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## AGENDA

Planning Committee Meeting to be held at  
Council Chamber  
Darebin Civic Centre,  
350 High Street Preston  
on Tuesday 10 March 2020 at 6.00pm.



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

### Somali

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

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## 1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 9 December 2019 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

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

**Author:** Senior Planner

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

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

### SUMMARY

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

- 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.

<b>Recommendation</b>
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**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 (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 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 objections**

#### Inadequate rear setbacks

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

#### Overlooking

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

#### Overshadowing/Loss of sunlight

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

#### Winter shadows

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

#### Shadows to solar panels

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

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

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

#### Excessive height

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

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



Element	Comment	Compliance
	Residential and Mixed Use Development policy.	
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
Pedestrian and bicycle paths	<p>Existing pedestrian paths and lighting are provided to the street.</p> <p>Public bicycle paths are beyond the scope of this application.</p>	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	<p>The proposal does not provide any public space.</p> <p>Doors and windows of buildings to overlook adjacent public spaces.</p> <p>The proposal provides a transition between public space and private space.</p>	Not applicable
Street spaces and plazas	<p>The proposal does not provide any public space.</p> <p>Doors and windows of buildings to overlook adjacent public spaces.</p> <p>There is a transition between public space and private space.</p> <p>A condition of permit will require streetscape and footpath improvements.</p>	Complies subject to condition
Local parks	The proposal does not provide any public spaces/parks.	Not applicable
Communal Open Spaces	<p>The communal spaces (internal and external) are accessible and functional.</p> <p>The communal spaces provide safety and outlook.</p> <p>The amenity of adjacent sensitive uses will not be unreasonably affected, due to appropriate setbacks and a</p>	Complies

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

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

**LOCAL POLICIES**

**Clause 21.03 – Housing**

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

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

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

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

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

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

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

**Complies**

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

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

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

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

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

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

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

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

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

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

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

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

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

Element	Comment	Compliance
	<ul style="list-style-type: none"> <li>• Full height and full width glazing to the south facing bedrooms is not acceptable</li> <li>• Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.</li> <li>• Integrate operable windows into the pool area so mechanical cooling is not required.</li> <li>• Provide details on the expected water use for the laundry.</li> <li>• Install on ground bike parks.</li> <li>• Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.</li> <li>• Provide clearer details on the waste and recycling chutes.</li> </ul> <p>The above may be addressed by condition.</p>	
<p><b>Design and Materials</b></p>	<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>	<p>Complies subject to condition</p>
<p><b>Building Height</b></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</p>	<p>Complies</p>

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



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

**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 abutments 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	
<b>Total:</b>			<b>120 spaces</b>	<b>123 spaces</b>

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

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

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

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

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

**Complies**

Clause 52.06-8 - Design Standards for Car parking

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

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

- 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
<b>Total Requirement</b>			<b>32</b>	<b>12</b>

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 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"> <li>• Further modulation of Building A’s southern elevation</li> <li>• Further articulation of the north-eastern corner of Building B</li> <li>• Redesign colonnade element of Building B’s Ground Floor Plenty Road interface</li> <li>• Revise the pedestrian entrance to the internal piazza by widening the pedestrian entrance aperture from Plenty Road</li> <li>• Outline the impact of a DDO17 compliant built form through sectional analysis of the site’s southern boundary</li> <li>• Equitable development is acceptable.</li> </ul>
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**

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

**POLICY IMPLICATIONS**

**Environmental Sustainability**

*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.

**5.2 EXISTING DEVELOPMENT CONTRIBUTIONS PLAN -  
EXTENSION OF EXPIRY DATE****Author:** Strategic Planner**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

This report recommends that Council requests that the Minister for Planning amend the planning scheme to allow Council to continue to spend funds that were collected by the existing Development Contributions Plan (DCP) – ‘*City of Darebin Development Contributions Plan, June 2004 (Revised 2015)*’. It is recommended that Council request that the Minister extend the time period by 12 months in which Council could spend the DCP funds already collected. Note that the purpose of the expenditure would remain the same (to fund construction of the Darebin Multi-Sports Stadium (MSS)).

