of approximately 100 metre to Plenty Road (along the northern site boundary) and approximately 25 metre frontage to the slip lane to Albert Street (to the west), with a site area of 4434 square metres.
- The land is located within the Commercial 1 Zone.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- The land is located on the south east corner of Plenty Road and Albert Street, Reservoir.
- The Site is vacant and devoid of any building structures, with a paved area to the north (abutting the Plenty Road frontage). The site has a fall of approximately 6.3 metres from the front to the rear along the eastern boundary and significantly excavated to the Plenty Road frontage, with stairs providing pedestrian access from Plenty Road. The site has a number of trees located to its south-west corner. Vehicle access is via a signalised intersection to the east, leading to a paved parking and accessway adjacent to the east of the site. The site abuts a partially constructed Right of Way to the south of approximately 6.3 metres in width, providing access to the Albert Street slip lane, to the west.
- The site is located in a neighbourhood activity centre, with residential use and development to the south and to the north (on the opposite side of Plenty Road). All abutting and adjacent residential lots are in a Residential Growth Zone.
- To the north of the site is Plenty Road, a six (6) lane carriageway (three (3) lanes in each direction) with a central tram line (route #86). To the opposite side of the street is a lower scale residential area of single and double storey dwellings.
- To the south, beyond the adjacent Right of Way, are the rear yards and outbuildings of single and double storey dwellings fronting Summerhill Road. These residential properties are located within the Residential Growth Zone, designation within a 'Substantial Change Area'.
- To the immediate east of the site is a paved car parking area and roadway leading to a signalised intersection to Plenty Road. Beyond this is a larger scale restricted retail premises and bulky-goods stores on large land holdings, which has an approval for a mixed use development of eight (8) and twelve (12) storeys.
- To the west of the site is a slip lane leading from Plenty Road to Albert Street. Beyond the slip lane (to the west and north-west) is a large intersection between Plenty Road/Albert Street/Boldrewood Parade/Rubicon Street. Further to the west is a lower scale residential area of single and double storey dwellings.
- On-street parking on Plenty Road and Albert Street is subject to a No Stopping restriction.
- The site is within the Summerhill Activity Centre. It directly abuts the Route #86 tram to Plenty Road. Bus routes run along Plenty Road, Albert Street and Boldrewood Parade. The site is approximately 600 metres to the west of the Darebin Creek parklands and 500 metres from Reservoir High School. Reservoir East Primary School is approximately 550 metres to the north.

**Proposal**

- The proposal is for the construction of two (2) mixed-use six-storey buildings (Building A and Building B), providing retail and food and drink premises and for a residential aged care facility and retirement village, over a consolidated allotment. Building A is located to the western part of the site and Building B is located on the eastern side of the site. The buildings will be separated by an 8.2 metre shared plaza area and linked through the basement and lower ground floor car park areas.
- There are to be a total of 123 car parking spaces proposed in basement and lower ground levels, with access via the existing accessway to the east (for the lower ground level) and the rear Right of Way for the basement parking area. Rear access is also available for vehicles using the basement and lower ground floor car parking areas.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- Building A:
  - At ground level Building A contains a café/restaurant and independent living units to Plenty Road. The ground level also contains pedestrian entry to the internal core area, a kitchen (for meal preparation and distribution throughout the building). Additional independent living units are located at the rear ground floor, with a total of twelve (12) independent living units at this level. Various staff facilities and operational rooms, are provided within the basement level of the building including the laundry, a staff facilities and other meeting rooms.
  - A total of ninety (90) aged care suites are provided from the first floor to the third floor levels, with communal lounge and dining areas and terraces to the south.
  - The fourth floor level has 15 assisted living units, with a communal lounge and terrace area and south facing balconies for the units.
  - The roof has a communal terrace area.
- Building B:
  - At ground level Building B contains a retail premises to Plenty Road, with independent living units located behind the retail premises.
  - This building is primarily used for a retirement village with a total of 47 independent living units across the six (6) levels, with a variety of unit layouts and sizes (one (1), two (2) and three (3) bedrooms) and each unit with private open space area in the form of terraces and balconies (of 8 - 33 square metres).
  - There is a pool and gymnasium to the basement level and a communal terrace area to the roof.
- In looking at the design, Building A has a primarily grey/white brick façade, with metal cladding to the upper floor. Building B is to principally be constructed with white precast fluted concrete material and with terra cotta tiled walls.

**Objections summarised**

- Inadequate rear setbacks.
- Overlooking.
- Overshadowing/Loss of sunlight.
- Winter shadows.
- Shadows to solar panels.
- Excessive height.
- Inadequate drainage.
- Contrary to neighbourhood character.
- Traffic safety (including use of slip lane and visibility).
- Increased traffic.
- Loss of property values.
- Traffic noise.
- Use of rear Right of Way.
- Excessive bulk/mass.
- Loss of native canopy trees.
- Inadequate landscaping.

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**PLANNING COMMITTEE MEETING****10 MARCH 2020**

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- No communal area.
- Inconsistent with role of Summerhill Village activity centre.
- Should be reviewed by Planning Committee.
- Inadequate activity/surveillance and blank wall to the south.
- Structural impact on nearby properties during construction.

**Officer comment on summarised objections**Inadequate rear setbacks

As can be seen in the assessment under Design and Development, although the proposal does not meet the required rear setbacks, this is an acceptable design response in this instance, given the site context and zoning.

Overlooking

Unreasonable overlooking of adjoining properties may be addressed by appropriate screening in accordance with the requirements of Standard B22. This entails screening windows that have views to sensitive areas within 9 metres and a 45 degree angle.

Overshadowing/Loss of sunlight

Concerns were raised about the overshadowing of the adjoining properties. Although shadow diagrams indicate that the development will overshadow a portion of the adjoining private open space areas, the shadows will only marginally exceed the existing shadows. Importantly, the extent of overshadowing is within the prescriptive measures of Standard B21.

Winter shadows

Importantly Standard B21 is concerned with overshadowing of neighbouring properties between 9am and 3pm on 22 September, which means the planning scheme does not allow the practical consideration of shadow impacts during winter.

Shadows to solar panels

There was some comment about shadows to solar panels on an adjacent dwelling. Importantly, it is noted that the Decision Guidelines in the Commercial 1 zone include reference to solar panels on adjoining sites: i.e.

- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

A review of recent aerial photography shows there are no solar panels impacted by shadows either during winter or the spring solstice.

Excessive height

The Design and Development Overlay establishes a mandatory overall height of 20 metres (six (6) storeys), which has been addressed in the design. In addition, the development provides an appropriate street wall height.



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**PLANNING COMMITTEE MEETING****10 MARCH 2020**

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Inadequate drainage

Generally, drainage may be addressed by an appropriate condition on any approval required drainage to be to the satisfaction of the Responsible Authority. It is also noteworthy that internal referral comments from Council's Infrastructure and Capital Delivery Unit do not raise issues relating to drainage.

Contrary to neighbourhood character

It is a long-held principle that for a development to be 'respectful' of the neighbourhood character it is not necessary to replicate the existing building forms. Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the zone. Importantly, the site is located in an activity centre, a Commercial 1 zone and a Design and Development Overlay Schedule 17, where higher scale and more intense development is encouraged. Therefore, the preferred character for this site and the broader area (including the adjacent residential area to the south, as this is located in a Residential Growth Zone) is one of higher scale and more intense development. It is considered that the proposal respects the preferred character.

Traffic safety (including use of slip lane and visibility)

Vehicular access to the site is proposed via the existing traffic signals onto Plenty Road and there is an existing a Right of Way along the southern boundary that connects to the slip lane from Plenty Road to Albert Street. The Right of Way will allow exit only from the subject site (as required by conditions). At the slip lane it will maintain a left turn exit only movement (as per existing), so that there will be no unreasonable impact on traffic safety.

Increased traffic

The applicant has provided a traffic impact assessment report that indicates the nearby intersections and street network will accommodate the additional traffic generated by the proposal. In addition, the proposal was referred to VicRoads and Council's Transport Engineering and Strategy Unit and no objections were raised on traffic grounds.

Loss of property values

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

Traffic noise

It is not considered that the proposal would lead to unreasonable traffic and related noise, given the use of existing road infrastructure.

Use of rear Right of Way

The Right of Way at the rear of the site is existing and was constructed to carry vehicular traffic. As can be seen in the assessment, the traffic from the proposal is not considered to be unreasonable.

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**PLANNING COMMITTEE MEETING****10 MARCH 2020**

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Excessive bulk/mass

As noted above, the proposal provides an appropriate height, in compliance with the Design and Development Overlay. In addition, Council's City Architect has reviewed and provided support for the proposal which is considered to be well articulated and appropriately steps down at the rear to the adjacent residential allotments. It is therefore considered that it will not lead to unreasonable visual bulk or mass, given the encouragement for more intense development on this site and physical and policy context.

Loss of native canopy trees

Although the proposal may result in the loss of vegetation, internal referral comments from the Arboricultural Planning Unit, indicate that the vegetation to be removed is of low-medium retention value. This vegetation contributes to the canopy coverage and amenity value of the area and removal is acceptable, provided a minimum of size (6) suitable medium canopy tree and ten (10) suitable small canopy trees are planted. This may be addressed by condition.

In addition to the above, the landscape plan submitted with the application provides opportunities for deep-root tree planting to soften the presentation to the adjacent dwellings to the south.

Inadequate landscaping

As can be seen above, when considering the physical and policy context, the proposal provides appropriate levels of landscaping from a site in an activity centre.

No communal area

The plans show communal landscape areas to the roofs as well as communal areas (lounges and open areas) to the other levels. Given the type of accommodation, this is considered to be adequate.

Inconsistent with role of Summerhill Village activity centre

Although the site is located in Commercial 1 Zone and an activity centre, it provides commercial activity at ground level with retail and food and drink premises to the frontage. The use of the site for mixed use (particularly aged care) is permissible under the zone requirements and indeed is appropriate given the proximity to appropriate services and facilities. Contrary to the objection the Municipal Strategic Statement (Clause 21.02-3) encourages the development of aged care accommodation in locations that are accessible to both activity centres and public transport. State Planning Policy also encourages higher scale and more intense mixed-use development in these areas to make use of infrastructure and services in within activity centres. In this regard, the proposal is promoted and supported by both policy and strategy

Should be reviewed by Planning Committee

The subject application is to be reviewed by the by Planning Committee and is required to be decided on planning merit.

Inadequate activity/surveillance and blank wall to the south

Although areas to the southern elevation are screened, the proposal provides adequate articulation to the southern façade and also provides some activity through the lobby and other active areas.

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**PLANNING COMMITTEE MEETING****10 MARCH 2020**

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Structural impact on nearby properties during construction

Structural impact during the construction phase of development is not planning consideration and not a reason to refuse development. Any impact on adjoining structures is a matter between the relevant parties.

**PLANNING ASSESSMENT**

The level of change is to be regulated by the zone and policy controls, as well as the strategic and physical context. The policies provide the direction for the appropriate scale, despite the opportunities for redevelopment.

Importantly the site is located in an activity centre and an area of substantial change, where Council encourages higher scale and more intense mixed - use development. In this respect, an increase in density is appropriate in the context of the future building form/character, as well as internal and external amenity outcomes. It is considered that the proposal presents an appropriate design response and provides a level of accommodation that enjoys both policy and strategic support.

**State Policy:**

Clause 15.01 Built Environment: Relevant urban design objectives and strategies are provided at Clause 15.01 to assess the built environment:

Clause 15.01-1S Urban design

Given its location, the site enjoys a high level of planning policy support for a more intense and higher scale development. In this regard, the site offers an opportunity to address the need for aged care and retirement living opportunities within a highly accessible and well serviced location. The higher density building typology provides the opportunity our older citizens to be more active participants in the community. The proposal provides an appropriately intense development in accordance with policy.

The applicant has undertaken an appropriate analysis of the applicable policy context, site and area as part of the design process, which indicates that the proposal has addressed the opportunities and constraints of the site and the site context to form the basis for the consideration of setbacks, height, scale and massing of the development.

The proposal is constructed to the front and side boundaries and maintains an appropriate overall height and street wall height (see assessment under the Design and Development Overlay). It also provides appropriate setbacks and transition to the sensitive area to the rear. The façade design enables surveillance of the public area and security to the entry areas.

The City Architect has stated that the design is appropriate in the context of the preferred neighbourhood character and is adequately responsive to adjoining interfaces.

The location of the site allows appropriate and safe walking and cycle access, with access to public transport.

Vehicle access may be appropriately secured by a roller/security door.

The site is located in a Commercial 1 Zone, where there is limited or no landscape character. The provisions of setbacks for landscaping are appropriate.

**Complies**

**PLANNING COMMITTEE MEETING****10 MARCH 2020**Clause 15.01-2S Building design

Typically, buildings in Commercial 1 Zone are constructed with zero setbacks to the front and side boundaries and an active shopfront and weather protection, which is provided in the proposal. In this respect it is considered that the construction to Plenty Road is appropriate.

The proposal has a zero setback to Plenty Road for four storeys. The upper level of Building A is setback approximately 2 metres from the northern Plenty Road street wall, while Building B is setback approximately 3.4 metres from this frontage.

The building height in this location will not dominate distant views, as greater heights are encouraged in this area.

The applicant has undertaken an appropriate site analysis as part of the design process. In doing so, the design takes appropriate consideration of the policy context which will achieve a future character of consistent overall height, street wall height, scale, massing, street wall heights and rear setbacks.

Typically, development in activity centres are encouraged to be constructed with zero setbacks to the front and side boundaries and an active shop front, which is provided in the proposal. The form, scale, and appearance of development meets the policy expectations and contributes appropriately to a preferred public realm character.

The building maintains personal safety, appropriate pedestrian entries, perceptions of safety and property security, an appropriate sense of address with an active frontage.

The design provides appropriate pedestrian interaction. The development provides safe access and egress for pedestrians, cyclists and vehicles.

As the site is located in a Commercial 1 zone, there is limited or no landscape character.

Given the above, it is considered that the development responds and contributes appropriately to the context, including the amenity of adjoining residential properties to the south which benefit through the separation provided by a Right of Way.

**Complies**Clause 15.01-3S Subdivision design**Not applicable**Clause 15.01-4S Healthy neighbourhoods

A development in this location encourages access to cycling and walking networks.

The site has direct, safe and convenient access with public transport and other services available.

The site is conveniently located to public services.

The site is in proximity to public transport.

Bicycle parking is provided

**Complies**

Item 5.1

Darebin City Council Rec Page 15/07/2020

**PLANNING COMMITTEE MEETING**

**10 MARCH 2020**

Clause 15.01-5S Neighbourhood character

As noted above, the proposal responds to a preferred character of higher scale and more intense development in a Commercial 1 Zone. Appropriate commercial/retail premises are encouraged to locate to the street frontage.

There is no underlying natural landscape character or significant vegetation to the Commercial 1 zone area.

The site is not located in a Heritage Overlay.

**Complies**

Clause 15.02-1S Energy and resource efficiency

The applicant has submitted a Sustainable Management Plan, which may be subject to condition.

**Complies**

Urban Design Guidelines for Victoria

Clauses 15.01-1S, 15.01-2S and 15.01-4S require that responsible authorities must consider as relevant:

- *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

The following is an assessment against the Urban Design Guidelines for Victoria, insofar as they relate to higher density residential development (noting that many of these are not applicable to the subject proposal):

Element	Comment	Compliance
Activity Centre Structure	The site is appropriately located in an activity centre. Access is provided via a side street and Right of Way. The design promotes interconnected lanes and streets. The site and area have access to public transport. The proposal provides an active frontage with food and drink and retail premises.	Complies
Large development site structure	The development maintains connectivity through the adjacent streets and Right of Way, as well as through the development. The site is well-connected to services and facilities, including trams, buses, shopping, community and recreation facilities. The design maintains an appropriate transition to the residential area to the rear and maintains the amenity of the adjacent residential uses.	Complies
Higher density residential precinct structure	The site is located in an area set aside for higher density residential development. The direction for this development has been provided by the Design and Development Overlay and the Multi	Complies

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
	Residential and Mixed Use Development policy.	
Public realm structure	The site provides an active facade to the street frontage. The Design and Development Overlay provides a height for this precinct of six (6) storeys, subject to a consolidated site. The proposal meets this and provides an appropriate four (4) storey podium.	Complies
Pedestrian priority streets	This element has limited applicability, as the public spaces and adjacent road is existing. The site provides an active frontage to the street frontage, for passive surveillance. The Design and Development Overlay provides the appropriate scale for buildings in this precinct of six (6) storeys, subject to a consolidated site. The proposal meets this and is considered to be of an appropriate design quality.	Complies
Pedestrian and bicycle paths	Existing pedestrian paths and lighting are provided to the street. Public bicycle paths are beyond the scope of this application.	Not applicable
Pedestrian and bicycle crossings	This element has limited applicability, as the adjacent roads/paths are existing.	Not applicable
Major Roads	This element has limited applicability, as the adjacent roads/paths are existing.	Not applicable
On-street car parking	The proposal will not affect the availability of on-street parking and provides appropriate access (see assessment below against Clause 52.06).	Complies
Public spaces principles	The proposal does not provide any public space. Doors and windows of buildings to overlook adjacent public spaces. The proposal provides a transition between public space and private space.	Not applicable
Street spaces and plazas	The proposal does not provide any public space. Doors and windows of buildings to overlook adjacent public spaces. There is a transition between public space and private space. A condition of permit will require streetscape and footpath improvements.	Complies subject to condition
Local parks	The proposal does not provide any public spaces/parks.	Not applicable
Communal Open Spaces	The communal spaces (internal and external) are accessible and functional. The communal spaces provide safety and outlook. The amenity of adjacent sensitive uses will not be unreasonably affected, due to appropriate setbacks and a	Complies

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
	transition to the rear.	
Buildings in activity centres	<p>The site is in an activity centre. The scale overall height and street wall height are supported by policy.</p> <p>There is a transition to the rear.</p> <p>The development will maintain equitable access to sunlight and daylight, with adequate setbacks and heights to the rear (south).</p> <p>Informal surveillance is available to the street through windows and balconies.</p> <p>The development connects to the movement network</p> <p>The proposal provides a high quality contemporary façade that will continue to the preferred character.</p> <p>The development will be appropriately sustainable.</p>	Complies
Higher density residential buildings	<p>The proposal provides an appropriate sense of address for the dwellings.</p> <p>Informal surveillance is provided to the adjacent street.</p> <p>The main pedestrian entry is visible and accessible from the street</p> <p>Shelter and a waiting space on the street are provided at the pedestrian entry to building.</p> <p>The mailboxes may be located adjacent to the building entry, which is an active, well-lit and weather-protected area, with potential for informal surveillance.</p> <p>Details of all plant will be subject to condition.</p> <p>Bins and landscape areas do not lead to security issues.</p>	Complies subject to condition
Car parking structures	<p>Parking facilities are proximate to the dwellings.</p> <p>The garage is located in a basement and the lower ground level (behind the façade) and will maintain the active frontage.</p> <p>The pedestrian access to the garage is appropriate, via the lift and stair or sides and rear.</p> <p>The access to the rear is appropriate.</p> <p>The parking area allows vehicles to conveniently enter and exit the site in a forward direction.</p>	Complies
Principles for objects in the public realm	<p>The proposal does not significantly affect objects in the public realm.</p> <p>The planters and paving to the street frontage are robust.</p> <p>A condition of permit will require that the applicant provide streetscape improvements and footpath replacement.</p>	Complies subject to condition
Trees and planting	<p>The plans indicate adequate spaces are available for landscaping to the front and rear. Landscape plans have been provided. A condition of permit will require streetscape improvement plans.</p>	Complies subject to condition

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
Barriers and fencing	The proposal does not include bollards or fences.	Not applicable
Lighting	The proposal does not affect lighting in the public realm. Lighting to the internal areas, garage, common areas and balconies may be subject to condition.	Complies subject to condition
Signs and way-finding	The proposal does not require signage.	Not applicable

**LOCAL POLICIES**

**Clause 21.03 – Housing**

The Strategic Housing Framework Plan illustrates the directions for residential land use and development in Darebin as set by the Darebin Housing Strategy (2013). This framework provides greater certainty as to where growth and change can be expected and the preferred scope of housing change in terms of the intensity and type of residential development to be encouraged in different areas. The framework plan also identifies three (3) Housing Change Areas, which apply to all land in the municipality that currently has a zoning that permits residential uses. These housing change areas are Minimal Housing Change, Incremental Housing Change and Substantial Housing Change.

The site is located in a Substantial Housing Change area within the Framework plan.

These areas are residential, commercial and designated activity centres that have the capacity to accommodate substantial residential development over time, including aged care accommodation. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future. The site is therefore considered suitable for a substantial increase in housing density.

Clause 21.03-2 Housing Development: Objective 1 – Housing Provision

It is policy to ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to:

- Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion.
- Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity.
- Sympathetic response to the identified values of any adjoining heritage overlays.

The subject site and adjoining sites are located in a Substantial Housing Change Area and the site is located in an activity centre. The proposal provides appropriate increased densities, with an appropriate heights and scale.

**Complies**



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**PLANNING COMMITTEE MEETING****10 MARCH 2020**

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Clause 21.03-2 Housing Development: Objective 2 – Housing Density

It is policy to achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth.

The strategies are to support diversity in housing and support redevelopment at higher overall densities in Substantial Housing Change Areas and discourage underdevelopment in these areas. Other objectives at clause 21.03-3 also ensure that housing diversity is increased and increase the supply of affordable housing in these areas.

Importantly, strategies at clause 21.03-4 are *'to ensure Darebin's ability to meet its housing needs in activity centres, Substantial Change Areas and on Strategic Opportunity Sites is not compromised by the protection of neighbourhood character'*.

Clearly, as the site is in a Substantial Housing Change Area, there is a particular policy direction for these areas to accommodate increased densities and dwelling diversity, so that the character of the area will change over time and that existing character will not limit the ability to provide increased densities.

The proposal provides an appropriate increase in density in a Substantial Housing Change Area in a strategic corridor (clause 21.03). It also provides appropriate aged care facilities and contributes to affordable accommodation and ageing in place, in accordance with broader policy direction. In looking at the design, the proposal provides appropriate heights and streetscape presentation. It is designed to provide adequate amenity to residences on the site and provides an appropriate transition in height and scale to the adjoining properties.

**Complies**Clause 21.03-2 Housing Development: Objective 3 – Residential Amenity

It is policy to facilitate developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents. Developments are to be designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.

The proposed development is considered to meet policy objectives identified above in regard to the extent of impact it will have on surrounding residential land. It provides adequate setbacks to the side and rear, so that visual bulk impacts, overshadowing and solar access impacts on the immediately adjoining dwellings are acceptable. The proposal development has setbacks to the rear elevation, so that there is a transition in height and the effects on the adjoining rear yard areas are minimised.

**Complies**Clause 21.03-3 Housing Diversity and Equity: Objective 2 – Aged Care Accommodation

This objective is to encourage the provision of accessible and appropriate housing and accommodation for elderly residents. Indeed, the strategies *'encourage and facilitate the provision of different types of aged care accommodation and facilities in areas identified for Substantial and Incremental Housing Change in the Strategic Housing Framework Plan.'*

The proposal provides appropriately accessible aged care dwellings that allow residents to age in place. The location is also considered to be ideal, given its proximity to a large number of services and facilities, including the activity centre and convenient access to public transport.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

**Complies****Darebin Housing Strategy**

The Darebin Housing Strategy 2013-2033 provides a housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is located in a Substantial Housing Change area in the Strategic Housing Framework Plan and is defined as:

*"Residential, commercial and designated activity centres that have the capacity to accommodate substantial residential development over time. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future."*  
(Clause 21.03)

The Strategic Housing Framework Plan builds on the directions for residential land use and development in Darebin as set out by the Darebin Housing Strategy (2013). The policy states that Substantial Housing Change areas generally display one (1) or more of the following characteristics:

- *Have an evolving character where there is an eclectic mix of new and old forms of architectural style and housing typologies. This includes more recent apartment developments at higher densities and in mixed-use formats.*
- *Are identified locations for increased residential densities to support economic investment and growth in the La Trobe National Employment Cluster.*
- *Are within or immediately adjacent to activity centres that possess superior access to the Principal Public Transport Network.*
- *Have a frontage to a strategic corridor.*
- *Are generally within 400 metres of a train station or tram route.*

*The scale and intensity of residential growth will differ across Substantial Change Areas depending on their strategic capacity to accommodate municipal growth and future housing needs as described at Clause 21.01-6. Generally, residential growth in Darebin adheres to the following hierarchy:*

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

The proposal provides increase densities and diversity in a Substantial Housing Change Area and is of an appropriate height and scale.

**Clause 21.04 – Economic Development:**

This policy seeks to enhance the viability of retail/activity centres in the municipality and places activity centres in a hierarchy. It generally encourages intensive use and development in and around activity centres and supports mixed-use development to achieve more efficient and sustainable development.

**PLANNING COMMITTEE MEETING**

**10 MARCH 2020**

Clause 21.04-3 provides a number of policies directions including:

- Mixed use developments development is encouraged in and around activity centres.
- Intensive development (including commercial and residential development) is to be facilitated in and around activity centres.
- Policy is to facilitate a higher intensity of activity in and around activity centres
- Although the western of frontage to Plenty Road is largely residential, there is an active frontage at ground floor.

The proposed use and development is supported by all of these policy directions.

Car parking, bicycle parking and waste storage are at the rear. With the intensification of the site, the proposal provides better use of services and facilities in the area.

**Clause 22.06 - Multi Residential and Mixed - Use Development**

Objectives:

- *To facilitate residential and mixed use development which promotes housing choice, displays a high standard of urban design, limits off-site amenity impacts, and provides appropriate on-site amenity for residents.*
- *To facilitate development that demonstrates the application of environmentally sustainable design principles.*
- *To facilitate a high quality street edge that relates to the public realm.*
- *To encourage efficient design outcomes that consider the development potential of adjoining sites.*
- *To encourage the consolidation of lots to facilitate better design and amenity outcomes for higher density development in locations where substantial housing change is directed.*

This policy applies to mixed-use development (that includes a residential use) and multi-dwelling apartment development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and a General Residential Zone (excluding land within DDO14 Northcote Major Activity Centre. It provides the following policy direction with regard to development.

The assessment against the policy objectives and design guidelines is as follows:

Element	Comment	Compliance
<b>Sustainability</b>	<p>The development provides shared floors, internal stairs, multi storey construction, all of which contribute to energy efficiency.</p> <p>A Sustainability Management Plan has been submitted with the application.</p> <p>Nevertheless, there are a number of concerns with regard to energy efficiency that may be addressed by condition and an appropriate Sustainability Management Plan, i.e.:</p> <ul style="list-style-type: none"> <li>• Provide details on how all windows open.</li> <li>• Install fixed shading to all north facing windows and glazed doors. Provide a section through the glazing and shading to demonstrate it is effective.</li> </ul>	Complies subject to condition

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
	<ul style="list-style-type: none"> <li>• Full height and full width glazing to the south facing bedrooms is not acceptable</li> <li>• Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.</li> <li>• Integrate operable windows into the pool area so mechanical cooling is not required.</li> <li>• Provide details on the expected water use for the laundry.</li> <li>• Install on ground bike parks.</li> <li>• Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.</li> <li>• Provide clearer details on the waste and recycling chutes.</li> </ul> <p>The above may be addressed by condition.</p>	
<b>Design and Materials</b>	<p>The design does not mimic the existing character of the area and provides an appropriate infill development.</p> <p>The building mass is located to the street frontage and away from the rear boundary.</p> <p>The proposed materials palette consists of precast concrete, brick, cladding and glazing. These are considered to be appropriate and present a high quality contemporary design.</p> <p>At this clause development on street corners, landmark sites and within activity areas should provide for a strong robust form. This has been provided in the design.</p> <p>The façade is adequately modulated and appropriate ceiling heights are provided to the ground floor uses.</p> <p>There are no large areas of blank walls; however, further design development should improve the north east corner.</p> <p>Rooftop services and plant are detailed and may be addressed by condition.</p>	Complies subject to condition
<b>Building Height</b>	<p>Surrounding development is predominantly single storey in scale, with some double storey buildings.</p> <p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, any discussion of height should be balanced against the design and massing of the building and its response to the preferred character, including adjacent dwellings.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new</p>	Complies

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
	<p>residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site.</p> <p>The site is located in an area which is set aside for six (6) storeys.</p> <p>Given that the site is a large consolidated allotment, the site has the capacity to meet the allowed height. The proposed height meets that required under the Overlay and is considered to be an appropriate development of the site. It provides an appropriate street wall height and has suitable setbacks and a transition to the rear to mitigate the visual bulk.</p>	
<b>Dwelling diversity</b>	<p>The development provides a high level of diversity of layouts for the site and area, comprising 164 dwellings (retirement village and aged care)</p>	Complies
<b>Parking and vehicle access</b>	<p>Vehicle access is appropriately provided from the side and rear via the adjacent roadway and the adjacent Right of Way, with no access points directly to Plenty Road or Albert Street. The vehicle access is acceptable, provided the adjacent Right of Way and eastern access is appropriately constructed.</p> <p>The parking is in the basement and lower ground levels and is not a dominant feature (not clearly visible from the street).</p> <p>Bicycle parking is provided.</p> <p>The site is adjacent to the #86 tram route, as well as bus routes, which may be sufficient to justify a reduction in car parking – refer to the Clause 52.06 assessment below.</p> <p>Adequate security is provided to the garage area by way of a garage door.</p>	Complies subject to condition
<b>Street address</b>	<p>The proposal meets the policy guidelines in respect to the residential street address, with entries to the side street.</p> <p>The building has active areas to the façade.</p> <p>The proposal provides good pedestrian access directly from the street frontage.</p> <p>The dwellings provide windows and balconies to the street frontages.</p> <p>Mailboxes may be located to the entry area and the entry area may be adequately lit by condition.</p>	Complies subject to condition
<b>Amenity Impacts Including Overshadowing and Overlooking</b>	<p>There are dwellings to the south. In looking at the effect on the adjoining dwellings, the following is noteworthy:</p> <ul style="list-style-type: none"> <li>• There may be views to adjoining dwellings from the habitable room windows and balconies to the south. This must be addressed by condition.</li> <li>• The proposal will not lead to unreasonable overshadowing of the adjoining sites to the south.</li> </ul>	Complies subject to condition

PLANNING COMMITTEE MEETING

10 MARCH 2020

Element	Comment	Compliance
	<ul style="list-style-type: none"> <li>The nearby dwellings will not be unreasonably affected by reduced daylight to habitable room windows.</li> </ul>	
<p><b>On-Site Amenity and Facilities, including Private Open Space</b></p>	<p>With respect to internal amenity, a key objective of State and Local planning policy is to ensure that dwellings in multi storey developments have adequate access to daylight and sunlight and outlook.</p> <p>Clause 22.06-3.9 provides the following guidance:</p> <ul style="list-style-type: none"> <li><i>Windows to apartments with a single outlook must be clear to the sky, and should not be overhung with balconies or other protruding structure, unless the overhang is designed to provide a shading function and avoid excess heat gain.</i></li> <li><i>Development should make adequate provision for natural light and ventilation to habitable rooms, including bedrooms.</i></li> </ul> <p>Objective 3 of Clause 21.03 (Housing) is 'to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents'. Strategies to achieve this objective: 'require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate'.</p> <p>It is considered that the units will largely have appropriate levels of daylight and ventilation.</p> <p>In addition, given that the proposal is for aged care and a retirement village, there are different secluded private open space needs. Nevertheless, many of the dwellings are provided with adequate balcony secluded private open space areas.</p> <p>Appropriate space is available for services.</p> <p>Weather protection may be incorporated to the private open space areas.</p> <p>A single communal antenna may be required by condition.</p>	<p>Does not apply to aged care residential – Assessment is provided for information.</p>
<p><b>Waste Management</b></p>	<p>An area to store waste and recyclables is provided to the rear.</p> <p>A Waste Management Plan has been provided and may be required by condition.</p>	<p>Complies subject to condition</p>
<p><b>Equitable Access</b></p>	<p>Lift access is provided to all levels.</p> <p>The development is accessible to persons of limited mobility. Appropriate disabled access may be provided to the commercial premises.</p>	<p>Complies</p>

## PLANNING COMMITTEE MEETING

10 MARCH 2020

**Clause 22.12 Environmentally Sustainable Development**

This policy applies throughout the City of Darebin to residential and non-residential development.

The policy contains a number of objectives relating to:

- Energy performance
- Water resources
- Indoor Environment Quality
- Stormwater Management
- Transport
- Waste management
- Urban Ecology

The applicant has provided a Sustainable Management Plan. This will be further addressed by condition to ensure energy performance targets are achieved.

**Zone****Clause 34.01 – Commercial 1 Zone**

The site is located in a Commercial 1 zone where the purpose is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The retail and food and drink premises (café) uses do not require a permit. Although the use of the site for accommodation requires a permit (as the proposed dwellings have a frontage at ground floor level that exceeds 2 metres), this is acceptable.

A permit is required for buildings and works under the zone provisions.

Importantly, provision of more intense and higher scale mixed use development is encouraged in activity centres, given the proximity to services. In addition, there is significant policy weight that promotes aged care facilities, particularly where integrated with services (Clauses 16.01-1S, 16.01-7S, 21.03-3). In this regard the accommodation is supportable.

The provisions of the active commercial uses towards the east (closer to the centre of the activity centre) and residential front interface to the west (adjacent to the edge of the centre) to Plenty Road is an appropriate design response and does not affect the main retail core and role.

**Decision guidelines:**

Residential amenity considerations are reduced within the Commercial zones where the expectation of a pristine residential amenity is set aside to prioritise employment and business activity. This applies lesser consideration toward matters such as neighbourhood character, overshadowing and overlooking. However, development must acknowledge the adjoining uses and buildings and the strategic context in a site analysis and therefore design

## PLANNING COMMITTEE MEETING

10 MARCH 2020

accordingly, i.e. a balance should be reached which maintains an acceptable level of amenity, if residential uses are to be encouraged in and around commercial zones.

The zoning controls include decision guidelines when assessing planning permit applications for use and buildings and works. The following is a summary assessment against the decision guidelines:

- The site is located in an area where policy encourages redevelopment for retail/commercial and more intense residential purposes. The proposal provides additional housing in an area capable of supporting increased densities and the residential use is appropriate for the site and area, given the location of the site in proximity to facilities and urban consolidation policies. In this respect, the proposal complies with the broader aspects of the Planning Policy Framework. In addition to the above, there is significant policy emphasis on the location of aged care facilities in proximity to services.

It is also noted that the policy aspirations for this area allow a more intense development of up to six (6) storeys on consolidated sites, so that urban consolidation objectives can be met to deliver more intense development in activity centres. This has been addressed in the design. Therefore, the proposal provides an appropriate response to the Planning Policy Framework.

- The site abuts a residential zone to the south, therefore, it must be sensitive to impacts on the adjacent dwellings. However, it is noted that the abutting dwellings are in a Residential Growth Zone, where more intense development is encouraged (due to the proximity to the activity centre). Despite these considerations the development will not unreasonably affect the amenity of the adjoining dwelling, given that it provides appropriate heights and setbacks to the rear boundary and the development form and scale is not excessive.
- It is not considered that the adjacent uses will have an adverse effect on the proposed uses.
- The site has access to drainage and services.
- It is not considered that the development will have an unreasonable effect on traffic on the surrounding road network.
- The design provides adequate movement for pedestrians as well as vehicle access, from the front, side and rear Right of Way.
- Car parking provision is considered below and is considered to be acceptable.
- The proposal provides an active façade to the eastern part of the frontage. Appropriate access is provided to the street frontage for the commercial uses. The residential entry is adequately marked. The upper floors extend over the ground level façade setback to the retail premises, to provide appropriate weather protection. The development design provides appropriate activity, articulation and a high level of design to the front and rear. Illumination of the public places, access areas etc may be subject to condition. The activity centre does not have a significant landscape character. The proposal provides landscaping to the front and rear to complement the design and provide amenity.
- A condition of permit will require that the applicant contribute to streetscape improvements and footpath replacement.
- The design provides space for storage of garbage and recyclables in the bin store areas.
- The proposal does not unreasonably affect the amenity of the adjacent dwellings in the Residential Growth Zone to the south through overshadowing (due to appropriate setbacks to the upper floors, as well as the separation provided by the Right of Way to



## PLANNING COMMITTEE MEETING

10 MARCH 2020

the south). In addition, further detail of screening from overlooking may be addressed by condition.

- Although shadows may be cast over the adjoining site, the shadow diagrams provided by the applicant indicate that the proposal will comply with Standard B21 and there will be no unreasonable shadowing over the solar panels between 9am and 3pm on 22 September. In this instance, it is considered that the proposed shadows are acceptable.
- The site has access to services.
- The design requires many of the dwellings to be south-facing, which impacts on the solar access and energy efficiency. However, this is an inevitable consequence of the site orientation (i.e. east/west, with the long sides to the north and south).
- Generally, Clause 58 is not relevant to the proposal, given that it is an aged care facility. However, Clause 22.06 and 53.17 provide an appropriate method of assessing the development.

