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AGENDA

Planning Committee Meeting to be held at
Council Chamber
Darebin Civic Centre,
350 High Street Preston
on Tuesday 14 April 2020 at 6.00 pm.

Due to the current COVID-19 health crisis and associated requirements residents and interested persons are strongly encouraged to view this Planning Committee meeting online. Any person attending this meeting will be accommodated in an adjacent room with access to the online stream of the meeting and adequate space to adhere to the social distancing requirements. Any person attending the meeting who wishes to speak to an item on the agenda will be escorted into the meeting for this purpose.



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.



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 ਵੈੱਸਲ 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.

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

Cr. Laurence is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 10 March 2020 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

**5.1 AMENDMENT OF A DEVELOPMENT PLAN - POD/1/2017/B
198 BEAVERS ROAD NORTHCOTE**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Terrain Consulting 12 Parkhill Rd KEW VIC 3018	Metro Northcote Pty Ltd Level 4 484 St Kilda Rd MELBOURNE 3004	Terrain Consulting 12 Parkhill Rd KEW VIC 3018

SUMMARY

- This report seeks approval to amend Development Plan - POD/1/2017.
- Development Plan POD/1/2017 was initially approved by Council at the Planning Committee meeting of 16 April 2018. The Development Plan was subsequently amended and approved by the Planning Committee on 19 November 2018. The current Development Plan allows the construction of up to 140 dwellings, a café and car parking at grade and at basement level.
- This latest amendment seeks to reduce and rationalise the scale of development which would ultimately form part of a planning application. This proposed amendment removes the apartment building in preference to a townhouse typology including 74 two and three storey townhouses. The amendment also includes modifications to the car parking layout and vehicle access arrangements including the removal of the basement.
- The amendment to the development plan is consistent with the aims and objectives of the Darebin Planning Scheme.
- It is recommended that the amendment to the Development Plan is supported.

CONSULTATION:

- Public notice was given via letters sent to owners and occupiers, in the broader area;
- One (1) submission was received in response to the amended Development Plan.
- Extensive pre-application discussions occurred between the applicant, Council planning officers and Council’s City Architect.
- The application was referred internally to the Climate Emergency and Sustainable Transport Unit.
- The application was referred externally to Melbourne Water, Transport for Victoria, SP Powernet and the EPA.

Recommendation

That Council adopt the amended Development Plan (POD/1/2017/B) subject to the following conditions:

The approved documentation is to comprise plans: DP01, DP02, DP03, DP04, DP05, DP06, DP07, DP08, DP09, DP10, DP11, DP12, DP13 and DP14, dated 17.12.2019 and prepared by Clarke Hopkins Clarke, but modified to show:

- (1) Provision of a minimum 3 m wide paved *Disability Discrimination Act 1992* compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
- (2) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
- (3) Passive surveillance provided to the west over the Northcote Golf Course.
- (4) No garages are to front or side onto Beavers Road.
- (5) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- (6) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.

INTRODUCTION AND BACKGROUND

The Development Plan Overlay (DPO) is a flexible tool that can be used to implement a plan to guide the future use and development of the land. The overlay has two purposes:

- To identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted.
- To exempt a planning permit application from notice and third party review if it is generally in accordance with an approved plan.

The approval of a Development Plan is a conceptual point in the process and the development plan sets the broad principles that future use and development of the land needs to satisfy, enabling it to successfully integrate with other developments likely to occur on other land within the Development Plan Overlay.

ISSUES AND DISCUSSION

Subject site and surrounding area

- Located on the northern side of Beavers Road the land is irregularly shaped and measures approximately 118 metres deep by 80.47 metres wide and has an area of approximately 11,980 square metres.

- A Residential Growth Zone (Schedule 1), Development Plan Overlay (Schedule 12), Environmental Audit Overlay and Environmental Significance Overlay apply.
- The site was formerly located within an Industrial 3 Zone (IN3Z).
- From the 1880s until 1928, parts of the site and surrounding areas were used for quarrying for bluestone and basaltic clay. In approximately 1930, the on-site quarry pit was filled (likely with uncontrolled fill, based on field observations during drilling).

An environmental audit in accordance with section 53X of the *Environment Protection Act 1970* was completed in 2016, concluding the site is suitable for sensitive use (high density), commercial and industrial land uses subject to numerous conditions (EPA Reference: 73358-1). The main issue with the audit recommendation is the limitation it provides over landscaping with any new landscaping to be avoid disturbance of existing soils, limiting the potential for larger tree canopies.

- An existing building provides a total floor area of approximately 6,465sqm. Vegetation including canopy trees and 82 car spaces are provided along the north, east and west property boundaries.
- To the south is Beavers Road with commercial properties beyond which were recently rezoned from Industrial 3 Zone to Commercial 1 Zone.
 - The land at 1/177 Beavers Road is used as an art studio and caretakers dwelling under planning permit D/782/2012.
 - The land at 2/177 Beavers Road is used as a place of worship allowed under planning permit D/553/2011 with a maximum 350 patrons (600 patrons for special events).
 - The land at 3 and 4/177 Beavers Road is used as a warehouse.
 - The land at 1/169 Beavers Road appears to be used as a warehouse.
- To the west abutting the site is 200 Beavers Road. The site is currently being developed in accordance with the approved POD/1/2015 and Planning Permit D/1048/2015 for 20 3-storey townhouses and a 4-storey building comprising 22 apartments.
- Also, to the west abutting the site is the Northcote Golf Course.
- Beyond the golf course is the Merri Creek environs.
- To the north are rear yards of residential dwellings facing Beaconsfield Parade.
- To the east in a Public Use Zone comprising Croxton Special Education School.
- The pedestrian/cycle bridge across Merri Creek into the City of Moreland linking to existing pedestrian / cycling paths located in the west side of the creek is currently under construction.
- The site has reasonable access to public transport being 400m from tram services and a cycle path on St George's Road and 800 metres from tram services on Nicholson Street (Brunswick).
- On-street parking on Beavers Road is subject to a no standing restriction on the northern side (site frontage) and subject to no stopping restriction on the southern side.

PROPOSAL

This is the second amendment to the Development Plan. This latest amendment to seeks to reduce and rationalise the scope of development which would ultimately form part of a planning application. The amendment provides for 74 two and three storey townhouses. This is reduced from the current development plan which allows for some 140 dwellings and apartments and a cafe. The amendment also includes modifications to vehicle access arrangements and the removal of the basement car parking.

The site layout consists of five detached rows of building blocks (two and three storey townhouses) with:

- Block A fronting Beavers Road;
- Block E sited opposite the northern boundary; and
- Blocks B, C & D sited in between Blocks A & E.

Vehicle access is proposed from the western end of the Beavers Road frontage which will lead to an internal road network servicing each row of townhouses.

Each dwelling will have a ground floor frontage either fronting Beavers Road or the proposed internal road network.

- Blocks A, B & C each comprise of 3 storey townhouses plus a rooftop terrace.
- Block D includes a mix of 2 storey and 3 storey townhouses plus a rooftop terrace.
- Block E comprises of 2 storey townhouses.
- Block A is setback a minimum of 3 metres from Beavers Road.
- The development is setback between 4.8 - 12.6 metres from the eastern boundary.
- The development is setback between 3 - 12 metres from the eastern boundary.
- Block E is setback a minimum of 5 metres from the northern boundary.

The proposed site layout allows for a total of 74 dwellings.

- 8 x two-bedroom dwellings
- 66 x three-bedroom dwellings

Blocks A, B, C, & D will each comprise of reverse living dwellings that have a living area and private open space area above the ground floor level.

Block E will comprise of traditional living dwellings that have a living area and private open space area at the ground floor level.

Car parking is provided at grade in the form of single and double garages and tandem car parking spaces.

On-site car parking for residents of the development will be provided in accordance with the car parking rates at Clause 52.06 (Car Parking).

Visitor car parking spaces will be provided throughout the site.

SUBMISSIONS

One (1) submission was received.

Submission summarised.

- Relocation of the existing substation
- Traffic

Response to submission

- Relocation of the existing substation

The applicant has advised that due to a leasing arrangement between the owners of the site and the power company for the triangular parcel of land at the southwestern corner, the substation is unable to be relocated or modified in any way, at this stage.

- Traffic

The Development Plan together with the submitted Integrated Transport and Traffic Management Plan dated 16 December 2019 do not promote the utilisation of the private road (formally known as Goldsmith Grove) which forms part of the commercial properties located opposite the site on Beavers Road. Given this access is utilised as a shared driveway for the commercial properties which it serves, it is not envisaged that residents of the proposal would be under the impression that this is a publicly accessible road.

PLANNING ASSESSMENT**Use:**

The proposal is for residential use and does not propose any non-residential uses.

Consistent with the purpose of the Residential Growth Zone, the proposal provides housing at increased densities and a diversity of housing types. Notwithstanding the increased housing density, the proposed number of dwellings has been reduced by almost 50% from 140 dwellings to the proposed total of 74 dwellings.

The proposal adopts a townhouse typology which provides housing diversity through varied dwelling sizes and living options, noting that the northernmost row of townhouses (Block E) are provided with a traditional living arrangement which comprises of a living area and secluded private open space at the ground floor level.

The remaining row of townhouses are provided with a reverse living layout which comprises of a living area and secluded private open space in the form above the ground floor level.

As is demonstrated in the following sections, an apartment typology is not essential to achieve the preferred urban design principles that are contained within the approved Development Plan.

The proposed townhouse typology has been designed to maximise activated street frontages whilst minimising the appearance of garages as intended by the mixed housing typology of the approved Development Plan.

Height and setbacks:

The building height as viewed from Beavers Road and from the side elevations (Blocks A, B, C & D) has been reduced from 4 storeys plus a rooftop terrace to 3 storeys plus a rooftop terrace. The proposal has a maximum height of 3 storeys which is below the maximum height of both the approved Development Plan and the provisions of the Residential Growth Zone.

Upper level articulation will be further detailed at the planning application stage. A continuous built form along the side boundaries has been avoided. The proposed site layout provides generous clear visual breaks between each building block.

The proposal provides a reduced built form outcome along the interface within the abutting residential properties to the north, noting that the height of the northern row of townhouses (Block E) has been reduced to a maximum of 2 storeys. The setback to the northern boundary is also maintained at 5 metres. Ground floor secluded private open space areas are proposed along the northern boundary which will provide meaningful landscaping opportunities including the planting of medium sized canopy trees.

The setbacks from the northern, southern and eastern boundaries are consistent with the approved Development Plan. It is noted that given vehicle access from Beavers Road has been relocated to the western boundary, the setback to the adjoining residential properties to the west has significantly increased from 0 – 3 metres to 12 metres.

A comfortable pedestrian scale is provided noting that excluding the rear laneways, the proposed internal streets are each 12 metres wide and provided with landscaping. Therefore, the proposed height of the development will not be visually overwhelming at pedestrian level. The visual impact within the proposed development is further reduced by adopting building heights that are lower than the maximum building heights contained within the approved Development Plan.

The proposed site layout allows for a combination of windows and/or balconies which offer an outlook to the internal streets and Beavers Road, thus providing for passive surveillance over these areas.

Access and parking:

Vehicle access is relocated from the eastern to the western end of the Beavers Road frontage which will lead to an internal road network servicing each row of townhouses.

A 3 metre wide pathway through the site from Beaconsfield Parade / Leinster Grove (to the north) to Beavers Road (to the south) has been provided, allowing for public access through the site.

Primary pedestrian access to the site will be provided to/from Beavers Road and Leinster Grove. The proposal also includes a network of internal footpaths, which provide direct access to the townhouses.

Except for Block E, garages are located to present to an internal laneway thus keeping the dwelling entries clear of car parking structures and ensuring activated dwelling frontages.

The appearance of garages adjacent to the dwelling entries for the dwellings within Block E is justified given it only applies to a small percentage of the total number of dwellings proposed (18.91% / 14 out of 74). The extent of proposed garages adjacent to the dwelling entries is acceptable and is consistent with the approved Development Plan.

There are no garages which front or side onto Beavers Road.

The basement car parking area is no longer required and has been removed from the Development Plan.

The proposal provides resident car parking spaces in accordance with the car parking rates at Clause 52.06 (Car Parking) of the Darebin Planning Scheme, with one space to each two bedroom dwelling and two spaces to each three bedroom dwelling. This equates to 154 car parking spaces. The number and location of visitor car parking will be detailed at the planning application stage.

One bicycle space will be provided to each dwelling, in excess of Clause 52.34 (Bicycle Facilities) of the Darebin Planning Scheme.

Public and communal areas within the development include the internal road network, pedestrian pathway along the eastern boundary and communal open space/herb garden located at the southeast corner of the site. Windows and balconies overlooking these areas including lighting will be detailed at the planning application stage.

Traffic:

The amendment was accompanied by a traffic report. The report addresses existing conditions, the internal road layout, car parking location, the expected traffic generation and management, bicycle and pedestrian movement and their connections to the external movement network including public transport to meet any relevant road standards. The report indicates that the traffic generation rates adopted below are consistent with the previously approved Development Report, as follows:

- Five vehicle movements per one and two-bedroom townhouse (per day); and
- Seven vehicle movements per day for three or more-bedroom townhouse.

A comparison of the approved development plan traffic generation volumes (based on 140 dwellings) and the proposed development plan traffic generation volumes (based on 74 dwellings) indicates that the revised application will generate in the order of 502 daily movements and up to 50 movements in each of the AM and PM peak hours, which is a reduction of 398 daily traffic movements and 40 movements in each of the AM and PM peak hours against the previously approved Development Plan.

The traffic report demonstrates that the Beavers Road/Woolhouse Street intersection is expected to continue to operate within the 'Excellent' category, with marginal decreases to traffic queues and delays between the approved and proposed conditions (refer to Appendix B).

The previous approved development plan was assessed as having the ability to be readily accommodated to have its expected traffic volumes readily accommodated in the local road network. This reduced proposal will generate in the order of 51 vehicle movements in the peak hour periods. Given that all vehicles will be able to exit the site in a forward direction onto Beavers Road and the Traffic Impact Assessment demonstrates that the future performance of the adjacent road network will continue to function in a satisfactory manner. It is expected that the proposed residential development will not create adverse traffic safety or operational impacts and therefore, no additional traffic management or control works are required to be provided on the adjoining road network.

Landscape:

The Environmental Audit Report prepared by Australian Environmental Auditors dated 12 September 2016 that was prepared for this site, states that prior to occupation of the site for residential purposes, a barrier comprising concrete floor slabs, equivalent permanent paving material or a minimum of 0.5 metre of fill must be placed and/or maintained over the entire site.

The layout provides opportunities for landscaping including the provision of canopy trees are provided along the perimeter of the site and along the internal accessways to ensure that the existing landscape character is enhanced. These landscaping opportunities ensure that views to and within the development are softened. A detailed landscape plan will be provided at the planning application stage.

Conclusion:

It is submitted that the proposed amended Development Plan is entirely consistent with the provisions of Schedule 12 to the Development Plan Overlay given that:

- The proposal provides a residential use with housing diversity which reinforces the objectives of the zoning and overlay controls;
- The proposal provides increased housing density at a lesser density than the approved Development Plan;
- Building heights throughout the whole site have been reduced by one storey when compared to the approved Development Plan. As such, the amenity impacts to the adjoining residential properties have been lessened;
- The proposal adopts setbacks that either meet or are greater than the setbacks in the approved Development Plan;
- Boundary construction along the western boundary has been avoided. As such, the proposal provides greater landscaping opportunities along the perimeter of the site;
- The proposed site layout ensures active dwelling frontages which are not dominated by car parking structures; and
- The accessways have been designed to meet the design standards of Clause 52.06 (Car Parking). Each dwelling will also be provided with the required car parking provision.

REFERRAL SUMMARY

Department/Authority	Response
Transport Management and Planning	No objection, subject to condition

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 43.04-3 (Development Plan) – A Development Plan must be prepared and approved by Council prior to granting a planning permit to develop the land.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 13.03-1, 15.01-1, 15.01-5, 15.02, 16.01, 18.02-2
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.07
Overlay	42.01, 43.04, 45.03, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	D5

POLICY IMPLICATIONS**Environmental Sustainability**

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

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

RELATED DOCUMENTS

- Darebin Planning Scheme.

Attachments

- Plans (**Appendix A**)
- Aerial Photo (**Appendix B**)

**5.2 APPLICATION FOR PLANNING PERMIT D/266/2019
10 BENAMBRA STREET PRESTON**

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Amcor Flexibles	Containers Ltd	Planning & Design Treemap Arboriculture Sustainable Built Environments TTM Consulting

SUMMARY:

- It is proposed to construct seven (7) double storey dwellings over a basement garage area, with three (3) being three (3) bedroom and four (4) being two (2) bedroom dwellings.
- Dwellings 1 and 2 are attached and located to the front. They are to have a similar design and layout and will have a study alcove to the front and an open plan kitchen/meals/living area at ground level, with three (3) bedrooms to the first floor. They are each to have two (2) car spaces and a laundry/storage area in the basement Dwelling 1 will have two (2) car spaces and Dwelling 2 will have a single garage and tandem car space.
- Dwellings 3 to 6 are to have a similar design and layout and will have a kitchen/meals/living area at ground level with two (2) bedrooms to the first floor. They are each to have a single garage or car space and a laundry/storage area in the basement.
- Dwelling 7 is to have a bedroom and a kitchen/meals/living area at ground level, with two (2) bedrooms to the first floor. This dwelling is to have two (2) car spaces and a and a laundry/storage area in the basement.
- The basement will be accessed via a ramp from a crossover central to the street frontage. A waste storage area with shared bins is to be located opposite the car parking spaces and garages against the eastern wall of the basement.
- The dwellings will have a contemporary design, with walls finished in brick, render and lightweight cladding. They are to have flat and gabled roofs.
- The proposal will have a maximum height of approximately 8.255 metres.
- The site is zoned General Residential Zone Schedule 2
- There is no restrictive covenant on the title for the subject land.
- 14 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on the site frontage and letters sent to adjoining and nearby owners and occupiers.
- The application was referred internally to the ESD Officer, the Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit, the Climate Emergency and Sustainable Transport Unit and the City Architect.
- This application was not required to be referred to external authorities.