The DCP collected funds from July 2004 to 1 July 2014. During this time, the DCP generated more contributions than had been anticipated. In 2016, the Minister approved Amendment C148 to the Darebin Planning Scheme, which extended the DCP to 30 June 2020 to allow \$6.5M of unspent funds collected through the original DCP (2004-2014) to be expended on a project of municipal-wide benefit – the Darebin Multi-Sports Stadium (MSS). The 2016 extension will expire at the end of this financial year.

The MSS project will deliver a high-quality multi-sport facility that will act as a hub for Darebin sports, particularly catering for women’s sports, for which there is currently a critical need in the municipality. Council has committed to delivering this project by making it one of sixteen Big Actions. However, the MSS Project has experienced unplanned delays and Council will not be able to spend the unspent funds before the June 30 expiry of the current DCP.

Under the *Planning and Environment Act 1987* (the Act), if Council cannot expend all of the unspent funds by the expiry date, it must exercise one of three options to either provide for the expenditure of funds, submit a planning scheme amendment to the Minister to provide for the expenditure, or pay back to landowners.

To end of 2018/19, \$1.4 million (M) of the DCP remaining unspent funds (6.5M) had been spent on the MSS. A further \$3.1M of the DCP unspent funds is forecast to be spent in 2019/20 by 30 June 2020, leaving approximately \$2M of unspent funds when the DCP expires at end of June 2020.

In order to secure the unspent funds and ensure the MSS project can be delivered, officers recommend that Council seek an extension to term of the current DCP through a planning scheme amendment.

Due to the technical and administrative nature of the amendment and the urgency of the need to secure the remaining unspent funds by the DCP’s expiry in June, officers recommend that Council resolve to request that the Minister for Planning prepare and approve Amendment C190, pursuant to section 20(4) of the Act, to the Darebin Planning Scheme to extend the expiry date of the DCP for a further 12 months. It is proposed that notification requirements will be exempt under a section 20(4) amendment, so no formal consultation process with the community will occur.

<b>Recommendation</b>
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**That Council:**

- (1) Requests the Minister for Planning to prepare and approve Amendment C190 to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987*, reflected in the draft amendment documents in **Appendix A**, to extend the expiry date for the existing Development Contributions Plan.
  - (2) Progress Amendment C190 pursuant to section 20(4) of the *Planning and Environment Act 1987*, on the basis that the changes to the scheme proposed are minor and administrative in nature and that and urgent action is needed to secure the funding for the Darebin Multi Sports Stadium.
  - (3) Authorises the Manager City Futures to finalise the amendment documentation to form the basis of the request to the Minister for Planning.
  - (4) Writes a letter to the Minister for Planning from the Mayor requesting an amendment under section 20(4) of the Act and outlining the reasons for this request.
- 

**BACKGROUND / KEY INFORMATION****Existing DCP and Amendment C148**

The Darebin Development Contributions Plan (DCP) collected funds from July 2004 until its expiration in July 2014, with Council ceasing collection of contributions from that time.

The DCP generated more contributions than had been forecast under the DCP as a result of higher than expected rates of development and revenue, and because not all of the projects listed in the DCP were completed.

In late 2014, Council prepared a planning scheme amendment (Amendment C148) to extend the expiry date of the DCP to June 2020 and allow Council to spend the unspent funds totalling \$6.5M on a new project that provided municipal-wide benefit; the Darebin Multi-Sports Stadium (MSS).

**Expenditure of Unspent Funds on the MSS Project**

Council resolved to build the MSS at John Cain Memorial Park at its meeting in September 2015 and is one of Council's 'Big Actions' as part of the Council Plan 2017-2021. While the MSS project is progressing and Council have committed significant resources to the delivery of this project, unplanned delays to the MSS project mean that Council will not be able to expend all of the unspent funds by 30 June 2020. Expenditure of the remaining unspent funds on the project will occur through the awarding of a construction contract for the MSS project, which has been forecast to happen before the end of June 2021.

Council is obliged to expend the unspent funds on the MSS Project by 30 June 2020 (the DCP expiry date), or otherwise exercise one of three options available under the Act:

- 1 - refund remaining contributions to the current owners of the land which paid the contribution;
- 2 - prepare an amendment to the Approved DCP, in the form of a planning scheme amendment, to provide for the expenditure of the unspent contributions; or
- 3 - with the consent of the Minister, expend any unspent contributions on the provision of other works, facilities or services in the area.