**Design and Development Overlay Schedule 17:**

Design and Development Overlay Schedule 17 applies to sites within the Plenty Road Corridor. The design objectives encourage higher residential densities via lot consolidation along Plenty Road. It promotes active modes of transport and supports activating areas along Plenty Road, in particular in the Tyler Street, Summerhill and Lancaster Gate Activity centres. Development is to improve visual amenity along Plenty Road, with high quality design and architecture. It is also to achieve a balance between intensification and the consideration of off-site amenity impacts, with high quality pedestrian amenity and ensuring similar future development potential and high quality design outcomes on adjoining land. Building layouts are to be adaptable and development on corner lots is to provide a transition in scale. There is to be a diversity of dwelling sizes and configurations with easy accessibility to public transport and services. In addition, rear building setbacks are not to visually dominate adjoining residential sites and are to be sympathetic to the topography of the land, stepping up or down with the fall of the land.

Development is also to provide convenient bicycle and vehicle parking and access, maximising the retention of existing on street car parking and avoid proliferation of vehicle crossovers, especially on to Plenty Road. Development is to minimise vehicle crossovers to Plenty Road.

Clause 2 of the Schedule provides direction for buildings and works, with the following point for assessment:

Minimum Frontage Width to Plenty Road:

- Land should be consolidated to enable higher densities and create favourable conditions for high quality development outcomes. In the Commercial 1 Zone and Mixed Use Zone 1 sites should have a minimum frontage width of 15 metres. If a development is unable to achieve the frontage width requirements, it should demonstrate how it achieves exemplary design outcomes. In these instances, a development may not be eligible to build to the maximum height.
- The site is a consolidated site with a total frontage in excess of 100 metres to Plenty Road. Therefore, it is considered that it is able to achieve an appropriate level of development, in accordance with the Overlay. The proposal seeks to achieve the maximum permissible height (i.e. the proposal is for six (6) storeys in accordance with the DDO). In this instance, it is considered that the proposal provides an inappropriate height and design response.

**Complies**

Item 5.1

Darebin City Council Recd Page 12/07/2020

**PLANNING COMMITTEE MEETING****10 MARCH 2020**Building Height

- The map at this clause allows a maximum height of up to six (6) storeys (i.e. 20 metres). The proposal is for six (6) storeys and approximately 20 metres in height and achieves its full potential. However, the full heights dimensions must be shown to the elevations (and levels to AHD).
- Rooftop plant and equipment and equipment associated with communal areas can exceed the specified height, but such parts should not be visible from the surrounding public realm and adjoining properties to the rear (including laneway separation). It is considered that the rooftop plant and communal areas are appropriately set back from the rear and public realm.

**Complies**Building Setbacks

- Front setbacks in a Commercial 1 Zone should be 0 metres for the first four (4) storeys. The proposal provides up to approximately 2.4 metre setback at ground level to Plenty Road with the first, second and third floors constructed to the boundary. It achieves an appropriate street wall height of four (4) storeys (with the upper floors set back a minimum of 1.8 metres).
- In looking at rear setbacks:
  - A setback of 3 metres at ground level is required to the rear. This is provided with the abutting Right of Way to the south.
  - A minimum setback of 5.5 metres is required at first floor level from the rear, which has been provided (including the abutting Right of Way).
  - The upper floors encroach on the 30-degree setback required from the rear. Nevertheless, this is considered to be an appropriate design response due to:
    - The site is a Strategic Site under the DDO, where a higher scale of development may be envisaged.
    - Shadow diagrams provided with the application indicate that the development does not unreasonably overshadow the adjacent dwellings in the Residential Growth Zone.
    - Due to the site width, application of the required angle to the rear would not allow development of the site to achieve an appropriate development height in accordance with that encouraged on this Strategic Site.
    - The proposal meets the specific heights set aside for this site under the DDO.
- The DDO requires that dwellings should be orientated towards front and rear boundaries where possible, in order to provide a high level of unobstructed daylight access. The site context provides road and Right of Way abuttals to all boundaries, so that the dwellings will have a high level of unobstructed daylight access. In addition, upper levels are setback to allow daylight access to the dwellings on lower levels.
- The proposal does not unreasonably affect development on adjoining sites.

**Complies with objective**Site Coverage, Permeability and Walls on Boundaries Requirements

- Site Coverage: The maximum site coverage in this zone is 100%. The proposal has a site coverage of 100%.

**PLANNING COMMITTEE MEETING****10 MARCH 2020**

- Permeability: The minimum permeability in this zone is 0%. The proposal has a permeability of 0%.
- Walls on Boundaries Requirements: The allowance for walls on a boundary in this zone is 100% of the length of the side boundary. The site abuts road and a Right of Way and is constructed to the boundaries.

**Complies**Building Design Requirements

- The mass of the building is set back from the rear and largely directed to the front.
- The commercial uses have appropriate ceiling heights and may be used for a variety of commercial uses. There is a variety of residential layouts and all levels are accessible via lifts.
- The building design achieves a regular, fine grain streetscape rhythm.
- The building is generally appropriately articulated, with suitable solid to void ratio and horizontal and vertical building elements, limited palette of materials, fenestration, balconies and architectural features creating visual interest.
- The public realm is activated.
- There are no unreasonable bank walls.
- Appropriate landscaping is provided (given the urban nature of the activity centre).

## Building Design Requirements Relating to Commercial Development:

- An appropriate continuous street edge has been provided to Plenty Road, with boundary to boundary construction.
- The upper level extends over the front setback of the commercial uses, providing appropriate weather protection at ground level.
- An active frontage is maintained to Plenty Road.
- The residential entry does not dominate the frontage of the building to Plenty Road.'

## Building Design Requirements Relating to Residential Development:

- The developments fronts Plenty Road and a tram line and noise attenuation measures must be required by condition.
- Overlooking into secluded private open spaces and habitable room windows of adjoining land to the south may be addressed by condition.
- The roof top communal spaces are appropriately designed with landscape, shade and seating. Further details of shade and seating may be required by condition.

**Complies subject to condition**

## Strategic Sites

- The ground level commercial spaces are middle sized and are suitable for a variety commercial uses.
- The proposal provides connections, permeability and accessibility through the site.
- Appropriate sight lines are provided to the access linkages and acceptable passive surveillance / active frontages are provided.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- The proposal provides pedestrian links through the site; however, this will be largely for occupiers than through connection for the public. This is acceptable, given the narrow width of the site and that a connection between streets is not required. Nevertheless, the rear Right of Way may be reconstructed to improve access.
- The development contributes to diversity and a mix of dwelling sizes/types.
- There is an appropriate transition in scale to the surrounding area, given the height allowed under the DDO and the proposed rear setbacks.
- There is a separation between public and private uses.
- Specifically, for the subject site:
  - To the rear, the guidelines require that the proposal should be no higher than two (2) storeys above the height of the existing adjoining dwellings within 10m of the rear boundary. Given a single and double storey scale of the adjacent dwellings to the rear (notwithstanding that they are located in a Residential Growth Zone where higher scale development is encouraged), a development of four (4) storeys may be acceptable within 10 metres of the rear boundary. The proposal is set back 7.7 metres from the rear boundary and approximately 13.7 metres from the adjacent residential boundaries (given the adjacent Right of Way). This is an appropriate design response.
  - The taller building form is positioned closer to Plenty Road and maintains a distinct podium, which provides a pedestrian scale and active frontage.

**Complies**Access and Parking

- Pedestrian access is via the street frontage and is convenient and identifiable with a sense of address.
- Secure resident bicycle parking is provided.
- Vehicle access is via the side road and rear Right of Way, so no crossovers are proposed to Plenty Road.

**Complies**Decision Guidelines:

As noted above, it is considered that the objectives and design requirements of the schedule have been met, in particular:

- The site is a consolidated site and the potential development of the site (in accordance with the policy framework and the DDO) has been appropriately realised, to achieve higher dwelling density.
- The development is seen to be a well-considered design response, with a high architectural quality and has the support of Council's City Architect with only minor design changes required as conditions.
- The development provides appropriate commercial uses and achieve front and rear facing dwellings. It will not adversely impact on the development of the adjoining site.
- The pedestrian linkages are logical, with appropriate sightlines, access and landscaping;
- The development does not comply with the rear setback requirements; however, this is an acceptable design response (see assessment above). The proposal achieves an appropriate transition in scale to the rear zoning interface.

**PLANNING COMMITTEE MEETING**

**10 MARCH 2020**

- It is considered that the design meets the strategies and guidelines of the Urban Design Framework 2015 St Georges Road Corridor Plenty Road Corridor.

**Easements:**

Pursuant to Clause 52.02 a planning permit is required to vary or remove an easement. As the overall site is consolidated from a number of smaller allotments with easement, these will be required to be removed/relocated to allow redevelopment of the site. The applicant has provided the following summary

- *Existing Yarra Valley Water (YVW) sewer drainage/ Vic Roads easement located on the Western side of the site to be expunged and abandoned. Some sections of pipework may require removal.*
- *Existing Yarra Valley Water (YVW) sewer drainage easement located on the Eastern side of the site to be decommissioned or re-diverted around proposed site. Existing extent of sewer and required re-diversion works to be confirmed by accredited YVW consultant.*
- *Existing APA natural gas main located on the Eastern side of the site to be re-diverted around proposed new site. Existing extent of natural gas and required re-diversion works to be confirmed by accredited APA consultant.*
- *Asset diversions to maintain required authority clearances from proposed building structure.*

Generally, the consolidation of the site and overall development allow the achievement of broader planning policy goals. It is considered that the removal/relocation of the easements assists in this. Therefore, provided the relevant authorities are satisfied, this is considered to be acceptable.

An application for variation of easements can be applied for at a later date.

**Car Parking:**

A breakdown of the car parking required under Clause 52.06 of the scheme is set out below:

Use	Required Rate	Number/area	Requirement	Parking Provided
Residential aged care facility	0.3 spaces to each lodging room	90	27 spaces	27 spaces
Retirement village	1 space to each one or two bedroom dwelling plus	71	71 spaces	71 spaces
	2 spaces to each three or more bedroom dwelling plus	3	6 spaces	6 spaces
	1 space for visitors to every five dwellings for developments of five or more dwellings*		0 spaces	19 spaces
Restaurant	3.5 to each 100 square metres of leasable floor area	283 square metres	9 spaces	

PLANNING COMMITTEE MEETING

10 MARCH 2020

Shop	3.5 spaces to each 100 square metres net floor area	200 square metres	7 spaces	
<b>Total:</b>			<b>120 spaces</b>	<b>123 spaces</b>

\* as the site is located in the PPTN Area, no visitor parking is required.

As can be seen in the assessment above, the proposal provides three (3) car spaces more than required, which is ample. It is considered that the car parking allocation must be shown on the plans.

It is also noted that the development includes construction of 17 spaces on the Council land adjacent to the eastern site access. Due to Public Transport Victoria (PTV) expanding their substation on this land the 17 car spaces cannot be provided.

In addressing the traffic impacts, the applicant has provided a Traffic Impact Assessment, which indicates that the proposal will generate approximately 83 peak hour vehicle movements. Internal referral comments from Council's Transport Engineering and Strategy Unit indicates:

- The potential for 90 peak hour movements may result in conflict on the road along the southern boundary and this should be widened to allow for two-way traffic (5.5 metres in width). It is noted that the Right of Way exceeds this width.
- The additional traffic generated by the proposal (and the adjoining development at 830 Plenty Road) can be accommodated within the existing right turning lane from Plenty Road onto the site.

**Complies**

Clause 52.06-8 - Design Standards for Car parking

The following is a summary of the assessment of the parking and access layout under Clause 52.06-8 of the Darebin Planning Scheme:

- Access is acceptable.
- The headroom appears to be a minimum of 2.1 metres.
- Vehicles are able to enter and exit the street network in a forward direction.
- Conditions will require confirmation that the width of the ramp providing access to the lower ground car park is a minimum of 6100mm wide between ramp walls.
- Appropriate pedestrian visibility splay is provided.
- The width of the southern road is to be a minimum 5.5m wide.
- The southern road must be constructed in accordance with Councils Engineering specifications. Detailed construction plans must be forwarded to Councils Engineering Department for review and endorsement.
- The plans are to clearly show the intersection between the southern Right of Way and the accessway leading to the lower ground car park, detailing how conflicting vehicle movements will be controlled at this intersection.
- Three (3) pairs of tandem spaces are proposed on the basement level, which must be shown to have an additional 500mm in length between each space. (In addition, the wheel stops are to be deleted from the northernmost spaces.)
- The 17 car parking spaces proposed on Council land, adjacent to the eastern access must be removed from the plan.

## PLANNING COMMITTEE MEETING

10 MARCH 2020

- The accessible parking space is to be dimensioned in accordance with AS2890.6:2009.
- Swept paths confirm that the car spaces can be accessed in a satisfactory manner, with no more than one corrective movement, in accordance with AS2890.1:2004.
- Column locations must be shown to be in accordance with Design Standard 2 of Clause 52.06-8.
- The applicant must confirm that parking bays bounded by a wall have been widened by 300mm where they are or fence as per 2.4.2(c) of AS2890.1:2004.
- The proposed ramp is consistent with the Planning Scheme and Australian Standard requirements. The applicant must confirm that the ramp transitions are a minimum 2 metres wide.

**Complies subject to condition**

The above requirements can be included as conditions of any approval given.

Notwithstanding the above, it is noted that access to the east, is over land owned by VicRoads. VicRoads has indicated that it will consider a proposal to enter into an access Licence, which may be addressed by condition.

**Clause 52.29**

Clause 52.29 requires a permit to create or alter access to a road in a Road Zone, Category 1. Pursuant to this clause and also Clause 66, an application to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, must be referred to the Roads Corporation (i.e. VicRoads) under section 55 of the *Planning and Environment Act 1987*.

VicRoads has not objected to the proposal.

**Clause 52.17 Native Vegetation**

The purpose of this clause is:

*To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

*To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

At Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation as the site is greater than 0.4 hectares in area.

There are two (2) native trees and one (1) indigenous tree on the site. The tree assessment provided by the applicant and internal referral comments agree that these trees of a low to medium retention value and removal is acceptable.

As the vegetation is considered to be planted and not remnant vegetation the proposal is exempt from native vegetation offsets pursuant to Clause 52.17-7.

**4.2 APPLICATION FOR PLANNING PERMIT D/672/2019  
61 Edwardes Street, RESERVOIR**

**Author:** Principal Planner

**Reviewed By:** General Manager City Sustainability and Strategy

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Branson Property Group Pty Ltd	June Margaret Salter	Best Hooper Lawyers Goodison Surveying Ratio Consultants SLAB Sustainable Development Tract Consultants Pty Ltd

**SUMMARY**

- This application comes to the Planning Committee for consideration as a result of substituted plans being circulated in a Victorian Civil and Administrative Appeals Tribunal (VCAT) proceeding.
- It relates to a VCAT appeal initiated by owners and occupiers of properties surrounding the subject site (VCAT Applicants). They are seeking a review of Council’s notice of decision to grant a planning permit (NOD).
- On the basis of the substituted plans, the VCAT Applicants have formally altered their position to now support the proposal.
- A VCAT compulsory conference (mediation) was held on 9 November 2020. The matter did not settle.
- VCAT set an Administrative Mention for 15 December 2020 to enable Council to advise VCAT and the other parties of Council’s decision on the substituted plans.
- Council officers do not support the amended plans as they are contrary to the provisions of the Darebin Planning Scheme. Specifically, the original supported proposal provided vehicular access from the constructed rear laneway while the amended plans provide vehicular access via a double width crossover from Edwardes Street.
- The main practical impacts of the proposal to change vehicle access from the rear to the front are: the proposed new double width vehicle access would be across a well used footpath, increasing risk of accidents; and it would reduce space on Edwardes Street for street trees, nature strip and garden area at the front – all of which contribute to achieving Council’s long term goal of creating a green, cool streetscape that is enjoyable to walk around in and resilient to hotter summers that are being experienced with climate change.
- The amended proposal would allow:
  - The construction of 14 triple storey dwellings (three bedrooms), one triple storey dwelling (two bedrooms) and one double storey dwelling (two bedrooms) in one attached form.
  - 24 car parking spaces within a basement level.



- Vehicular access to the basement via a double width crossover from Edwardes Street.
- Private open spaces in the form of either ground level yards or upper level balconies.
- A maximum overall height is 9.5 metres.
- The site is zoned General Residential and is affected by the Development Contributions Plan Overlay.
- The site is designated as a Substantial Change area in the Darebin Housing Strategy 2013.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.9%.
- There is no restrictive covenant on the title for the subject land.
- 11 objections were received opposing the original application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- A Notice of Decision to Grant a Permit was issued on 16 June 2020.
- An appeal of Council's decision has been lodged with VCAT. The matter is listed for a one (1) day hearing on 21 April 2021.
- One statement of grounds has been submitted as part of the appeal.
- Recommendation: Not support the substituted plans which show a double width vehicular access from Edwardes Street.

### CONSULTATION:

- Public notice of the substituted plans was given via letters sent to surrounding owners and occupiers. No additional statement of grounds was submitted to VCAT by the closing date of 11 November 2020.
- The substituted plans were referred internally to Council's:
  - City Designer;
  - Climate Emergency and Sustainable Transport Unit; and
  - Tree Management Unit.
- The substituted plans were not required to be referred externally.

### Recommendation

**That** Council advise the Tribunal and the parties to the proceedings that it does not support the substituted plans that show vehicular access from Edwardes Street.

**That** Council opposes the proposal at the hearing subject to the following grounds:

1. The vehicular access to Edwardes Street is contrary to the Reservoir Structure Plan, Clause 22.02 (Neighbourhood Character), Clause 52.06 (Car Parking) and Clause 55.03-9 (Access).

## INTRODUCTION AND BACKGROUND

### Pre-application

A pre-application meeting was held between the applicant and a Council planning officer on 25 October 2019 to discuss a medium density development showing vehicular access from Edwardes Street.

As the site adjoined a constructed right of way, the planning officer encouraged the owner of the site to re-design their project to have vehicular access from this point and not Edwardes Street.

### Application

Subsequently, Application for Planning Permit D/672/2019 was received on 20 December 2019 for the construction of 14 triple storey dwellings and associated car parking stackers accessed from the constructed right of way connecting to Ashley Street.

Council issued a Request for Further Information (RFI) on 22 January 2020. As part of the RFI, Council highlighted issues with the proposal, including the following:

*The design and height of the car stacker provides a poor visual relationship with the adjacent properties located to the south, east and west of the site, contrary to considerations of neighbourhood character and visual bulk. Either side of the site are the driveways associated with two medium density housing developments. A ROW is provided to the rear (unfenced on the southern side), beyond which are a series of single storey units with a direct view of the car stacker. While car stackers are an efficient means of storing vehicles, they are typically concealed from view below ground level or integrated into the design of a larger building, such as an apartment. In this case the car stacker is a separate building distinct from the dwellings. The stacker is inherently industrial in appearance and limited opportunities for landscaping adjacent the stacker are provided. The vehicles within the stacker appear to be highly visible to the rear or sited behind a mesh screen as is typically the case for this type of parking. This is not the type or form of development encouraged in a predominantly residential context and represents a poor response to neighbourhood character.*

The applicant responded to Council's RFI on 9 April 2020. The response included the provision of a basement car park with storage whilst retaining vehicular access from the constructed right of way.

11 objections from neighbouring residents.

The application was included on the Weekly Planning (call-in) Report for period 22 May 2020 – 28 May 2020. The application was not called in and therefore a decision to support the project was made under delegation with the issue of a NOD on 16 June 2020. The NOD allowed:

- A medium density housing development comprising the construction of 15 triple storey dwellings, one (1) double storey dwelling and a basement level; and
- Reduction of the car parking requirements;

in accordance with the endorsed plans.

With regard to vehicular access, condition no. 1(q) of the NOD requires the proposal to be modified to show:

*Any modifications required to ensure vehicles entering and existing basement car parking are not required to encroach the boundary of the property to the south of the right-of-way (known as 34 Ashely Street), including vehicular*

*clearance areas.*

*Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.*

The plans showing the basement car parking with vehicular access from the constructed right of way are shown below:

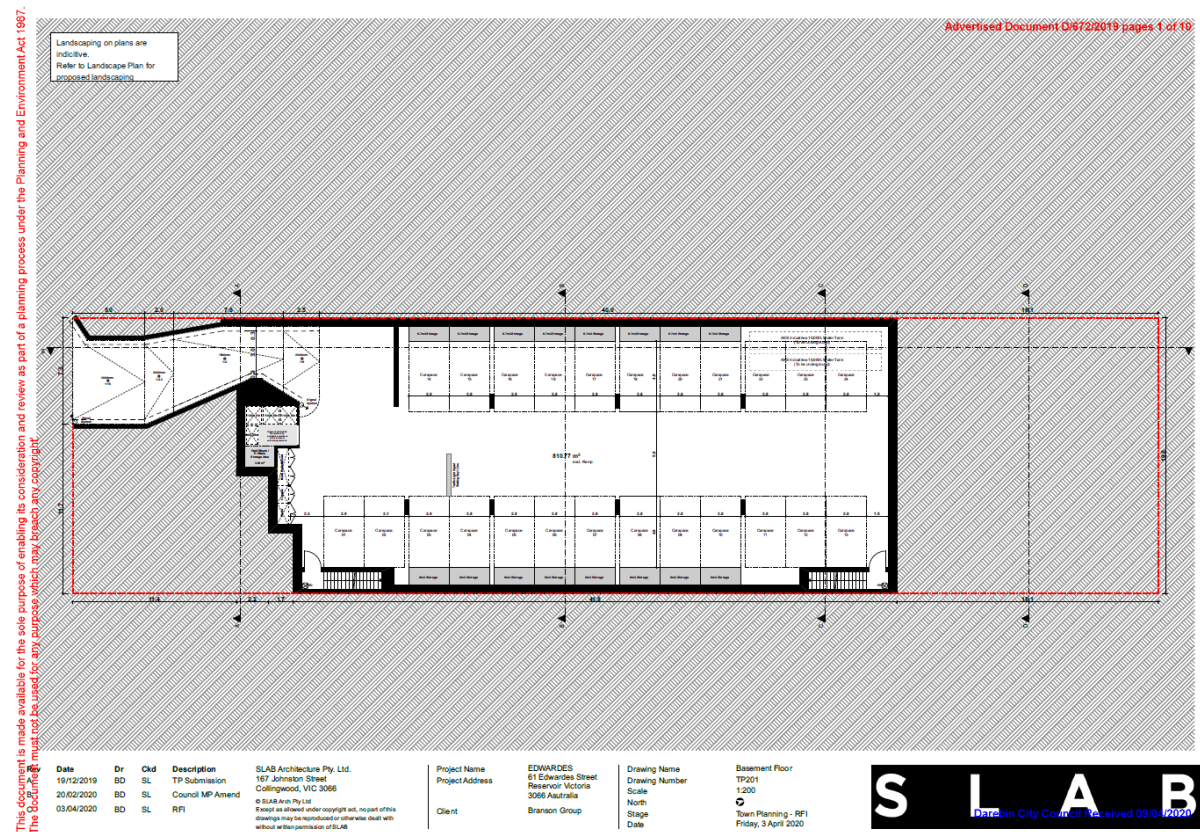


Figure 1: Original plans - Basement and right of way vehicular access

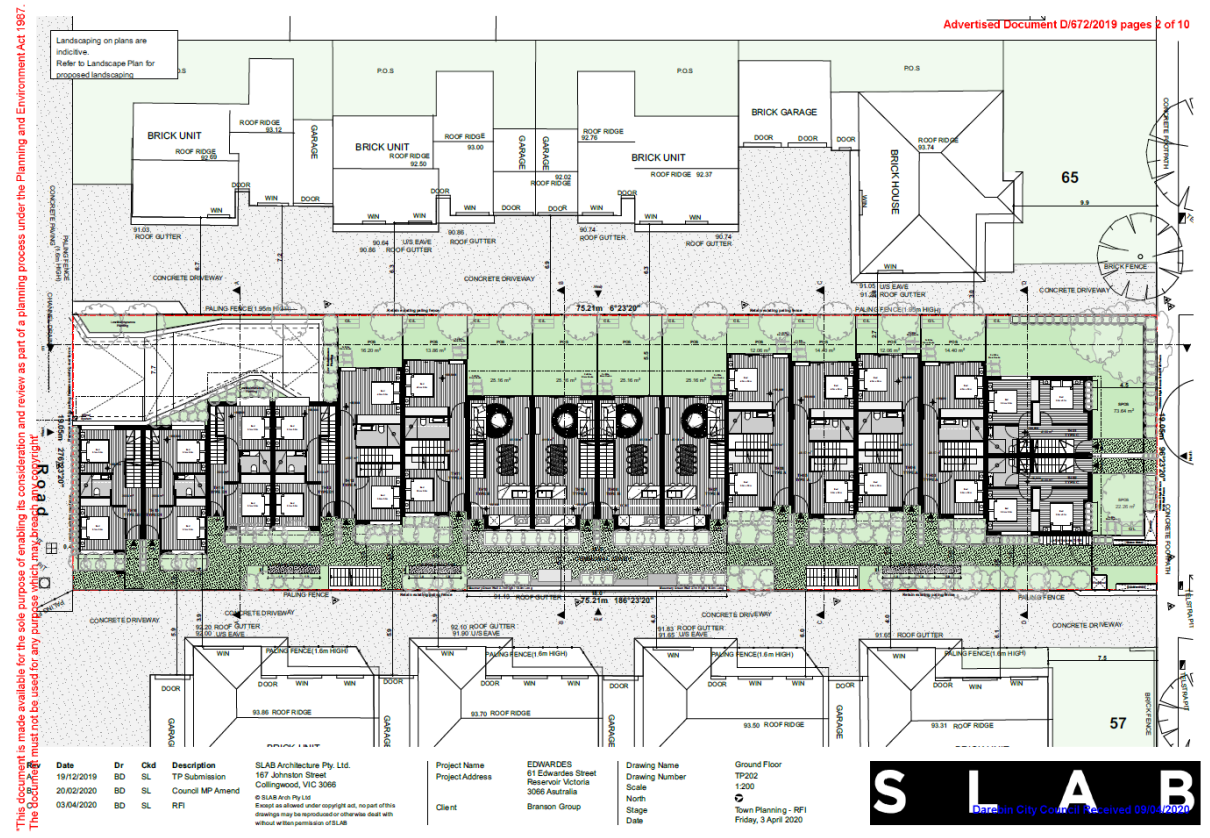


Figure 2: Original plans – Ground floor and right of way vehicular access

**Appeal**

An appeal of Council’s decision to support the proposal was lodged with VCAT on 17 July 2020 under Section 82 of the Planning and Environment Act (objector appeal).

The statement of grounds relied upon included the following:

- *Vehicle access to the proposed development from the laneway is not acceptable – we seek that it be provided from Edwardes Street.*
- *Possibility of trespass arising with the mix of traffic on the laneway at 34 Ashley Street.*
- *Unacceptable increase in foot and vehicle traffic flow will result in around 34 Ashley Street.*
- *Inappropriate use of laneway for waste collection and other services.*
- *Amenity and safety impacts to units at 34 Ashley Street Reservoir. Particularly in regard to the safety of cars parked parallel to the laneway at 34 Ashley Street.*
- *Insufficient resident car parking provided onsite.*

The Permit Applicant has re-designed the development to show vehicular access via a double width crossover to Edwardes Street in response to objector concerns. The substituted plans are shown below:

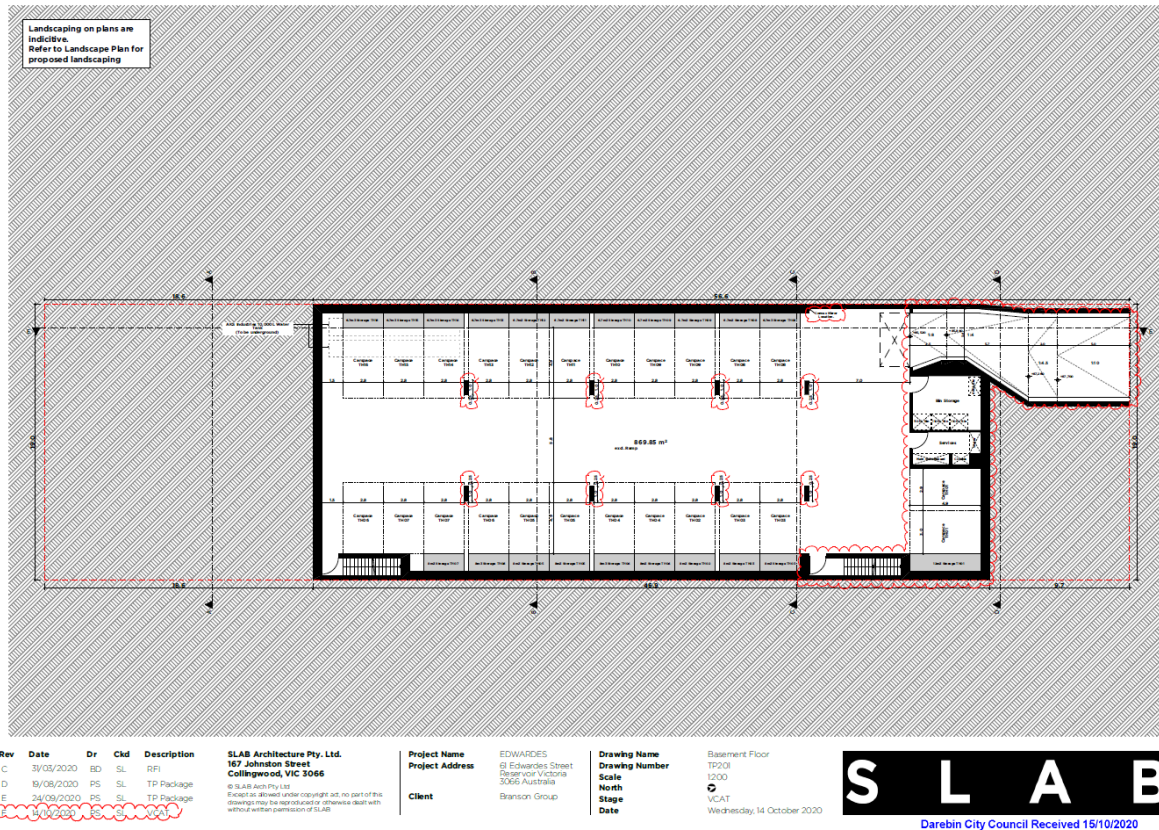


Figure 3: Substituted plans – Basement with vehicular access to Edwardes Street

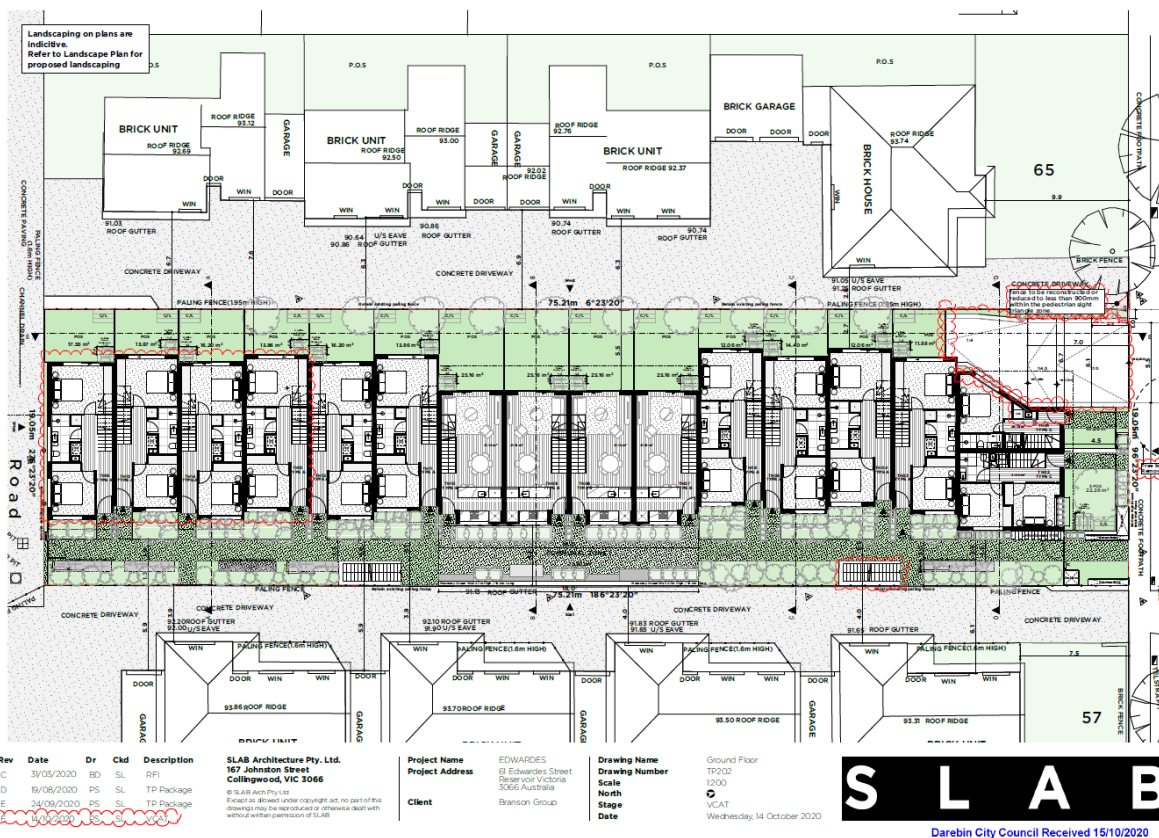


Figure 4: Substituted plans – Ground floor with vehicular access to Edwardes Street

The following dates have been set by VCAT:

- Administrative Mention – 15 December 2020 (to advise VCAT of Council's resolution)
- Hearing – 21 April 2021

## ISSUES AND DISCUSSION

### Subject site

- The site is located on the south side of Edwardes Street, between Olive Street and Ashley Street, Reservoir.
- The site is rectangular in shape, has a street frontage width of 19.05 metres, a side boundary length of 75.21 metres and an overall area of 1432.75 square metres.
- The site has a fall of approximately 1.25 metres from the south-eastern corner to the north-western corner.
- The site contains a single storey brick dwelling with a tiled roof. The rear portion of the site contains numerous outbuildings.
- Vehicular access to the site is currently via a crossover from Edwardes Street.

### Surrounding area:

- To the north of the site, opposite Edwardes Street, are single and double storey commercial buildings that are constructed to the street boundary.
- To the south of the site, opposite the right of way, are eight single storey dwellings that form a medium density housing development that fronts Ashley Street. The property's car parking is located abutting the right of way, with vehicular access provided via the right of way.
- To the east of the site are four single storey brick dwellings. Vehicular access to the site is via a crossover from Edwardes Street, with the communal vehicular accessway located abutting the boundary of the subject site. Vehicular access is also provided via the rear right of way.
- To the west of the site are four single storey brick dwellings. Vehicular access to the site is via a crossover from Edwardes Street, with the communal vehicular accessway located abutting the boundary of the subject site.
- The surrounding area contains a mix of low scale residential and commercial buildings, with an emerging character of double storey medium density housing developments.
- Reservoir Train Station is located approximately 330 metres to the east of the site.
- Buses services Edwardes Street with the closest bus stop being located approximately 85 metres to the west of the site.
- The following parking restrictions apply to both the north and south side of Edwardes Street, proximate the site:
  - Monday-Friday, 8:30am-6:30pm – 1 hour
  - Saturday, 8am-12:30pm – 1 hour

## PLANNING ASSESSMENT

### Is the vehicular access from Edwardes Street suitable?

The main practical impacts of the proposal to change vehicle access from the rear to the front are: the proposed new double width vehicle access would be across a well used footpath, increasing risk of accidents; and it would reduce space on Edwardes Street for street trees, nature strip and garden area at the front – all of which contribute to achieving Council's long term goal of creating a green, cool streetscape that is enjoyable to walk around in and resilient to hotter summers that are being experienced with climate change.

The proposed vehicular access from Edwardes Street is not supported by the relevant provisions of the Darebin Planning Scheme as discussed in detail below.

### Reservoir Structure Plan

The Reservoir Structure Plan (RSP) was adopted by Council in September 2012 and was a supporting document for Planning Scheme Amendment C138 which was approved and came into effect in the Darebin Planning Scheme on 15 October 2015. The Site is located within Precinct 2c – Reservoir Village.

The Objectives for Precinct 2c – Reservoir Village of The Reservoir Structure Plan includes:

- To facilitate the redevelopment of key sites within the precinct to improve the overall amenity and appearance of the precinct
- To provide high quality and durable streetscapes designed for people

The proposal to include a double width driveway and crossover to Edwardes Street will not improve the overall amenity and appearance of the precinct or the streetscape. The frontage of the site will be dominated by a driveway and void associated with the ramp to the basement. Alternatively, if the vehicular access was provided via the constructed right of way, the front of the site could be utilised for landscaping which would improve the amenity and appearance of the area.

The provision of a double width driveway and crossover to Edwardes Street goes against the objective of providing a high quality streetscape designed for people. The proposal is prioritising vehicular access over pedestrian experience.

### Clause 22.02 - Neighbourhood Character Study

The site is located within Precinct E6 of the Darebin Neighbourhood Character Study & Precinct Guidelines, 2007.