Recommendation

THAT Planning Permit Application D/266/2019 be supported and a Notice of Decision to Grant a Permit be issued 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 plans submitted with the application (identified as drawing no's TP01, TP02, TP03, TP04, TP06, Revision C, dated 6 December 2019, project no. 6018 and prepared by Planning & Design) but modified to show:
 - (a) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - (b) The gradients within the car spaces and garages in the basement are to be confirmed to be a maximum of 1:16.
 - (c) A ramp grade assessment and any required modifications required as a result of the assessment.
 - (d) All bicycle racks shown within car parking areas relocated adjacent to or within the basement storage areas of dwellings.
 - (e) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
 - (f) The height of fences on the eastern and western boundaries (except within 8.61 metres of the front boundary of the site) 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.
 - (g) The first floor east-facing bedroom windows of Dwellings 4 and 5 and the west-facing bedroom windows of Dwellings 3 and 6 provided with either:
 - a sill with a minimum height of 1.7 metres above finished floor level,
 - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- (h) The vertical louvres to the first floor, east-facing windows of Dwellings 4 and 5 and the west-facing windows of Dwellings 3 and 6 are to be shown as fixed screens with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
- (i) Full details of the proposed screens to first floor windows showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- (j) 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.
- (k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (l) A Landscape Plan in accordance with Condition No. 5 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 8 of this Permit.
- (n) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 11 of this Permit).
- (o) Modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit), including an enlarged bin storage area that does not interfere with vehicle movements.

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 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. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. 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 two (2) medium canopy trees and eight (8) suitable small canopy trees.

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- (b) tree protection measures and notations, in accordance with Condition No. 8 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) 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.
 - (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.
6. 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.
7. 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.

8. 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 'Arboricultural Assessment & Report, prepared by Treemap Arboriculture and dated September 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
Trees 17-20 – Located within the adjoining properties to the north and west.	2.0 metres
Tree 21 – Located within the adjoining property to the west. Note: the proposed common footpath to be constructed at or above existing grade.	2.0 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 tree on a neighbouring lot, a TPZ only applies where within the subject site.

9. 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.
10. Before the development starts, a tree replacement fee of \$487 must be paid to the Responsible Authority for the removal of Tree 1. The existing street tree (Tree 1, *Callistemon salignus*) must be removed by the developer/permit holder at their own cost, by a suitably qualified professional to the satisfaction of the responsible authority.
11. The development must incorporate the sustainable design initiatives in accordance with the Sustainable Design Assessment (SDA) (identified as Environmentally Sustainable Design Report, prepared by SBE and dated 13 September 2019 to the satisfaction of the Responsible Authority. Prior to the occupation of the development, a report from the author of the SDA 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 SDA have been implemented in accordance with the approved Plan.
12. 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.

13. Before the development starts, a revised Waste Management Plan (WMP) generally in accordance the document identified as Waste Management Plan, prepared by SBE and dated 16 September 2019 detailing waste storage and collection 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) Details of how bins will be moved from the basement to the ground floor and details of and space for a bin tug, if required.
 - b) Details of who is responsible for moving bins to the street for collection and returning bins to the basement.
 - c) A requirement for seven (7) recycling bins.
 - d) A requirement for food organics and garden organics (FOGO) bins.

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.

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 floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
16. 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.
17. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
18. The land must be drained to the satisfaction of the Responsible Authority.
19. 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.
20. 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.
21. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
22. 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.

- 23. 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.
- 24. Before the development is occupied Lot 112 on Plan of Subdivision 000841 and Lot 6 on Plan of Subdivision 415268S must be either:
 - Consolidated under the Subdivision Act 1988; or
 - Subdivided under the Subdivision Act 1988, in accordance with the plans endorsed as part of this Permit.
 - This must be done to the satisfaction of the Responsible Authority.
- 25. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant 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 No. 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 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.

INTRODUCTION AND BACKGROUND

A search of Council records has found no relevant planning history for the site. The application was received on 28 May 2019. The application was amended by way of Section 57A of the Planning and Environment Act on 6 December 2019. The amendment included the following revisions to the plans:

- Revisions to the front façade (Dwellings 1 and 2) to simplify the design detail.
- Introduction of a flat roof to Dwelling 2.
- Realignment of the entry to Dwelling 2.
- Reduction in courtyard fence heights.
- Provision of bicycle parking to the entries of Dwellings 3-6.
- Revisions to the vehicle access and basement.

The amendment was not advertised given that the changes were largely around design detail and would not cause material detriment to adjoining or nearby properties. In the lead up to the Planning Committee meeting all objectors have since been provided with a version of the plans that will be considered by Council.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The subject site is irregular in shape and includes a disused right of way (ROW) to the rear (north). It has a frontage of 9.51 metres, a total depth of 50.2 metres and a total site area of 978 square metres.
- The land is located within the General Residential Schedule 2 and a Development Contributions Plan Overlay.
- The site is located on the northern side of the street, approximately 105 metres to the west of the intersection with Gilbert Road.

- The subject site contains a double storey brick dwelling with a flat roof. It has vehicle access to a garage in the rear yard area along the eastern common boundary. The site has a fall of approximately 1.7 metres from the front (south east) corner to the rear (north west) corner.
- The surrounding neighbourhood is mixed and does not demonstrate the elements of an intact neighbourhood character with a blend of single and double storey dwellings and medium density developments from a range of era's.
- To the east is a single storey brick dwelling, setback approximately 10 metres from the street frontage and 1.75 metres from the common boundary.
- To the west is a double storey brick dwelling, setback 7.46 metres from the street frontage and 4.895 metres from the common boundary. This dwelling has vehicle access to a garage in the rear yard area along the common boundary.
- To the north of the site are the rear yards of allotments fronting Jacka Street.
- To the south, on the opposite side of the street, are a number of single and double storey dwellings and medium density housing developments.
- The site is proximate to public transport as follows:
 - Tram route #11 (West Preston to Victoria Harbour Docklands) - approximately 105 metres to the east.
 - Bus route #527 (Gowrie to Northland via Murray Road) – approximately 380 metres to the south.
 - Preston train station (Mernda Line) – approximately 1.2 metres to the south east.
- The site is approximately 350 metres to the south west of the Regent Village Activity Centre and J. S. Grey Reserve. Newland Primary School is 360 metres to the north west and Larkins Reserve is 160 metres to the north. Preston Market is approximately 1.2 km to the south east.
- There are no parking restrictions to Benambra Street.

Proposal

- It is proposed to construct seven (7) double storey dwellings over a basement garage area, with 3x3 bedroom and 4x2 bedroom dwellings. Dwellings 1 and 2 are located to the front of the site and Dwellings 3 to 7 are located along the length of the site, to the rear.
- Dwellings 1 and 2 are attached and are to have a similar design and layout and will have a study alcove to the front and an open plan kitchen/meals/living area at ground level, with three (3) bedrooms to the first floor. They are each to have two (2) car spaces and a laundry/storage area in the basement (Dwelling 2 will have two (2) tandem car spaces).
- Dwellings 3 to 6 are to have a similar design and layout with kitchen/meals/living area at ground level with two (2) bedrooms to the first floor. They are each to have a single garage/car space and a laundry/storage area in the basement.
- Dwelling 7 is to have a bedroom and a kitchen/meals/living area at ground level, with two (2) bedrooms to the first floor. This dwelling is to have two (2) car spaces and a and a laundry/storage area in the basement.
- Common pedestrian access is provided along the western boundary.
- The basement will be accessed via a ramp from a crossover central to the street frontage. It will also have a waste storage area.

- The dwellings will have a contemporary design, with walls finished in brick, render and lightweight cladding. They are to have flat and gabled roofs.
- The proposal will have a maximum height of approximately 8.255 metres to the ridge.

Objections

- 14 objections have been received.

Objections summarised

- Reduction in property values.
- Undesirable precedent.
- Basement garage is inappropriate (and may impact on the water table).
- Excessive dwelling numbers / overdevelopment.
- Low quality dwellings.
- Structural damage due to basement.
- Noise.
- Increased traffic congestion.
- Increased parking congestion.
- Loss of flora and fauna.
- Inadequate notice of proposal.
- Excessive scale / height.
- Contrary to neighbourhood character.
- No contact with applicant and applicant resides in another state.
- Overlooking.
- Inappropriate development in a flood prone area.
- Traffic safety.
- Fire safety for future residents.
- Excessive bins to the naturestrip and no green waste bins.
- Proposed access is constrained, and tandem car space is inappropriate, leading to increased on-street parking demand.
- Reversing up the access ramp.
- No visitor parking.
- Parking over adjacent driveways.
- Infrastructure will not cope.
- Impact on daylight.

Officer comment on summarised objections:

Reduction in property values.

Fluctuations in property prices are a not relevant consideration in assessing development proposals under the provisions of the Planning and Environment Act 1987, or the Planning Scheme.

Undesirable precedent.

It is considered that the development will not create an undesirable precedent, as individual proposals are assessed on their merits in the context of the neighbourhood character.

Basement garage is inappropriate (and may impact on the water table).

Basement garages are an appropriate method of providing vehicle access and parking and enable reduced paving and building footprint.

The basement is not expected to adversely impact on the water table.

Excessive dwelling numbers / overdevelopment.

The consideration of a medium density housing development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme. The development proposes an acceptable increase in density and a modest rise in height and is not considered to be an overdevelopment when balancing the broad range of policies.

State policy has a clear policy on urban consolidation which is dependent on medium density housing development, requiring established areas of Melbourne to absorb a high proportion of Melbourne's expected growth. State and Local Planning Policy envisage an increase in housing density in established areas such as this. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

Low quality dwellings.

There is no evidence to show that the dwellings will be of a poor quality. It is considered that the design provides appropriate materials and will allow adequate on-site amenity.

Structural damage due to basement.

Structural considerations from the basement (or construction work) is not a planning consideration and will be dealt with under the relevant Building Regulations.

Noise.

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

Increased traffic congestion.

It is considered that the increase in traffic movements in the abutting streets, arising from the additional dwellings will be incremental and would not unreasonably affect local traffic conditions, or place an unreasonable load on the surrounding street network.

Increased parking congestion.

Car parking has been provided on site in accordance with the provisions of Clause 52.06 of the Darebin Planning Scheme (two (2) car parking spaces for each of the three (3) bedroom dwelling and one (1) car space for the two (2) bedroom dwelling). Any overflow parking resulting from the development would be within reasonable limits and will not negatively impact on the surrounding streets.

Loss of flora and fauna

Although the proposal will remove the vegetation from the site, the applicant has provided an arborist's report and internal referral comments from Council's Arboricultural Planning Unit indicate that the vegetation to be removed from the site above is of low retention value.

Inadequate notice of proposal.

Notification was sent to the adjoining and nearby properties by mail and the applicant has provided a statutory declaration indicating that the notice was placed on the site in the form of a sign to the frontage.

A number of objections have been received which indicates that people have been able to consider and provide comment on the proposal.

Excessive scale / height.

Council must assess the proposal on its merits, in the context of the site and area and based on the requirements of the Planning Scheme.

The proposed development provides a height of two (2) storeys, which is consistent with the current and emerging character of the area. It is also a generally held planning principle that a gradual increase in height is acceptable (i.e. a 1-2 storey mix is generally acceptable). Double storey construction is a satisfactory design outcome in a suburban residential setting such as this and provides an appropriate transition in height above adjoining single storey dwellings.

Issues surrounding the bulk and scale of the development are assessed below in the Clause 55 assessment and the Neighbourhood Character Study Assessment. The proposed development is to have a maximum height of 8.255 metres, which is under the 11 metre maximum under Clause 55. In addition, acceptable first floor setbacks are provided from the common boundaries, and along with the setbacks and mix of materials limit the unreasonable presentation of bulk to neighbouring properties. The size of the development is appropriate, with recessed upper levels and ample space for vegetation. This ensures the development is well proportioned with respect to the block size. The siting and setbacks of the development ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites.

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. A detailed assessment of the development against the neighbourhood character considerations, such as: design, form, materials and height are addressed in the report below, with particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines.

Although the proposal has a contemporary design, this may be contemplated. As can be seen in the assessment below, the proposal provides an appropriate form, adequate setbacks, landscaping and articulation as well as materials and design detail.

No contact with applicant and applicant resides in another state.

As noted above, appropriate notification was provided in regards to this application. Contact from the applicant prior to the application is not required. The applicant's address is not a relevant planning consideration.

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.

Inappropriate development in a flood prone area.

The site is not located in a Special Building Overlay (or any other flood prone area under the Planning Scheme) and or subject to overland flow from Council drains.

Traffic safety.

There is no indication that the proposal would give rise to any unreasonable transport safety issues, subject to the provision of appropriate pedestrian visibility splays to the access.

Fire safety for future residents.

Fire safety and exits are not a planning consideration and will be dealt with under the relevant Building Regulations.

Excessive bins to the naturestrip and no green waste bins.

The applicant has provided a Waste Management Plan showing that bins may be collected by Council collection. A condition of any approval will require revisions to the Waste Management Plan to include food organics and garden organics (FOGO) bins.

Proposed access is constrained, and tandem car space is inappropriate, leading to increased on-street parking demand.

As can be seen in the assessment below, the proposal provides appropriate garage, access and car space dimensions. Swept path diagrams provided by the applicant show vehicles able to enter and exit the street network conveniently.

The provision of tandem car parking spaces is an acceptable method of parking provision as set out under the Planning Scheme.

Reversing up the access ramp.

As noted above and in the assessment below, the proposal provides appropriate access dimensions and swept paths show vehicles able to enter and exit the street network conveniently. There is no reason why vehicles should reverse up the access ramp.

No visitor parking.

As the site is located in the Principal Public Transport Network Area, no visitor car parking is required under Clause 52.06-5.

Parking over adjacent driveways.

As noted above, the proposal provides adequate car parking for the development (under the provisions of the Planning Scheme) and there will be no unreasonable increase in on-street car parking demand.

Infrastructure will not cope.

The development accords with acknowledged policy for urban consolidation and increased densities, which is to make more efficient use of infrastructure and facilities. Any improvements required to existing utilities as a result of the development will be the responsibility of the developer. Infrastructure outside the site arising from general population growth will be for the responsibility of the relevant service providers.

Impact on daylight.

As can be seen in the assessment below, the proposal provides appropriate heights and setbacks to the adjacent dwellings to allow adequate daylight to habitable room windows, in compliance with Standard B19.

PLANNING ASSESSMENT**Minimum Garden Area Requirement**

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

Lot Size	Minimum percentage of a lot set aside as garden area	Garden area provided
400 - 500sqm	25%	Not applicable
501 - 650sqm	30%	Not applicable
Above 650sqm	35%	35.7%

Complies

Maximum Building Height Requirement for a Dwelling or Residential Building

Clause 32.08-10 sets a maximum height of 11 metres / 3 storeys. The proposal comprises two (2) storeys and a maximum height of 8.255 metres.

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 identified as an area of incremental change in the Strategic Housing Framework Plan and is defined as:

"Residential and commercial areas that have the capacity to accommodate a moderate level of residential development over time. It is expected that the general character of Incremental Change Areas will evolve over time as new modest types of development are accommodated." (Clause 21.03)

Housing (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 Incremental Change Areas generally display one (1) or more of the following characteristics:

- A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.
- Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however are generally unaffected by extensive heritage recognition.
- Are located:
 - *within an 800 metre walkable catchment of an activity centre*
 - *generally within an 800 metre walkable catchment of train, tram or SmartBus services.*

The proposed development of seven (7) double storey dwellings in this area (in proximity to public transport and services) is considered to be a modest type of development envisaged in this context. The scale and form of proposal is not considered to be a substantial change for the site and surrounding area. This level of change is supported under Clause 21.03 of the Darebin Planning Scheme. Furthermore, the site is located in an established area, proximate to services and facilities.

Neighbourhood Character Precinct Guideline Assessment - Precinct E3Existing 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

- It is noteworthy that the site is not located in a Heritage Overlay, therefore the existing dwelling may be demolished without planning permission.
- The site is not located in a streetscape that displays consistent building forms.
- It is therefore pertinent to consider the design of the replacement buildings which is assessed in detail below.

CompliesVegetation*Objective:*

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

Comment

- Although the proposal will remove the vegetation from the site, the applicant has provided an arborist's report and internal referral comments from Council's Arboricultural Planning Unit indicate that the vegetation to be removed from the site above is of low retention value.
- The proposal is appropriately sited and designed to incorporate space for the planting of new vegetation, such as canopy trees.
- The provision of basement car parking and central accessway to the frontage limits impervious surfaces.

Complies, subject to conditionSiting*Objectives:*

- 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.
- To minimise the loss of front garden space and the dominance of car parking structures.

Comment

- The front garden is large enough for planting of vegetation, to enable the continuation of the garden setting in this area.
- The proposal allows adequate garden space for landscaping.
- The development is setback from the common boundaries, providing separation in building forms to the street. It is therefore considered to be an acceptable design response that respects the rhythm of dwelling spacing.

- Access to the site is to be only one (1) crossover to the street, with a basement garage, so that parking areas do not dominate the front façade. There is ample space to plant in the front garden and there are no significant areas of paving. The existing crossover must be required to be removed by condition.

Complies subject to conditionHeight and Building Form / Frontage Width*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

- Dwellings in the area are single storey and double storey.
- The dwellings are double storey and the proposed upper floors are adequately articulated and are not significantly higher than nearby dwellings. The proposal presents an appropriate transition to the adjoining single storey dwelling and matches the height of the adjacent double storey dwelling, it is not out of scale, nor does it dominate the streetscape.
- Although the proposal provides a lengthways subdivision to the site. The Design response allows this, provided '*Lengthways subdivisions may be allowed, provided all other siting and design requirements are met*'. It is considered that the other siting and design requirements are appropriately met.