Option two, to amend the DCP through a planning scheme amendment, is the only available course of action that would allow the unspent funds to be used to deliver the MSS project beyond the current expiry date of the DCP.

### **Previous Council Resolution**

At its meeting held on 21 September 2015, Council resolved:

*'That Council*

- (1) Resolve to endorse the development of the Darebin Multi-Sports Stadium at John Cain Memorial Park, Thornbury by June 2020 or by 2018 subject to external funding.*
- (2) Note the consultation and site selection process attached at Appendix A (Multi-Sports Stadium consultation summary) and Appendix B (MSS volume 2 written comments).*
- (3) Note officers will commence the detailed planning and procurement processes for the project and arrange a number of Councillor workshops at key stages throughout the project.*
- (4) Note a further report will be provided at a future Council meeting on the adoption of Planning Scheme Amendment C148 with the inclusion of the Darebin Multi-Sports Stadium project at John Cain Memorial Park, Thornbury.*
- (5) Note a second round of consultation will commence in the coming months on the proposed development at John Cain Memorial Park, Thornbury. The consultation will extent to existing tenants of the precinct, tiers of government, other key stakeholders and the Darebin community.*
- (6) Receive a further report and briefing in February 2016 on the masterplan of the John Cain/Disc precinct. Including the possibility for elite sports on the site.*
- (7) Resolve that in line with the public use zone, apartments will not form part of the proposal.*
- (8) Develop a communication strategy to keep community and stakeholders updated with progress of the project.'*

At its meeting held on 7 December 2015, Council resolved:

*'That Council:*

Having prepared and exhibited Amendment C148 to the Darebin Planning Scheme under section 19 of the Planning and Environment Act 1987; Resolves to:

- (1) Adopt Amendment C148 to the Darebin Planning Scheme in accordance with section 29 of the Planning and Environment Act 1987.*
- (2) Submit Amendment C148 to the Darebin Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the Planning and Environment Act 1987.*
- (3) Adopt the Darebin DCP Audit Report and Management of Unspent Funds (Appendix A) as a reference document to be implemented into the Darebin Planning Scheme via Amendment C148.*
- (4) Authorise the Manager City Development to make minor adjustments of an administrative nature, where necessary, to the Amendment prior to submission for approval.'*

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The Strategic Planning Unit has been in discussions with the following stakeholders:

- The Department of Environment, Land, Water and Planning (the Department) in regard to amending the DCP to extend the expiry date.
- Internal communications with the project team in Assets and Capital Delivery about project implications and timelines.
- Internal meetings with Finance regarding the budget including spend and forecast spend regarding the DCP funds and MSS project.

### Communications

It is proposed that notification requirements will be exempt under a section 20(4) amendment, so no formal consultation process with the community will occur.

The amendment is not considered to affect the broader community, as it is a technical amendment to extend an expiry date. Further, the views of affected parties are known through the previous Amendment C148 to the Darebin Planning Scheme in 2016, which provided for expenditure of the remaining unspent funds on the MSS project, was exhibited and attracted no submissions.

Council will provide information on the amendment and the status on its website.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

Goal 2.2 - We will expand opportunities for participation and social connection through sport, physical activity, arts, culture and other leisure activities.

Build a multi-sports stadium — a premier facility for women's sport — at John Cain Memorial Park.

### Environmental Sustainability Considerations

The amendment is not considered to have any environmental effects.

#### Climate Emergency

The amendment is not considered to have any implications in relation to the Climate Emergency.

### Equity, Inclusion and Wellbeing Considerations

The Amendment is expected to have positive social and economic benefits for Darebin City Council and the general community. The provision of a high - quality multi-sport facility will act as a hub for Darebin sports, particularly catering for women's sports, for which there is currently a critical need for additional facilities.

### **Cultural Considerations**

There are no cultural implications arising in relation to seeking authorisation for a new amendment to the scheme.

### **Economic Development Considerations**

There are no economic development implications arising in relation to seeking authorisation for a new amendment to the scheme.

### **Financial and Resource Implications**

The unspent funds are calculated to be \$6.5 million (including interest). To end of 2018/19, \$1.4M of the DCP remaining unspent funds (6.5M) had been spent on the MSS. A further \$3.1M of the DCP unspent funds is forecast to be spent in 2019/20 by 30 June 2020, leaving approximately \$2M of unspent funds when the DCP expires at end of June 2020.