The Design Guidelines include the following relevant 'siting' requirements:

Design Objective	Design Response	Avoid
To provide space for front gardens.	Buildings should be set back from the front boundary a sufficient distance to accommodate a front garden.	Loss of front garden space.
To minimise the loss of front garden space and the dominance of car parking structures.	<p>Locate garages and carports behind the line of the dwelling.</p> <p>Minimise paving in front garden areas including driveways and crossovers.</p> <p>Use permeable driveway materials.</p> <p>Provide a maximum of one vehicular crossover per frontage.</p> <p>Provide vehicular access from a rear laneway if available.</p>	<p>Car parking structures that dominate the façade or view of the dwelling.</p> <p>Creation of new crossovers.</p> <p>Creation of wide driveways or crossovers.</p> <p>Front setbacks dominated by impervious surfaces.</p>

The proposal to alter the vehicular access to be from Edwardes Street does not comply with the stated design responses and would be incorporating elements that the Design Guidelines state should be avoided, in particular the proposal:

- Will result in minimal front garden area;
- Does not provide access from the rear laneway;
- Does not minimise paving in the front garden areas;
- Will result in a wide driveway and crossover; and
- Will have a front setback dominated by an impervious surface (driveway).

Clause 52.06 - Car Parking

As it relates to access, the purpose of Clause 52.06 is:

- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use

Vehicle access from the right of way provides a better amenity for the locality, a safer environment for road users along Edwardes Street, especially pedestrians as there will be one less conflict point (crossover) and will enhance the streetscape.

Clause 55 – Two or more dwellings on a lot

Clause 55.03-9 relates to accessways and includes the following requirements:

- The location of crossovers should maximise the retention of on-street car parking spaces.
- The number of access points to a road in a Road Zone should be minimised.



The proposal to provide vehicular access from Edwardes Street results in the existing single width crossover to Edwardes Street being replaced with a double width crossover which would not provide a net increase in on-street car parking spaces and would not minimise the access points to Edwardes Street, which is located in a Road Zone.

**REFERRAL SUMMARY**

Department	Response
City Designer	<p>Objection based on:</p> <ul style="list-style-type: none"> <li>• The access from Edwardes Street is not considered appropriate considering there is a rear lane that can easily provide access. Edwardes Street in this section has a small shopping strip across the road and is quite busy.</li> <li>• Addition of a double crossover will impact on the pedestrian amenity on the footpath and is inconsistent with Council’s intention to improve pedestrian amenity and reduce vehicle crossovers where there is a rear lane access.</li> <li>• Although the addition of the basement car parking is a good outcome, it impacts negatively on this site due the basement being built boundary to boundary, reducing opportunity for deep soil planting and landscaping.</li> <li>• The accessway will present as a big void in the elevation as shown in one of the 3D renders. There are examples of such driveways in Darebin and they do not present well to the streetscape.</li> <li>• The bedroom next to the driveway is significantly compromised by its window over the driveway and is very tight due to the angled wall.</li> </ul>
Transport Management and Planning	<p>Objection based on vehicular access being from Edwardes Street, which is contrary to the Darebin Planning Scheme, in particular Clauses 22.02, 52.06 and 55.</p>
Tree Management	<p>The removal of the existing street tree is not supported as it is not dead, dying or diseased.</p> <p>If the street tree was removed a tree replacement fee of \$3688 would be required.</p>

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required**

- Clause 32.08 (General Residential Zone - Schedule 2) – construction of two or more dwellings on a lot.
- Clause 52.06 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

### Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.01
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	E6

## POLICY IMPLICATIONS

### Environmental Sustainability

A Sustainable Management Plan (SMP) was provided as part of the application. The SMP outlines sustainable design initiatives that would be required to be incorporated into the development.

## RELATED DOCUMENTS

- Darebin Planning Scheme
- *Planning and Environment Act (1987)*

### Attachments

- ADVERTISED PLANS - 61 Edwardes Street Reservoir - D/672/2019 (**Appendix A**) [↓](#)
- DELEGATE REPORT - 61 Edwardes Street Reservoir - D/672/2019 (**Appendix B**) [↓](#)
- NOTICE OF DECISION - 61 Edwardes Street Reservoir - D/672/2019 (**Appendix C**) [↓](#)
- SUBSTITUED PLANS - 61 Edwardes Street Reservoir - D/672/2019 (**Appendix D**) [↓](#)
- ZONE MAP - 61 Edwardes Street Reservoir - D/672/2019 (**Appendix E**) [↓](#)

## DISCLOSURE OF INTEREST

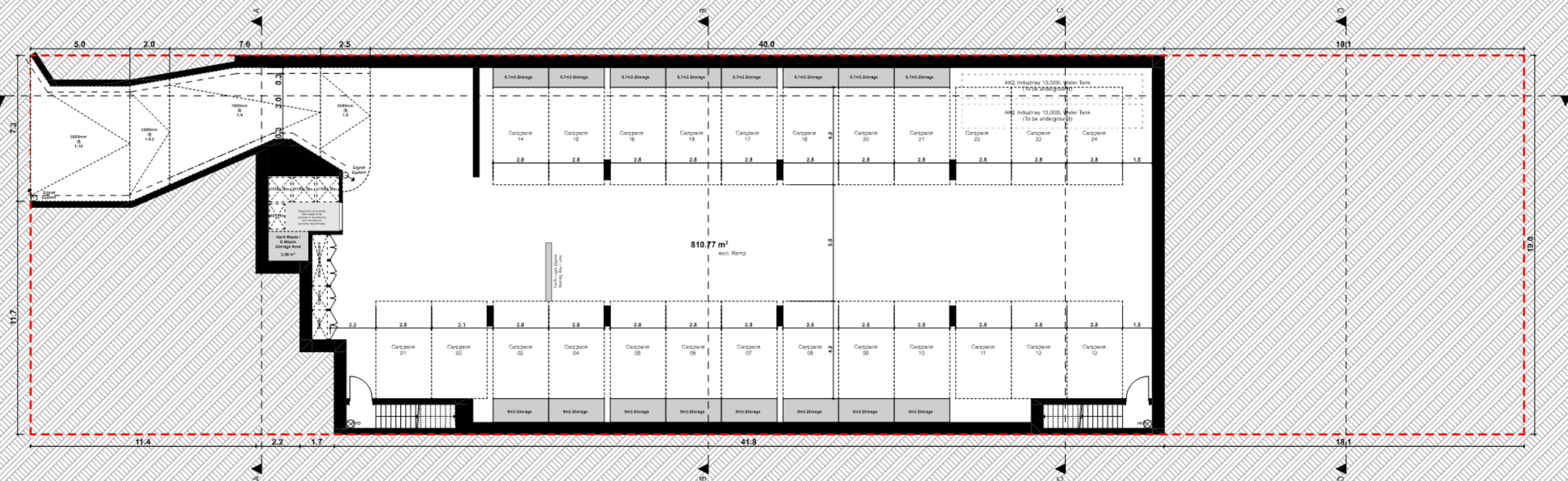
Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

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Advertised Document D/672/2019 pages 1 of 10

Landscaping on plans are indicative. Refer to Landscape Plan for proposed landscaping



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B	20/02/2020	BD	SL	Council MP Amend	
C	03/04/2020	BD	SL	RFI	

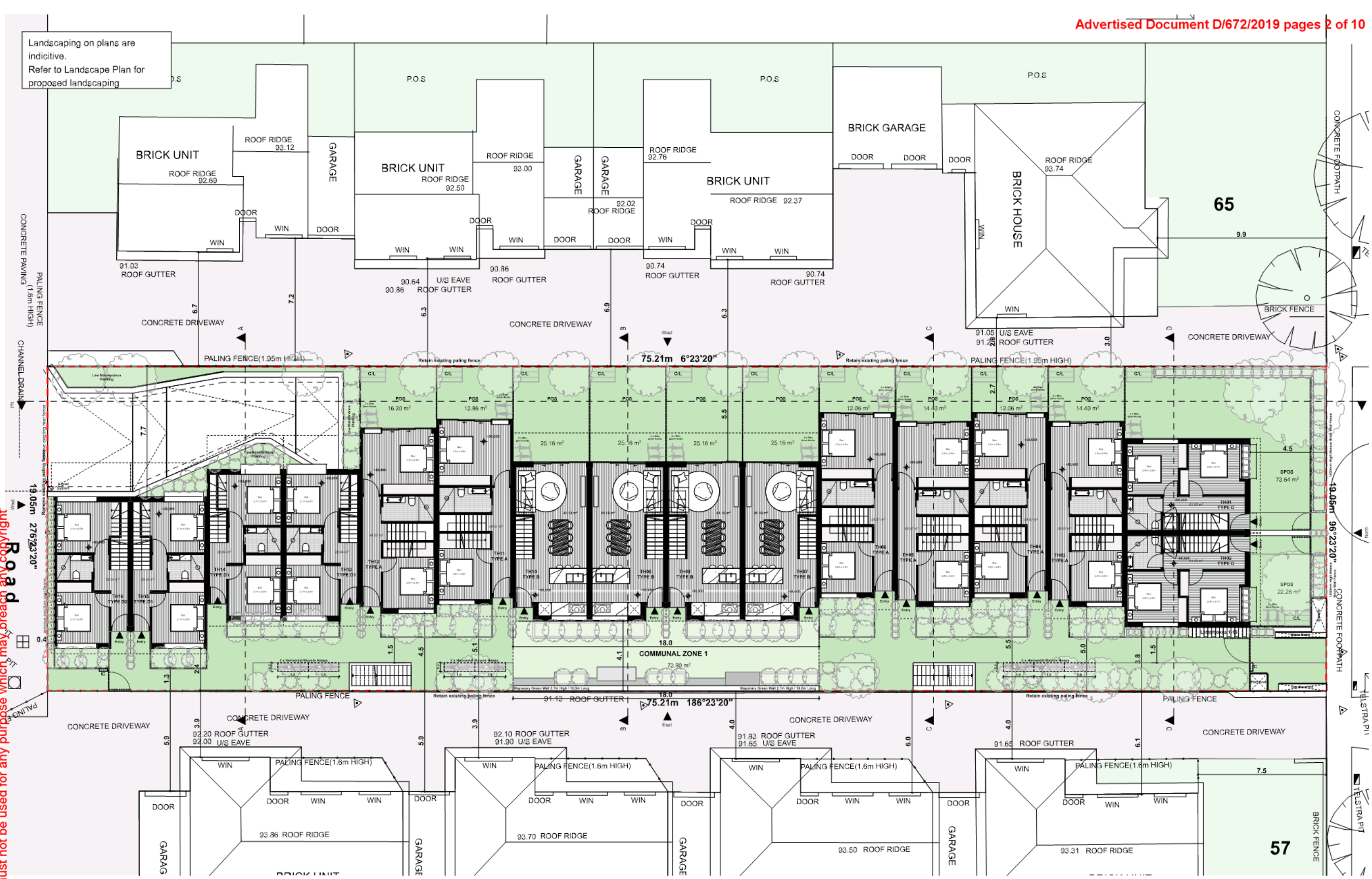
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Project Address	
Client	Branson Group

Drawing Name	Basement Floor
Drawing Number	TP201
Scale	1:200
North	
Stage	Town Planning - RFI
Date	Friday, 3 April 2020



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Landscaping on plans are indicative. Refer to Landscape Plan for proposed landscaping

Road

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03/04/2020	BD	SL	RFI

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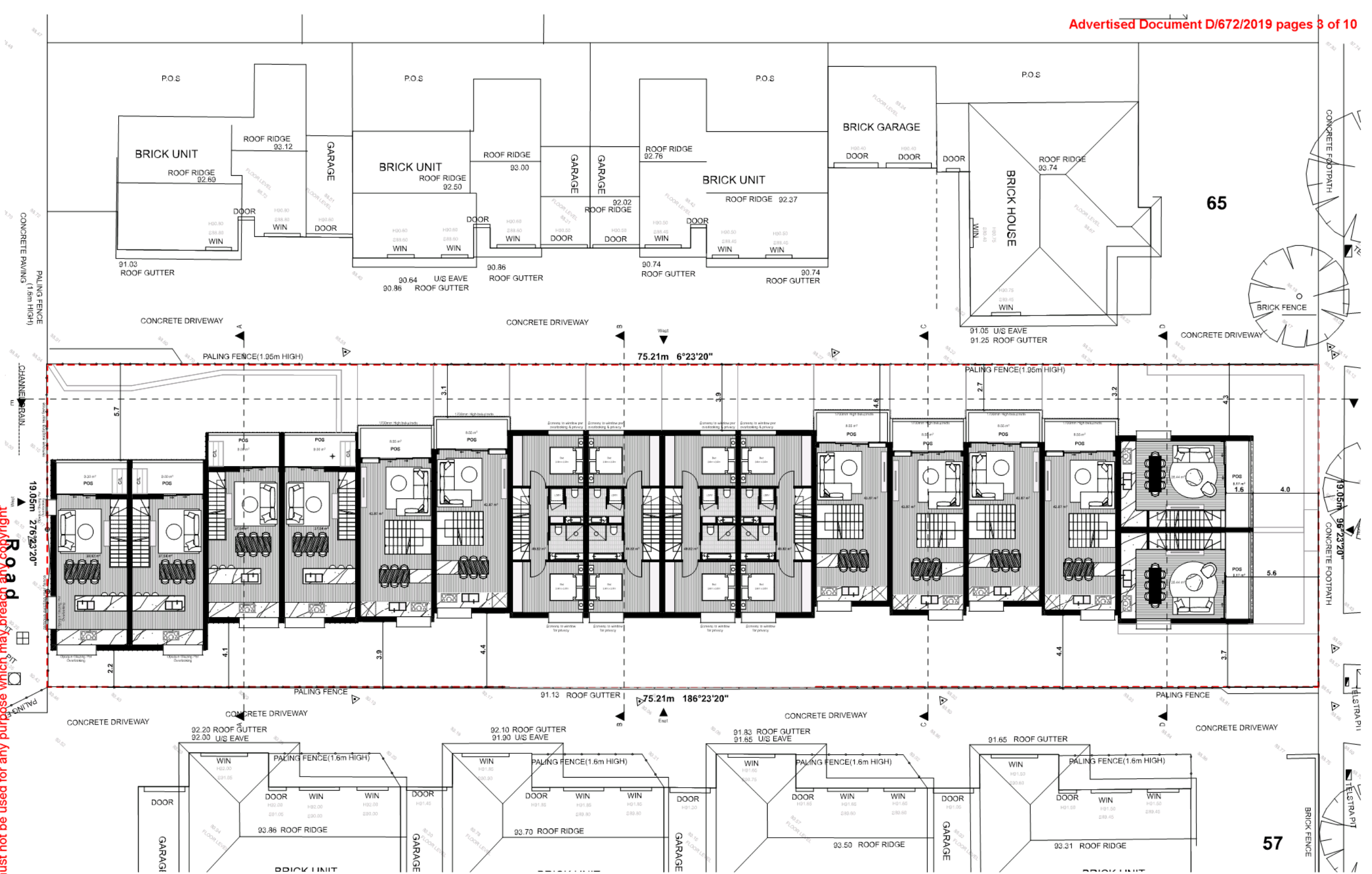
Project Name	EDUARDES
Project Address	61 Edwardes Street Reservoir Victoria 3066 Australia
Client	Branson Group

Drawing Name	Ground Floor
Drawing Number	TP202
Scale	1:200
North	North
Stage	Town Planning - RFI
Date	Friday, 3 April 2020



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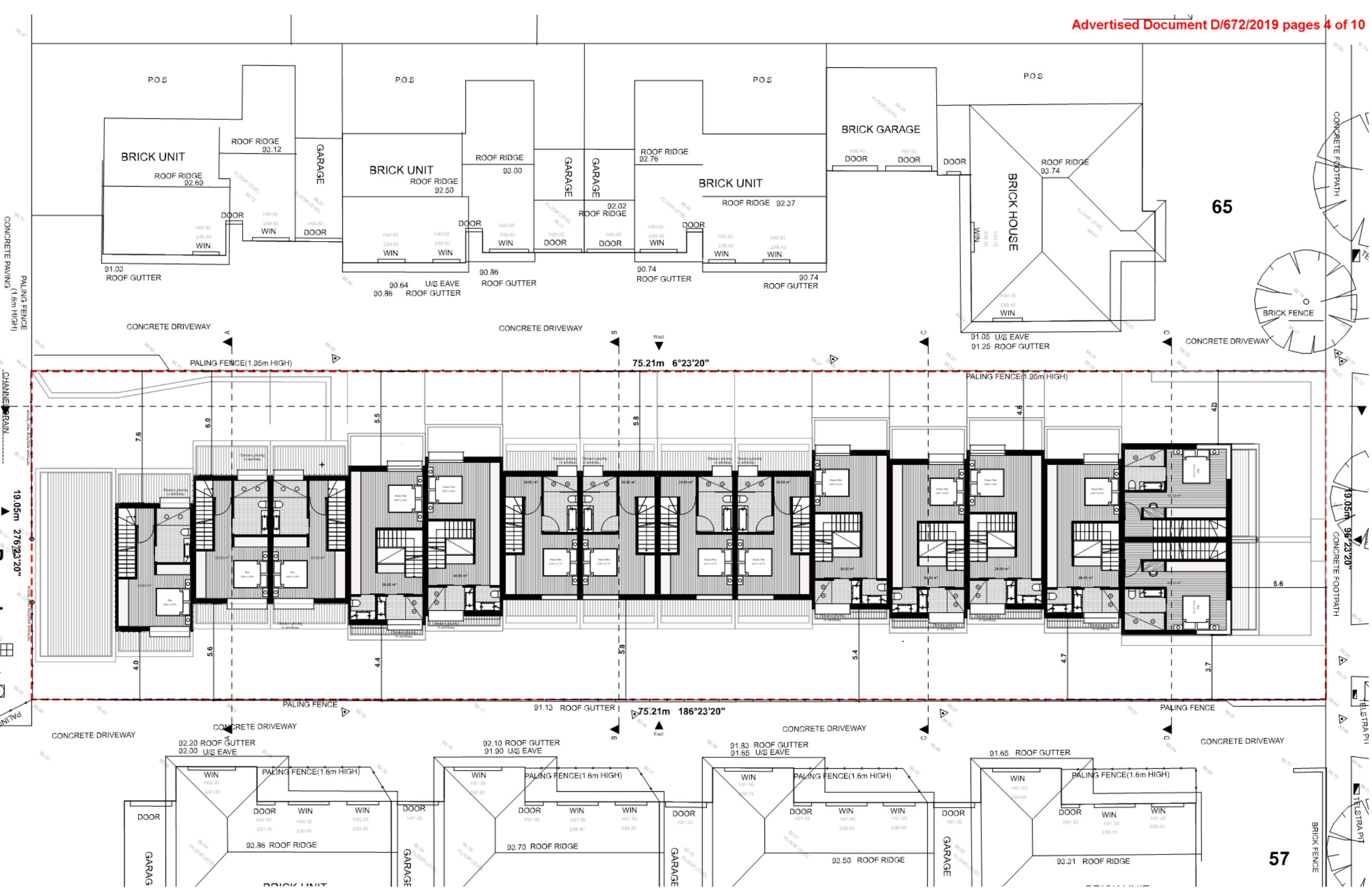
Client: Branson Group

Drawing Name: First Floor  
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North  
Stage: Town Planning - RFI  
Date: Friday, 3 April 2020



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Client: Branson Group

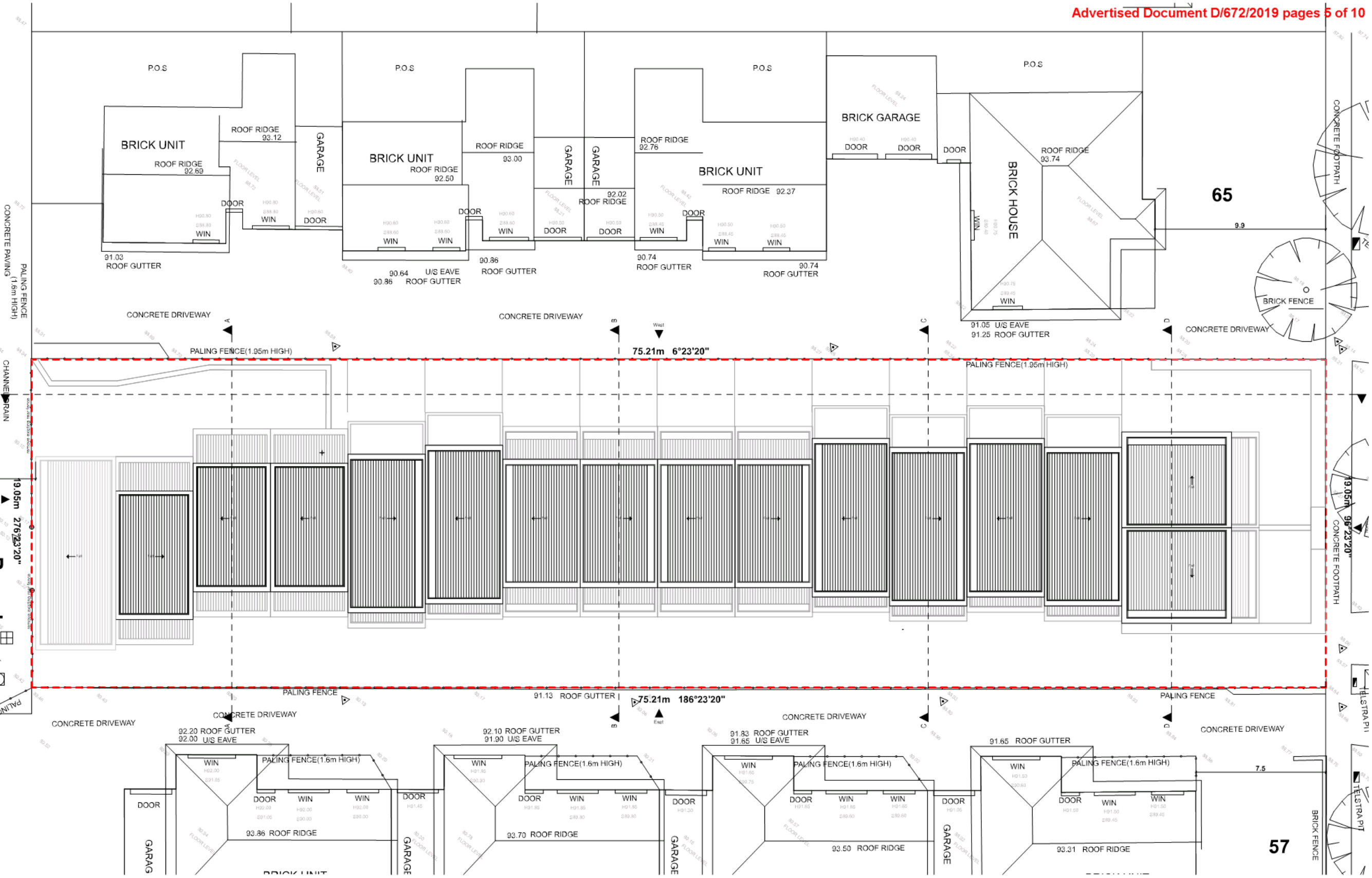
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Drawing Number: TP204  
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North: [North Arrow]  
Stage: Town Planning - RFI  
Date: Friday, 3 April 2020



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Road



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19/12/2019	BD	SL	TP Submission
20/02/2020	BD	SL	Council MP Amend
03/04/2020	BD	SL	RFI

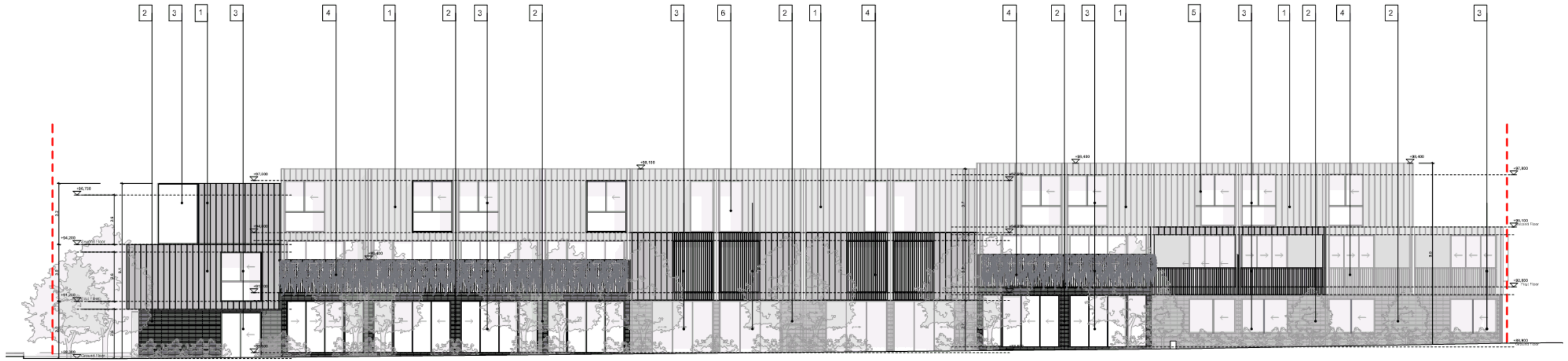
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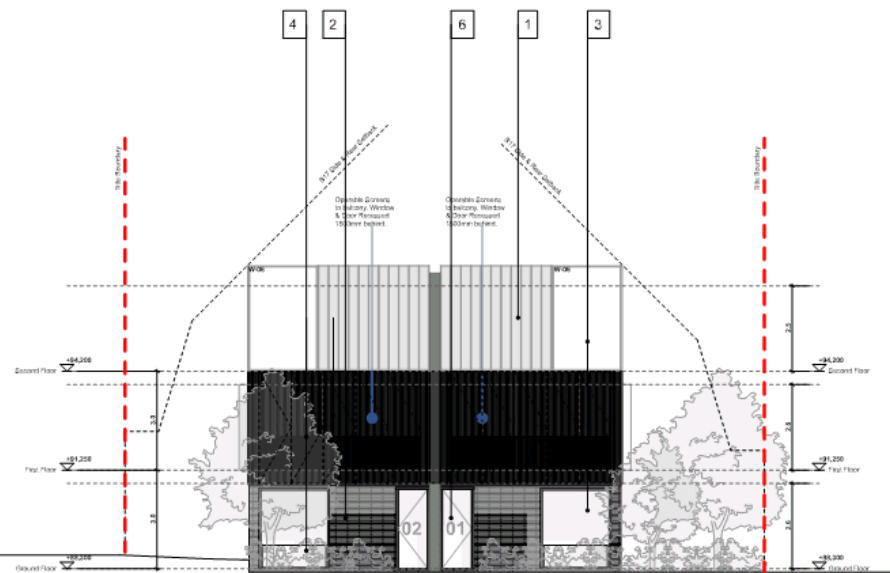
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 Drawing Number: TP205  
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 Stage: Town Planning - RFI  
 Date: Friday, 3 April 2020



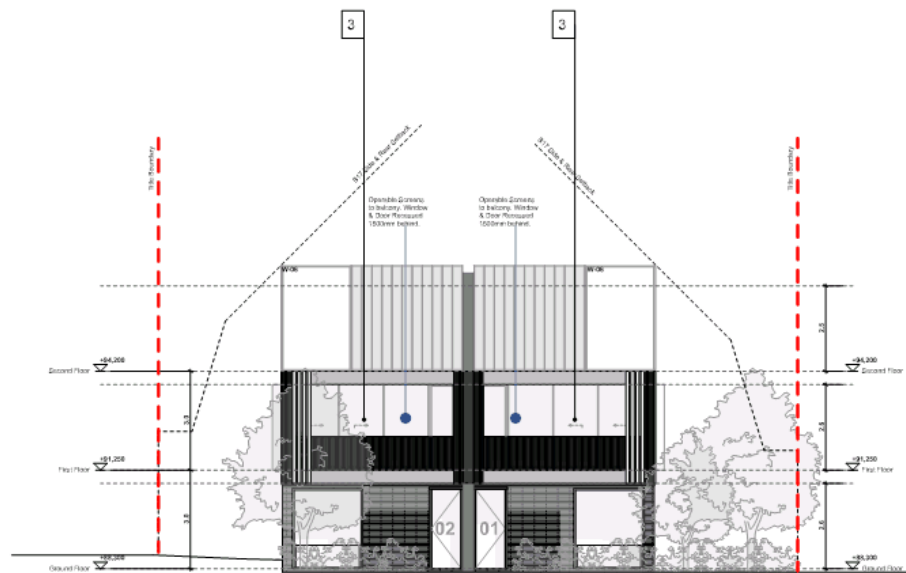
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WEST ELEVATION



NORTH ELEVATION (CLOSED)



NORTH ELEVATION (OPEN)

1. Dark Metal standing seam cladding and / or similar
2. Light washed brick and / or similar
3. Black aluminium window & door frames w/ clear glazing
4. Dark Metal and / or similar
5. Natural Timber and / or similar
6. Black aluminium window & door frames w/ fluted glazing
7. Breeze Block Wall (Front Fence)

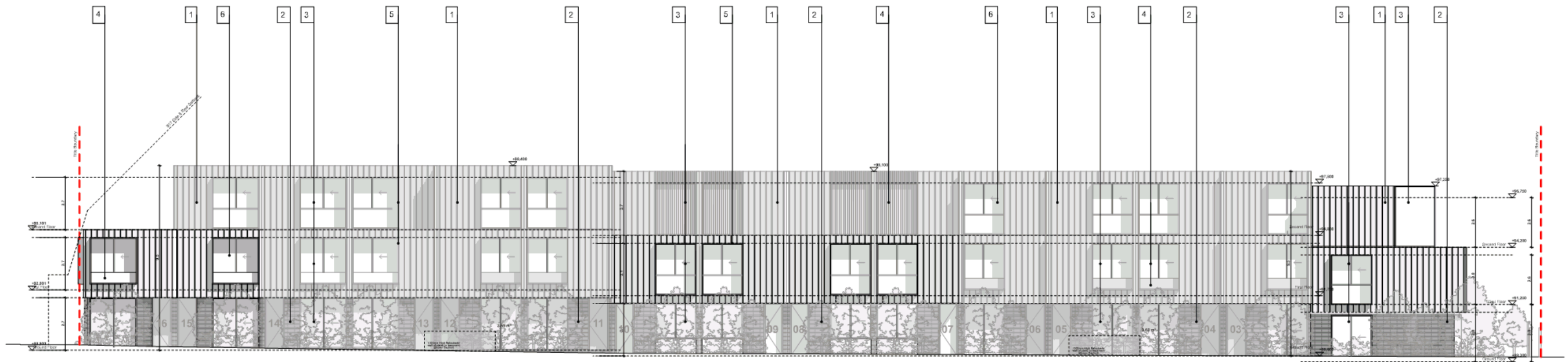
Rev	Date	Dr	Ckd	Description	SLAB Architecture Pty. Ltd.
A	19/12/2019	BD	SL	TP Submission	167 Johnston Street Collingwood, VIC 3066
B	20/02/2020	BD	SL	Council MP Amend	© SLAB Arch Pty Ltd
C	03/04/2020	BD	SL	RFI	Except as allowed under copyright act, no part of this drawings may be reproduced or otherwise dealt with without written permission of SLAB

Project Name	EDWARDES	Drawing Name	Elevations - Sheet 1
Project Address	61 Edwardes Street Reservoir Victoria 3066 Australia	Drawing Number	TP300
Client	Branson Group	Scale	1:200
		North	
		Stage	Town Planning - RFI
		Date	Friday, 3 April 2020

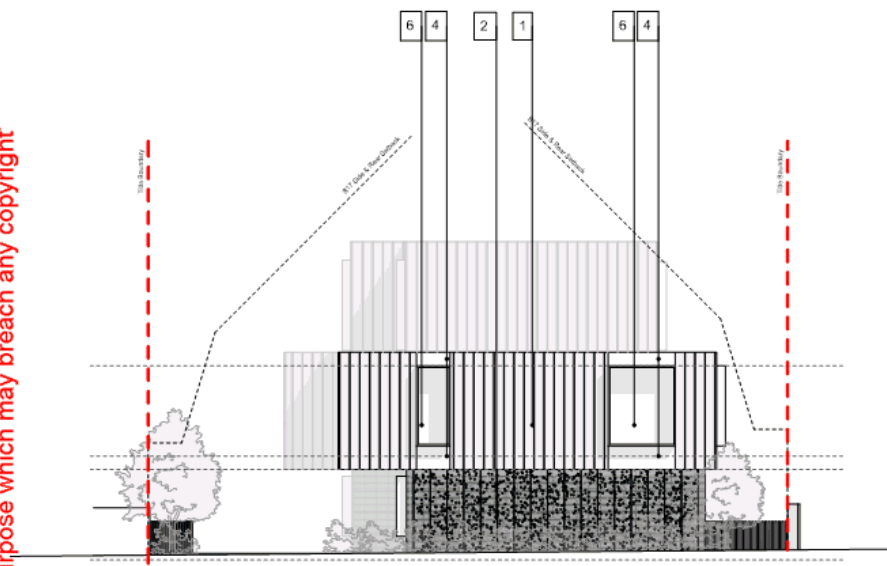




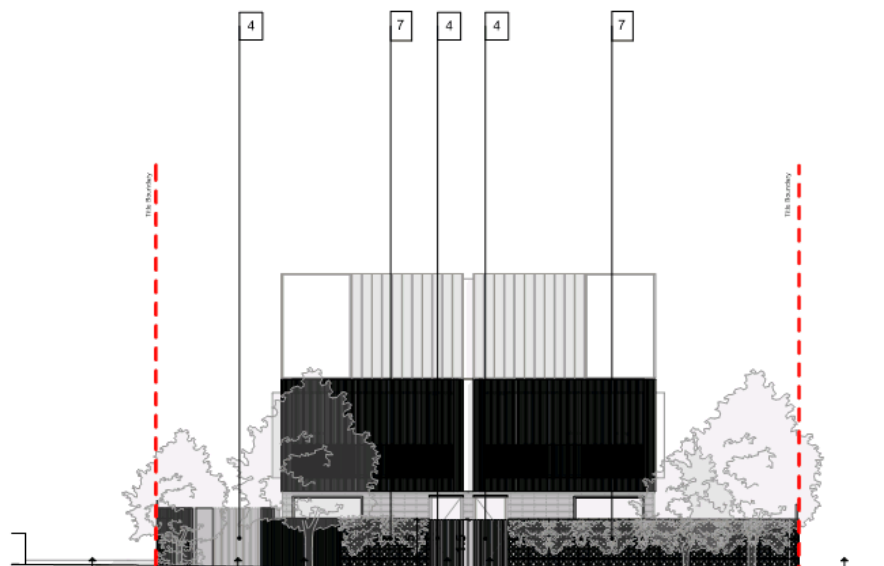
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EAST ELEVATION



SOUTH ELEVATION



FRONT FENCE ELEVATION

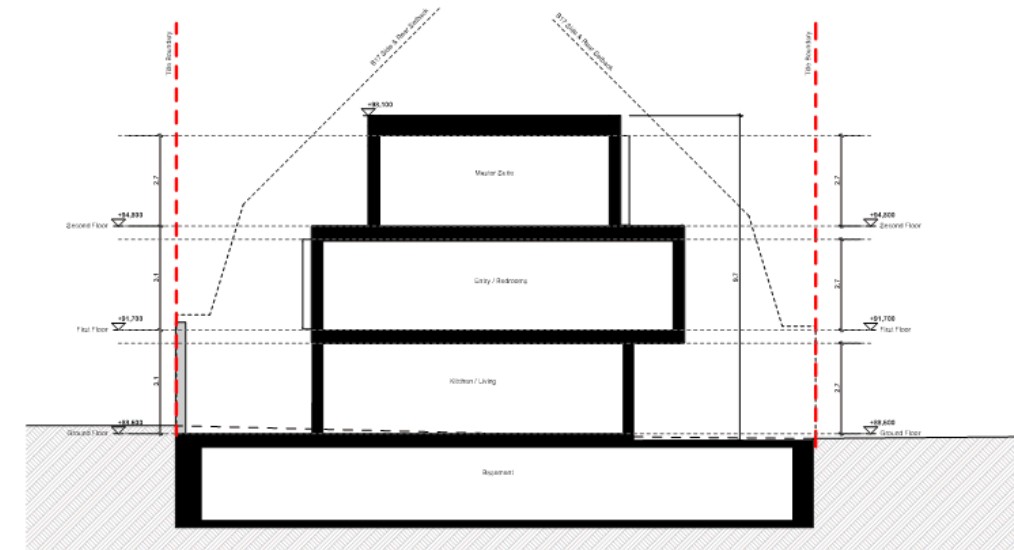
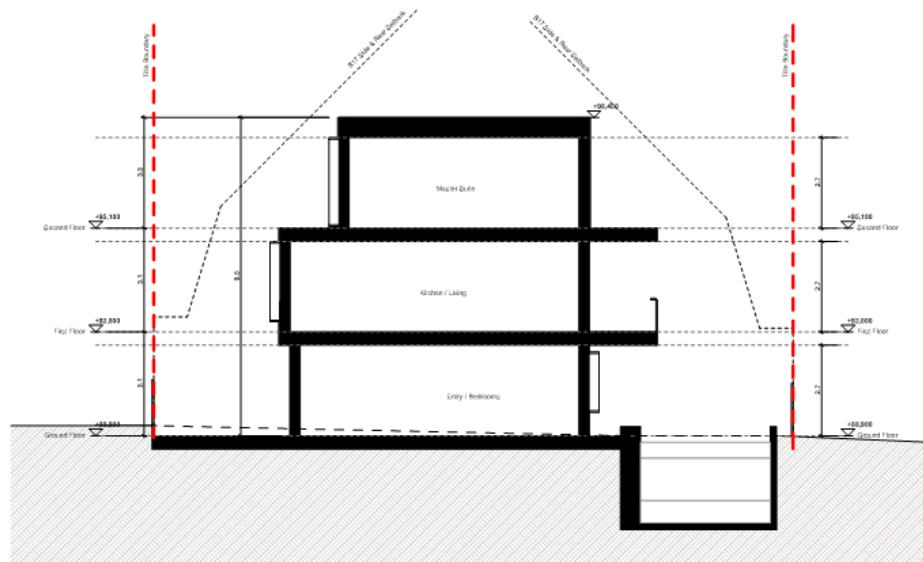
1. Dark Metal standing seam cladding and / or similar	2. Light washed brick and / or similar	3. Black aluminium window & door frames w/ clear glazing
4. Dark Metal and / or similar	5. Natural Timber and / or similar	6. Black aluminium window & door frames w/ fluted glazing
7. Breeze Block Wall (Front Fence)		