Complies with objectiveMaterials and Design Detail*Objective*

- 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 presents an appropriate architectural response with a visually interesting facade. Articulation in the façade is achieved through the use of materials and colours to the walls, as well as fenestration in windows and door openings. The use of lightweight cladding and render to the walls appropriately respect the character dwellings in the area. A condition of any approval will require a revised materials and colour schedule that includes colour samples.
- The design and materials appropriately respect the character dwellings in the area.

Complies subject to conditionFront Boundary Treatment*Objective*

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

Comment

- There is to be no front boundary fence, which allows views from the street to the front façade and is appropriate.

Complies**Clause 55 Assessment**

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards, matters informing conditions of the recommendation above and issues raised by objectors.

Clause 55.02-4 Standard B4 Infrastructure

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. Drainage is available to the site subject to conditions.

Complies subject to conditionClause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwellings are 10 metres and 7.46 metres to the east and west respectively. The standard therefore requires a setback of 8.73 metres. The proposed front setback of 8.61 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

- The encroachment on the recommended setback is negligible (120mm) and would not be discernible to the streetscape.
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping. The Neighbourhood Character Study also notes that '*Buildings are set back 5 - 7 metres from the front*' (in Key Characteristics). The proposed front setback exceeds this range.
- The design is considered to provide an appropriate transition between the robust form of the adjacent building to the west and the adjoining dwelling to the east.
- The front façade is appropriately articulated.
- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.

Complies with objective.Clause 55.03-2 Standard B7 Building Height

The proposed dwellings are to be two (2) storey and have a maximum height of 8.255 metres which complies with the General Residential Zone maximums of three (3) stories and 11 metres.

CompliesClause 55.03-5 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.
- Sun shading to northern habitable room windows.
- A condition of any approval will require operable shading to west facing habitable room windows and glazed doors.

A Sustainable Design Assessment has been submitted and will be secured by way of condition.

Complies subject to condition

Clause 55.03-8 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. A detailed landscape plan will be required as a condition of any approval.

Complies subject to condition

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern - Dwelling 2	3.9 metres	1.09 metres	3.39 metres
Eastern - Dwelling 3-6	3.7 metres	1.03 metres	6.9 metres
Eastern - Dwelling 7	3.7 metres	1.03 metres	4.6 metres
Western - Dwelling 1	4.3 metres	1.21 metres	4.735 metres
Western – Dwellings 3-6	4.0 metres	1.12 metres	3.1 metres
Western - Dwelling 7	<u>4.0 metres</u>	<u>1.12 metres</u>	<u>1.0 metre</u>
Northern - Dwelling 7	4.04 metres	1.132 metres	3.675 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern - Dwelling 2	6.825 metres	1.968 metres	3.5 metres
Eastern - Dwelling 3-6	6.9 metres (wall) 7.75 metres (gable)	1.99 metres 2.84 metres	4.76 metres
Eastern - Dwelling 7	6.9 metres	1.99 metres	4.76 metres
Western - Dwelling 1	7.3 metres	2.39 metres	4.845 metres
Western – Dwellings 3-6	6.94 metres (wall) <u>8.255 metres</u> (gable)	2.03 metres <u>3.345 metres</u>	3.3 metres

Boundary	Wall height	Required Setback	Proposed setback
Western - Dwelling 7	7.0 metres	2.09 metres	3.3 metres
Northern - Dwelling 7	7.065 metres (wall) 8.055 metres (gable)	2.155 metres 3.145 metres	4.725 metres

The above analysis indicates only minor areas of non-compliance, which are considered acceptable as they will not have a detrimental impact on the amenity of adjoining properties. The ground floor western wall of Dwelling 7 is setback 1 metre from the western boundary and provides a maximum height of 4 metres. Standard B17 recommends a setback of 1.12 metre from the western boundary. The encroachment on the recommended setback is considered negligible (120mm) and would not be discernible from the adjacent property. The western walls of Dwellings 3-6 largely comply, other than the gable ends to Dwellings 3 and 6. Given that the area of non-compliance is limited to a section of the gables of these dwellings, the amenity impact of this would be limited.

Complies with objective

Clause 55.04-6 B22 Overlooking

The ground floor level of the proposed dwellings provide finished floor levels less than 0.8m above natural ground level at the boundary. Nevertheless, the floor levels are raised, due to the site fall. The proposal includes 600mm trellis above a 1900mm fence to the north to address overlooking. The existing 1.55-1.65 metre high boundary fence on the west boundary should be increased to a minimum height of 1.8 metres and the height of the fence to the east boundary is unclear and must be shown to be to a minimum height of 1.8 metres, to address unreasonable overlooking.

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

- Further details of first floor horizontal louvres are required to ensure that no unreasonable views are available to the adjacent secluded private open space area.
- Vertical louvres to the first floor east-facing windows of Dwellings 4 and 5 and the west-facing windows of Dwellings 3 and 6 are inadequate and allow downward views to adjacent private open space areas.
- The unscreened first floor east-facing bedroom windows of Dwellings 4 and 5 and the west-facing bedroom windows of Dwellings 3 and 6 windows must be screened.

Complies subject to condition

Clause 55.04-8 Standard B24 Noise Impacts

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

Complies

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents. This is achieved through the provision of 40 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room or

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	79 square metres	29 square metres	3.085 metres
Dwelling 2	97 square metres	32 square metres	3.39 metres
Dwellings 3-6	40 square metres	37 square metres	5.3 metres
Dwelling 7	68 square metres	65 square metres	3.675 metres

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

Complies

Clause 55.05-5 B29 Solar Access to Open Space

Solar access is provided into the secluded private open space of the new dwellings as follows:

	Wall Height to North	Required Depth	Proposed Depth
Dwelling 1	Ground floor: 3.5 metres First floor: 6.6 metres	5.15 metres 7.94 metres	9.55 metres 11.07 metres
Dwelling 2	N/A as no wall to north		
Dwelling 3	N/A as no wall to north		
Dwelling 4	N/A as no wall to north		
Dwelling 5	N/A as no wall to north		
Dwelling 6	<u>6.5 metres</u>	<u>7.85 metres</u>	<u>5.3 metres</u>
Dwelling 7	N/A as no wall to north		

Although the wall of Dwelling 7 will impact on the solar access to the secluded private open space to Dwelling 6, this is considered to be an acceptable design response in that the area impacted upon by the wall is beneath the first floor overhang of the subject dwelling, so that it is an enclosed veranda area. In addition, a minimum area of secluded private open space of no less than 25 square metres (with a minimum dimension of 3.0 square metres) will receive ample solar access to this dwelling. This is an appropriate design response.

Complies with objective

Clause 52.06 - Car Parking

Number of Parking Spaces Required

- One (1) car parking space is provided for each of the two (2) bedroom dwellings.
- Two (2) car parking spaces are provided for each of the three (3) bedroom dwellings, with all spaces under cover.
- No visitor car parking space is required, as the site is located in the PPTN area.

Design Standards for Car parking

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

- Single garage dimensions within the basement, of 6.0 metres length x 3.5 metres width are provided.
- The tandem car space has dimensions of 4.9 metres length x 2.6 metres width and a setback of 500mm to the garage, to comply with the minimum requirements of the standard.
- The car spaces within the basement have dimensions of 4.9 metres length x 2.6 metres width to comply with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.
- The width of the accessway is 3.0 metres.
- Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction.
- Ramp gradients are generally acceptable however, a ground clearance assessment is required.

Clause 53.18 – Stormwater Management in Urban Design

The purpose of the clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Given the development site's Residential Growth zoning, the provision of this clause applies to the application and stormwater management objectives for the buildings and works must be met, as follows:

Clause 53.18-5 – Buildings and Works (Standard W2)

It is policy to:

- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
- To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2 requires any stormwater management system 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).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Part of the above requirements are covered under the STORM tool, as required under Clause 22.12-4 *application requirements*. Table 1 – ESD Application requirements recommend the application to be accompanied by a Sustainable Design Assessment (SDA) utilising the BESS and STORM tools. The STORM tool will sufficiently address best practice performance for stormwater quality.

The application is supported with an effective STORM report which demonstrates 100% STORM rating.

Clause 53.18-5 – Site Management (Standard W3)

It is policy to:

- To protect drainage infrastructure and receiving waters from sedimentation and contamination.
- To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

The above is to be implemented through appropriate site management practices prior to and during the construction period, to be included in a Site Management Plan that sets out how the following are to be addressed:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Melbourne Water’s “*Keeping our Stormwater Clean: A Builder’s Guide*” prepared in conjunction with EPA Victoria, published *October 2006* may be used as a guide for the preparation of the Site Management Plan. Given the scope of the development, the above requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination on site may be addressed by condition.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment against the Neighbourhood Character Guidelines in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Please see assessment in the body of this report.	Y	Y
55.02-5	B5	Integration with the street		
		Dwellings 1 and 2 appropriately integrate with the Street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		Please see assessment in the body of this report.	Y	Y
55.03-3	B8	Site coverage		

Clause	Std		Compliance	
		43.9%, which is less than the 60% maximum allowed.	Y	Y
55.03-4	B9	Permeability		
		35.3%, which is more than the 20% minimum allowed.	Y	Y
55.03-5	B10	Energy efficiency		
		Please see assessment in the body of this report.	Y	Y
55.03-6	B11	Open space		
		N/A. The site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Please see assessment in the body of this report.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	Y	Y
55.04-2	B18	Walls on boundaries		
		There are no walls on boundaries.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views.	Y	Y

Clause	Std		Compliance	
55.04-8	B24	Noise impacts		
		Please see assessment in the body of this report.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility. It is noted the Dwelling 7 includes a bedroom, kitchen, bathroom and living facilities at ground floor level.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Please see assessment in the body of this report.	N	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided within the basement.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Infrastructure and Capital Delivery	No objection, subject to condition included in recommendation
Climate Emergency and Sustainable Transport	No objection, subject to conditions included in recommendation requiring a ground clearance assessment and detail of grade for a car space to Unit 1.
ESD Officer	No objection, subject to conditions included in the recommendation regarding shading, waste management and materials.
City Architect	<p>The City Architect suggested changes to the design detail of the buildings including:</p> <ul style="list-style-type: none"> • A redesign of the front façade so the development appears as one building at first glance. • Dwelling 2 be redesigned to appear as a flat roof to the street. • A realigned entry and path to Dwelling 2. • A reduction in courtyard fence heights for Dwellings 3-6. • Introduction of bicycle parking to the entries of Units 3-6. <p>The above comments have been addressed in the revised plans submitted as a Section 57A amendment.</p>
Arboricultural Planning	No objection, subject to conditions included in recommendation requiring a tree replacement fee (Tree 1) and tree protection measures (Trees 17-21).

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.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.01-1R, 11.02-1S, 11.02-2S, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-5S, 15.02-1S, 16, 19.03-1S
LPPF	21.01-6, 21.02-3, 21.03-1, 21.03-2, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02, 22.12
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	E3

POLICY IMPLICATIONS

Environmental Sustainability

A Sustainable Design Assessment (SDA) outlining sustainable design initiatives required to be incorporated into the development has been submitted and will be secured by way of condition.

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

RELATED DOCUMENTS

- Planning and Environment Act 1987
- Darebin Planning Scheme

Attachments

- Aerial (**Appendix A**)
- Plans (**Appendix B**)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* 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.

**5.3 APPLICATION FOR PLANNING PERMIT D/878/2018
4 ARTHURTON ROAD NORTHCOTE**

Author: Principal Statutory Planner
Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Lucky Bay	Lucky Bay Pty Ltd	Meydan Group Wireframe Architecture Tree Logic WSP One Mile Grid Papworth Davies Leigh Design

SUMMARY

- Development of three (3) buildings containing a total of 158 dwellings and 409 square metres of shops as follows:
 - Building A – three (3) to five (5) storey residential
 - Building B - eight (8) storey (plus mezzanine and roof terrace) mixed use (residential/shops)
 - Building D1 - eight (8) storey (plus roof terrace) residential

over two (2) basement levels and use of the land for shops on land affected by a Design and Development Overlay – Schedule 14 and a Special Building Overlay.
- The apartments are proposed to be split into the following accommodation types:
 - One (1) bedroom apartments: 19
 - Two (2) bedroom apartments: 118
 - Three (3) bedroom apartments: 21
- The proposal is known as Stage 1, with Stage 1A completed at 9-13 Arthurlon Road to the south and Stages 2 and 3 yet to be submitted to Council.
- The proposal includes 209 car parking spaces within the basement levels, which are to be accessed via Herbert Street, and 218 bicycle parking spaces, including 175 secure bicycle parking spaces within the basement.

- The maximum heights of the proposed buildings are Building A: 16 metres, Building B: 28.80 metres and Building D1: 25.60 metres.
- The site is zoned Mixed Use Zone and is affected by the Design and Development Overlay – Schedule 14, the Development Plan Overlay – Schedule 10, the Environmental Audit Overlay, the Development Contributions Plan Overlay and the Special Building Overlay.
- There is no restrictive covenant on the title for the subject land.
- The proposal is generally in accordance with the Approved Development Plan, Clause 58 of the Darebin Planning Scheme (the Scheme) and is considered to respond to both the physical and policy context of the subject site, including design objectives relevant to the Northcote Major Activity Centre.
- It is recommended that the application be supported and a permit issued.

CONSULTATION:

- In accordance with Clause 43.04-3 (Development Plan Overlay) the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- Although the application is exempt from notice and review, one (1) objection has been received against the application.
- This application was referred internally to Council's City Design Unit, ESD Officer, City Architect, Infrastructure and Capital Delivery Unit, Arboricultural Planning Unit, City Works Unit and Climate Emergency and Sustainable Transport Unit.
- This application was referred externally to Melbourne Water and Head, Transport Victoria.

Recommendation

That Planning Permit Application D/878/2018 be supported and a Planning Permit be issued subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP0.07, TP0.09, TP0.10 and TP0.12-TP0.26 Rev.3, TP0.11 Rev.5, TP0.34, TP0.35 Rev.P2, TP0.36-TP0.38 Rev.P1; TP1.01-TP1.06, TP1.10, TP1.11, TP1.20, TP1.21 and TP1.30 Rev.3; TP2.01- TP2.15, TP2.20, TP2.21 and TP2.30 Rev.3, TP2.22 Rev.P2; TP3.01-TP3.11, TP3.20, TP3.30 Rev.3, received by Council on the 10.02.2020 and prepared by Wireframe Architecture) but modified to show:
 - a) All balcony and terrace balustrades on the northern and western elevations of Building A to be finished with aluminium cladding to the satisfaction of the Responsible Authority.

- b) The deletion of Building B apartments 1.07 and 2.07. The floor area associated with these apartments is to be absorbed into the adjoining apartments and/or common building services/corridors.
 - c) The south facing balconies to Building B apartments 2.09, 3.08, 4.08, 5.08, 6.07 and 7.07 to be curved on their western ends.
 - d) A single communal antenna for each of the buildings. The location of the antenna must be shown on the roof plan and elevations and the height of the antenna must be nominated.
 - e) All light wells to be painted with a light/reflective paint.
 - f) The lower panel of glazing to the south facing bedroom windows of Building A (apartments 1.02, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 & 4.02) deleted and replaced with a solid panel.
 - g) The western living room walls of Building A apartments G.02, G.03 and G.04 western boundary setback reduced by 500mm.
 - h) A Landscape Plan in accordance with Condition No. 5 of this Permit.
 - i) A Landscape Management Plan in accordance with Condition No. 6 of this Permit.
 - j) A Streetscape Improvement Plan in accordance with Condition No. 10 of this Permit.
 - k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures and any modifications required as a result of the requirements of Condition No. 9 of this Permit.
 - l) Any modifications required as a result of the approved Sustainability Management Plan required by Condition No. 14 of this Permit.
 - m) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 15 of this Permit.
 - n) Any modifications required as a result of the approved Acoustic Assessment required by Condition No. 16 of this Permit.
 - o) Car parking allocated in accordance with Condition No. 20 of this Permit.
2. The development and layout of the uses 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:
- * 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 the development starts, a drainage plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The drainage plan must detail how the drainage design of Stage 1 will allow for the drainage of future development stages on the land identified on Certificate of Title Volume 10571, Folio 598 as Land in Plan of Consolidation 361102Q.

The drainage design, as shown on the approved drainage plan, must be constructed to the satisfaction of the Responsible Authority before the development is occupied or the use starts (whichever comes first).

The land must be drained to the satisfaction of the Responsible Authority.

5. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The landscaping plan must be generally in accordance with the Landscape Master Plan (drawing number LSK001, dated 23 April 2018) and the Landscape Concept Plan – Stage 1 (drawing number LSK002, dated 30 May 2018), both prepared by Papworth Davies, except that the plan must show:
 - a. Annotated cross-sectional details of proposed planter boxes specifying sizes, drainage, soil volume for each proposed tree species and irrigation method (drip line preferred).
 - b. Annotated cross-sectional details of all planter boxes on communal terraces specifying sizes, soil volume, drainage.
 - c. The location and number of outdoor taps on communal terraces and communal garden areas at an accessible height.
 - d. The location and type of drainage on all communal terrace and garden areas
 - e. A storage area for the communal garden of Building A.
 - f. The location and type of drainage on all private balconies and terraces.
 - g. The location of outdoor taps on private balconies and terraces where provided.
 - h. Additional detailed plans and annotated cross sections showing streetscape of Elm Street and Arthurton Road.
 - i. Detailed landscape plan for each section of the landscape including communal areas at ground level and terraces for Buildings A and B.
 - j. At least 9 large trees or 18 medium trees (excluding trees planted in streetscapes) in the communal area at ground level.
 - k. Tree Protection measures in accordance with Condition No. 9 of this permit.
 - l. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 14 of this permit.
 - m. 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
 - n. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - o. A diversity of plant species and forms that must suit the sun and shade conditions of the site. All proposed planting must be to the satisfaction of the responsible authority.
 - p. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- q. Type and details of all surfaces and structures including hardscape elements (pavers, brick, asphalt and concrete).
 - r. Details of materials and construction methods (including cross sections where appropriate).
 - s. Spot heights to demonstrate accessible accessways through all communal areas of the site and entrances.
 - t. 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. Constructed items such as letter boxes, garbage bins, lighting, tanks, storage and bike racks must be located with storage capacity shown where appropriate.
 - u. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - v. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed planting.
 - w. Planting plan with clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - x. Scale, north point and appropriate legend.
 - y. Landscape Specification Notes including general establishment and maintenance requirements.
6. Before the development starts, a Landscape Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and must:
- a. detail the proposed rooftop planter beds and vertical garden;
 - b. include site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment
 - c. include establishment details such as:
 - i. weight loading (dead load, live load and transient load)
 - ii. access
 - iii. construction layers including sectional diagrams
 - iv. support structures
 - v. waterproofing
 - vi. irrigation and plant nutrition
 - vii. vegetation
 - viii. lighting
 - d. incorporate a maintenance planting schedule, including:
 - i. details of who will be responsible for the maintenance of the garden structures and landscaping
 - ii. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - iii. access requirements/ agreements.
 - iv. irrigation and plant nutrition

7. The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan and Landscape Management Plan are completed to the satisfaction of the Responsible Authority.

