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## AGENDA

Planning Committee Meeting to be held virtually  
on Tuesday 13 June 2023 at 6.30pm.

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



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

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# Agenda

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## 1. MEMBERSHIP

Cr. Julie Williams (Mayor)  
Cr. Susanne Newton (Deputy Mayor)  
Cr. Emily Dimitriadis  
Cr. Gaetano Greco  
Cr. Tom Hannan  
Cr. Tim Laurence  
Cr. Trent McCarthy  
Cr. Lina Messina  
Cr. Susan Rennie

## 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 8 May 2023 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 CONSIDERATION OF PLANNING PERMIT APPLICATION D/530/2022 2 Abbott Street Alphington

**Author:** Principal Planner

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

Applicant	Owner	Consultant
Ground Waste Solutions	No Limit Holdings Pty Ltd	MRA Consulting Group Renzo Tonin & Associates Melbourne Arborist Reports CDE Global Ltd SA Design Drafting

### SUMMARY

<b>Property:</b>	2 Abbott Street, Alphington
<b>Proposal:</b>	The application is for the use of the site for the purposes of materials recycling (resource recovery of drilling muds and hydro excavated spoil from non-destructive excavation) and associated buildings and works.
<b>Car parking:</b>	Requirement is 10% of the site area.  10% of the site area is set aside for car parking, so no permit is required to reduce the car parking requirements.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Industrial 3 Zone (IN3Z)</li> <li>Development Contribution Plan Overlay (DCPO)</li> </ul>
<b>Is a Developer Contribution required?</b>	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.  A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>A public notice sign to the front of the site.</li> <li>Letters sent to surrounding owners and occupiers.</li> <li>Phone conversations with the applicant and objectors following the notification period and prior to the Planning Committee meeting.</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>17 objections from 14 properties</li> </ul>

	<ul style="list-style-type: none"> <li>• Key issues:             <ul style="list-style-type: none"> <li>○ Noise from operation impacting residences, wildlife and recreational use of parklands.</li> <li>○ Incorrect background noise measurements</li> <li>○ Vibration and air pollution from operation</li> <li>○ Run-off and pollution affecting the Darebin Creek and existing vegetation</li> <li>○ Light spill</li> <li>○ Inappropriate hours of operation, scale of operation and location for the use in an Industrial 3 Zone</li> <li>○ Traffic congestion</li> <li>○ No trust in proponent</li> <li>○ History of amenity issues arising from previous use of site and adjoining industrial properties</li> </ul> </li> </ul>
<p><b>Key reasons for support:</b></p>	<ul style="list-style-type: none"> <li>• The use is a reasonable outcome for a site in the Industrial 3 Zone.</li> <li>• The proposed buildings and works are low scale and a reasonable outcome for a site in the Industrial 3 Zone and in the context of the creek.</li> <li>• No objections received from any internal or external referral bodies.</li> <li>• Amenity impacts and potential impacts on the creek can be addressed via conditions of approval.</li> <li>• The proposed business would result in the creation of four (4) full time staff, benefiting the local economy.</li> <li>• The proposed operation would recover and reuse materials such as stones, sand and soil that would otherwise be diverted to landfill or treatment facilities in more remote locations (reducing CO<sub>2</sub> emissions).</li> </ul>
<p><b>Recommendation:</b></p>	<p>Notice of Decision to Grant a Planning Permit</p>

**Recommendation**

**That** a Notice of Decision to grant Permit No. D/530/2022 be issued for use of the land as a materials recycling facility (resource recovery of drilling muds and hydro excavated spoil from non-destructive excavation) and associated buildings and works at 2 Abbott Street, Alphington, subject to the following conditions:

1. Before the development and use start, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as SP1276 G:MAX Site Layout Rev A Sheet 1 of 3, prepared by CDE Global Limited and dated 21.07.2022) but modified to show:

- (a) Northern, eastern, western and southern elevations including heights of all proposed structures on site.
  - (b) Existing vegetation including any trees on and adjacent to the site.
  - (c) The car spaces, entry gate and crossover dimensions, as shown on the plan identified as '*Site plan Sheet 1 Job number 22099, dated 16.12.2022, and prepared by SA Design Drafting*'.
  - (d) Details of the DDA car parking space showing compliance with the requirements of Australian Standard AS2890.6.
  - (e) Wheel stoppers provided to the car parking spaces.
  - (f) Containment kerbing along the northern, eastern and southern property boundaries with the top of all kerbing at least 300mm above the highest ground survey level as measured on the subject site.
  - (g) A transition area and rumble grid at the entrance/exit to the site draining into the concrete pit.
  - (h) Details of the proposed surface treatments to all existing permeable surfaces on the subject site. Existing permeable surfaces are to be modified to ensure no run off from the site, with no permeable surfaces to be within the subject site.
  - (i) Details showing all excess waste water and stormwater to be directed to the sewer/sewerage system, as per the requirements of Condition No. 12.
  - (j) The provision of a Site Environmental Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 13 of this Permit.
  - (k) Any modifications required as a result of the amended Environmental Management Plan required by Condition No. 20 of this Permit.
  - (l) A 2.4 metre high acoustic barrier along the eastern boundary of the subject site in accordance with the requirements of the acoustic report prepared by Renzo Tonin & Associates dated 01.09.2022 required by Condition No. 18 of this Permit. The fence must not impact existing trees.
  - (m) The northern and eastern setbacks of the concrete pond, the placement of the rainwater tanks and annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 24 and 25 of this Permit.
  - (n) The location of external lighting that has been designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land including residential properties and the Darebin Creek
2. The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. This Permit will expire if either:
    - (a) The development does not start within three (3) years from the date of this Permit; or
    - (b) The development is not completed 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:

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



- (c) 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. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
  - 5. During the construction phase of the development:
    - (a) All waste water and excess stormwater from the site must be directed to the sewerage network.
    - (b) Only clean rainwater may be discharged to the stormwater drainage system;
    - (c) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
    - (d) Vehicle borne materials must not accumulate on the roads abutting the site;
    - (e) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
    - (f) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
    - (g) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.

**Use**

- 6. The use including all deliveries may operate only between the hours of:
  - (a) 7am to 6pm Monday to Friday
  - (b) 7am to 1pm Saturdays.
- 7. No more than 15 trucks per day may deliver material to the site.
- 8. No more than 15,000 tonnes of material per calendar year may be processed.
- 9. The land must not be used for any purpose which requires any of the following:
  - (a) Notification under the Occupational Health and Safety Regulations 2017.
  - (b) A licence under the Dangerous Goods Act 1985.
- 10. The land must not be used for any purpose where the fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- 11. Only non-hazardous material may be processed on site.

**Amenity**

- 12. No stormwater, effluent, mud, dirt, spoil or the like must be discharged into Council's stormwater drainage system. Waste water and excess stormwater from the site (where not collected for reuse) must be directed to the sewer/sewerage system to EPA and Yarra Valley Water requirements and comply with applicable environmental reference standards and/or values prior to being discharged off site.

- 
13. Before plans are endorsed under Condition No. 1 of this Permit, a Site Environmental Management Plan (SEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SEMP will be endorsed and will then form part of this Permit. The SEMP must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
  - (b) Stormwater.
  - (c) Litter, concrete and other construction wastes.
  - (d) Chemical contamination.

The requirements of the endorsed SEMP must be implemented and complied with to the satisfaction of the Responsible Authority.