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C	03/04/2020	BD	SL	RFI	

Project Name	EDWARDES	Drawing Name	Elevations - Sheet 2
Project Address	61 Edwardes Street Reservoir Victoria 3066 Australia	Drawing Number	TP301
		Scale	1:200
Client	Branson Group	North	
		Stage	Town Planning - RFI
		Date	Friday, 3 April 2020



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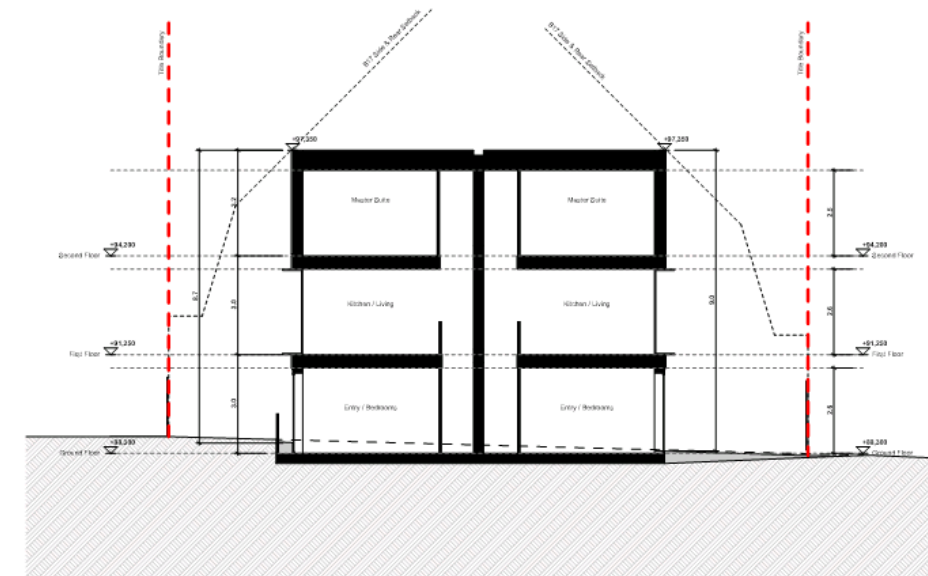
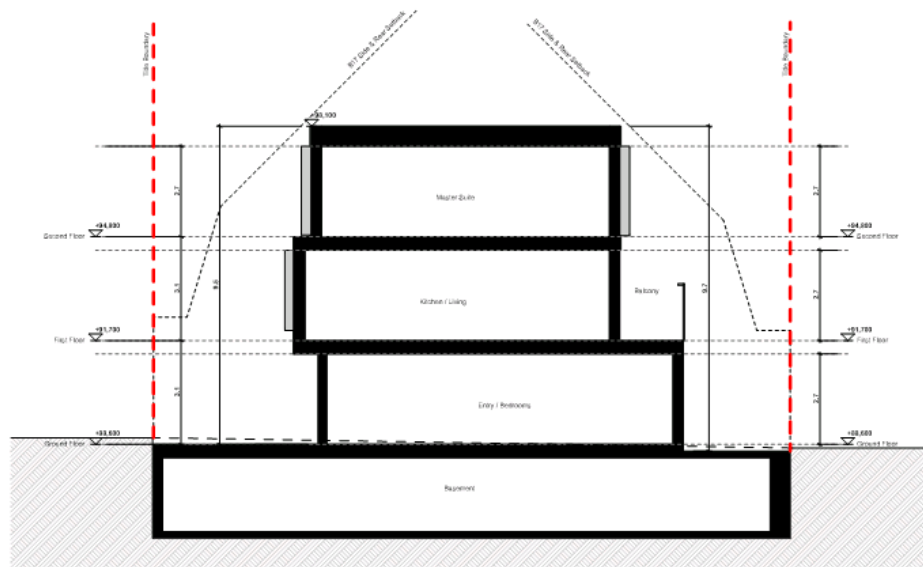
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Project Name EDWARDES  
 Project Address 61 Edwardes Street  
 Reservoir Victoria  
 3066 Asutralia  
 Client Branson Group

Drawing Name Section A & B  
 Drawing Number TP302  
 Scale 1:200  
 North  
 Stage Town Planning - RFI  
 Date Friday, 3 April 2020



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A	19/12/2019	BD	SL	TP Submission
B	20/02/2020	BD	SL	Council MP Amend
C	03/04/2020	BD	SL	RFI

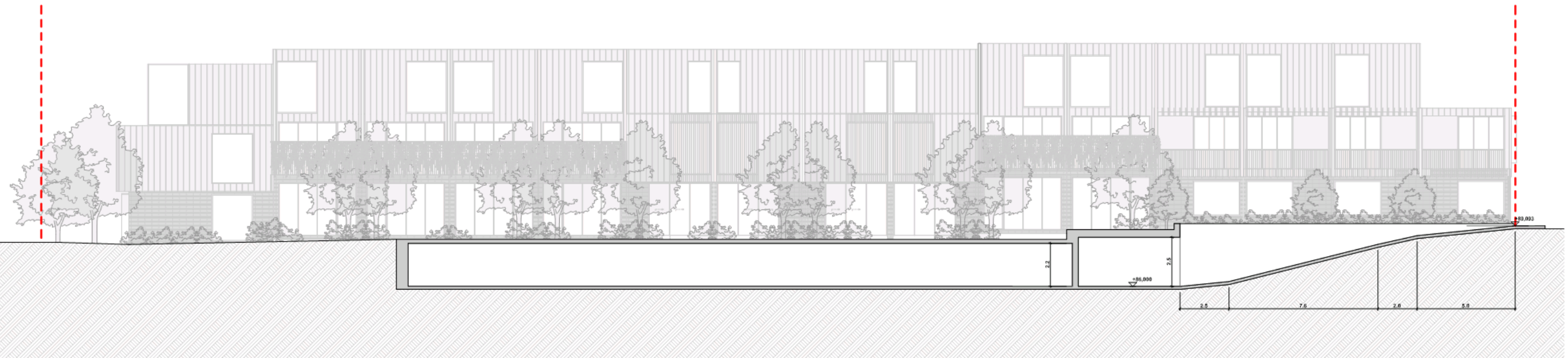
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Project Name EDWARDES  
 Project Address 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
 Client Branson Group

Drawing Name Section C & D  
 Drawing Number TP303  
 Scale 1:200  
 North  
 Stage Town Planning - RFI  
 Date Friday, 3 April 2020



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Project Name EDWARDES  
 Project Address 61 Edwardes Street  
 Reservoir Victoria  
 3066 Asutralia  
 Client Branson Group

Drawing Name Section E (Basement Ramp)  
 Drawing Number TP304  
 Scale 1:200  
 North  
 Stage Town Planning - RFI  
 Date Friday, 3 April 2020



**DELEGATE REPORT**

D/672/2019

**APPLICATION FOR PLANNING PERMIT**

D/672/2019

61 EDUARDES STREET RESERVOIR VIC 3073

**AUTHOR:** Acting Team Leader – Ben Porteous  
**GENERAL MANAGER:** City Sustainability and Strategy – Rachel Ollivier

**SUMMARY:**

- Proposal
  - 15 triple storey dwellings (3 bedrooms) and 1 double storey dwelling (2 bedrooms)
  - Car parking within a basement level containing 24 car parking spaces. Vehicular access to the basement is via the rear right-of-way.
  - Private open space is provided in the form of either ground level yards or first floor balconies.
  - The maximum overall height is 9.5 metres
- The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.
- Decision – Notice of Decision to Grant a Planning Permit subject to conditions

**CONSULTATION:**

- Notice of the application was given by posting a sign on the land and mailing of notices to affected properties.
- Nine (9) objections to the application have been received.
- A consultative meeting has not been held for the application.
- The application was referred internally to:
  - Arboricultural Planning Unit
  - Assets & Capital Delivery Unit
  - City Designer
  - Climate Emergency and Sustainable Transport Unit
  - Environmental Operations Unit
  - ESD Officer
  - Property Management Unit
- The application was not referred externally.

**DECISION**

**THAT**



## DELEGATE REPORT

D/672/2019

The application be approved and a Notice of Decision to Grant a Planning Permit be issued for the following:

- *A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and*
- *Reduction of the car parking requirements*

subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the documents submitted with the application (identified as: TP201, Basement Floor; TP202, Ground Floor; TP203, First Floor, TP204, Second Floor; TP205 Roof Plan; TP300, Elevations – Sheet 1; TP301, Elevations – Sheet 2; TP304, Section E (Basement Ramp); TP411, Perspective 1; TP412, Perspective 2; TP413, Perspective 3; TP414, Perspective 4; TP415, Perspective 5; TP416, Perspective 6; TP417, Perspective 7; all dated 03/044/2020, and prepared by Slab; Waste Management, dated 3 April 2020 and prepared by Ratio consultants) but modified to show:
  - (a) A landscape plan in accordance with Condition No. 4 of this Permit.
  - (b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing No. 7 of this Permit.
  - (c) Any modifications in accordance with the Sustainable Management Plan (refer to Condition No. 8 of this Permit).  
All environmentally sustainable design features referred to within Sustainability Management Plan (SMP) must be listed in table form on the plans.
  - (d) Any modifications in accordance with the Stormwater Management Plan (refer to Condition No. 9 of this Permit).
  - (e) The location of lighting in accordance with Condition No. 10 of this Permit
  - (f) All car parking spaces allocated in accordance with Condition No. 11 of this Permit.
  - (g) A minimum site permeability of 20%.
  - (h) A security gate to the basement car parking area. The gate must be remotely controlled.
  - (i) The fence on the eastern boundary (except within 4.5 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.  
Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
  - (j) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level to the following windows:
    - i. TH3, TH8, TH11-TH15 (inclusive): East facing first floor windows.
    - ii. TH15: East facing second floor bedroom window.
    - iii. TH4: West facing second floor bedroom window.
    - iv. TH5: West facing second floor bedroom window.

## DELEGATE REPORT

D/672/2019

- (k) Screening to the upper level west facing windows to TH7-TH11 (inclusive) to minimise views into the ground floor private open spaces of TH7-TH10 (inclusive) in accordance with Standard B23 of the Darebin Planning Scheme.
- (l) Details of the screens to the balconies of TH3-TH6 (inclusive) and TH11-TH16 (inclusive). Section diagrams must be provided to demonstrate that the screens allow outward views from the balconies and prevent downward views at a height of 1.7 metres above the finished floor level at the edge of the balconies.
- (m) The height of the front fence reduced to a maximum of 1.2 metres, as measured above natural ground level.
- (n) Location and details of letter boxes and receptacles for newspapers for each dwelling.
- (o) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (p) The location of gas meters, water meters, electricity meter boxes and miscellaneous plant and equipment. These are to be:
  - i. integrated with the design of the building; and
  - ii. screened from the public realm.
- (q) Any modifications required to ensure vehicles entering and existing basement car parking are not required to encroach the boundary of the property to the south of the right-of-way (known as 34 Ashely Street), including vehicular clearance areas.  
Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
- (r) A minimum of one (1) bicycle parking space per dwelling for TH13-TH16 (inclusive) within a secure cage or room in the basement. The spaces must be able to accommodate a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.  
The bicycle storage must not impede vehicular access within the basement.
- (s) Weather protection to the bicycle spaces of TH1-TH6 and TH11-TH12 (inclusive)
- (t) Signage at the entrance to the vehicular ramp advising users to proceed to the east of the ramp on a red signal to allow existing vehicles to depart the ramp.

When approved, the plans will be endorsed and form part of this Permit.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.

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

  - (c) Before this Permit expires;
  - (d) Within six (6) months after the expiry date; or

## DELEGATE REPORT

D/672/2019

- (e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - (d) A minimum of two (2) medium sized canopy trees and 12 small sized canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (g) Hard paved surfaces at all entry points to dwellings.
  - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.



DELEGATE REPORT

D/672/2019

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- 6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 7. Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1 – Located within the nature strip directly adjoining the site.	3.5 metres

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

- 8. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance with the document identified as Sustainability Management Plan, dated April 2020 and prepared by Sustainable Development Consultants detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
  - (a) BESS Water – reduce the washing machines to 3 stars.
  - (b) BESS Energy – minimum NCC 2019 loads must be used so can't be higher than 31MJ.
  - (c) BESS Energy - reduce the clothes dryers to 2 stars.
  - (d) BESS IEQ – install external adjustable shading to all west facing habitable room windows and glazed doors to reduce heat gain.
  - (e) BESS IEQ - add a fixed shade such as a window shroud to the top floor north facing window.
  - (f) BESS Urban ecology – only include areas of vegetation as listed in BERSSS.
  - (g) BESS Urban ecology – draw and label the tap and floor waste to all balconies and courtyards.

## DELEGATE REPORT

D/672/2019

- (h) SMP– update the note to list the private waste collection, food waste and hard waste. Update the percentage of vegetation.
- (i) BESS and SMP – put a note or key on the plans listing all ESD features such as double glazing to all habitable room windows and glazed doors, FSC timber, level of insulation.
- (j) STORM - provide details and a section on the permeable paving to be used. Clearly label the paving on the ground floor plans.
- (k) STORM – Details of how the land, including the water tanks, can be drained to the LPOD via gravity?
- (l) STORM – the water tanks to be split so one tank services the front dwellings and the other tank services the rear dwellings
- (m) STORM – Remove connection from the balcony floors to the watertanks or provide filtration for the water collected from the balconies.

The development must be constructed in accordance with the requirements/ recommendations of the SMP to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

9. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - i. An assessment using an industry recognised stormwater tool;
    - ii. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - iv. A plan illustrating where all impervious surfaces will be treated and drained;
    - v. A construction and maintenance schedule;
  - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all

## DELEGATE REPORT

D/672/2019

pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

11. The car parking spaces must be allocated as follows:
  - (a) 1-2 bedroom dwellings: 1 car space
  - (b) 3 or more bedroom dwellings: Minimum of 1 car space, up to a maximum of 2 car spaces per dwelling.
12. Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
13. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
  - (a) Erosion and sediment.
  - (b) Stormwater.
  - (c) Litter, concrete and other construction wastes.
  - (d) Chemical contamination.

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.
14. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
15. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

**DELEGATE REPORT**

D/672/2019

- 
20. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
21. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat; and
  - (d) drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
22. Before the development is occupied all redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

**NOTATIONS**

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

## DELEGATE REPORT

D/672/2019

- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N7. In order to help justify the proposed car parking reduction, Council may consider placing a car share space in the section of kerb where the crossover will be reinstated. Following construction of the project, the developer must inform Council of the completion of works and Council will organise the necessary signage and line marking.

**REPORT****INTRODUCTION AND BACKGROUND**

No relevant planning history exists for the site in Council's records.

**ISSUES AND DISCUSSION****Subject site**

- The site is located on the south side of Edwardes Street, between Olive Street and Ashley Street, Reservoir.
- The site is rectangular in shape, has a street frontage width of 19.05 metres, a side boundary length of 75.21 metres and an overall area of 1432.75 square metres.
- The site has a fall of approximately 1.25 metres from the south-eastern corner to the north-western corner.
- The site contains a single storey brick dwelling with a tiled roof. The rear portion of the site contains numerous outbuildings.
- The site includes a low brick fence along the street boundary.
- The site contains substantial vegetation within the front and rear gardens.
- Vehicular access to the site is via a crossover from Edwardes Street.

**Surrounding area:**

- To the north of the site, opposite Edwardes Street, are single and double storey commercial buildings that are constructed to the street boundary. The buildings typically include boxed designs with parapets.
- To the south of the site, opposite the right-of-way, are eight (8) single storey dwellings that form a medium density housing development that fronts Ashley Street. The properties communal vehicular accessway is located abutting the right-of-way, with a fence separating the property from the right-of-way.

**DELEGATE REPORT**

D/672/2019

- To the east of the site are four (4) single storey brick dwellings. Vehicular access to the site is via a crossover from Edwardes Street, with the communal vehicular accessway located abutting the boundary of the subject site.
- To the west of the site are four (4) single storey brick dwellings. Vehicular access to the site is via the rear right-of-way, with the communal vehicular accessway located abutting the boundary of the subject site.
- The surrounding area contains a mix of low scale residential and commercial buildings, with an emerging character of double storey medium density housing developments.

**Requirement for a planning permit and planning scheme controls**

- Clause 32.08 (General Residential Zone - Schedule 2) – construction of two or more dwellings on a lot.
- Clause 52.06 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

**PLANNING CONTROLS**

- Planning Policy Framework: Settlement (Clause 11.01-1S and Clause 11.01-1R1); Supply of urban land (Clause 11.02-1S); Urban design (Clause 15.01-1S and Clause 15.01-1R); Building design (Clause 15.01-2S); Neighbourhood character (Clause 15.01-5S); Energy and resource efficiency (Clause 15.02-1S); Housing (Clause 16); Development infrastructure (Clause 19.03)
- Local Planning Policy Framework: Strategic framework (Clause 21.01-6); Built environment (Clause 21.02-3); Housing (Clause 21.03); Sustainability (Clause 21.05-1); Housing (Clause 21.05-2); Urban design (Clause 21.05-3); Neighbourhood character (Clause 22.02); Environmentally sustainable design (Clause 22.12)
- Zone: General Residential Schedule 2 (Clause 32.08)
- Overlay: Development Contributions Plan (Clause 45.06);
- Particular Provisions: Car Parking (Clause 52.06); Stormwater Management in Urban Development (Clause 53.18); Two or more dwellings on a lot (Clause 55)
- General Provisions: Approval of an Application or Plan (Clause 65.01)
- Neighbourhood Character Study: Precinct E6

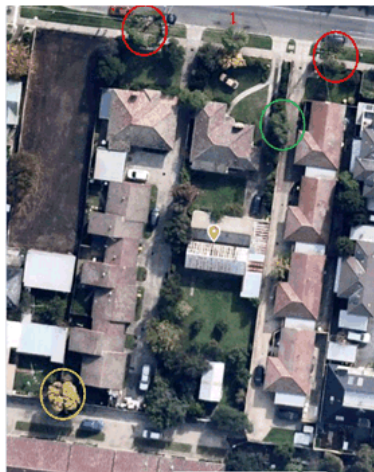
**INTERNAL REFERRALS**

- Arboricultural Planning Unit
  - Tree 1 – is a mature native specimen located within the Council nature strip of fair-good overall condition. The tree must be retained and protected.
  - Subject Site Trees – the majority of vegetation in the site is of low retention value given overall condition and/or small size. One tree (green) along the eastern property boundary is a 'protected tree' under the TPLL. Its removal and replacement will only be considered provided adequate replacements are included in a landscape plan.

DELEGATE REPORT

D/672/2019

- Adjoining Trees – there are no trees/vegetation on adjoining properties that will be impacted by the proposed building footprint. However there is a mature tree (yellow) on the adjoining western property that may be impacted by construction vehicle movements.



Recommendations:

- Tree 1 - must be retained with an estimated TPZ of 3.5m from the trunk edge. Protection fencing must be installed around the tree prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites and to the satisfaction of the Responsible Authority.
- Assets & Capital Delivery Unit
  - No objection subject to standard conditions.
- City Designer
  - Overall the updated design has addressed majority of the concerns raised as part of previous comments and discussed at previous meetings.
  - Basement car park accessed via the ROW is a good outcome allowing high quality pedestrian access from the main street and removing the dominance of car parking.
  - Overall the architecture is of high quality and the pedestrian walkway with communal space is a good outcome.
  - The proposed 1.7m high screen from the POS of living areas in some of the townhouses is not considered the most appropriate outcome. More detail should be provided for the screen to demonstrate how it will still provide view. Alternatively, the balustrade should be designed with planter beds or shelves to reduce downward view while still allowing distant views. This would be the most appropriate outcome.
- Climate Emergency and Sustainable Transport Unit
  - Vehicles must not require encroachment of the property at 34 Ashely Street to enable access to and from the basement.
  - It appears Townhouses 1-12 will be provided with two bicycle parking spaces within their individual lots, however this does not seem to be the case for

## DELEGATE REPORT

D/672/2019

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- Townhouses 12-16 where communal bicycle parking is proposed. This is not considered to meet the criteria for safe and secure.
    - It is also noted that no protection is provided from inclement weather for the bicycle parking spaces, and Transport questions whether these bicycle parking spaces are fit for purpose.
    - The redundant crossover at Edwardes Street must be reconstructed with full kerb and channel to the satisfaction of the responsible authority.
    - Transport recommends that the applicant install signage at the entrance to the ramp to advise users to proceed to the east of the ramp on a red signal to allow exiting vehicles to depart the ramp.
    - In order to help justify the proposed car parking waiver, Council may consider placing a car share space in the section of kerb where the crossover will be reinstated. Following construction of the project, the applicant must inform Council of the completion of works and Council will organise the necessary signage and line marking.
    - This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
  - Environmental Operations Unit
    - No objection
  - ESD Officer
    - Provide solar photovoltaic panels to all townhouses.
    - It is preferred if no gas is used and the development is all electric.
    - Are the level 1 east facing kitchen windows correctly drawn on the elevation as they would have a rangehood above the stove. The east elevations show large windows above the stove and sinks.
    - BESS Water – reduce the washing machine to 3 stars.
    - BESS Energy – the cooling loads are completely unacceptable. At a minimum NCC 2019 loads must be used so can't be higher than 31MJ and ideally lower.
    - BESS Energy – the report states that there will be a 70% contribution from solar however the plans show no panels.
    - BESS Energy - reduce the clothes dryer to 2 stars.
    - BESS IEQ – install external adjustable shading to all west facing habitable room windows and glazed doors to reduce heat gain.
    - BESS IEQ - add a fixed shade such a window shroud to the top floor north facing window.
    - BESS Transport - The bike parking in the POS is not acceptable as it will require occupants to take their bicycles through the dwellings. The verandahs are not sufficient for weather protection. Provide a minimum of 16 bike spaces in the basement or provide a shared, secure, undercover and weather protected area in the communal zone.
-



**DELEGATE REPORT**

D/672/2019

- BESS Urban ecology – the garden area listed in the planning scheme is not the same as vegetation in BERSSS. Only areas of vegetation can be listed. Update the percentage.
- BESS Urban ecology – draw and label the tap and floor waste to all balconies and courtyards.
- SMP updates – update the note to list the private waste collection, food waste and hard waste. Update the percentage of vegetation.
- BESS and SMP – put a note or key on the plans listing all ESD features such as double glazing to all habitable room windows and glazed doors, FSC timber, level of insulation.
- STORM - provide details and a section on the permeable paving to be used. Clearly label the paving on the ground floor plans.
- STORM –Council will not allow pumps for the overflow from the underground water tanks. Can water drain to the LPOD via gravity?
- STORM – can the water tanks be split so one tank services the front townhouses and there is less need for piping and pumping back to the toilets for units 1 to 8?
- STORM – the WSUD plan seems to show the balconies for townhouses 8 to 10 will be connected to the water tank. Remove any balconies or provide filtration for the balconies.

Officer comments:

- The majority of comments raised will be addressed via conditions of approval.
- The proposed bicycle parking locations for the dwellings are considered to be convenient for the occupants of the dwellings and will encourage the utilisation of bicycles for transport.
- The verandas provide sufficient weather protection for the bicycles. A condition of approval will require weather protection for those bicycles that are not undercover.
- Property Management Unit
  - No objection to the use of the right-of-way.

**EXTERNAL REFERRALS**

- No external referrals required.

**OBJECTIONS**

- Nine (9) objections to the application have been received.

**Objections summarised**

- Loss of sunlight
- Privacy/overlooking
- Noise
- Insufficient car parking
- Utilisation of the right-of-way for access

**DELEGATE REPORT**

D/672/2019

- Property values
- Financial impacts
- Security
- Air pollution
- Waste collection

**Officer comment on summarised objections**

- Loss of sunlight  
The proposal provides sufficient access to sunlight in accordance with the relevant Standard under Clause 55 of the Darebin Planning Scheme. Refer to Planning Assessment for more information.
- Privacy/overlooking  
Conditions of approval will require additional screening to be provided to minimise overlooking in accordance with Clause 55 of the Darebin Planning Scheme. Refer to Planning Assessment for more information.
- Noise  
The proposed residential use will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.  
A condition of approval will require additional details on the proposal mechanical plant and require them to be located as far as practical from the side boundaries.
- Insufficient car parking  
The proposal has provided sufficient car parking based on the expected demand of the development. Refer to Planning Assessment for more information.
- Utilisation of the right-of-way for access  
Utilisation of a right-of-way as the primary vehicular access, when available, is generally encouraged to minimise the number of vehicular access points (crossovers) to roads.  
The expected additional traffic to the right-of-way and Ashley Street is considered to be reasonable and will not exceed traffic volumes the surrounding road network is able to accommodate.  
Council's Climate Emergency and Sustainable Transport Unit and Property Management Unit have not objected to the utilisation of the right-of-way.
- Trespassing while using the right-of-way  
Conditions of approval will require additional information to ensure vehicles are not required to utilise the land to the south of the right-of-way to access the basement car park.
- Property values  
Fluctuations in property prices are a not relevant consideration in assessing medium density development under the provisions of the Planning & Environment Act 1987, or the Darebin Planning Scheme.
- Financial impacts

**DELEGATE REPORT**

D/672/2019

This assessment cannot take into consideration the cost of potential alterations surrounding properties may, or may not, undertaken on their land to respond to the changing urban setting.

- Security

It is noted that general neighbourhood security is not a relevant consideration in assessing medium density development under the provisions of the Planning & Environment Act 1987, or the Darebin Planning Scheme.

- Air pollution

It is not considered that a development of this size, within an established urban setting, will have noticeable impact on pollution levels.

- Waste collection

A waste management plan has been provided by the applicant and will be secured via condition. The waste management plan stipulates that waste is to be collected via private contractor from within the basement. Collection times are to be in accordance with EPA guidelines.

**PLANNING ASSESSMENT**

**Reservoir Structure Plan**

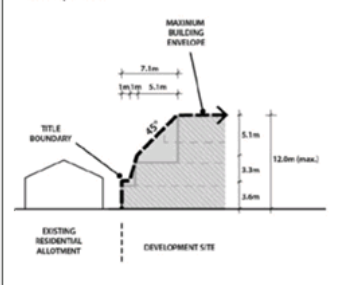
The Reservoir Structure Plan (RSP) was adopted by Council in September 2012 and was a supporting document for Planning Scheme Amendment C138 which was approved and came into effect in the Darebin Planning Scheme on 15 October 2015. The Site is located within Precinct 2c – Reservoir Village.

The RSC includes built form guidelines for the height and boundary setbacks.

	Preferred Built Form	Comment	
Height	2-4 storeys	The proposal has a height of 2-3 storeys.	Complies
Front setback	3-5 metres	The proposal includes a street setback of 4.0 metres	Complies
Side setbacks	Rescode and Section 5.7, Figure 18 of RSP (see below).	Refer to the Clause 55 assessment below for the assessment against Standard B17.  The side boundaries are set back in accordance with Section 5.7, Figure 18 of RSP	Complies
Rear setbacks	Rescode and Section 5.7, Figure 18 of RSP	Refer to the Clause 55 assessment below for the assessment against Standard B17.  The proposal is not set back from the rear boundary in accordance with Section 5.7, Figure 18 of RSP.  The rear setback is considered suitable due to the right-of-way that abuts the rear boundary. This provides separation between the subject site and residential properties to the south,	Complies with Objectives

DELEGATE REPORT

D/672/2019

	<p>Figure 18: Side and rear setbacks for four storey development</p> 	<p>which will sufficiently minimise amenity impacts arising from visual bulk and overshadowing.</p>
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The proposal is considered to be generally in accordance with the preferred built form outcomes of the Reservoir Structure Plan.

**Clause 32.8-4 Minimum Garden Area Requirement**

In accordance with Clause 32.08-4 (General Residential Zone) the Darebin Planning Scheme there is a mandatory minimum garden area requirement for construction or extension of a dwelling or residential building on a lot.

Lot Size	Minimum percentage of a lot set aside as garden area	Garden area provided
Above 650sqm	35% (501.5 square metres)	35.9 (514 square metres)

Complies

**Clause 32.08-10 Maximum Building Height Requirement for a Dwelling or Residential Building**

The proposal comprises three (3) storeys and a maximum height of 9.5 metres.

Complies

**Clause 22.02 Neighbourhood Character Precinct Guideline Assessment – Precinct E6 Existing Buildings**

Objective

- To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.

Comment

- The proposal does not retain the existing building, which is suitable due to the following:
  - The existing dwelling does not significantly contribute to the character of the area.
  - The area is not considered ‘in-tact’ due to the mixed building typologies of Edwardes Street.

Complies

**Vegetation**

Objective

**DELEGATE REPORT**

D/672/2019

- To maintain and strengthen the garden setting of the dwellings.

Comment

- The proposal includes substantial opportunities for landscaping within the front and side setbacks.
- A condition of approval will require the submission of a landscape plan, including the provision of 12 small sized canopy trees and two (2) medium sized canopy trees.

Complies

**Siting**Objective

- To provide space for front gardens.
- To ensure new development retains substantial space for landscaping
- To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.

Comment

- The proposal includes space for a front garden.
- The proposal includes substantial space for landscaping within the front and side boundaries.
- The proposal is substantially set back from the side boundaries which reinforces the side boundary setback pattern and the existing rhythm of spacing between dwellings.

Complies

**Height and Building Form**Objective

- To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.
- To maintain, where present, the consistency of frontage widths and building heights and forms.

Comment

- Whilst the height of the development differs from the surrounding character, it responds to the mixed and emerging character of the area and the preferred character of the area as designated in the Reservoir Structure Plan.
- The proposal provides the appearance of one building when viewed from Edwardes Street, which is consistent with frontage widths in the street.

Complies

**Materials and Design Detail**Objective

**DELEGATE REPORT**

D/672/2019

- To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.

Comment

- The proposal includes a variety of forms and materials to provide a visually interesting façade to Edwardes Street.

Complies

**Front Boundary Treatment**Objective

- To maintain the openness of the streetscape and views to established gardens and dwellings.

Comment

- The proposal includes a 1.5 metre brick front fence, which restricts views of the front garden area.
- A condition of approval will require the fence to be reduced in height to a maximum of 1.2 metres.

Complies subject to conditions

**Clause 52.06 Car Parking**Number of Parking Spaces Required

Type	Car Parking Measure	Number of dwellings	Car Spaces Required
1-2 bedroom Dwellings	1 more dwelling	1	1
3+ bedroom dwellings	2 per dwelling	15	30
Visitor	1 per 5 dwellings	16 total	3
		<b>TOTAL</b>	<b>34</b>

The development includes a total of 24 unallocated car parking spaces, therefore a reduction of the standard car parking requirements is proposed.

The proposed reduction in the car parking requirements is considered suitable due to the following:

- Empirical data shows car ownership for 3 bedroom dwellings in the area is 1.5-1.6 cars. The proposal includes a car parking rate of 1.53 spaces per 3 bedroom dwelling.
- TH1-TH12 are each provided with two (2) bicycle parking spaces at ground level within their respective private open spaces.
- The site has excellent access to the following forms of public transport:
  - Reservoir Train Station – Approximately 330 metres to the east
  - Bus Stops:
    - Approximately 140 metres to west

**DELEGATE REPORT**

D/672/2019

- Approximately 85 metres to the west
- The site is located within an activity centre therefore the occupants of the dwellings will have less reliance on a car.
- Council's Climate Emergency and Sustainable Transport Unit have not objected to the proposed reduction.

A condition of approval will require a car parking allocation plan, with a minimum of 1 car parking space per dwelling. The remaining 8 car spaces will be required to be allocated to the three bedroom dwellings (maximum of 2 car spaces per dwelling).

Design Standards for Car parking

The car parking spaces and the accessways have appropriate dimension to enable efficient use and management.

The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

Access and car space dimensions comply with the standard.

**Clause 53.18 Stormwater Management in Urban Development**

A Stormwater Management Plan will be required as a condition of approval.

A Site Management Plan will be required as a condition of approval.

**Clause 55 Two or More Dwellings on a Lot**Standard B1 - Neighbourhood Character:

This element has been considered above in the Neighbourhood Character Guidelines Assessment.

Complies subject to condition

Standard B2: Residential Policy

The proposal is accompanied by an acceptable written statement and design response. The proposal generally complies with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Complies

Standard B3: Dwelling Diversity

The proposal contains a variety of dwelling typologies, with four (4) dwellings having their living areas and primary private open space at ground level and the remaining 12 dwellings with the living areas and primary private open space (balcony) at first floor level.

The proposal includes 15x 3 bedroom dwellings and 1x 2 bedroom dwelling.

Complies

Standard B4: Infrastructure

**DELEGATE REPORT**

D/672/2019

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 Environmental Operations Unit has commented that drainage is available to the site subject to conditions.

Complies subject to condition

Standard B5: Integration with the Street

The proposal provides adequate vehicle and pedestrian links with separate pedestrian entries.

The development fronts the street network.

A condition of approval will require the 1.5 metre high fence too be reduced in height, which will improve the visual integration of the development with the street.

Complies subject to condition

Standard B6: Street Setback

The front setbacks of the adjoining dwellings are 7.5 metres and 9.9 metres. The standard therefore requires a setback of 8.7 metres.

The proposed front setback of 4.0 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

- The street setback is consistent with the preferred street setback of Precinct 2c of the Reservoir Structure Plan.
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks, specifically the properties on the northern side of Edwardes Street have zero lot setbacks to the street.

Complies with the objective

Standard B7: Building Height

The proposed dwellings are to have a maximum height of 9.5 metres which complies with the standard requiring a maximum height not exceeding 11 metres (General Residential Zone).

Complies

Standard B8: Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 55.9%.

Complies

Standard B9: Permeability

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, at least 20% of the site should be permeable. Permeability is



**DELEGATE REPORT**

D/672/2019

15% A condition of approval will require the site permeability to be increased to a minimum of 20%.

Complies subject to condition

Standard B10: Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.
- A suitable Sustainable Management Plan has been submitted with the application.
- The recommendations of Council's ESD officer will be incorporated into the proposal via conditions of approval.

Complies subject to conditions

Standard B11: Open Space

The proposal includes a 'communal zone' which is centrally located along the pedestrian access path.

This communal area is fronted by dwellings and provides an outlook for those dwellings.

The space is considered to be accessible and useable for the occupants of the development.

Complies

Standard B12: Safety

The entrances to the dwellings are adequately visible from the internal accessway and/or the Edwardes Street.

The development is designed to provide good visibility and surveillance of the pedestrian access path.

The private open space within the development is protected from inappropriate use as a public thoroughfare.

A condition of approval will require baffled lighting to the pedestrian access path.

A condition of approval will require a security gate to the basement car parking area.

Complies subject to conditions

Standard B13: Landscaping

The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

**DELEGATE REPORT**

D/672/2019

A detailed landscape plan will be required as a condition of any approval, with the provision of canopy trees.

Complies subject to conditions

Standard B14: Access

Vehicle access to and from the site is safe, manageable and convenient via the rear right-of-way.

Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction.

Access via the ramp is managed via a signal system.

Complies

Standard B15: Parking Location

Parking facilities will be proximate to the dwellings they serve, via stairwells.

The proposed basement carparking will be adequately secure with a security gate, subject to condition.

The access is observable.

Complies

Standard B17: Side and Rear Setbacks

## Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – TH15	2.5 metres	1.0 metre	2.4 metres
Western – TH04	3.4 metres	1.0 metre	2.7 metres
Southern – TH16	2.4 metres	1.0 metre	0.4 metres

## First Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – TH15	6.0 metres	1.72 metres	2.2 metres
Western – TH04 (balcony)	5.0 metres	1.42 metres	2.7 metres
Western – TH07-TH10	6.4 metres	1.84 metres	3.9metres
Southern – TH16	5.9 metres	1.69 metres	0.4 metres

## Second Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – TH02	8.7 metres	3.8 metres	3.7 metres
Western – TH01	9.2 metres	4.3 metres	4.3 metres

**DELEGATE REPORT**

**D/672/2019**

Southern – TH15	9.3 metres	4.4 metres	4.8 metres
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The east and west boundary setbacks either meet or exceed the requirements of the standard. The building has been designed to provide articulation along the eastern and western facades, which minimises the presentation of visual bulk.

It is noted the adjoining properties to the east and west both include vehicular accessways, which is not considered to be a sensitive area, that abut the common boundary with the subject site. This will further minimise the visual bulk impacts on the eastern and western properties.

Whilst the ground floor and first floor are not set back from the southern boundary in accordance with the standard, this is considered suitable due to the location of the right-of-way, which provides separation between the properties to the south and the subject site.

The provision of a 400mm set back from the south boundary at ground level will not result in an ongoing issue relating to access for maintenance due to the removal of the south boundary fence where opposite the building.