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.

8. The landscaping shown on the endorsed Landscape Plan and Landscape Management Plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.
9. Before the development (including demolition) starts, tree protection fencing must be erected in accordance with the following requirements to define a 'Tree Protection Zone' (TPZ):

<i>Tree (as defined in Arboricultural Assessment and Report, prepared by TreeLogic and dated 9 April 2018).</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1	5.5 metres
Tree 2	10 metres
Tree 3	5.8 metres
Tree 4	4.2 metres
Tree 5	4.9 metres
Tree 6	2.0 metres
Tree 7	6.4 metres

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

The tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

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 Tree Protection Zone. 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.

Except with the written consent of the Responsible Authority, within the Tree Protection Zone:

- No vehicular or pedestrian access, trenching or soil excavation is to occur, save for that allowed to complete the approved development.
- No storage or dumping of tools, equipment or waste is to occur.

Where applicable to a nature strip tree, a Tree Protection Zone is confined to the width of the nature strip.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

10. Before the development starts, a Streetscape Improvement Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the

permit. The plan must be prepared by a suitably qualified person and be drawn to scale with dimensions. The plan must include:

General

- (a) A description of the works to be carried out, and the land on which the works are to be carried out.
- (b) A description of streetscape assets to be transferred to Council on completion of works.
- (c) The date by which each of the works will be carried out.
- (d) The value of any assets to be transferred and the costs of any works to be carried out.
- (e) The method of calculating the value of works if they are only partly carried out.
- (f) Any other appropriate matters.

Streetscape improvements – Arthurton Road (interim)

- (g) A plan showing the interim treatment for the 5 metre setback to Arthurton Road for Stage 1, including:
 - i. The provision of temporary landscaping comprising low ground covers.
 - ii. A planting plan for all temporary and permanent landscaping.
 - iii. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the *Darebin Standard Park Seat, Stool and Bench*.
 - iv. No car parking spaces on Arthurton Road.

Streetscape improvements – Arthurton Road (final)

- (h) A plan showing the final treatment for the 5 metre setback to Arthurton Road, including:
 - i. The provision of a bicycle path along Arthurton Road.
 - ii. The provision of permanent landscaping, including street trees every five lineal metres along Arthurton Road, or a minimum 50% coverage of the streetscape on Arthurton Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - iii. A planting plan for all permanent landscaping.
 - iv. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the *Darebin Standard Park Seat, Stool and Bench*.
 - v. No car parking spaces on Arthurton Road.

Streetscape improvements – Herbert Road

- (i) A plan showing the streetscape treatment for Herbert Road, including:
 - i. The provision of permanent landscaping, including street trees every five lineal metres along Herbert Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.

Streetscape improvements – Elm Street

- (j) A plan showing the streetscape treatment for Elm Street for Stage 1, including:
- i. The provision of permanent landscaping, including street trees every five lineal metres along Elm Street or a minimum 50% coverage of the streetscape on Elm Street. All new street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.
- (k) Each of the plans described in condition 10(g), (h), (i) and (j) must also include:
- i. Dimensioned cross sections detailing the extent of landscaping, footpath, road, car parks, kerb and bicycle lanes.
 - ii. Pavement surfacing that includes bluestone pavers or equivalent materials as approved by the Responsible Authority.
 - iii. The location and dimensions of all existing and proposed streetscape elements including all adjacent public right-of-way, building envelopes, street, median, kerb and footpath materials and edges, driveways and crossovers, street trees, landscaping, street lighting, site furnishings, protected bicycle lanes and signage.
 - iv. Details of all existing street trees to be retained and all existing trees to be removed, including the genus, species, height and spread of all trees.
 - v. Details of tree protection measures in accordance with Australian Standards.
 - vi. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences including of adjacent buildings.
 - vii. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed elements.
 - viii. Incorporation of sustainability measures such as Water Sensitive Urban Design principles including passive irrigation tree pits, infiltration devices, permeable paving, improved drainage design, common trenches parallel to kerbs, closer alignment of services and increased landscaping opportunities.
 - ix. Scale, north point and appropriate legend.
 - x. Specification notes including warranty, establishment and maintenance requirements.
 - xi. Annotated construction details for tree pits and grates, in accordance with Darebin standard construction details for Northcote Activity Centre precinct.

11. The development must not be occupied until the works shown on the Streetscape Improvement Plan endorsed under condition 10 (with the exception of the final treatment for the 5 metre setback to Arthurton Road) are completed. The works are to be carried out:
 - (a) at no cost to the Responsible Authority;
 - (b) in accordance with Council's standards;
 - (c) in accordance with the endorsed Streetscape Improvement Plan; and
 - (d) to the satisfaction of the Responsible Authority.
12. Unless otherwise agreed by the Responsible Authority in writing, the development must not be occupied until the portion of land comprising the 5 metre setback to Arthurton Road (identified in the endorsed Streetscape Improvement Plan required under condition 10) is transferred to Council for no consideration.
13. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act) to provide for the following:

Construction and delivery of Infrastructure Items

 - a) The construction and delivery of the following infrastructure items:
 - i. the pedestrian operated signals located in proximity to the corner of Arthurton Road and Herbert Street;
 - ii. a landscaped raised threshold treatment at the western end of Elm Street to prioritise pedestrians walking along the eastern side of Herbert Street when crossing Elm Street, identified as item 12 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;
 - iii. a landscaped raised threshold treatment on the north side of Arthurton Road, identified as item 13 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;

(collectively, the 'Infrastructure Items')

to the satisfaction of the Responsible Authority.
 - b) The timing of the delivery of each of the Infrastructure Items.
 - c) Functional layout plans for the construction of the Infrastructure Items to the satisfaction of the Responsible Authority (and VicRoads if required) must be submitted to and approved by the Responsible Authority (and VicRoads if required).
 - d) The process for the submission and approval of functional layout plans and any relevant tender process.
 - e) The Infrastructure Items must be constructed in accordance with the approved functional layout plan(s) to the satisfaction of the Responsible Authority (and VicRoads if required).
 - f) The process for the certification by Council of the delivered Infrastructure Items.
 - g) The Owner must pay the costs associated with the construction and delivery of each of the Infrastructure Items respectively including any applicable GST.

- h) The Responsible Authority will reimburse the owner 50% of the costs associated with the construction and delivery of the Infrastructure Items within 12 months of the owner paying the last of those costs.
- i) The Responsible Authority may seek an extension of time if it has not provided its reimbursement within the 12 month period. The request must be in writing and must be made prior to the expiry of the 12 month period. Consent to the extension of time must not be unreasonably withheld by the owner.
- j) A dispute resolution process in relation to costs, scope of works and timing, specifically, the parties will refer any disputes to the Tribunal for determination pursuant to the Planning and Environment Act 1987.
- k) The termination date of the agreement, specifically, the date by which the Infrastructure Items are delivered to Council to the satisfaction of the Responsible Authority.

Land comprising the 5 metre setback to Arthurton Road

- l) The process and timing for interim treatment works, for permanent works, and for transferring the portion of land comprising the 5 metre setback to Arthurton Road relating to Stage 2 and Stage 3 of the development.

Before the development starts, the owner must make an application to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the section 173 agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

14. Before the development starts, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by WSP and dated August 2019 but modified to show:
 - a) Data updated to reflect the approved number and layout of apartments.
 - b) Removal of the Green Star credit for Financial Transparency.

The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

The development must not be occupied until a report from the author of the SMP, approved under this permit, or similarly qualified person or company, has been 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.

15. Before the development starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will form part of this permit. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 31 August 2018 but modified to show:

- a) That waste collection is to be undertaken by a private contractor.
- b) Figures updated to reflect the approved apartment numbers and shop floor area.
- c) Collection of food waste included.
- d) The means by which garbage and recyclables will be stored on the site.
- e) The waste services to be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and food waste).
- f) The types of bins.
- g) The types of collection vehicles.
- h) The times and frequency of collection.
- i) The location of the collection point/s for vehicles.
- j) Any other relevant matter.

The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area. Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

16. Before the development starts, an amended Acoustic Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Assessment will be endorsed and will form part of this permit. The amended Acoustic Assessment must be generally in accordance with the 'Arthurton Row Stage 1, Northcote, Town Planning Report' prepared by Acoustic Logic, Revision 1, dated 12 September 2018 but modified to include:
 - a) An assessment of the impact of noise generated by lifts, internal communal rooms and external communal terraces on the internal amenity of all adjoining apartments and any resultant recommendations to reduce noise impact on those dwellings.

The provisions, recommendations and requirements of the endorsed Acoustic Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Before the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

18. Before the development starts, a detailed Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will form part of this permit. The plan must describe how the site will be managed prior to and during the construction period and must include, without limitation, the requirements for:

- a) Erosion and sediment.
- b) Stormwater.
- c) Litter, concrete and other construction wastes.
- d) Chemical contamination.

The provisions, recommendations and requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

19. The development must not be occupied until the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) are:

- a) constructed;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced;
- 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.

20. Car parking spaces must be allocated as follows:
- a) 159 resident parking spaces
 - b) 16 residential visitor car parking spaces
 - c) 4 retail car parking spaces
21. 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.
22. Before the development is occupied, the bicycle parking spaces shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority. The bicycle parking spaces must be maintained to the satisfaction of the Responsible Authority.
23. The use and development must not detrimentally affect the amenity of the area through the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- or in any other way, to the satisfaction of the Responsible Authority.
24. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
25. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each building, shop and ground floor dwelling, access to adjoining public footpaths and all internal pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
26. 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.
27. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
28. 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.

29. 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.
30. The plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
31. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
32. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
33. Before the development starts (including demolition), a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
34. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Melbourne Water Conditions:

35. The ground floor of building A must be constructed with finished floor levels no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
36. The ground floor of building B must be constructed with finished floor levels set no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
37. The ground floor of building D1 must be constructed with finished floor levels set no lower than 46.0 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
38. Any doors, windows, vents and openings to the basement car park must be a minimum of 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
39. The entry / exit driveway of the basement carpark must be constructed a flood proof apex set no lower than 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
40. A Pre and Post CCTV inspection of the underground drain is required to be carried out at the cost of the developer in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia. The footage must be submitted to Melbourne Water prior to the commencement of works.

41. Prior to the commencement of works, details are to be submitted to Melbourne Water of access via heavy vehicles and the methods and processes which will be actioned to protect Melbourne Water's High Risk Brick Drain Constructed in 1926.
42. Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain.

Head, Transport Victoria Condition:

43. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Arthurlton Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria 8 weeks prior.

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.

The amendments specified in Condition No. 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.
- N3 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 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.

Melbourne Water Advice

Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Summer Avenue Main Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property grades from 45.7 metres to AHD at the north western boundary down to 45.3 metres AHD at the south western boundary.

Melbourne Water recommends that if pedestrian entrances off Arthurton Road or Elm Street are grading downwards, a small apex should be provided above adjacent road level (approximately 100mm) to prevent overland flows from flooding the property open space.

For general development enquiries contact our Customer Service Centre on 131722.

INTRODUCTION AND BACKGROUND

- The scope and framework for a mixed-use redevelopment of the site was established through the approval of Amendments C81 and C92 to the Scheme in March 2011.
- The controls that were applied to the site through said Amendments included the Development Plan Overlay. The Development Plan Overlay (DPO) ensures the appropriate and coordinated development of the site by requiring the approval of a Development Plan prior to the issue of planning permits.
- The development plan process was the last phase in the planning process that allows public notification and submission, with the DPO provisions in the planning scheme exempting any planning application from the advertising and appeal processes.
- The Arthurton Row Development Plan 2011 was approved on 2 May 2012 (referred to as the '2011 Development Plan').
- Planning Permit D/783/2013, was approved by Council on 12 December 2013 and subsequently amended to allow a 'Mixed use development comprising the construction of a five (5) storey building (plus basement), use for restricted recreation (gymnasium), a reduction in the car parking and loading/unloading requirements, display of signage and demolition on land affected by a Public Acquisition Overlay - Schedule 4 in accordance with the endorsed plans'. This development has been completed on the portion of the Development Plan site that is known as Stage 1A. Stage 1A is located on the southern (opposite) side of Arthurton Road.
- The Arthurton Row Development Plan 2013 'A Retail Strategy' was approved by Council on 17 February 2014 subject to conditions, the conditions were never satisfied.
- The Arthurton Row Development Plan 2017 was approved by Council on 11 December 2017, subject to conditions. The conditions were satisfied on 30 October 2019.
- Application for Planning Permit D/878/2018 was submitted on 4 December 2018 for the portion of the Development Plan site known as Stage 1.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The portion of the site known as Stage 1 is irregular in shape, with frontages to Herbert Street (97.3 metres), Arthurton Road (67.7 metres) and Elm Street (48.3 metres), Northcote. The site is 5,850 square metres in area, including the required set back to Arthurton Road.

- The site contains a two (2) storey office building to the Arthurton Road/Herbert Street corner, with a large single storey warehouse adjoining the office to the north and east. The existing buildings are largely constructed to the boundary, but for setbacks on the Herbert Street frontage that feature landscaping, vehicle access and two (2) car parks.
- The northern side of Elm Street, opposite the site, is characterised by single storey period dwellings.
- To the south, on the southern side of Arthurton Road, is a large industrial precinct occupied by single and double storey buildings, car parking areas, storage sites and some more recent retail and food and drink premises.
- To the east is the remainder of the Approved Development Plan site, known as Stages 2 and 3, occupied by warehouse and retail buildings and a large, uncovered car park.
- To the west, on the opposite side of Herbert Street, are two (2) and three (3) storey contemporary townhouses and a childcare centre made up of several single and double storey buildings of various eras of construction. To the west of these buildings is the Mernda Train Line.
- Local on street parking conditions are as follows:

Street and Orientation	Restriction
Herbert Street east	Unrestricted
Herbert Street west	Unrestricted and P5minutes from 7.30am – 10.00am and 3.00pm – 6.00pm Monday to Friday
Arthurton Road north	0.5P from 8.00am to 4.00pm Monday to Friday with a Clearway from 4.00pm to 6.00pm Monday to Friday
Arthurton Road south	No Standing – single continuous dividing line
Elm Street north	1P from 9.00am – 6.00pm and Permit Zone all other times
Elm Street south	Unrestricted

- The site has excellent access to public transport (see Image 1 below) including the following within 500 metres of the site:

Northcote Train Station – Mernda Line

Route 86 Tram – Bundoora to Waterfront City Docklands

Route 11 Tram – West Preston to Victoria Harbour Docklands

Route 508 Bus – Alphington to Moonee Ponds via Northcote & Brunswick

Route 552 Bus – North East Reservoir to Northcote Plaza via High Street

Route 567 Bus – Northcote to Regent via Northland

Image 1 – Public Transport Map



Source: www.ptv.gov.au

- The site is located in the heart of the Northcote Major Activity Centre, characterised by a mix of activities that generate a high number of trips for business, retail, cultural, educational and leisure services with a catchment area that services more than just the local population. Northcote Central and Northcote Plaza shopping centres, featuring a range of specialty retail and supermarkets, are located a short walk to the east.

Proposal

- *Building A*

Building A is located to the north-western corner of the site and steps from three (3) storeys to five (5) storeys in height. The building comprises 49 apartments (3 x 1 bed, 41 x 2 bed & 5 x 3 bed), indoor communal facilities and a communal rooftop terrace including a vegetable garden.

The ground floor apartments have direct pedestrian access to Herbert Street, Elm Street and the Stage 1 ground floor communal open space and the building receives pedestrian access to Herbert Street, the Stage 1 ground floor communal open space and both levels of basement by lift and stairs.

- *Building B*

Building B is located to the south-western corner of the site and is eight (8) storeys in height, plus a mezzanine above ground floor. The building comprises 73 apartments (8 x 1 bed, 49 x 2 bed & 16 x 3 bed), 409 metres of floor area on the ground floor dedicated to two (2) shops, indoor communal facilities and a communal rooftop terrace.

The shops have a shared pedestrian access from Arthurton Road and the apartments include a lobby that is accessible from an internal walkway that links Arthurton Road, Herbert Street and Elm Street. The building includes lift and stair access to both levels of basement.

The building is constructed of brick, composite cladding, aluminium cladding, render and glazing. The building includes a pedestrian canopy over the Arthurton Road retail frontage.

- *Building D1*

Building D1 is located to the east of the site and is eight (8) storeys in height. The building comprises 36 apartments (8 x 1 bed & 28 x 2 bed) and indoor communal facilities.

The ground floor apartments have direct pedestrian access to the Stage 1 ground floor communal open space, as does the shared apartment lobby.

The building is constructed of textured pre-cast concrete with metal cladding panels and glazing. The building creates a large under-cover area over the Stage 1 communal open space.