A Victorian State Government grant of approximately \$1M was successful and also provides additional partial funding for the construction of the outdoor netball courts.

The delivery of the MSS Project is reliant on these funds, and the project will be jeopardised if an extension of time to expend these funds is not obtained.

### **Legal and Risk Implications**

If Council is unsuccessful in its application for a 20(4) amendment, it may be required to undergo a lengthier Council-led amendment process.

If a Council-led amendment was required, then this would not be able to be approved before the DCP expires. This is not a problem in itself, as the *Planning and Environment Act 1987* provides a 6 month period for Council to submit an amendment, however it would mean significant project delays.

It is considered very unlikely that the Minister would direct Council to return the unspent funds, however if this was the case, then Council may not be able to fulfill its commitment to deliver the MSS within budget or timeframe, and/or the delivery of the project may be jeopardised.

There remains some risk that the Minister may not authorise an amendment by 30 June 2020.

## **DISCUSSION**

### **Expending unspent funds on the MSS Project**

Council has committed significant resources to the delivery of the MSS and demonstrated a strong commitment to this project by making it one of Council's stated 'Big Action' in the City of Darebin Council Plan 2017-2021.

Unplanned delays have meant the MSS Project will not be delivered in the timeframe outlined in the existing DCP. The reasons for delays are practical logistical issues involved in consulting, planning and designing a new facility.

The total expenditure of unspent DCP funds on the MSS project is forecast to be approximately \$4.5M at June 2020. These costs include due diligence works and services, project management, design services and construction of the outdoor courts and landscape package.

The project is now in the detailed design stage with officers preparing the relevant procurement plans and documents for the pending advertisement of the construction tender. Council has approximately 3.5 months from the advertisement of the construction tender to evaluate submissions and execute a construction contract by June 2020. This timeline is unrealistic and additional time is required to manage a thorough tender and evaluation process for a construction contract value over \$20m.

Given constrained program timelines there is a high likelihood that Council will not expend the unspent funds before 30 June 2020. The only practicable option available under the Act is to request a planning scheme amendment to extend the DCP expiry date further to allow more time to expend the funds.

It is recommended that Council request that the Minister for Planning to prepare and approve a planning scheme amendment to extend the DCP timeline by a further 12 months, until 30 June 2021.

### **Section 20(4) Amendment**

Amendment C190 would provide a mechanism to extend the expiry date of the Darebin Development Contributions Plan 2004 (DCP) by 12 months to allow for the expenditure of unspent funds, which would allow Council to expend the remaining unspent funds (forecast to be approx. \$2M) on a project of municipal-wide significance and benefit, the MSS.

An amendment under section 20(4) would expediate this process and eliminate risks relating to the MSS Project timelines and delivery. Due to the administrative nature of the amendment, as well as the time sensitive matters regarding delivery of the MSS Project, a streamlined process for the amendment would provide certainty for the project team to complete its procurement for the construction and delivery of the MSS, and ensure the project can progress.

To seek a section 20(4) amendment would mean the Minister would exempt himself from the normal notification requirements associated with planning scheme amendments. This means that statutory consultation requirements are waived/minimised so that the matter can proceed quickly.

Officers consider the amendment meets the criteria for Ministerial intervention on the basis that:

- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known. The amendment is technical in nature and does not require any public notice as the content of the DCP is not changing. Further, the previous Amendment C148 amended the DCP to use the remaining funds for the MSS project, was exhibited, and no submissions were received.
- The matter will raise an issue of public interest where there is a need for urgency and the public interest would be served by immediate action – the expiry date is coming up on June 30 and a multi-million-dollar sports stadium is reliant on the funding.

**Significance and consistency with Local and Metropolitan Planning Strategies**

The MSS is a project of municipal-wide significance and will facilitate increased high-quality sporting infrastructure with an emphasis on women and girls sport.

This amendment will ensure that the unspent funds collected during the life of the DCP are put towards an infrastructure project of municipal wide benefit – the MSS - to maximise community benefit and support the needs of a growing community.

This piece of infrastructure has been identified as a need in the community and has an emphasis on women's and girls' sport. With the Darebin population now exceeding 160,000 people and projected to grow by an additional 35 per cent over the next 20 years, Council needs to ensure that this growth is met with the requisite social and local infrastructure to meet the needs of a growing community.