Complies with the objective.

Standard B18: Walls on Boundaries

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 3.2 metres.

Boundary & length	Maximum length allowable	Proposed length
Eastern: 75.21 metres	26.3 metres	18 metres (green wall)

The wall height of 2.7 metres comply with the standard.

Complies

Standard B19: Daylight to Existing Windows

An area of at least 3.0 square metres 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.

Upper floor walls are set back at least half their height from neighbouring windows.

The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Standard B20: North Facing Windows

There are no north-facing habitable room windows on adjoining properties which would be affected by the proposed development in accordance with the requirements of this standard.

Not applicable

Standard B21: Overshadowing

The proposal will not result in an increase in the overshadowing of seclude private open space of the nearby properties, between 9am-3pm on 22 September.

Complies

## DELEGATE REPORT

D/672/2019

Standard B22: Overlooking

The ground floors of the dwellings have finished floor levels less than 0.8m above natural ground level at the boundary. The existing 1.95 metre high fence on the western boundaries will sufficiently limit overlooking to the west.

A condition of approval will require the east boundary fence to have a minimum height of 1.8 metres.

The majority of the upper storey windows and balconies are appropriately located, designed and/or screened to ensure no overlooking.

The following windows will be required to be screened to limit views in to adjoining residential properties:

- TH02-TH15 (inclusive): All east facing first floor windows
- TH3, TH8, TH11-TH15 (inclusive): All east facing first floor windows
- TH15: East facing second floor bedroom window.
- TH4: West facing second floor bedroom window
- TH5: West facing second floor bedroom window

It is noted the dwellings on the east adjoining property include small courtyards to the entrances of their dwellings, with a 1.6 metre high fences. These courtyards are not considered to be secluded (due to the height of the fence) and are not the primary open spaces of the dwellings. Based on this, the courtyards are not required to be protected from overlooking under this Standard.

Complies subject to conditions

Standard B23: Internal Views

The development is generally designed to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Additional screening will be required to minimise views into the ground floor private open spaces of TH7-TH10 (inclusive) in accordance with this standard

Complies subject to conditions

Standard B24: Noise Impacts

There are no obvious noise sources to or from the development.

A condition of approval will require details of any proposed mechanical plant.

The site is not located within a noise influence area.

Complies subject to conditions

Standard B25: Accessibility

The entrances to the proposed dwellings can be made accessible for people with limited mobility by construction of a ramp, if required.

Complies

## DELEGATE REPORT

D/672/2019

Standard B26: Dwelling Entry

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

Complies

Standard B27: Daylight to New Windows

Adequate daylight will be available to the windows in the new development.

All new habitable room windows within the development will be located to face an outdoor area of at least 3.0sqm with a minimum dimension of 1.0m clear to the sky.

Complies

Standard B28: Private Open Space

The development provides adequate private open space (POS) for the reasonable recreation and service needs of residents.

Dwelling	Required (area, minimum dimension)	Balcony area	Minimum dimension of Balcony
TH1 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.17 square metres	1.6 metres
TH2 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.17 square metres	1.6 metres
TH3 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH4 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH5 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH6 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH7-TH10 (3 bedrooms)	25.16 square metres	25.16 square metres	4.5 metres
TH11 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH12 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	8.55 square metres	1.9 metres
TH13 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	9.0 square metres	2.0 metres
TH14 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	9.0 square metres	2.0 metres
TH15 (3 bedrooms)	12m <sup>2</sup> , 2.4 metres	9.0 square metres	2.0 metres
TH16 (2 bedrooms)	8m <sup>2</sup> , 2.0 metres	9.3 square metres	2.0 metres

All secluded private open space areas have direct access to a living room.

Whilst the balconies of TH1-TH6, TH11 and TH12 do not comply with the requirements of the Standard, it is noted the dwellings are provided with substantial ground level private open space which will ensure the dwellings are provided with adequate area for the service and recreational needs of the occupants.

Whilst the private open spaces of TH7-TH10 are less than that required by the Standard, it is considered that sufficient private open space has been provided for the recreational and service needs of the occupants of the dwellings, due to the following:

**DELEGATE REPORT**

D/672/2019

- The dimensions of the secluded private open space, with a minimum dimension of 4.5 meters, result in a more useable area.
- The site is proximate substantial public open space, in the form of Edwardes Lake, approximately 700 metres to the west.
- The dwellings' storages are located within the basement level which ensures the private open space is not being utilised for storage.

TH13, TH14, TH15, TH16 are provided with sufficient private open space in accordance with the Standard.

Complies with the objectives

Standard B29: Solar Access to Open Space

The balconies to TH1 and TH2 are north facing and do not include any buildings to the north that would restrict solar access.

The balconies of TH4 and TH6 do not include any walls to the north that restrict solar access.

The private open spaces and balconies of the remaining dwellings are west facing and include partial overhanging elements and/or walls to parts of their respective northern boundaries. Whilst these private open spaces do not satisfy the requirements of the Standard, it is considered they will receive adequate solar access, with unrestricted access in the afternoon.

Complies with the objectives

Standard B30: Storage

Adequate storage facilities are provided for the dwellings. This is provided in the form of a minimum of 6.7 cubic metres of secure storage per dwelling located within the basement.

Complies

Standard B31: Design Detail

The design detail of the development respects the character of the area through: façade articulation; window and door proportions; roof form; verandah treatment; eave widths and parapets.

Complies

Standard B32: Front Fences

The proposal includes a 1.5 metre brick front fence, which restricts views of the front garden area.

A condition of approval will require the fence to be reduced in height to a maximum of 1.5 metres.

Complies subject to conditions

Standard B33: Common Property

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

**DELEGATE REPORT**

D/672/2019

Complies

**Standard B34: Site Services**

Sufficient area is provided to allow for the installation and the maintenance of site services, with the majority of services being located within the basement level. Further details will be required as a condition of approval.

Complies subject to conditions

**Clause 55.07 Apartment Developments**

In accordance with Clause 73.01, an 'apartment' is defined as:

*A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.*

The proposed dwellings are located above the basement car spaces and storage areas of other dwellings within the development.

Whilst this is considered to constitute a dwelling above another dwelling, from a use perspective, the car spaces and storages are not considered 'dwellings' as a built form.

As the car spaces and storages are not considered dwellings as a built form, they therefore cannot have a ceiling level, as a dwelling, for another dwelling to be located above, and cannot satisfy the definition of an 'apartment' under Clause 73.01.

Based on the above the proposal is not required to be assessed against Clause 55.07.

**POLICY IMPLICATIONS****Environmental Sustainability**

A Sustainable Management Plan (SM) has been provided as part of the application. The SMP outlines sustainable design initiatives that will be required to be incorporated into the development.

**Social Inclusion and Diversity**

Nil.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil.

**DELEGATE REPORT**

D/672/2019

**DISCLOSURE OF INTERESTS**

Section 80B of the Local Government Act 1989 requires members of Council staff to disclose any direct or indirect interest.

No disclosable interests have been raised in relation to this report.

**RELATED DOCUMENTS**

Darebin Planning Scheme and the Planning and Environment Act (1987) as amended.

Signature for the Responsible Authority \_\_\_\_\_



Date 19 JUNE 2020





Application No: D/672/2019  
 Planning Scheme: Darebin Planning Scheme  
 Responsible Authority: City of Darebin

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT,  
 THE PERMIT HAS NOT BEEN ISSUED**

**ADDRESS OF THE LAND:** 61 Edwardes Street RESERVOIR VIC 3073  
**WHAT WILL THE PERMIT ALLOW:**

- A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and
- Reduction of the car parking requirements

in accordance with the endorsed plans.

**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the documents submitted with the application (identified as: TP201, Basement Floor; TP202, Ground Floor; TP203, First Floor, TP204, Second Floor; TP205 Roof Plan; TP300, Elevations – Sheet 1; TP301, Elevations – Sheet 2; TP304, Section E (Basement Ramp); TP411, Perspective 1; TP412, Perspective 2; TP413, Perspective 3; TP414, Perspective 4; TP415, Perspective 5; TP416, Perspective 6; TP417, Perspective 7; all dated 03/044/2020, and prepared by Slab; Waste Management, dated 3 April 2020 and prepared by Ratio consultants) but modified to show:
  - (a) A landscape plan in accordance with Condition No. 4 of this Permit.
  - (b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing No. 7 of this Permit.
  - (c) Any modifications in accordance with the Sustainable Management Plan (refer to Condition No. 8 of this Permit).  
 All environmentally sustainable design features referred to within Sustainability Management Plan (SMP) must be listed in table form on the plans.
  - (d) Any modifications in accordance with the Stormwater Management Plan (refer to Condition No. 9 of this Permit).
  - (e) The location of lighting in accordance with Condition No. 10 of this Permit
  - (f) All car parking spaces allocated in accordance with Condition No. 11 of this Permit.
  - (g) A minimum site permeability of 20%.
  - (h) A security gate to the basement car parking area. The gate must be remotely controlled.
  - (i) The fence on the eastern boundary (except within 4.5 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.  
 Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the

Date Issued 19 JUNE 2020 Signature for the Responsible Authority 



## NOTICE OF DECISION

Application No: D/672/2019  
 Planning Scheme: Darebin Planning Scheme  
 Responsible Authority: City of Darebin

### THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT, THE PERMIT HAS NOT BEEN ISSUED

**ADDRESS OF THE LAND:** 61 Edwardes Street RESERVOIR VIC 3073  
**WHAT WILL THE PERMIT ALLOW:**

- A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and
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### WHAT WILL THE CONDITIONS OF THE PERMIT BE:

- 
- fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
- (j) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level to the following windows:
- i. TH3, TH8, TH11-TH15 (inclusive): East facing first floor windows
  - ii. TH15: East facing second floor bedroom window.
  - iii. TH4: West facing second floor bedroom window.
  - iv. TH5: West facing second floor bedroom window.
- (k) Screening to the upper level west facing windows to TH7-TH11 (inclusive) to minimise views into the ground floor private open spaces of TH7-TH10 (inclusive) in accordance with Standard B23 of the Darebin Planning Scheme.
- (l) Details of the screens to the balconies of TH3-TH6 (inclusive) and TH11-TH16 (inclusive). Section diagrams must be provided to demonstrate that the screens allow outward views from the balconies and prevent downward views at a height of 1.7 metres above the finished floor level at the edge of the balconies.
- (m) The height of the front fence reduced to a maximum of 1.2 metres, as measured above natural ground level.
- (n) Location and details of letter boxes and receptacles for newspapers for each dwelling.
- (o) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (p) The location of gas meters, water meters, electricity meter boxes and miscellaneous plant and equipment. These are to be:
- i. integrated with the design of the building; and
  - ii. screened from the public realm.

Date Issued 19 JUNE 2020

Signature for the  
Responsible Authority



**NOTICE OF  
DECISION**

**Application No:** D/672/2019  
**Planning Scheme:** Darebin Planning Scheme  
**Responsible Authority:** City of Darebin

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT,  
THE PERMIT HAS NOT BEEN ISSUED**

**ADDRESS OF THE LAND:** 61 Edwardes Street RESERVOIR VIC 3073  
**WHAT WILL THE PERMIT ALLOW:**

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**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

- 
- (q) Any modifications required to ensure vehicles entering and existing basement car parking are not required to encroach the boundary of the property to the south of the right-of-way (known as 34 Ashely Street), including vehicular clearance areas.  
Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
  - (r) A minimum of one (1) bicycle parking space per dwelling for TH13-TH16 (inclusive) within a secure cage or room in the basement. The spaces must be able to accommodate a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.  
The bicycle storage must not impede vehicular access within the basement.
  - (s) Weather protection to the bicycle spaces of TH1-TH6 and TH11-TH12 (inclusive)
  - (t) Signage at the entrance to the vehicular ramp advising users to proceed to the east of the ramp on a red signal to allow existing vehicles to depart the ramp.

When approved, the plans will be endorsed and form part of this Permit.

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.
 As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - (c) Before this Permit expires;
  - (d) Within six (6) months after the expiry date; or
  - (e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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**Date Issued** 19 JUNE 2020      **Signature for the Responsible Authority** 



Application No: D/672/2019  
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**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

- 
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - (d) A minimum of two (2) medium sized canopy trees and 12 small sized canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (g) Hard paved surfaces at all entry points to dwellings.
  - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.

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**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

- (i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.  
 No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

Tree	TPZ (radius from the base of the trunk)
Tree 1 – Located within the nature strip directly adjoining the site.	3.5 metres

Date Issued 19 JUNE 2020 Signature for the Responsible Authority 



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Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

8. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance with the document identified as Sustainability Management Plan, dated April 2020 and prepared by Sustainable Development Consultants detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- (a) BESS Water – reduce the washing machines to 3 stars.
  - (b) BESS Energy – minimum NCC 2019 loads must be used so can't be higher than 31MJ.
  - (c) BESS Energy - reduce the clothes dryers to 2 stars.
  - (d) BESS IEQ – install external adjustable shading to all west facing habitable room windows and glazed doors to reduce heat gain.

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Date Issued 19 JUNE 2020 Signature for the Responsible Authority 



**NOTICE OF DECISION**

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- (e) BESS IEQ - add a fixed shade such a window shroud to the top floor north facing window.
- (f) BESS Urban ecology – only include areas of vegetation as listed in BERSSS.
- (g) BESS Urban ecology – draw and label the tap and floor waste to all balconies and courtyards.
- (h) SMP– update the note to list the private waste collection, food waste and hard waste. Update the percentage of vegetation.
- (i) BESS and SMP – put a note or key on the plans listing all ESD features such as double glazing to all habitable room windows and glazed doors, FSC timber, level of insulation.
- (j) STORM - provide details and a section on the permeable paving to be used. Clearly label the paving on the ground floor plans.
- (k) STORM – Details of how the land, including the water tanks, can be drained to the LPOD via gravity?
- (l) STORM – the water tanks to be split so one tank services the front dwellings and the other tank services the rear dwellings
- (m) STORM – Remove connection from the balcony floors to the watertanks or provide filtration for the water collected from the balconies.

The development must be constructed in accordance with the requirements/recommendations of the SMP to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

- 9. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:

**Date Issued** 19 JUNE 2020 **Signature for the Responsible Authority** 



Application No: D/672/2019  
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- 
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - i. An assessment using an industry recognised stormwater tool;
    - ii. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - iv. A plan illustrating where all impervious surfaces will be treated and drained;
    - v. A construction and maintenance schedule;
  - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

- 10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 11. The car parking spaces must be allocated as follows:

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Date Issued 19 JUNE 2020 Signature for the Responsible Authority 





**NOTICE OF DECISION**

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- 
- (a) 1-2 bedroom dwellings: 1 car space
  - (b) 3 or more bedroom dwellings: Minimum of 1 car space, up to a maximum of 2 car spaces per dwelling.
12. Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
  13. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
    - (a) Erosion and sediment.
    - (b) Stormwater.
    - (c) Litter, concrete and other construction wastes.
    - (d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.
  14. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
  15. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

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16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
20. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
21. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat; and
  - (d) drained
 to the satisfaction of the Responsible Authority.  
 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
22. Before the development is occupied all redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

**NOTATIONS**

Date Issued 19 JUNE 2020 Signature for the Responsible Authority 



**Application No:** D/672/2019  
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**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.  
  
 If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

**Date Issued** 19 JUNE 2020 **Signature for the Responsible Authority** 



**NOTICE OF  
DECISION**

**Application No:** D/672/2019  
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- N6. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N7. In order to help justify the proposed car parking reduction, Council may consider placing a car share space in the section of kerb where the crossover will be reinstated. Following construction of the project, the developer must inform Council of the completion of works and Council will organise the necessary signage and line marking.

Date Issued 19 JUNE 2020

Signature for the Responsible Authority



## ***IMPORTANT INFORMATION ABOUT THIS NOTICE***

### ***WHAT HAS BEEN DECIDED?***

The Responsible Authority has decided to grant a permit. The permit has not been issued. This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

### ***WHAT ABOUT APPEALS?***

For the Applicant -

- The person who applied for the permit may appeal against any condition in the notice of decision to grant a permit. The appeal must be lodged within 60 days of the giving of notice.

For an objector-

- An objector may appeal against the decision of the Responsible Authority to grant a permit. The appeal must be lodged within 28 days of the giving of this notice.
- If there is no appeal, a permit will be issued after 28 days of the giving of this notice.

For all Appeals -

- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.
- Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
- Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
- A Notice of Appeal form can be obtained from the Victorian Civil and Administrative Tribunal.
- The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne, 3000. The telephone number is 1300 01 8228.

**B r a n s o n   G r o u p**

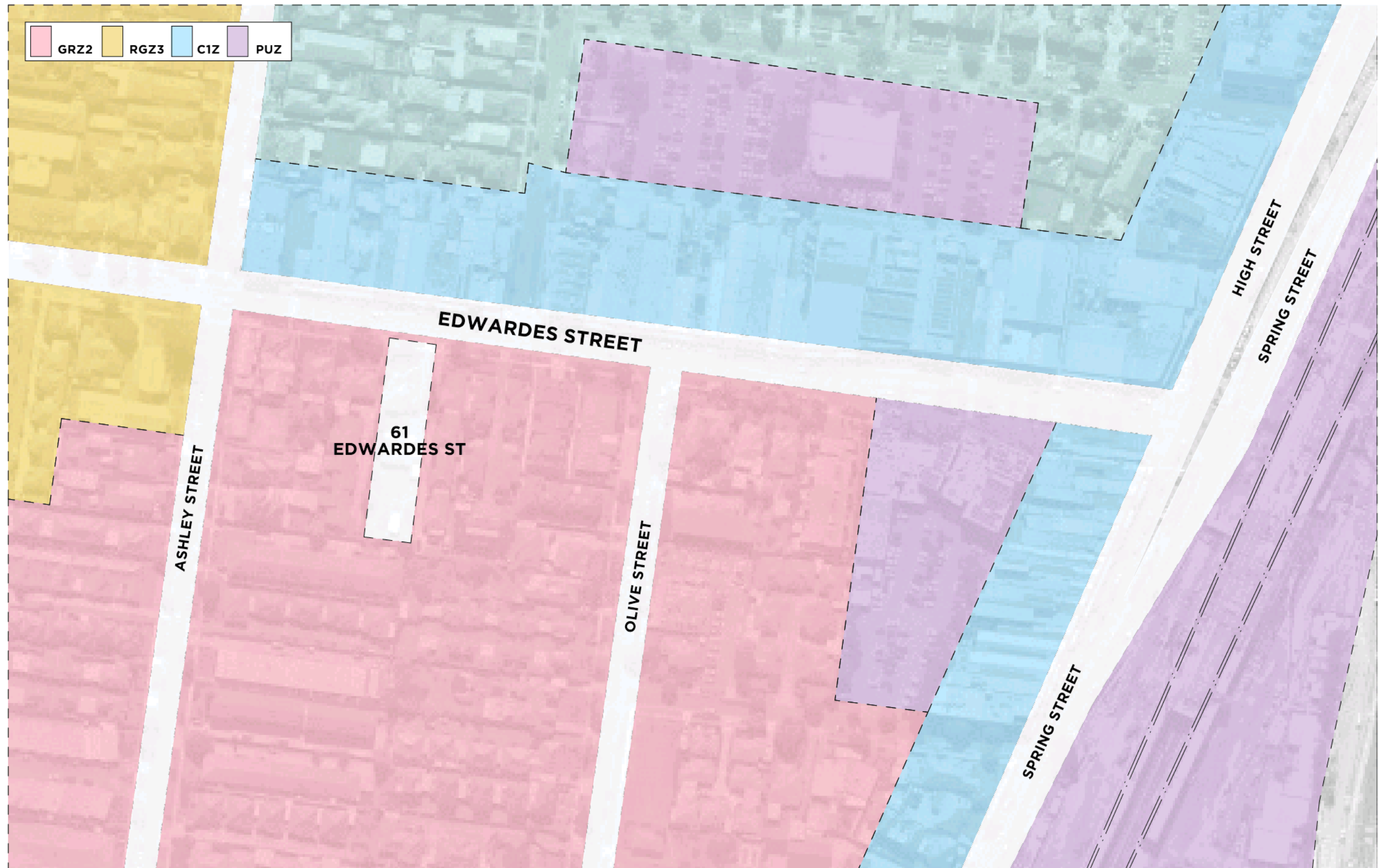
**6 1   E d w a r d e s   S t r e e t ,  
R e s e r v o i r**

**VCAT**

Wednesday, 14 October 2020

**S L A B**

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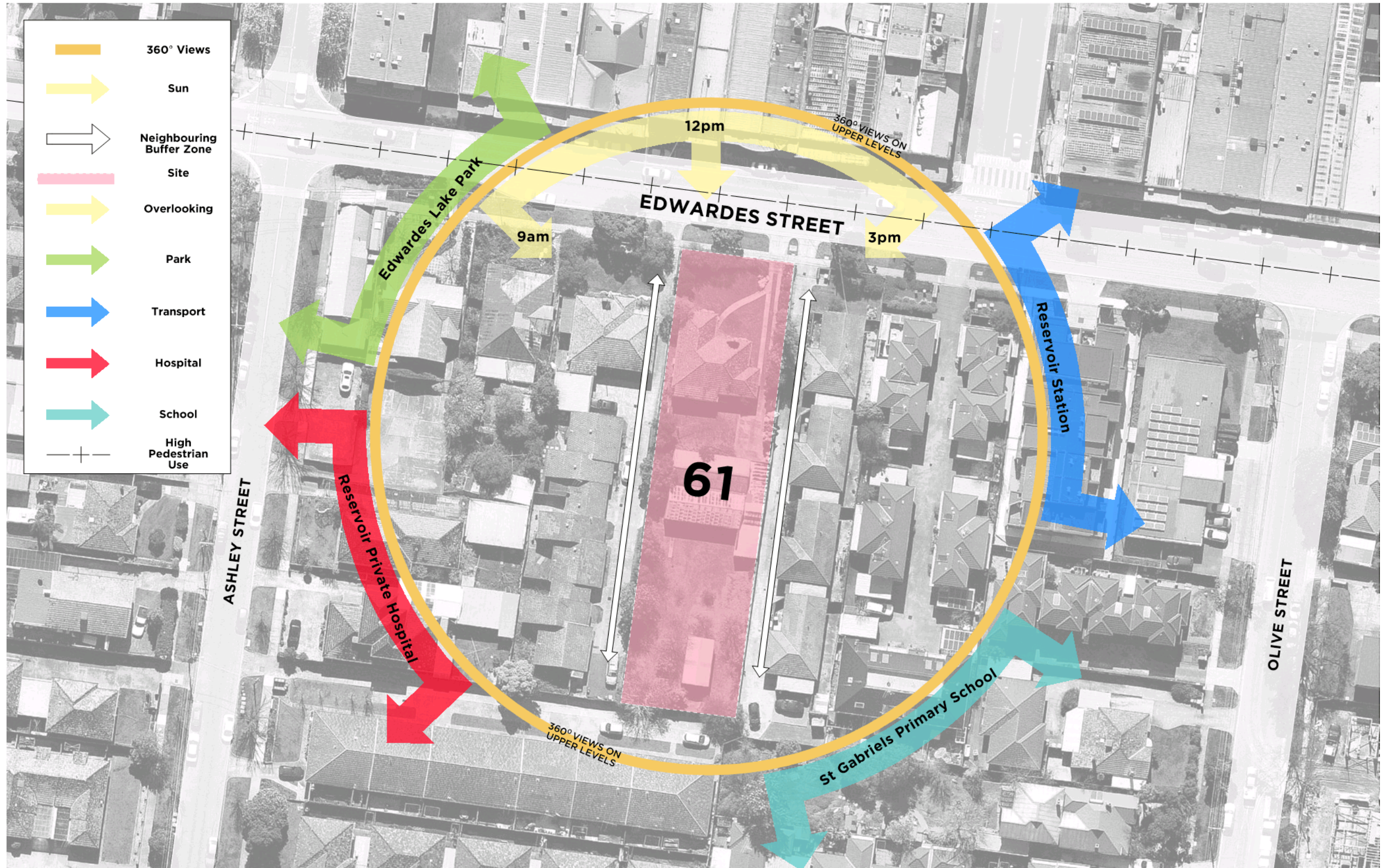
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**Project Name** EDUARDES  
**Project Address** 61 Edwardes Street  
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 3066 Australia  
**Client** Branson Group

**Drawing Name** Zoning  
**Drawing Number** TP100  
**Scale**  
**North**  
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

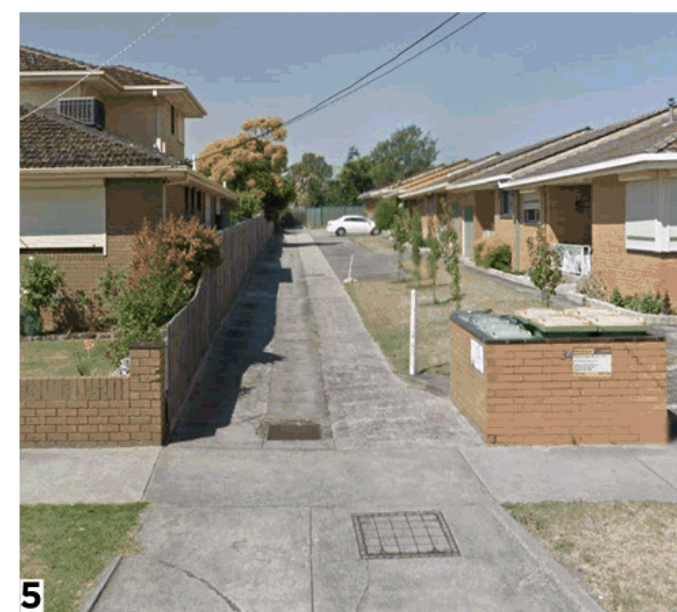
**Drawing Name**  
**Drawing Number**  
**Scale**  
**North**  
**Stage**  
**Date**

Site Context / Analysis  
 TP101  
 VCAT  
 Wednesday, 14 October 2020



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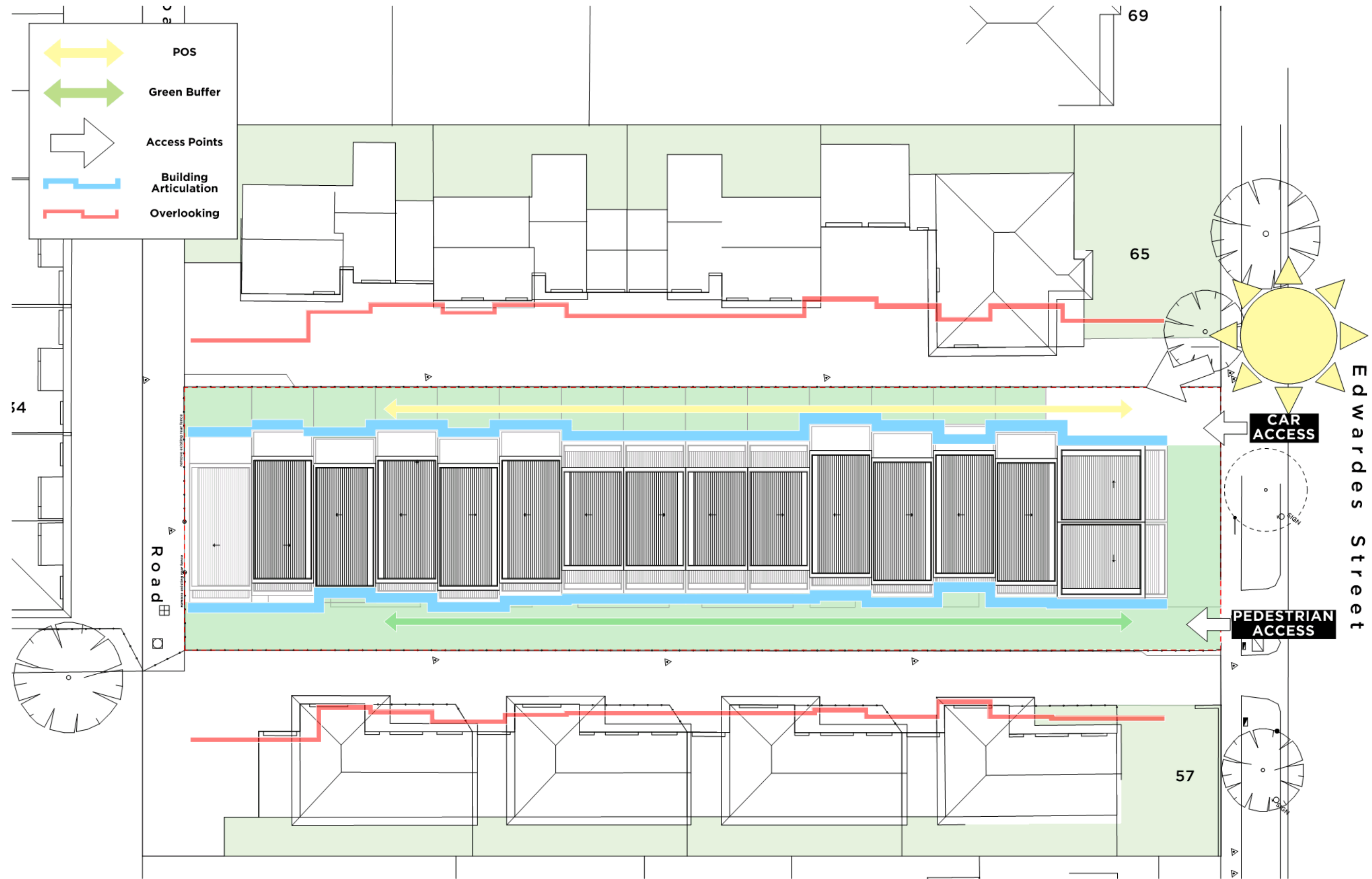
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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 3066 Australia  
**Client** Branson Group

**Drawing Name** Site Photos  
**Drawing Number** TP102  
**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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F	14/10/2020	PS	SL	VCAT

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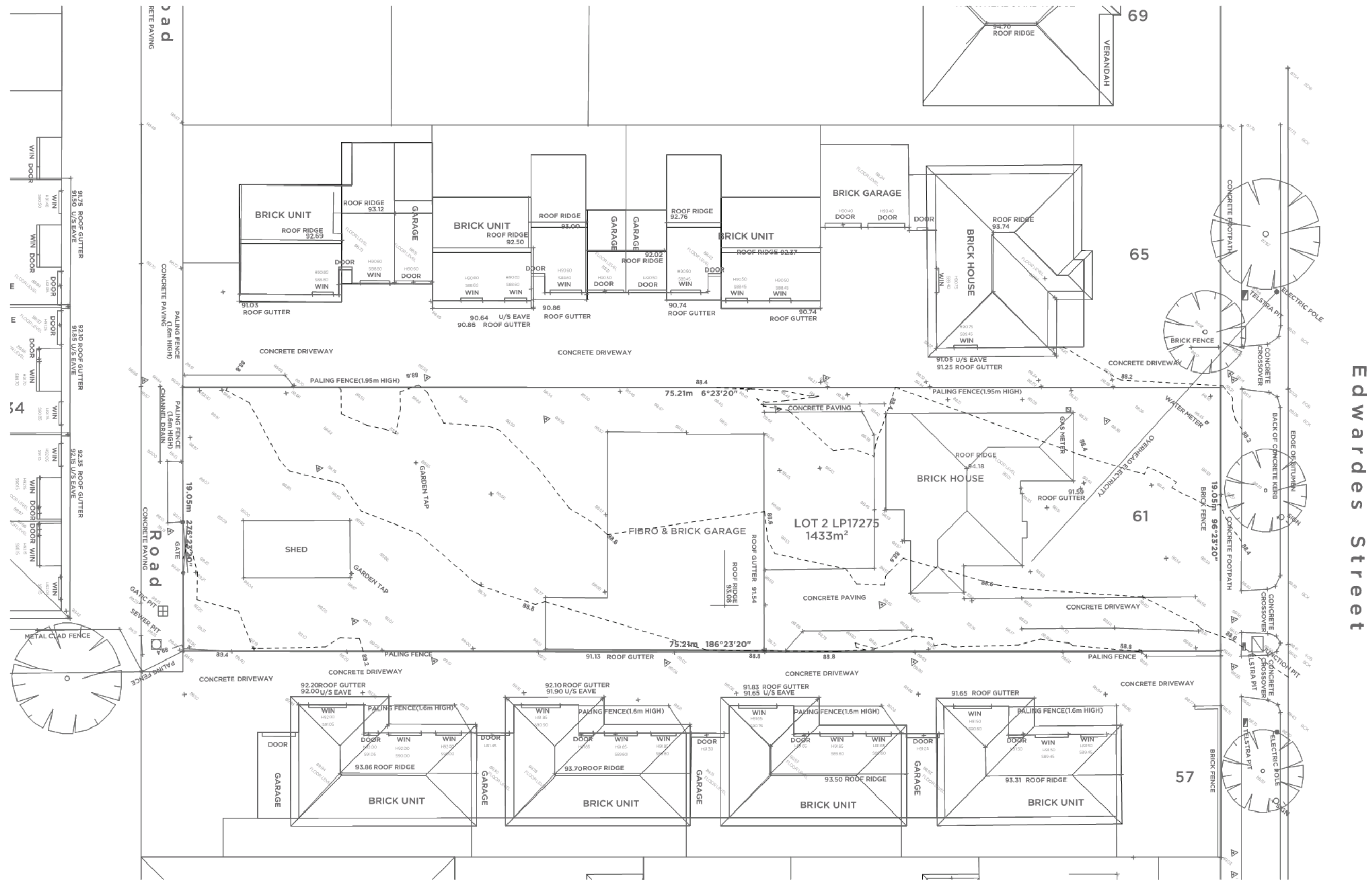
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Design Response  
**Drawing Number** TP103  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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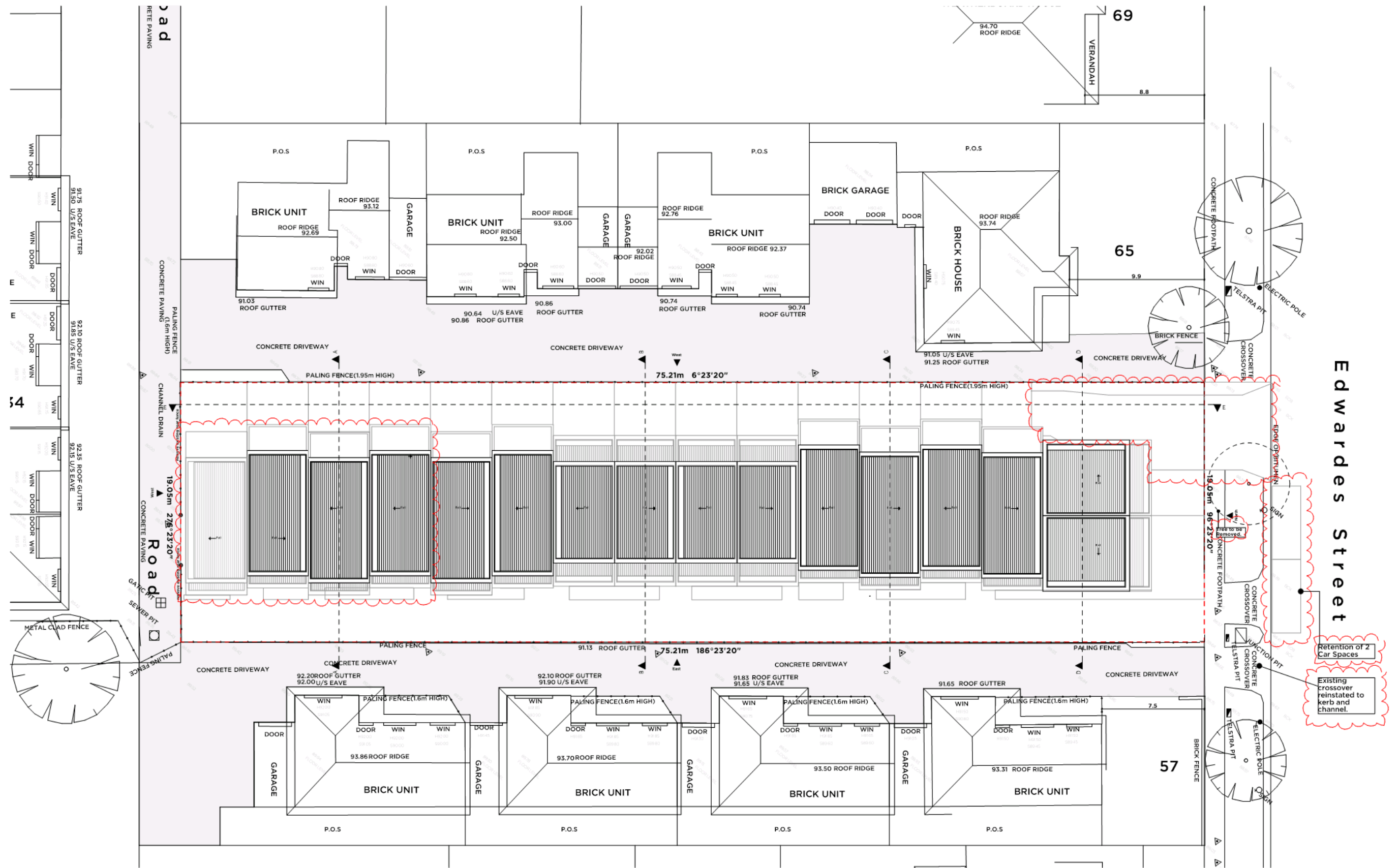
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Existing Conditions  
**Drawing Number** TP104  
**Scale** 1:250  
**North**   
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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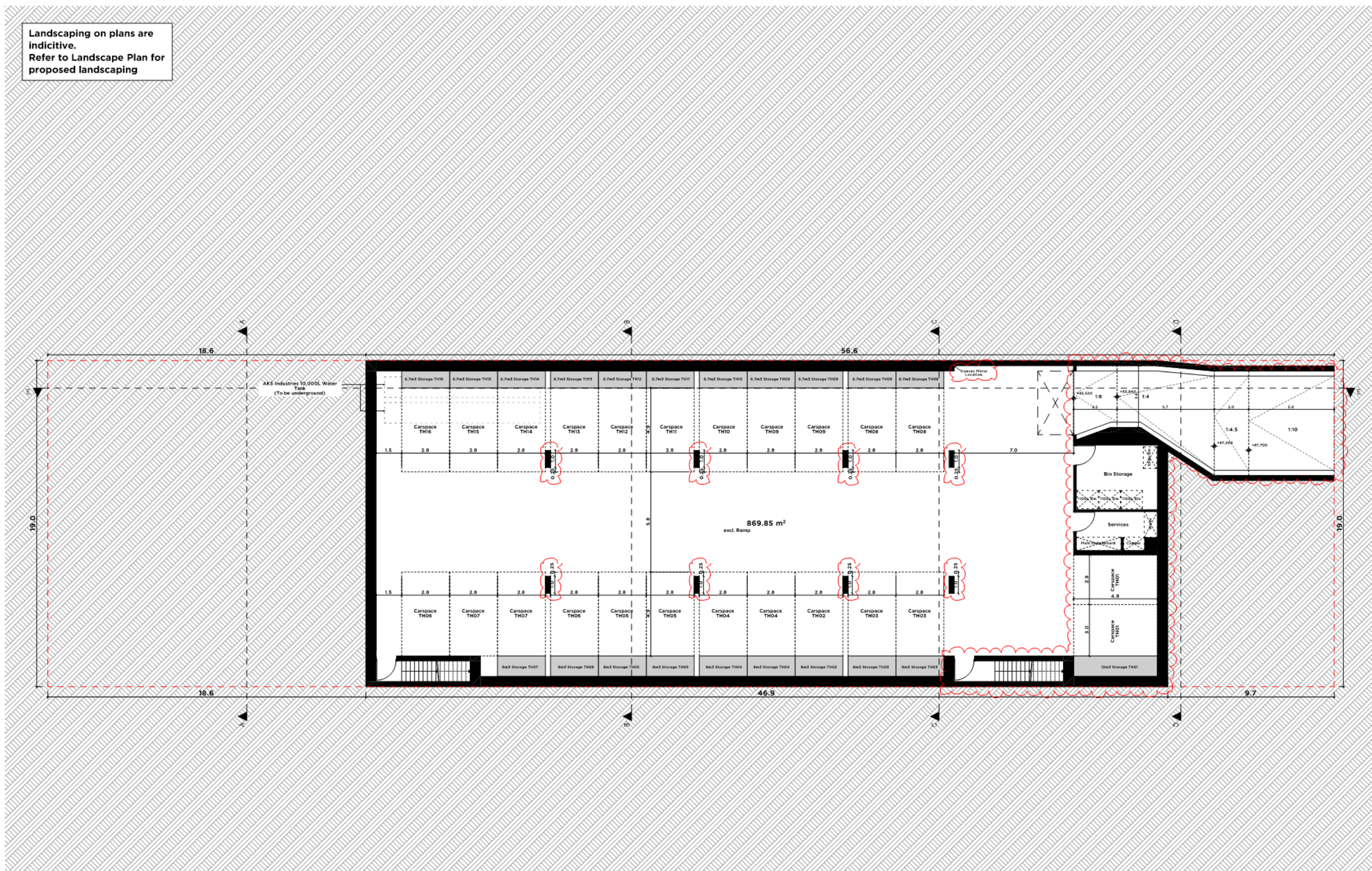
**Project Name** EDWARDES  
 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Site Plan  
**Drawing Number** TP200  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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Landscaping on plans are  
indicative.  
Refer to Landscape Plan for  
proposed landscaping