- *Basement Levels*

Basement 1 contains 117 car parking spaces, 175 bicycle spaces and 87 storage cages. Six (6) of the car parking spaces include electric vehicle charging points. This basement level also includes a bin room and lift lobby for each of the buildings and two (2) areas for the establishment of deep root planting at ground floor level. The basement has a vehicle access point to what will be the Basement 1 of Stage 2.

Basement 2 is furnished with 92 car spaces and 93 storage cages. This basement level also includes a lift lobby for each of the buildings, five (5) water tanks and building services. The basement has a vehicle access point to what will be the Basement 2 of Stage 2.

- *Ground floor communal open space*

The ground floor communal open space acts as a liner north/south pedestrian link between Elm Street and Arthurton Road, with an additional pedestrian entry to Herbert Street to the west. The communal open space comprises a children's play space, a sports and recreation area, an undercover area, general lawn and associated planters, seating and landscaping. The space is directly accessed by several ground floor apartments, the lobbies of the three (3) proposed buildings and the internal communal facilities of Buildings A and B.

Objections summarised

- In accordance with Clause 43.04-3 (Development Plan Overlay) the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- Building Height

Officer comment on summarised objections

It is important to note that Council can only acknowledge the objection meaning that in deciding this application the Council is deciding whether or not to issue a permit, as opposed to a Notice of Decision. A Notice of Decision can only be issued where objector parties have legal appeal rights. Because this application benefits from an approved development plan there are no third party appeal rights.

- Building Height

The building heights are consistent with the Approved Development Plan and the Design and Development Overlay, which set mandatory height limits that range from three (3) to eight (8) storeys for the Stage 1 portion of the site.

PLANNING ASSESSMENT

Planning Policy Framework

- The starting point with respect to policy analysis is relevant Planning Policy Framework. The comprehensive redevelopment gathers widespread support from State policy, in particular:
 - Clause 11.03-1S encourages the concentration of retail and residential into highly accessible activity centres.
 - Clause 11.03-1R furthers the above policy with particular focus on growth within the metropolitan Melbourne region.
 - Clause 15.01-2S sets out urban design guidance to achieve a high-quality built environment and public realm.
 - Clause 16.01-2S encourages the location of housing in designated locations that offer good access to jobs, services and transport.
 - Clause 17.02-1S encourages development which contributes to the retail, entertainment, office and other commercial services function of existing activity centres.
- From the above, it is evident that the subject site is well located within an existing activity centre, is presently underutilised and therefore is suitable for redevelopment that facilitates a mixture of residential and commercial uses.
- The question therefore becomes one of execution and the form, scale and intensity of the redevelopment response. The provisions of the Local Planning Policy Framework provide further guidance on these matters.

Local Planning Policy Framework

- Council's Municipal Strategic Statement (MSS) provides the strategic guidance for the municipality and sets out (among other things) the provision of appropriate housing and local job opportunities through land supply for businesses as key future issues.
- Activity Centres play a central role in the Strategic Framework Plan with the following noted at Clause 21.01 (extracted as relevant):

A key element in the future development vision for Darebin as places for urban intensification, taking advantage of capacity for development, existing facilities, access to employment and public transport services.

Consolidation of higher density residential uses in and around activity centres, at a scale appropriate to its role and physical context, is encouraged to support retail and commercial uses and provide a diversity of housing to meet community needs.

Structure plans provide detailed directions for land use and development for Darebin's larger activity centres, and are implemented in this Planning Scheme through various zone, overlay and local policy controls.

- And with reference to Northcote specifically:
Provides a mix of retail, leisure, cultural, educational and other commercial activities and is a popular destination in the inner northern Melbourne region, drawing a catchment area beyond the local population.
- Clause 21.03 sets out the strategic framework for housing delivery and nominates the subject site as one of Substantial Housing Change. Clause 21.03-1 provides the following description (extracted as relevant):
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.
- Capacity among Substantial Housing Change areas is, importantly, hierarchical. Northcote Major Activity Centre is nominated as a second-tier area within the hierarchy.
- With respect to housing development, the following objectives are set out:
To facilitate housing development that has an appropriate scale and intensity in locations across the municipality.
To achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth.
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.
- Of particular relevance to the subject site, the following strategies are to be adopted:
In Substantial Housing Change Areas, encourage a variety of housing typologies at increased densities and to discourage underdevelopment, with the scale of development appropriate to precinct characteristics and context as identified by a structure plan or adopted policy of Council, and generally in accordance with the hierarchy of residential growth identified at Clause 21.03-1
Support a diversity of housing types, sizes, designs and configurations and support redevelopment at higher overall densities in Substantial Housing Change Areas and on Strategic Opportunity Sites, as identified in the Strategic Housing Framework Plan.
Discourage underdevelopment of areas that are identified as Substantial Housing Change Areas and on Strategic Opportunity Sites.
Encourage housing development in the Preston Central, Northland East Preston, Northcote and Reservoir Activity Centres in accordance with Structure Plans and related zone and overlay provisions in this Planning Scheme.
Encourage new housing near retail and employment precincts and above ground floor level within these precincts.
- In terms of economic development, the following objective is relevant to the retail function of the Northcote Major Activity Centre:
To strengthen the established retail centres hierarchy in Darebin and the roles of the various activity centres and strategic development precincts in accommodating diverse and appropriate retail activities.
The above policy emphasises:
 - The redevelopment of the subject site is encouraged at higher density;
 - A mixed-use redevelopment comprising ground floor commercial and residential above is appropriate in the activity centre context;

- The Northcote Major Activity Centre is slated to undergo substantial change in the future; and
- The scale and intensity of the redevelopment must be appropriate to the physical and policy context of the Scheme and have regard to the relevant structure plan.

Northcote Activity Centre (Clause 22.08) / Northcote Activity Centre Structure Plan April 2007

- Council's local policy at Clause 22.08 gives effect to the Northcote Activity Centre Structure Plan ('NACSP'), and relevantly seeks the following relevant objectives:
 - To ensure use and development within the Activity Centre is generally in accordance with the NAC Structure Plan.*
 - To reinforce High Street as the core retail and commercial activity spine.*
 - To provide physical form and services that seek to create a more ecologically sustainable activity centre, including through incorporating principles of environmentally sustainable design.*
 - To encourage a diversity of use and development focused around walking, cycling and public transport as the preferred forms of access.*
 - To preserve and protect key public views and vistas from the All Nations Park hilltop and the central city skyline from Rucker's Hill.*
 - To improve pedestrian access between key destination points.*
 - To encourage increased residential development throughout the Activity Centre.*
 - To support a mix of uses, activities, services and facilities that enhance the economic, social and environmental viability of the centre.*
 - To develop the Activity Centre as a regional arts and culture node through a range of visual arts and live music venues and support services to the arts and design community.*
 - To encourage innovative solutions that enable a diversity of living and working opportunities, with a focus on maintaining and providing affordable housing and employment spaces.*
 - To maintain strong historic links to social and cultural diversity, including recognition of indigenous cultures and migration.*
- The policy locates the subject site in Precinct AR (Arthurton Road). It is described as follows:
 - This precinct provides opportunities for a revitalised office and commercial-based mixed use hub. Redevelopment should maximise employment opportunities and activities which support the retail spine of High Street and facilitate active frontage to Arthurton Road*
- The proposal addresses the objectives, policies and actions of the NACSP as follows:
 - It represents a substantial increase of housing within an established, high order activity centre;
 - It provides a more consolidated form of housing (apartments) relative to the prevailing housing stock within Northcote;
 - It redevelops a site which is currently underutilised;
 - It provides a ground floor supporting retail offering consistent with policy objectives for the centre;

- The proposal includes significant improvements to the public realm, particularly at the Arthurton Road frontage, with the introduction of a 5 metre setback to allow for a widened road reservation; and
- The proposal improves pedestrian links around and within the site.
- A mixed-use redevelopment in the format proposed is undeniably supported, conceptually, by both Planning Policy and Local Planning Policy. The critical question therefore relates to the acceptability of proposal’s execution relative to the detailed provisions within the Scheme. These matters are set out below.

Multi Residential and Mixed Use Development (Clause 22.06)

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

Element	Comment	Compliance
Sustainability	<p>The application is accompanied by a Sustainability Management Plan (SMP) incorporating the Green Star and MUSIC tools as per the requirements at <i>Table 1 – ESD Application requirements</i> at Clause 22.12 (Environmentally Sustainable Development) of the Scheme. The SMP details sustainable design initiatives to be included as part of the development and is considered acceptable, subject to condition.</p> <p>Key sustainable design initiatives include:</p> <ul style="list-style-type: none"> - Operable sun shading devices to west facing glazing of Buildings A & B. - All units achieve a minimum 5.5 NaTHERS energy rating. - Photo voltaic (PV) systems to the roof tops of all buildings. - Variable speed drive car park exhaust fans with pollutant sensors. - 90kL of rainwater harvesting storage to be used for toilet flushing. - Electric vehicle charging stations. <p>The proposal is considered to be energy efficient, water efficient and with a high level of internal amenity.</p>	Complies subject to condition
Design and Materials	<p>The proposed materials palette consists of concrete, brick, cladding, render and glazing that varies significantly in colour, texture and application between</p>	Complies subject to condition

	<p>buildings. The materials are considered generally appropriate and assist in the presentation of three (3) contemporary designed buildings, each with their own distinct character and appearance.</p> <p>Building A transitions from five (5) storeys at Herbert Street, to three (3) storeys on Elm Street which assists as in respecting the streets traditional, low-scale residential form. A condition of any approval will require the balustrades on the north and east elevations to be finished with aluminium cladding so as to reduce the commercial appearance of the building and to allow for greater privacy to the apartments.</p> <p>Building B provides for a strong, robust form to the corner, which is appropriate within its corner and activity centre context.</p> <p>Building D1 presents an innovative and visually interesting form within the centre of the site and provides weather protection for the Stage 1 ground floor communal area.</p> <p>The location of rooftop services and plant are appropriately located and screened so that they will be invisible, or only minimally visible from the public realm.</p>	
<p>Building Height</p>	<p>The Development Plan Overlay – Schedule 10, the Approved Development Plan and the Design and Development Overlay – Schedule 14 recognise the strategic importance of the site within the Northcote Major Activity Centre and therefore set height controls that allow for heights ranging from three (3) to eight (8) storeys on the Stage 1 portion of the site.</p> <p>The proposal has been designed in accordance with the mandatory height controls affecting the site and therefore respects the activity centre context of the site, the scale of nearby streets and relevant strategic direction such as that contained within the NACSP.</p>	<p>Complies</p>
<p>Dwelling diversity</p>	<p>The development provides a reasonable diversity of layouts and a mix of dwellings with 19 x one (1) bedroom apartments, 118 x two (2) bedroom apartments and 21 x three (3) bedroom apartments.</p>	<p>Complies</p>
<p>Parking and vehicle access</p>	<p>Vehicle access is appropriately provided in two (2) levels of basement, accessed via a single entry point to Herbert Street. The basements have been designed so that the ground floor levels of Buildings A, B and D1 are not excessively elevated.</p> <p>Adequate security has been provided to the car parking area by way of the automated gating with an access and intercom control point being set back from Herbert Street.</p> <p>Car parking and bicycle parking has been provided in excess of Scheme requirements.</p> <p>Further discussion of car parking and bicycle parking can be found under Clauses 52.06 and 52.34 below.</p>	<p>Complies</p>

<p>Street address – Mixed Use Developments</p>	<p>The proposal meets the policy guidelines in respect to street address in that the retail premises provide an active street frontage to Arthurton Road and the residential entries of all buildings provide a sense of address.</p> <p>The retail frontage to Building B is provided with a pedestrian canopy that provides weather protection to shop 1, the shared retail entry and to Arthurton Road.</p> <p>The residential foyers include sizeable lobbies with seating and mailboxes that provide a sense of address, a transitional area and informal meeting spaces for residents and visitors.</p> <p>A north-south link between Arthurton Road and Elm Street provides pedestrian access to the ground floor communal open space and residential lobbies. A direct line of sight is available from access ways to the ground floor communal open space.</p> <p>Apartments at ground floor level and upper floors provide surveillance of internal accessways and communal open space from terraces, balconies and habitable room windows.</p>	<p>Complies</p>
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<p>Given that the site does not directly adjoin any areas of sensitivity, amenity impacts are limited.</p> <p>Servicing equipment has been located away from residential interfaces and an acoustic assessment has been submitted, which makes recommendations relevant to noise emitted from plant and equipment and will be secured by way of condition.</p>	<p>Complies subject to condition</p>
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>Light courts have been provided to some of the south facing apartments to Building B as a secondary source of light. Apartments 1.07 and 2.07 are not supported given that they are south facing and include only single bedrooms with light access limited to a small light court that travels the full height of the eight (8) storey building. A condition of any approval will require these dwellings to be deleted.</p> <p>‘Battle axe’ spaces and bedrooms that rely on borrowed light are not included as per policy guidance.</p> <p>All dwellings are provided with private balconies and there is an additional communal roof terrace to Buildings A and B as well as the large ground floor communal open space.</p> <p>Further discussion of internal amenity and private open space is undertaken under the relevant Clause 58 standards later in this report.</p>	<p>Complies subject to condition</p>
<p>Waste Management</p>	<p>The development has been accompanied a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection. A condition of any approval will require the waste management plan to be revised to reflect the approved number of apartments and shop floor area and to address food waste.</p>	<p>Complies subject to condition</p>

Equitable Access	All levels are provided with lift access. Further discussion of accessibility is undertaken under the relevant Clause 58 standards later in this report.	Complies
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Mixed Use Zone (Clause 32.04)

- *Use*

Whilst use of the site for dwellings does not require a planning permit, a shop use with a leasable floor area exceeding 150 square metres requires a permit in the Mixed Use Zone.

The shop use is consistent with the purpose of the Mixed User Zone to provide for a range of commercial uses which complement the mixed-use function of the locality. The shop use and the location of the shops are consistent with the Approved Development Plan and provide the required active frontage to Arthurton Road and part Herbert Street. Conditions of any approval will safeguard the amenity of the area.

- *Buildings and Works*

The appropriateness of the built form of the proposal is discussed in the assessment of the development against the detailed provisions of the Scheme (Clauses 22.06 & 58) and the Approved Development Plan.

Design and Development Overlay – Schedule 14 (Clause 43.02)

- Objectives:

To avoid underdevelopment of sites.

To encourage buildings with flexible floor plans that can accommodate mixed living/work activity.

To encourage a range of housing types and forms. To encourage environmentally sustainable design in the Northcote Major Activity Centre.

To protect the economic viability of businesses by designing and constructing commercial premises to prevent unreasonable off-site amenity impacts on adjoining and nearby residential uses.

To ensure new housing provides a high level of on-site amenity for residents.

To improve pedestrian access between key destination points.

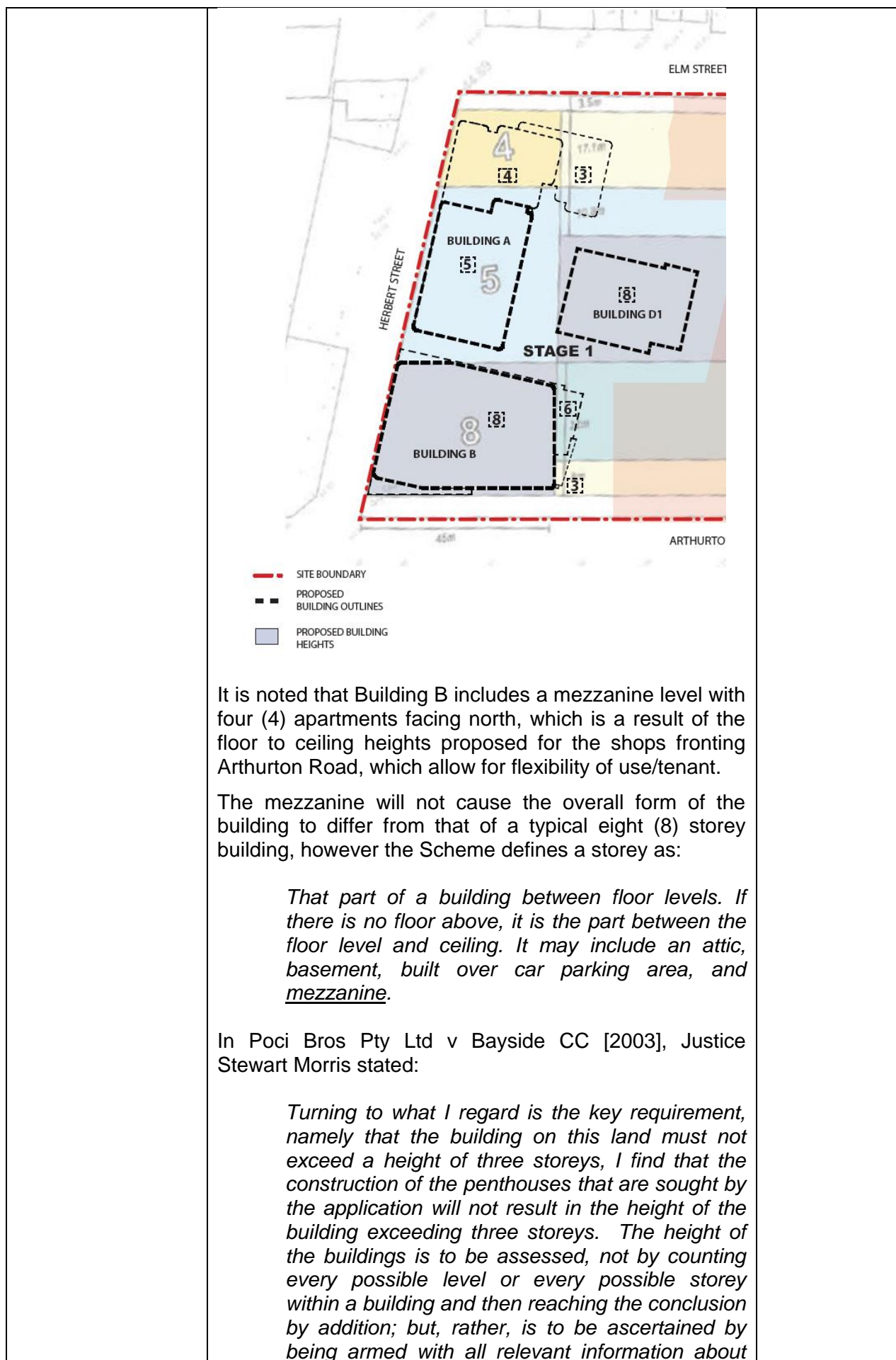
To ensure public spaces including key pedestrian streets have good solar access and weather protection.