The amendment supports and gives effect to State and Local planning strategies, specifically:

- *Plan Melbourne Direction 5.3: Deliver social infrastructure to support strong communities seeks to ensure that future growth in Melbourne is supported with improvements and upgrades in local social infrastructure that meets the needs of this growing population and supports the health and wellbeing of communities.*
- *Clause 19: Infrastructure in the Planning Policy framework (PPF) encourages the provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner and encourages authorities to consider the use of development contributions to fund the provision of infrastructure. The amendment allows the continued spending of the surplus funds collected under the DCP on a significant piece of sporting and community infrastructure that is of demonstrable need and municipal-wide significance and benefit.*
- *Clause 21.05-3 (Physical and Community Infrastructure) recognises there is a need to ensure the ongoing provision and planning for community infrastructure needs to meet the requirements of existing and future residents and the role of development contributions in supporting this outcome.*

**OPTIONS FOR CONSIDERATION****Options to meet DCP funding milestones**

Under the Act, Council is required to undertake one of three options, set out in section 46Q (4), within six months after the end of the DCP expiry, with the consent of the Minister:

- Refund any remaining unspent contributions to the current owners of the land which paid the contribution;
- Submit an amendment to the approved DCP to provide for the expenditure of the unspent contributions; and
- Expend any unspent contributions on the provision of other works, facilities or services in the area.

Given the MSS project is reliant on the DCP funds, then no option other than an amendment is feasible for Council.

**Option 1 – Request the Minister for a section 20(4) planning scheme amendment (recommended)**

This option is recommended to allow Council to continue spending the DCP unspent funds past the June 30 expiry this year, in accordance with the MSS project's planned trajectory of advertising and awarding contracts to the preferred tenderer for the Multi Sports Stadium.

This option is recommended as it provides Council with the best chance the amendment will be approved prior to the expiry of the DCP, securing the funding for the MSS project. There remains some risk that the Minister may not authorise an amendment by 30 June 2020.

**Option 2 – Progress a council led amendment (not recommended)**

Given the Act allows for a leeway period of six months after the date of expiry, Council may choose not to request an amendment under section 20(4) from the Minister for Planning and instead progress a lengthier Council-led process. In this case the project would be significantly delayed while authorisation is sought.

**IMPLEMENTATION STRATEGY****Details**

Officers will finalise preparation of the required Planning Scheme Amendment (PSA) documentation for the Minister.

**Communication**

Due to the administrative nature of the proposed amendment, and as a result of seeking a section 20(4) amendment, exemption from notice requirements are in accordance with section 20(1) of the Act. No public notice is therefore required to be given.

Note: no submissions were received when Amendment C148 was on formal exhibition in June/July 2015/

**Timeline**

Following a Council resolution to seek a 20(4) Planning Scheme Amendment (PLA), officers will submit draft PSA documents to the Minister for consideration. The following timeline is indicative and is dependant on whether further consultation with the Minister regarding the amendment is required.

- Planning committee meeting (March 10, 2020) – resolution will be sought to request a 20(4) Amendment to the Darebin Planning Scheme.
- Officers submit documentation and pay submission fees in the following days (estimated March 11).
- A decision from the Minister could take 4-6 weeks but may take longer.

**RELATED DOCUMENTS**

The following documents make up the amendment package to be sent to the Minister for Planning:

- Amendment C190 Explanatory Report
- Amendment C190 Instruction sheet
- Schedule 1 to the Development Contributions Plan Overlay (DCPO1)
- Clause 72.04 of the Darebin Planning Scheme
- Incorporated Document *City of Darebin Development Contributions Plan, June 2004 (revised 2015 and March 2020)*

**Attachments**

- Amendment C190 documentation (**Appendix A**)

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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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).

<b>Recommendation</b>
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**That** the General Planning Information attached as **Appendix A** be noted.

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#### Related Documents

Nil

#### Attachments

- General Planning Information (**Appendix A**)




**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**


**8. CLOSE OF MEETING**

**CITY OF  
DAREBIN**

274 Gower Street, Preston  
PO Box 91, Preston, Vic 3072  
T 8470 8888 F 8470 8877  
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हिंदी	பெங்களி	Tiếng Việt