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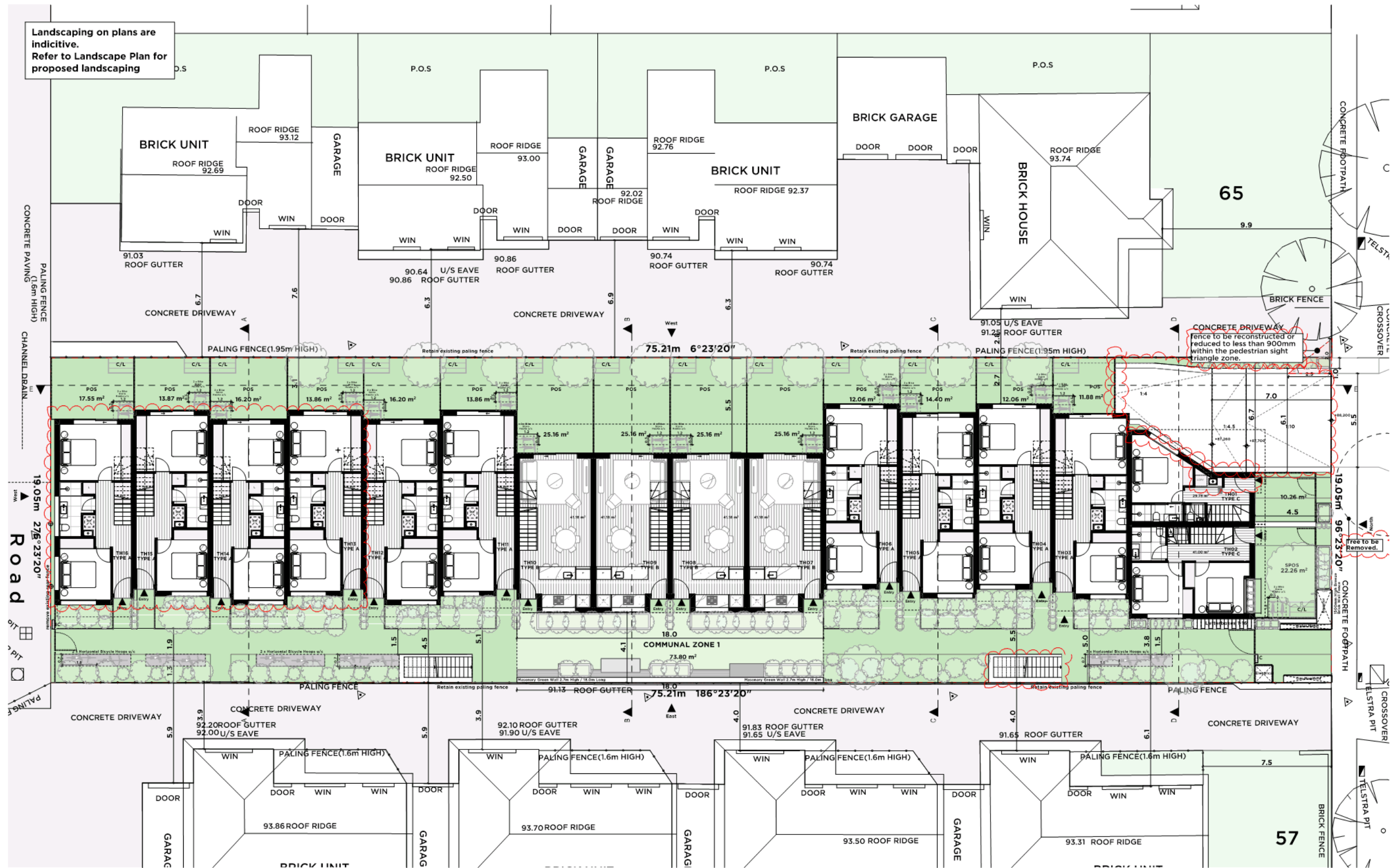
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Basement Floor  
**Drawing Number** TP201  
**Scale** 1:200  
**North**   
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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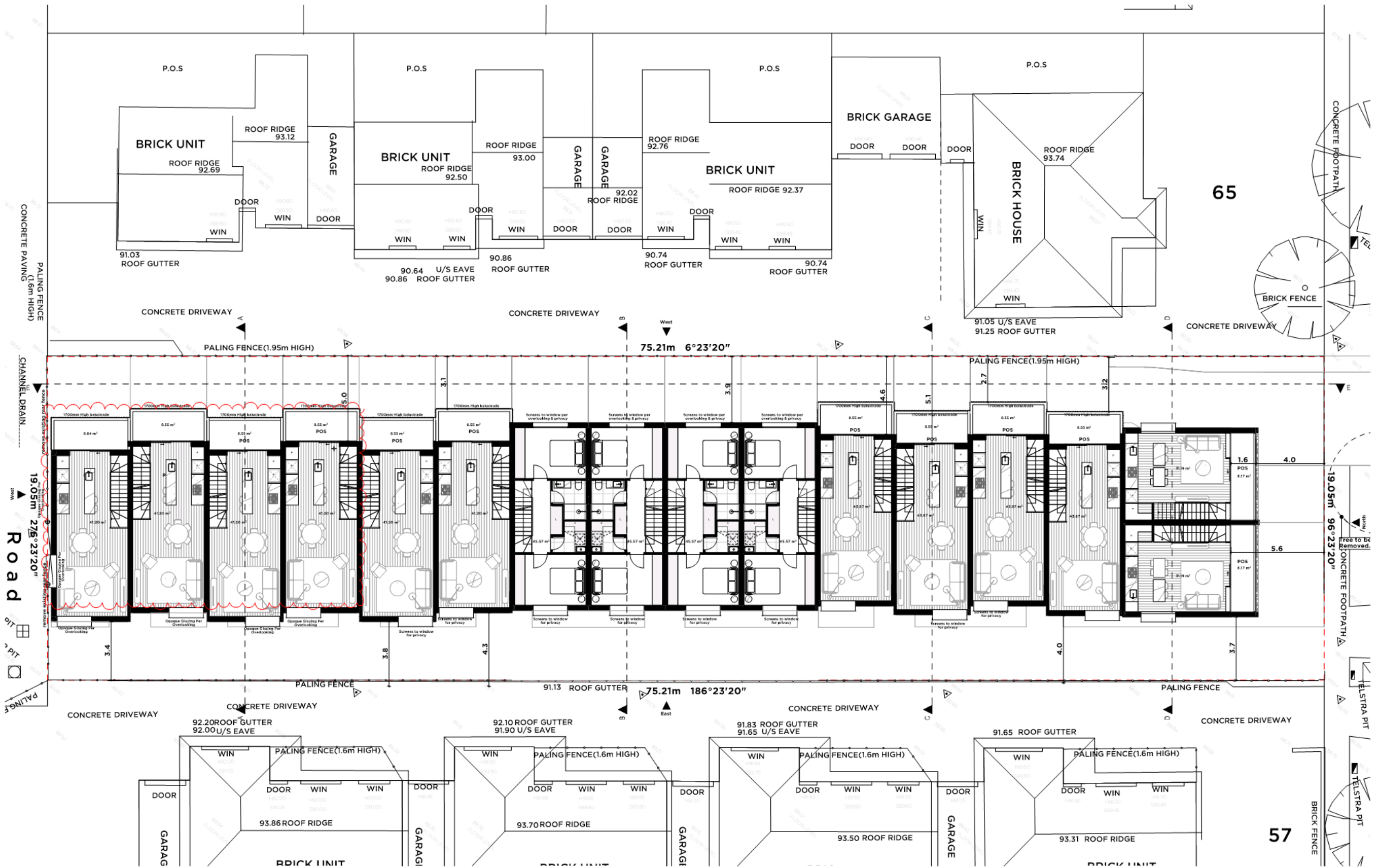
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Ground Floor  
**Drawing Number** TP202  
**Scale** 1:200  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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D	19/08/2020	PS	SL	TP Package
E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

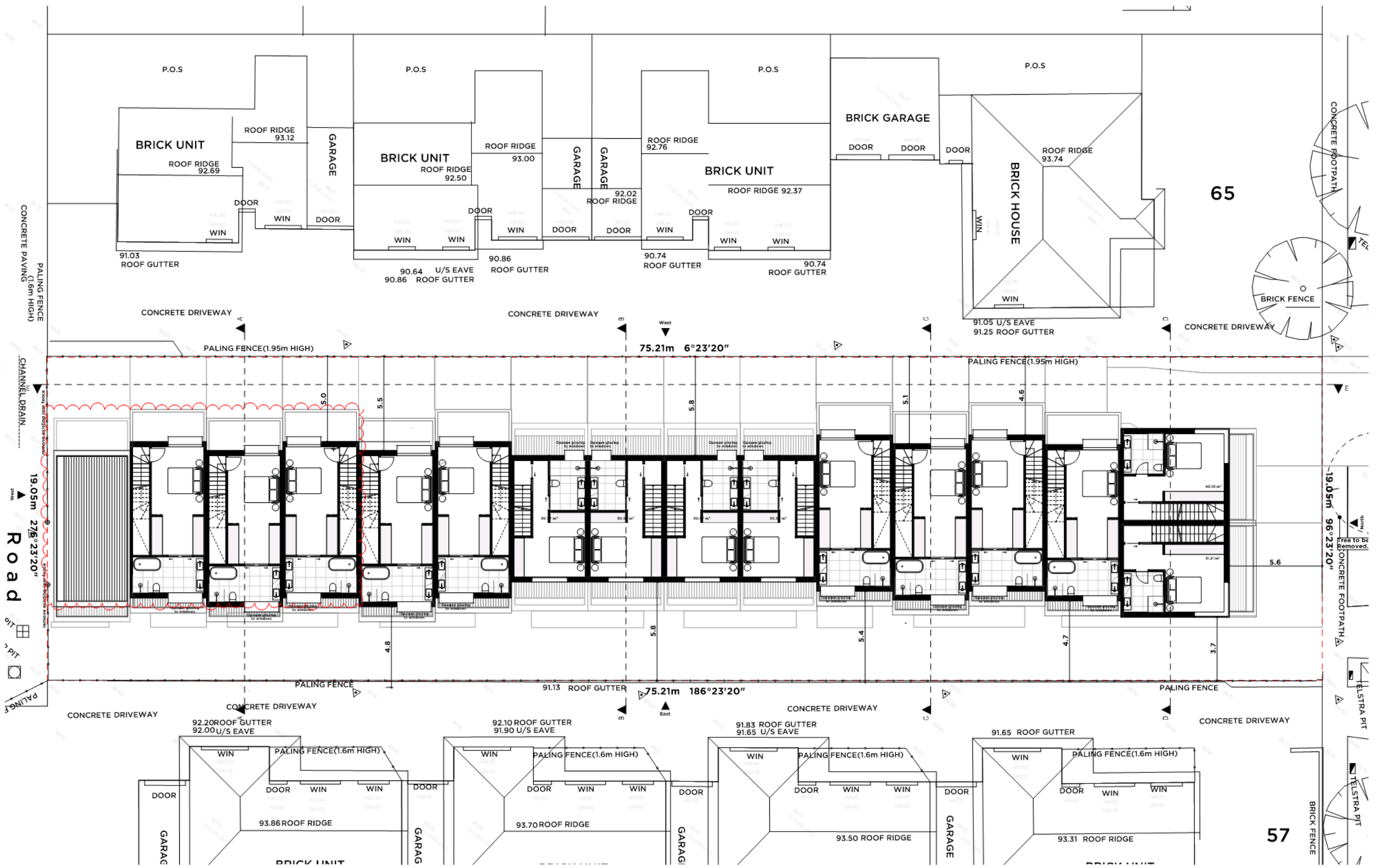
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**Project Name** EDWARDES  
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**Client** Branson Group

**Drawing Name** First Floor  
**Drawing Number** TP203  
**Scale** 1:200  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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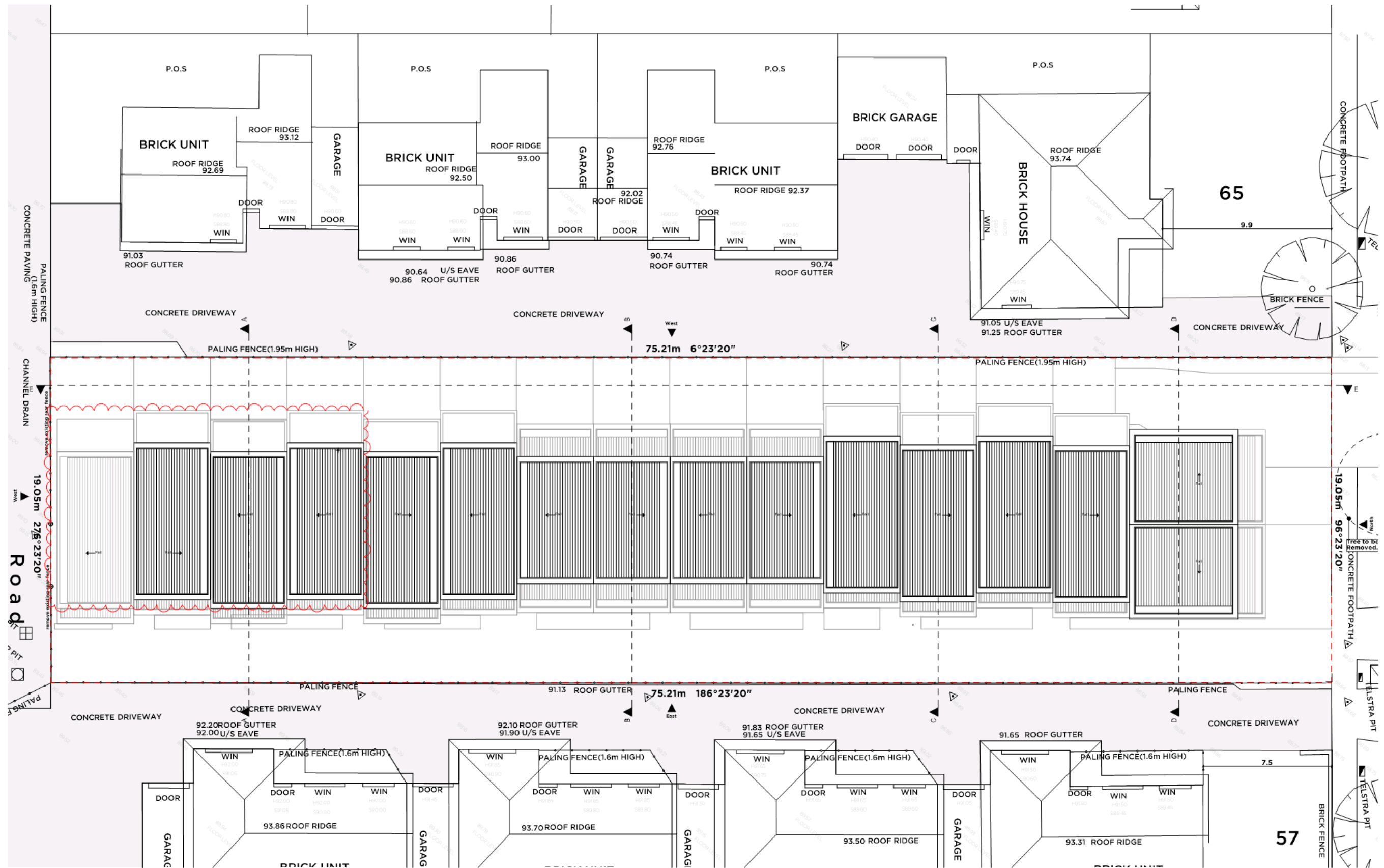
**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Second Floor  
**Drawing Number** TP204  
**Scale** 1:200  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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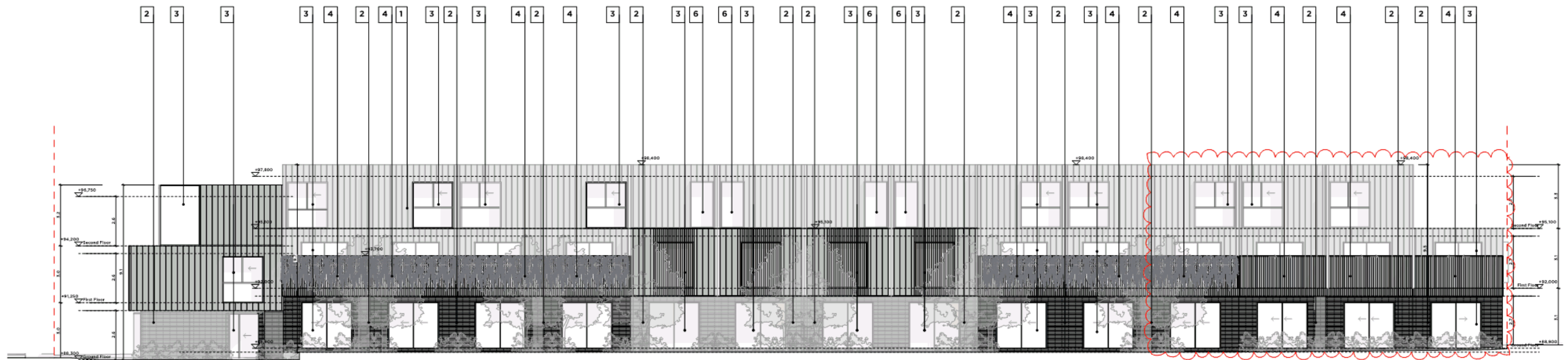
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

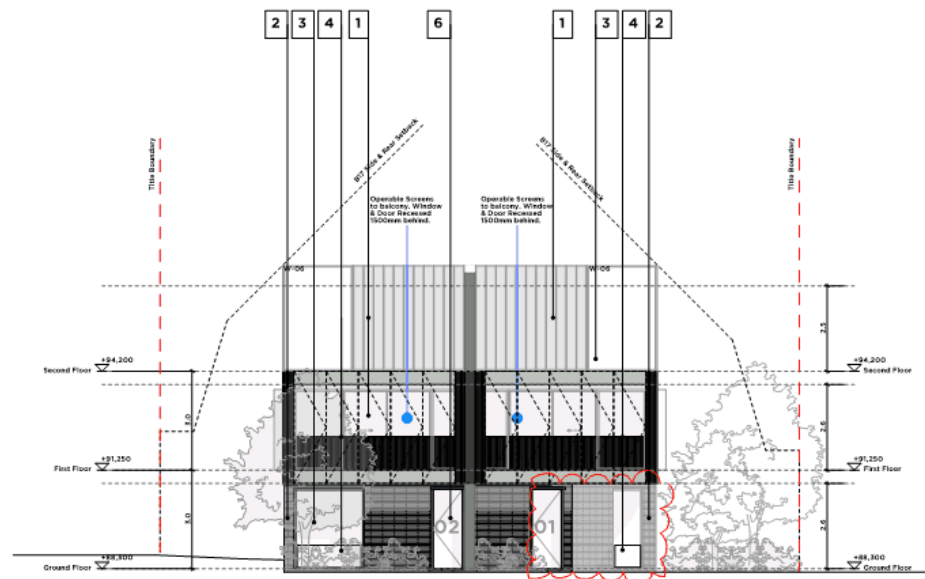
**Drawing Name** Roof Plan  
**Drawing Number** TP205  
**Scale** 1:200  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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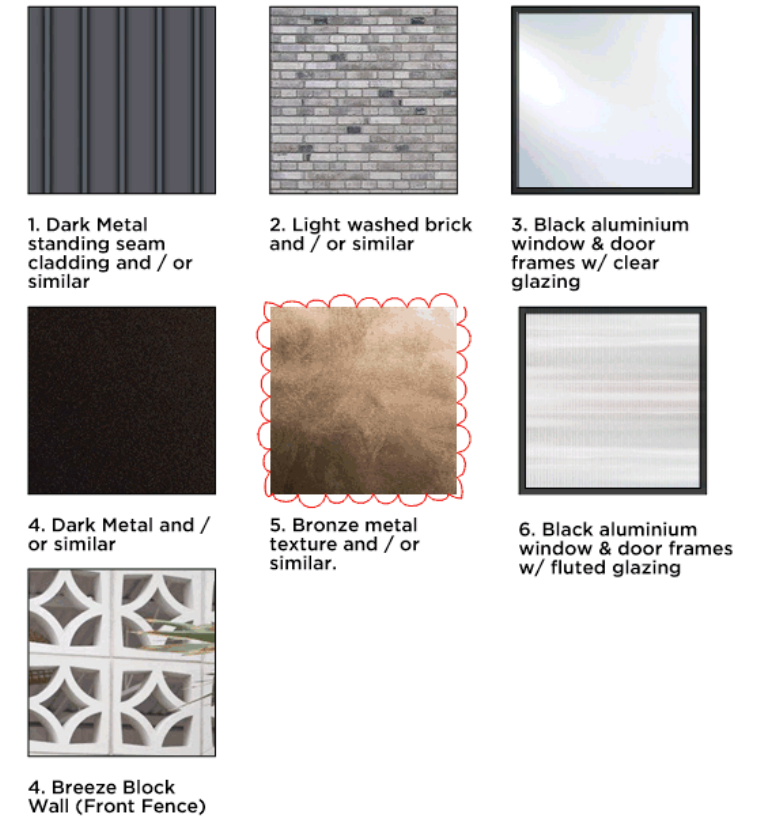
WEST ELEVATION



NORTH ELEVATION (CLOSED)



NORTH ELEVATION (OPEN)



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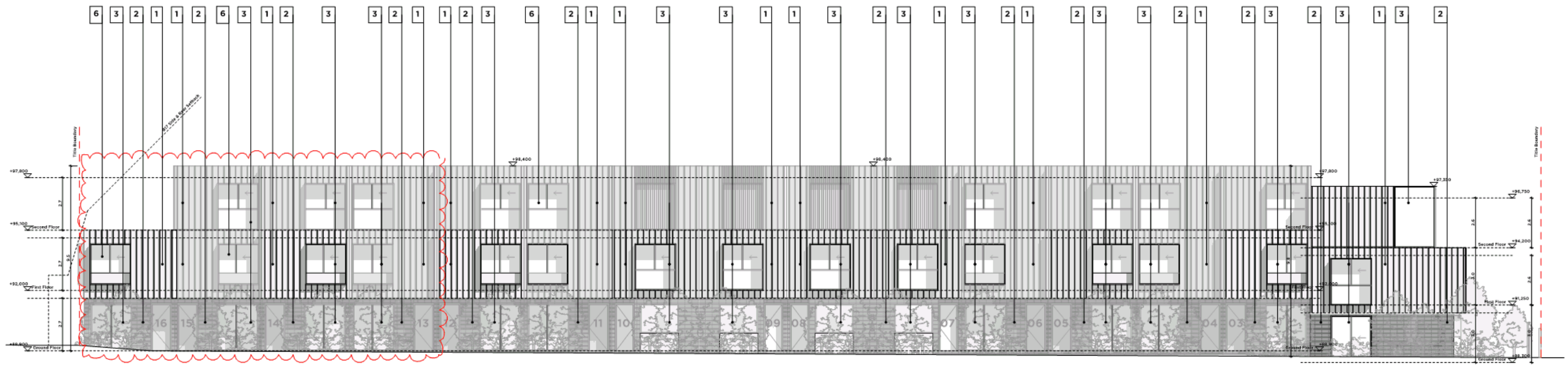
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**Project Name** EDWARDES  
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**Client** Branson Group

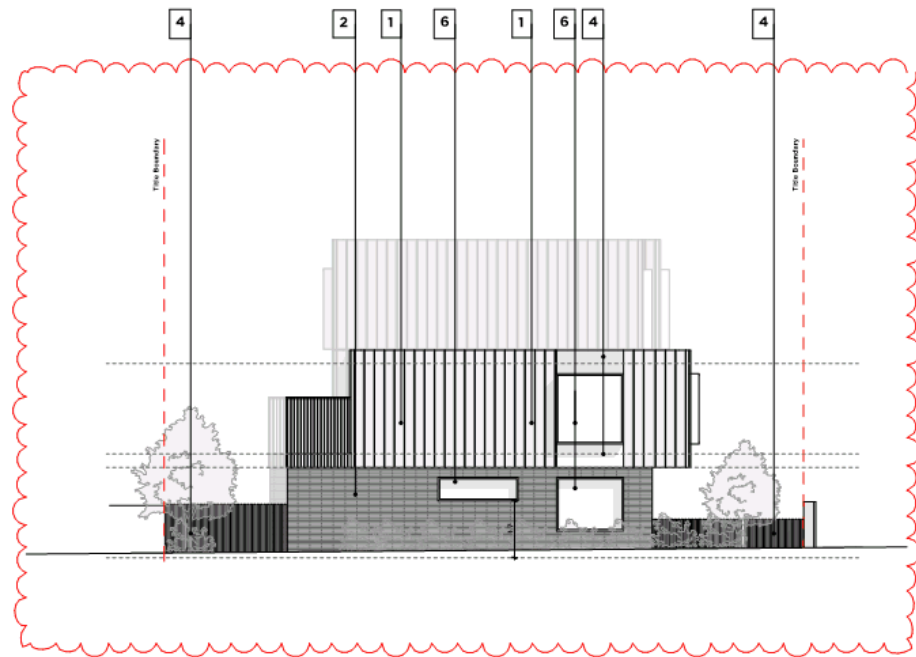
**Drawing Name** Elevations - Sheet 1  
**Drawing Number** TP300  
**Scale** 1:200  
**North Stage Date** VCAT  
Wednesday, 14 October 2020



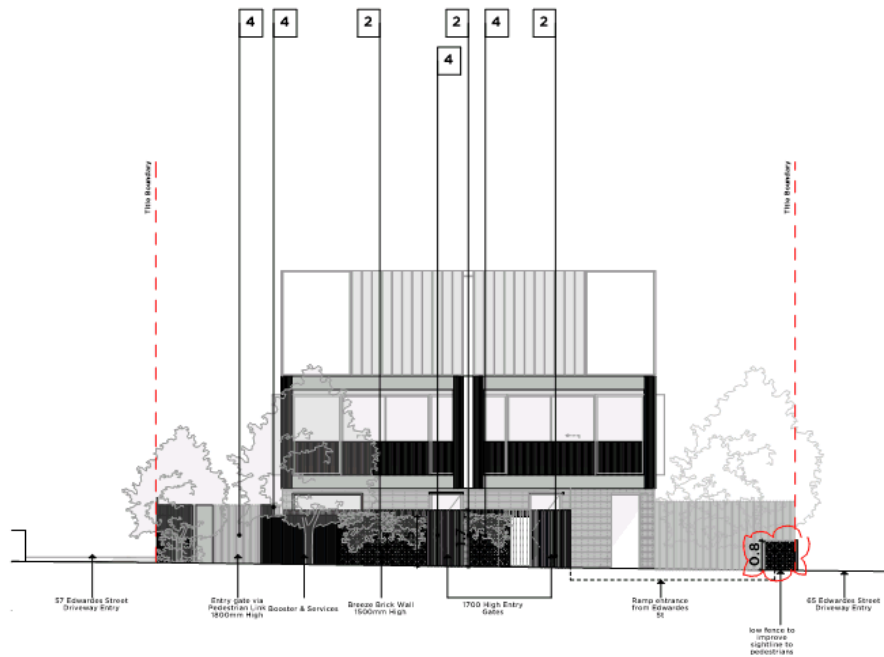
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EAST ELEVATION



SOUTH ELEVATION



FRONT FENCE ELEVATION

1. Dark Metal standing seam cladding and / or similar	2. Light washed brick and / or similar	3. Black aluminium window & door frames w/ clear glazing
4. Dark Metal and / or similar	5. Bronze metal texture and / or similar.	6. Black aluminium window & door frames w/ fluted glazing
4. Breeze Block Wall (Front Fence)		

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F	14/10/2020	PS	SL	VCAT

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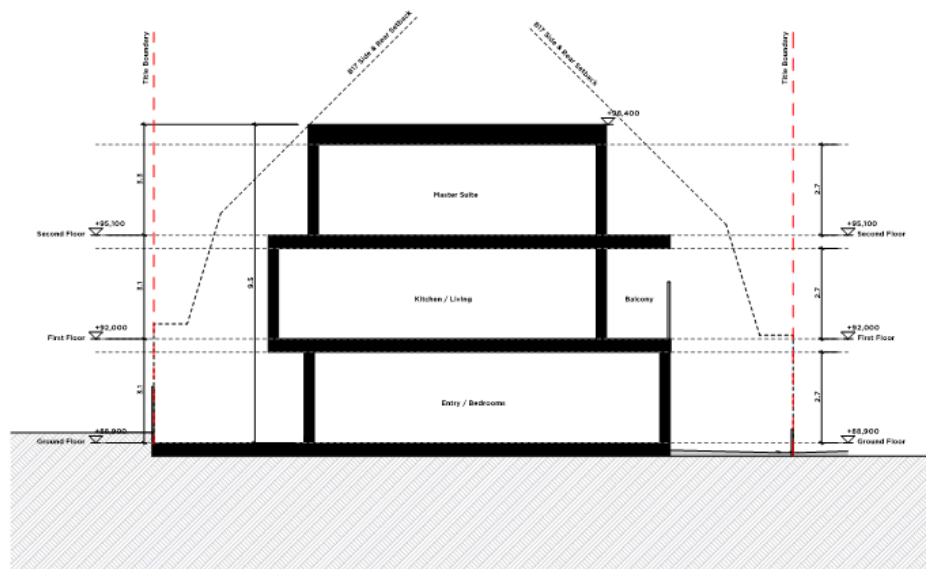
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**Project Name** EDWARDES  
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**Client** Branson Group

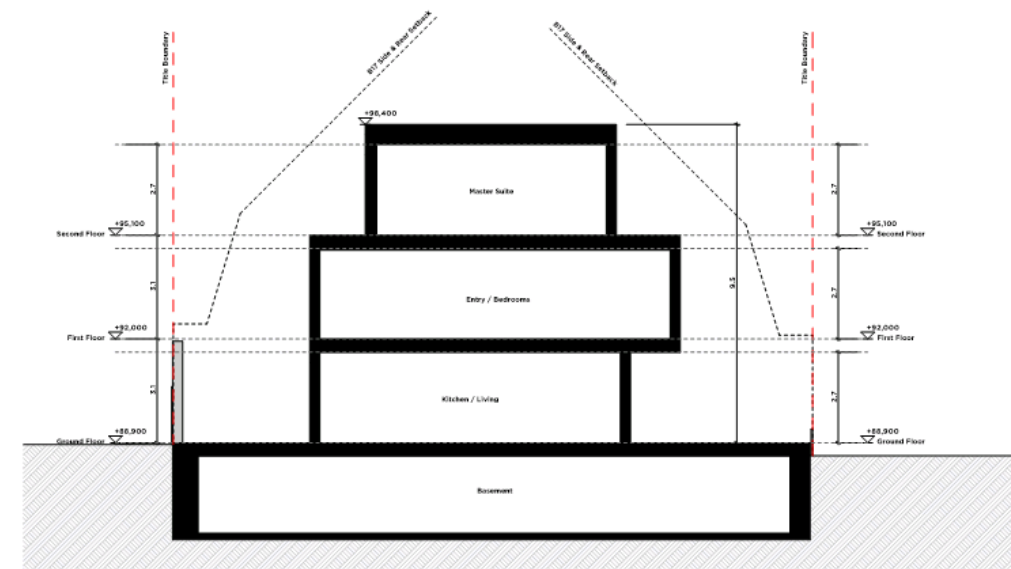
**Drawing Name** Elevations - Sheet 2  
**Drawing Number** TP301  
**Scale** 1:200  
**North Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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SECTION A



SECTION B

Rev	Date	Dr	Ckd	Description
C	31/03/2020	BD	SL	RFI
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**Project Address**