To ensure that the following valued public views and vistas are retained and protected from unreasonable encroachment by nearby buildings.

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

Element	Comment	Compliance
<i>Design Requirements</i>		
Transport and Access	<p>The development provides car parking underground to reduce its visual impact on the site and the public realm.</p> <p>Bicycle parking, in excess of the minimum requirement, has been provided for residents, staff and visitors.</p> <p>Pedestrian movement around and through the site has been promoted with the proposed north-south link from Elm Street to Arthurton Road.</p> <p>As part of the Approved Development Plan, the applicant has agreed to enter into a Section 173 Agreement to contribute to landscaped raised threshold treatments as set out in the Streets for People Strategy - Northcote - Thornbury Corridor, Darebin City Council, August 2018, and towards the construction of a signalised pedestrian crossing over Arthurton Road. These works are key to improving north-south pedestrian access through Northcote and Thornbury including access to and from Northcote Train Station.</p> <p>Further discussion of car parking and bicycle parking can be found under Clauses 52.06 and 52.34 below.</p>	Complies subject to condition
Urban Design and Heritage	<p>The application includes a proposed widening of Arthurton Road, as per the requirements of the Approved Development Plan, with the primary focus of improving pedestrian amenity and access to and through the Northcote Major Activity Centre. Conditions of any approval will secure the widening, and associated works, in interim form at Stage 1 and 2 and again as a final design that will be delivered upon the completion of Stage 3.</p> <p>The streetscape improvements sought and to be secured by way of condition will include formal and informal seating, landscaping and paving upgrades.</p>	Complies subject to condition
Building Design	<p>The application is accompanied by an SMP incorporating the Green Star and MUSIC tools as per the requirements at <i>Table 1 – ESD Application requirements</i> at Clause 22.12 (Environmentally Sustainable Development) of the Scheme.</p> <p>The active shop frontage to Arthurton Road/Herbert Street provides for interaction with the street and apartments at ground and upper levels provide for passive surveillance of Arthurton Road, Herbert Street and Elm Street.</p> <p>An acoustic report has been provided which deals with noise impacts from rail and vehicle traffic, however, must be revised to address noise from lifts and communal terraces/rooms for adjoining dwellings.</p>	Complies subject to condition
<i>Precinct A1: Arthurton Road</i>		
General	The proposal is for a mixed, use, multi-storey development that provides appropriate built form transition to the residential area to the north (Elm Street),	Complies

	<p>in accordance with the preferred design outcomes of the Overlay.</p> <p>The height of the buildings is consistent with the mandatory heights set out in the Overlay, which protects the key western views from the All Nations Park hilltop.</p> <p>Active frontages are provided to public and private walkways.</p>	
Permeability and Access	<p>An additional north-south pedestrian link has been provided between Arthurton Road and Elm Street.</p> <p>The development is sited and designed so as to activate the north-south link and the existing street network.</p> <p>Arthurton Road is to be improved by way of the 5 metre setback provided for a widened pedestrian path, which is to be secured by way condition requiring a Section 173 Agreement.</p> <p>On-site car parking is wholly located within two (2) basement levels and accessed by only one (1) access point to Herbert Street, lessening the visual and safety impacts associated with vehicle storage.</p>	Complies subject to condition
Redevelopment Fronting Arthurton Road	<p>The lower levels of Building B have a zero lot alignment to the proposed widened road reservation as required.</p>	Complies
Elm Street Interface	<p>Building A provides an appropriate built form transition at the interface with Elm Street, subject to a condition requiring solid balcony/terrace balustrades to give the building a more residential appearance.</p> <p>The tiered height of Building A ensures that it will have minimal impact on the amenity of the existing dwellings on Elm Street.</p> <p>Building A is set back more than the required 3.5 metres from Elm Street with a ground floor setback that varies from 3.65 metres to 8.76 metres west to east. The balconies above G.05 encroach into the setback by less than the allowable 2 metres.</p>	Complies subject to condition
Height	<p>Figure 11 within the Design and Development Overlay – Schedule 14, maps out mandatory maximum heights across the site in floor levels.</p> <p>The application includes the following diagram that illustrates compliance with the maximum heights.</p> <p>Building A steps up in height from three (3) to four (4) to five (5) stories.</p> <p>Building B rises to eight (8) stories with balconies projecting into areas of lower height control at respective lower levels.</p> <p>Building D1 is eight (8) stories in height.</p>	Complies



It is noted that Building B includes a mezzanine level with four (4) apartments facing north, which is a result of the floor to ceiling heights proposed for the shops fronting Arthurton Road, which allow for flexibility of use/tenant.

The mezzanine will not cause the overall form of the building to differ from that of a typical eight (8) storey building, however the Scheme defines a storey as:

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

In *Poci Bros Pty Ltd v Bayside CC* [2003], Justice Stewart Morris stated:

Turning to what I regard is the key requirement, namely that the building on this land must not exceed a height of three storeys, I find that the construction of the penthouses that are sought by the application will not result in the height of the building exceeding three storeys. The height of the buildings is to be assessed, not by counting every possible level or every possible storey within a building and then reaching the conclusion by addition; but, rather, is to be ascertained by being armed with all relevant information about

	<p><i>the building and then reaching a conclusion as to whether the building should be characterised as a building which exceeds a height of two or three storeys (as the case may be).</i></p> <p><i>This approach is called for not only to ensure that the outcome is one that is practical and imbued with common sense, but also to give effect to the clear purpose of the control.</i></p> <p>In accordance with the above Tribunal order, Council considers Building B to be eight (8) storeys in height and therefore in accordance with the height requirements of the Overlay. This is consistent with Council’s approach to the approved and constructed Stage 1A building at 9-13 Arthurton Road, which also included a mezzanine to the rear of a retail use, and the Approved Development Plan as set out later in this report.</p>	
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Development Plan Overlay – Schedule 10 (Clause 43.04) / Approved Development Plan

In accordance with Clause 43.04-2 of the Scheme, a permit granted must be generally in accordance with the development plan. Elements of the Approved Development Plan relevant to Stage 1 are discussed as follows:

- *Building Envelope Concept Plan*

The proposed Stage 1 development is considered generally in accordance with the building envelope concept plan that forms an integral part of the Design Response within the Approved Development Plan.

Buildings A and B include sun shading devices to western glazing as required.

Building B addresses the corner with an active frontage and a pedestrian canopy for weather protection.

The proposed building heights are consistent with those set out in the Approved Development Plan as follows:

Building	Development Plan	Proposed Height
A	3-5 storey (approx. 64.20 metres AHD)	3-5 storey (63.05 AHD)
B	8 storey (approx. 76.9 metres AHD)	8 storey (75.70 AHD)
D1	8 storey (approx. 70.2 metres AHD)	8 storey (71.60 metres)

In accordance with the Approved Development Plan, rooftop plant and equipment, and equipment and infrastructure associated with communal areas are not included within the specified maximum height.

The proposed mezzanine to Building B is consistent with the Approved Development Plan, which notes the opportunity for a mezzanine level to the rear of the proposed commercial use as follows:

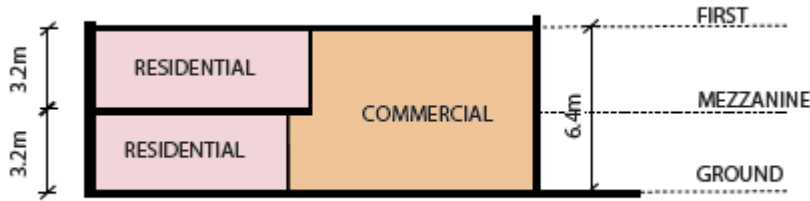


FIGURE 16: COMMERCIAL GROUND FLOOR SECTION

- *Building A*
 Building A has been designed in accordance with the Approved Development Plan as follows:
 - The building has its primary frontage to Herbert Street and wraps around to front Elm Street.
 - A communal roof top garden with a northern aspect has been included.
 - The pedestrian lobby fronts Herbert Street and connects through to the ground floor communal open space.

- *Building B*
 Building B has been designed in accordance with the Approved Development Plan as follows:
 - The building is located on the corner of Arthurton Road and Herbert Street and is designed as a landmark building.
 - The building includes a commercial ground floor frontage and apartments in a mezzanine to the rear.
 - Internal ground floor communal facilities are provided to the northern portion of the building, opening out onto the ground floor communal open space.

- *Building D*
 Building D1 is generally in accordance with the Approved Development Plan, albeit in a different form to Building D. The applicant sought design review from the Victorian Design Review Panel (VDRP) of the Office of the Victorian Government Architect, in accordance with a condition of the Approved Development Plan, and was advised to split Building D into two (2) forms so as to allow for a second north-south link from Elm Street to Arthurton Road. The splitting of the form into two (2) building is supported and Building D1 remains generally consistent with the Approved Development Plan as follows:
 - The building is located within the centre of the site.
 - The building overhangs the ground floor communal open space, providing weather protection to the space in lieu of an indoor communal facility. Furthermore; the residential lobby provides surveillance and a connection to the ground floor communal open space.
 - Ground floor apartments interface with both the future northern and southern links.

- *Mix of Uses on the Site*

Buildings A and D1 are consistent with the mix of uses set out in the Approved Development Plan in that they provide for residential accommodation with residential lobbies and amenities.

Building B is consistent with the mix of uses set out in the Approved Development Plan in that it provides for residential accommodation on a mezzanine level and above, shop uses to the Arthurton Road frontage and communal residential amenities at ground floor level.

- *Staging*

Buildings A and B are located within Stage 1 as per the Approved Development Plan.

In accordance with advice received from the VDRP, Building D has been split into two (2) with Building D1 now included in Stage 1. Given that this split is a result of design review advice from the VDRP, which was required by a condition of the Approved Development Plan and has resulted in a second north-south pedestrian link, it is considered both in accordance with the Approved Development Plan and a preferable design outcome.

The inclusion of Building D1 in Stage 1 ensures that the secondary north-south link can be completed as part of Stage 1, increasing the usability of the ground floor common open space, accessibility and permeability of the site.

- *Open Space and Landscape*

The submitted Landscape Master Plan and Stage 1 Landscape Concept Plan build upon and are generally consistent with the Landscape Master Plan within the Approved Development Plan.

Conditions of any approval, including the requirement for a Section 173 Agreement, will secure streetscape improvements in accordance with the Approved Development Plan as follows:

- Streetscape Improvement Plans for Arthurton Road (interim and final), Herbert Street and Elm Street. The Streetscape Improvement Plans will include details of planting, street furniture, bicycle paths, pedestrian path treatments, etc.
- Widening of the Arthurton Road footpath by 5 metres and hand-over to Council ownership.

- *Sustainability Management*

An SMP has been submitted detailing sustainable design elements that are generally in accordance with those opportunities identified in the Approved Development Plan.

- *Integrated Transport and Traffic Management*

The applicant has submitted an updated Traffic Impact Assessment, which is discussed in detail against Clause 52.06 later in this report. Car parking provision is generally in accordance with the requirements set out in the Approved Development Plan.

- *Environmental Management*

The owner/applicant has carried out Phase 1 and 2 Environmental Assessments and has a Phase 3 Work Plan prepared by a Site Assessor as set out in the Approved Development Plan. A condition of any approval will require the applicant to engage the services of an environmental auditor to issue a certificate or statement as per the requirements of the Environmental Audit Overlay.

- *Construction Management*

The Approved Development Plan includes an overarching Construction Management Plan, which sets out principles for construction management of each stage of the development. A condition of any approval will require a detailed Construction Management Plan be submitted as envisaged by the Approved Development Plan.

Special Building Overlay (Clause 44.05)

- The application was referred to Melbourne Water in accordance with the requirements of the Overlay and the referral provisions at Clause 66.03 of the Scheme, that set out Melbourne Water as a determining authority.
- Melbourne Water has no objection to the proposal, subject to conditions that are included in the recommendation.

Environmental Audit Overlay (Clause 45.03)

- In accordance with the requirements of the Environmental Audit Overlay, before a sensitive use (residential use, childcare centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- The Development Plan details that Between 2011 and 2014, two Environmental Site Assessments (ESAs) addressing contamination of the site were undertaken. Initial assessments identified sources of contaminations, while a subsequent work plan sets out the scope of works for addressing contamination. A condition of any approval will require the applicant to engage the services of an environmental auditor to issue a certificate or statement as relevant.

Car Parking (Clause 52.06)

- *Parking Provision*

Use	Rate	Number / Area	Requirement
Dwelling	1 to each 1&2 bedroom dwelling	19 x 1 bed & 118 two bed	19 118
	2 to each 3+ bedroom dwelling	21 three bed	42
Dwelling Visitor	Principal Public Transport Network area so there is no visitor car parking requirement	158 dwellings	0
Shop	3.5 spaces to each 100 sqm net floor area	409 sqm	14
Total Requirement			193

The applicant has proposed to provide a total of 209 on-site car parking spaces. This exceeds the statutory car parking requirement of 193 spaces, however, is considered acceptable given that the excess car parking spaces can be allocated to the future Stage 2 and 3 developments.

The applicant proposes to allocate off-street car parking as follows;

- 159 resident parking spaces
- 16 residential visitor car parking spaces
- 4 retail car parking spaces
- 34 unallocated parking spaces

The above allocation is considered acceptable, and generally in accordance with the Approved Development Plan, which set out a likely requirement of 0.97 car parking spaces per dwelling, which would equate to 153 resident car parking spaces. The allocation will be secured by way of condition of any approval.

- *Design Standard 1 – Accessways*

The vehicle accessway has been designed to exceed the minimum width requirements to and within the basement levels.

Internal radius at changes of direction or intersection are in accordance with requirements.

Sufficient headroom is provided below overhead obstructions, calculated for a vehicle with a wheel-base of 2.8 metres.

The accessway and car parking spaces are designed so that cars can exit the site in a forwards direction.

Pedestrian visibility splays are provided to the exit lane of the vehicle accessway.

The car park entry/exit includes sufficient depth to allow for cars to stop to enter/exit without overhanging the footpath.

- *Design Standard 2 – Car Parking Spaces*

A car parking plan has been prepared in accordance with the requirements of Clause 52.06-7 of the Scheme.

The car parking space dimensions and access widths are in accordance with the design requirements to allow an acceptable level of manoeuvrability in the basement levels.

The application is accompanied by electronic swept path diagrams that show vehicles can adequately pass each other at the entrance to the development and within the access aisles of the basement levels.

The basement plans illustrate that structural columns have been located outside of the car space clearance areas of all car parking spaces.

Parking aisles have been extended 1.0m beyond the last parking space in a parking aisle as per 2.4.2(c) of Australian Standard AS2890.1:2004.

All parking bays are widened by 300mm where they are bounded by a wall or fence as per 2.4.2(c) of Australian Standard AS2890.1:2004.

- *Design Standard 3 – Gradients*

The ground floor and basement floor plans are accompanied by section diagrams that detail ramp grades, lengths and transitions. The ramps are shown to be in accordance with requirements.

- *Traffic Impact – Operation of surrounding intersections*

The impact of the development on the surrounding street network, including the capacity of the surrounding intersections to accommodate and operate satisfactorily with the expected increase in traffic has been addressed by the Traffic Engineering Report submitted as part of the application as follows:

As the proposed uses on-site are consistent with those contemplated within the Development Plan, it is considered that traffic generated by the on-site uses was incorporated during modelling and design undertaken throughout the Development Plan planning process. As such, it is expected that development-generated traffic will be comfortably accommodated within the surrounding road network without causing any appreciable traffic impacts. A detailed traffic assessment of the entire Development Plan can be found in 170108TIA001F-F.

A review of the Traffic Engineering Report has found the following:

- The traffic generation rates adopted in the applicant's analysis are considered satisfactory.
- The proposed development traffic has been assessed to not have a material impact on the performance of intersections given the quantum of traffic that is being added and it is unlikely that this would change with a revised traffic distribution.
- It is estimated the road network will operate satisfactorily post development, with a marginal deterioration in the performance of intersections.
- Observations of the Arthurton Road/Herbert Street intersection suggest that there are sufficient gaps in the through traffic streams on Arthurton Road to comfortably accommodate traffic turning to and from the Herbert Street north approach.
- Given the proposed vehicle access strategy, there is no impediment to more than 5% of the proposed development traffic using Herbert Street to access the subject site.
- To mitigate against development traffic infiltrating the local street network the applicant has agreed to contribute towards two (2) landscaped raised threshold treatments which are part of the wider Streets for People Strategy - Northcote - Thornbury Corridor project. These contributions will be secured by way of Section 173 Agreement and condition. These treatments will assist in limiting the potential for any proposed development traffic travelling southbound on St Georges Road from accessing the development via the northern section of Herbert Street.

Bicycle Facilities (Clause 52.34)

- *Bicycle Parking Provision*

Use	Rate		Employee Resident Requirement	Visitor Shopper Requirement
	Employee Resident	Visitor Shopper		
Dwelling (four or more storeys)	1 resident space to each 5 dwellings	1 visitor space to each 10 dwellings	32	16
Shop (>1000 sqm)	1 to each 600 sqm	1 to each 500 sqm	0	0
Total Requirement			32	16

The applicant has proposed to provide 218 bicycle parking spaces, consisting of 175 spaces on the first basement level of the development and 43 spaces at grade.

This level of bicycle parking critically ensures that a secure bicycle parking space can be assigned to each apartment and shop.

39% of all bicycle parking spaces will be provided in a horizontal arrangement. This accords with Australian Standard AS2890.3:2015 that requires a minimum of 20% of ground level bicycle parking devices in any bicycle parking facility.

Stormwater Management in Urban Development (Clause 53.18)

- The purpose of the clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.
- Given the development site’s Mixed Use Zoning, the provision of this clause applies to the application and stormwater management objectives for the buildings and works must be met, as follows:

Buildings and Works (Standard W2)

It is policy to:

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2 requires any stormwater management system 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).

Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.

Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

- The above requirements are covered with the use of the Green Star and MUSIC tools, as required under Clause 22.12-4 *application requirements*. Table 1 – *ESD Application requirements* recommend the application to be accompanied by a Sustainable Management Plan (SMP) utilising these tools. The Green Star and MUSIC tools reports that have been submitted as part of the application sufficiently address best practice performance for stormwater quality.

Complies

Site Management (Standard W3)

It is policy to:

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

- The above is to be implemented through appropriate site management practices prior to and during the construction period, to be included in a Site Management Plan that sets out how the following are to be addressed:
 - *Erosion and sediment.*
 - *Stormwater.*
 - *Litter, concrete and other construction wastes.*
 - *Chemical contamination.*
- Melbourne Water's "*Keeping our Stormwater Clean: A Builder's Guide*" prepared in conjunction with EPA Victoria, published *October 2006* may be used as a guide for the preparation of the Site Management Plan. Given the scope of the development, the above requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination on site may be addressed by condition.

Complies subject to condition

Apartment Developments (Clause 58)

Clause 58.02 Urban Context	
Clause 58.02-1 Urban Context Objectives	
<i>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</i>	
<i>To ensure that development responds to the features of the site and the surrounding area.</i>	
Response:	<p>The proposal is considered to respond to the existing urban context and the preferred future character of the area as set out by the Approved Development Plan, the NACSP and the Design and Development Overlay – Schedule 14.</p> <p>The proposal locates the maximum height of the development away from the more sensitive residential interface to the north in Elm Street. The eight (8) storey forms are located within the centre of the site and to the corner of Arthurton Road and Herbert Street, overlooking the industrial area to the south side of Arthurton Road and Northcote Train Station.</p>
Complies:	Complies
Clause 58.02-2 Residential Policy Objectives	
<i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i>	
<i>To support higher density residential development where development can take advantage of public and community infrastructure and services.</i>	
Response:	The application is accompanied by a written statement describing how the proposal is consistent with Council’s Strategic Housing Framework, which designates the site as being of substantial change.
Complies:	Complies
Clause 58.02-3 Dwelling Diversity Objective	
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	
Response:	The development provides a reasonable diversity of layouts and a mix of dwellings with 19 x one (1) bedroom apartments, 118 x two (2) bedroom apartments and 21 x three (3) bedroom apartments.
Complies:	Complies
Clause 58.02-4 Infrastructure Objectives	
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	
Response:	<p>The development site is connected to reticulated services including sewerage, drainage, electricity and gas.</p> <p>A condition of any approval will require the development to be drained to Council standards and for the future Stages 2 and 3 to be considered as part of any drainage design.</p>
Complies:	Complies subject to condition
Clause 58.02-5 Integration with The Street Objective	
<i>To integrate the layout of development with the street.</i>	
Response:	The development provides adequate vehicle and pedestrian links to the street

	with vehicle access appropriately taken from one (1) point on Herbert Street. The development is orientated to front existing, adjoining streets in Elm Street, Herbert Street and Arthurton Road.
Complies:	Complies
Clause 58.03 Site Layout	
Clause 58.03-1 Energy Efficiency Objectives	
<p><i>To achieve and protect energy efficient dwellings and buildings.</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i></p> <p><i>To ensure dwellings achieve adequate thermal efficiency.</i></p>	
Response:	<p>The site is orientated to make appropriate use of solar energy.</p> <p>The proposal will not unreasonably reduce the energy efficiency of nearby dwellings, noting that no existing dwellings adjoin the subject site.</p> <p>Living areas and private open space are located on the north side of the proposed buildings, where practicable.</p> <p>The proposed cooling loads are less than the maximum of 30 MJ/M2 in accordance with the standard.</p> <p>A condition of any approval will secure the sustainable design elements as set out in the submitted SMP.</p>
Complies:	Complies subject to condition
Clause 58.03-2 Communal Open Space Objective	
<p><i>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</i></p>	
Response:	<p>As the proposal includes 158 dwellings, there is a requirement for 395 square metres of communal open space.</p> <p>Communal open space is provided in three locations, in excess of the minimum 395 square requirement as follows:</p> <ul style="list-style-type: none"> - Building A roof terrace: 292 square metres - Building B roof terrace: 292 square metres (split into two terraces) - Ground floor communal open space: approximately 550 square metres, excluding pedestrian routes. <p>The communal open space is designed and located to:</p> <ul style="list-style-type: none"> - Receive and provide passive surveillance. - Provide outlook for many of the internally orientated apartments. - Avoid issues of overlooking into areas of secluded private open space. - Maximise landscaping opportunities. - Be accessible, useable and capable of efficient management. <p>The communal open space includes the following:</p> <ul style="list-style-type: none"> - BBQ areas. - Kitchen facilities. - Formal/informal seating and tables.

	<ul style="list-style-type: none"> - Sporting equipment. - Children’s play equipment. - Lawns. - Weather protection. - Landscaping. - Bicycle parking. - Vegetable gardens. <p>A condition of any approval will require the Acoustic Assessment to be revised to assess the impact of noise from communal open space terraces on adjoining apartments.</p>
Complies:	Complies subject to condition
Clause 58.03-3 Solar Access to Communal Open Space Objective	
<i>To allow solar access into communal outdoor open space.</i>	
Response:	<p>The roof-top communal open spaces of both Buildings A and B are located on parts of the roof that have direct northern solar access.</p> <p>Various sections of the ground floor communal open space will receive sunlight throughout the day as the shadows cast by Building A move across the site.</p>
Complies:	Complies
Clause 58.03-4 Safety Objective	
<i>To ensure the layout of development provides for the safety and security of residents and property.</i>	
Response:	<p>The development does not include private spaces that can be utilised as public thoroughfares.</p> <p>The pedestrian links and ground floor communal open space areas are provided with passive surveillance from the terraces and windows of ground floor apartments, ground floor communal rooms that are orientated towards the centre of the site and from balconies above.</p> <p>The area to the east of Building D1 will be fenced off until the completion of Stage 2 of the overall development, given that this area would create an unsafe space.</p> <p>A condition of any approval will require appropriate external lighting to be provided to public areas within the development.</p>
Complies:	Complies subject to condition
Clause 58.03-5 Landscaping Objectives	
<p><i>To encourage development that respects the landscape character of the area.</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i></p> <p><i>To provide appropriate landscaping.</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p> <p><i>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</i></p>	

Response:	<p>The submitted Landscape Concept Plan and Landscape Master Plan are:</p> <ul style="list-style-type: none"> - Responsive to the site context. - Allow for intended vegetation growth and structural protection of buildings. - Provide a safe, attractive and functional environment for residents. - Include roof top gardens to Buildings A and B. - Include deep soil areas for planting of canopy trees. <p>The site has an area of 5,850 square metres, which equates to a requirement of 15% or 877 square metres of the site to be set aside for deep soil areas and 10 large trees or 20 medium trees.</p> <p>As the development cannot achieve the required deep soil area, with a total of 615 square metres of deep soil proposed, the submitted landscape plans include a greater number of trees than required with 13 large to medium trees and 36 medium to small trees.</p> <p>The proposal also includes extensive use of planters throughout the site, a green roof on Building A, climbing plants and a vertical garden.</p> <p>The amount and type of landscaping proposed is considered appropriate for the site and development layout, subject to a condition requiring a detailed Landscape Plan with revisions and a Landscape Management Plan.</p> <p>The applicant has agreed to carrying out the required streetscape improvements set out in the Approved Development Plan and the Design and Development Overlay – Schedule 14 consisting of planting along all site frontages, including the widened Arthurton Road. Conditions of any approval will require further details of landscaping and streetscape design and these items will be secured by way of Section 173 Agreement.</p>
Complies:	Complies with objective subject to condition
Clause 58.03-6 Access Objective	
<i>To ensure the number and design of vehicle crossovers respects the urban context.</i>	
Response:	<p>Vehicle access is appropriately taken from a single point on Herbert Street.</p> <p>The access point to Herbert Street is 6.6 metre in width, which is 6.78% of the Herbert Street frontage and under the 33% maximum allowable under the standard.</p> <p>Service, emergency and delivery vehicles can all access the site from the frontages of the site.</p>
Complies:	Complies
Clause 58.03-7 Parking Location Objectives	
<i>To provide convenient parking for resident and visitor vehicles.</i>	
<i>To protect residents from vehicular noise within developments.</i>	
Response:	<p>Car parking is wholly located within the basement levels, is secure and mechanically ventilated.</p> <p>Each of the three (3) buildings has lift access to, and a lift lobby, within both basement levels, giving convenient access to residents. The basement levels can also be accessed from all buildings with the use of stairs.</p>
Complies:	Complies

Clause 58.03-8 Integrated Water and Stormwater Management Objectives	
<p><i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i></p> <p><i>To facilitate stormwater collection, utilisation and infiltration within the development.</i></p> <p><i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i></p>	
Response:	<p>The submitted SMP and accompanying MUSIC tool detail the collection, utilisation and infiltration within the development.</p> <p>Further detail is discussed below in the assessment against Clause 53.18 of the Scheme.</p>
Complies:	Complies subject to condition
Clause 58.04 Amenity Impacts	
Clause 58.04-1 Building Setback Objectives	
<p><i>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</i></p> <p><i>To allow adequate daylight into new dwellings.</i></p> <p><i>To limit views into habitable room windows and private open space of new and existing dwellings.</i></p> <p><i>To provide a reasonable outlook from new dwellings.</i></p> <p><i>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</i></p>	
Response:	<p>The setbacks of the buildings are consistent with the proposed building locations as set out in the Approved Development Plan and allow adequate daylight into new dwellings, limit views into habitable room windows and private open space, provide a reasonable outlook and provide appropriate amenity for future residents.</p>
Complies:	Complies
Clause 58.04-2 Internal Views Objective	
<p><i>To limit views into the private open space and habitable room windows of dwellings within a development.</i></p>	
Response:	<p>Windows and balconies have been designed to avoid direct views into the private open space and habitable room windows of other apartments within the development.</p> <p>Adjoining balconies are fitted with screens to as to reduce internal overlooking.</p>
Complies:	Complies
Clause 58.04-3 Noise Impacts Objectives	
<p><i>To contain noise sources in developments that may affect existing dwellings.</i></p> <p><i>To protect residents from external and internal noise sources.</i></p>	
Response:	<p>An acoustic assessment has been submitted, detailing recommendations to reduce the impact of noise from vehicular traffic, the train line and proposed plant/equipment on internal amenity and plant/equipment on the amenity of existing dwellings.</p> <p>A condition of approval will require the acoustic assessment to address noise</p>

	impacts from communal areas and lifts on adjoining apartments.
Complies:	Complies subject to condition
Clause 58.05 On-Site Amenity And Facilities	
Clause 58.05-1 Accessibility Objective	
<i>To ensure the design of dwellings meets the needs of people with limited mobility.</i>	
Response:	<p>The standard required 50% of all dwellings to include:</p> <ul style="list-style-type: none"> - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. - A main bedroom with access to an adaptable bathroom. - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. <p>Overall, 56% of the apartments (53% Building A, 49% Building B & 75% Building D1) have been designed in accordance with the above and the proposal therefore complies.</p>
Complies:	Complies
Clause 58.05-2 Building Entry and Circulation Objectives	
<i>To provide each dwelling and building with its own sense of identity.</i>	
<i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i>	
<i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i>	
Response:	<p>The building entries to the apartments are visible and easily identifiable, provide shelter, a sense of address and a transitional space.</p> <p>The commercial and residential entries to Building B are clearly distinguished and separate.</p> <p>All entrance and lift areas include natural light and outlook with a line of sight to external windows. Building B includes additional clear glazing to light courts located above the main lobby and lift entries.</p> <p>Stairs are visible and accessible, encouraging their use by residents.</p> <p>Internal common areas with access to natural light and ventilation are provided to all buildings.</p> <p>All internal corridors have access to natural light and ventilation, Building B by way of light court, and area clear of obstruction from building services.</p>
Complies:	Complies
Clause 58.05-3 Private Open Space Objective	
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	
Response::	<p>The majority of apartments comply with the private open space requirements, with many of the terraces and balconies being greater in dimension and area than the minimum requirements. Those apartments that do not comply are detailed as follows.</p>

Building A

The ground floor apartments listed in the table below have terraces with dimensions less than the required 3 metre minimum required for apartments at podium level with 1.9 – 2.9 metre depths. Apartment 2.10 is less than the required 1.8 metre minimum dimension required for balconies at 1.5 – 2.4 metres.

The areas of non-compliance are considered acceptable given that all apartments include secluded private open space that is greater in area than the minimum requirement (see table below). The terraces and balcony have good amenity, are directly accessible from internal living areas and in the case of apartments G.08, G.09, G.10 and G.11, enjoy direct access to the ground floor communal open space area.

Apartment	Required area	Provided area
G.02	15sqm	32sqm
G.03	15sq	30sqm
G.04	15sqm	28sqm
G.08	15sqm	23sqm
G.09	15sqm	23sqm
G.10	15sqm	27sqm
G.11	15sqm	27sm
2.10	8sqm	13sqm

Building B

The apartments listed in the table below include balconies that are less than the required 2 – 2.4 metre minimum dimensions required for balconies to two (2) bedroom and three (3) bedroom apartments respectively. The apartments have minimum dimensions that range from 1.64 to 2 metres for two (2) bedrooms and 1.69 – 2.39 metres to three (3) bedrooms.

The areas of non-compliance are considered acceptable given that all apartments include secluded private open space that is greater in area than the minimum requirement (see table below). The balconies have good amenity, are directly accessible from internal living areas and the building includes a roof top communal open space area in addition to the ground floor communal open space area.

Apartment	Required area	Provided area
1.01	12sqm	17sqm
1.02	8sqm	17sqm
1.03	8sqm	16sqm
2.01	12sqm	17sqm
2.02	8sqm	17sqm
2.03	8sqm	16sqm
2.11	8sqm	15sqm
3.01	12sqm	17sqm

3.02	8sqm	17sqm
3.03	8sqm	16sqm
3.10	8sqm	15sqm
4.01	12sqm	17sqm
4.02	8sqm	17sqm
4.03	8sqm	16sqm
4.06	12sqm	35sqm
4.10	8sqm	15sqm
5.02	8sqm	17sqm
5.03	8sqm	16sqm
5.06	12sqm	35sqm
5.10	8sqm	15sqm
6.02	8sqm	16sqm
6.03	8sqm	16sqm
7.02	8sqm	16sqm
7.03	8sqm	19sqm

Building D1

Apartment G.01 includes a terrace that is less than the required 3 metre minimum dimension required for apartments at podium level with a 2.00 metre – 2.80 metre depth.

The apartments listed in the table below include areas that are less than the required 1.8 metre and 2 metre minimum dimensions required for balconies to one (1) bedroom and two (2) bedroom apartments respectively. The apartments have minimum dimensions that range from 1.37 to 2.25 metres.

The areas of non-compliance are considered acceptable given that all apartments include secluded private open space that is greater in area than the minimum requirement (see table below). The terrace and balconies have good amenity, are directly accessible from internal living areas and in the case of apartment G.01, enjoy direct access to the ground floor communal open space area. Building D1 also includes three (3) common rooms for residents to utilise.