EDWARDES  
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**Client**

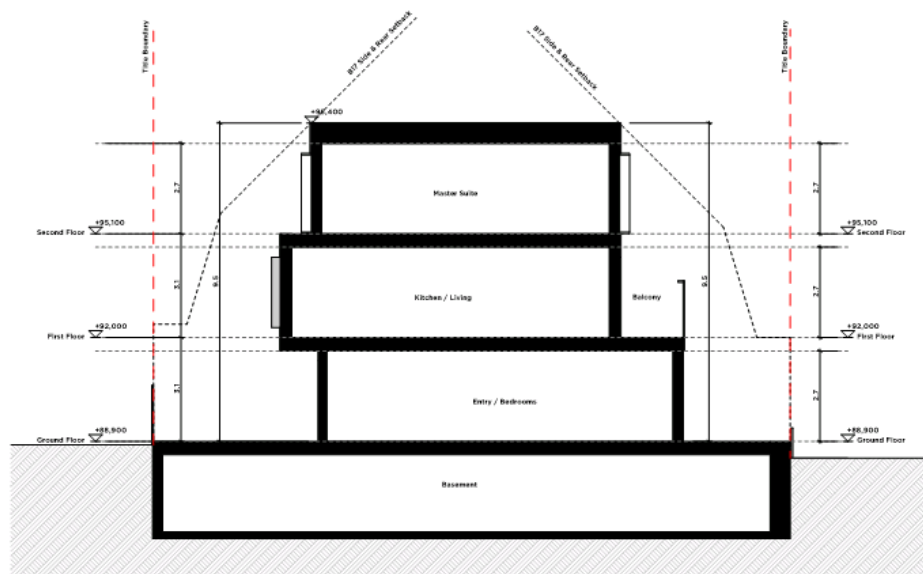
Branson Group

**Drawing Name**  
**Drawing Number**  
**Scale**  
**North**  
**Stage**  
**Date**

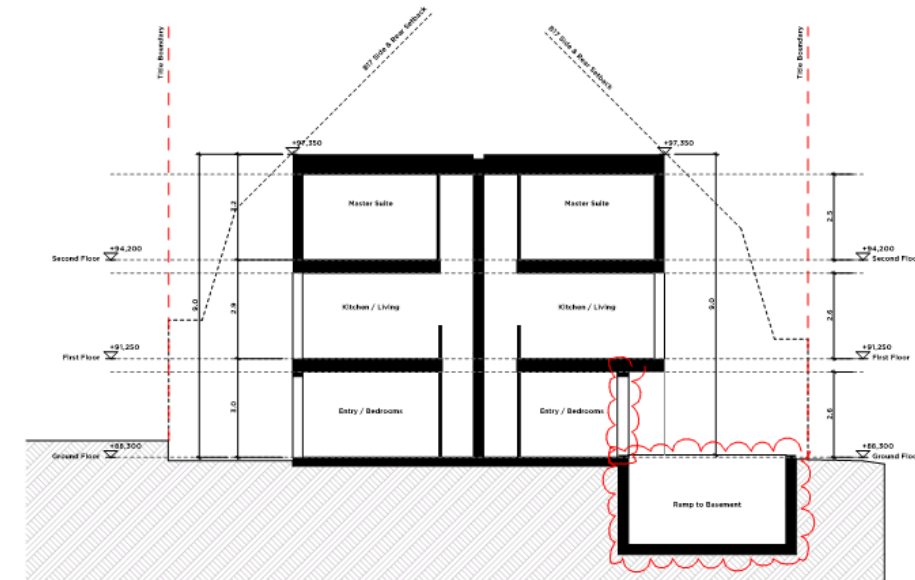
Section A & B  
 TP302  
 1:200  
 VCAT  
 Wednesday, 14 October 2020



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SECTION C



SECTION D

Rev	Date	Dr	Ckd	Description
C	31/03/2020	BD	SL	RFI
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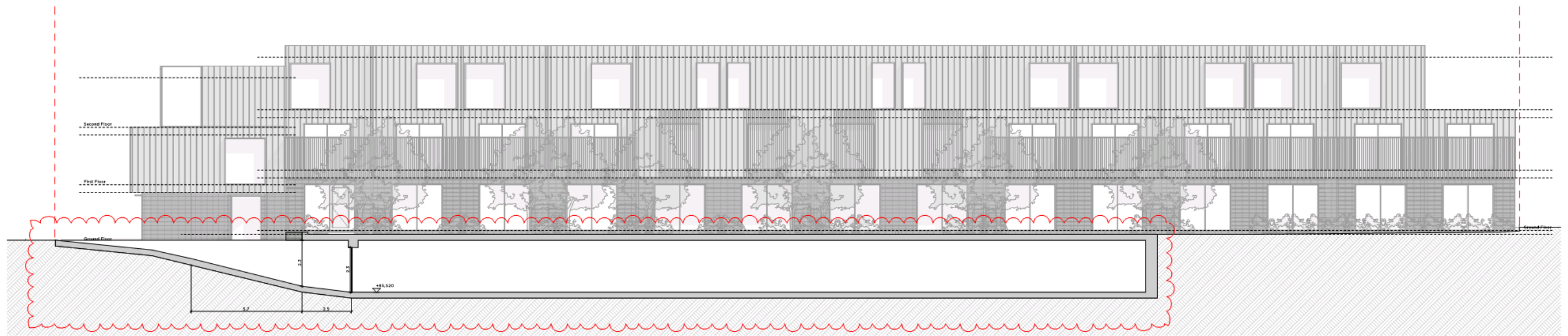
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Section C & D  
**Drawing Number** TP303  
**Scale** 1:200  
**North**  
**Stage**  
**Date** VCAT  
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SECTION E

Rev	Date	Dr	Ckd	Description
C	31/03/2020	BD	SL	RFI
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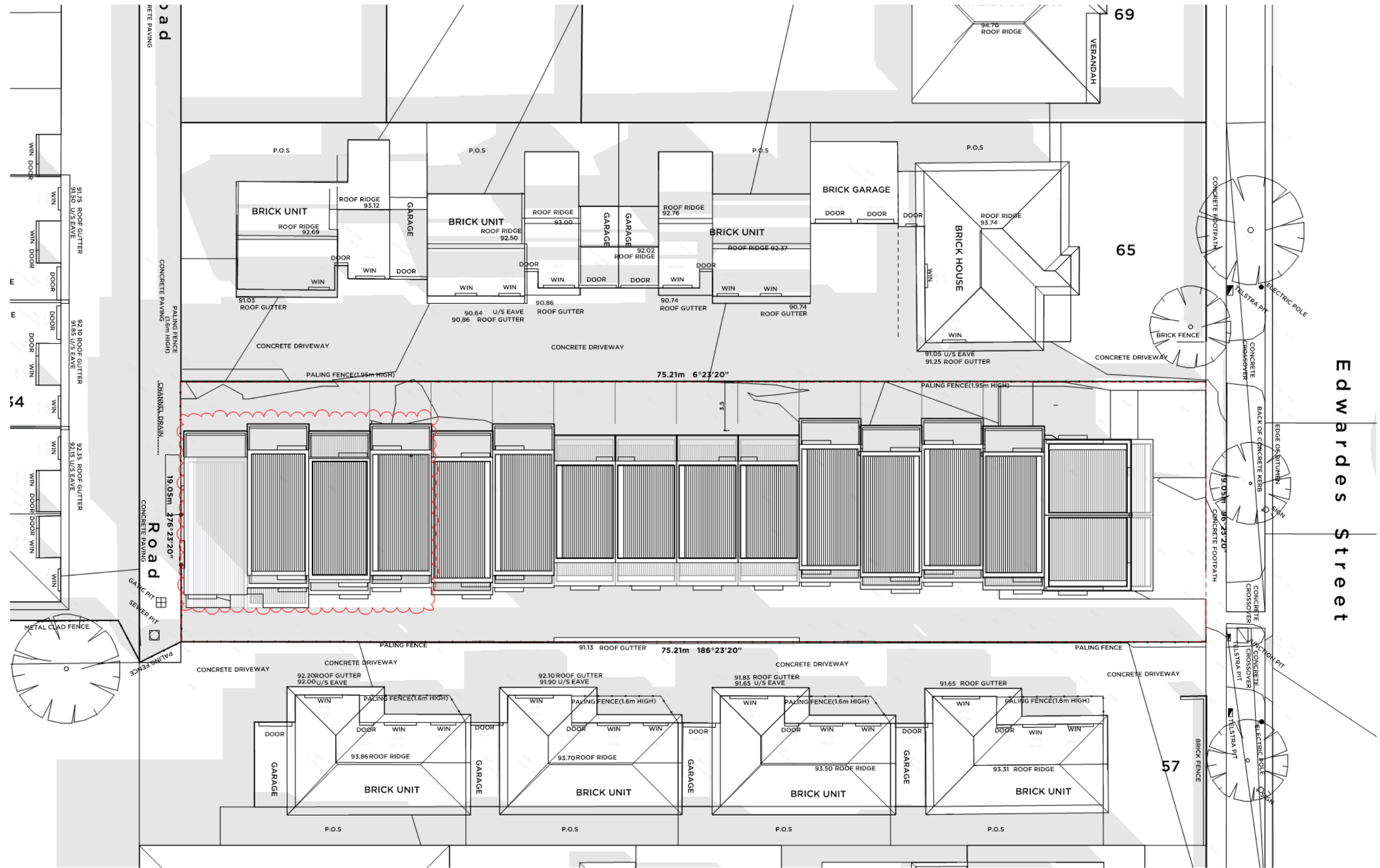
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Section E (Basement Ramp)  
**Drawing Number** TP304  
**Scale** 1:200  
**North**  
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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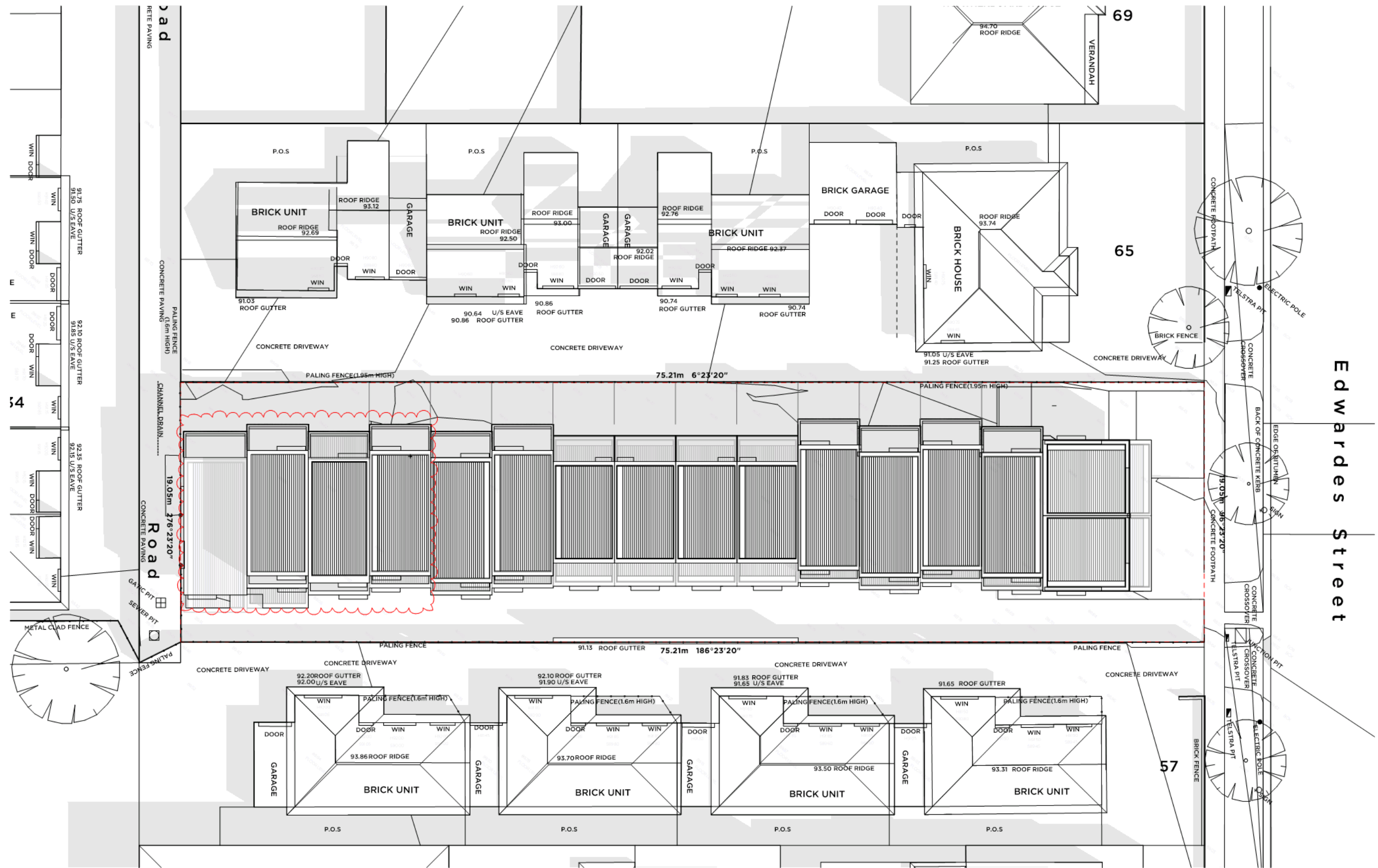
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**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Shadows - Sep 22nd 9am  
**Drawing Number** TP400  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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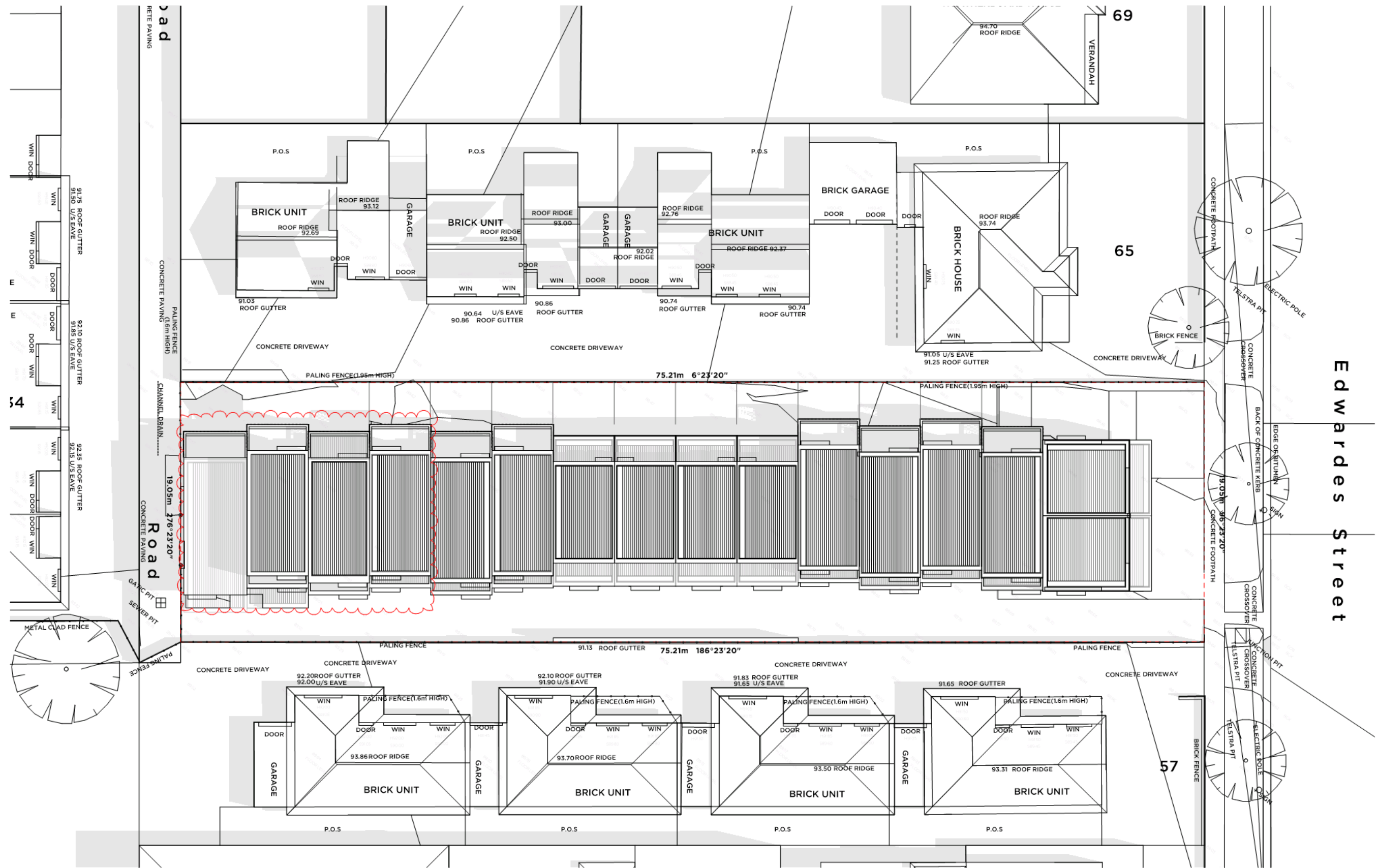
**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Shadows - Sep 22nd 10am  
**Drawing Number** TP401  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
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E	24/09/2020	PS	SL	TP Package
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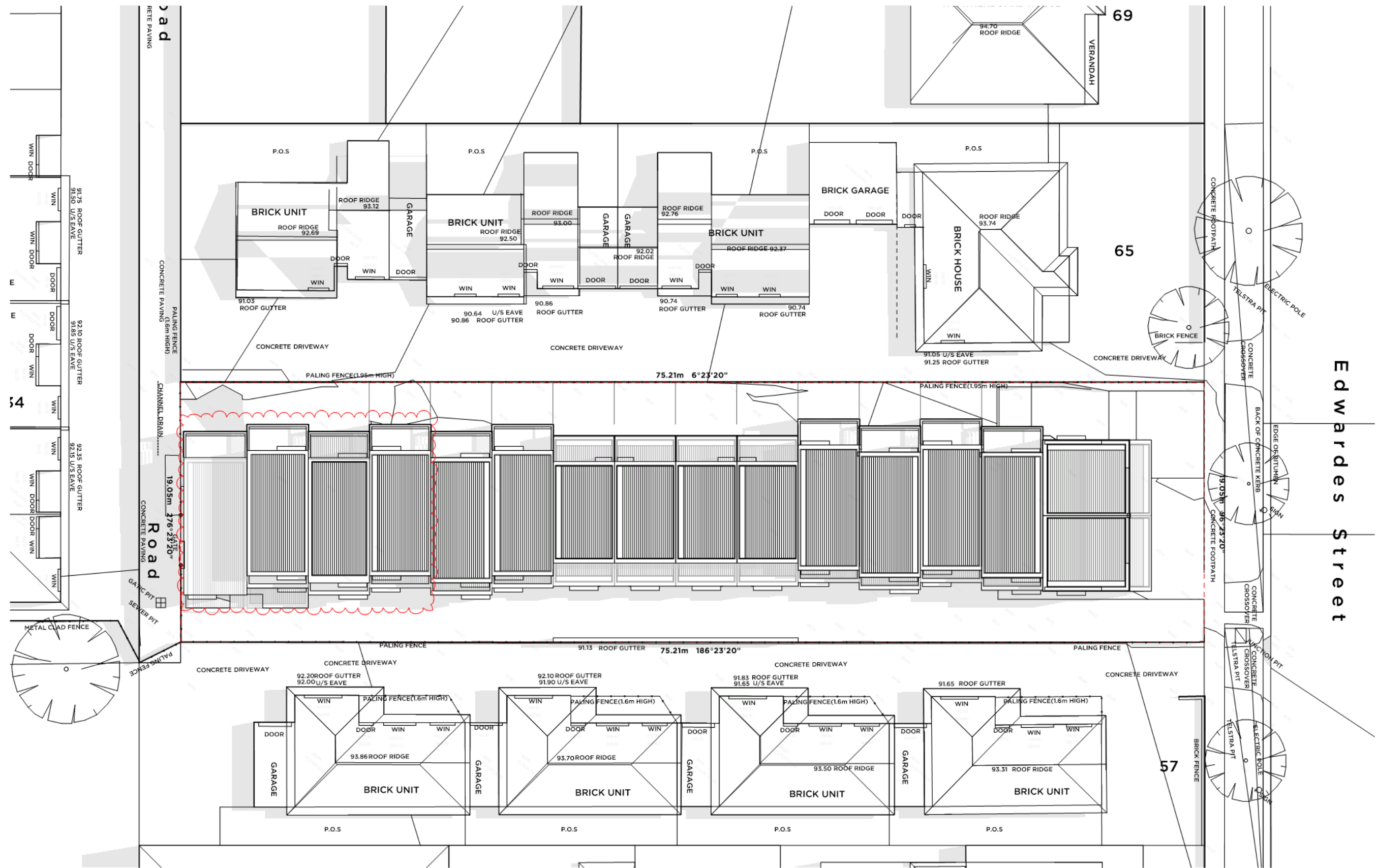
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Shadows - Sep 22nd 11am  
**Drawing Number** TP402  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

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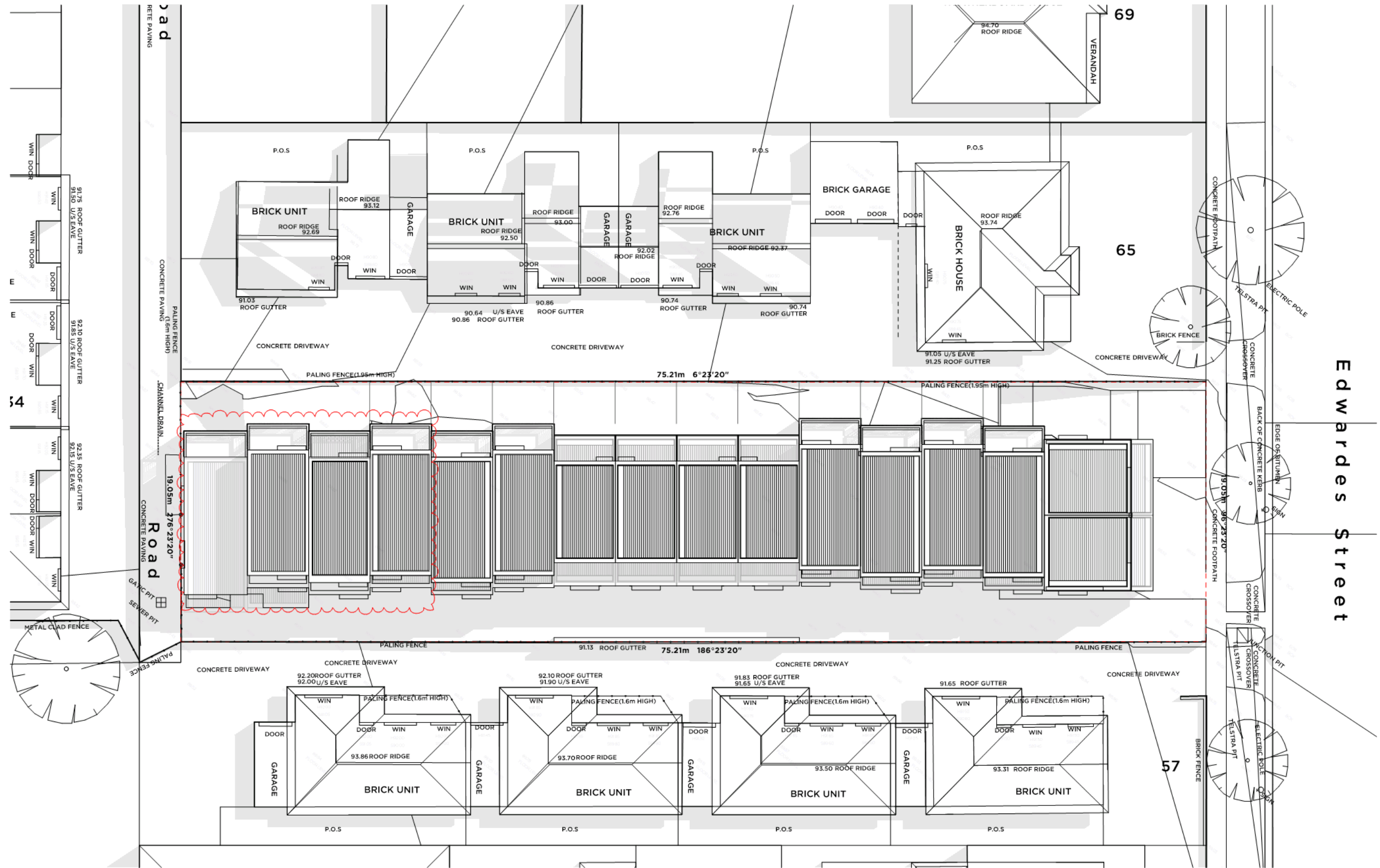
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**Project Address** 61 Edwards Street  
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**Client** Branson Group

**Drawing Name** Shadows -Sep 22nd 12pm  
**Drawing Number** TP403  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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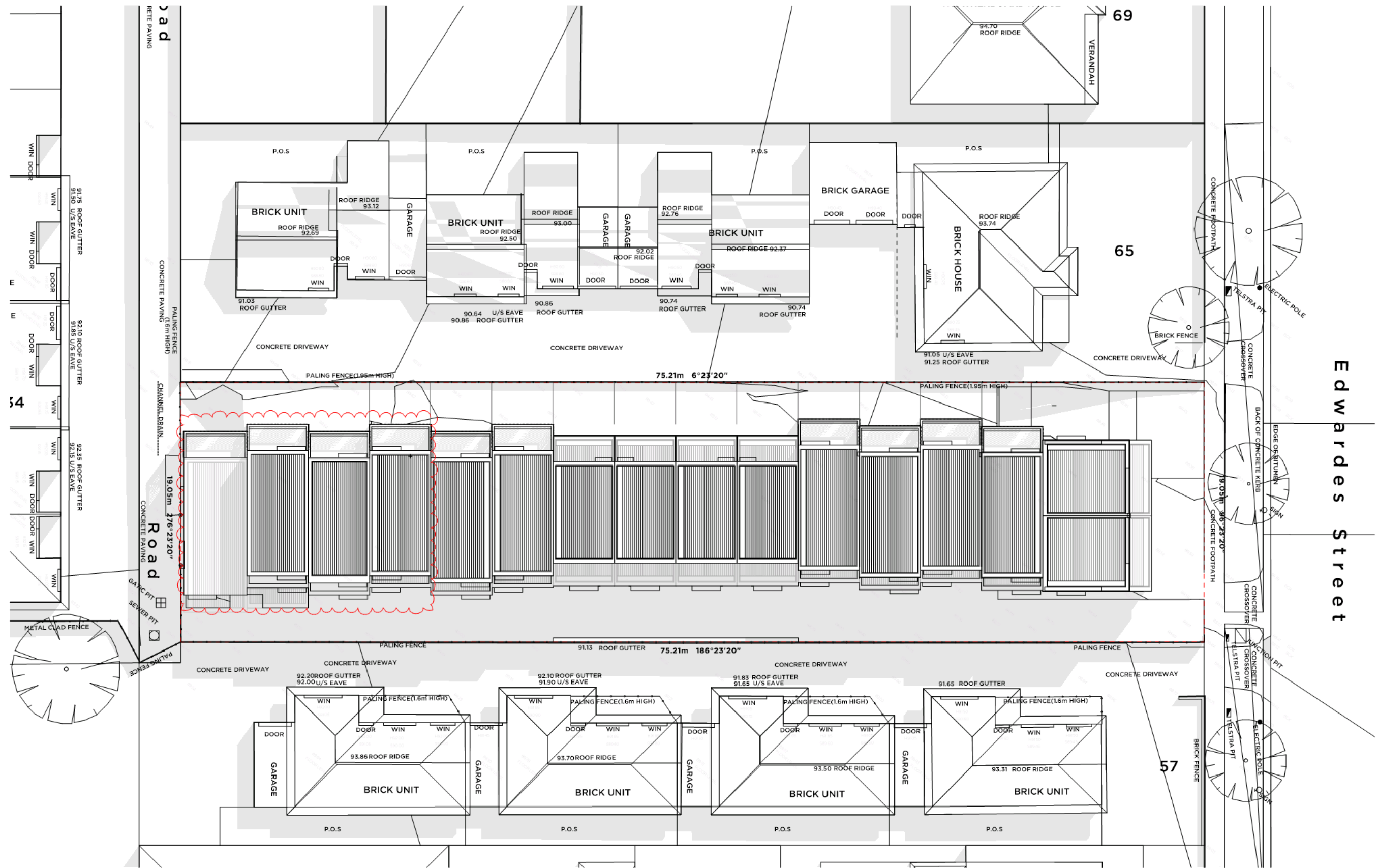
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Shadows -Sep 22nd 1pm  
**Drawing Number** TP404  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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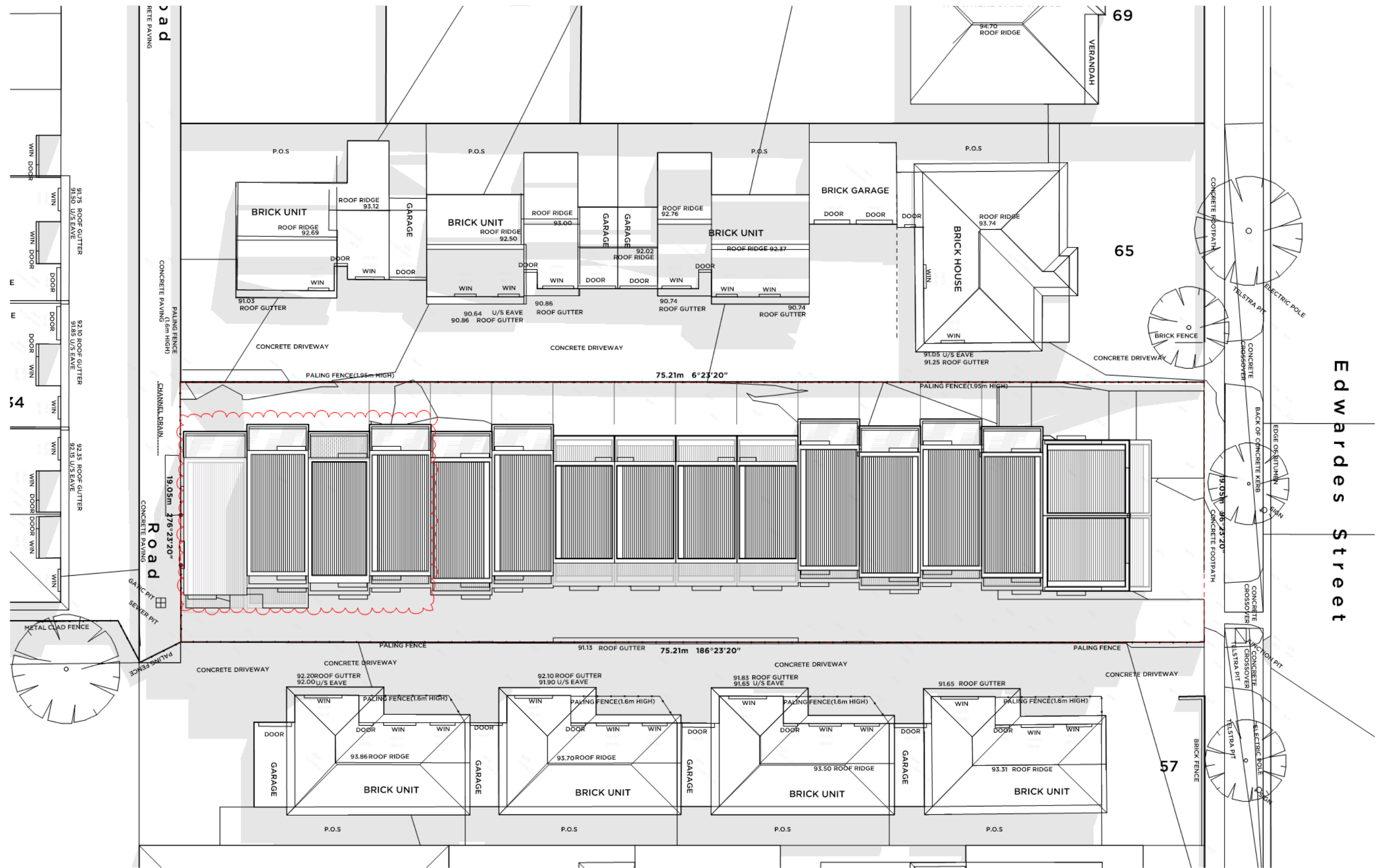
Rev	Date	Dr	Ckd	Description
C	31/03/2020	BD	SL	RFI
D	19/08/2020	PS	SL	TP Package
E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

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**Project Address** 61 Edwards Street  
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 3066 Australia  
**Client** Branson Group

**Drawing Name** Shadows -Sep 22nd 2pm  
**Drawing Number** TP405  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**





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E	24/09/2020	PS	SL	TP Package
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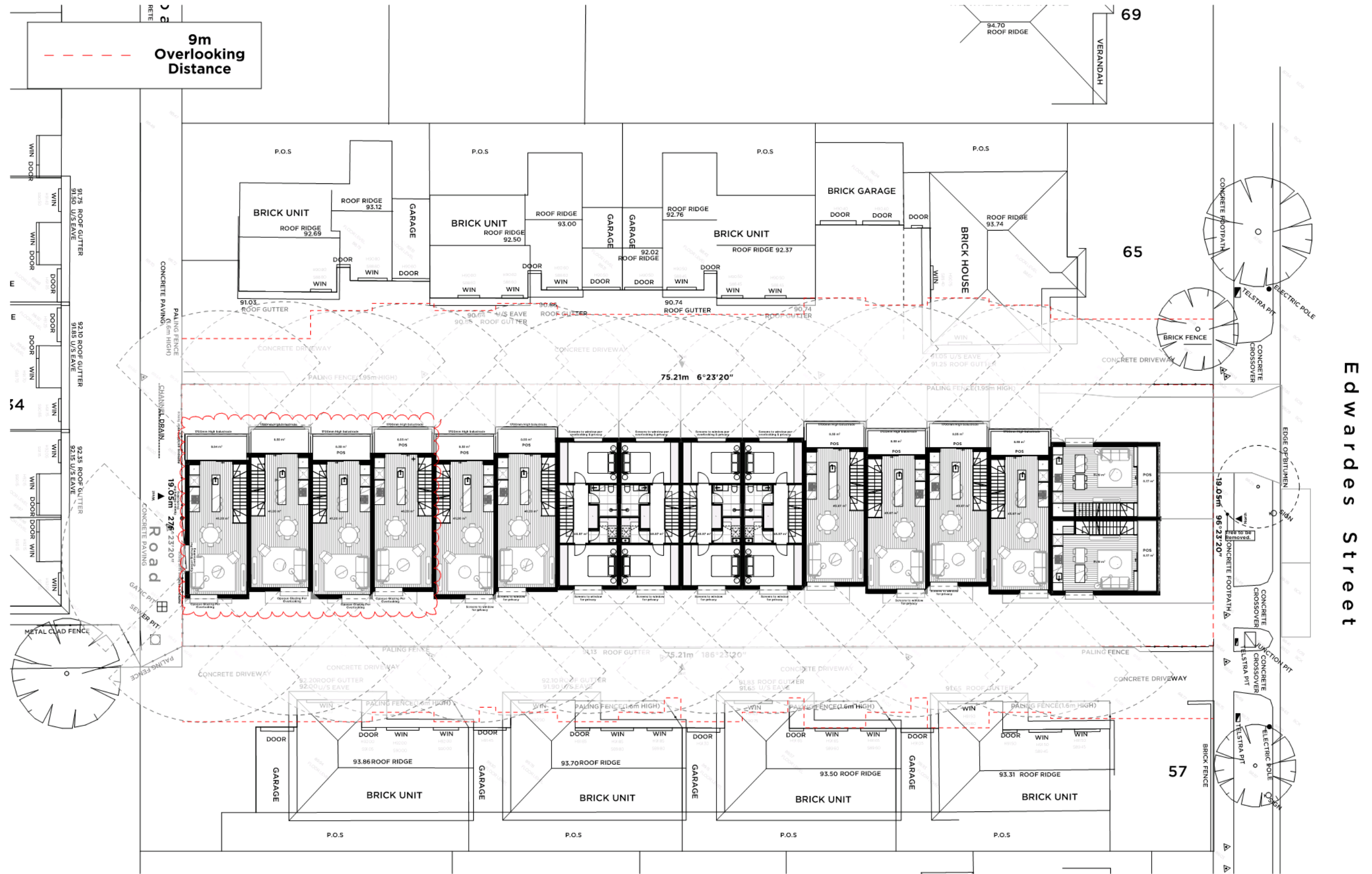
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**Project Name** EDWARDES  
**Project Address** 61 Edwards Street  
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 3066 Australia  
**Client** Branson Group

**Drawing Name** Shadows - Sep 22nd 3pm  
**Drawing Number** TP406  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**





Rev	Date	Dr	Ckd	Description
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E	24/09/2020	PS	SL	TP Package
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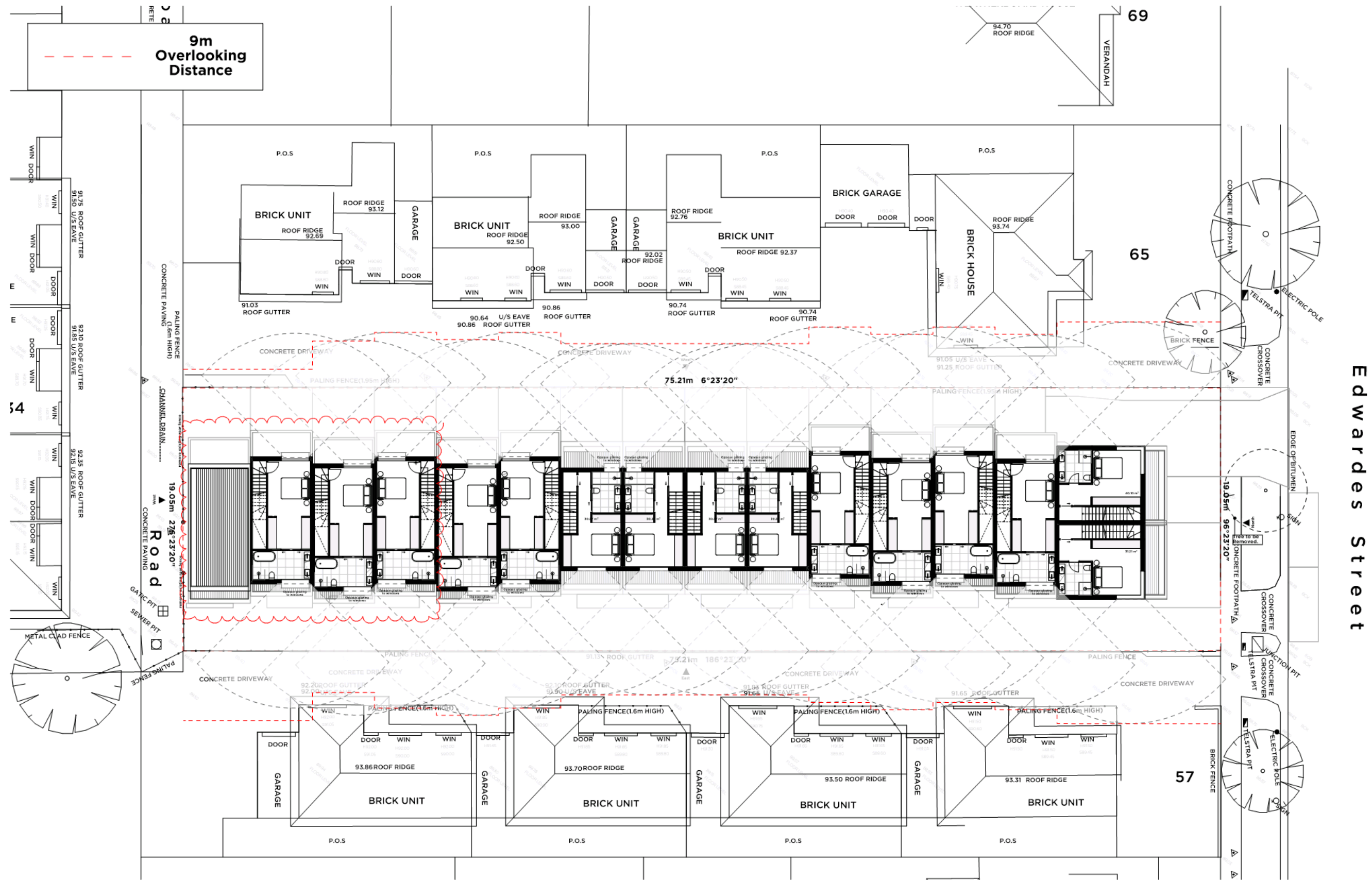
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Overlooking - First Floor  
**Drawing Number** TP407  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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F	14/10/2020	PS	SL	VCAT