Apartment	Required area	Provided area
G.01	15sqm	24sqm
1.03	8sqm	20sqm
2.01	8sqm	19sqm
2.02	8sqm	17sqm
2.05	8sqm	13sqm
3.01	8sqm	19sqm
3.02	8sqm	17sqm
3.05	8sqm	13sqm

	4.01	8sqm	20sqm												
	4.02	8sqm	17sqm												
	4.05	8sqm	13sqm												
	5.01	8sqm	20sqm												
	5.02	8sqm	17sqm												
	5.05	8sqm	13sqm												
	6.01	8sqm	19sqm												
	6.05	8sqm	13sqm												
	7.01	8sqm	19sqm												
	7.02	8sqm	17sqm												
	7.05	8sqm	13sqm												
Complies:	Complies with objective														
Clause 58.05-4 Storage Objective															
<i>To provide adequate storage facilities for each dwelling.</i>															
Response:	All dwellings include internal and external storage in accordance with the requirements of the standard as set out in the following table.														
	<table border="1"> <thead> <tr> <th>Apartment type</th> <th>Total minimum storage volume</th> <th>Minimum storage within the apartment</th> </tr> </thead> <tbody> <tr> <td>1 bed apartment</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bed apartment</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 bed apartment</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>			Apartment type	Total minimum storage volume	Minimum storage within the apartment	1 bed apartment	10 cubic metres	6 cubic metres	2 bed apartment	14 cubic metres	9 cubic metres	3 bed apartment	18 cubic metres	12 cubic metres
Apartment type	Total minimum storage volume	Minimum storage within the apartment													
1 bed apartment	10 cubic metres	6 cubic metres													
2 bed apartment	14 cubic metres	9 cubic metres													
3 bed apartment	18 cubic metres	12 cubic metres													
	All apartments in the development include the required internal and external storage, with 6 cubic metres of external storage per dwelling within the basement car park for Stage 1.														
Complies:	Complies														
Clause 58.06 Detailed Design															
Clause 58.06-1 Common Property Objectives															
<i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i>															
<i>To avoid future management difficulties in areas of common ownership.</i>															
Response:	Public, communal and private areas are clearly delineated. Communal open space, car parking, access areas and site facilities are functional and capable of efficient management.														
Complies:	Complies														
Clause 58.06-2 Site Services Objectives															
<i>To ensure that site services can be installed and easily maintained.</i>															
<i>To ensure that site facilities are accessible, adequate and attractive.</i>															
Response:	Site services are conveniently located and accessible at basement, ground														

	<p>and roof level.</p> <p>Mailboxes are provided within the residential lobby areas at the ground floors of all buildings.</p> <p>Conditions of any approval will require further detail of the proposed television antennae and the location of plant.</p>																		
Complies:	Complies subject to condition																		
Clause 58.06-3 Waste and Recycling Objectives																			
<p><i>To ensure dwellings are designed to encourage waste recycling.</i></p> <p><i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i></p> <p><i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i></p>																			
Response:	<p>A waste management plan, detailing how waste is to be stored and collected, was submitted as part of the application and is considered acceptable subject to a condition requiring revision to reflect the approved number of dwellings.</p> <p>All buildings are provided with waste and recycling bin chutes and large bin rooms at Basement 1 level.</p> <p>It is important to note that there are no practical means devised for the inclusion of centralised management of food waste for apartment developments and any waste management plan cannot extend to include food waste.</p>																		
Complies:	Complies subject to condition																		
Clause 58.07 Internal Amenity																			
Clause 58.07-1 Functional Layout Objective																			
<p><i>To ensure dwellings provide functional areas that meet the needs of residents.</i></p>																			
Response:	<p>The function layout dimension requirements for bedrooms and living are as follows:</p> <table border="1"> <thead> <tr> <th>Bedroom type</th> <th>Minimum Width</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <p>All apartments comply with the minimum bedroom requirements for main bedrooms and other bedrooms.</p> <p>The function layout dimension requirements for living areas are as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>1 bedroom dwelling</td> <td>3.3 metres</td> <td>10sqm</td> </tr> <tr> <td>2 or 3 bedroom dwelling</td> <td>3.6 metres</td> <td>12sqm</td> </tr> </tbody> </table> <p>All Building D1 living areas comply with the minimum width and area requirements.</p> <p>The Building A and B apartments that include non-compliant living areas are</p>	Bedroom type	Minimum Width	Minimum Depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	1 bedroom dwelling	3.3 metres	10sqm	2 or 3 bedroom dwelling	3.6 metres	12sqm
Bedroom type	Minimum Width	Minimum Depth																	
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All other bedrooms	3 metres	3 metres																	
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2 or 3 bedroom dwelling	3.6 metres	12sqm																	

	<p>detailed below.</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>No. of apartments</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td colspan="4">Building A</td> </tr> <tr> <td>J – 2 bed</td> <td>3</td> <td>3.42 metres</td> <td>15.50sqm</td> </tr> <tr> <td colspan="4">Building B</td> </tr> <tr> <td>J – 2 bed</td> <td>6</td> <td>3.23 metres</td> <td>12sqm</td> </tr> </tbody> </table> <p>Whilst the above apartments do not comply with the minimum dimension requirements in one (1) direction, they are considered acceptable given that their dimensions are greater than the standard in the other direction, their minimum areas are at, or greater than the minimum area requirement and they have generous balconies that can be used as outdoor living areas at 30 – 45 square metres in area.</p>	Apartment type	No. of apartments	Minimum width	Minimum area	Building A				J – 2 bed	3	3.42 metres	15.50sqm	Building B				J – 2 bed	6	3.23 metres	12sqm
Apartment type	No. of apartments	Minimum width	Minimum area																		
Building A																					
J – 2 bed	3	3.42 metres	15.50sqm																		
Building B																					
J – 2 bed	6	3.23 metres	12sqm																		
Complies:	Complies with objective																				
Clause 58.07-2 Room Depth Objective																					
<i>To allow adequate daylight into single aspect habitable rooms.</i>																					
Response:	<p>The proposed ceiling height is 2.7 metres for all apartments, which allows a 6.75 metre room depth. Where this room depth is exceeded, the dwellings have a combined living/dining and kitchen with a maximum 9 metre depth as per the standard.</p> <p>It is also noted that many of the apartments are dual aspect, which allows an increased level of daylight into those dwellings.</p>																				
Complies:	Complies																				
Clause 58.07-3 Windows Objective																					
<i>To allow adequate daylight into new habitable room windows.</i>																					
Response:	<p>All living rooms and bedrooms have access to windows on the external walls of Buildings A and D1 in accordance with the standard. All of these windows are clear to the sky and operable.</p> <p>Apartment type G, H, I and N of Building B include bedrooms and kitchens that source daylight from internal light wells.</p> <p>Apartment type G is considered unacceptable given that it is a one (1) bedroom apartment with the only bedroom receiving light from the smaller of the proposed light wells. The two (2) dwellings (apartments 1.07 and 2.07) of this type are located on the first and second floors of the building, which means that meaningful daylight penetration is unlikely. Furthermore, these apartments are single aspect and south facing, which will reduce the amount of light to the living areas. A condition of any approval will require these two (2) dwellings to be deleted.</p> <p>Apartment type H includes a kitchen and bedroom that receive light from two (2) different light wells. Given that the living area and the main bedroom of this apartment type receives direct daylight from glazing to external walls, this apartment type is considered acceptable.</p> <p>Apartment types I and N include bedrooms that receive light from light wells. Given that the main bedrooms of these apartment types receive direct daylight from glazing to external walls, these apartments types are considered acceptable.</p>																				

	A condition of any approval will require the light wells to be painted in a reflective finish.
Complies:	Complies with objective subject to condition
Clause 58.07-4 Natural Ventilation Objectives	
<i>To encourage natural ventilation of dwellings.</i>	
<i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	
Response:	Overall, 56% of the apartments (35% Building A, 60% Building B & 78% Building D1) have been designed to include natural ventilation as follows: <ul style="list-style-type: none"> - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area. The minimum requirement is 40% of apartments and so the proposal complies.
Complies:	Complies

CONCLUSION

There is strong Planning Policy, Local Planning Policy and contextual justification for multi-level, mixed use development in this location. The proposal has been designed to be generally in accordance with the Approved Development Plan and exhibits a high level of compliance with the Northcote Activity Centre Structure Plan, the Design and Development Overlay – Schedule 14 and relevant objectives and standards within the Darebin Planning Scheme.

REFERRAL SUMMARY

Department/Authority	Response
City Design	No objection, subject to conditions included in recommendation relating to on-site planting, streetscape interfaces and streetscape improvements. The proposed landscape master plan and concept plan is broadly supported, as is the extent of proposed tree planting within the development, which is commended by exceeding the minimum requirements.
ESD Officer	No objection, subject to conditions requiring alteration to the layout of three (3) apartments to Building A, reduction of south facing glazing to bedrooms, food waste being included in the Waste Management Plan and securing of the sustainable design elements as set out in the SMP.
City Architect	No objection, subject to conditions included in recommendation relating to the balcony treatment of Building A, deletion of apartments 1.07 and 2.07 of Building B and alterations to the design detail of the south facing, middle balconies of Building B.

Department/Authority	Response
Infrastructure and Capital Delivery	No objection subject to a condition included in recommendation relating to the drainage of the site and future stages of the overall development.
Arboricultural Planning	No objection subject to a condition included in the recommendation relating to protection of street trees.
City Works	No objection, the waste management plan is acceptable.
Climate Emergency and Sustainable Transport	No objection, subject to conditions included in recommendation relating to streetscape improvements.
Melbourne Water	No objection, subject to conditions included in recommendation.
Head, Transport Victoria	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Mixed Use Zone

Clause 32.04-2 - a permit is required for use as a shop with a floor area exceeding 150 square metres.

Clause 32.04-6 – a permit is required to construct two (2) or more dwellings on a lot.

Clause 32.04-9 – a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2,
- Design and Development Overlay – Schedule 14

Clause 43.02-2 – a permit is required to construct or carry out works.
- Special Building Overlay

Clause 44.05-2 – a permit is required to construct a building or to construct of carry out works.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.02-1S, 11.02-2S, 11.03-1S, 11.03-1R, 13.03-1S, 13.04-1S, 13.05-1S, 15.01-1R, 15.01-2S, 15.02-1S, 16.01-1R, 16.01-2S, 16.01-2R, 16.01-3S, 16.01-3R, 17.02-1S, 18.02-4S
LPPF	21.01, 21.02-3, 21.03-2, 21.03-3, 21.04-1, 21.04-3, 21.05-1, 21.05-2, 21.05-3, 22.04, 22.08, 22.12
Zone	32.04
Overlay	43.02, 43.04, 44.05, 45.03, 45.06
Particular provisions	52.06, 52.34, 53.18, 58
General provisions	65.01

POLICY IMPLICATIONS

Environmental Sustainability

The application is accompanied by a Sustainable Management Plan (SMP) that details sustainable design initiatives to be included as part of the development. The SMP is acceptable, subject to condition.

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

RELATED DOCUMENTS

- Darebin Planning Scheme
- Planning and Environment Act 1987
- Northcote Activity Centre Structure Plan, April 2007
- Streets for People Strategy - Northcote - Thornbury Corridor, August 2018
- Breathing Space – The Darebin Open Space Strategy, September 2019

Attachments

- Aerial (**Appendix A**)
- Plans (**Appendix B**)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* 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.

**5.4 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	Japara Developments Pty Ltd	<ul style="list-style-type: none"> • Godfrey Spowers (Victoria) Pty Ltd. • Fitzgerald Frisby Landscape Architecture. • Planning & Property Partners Pty Ltd. • Hansen Partnership Pty Ltd. • TTM Consulting (Vic) Pty Ltd. • Lucid Consulting Australia. • Axiom Tree Management Pty Ltd. • Resonate. • Leigh Design Pty Ltd

SUMMARY

- This application was deferred for further consideration at this meeting following a direction for a consultation meeting to be facilitated by Council Officers, to be held between the permit applicant and the objector that is primarily impacted.
- This consultation meeting has been held by teleconference.
- 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.
 - 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.
- A resolution by the Planning Committee at its meeting on the 10 March 2020 has resulted in a consultation meeting being convened on 19 March 2020 as detailed below.

CONSULTATION MEETING:

In accordance with the resolution of the Planning Committee on 10 March 2020 a consultation meeting was convened on 19 March 2020 between the applicant, objector and Council planner. This was held via teleconference and resulted in further details being provided by the permit applicant in relation to the objectors concerns regarding the 30 degree setback as referenced in the DDO17.

Further details were also sought in relation to the treatments and materials proposed to satisfy proposed permit conditions in relation to overlooking. This resulted in the exchange of emails between the permit applicant and objector on potential impacts and treatments. Unfortunately no resolution has been achieved.

The objector and the permit applicant were unwilling to shift their positions on the 30 degree setback and no agreement or further concessions have been made.

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.
 - 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.
- 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 and inclusion of food waste disposal (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;
 - 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.
- (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.

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, food 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.
- 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.
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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.
- 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.
- 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.
- 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 objectionsInadequate 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.

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.

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.

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**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

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	<p>The site is appropriately located in an activity centre.</p> <p>Access is provided via a side street and Right of Way.</p> <p>The design promotes interconnected lanes and streets.</p> <p>The site and area have access to public transport.</p> <p>The proposal provides an active frontage with food and drink and retail premises.</p>	Complies
Large development site structure	<p>The development maintains connectivity through the adjacent streets and Right of Way, as well as through the development.</p> <p>The site is well-connected to services and facilities, including trams, buses, shopping, community and recreation facilities.</p> <p>The design maintains an appropriate transition to the residential area to the rear and maintains the amenity of the adjacent residential uses.</p>	Complies
Higher density residential precinct structure	<p>The site is located in an area set aside for higher density residential development.</p> <p>The direction for this development has been provided by the Design and Development Overlay and the Multi Residential and Mixed Use Development policy.</p>	Complies
Public realm structure	<p>The site provides an active facade to the street frontage.</p> <p>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.</p>	Complies
Pedestrian priority streets	<p>This element has limited applicability, as the public spaces and adjacent road is existing.</p> <p>The site provides an active frontage to the street frontage, for passive surveillance.</p> <p>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.</p>	Complies

Element	Comment	Compliance
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 transition to the rear.	Complies

Element	Comment	Compliance
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

Element	Comment	Compliance
Trees and planting	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.	Complies subject to condition
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

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.

CompliesClause 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.

CompliesClause 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.

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.

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 is 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
Sustainability	<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"> • Provide details on how all windows open. • Install fixed shading to all north facing windows and glazed doors. Provide a section through the glazing and shading to demonstrate it is effective. • Full height and full width glazing to the south facing bedrooms is not acceptable • 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. • Integrate operable windows into the pool area so mechanical cooling is not required. • Provide details on the expected water use for the laundry. • Install on ground bike parks. • Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes. • Provide clearer details on the waste and recycling chutes. <p>The above may be addressed by condition.</p>	Complies subject to condition
Design and Materials	<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

Element	Comment	Compliance
<p>Building Height</p>	<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 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>	<p>Complies</p>
<p>Dwelling diversity</p>	<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>	<p>Complies</p>
<p>Parking and vehicle access</p>	<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>	<p>Complies subject to condition</p>

Element	Comment	Compliance
<p>Street address</p>	<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>	<p>Complies subject to condition</p>
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<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"> • There may be views to adjoining dwellings from the habitable room windows and balconies to the south. This must be addressed by condition. • The proposal will not lead to unreasonable overshadowing of the adjoining sites to the south. • The nearby dwellings will not be unreasonably affected by reduced daylight to habitable room windows. 	<p>Complies subject to condition</p>
<p>On-Site Amenity and Facilities, including Private Open Space</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"> • <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> • <i>Development should make adequate provision for natural light and ventilation to habitable rooms, including bedrooms.</i> <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’.</p> <p>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>Does not apply to aged care residential – Assessment is provided for information.</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>	
Waste Management	<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>	Complies subject to condition
Equitable Access	<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>	Complies

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 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 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

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%.
- 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.
- 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.
- 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	
Shop	3.5 spaces to each 100 square metres net floor area	200 square metres	7 spaces	
Total:			120 spaces	123 spaces

* 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.
- 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.

Clause 52.34 – Bicycle Facilities

Bicycle parking is required as follows:

Use	Rate		Employee / Resident Requirement	Visitor / Shopper Requirement
	Employee / Resident	Visitor / Shopper		
Dwelling (four or more storeys)	1 resident space to each 5 dwellings	1 visitor space to each 10 dwellings	15	7
Nursing Home	1 to each 7 beds	1 to each 60 beds	13	2
Restaurant (area available to public)	1 to each 100 square metres floor area	2 plus 1 to each 200 square metres of floor area (if the floor area is greater than 400 square metres)	3	2
Retail	1 to each 300 square metres	1 to each 500 sqm	1	1
Total Requirement			32	12

The applicant has proposed to provide 62 bicycle parking spaces, which exceeds the Planning Scheme requirements.

Bicycle parking will be provided on the ground, lower ground and basement levels. Bicycle parking will be a combination of ground-mount hoops and vertical rails, which is considered to be appropriate and aligns with Australian Standard 2890.3:2015.

Notwithstanding the above (as per internal referral comments from Council's Transport Engineering and Strategy Unit) bicycle parking spaces must be dimensioned as follows:

Horizontal spaces (ground-mounted):

- Double-sided parking rails or hoops must be set 1000mm apart, or 500mm from a wall or fence.
- Must allow 1800mm long envelope for the bicycle, plus 1500mm wide aisle for access.

Vertical spaces (wall-mounted):

- Rails mounted at 500mm spacing between centres if mounted at staggered heights, or 1000mm if mounted at a single height.
- Rails should 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).
- Must allow 1200mm envelope for the bicycle to extend out from the wall, plus a 1500mm wide aisle for access.

The above may be addressed by condition.

Clause 53.17 - Residential aged care facility

Clause 53.17 applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone. As the site is located in a Commercial 1 zone this clause does not to apply. Nevertheless, it is considered that issues of design, setbacks, amenity to adjoining sites are addressed in the assessment above.

Clause 58

Despite the overall height being six (6) storeys, as the buildings are to be used for a retirement village and aged care facility the dwellings are not considered to be apartments, so that it is considered that an assessment against clause 58 is not relevant.

REFERRAL SUMMARY

Department/Authority	Response
ESD Officer	No objection, subject to conditions included in recommendation
Darebin Parks	No objection, subject to conditions included in recommendation
Transport Management and Planning	No objection, subject to condition included in recommendation
VicRoads	No objection, subject to conditions included in recommendation

Department/Authority	Response
Department of Transport	No objection, subject to condition included in recommendation
Capital Works	No objection, subject to condition included in recommendation
Urban Design	No objection, subject to condition included in recommendation <ul style="list-style-type: none"> • Further modulation of Building A's southern elevation • Further articulation of the north-eastern corner of Building B • Redesign colonnade element of Building B's Ground Floor Plenty Road interface • Revise the pedestrian entrance to the internal piazza by widening the pedestrian entrance aperture from Plenty Road • Outline the impact of a DDO17 compliant built form through sectional analysis of the site's southern boundary • Equitable development is acceptable.
City Architect	No objection subject to conditions required by Urban Design.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Under the Commercial 1 Zone, a permit is required for a dwelling as the frontage at ground floor level exceeds 2 metres.
- Clause 34.01-4 requires a permit for buildings and works.
- Pursuant to Clause 43.02 – Design and Development Overlay, a permit is required for buildings and works (unless otherwise specified in the Schedule to the Overlay).
- 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.
- Clause 52.17 (Native Vegetation) – A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) requires a permit to create or alter access to a road in a Road Zone, Category 1.
- Clause 52.34 (Bicycle facilities) – Reduce (including reduce to zero) the number of bicycle spaces required under Clause 52.34-5.
- Clause 45.05 (Development Contributions Plan Overlay) - Council's ability to request the development contribution expired with the Schedule in June 2014

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
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**

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

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

RELATED DOCUMENTS

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

Attachments

- Aerial Map (**Appendix A**)
- Plans (**Appendix B**)
- Landscape Plans (**Appendix C**)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* 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.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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**)

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


8. CLOSE OF MEETING

**CITY OF
DAREBIN**

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