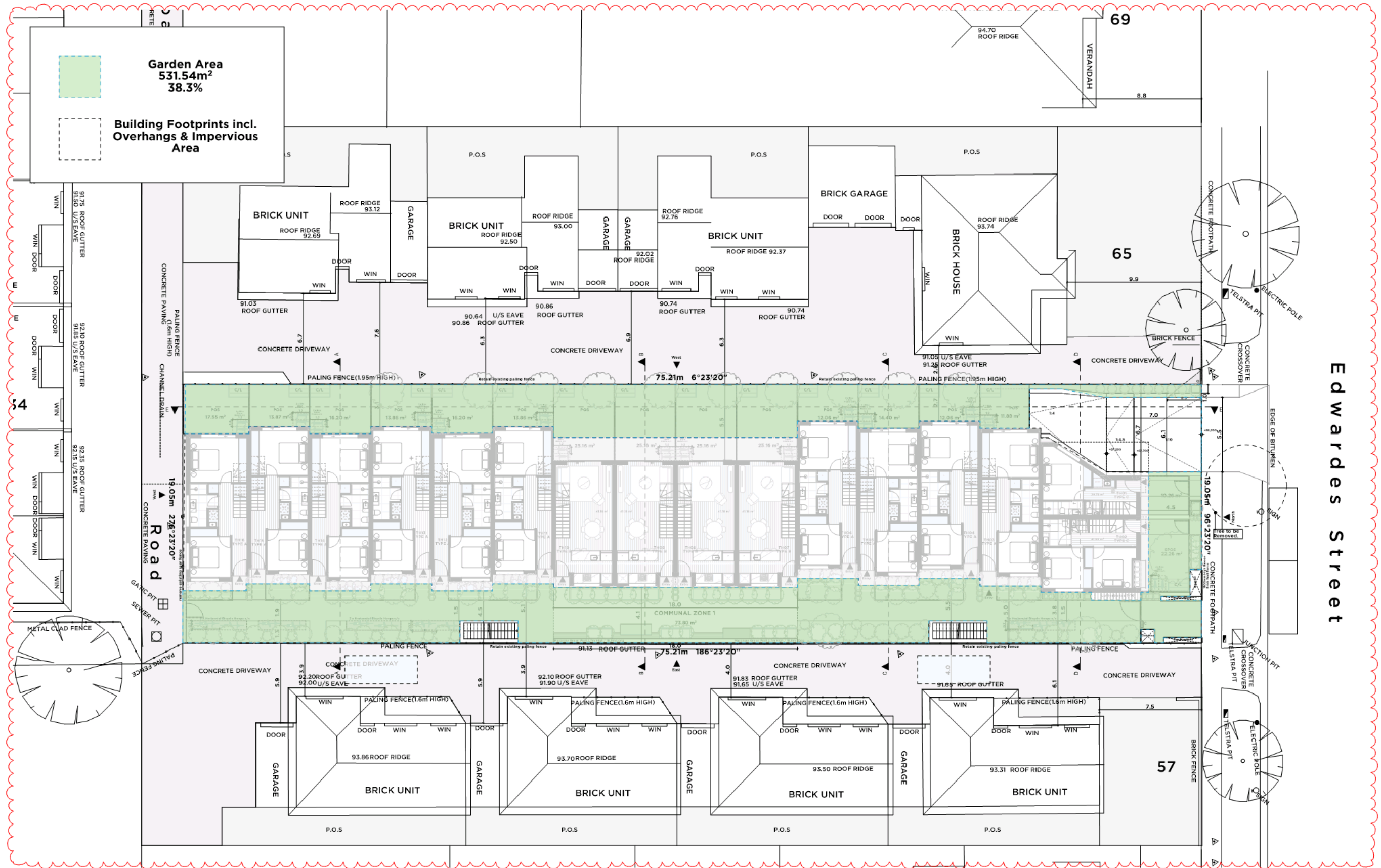
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**Project Name** EDWARDES  
**Project Address** 61 Edwards Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Overlooking - Second Floor  
**Drawing Number** TP408  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Garden Area Plan  
**Drawing Number** TP409  
**Scale** 1:250  
**North** VCAT  
**Stage** Wednesday, 14 October 2020  
**Date**



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**61 Edwardes Street, Reservoir VIC**  
**Total Site Area: 1,432.75 m2**

**S L A B**

**723 sqm = 50.0%** (Total Building Footprint / Total Site Area)  
**216 sqm = 15.0%** (Total Permeable Area (incl. permeable roadway) / Total Site Area)  
**549 sqm = 38.3%** (Toal Garden Area)

TYPE	No. of TH	RESIDENTIAL GFA (excl.balcony)					CAR (Stacker) Spaces	STORAGE Min. 6m3	PRIVATE OPEN SPACE			SITE COVER		TOTAL	
		Bed	GF m2	Level 1 m2	Level 2 m2	TOTAL m2			Open Space m2	Secluded POS(m2)	Balcony m2	m2	%	GFA m2	BUILDING AREA m2
<b>BASEMENT</b>						869.9	24 total	minimum 6m3 throughout	N/A	N/A	N/A			869.9	
Type A1	9.0	3	48.6	41.2	37.5	127.3			N/A	13.8	8.8	437.4	30.5	127.3	53.9
Type A2	1.0	2	48.6	41.2	0.0	89.8			N/A	17.5	8.8	48.6	3.0	89.8	53.9
Type B	4.0	3	38.6	45.6	30.6	114.8			N/A	25.2	N/A	154.4	10.7	114.8	51.2
Type C	1.0	3	41.0	31.2	31.2	103.4			N/A	22.2	8.2	41.0	3.0	103.4	44.3
Type C2	1.0	2	29.8	31.2	31.2	92.2			N/A	12.9	8.2	29.8	2.0	92.2	44.3

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D	19/08/2020	PS	SL	TP Package
E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

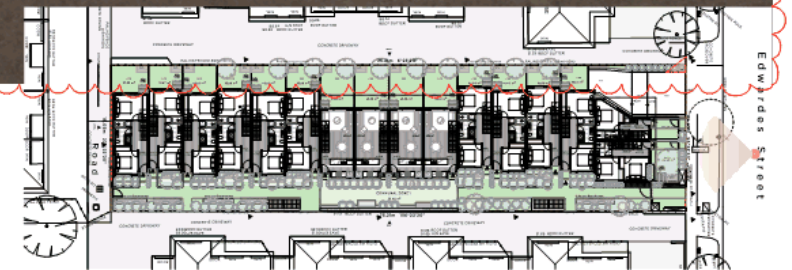
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
 Reservoir Victoria  
 3066 Australia  
**Client** Branson Group

**Drawing Name** Development Summary  
**Drawing Number** TP410  
**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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C	31/03/2020	BD	SL	RFI
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E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

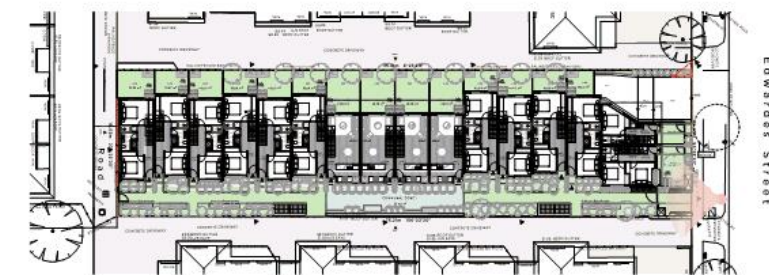
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Perspective 1  
**Drawing Number** TP411  
**Scale**  
**North**  
**Stage** VCAT  
**Date** Wednesday, 14 October 2020





Rev	Date	Dr	Ckd	Description
C	31/03/2020	BD	SL	RFI
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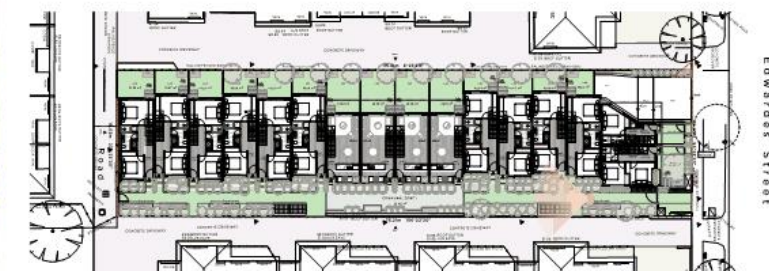
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Perspective 2  
**Drawing Number** TP412  
**Scale**  
**North**  
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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F	14/10/2020	PS	SL	VCAT

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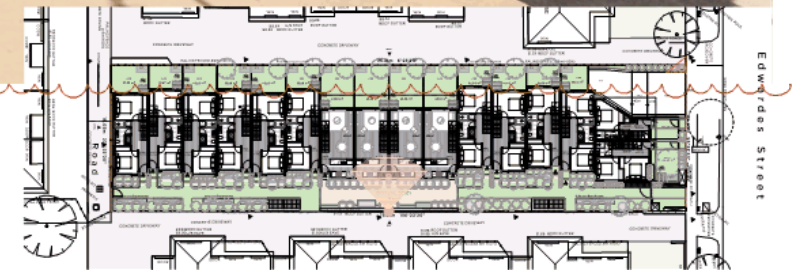
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**Project Name** EDWARDES  
**Project Address** 61 Edwards Street  
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**Client** Branson Group

**Drawing Name** Perspective 3  
**Drawing Number** TP413  
**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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E	24/09/2020	PS	SL	TP Package
F	14/10/2020	PS	SL	VCAT

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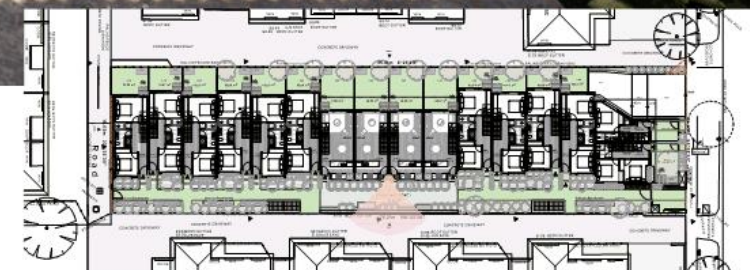
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**Project Name** EDWARDES  
**Project Address** 61 Edwardes Street  
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**Client** Branson Group

**Drawing Name** Perspective 4  
**Drawing Number** TP414  
**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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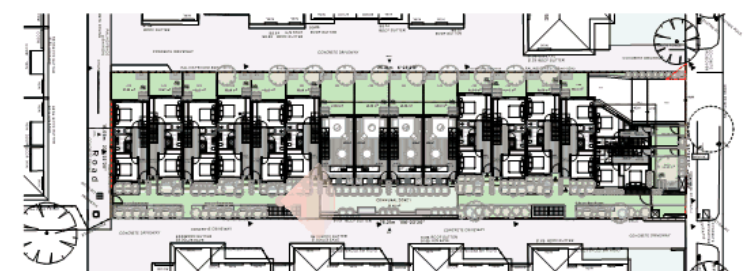
**Client** Branson Group

**Drawing Name** Perspective 5  
**Drawing Number** TP415

**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020



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Rev	Date	Dr	Ckd	Description
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**Project Name** EDWARDES  
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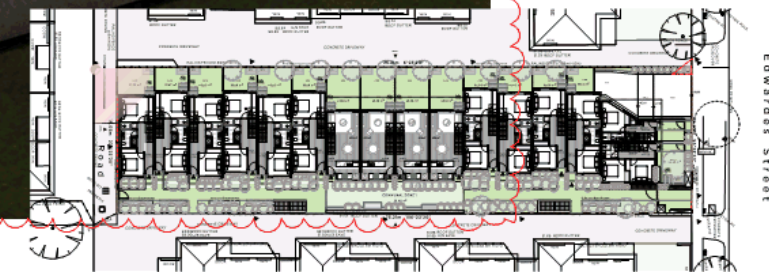
**Client** Branson Group

**Drawing Name** Perspective 6  
**Drawing Number** TP416

**Scale**  
**North**  
**Stage** VCAT  
**Date** Wednesday, 14 October 2020



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**Client** Branson Group

**Drawing Name** Perspective 7  
**Drawing Number** TP417  
**Scale**  
**North**  
**Stage**  
**Date** VCAT  
 Wednesday, 14 October 2020

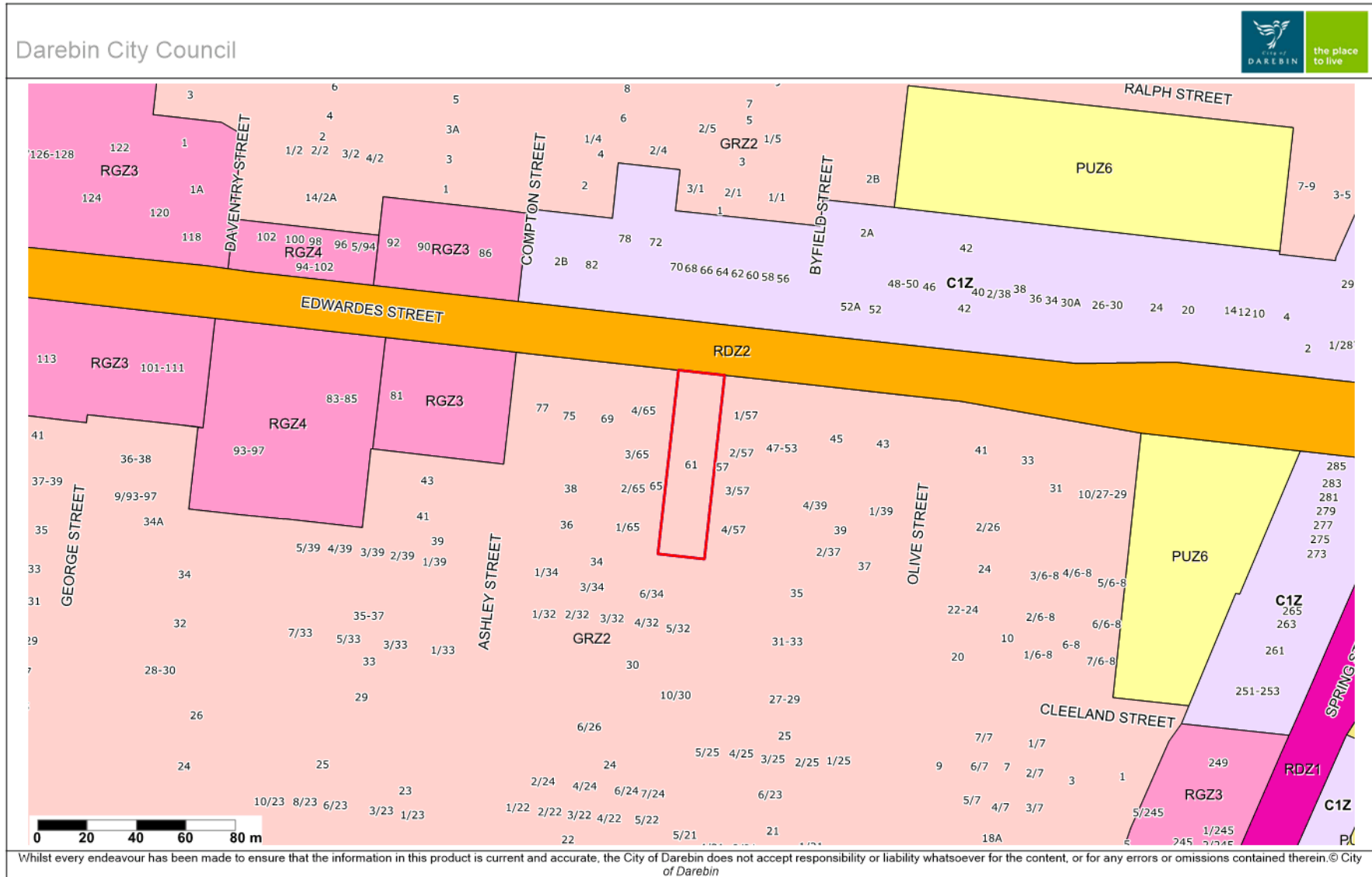


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**S L A B**

Darebin City Council Received 15/10/2020



## 5. OTHER BUSINESS

### 5.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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#### Caretaker Statement

In accordance with Councils Election Period Policy the recommended decision is not an Inappropriate Decision as defined in Section 69(2) of the Local Government Act 2020, or an inappropriate Decision within the meaning of the Election Period Policy

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

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

#### Recommendation

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

---

#### Related Documents

Nil

#### Attachments

- General Planning Information (**Appendix A**) [↓](#)

**Delegate Decisions before VCAT**

<b>JUNE 2020</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
1/06/2020	D/659/2018	64-74 Bell Street, 13-17 Bruthen Street & 19-23 Bruthen Street, Preston  Cazaly	Use and development of the land for a Retail Premises (Bunnings Warehouse), including buildings and works, to create and/or alter access to a Road Zone Category 1, to display advertising signs and to reduce bicycle facilities	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
<b>Result</b>	The parties were able to agree to changes to the proposal (in particular, an additional 6.6m setback at second floor adjacent the objector's property) and as such, were in a position to resolve the matter by way of consent without the need for a contested hearing.				
9/06/2020	D/939/2018	46 Bourke Street, Reservoir  Cazaly	Proposed medium density development consisting of (2) two dwellings	Refusal – Applicant Appeal	Council's refusal affirmed – no permit granted.
<b>Result</b>	The Tribunal found that the proposal did not adequately respect neighbourhood character through design responses such as a ground floor which presented as nearly boundary to boundary development. The porches of the proposal the Tribunal considered eroded the front setback character of the area. Finally, the Tribunal shared Council's concerns about the prominence of the upper levels which were only minimally set back from the levels below.				
9/06/2020	D/243/2019	2 McComas Street, Reservoir  Cazaly	Construction of seven dwellings on the lot (6 triple storey, 1 double storey) affected by a Design and Development Overlay (DDO19) and a waiver of visitor car parking requirements	Refusal – Applicant Appeal	Council's refusal affirmed – no permit granted
<b>Result</b>	The critical failing identified by the Tribunal was the extent of tall building form through the site. It considered such a response not only uncharacteristic of the area, but also adversely impacted upon nearby properties through visual bulk. The Tribunal also found the internal amenity of the proposed dwellings unacceptable due to the extent of screening that would be required to mitigate overlooking.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/06/2020	D/945/2018	635 High Street, Preston  Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Refusal – Applicant appeal	
<b>Result</b>	The hearing did not proceed as the Permit Applicant withdrew their application. The Tribunal confirmed this by way of Order dated 26 March 2020.				
12/06/2020 – On the papers	D/7/2019	5 Autumnvale Avenue, Reservoir  Cazaly	Proposed construction of a medium density development consisting of five (5) dwellings and a reduction in the car parking requirement (visitor space)	Failure Appeal – subsequently formed position to oppose	Council's (deemed) refusal set aside – Permit granted
<b>Result</b>	The Tribunal considered the side loaded typology an acceptable response to the policy context of the RGZ and DDO19, which calls for more compact dwellings. It was also determined that the rear interface to the Darebin Creek was consistent with Council's local policy.				
15/06/2020	PD478/A	Unit 1, 2, 3 and 4, 63 Grange Road, Fairfield  Rucker	Garage doors to all dwellings; - Replacement of the garage to Unit 4 with a walk in robe and ensuite; - Allocation of the visitor space to Unit 4; - A shade sail carport to the proposed car space of Unit 4; and -A shed to Unit 4 (retrospective)	Notice of Decision – Objector appeal	Council's decision varied – permit granted
<b>Result</b>	The matter was able to be resolved without the need for a contested hearing as a suitable form of consent orders could be entered into.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/06/2020	D/705/2018/A	83 & 83A St Georges Road, Northcote  Rucker	Amendment to Planning Permit D/705/2018 as follows: - Demolish entire existing industrial style building. - Rebuild part northern and southern (street) elevations of the industrial style building. - Increase the western boundary setback. - Increase the height of Townhouse 6. - Provision of a second storey to Townhouse 7. - Increase the area of the terraces to Townhouses 6, 7 and 8. - Layout changes to Townhouses 6, 7 and 8. - Associated alterations and additions.	Notice of Decision – Objector Appeal	Council’s decision varied (by consent) - Permit granted
<b>Result</b>	The Applicant was willing to make design changes which addressed objector concerns in relation to screening and a boundary wall.				
29/06/2020	D/1089/2016	531-535 St Georges Road, Thornbury  Cazaly	A five (5) storey building (plus roof terrace and 2 basement levels) comprising 38 dwellings and a reduction to in car parking	Failure Appeal	No longer required - Council’s deemed refusal set aside (by consent) – Permit granted
<b>Result</b>	Following the lodgement of the failure appeal, Council subsequently formed the view to support the proposal subject to conditions. As there were no other actively participating parties in the proceedings, Council and the Applicant were able to resolve the matter by way of consent order without the need for a hearing.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/07/2020	D/364/2019	441-443 Plenty Road, Preston  Cazaly	Proposed use of the land for dwellings, the construction of three shops and five dwellings and a reduction in the standard car parking requirements	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	Notwithstanding that the site is located on Plenty Road where apartment developments up to 6 storeys are encouraged, the Tribunal found the part 4 part 2 storey townhouse development (above retail) an acceptable response to the site's strategic context and was not an underdevelopment.				
7/07/2020	D/324/2019	20 Barton Street, Reservoir  Latrobe	Construction of four (4) double storey dwellings on the lot	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	Upon the lodgement of amended plans which reduced the number of proposed dwellings from 4 to 3, together with increased street setbacks, the parties were in a position to resolve the matter by way of consent order without the need for a contested hearing.				
8/07/2020	D/790/2018	600-606 Plenty Road, Preston  Cazaly	Proposed use of land as a food and drink premises together with part demolition of the existing building, the construction of buildings and works for 11 dwellings and a reduction of the required car parking provision	Refusal – Applicant Appeal	
<b>Result</b>	Adjourned to a hearing on 17 February 2021				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/07/2020	D/385/2018/A	2 White Street, Reservoir  La Trobe	Construct a medium density housing development comprised of four (4) double storey dwellings	Refusal – Applicant Appeal	Council's refusal affirmed – no Permit granted
<b>Result</b>	The Tribunal found that the proposed amendment did not adequately respond to Council's neighbourhood character policy. In particular, it was determined that the proposed amendment would result in a boundary to boundary development which was considered unacceptable in the context.				
23/07/2020 (Compulsory Conference)	D/513/2019	69 Mitchell Street, Northcote  Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	
<b>Result</b>	The matter did not settle.				
27/07/2020 (Compulsory Conference)	D/260/2019	44 Tyler Street, Preston  Cazaly	Construction of four (4) double storey dwellings on a lot within the Design and Development Overlay Schedule 19 (DDO19)	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit granted
<b>Result</b>	Resolved at the Compulsory Conference				



PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/07/2020	D/568/2019	67-69 High Street, Preston  Cazaly	Proposed construction of an 8 storey (plus roof top terrace and basement car park) mixed use development comprising 62 dwellings and two shop tenancies, and a reduction in car parking requirements	Refusal – Applicant Appeal	Decision Pending
<b>Result</b>					
30/07/2020	VS/21/2019	G01/7 Warrs Avenue, Preston  Cazaly	Proposed height extension to front fence in a residential zone	Refusal – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal provided oral reasons only.				
30/07/2020 (Compulsory Conference)	D/673/2020	9-10 Griffiths Street , Reservoir  Latrobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	
<b>Result</b>	The matter did not settle.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/08/2020 (Compulsory Conference)	D/145/2018	480 Gilbert Road, Preston  Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	
<b>Result</b>	Matter vacated at the request of the parties - Order dated 28/07/2020.				
6/08/2020	D/181/2013/B	1003 Plenty Road, Kingsbury  Latrobe	A medium density housing development comprised of the construction of seven (7) dwellings; a reduction to the car parking requirement for Units 1, 2 & 3; and alteration of access to a road in a Road Zone Category 1	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	While the Tribunal acknowledged that the amendment to provide an additional (fourth) bedroom (through the conversion of part of the existing living area) to three of the dwellings was not an ideal outcome, the proposal resulted in an acceptable outcome. In particular, the Tribunal found that the policy context which encourages higher density development and the fact that living areas and balconies still provided sufficient space for occupants to recreate, favoured supporting the amendment.				
11/08/2020 (Compulsory Conference)	D/673/2018	9-10 Griffiths Street, Reservoir  La Trobe	The construction of an apartment development comprising 13 double- storey dwellings and basement car parking.	Refusal – Applicant Appeal	
<b>Result</b>	The matter did not settle.				
12/08/2020 (Compulsory Conference)	D/513/2019	69 Mitchell Street, Northcote  Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	
<b>Result</b>	The matter did not settle.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/08/2020	D/957/2018	12 Lawson Street, Reservoir  La Trobe	Construction of a medium density development consisting of four (4) dwellings	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit Granted
<b>Result</b>	The Tribunal was satisfied that the proposal responded acceptably to its context and had no unreasonable amenity impacts on the Objector Applicants.				
18/08/2020	D/361/2019	60 Pickett Street, Reservoir  Latrobe	Construction of five (5) double storey dwellings on the lot and a waiver of visitor car parking	Refusal – Applicant Appeal	Council's refusal affirmed – no Permit granted
<b>Result</b>	In affirming Council's refusal to grant a Permit, the Tribunal noted that fatal elements included the attached unbroken form of the development, the form of the first floor, the setbacks to Johnson Street and rear setbacks, the amount of hard surfaces and extent of crossovers, and correspondingly a limited ability for the site to be landscaped. In considering these issues, the Tribunal determined that the proposal had not responded to Council's neighbourhood character policy.				
18/08/2020 (Compulsory Conference)	D/522/2019	14-16 Wardrop Grove, Northcote  Rucker	A 2-3 storey building comprising seven (7) dwellings	Conditions Appeal	
<b>Result</b>	The matter did not settle.				
20/08/2020	D/343/2019	209 Broadway, Reservoir  Latrobe	Proposed construction of six (6) double storey dwellings on land affected by the Special Building Overlay and adjacent to a Road Zone Category 1.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	After the lodging of amended plans by the Permit Applicant, the critical questions for the Tribunal boiled down to the proposal's built form response and whether acceptable landscaping was provided on site which it ultimately concluded it was.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/08/2020	D/789/2018	566-568 High Street, Preston  Cazaly	Proposed construction of a five-storey (plus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	
<b>Result</b>	Adjourned to 12 May 2021				
28/08/2020	D/41/2016/B	154 High Street, Northcote  Rucker	Amendment to Existing Permit which allows a 5 storey building comprised of 13 apartments, shop and car parking reduction to become a 5 storey building comprised of 4 dwellings and 2 apartments over a shop	Refusal – Applicant Appeal	
<b>Result</b>	The Permit Applicant withdrew their application for review prior to the hearing (21 August 2020).				
31/08/2020	D/888/2018	114 Elm Street, Northcote  Rucker	Proposed partial demolition and alterations (including a double storey addition) to an existing dwelling on a lot less than 300m <sup>2</sup> in a Heritage Overlay	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
<b>Result</b>	The Tribunal found that the new extension is distinguishable from the original heritage fabric and is of a scale that will not overwhelm either its host building or the adjacent heritage dwellings. It went on to find the height and recession from the street façade mean the upper storey extension will not overwhelm the outlook available from the park opposite. While Council's decision was varied, the conditions were to clarify matters of detail relating to overshadowing, and also to render the upper level extension, which were changes volunteered by the Permit Applicant.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/09/2020	D/637/2018	181 Hutton Street, Thornbury  Cazaly	Construction of two (2) double storey dwellings	Refusal – Applicant Appeal	Decision Pending
<b>Result</b>					
11/09/2020	D/492/2018/A	536 Murray Road, Preston  Cazaly	Approved construction of a double storey out-building associated with use as a home-based business.	Notice of Decision – Objector Appeal	Council’s decision affirmed – Permit Granted
<b>Result</b>	The Tribunal was satisfied that the proposed amendment responded acceptably to its context and had no unreasonable amenity impacts on the Objector Applicants.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/09/2020	D/212/2019	37 Bruce Street, Preston  Cazaly	Medium density development comprising the construction of four (4) three storey dwellings	Refusal – Applicant Appeal	Decision Pending
<b>Result</b>					
16/09/2020	D/709/2018	1 Wardrop Grove, Northcote  Rucker	Medium density housing development comprising the construction of four (4) triple storey dwellings	Notice of Decision – Objector Appeal	Decision Pending
<b>Result</b>					
24/09/2020	D/513/2019	69 Mitchell Street, Northcote  Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<p>The Tribunal found that, in the absence of specific policy guidance for the site in respect of preferred neighbourhood character, the design response, including the presence of two crossovers and car parking in the front setback was consistent with the existing neighbourhood character. In setting aside Council's refusal, the Tribunal placed a condition on the permit deleting the rooftop terraces as they were not considered to be a characteristic of the existing neighbourhood character.</p>					

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/09/2020	D/673/2018	9-10 Griffiths Street, Reservoir  La Trobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	In finding the development acceptable, the Tribunal determined that the main issues with the development raised by Council were matters of detail which could be corrected by permit conditions, rather than being fundamentally problematic.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

OCTOBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/10/2020	D/145/2018	480 Gilbert Road, Preston  Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	Council's position of refusal set aside – Permit granted.
<b>Result</b>	In deleting the permit condition requiring the provision of rooftop terraces, the Tribunal disagreed with Council's position that providing private open space within the front setback would not provide adequate privacy and size for the recreation needs of future occupants.				
19/10/2020 (Compulsory Conference)	D/111/2020	439 Gilbert Road, Preston  Cazaly	Proposed medium density development of six (6) double storey dwellings above a basement carpark and a waiver of the car parking requirements	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
<b>Result</b>	The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's refusal could be set aside by consent.				



PLANNING COMMITTEE MEETING

14 DECEMBER 2020

NOVEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/11/2020 (Compulsory Conference)	D/672/2019	61 Edwardes Street, Reservoir  La Trobe	A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and Reduction of the car parking requirements	Notice of Decision – Objector Appeal	
<b>Result</b>	This matter will be reported to the 14 December 2020 Planning Committee meeting and is listed for an administrative mention on 15 December 2020.				
11/11/2020 (Compulsory Conference)	D/605/2019	14-16 Storey Road, Reservoir  La Trobe	Proposed construction of 12 double storey dwellings and a waiver of the visitor car space requirements	Refusal – Applicant Appeal	
<b>Result</b>	The matter did not settle.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

DECEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/12/2020 (Compulsory Conference)	D/668/2019	552-558 Plenty Road, Preston  Cazaly	Use of land for the purpose of a childcare centre (100 places) and food and drink premises; construction of a four-storey building with food and drink premises at Ground Floor, five (5) dwellings and childcare centre at the upper floors; a reduction in the car parking requirement and alteration of access to a road in a Road Zone Category 1	Failure Appeal – Council is yet to formalise a position on the Application.	
<b>Result</b>					

### Planning Committee Decisions before VCAT

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/06/2020	D/852/2018	37 Storey Road, Reservoir  Cazaly	Development of five (5) double storey dwellings and a reduction of one (1) visitor car parking space	Refusal – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	Overall, the Tribunal considered that the design response of the proposal was in keeping with the neighbourhood character. An exception being the 'upright and bulky' two storey form of Dwelling 5. In setting aside the Council's decision to refuse the application, the Tribunal imposed a condition which substantially increased the upper floor setback of the rear dwelling from 4.25 metres to 8.9 metres, which results in the removal of two upper floor bedrooms.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/07/2020	D/526/2018	573-603 High Street & 30 West Street, Preston  Cazaly	Construct two (2) buildings, with six (6) individual towers, containing dwellings, retail premises; and Reduce the car parking requirements; and Reduce the loading/unloading requirements.	Failure appeal – Council subsequently resolved to Oppose	Council's deemed refusal affirmed – No permit granted
<b>Result</b>	<p>The Tribunal found that the proposal simply did not respond to its varied street contexts and that the design was not sufficiently well resolved to be worthy of a permit. In particular, the Tribunal considered the following factors as critical in affirming Council's deemed refusal:</p> <ul style="list-style-type: none"> <li>A. The poorly resolved street wall / podium / tower interface to High Street.</li> <li>B. The overall lack of consideration to the emerging character in High Street through building height and setbacks that better respond to this character.</li> <li>C. The intensity and verticality of the ground / mezzanine terrace style form close to both West and Olver Streets that lack design clarity.</li> <li>D. The built form facing West Street that will appear as continuous at ground and mezzanine level, with upper levels that are too dominating for its surrounding residential setting.</li> <li>E. A lack of resolution about the role, function and design of Auto Alley.</li> </ul> <p>The Tribunal also criticised the internal amenity of a number of the dwellings due to their distance from storage spaces, poor private open space (which is co-located with the dwelling entry in some cases) and some dwellings having windowless rooms.</p> <p>Finally, the Tribunal noted that even if the Applicant were to volunteer affordable housing on the site, such a proposal would not outweigh the other shortcomings of its design.</p>				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee were heard in July 2020					

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/08/2020	D/262/2019	Lot 17, 7 Eunson Avenue, Northcote Rucker	Construction of a double storey dwelling on a lot (Lot 17 of 7 Eunson Avenue, Northcote) less than 300 square metres, removal of vegetation, and a reduction of car parking requirements	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's refusal affirmed – no permit granted
<b>Result</b>	The Tribunal considered the proposal did not respond sensitively to the Merri Creek environs due to its design. In particular, it did not mitigate sufficiently the proposal's visual impact on the Creek. In addition, the Tribunal was concerned about impacts on existing vegetation, which it found were unacceptable.				
20/08/2020	POD/1/2007/H	1056-1070 Plenty Road, Bundoora La Trobe	Application to amend the Polaris 3083 Development Plan in respect of Lot S3 (being precinct 1B. Building 1B-16)	Refusal (In line with Officer Recommendation)	Council's refusal affirmed – no changes to development plan
<b>Result</b>	The Tribunal considered the proposal to alter the building envelope of building 1B-16 from 2-3 storeys to 7 storeys unacceptable given the site's context. While acknowledging taller built form is to be expected along Plenty Road, the Tribunal noted the site did have sensitive interfaces, in particular dwellings to the south. It considered a building of 3 storeys, with 1-2 smaller recessed levels above would be appropriate.				

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee were heard in September 2020					

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

OCTOBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/10/2020 (Compulsory Conference)	D/722/2018	800-802 & 820 Plenty Road, Reservoir  Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary to Officer Recommendation)	
<b>Result</b>	This matter will be reported to the 14 December 2020 Planning Committee meeting and is listed for an administrative mention on 15 December 2020.				



PLANNING COMMITTEE MEETING

14 DECEMBER 2020

NOVEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/11/2020 (Compulsory Conference)	D/550/2019	35 Dean Street, Preston  Cazaly	A medium density housing development comprised of the construction of three (3) double-storey dwellings, in accordance with the endorsed plans.	Notice of Decision (in line with Officer Recommendation) – Objector Appeal	
<b>Result</b>					

PLANNING COMMITTEE MEETING

14 DECEMBER 2020

DECEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/12/2020	D/722/2018	800-802 & 820 Plenty Road, Reservoir Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary Officer Recommendation)	Adjourned
<b>Result</b>	Hearing date vacated and matter adjourned until 19 April 2021.				
8/12/2020	EOT/32/2020	Preston Market , Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	
<b>Result</b>					
8/12/2020	EOT/31/2020	Preston Market , Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	
<b>Result</b>					

All matters listed until 31 December 2020

**6. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**


**7. CLOSE OF MEETING**

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