14. All vehicles must be washed down to remove excess sediment prior to exiting the site.
15. Wash water and sediment collected in the rumble grid must be discharged to the concrete pit on the subject site for re-use in the operation or directly discharged to the sewer in accordance with the requirements of any relevant EPA and Yarra Valley Water approvals.
16. Any spillage of dirt, mud, litter or waste onto Abbott Street or other public roads in the vicinity of the site must be cleaned up without delay to the satisfaction of the Responsible Authority.
17. The materials recycling facility must not adversely affect the amenity of the area, including through the:
- (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works, stored goods or materials;
  - (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; and
  - (d) and/or in any other way,
- to the satisfaction of the Responsible Authority.
18. The Acoustic Report to be endorsed and which will then form part of this Permit is the Acoustic Report submitted with the application prepared by Renzo Tonin & Associates dated 01.09.2022.

The requirements and noise mitigation measures as set out in the approved Acoustic Report must be implemented to the satisfaction of the Responsible Authority.

19. Within three (3) months of the commencement of the use of the land a Post Use-Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The Post Use-Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:
- (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 20 have been implemented;
  - (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition 20 achieve:

- i. Compliance with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Part 5.3) and the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826) (Noise Protocol).
- ii. Confirm that the noise influence of the use on the land has been tested in accordance with the publication on Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade premises and Entertainment Venues Publication 1826.2 May 2021.

The assessment must include acoustic testing undertaken by a suitably qualified acoustic engineer.

- (c) If the testing reveals that the use does not meet maximum noise levels prescribed the relevant EPA noise controls, include recommendations for modifications of the buildings and works to bring the use into compliance with those levels and prescribe timeframes for those modifications.

The requirements of the endorsed Post Use-Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Any recommended modifications must be carried out within the timeframes specified in the endorsed Post Use-Commencement Acoustic Report.

Within three (3) months of the completion of the recommended modifications, further acoustic testing must be carried out by a suitably qualified acoustic engineer to confirm whether the use complies with maximum noise levels prescribed by relevant EPA noise controls and a written report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All acoustic testing must be carried out during a peak operation of the approved use on the land.

20. Before plans are endorsed under Condition No. 1 of this Permit, an amended Environmental Management Plan (EMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended EMP will be endorsed and will then form part of this Permit. The amended EMP must be generally in accordance with the document identified as EMP, prepared by MRA Consulting Group and dated September 2022 but modified to show:
  - (a) Excess waste water and stormwater discharged to the sewer/sewerage system;
  - (b) Details of a management log to track the amount of material processed. The log must be kept up to date and be made available to Council upon request; and
  - (c) Details how waste collection from the facilities block will be managed or the facilities block permanently connected to the sewer.

The requirements and management measures as set out in the approved EMP must be implemented to the satisfaction of the Responsible Authority.

21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land including residential properties and the Darebin Creek to the satisfaction of the Responsible Authority. Lighting must only be used during the approved hours of operation under this Permit, unless where required for specific out-of-hours attendance associated with security and/or maintenance.

**Buildings and Works**

- 22. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 23. The portable toilets must be serviced and maintained in according to manufacturer's requirements and kept in good working order or replaced with permanent toilets that are connected to the sewer system to the satisfaction of Council.

**Tree Protection**

- 24. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

e*	ation	(radius from the base of the tree trunk)
1 - Eucalyptus camaldulensis (River Red Gum)	ning property to the east	netres
2 - Eucalyptus camaldulensis (River Red Gum)	ning property to the east	netres
3 - Eucalyptus camaldulensis (River Red Gum)	ning property to the east	netres
4 - Eucalyptus camaldulensis (River Red Gum)	ning property to the east	netres
Tree 5 - Eucalyptus ?yarraensis (Yarra Gum)	ning property to the north	netres
5 - Eucalyptus ?yarraensis (Yarra Gum)	ning property to the north	netres
<i>defined in the Arboricultural Report prepared by Melbourne Arborist Reports and dated 09.11.2022.</i>		

- 25. The following tree protection measures must be implemented for trees identified in the table to Condition 25 of this Permit:
  - (a) Soil excavation must be a minimum 4.0m from the north boundary and 1.5m from the east boundary.
  - (b) Water tanks shown inside the TPZs of trees 5 and 6 must be placed on the existing hardstand and no soil excavation is to be completed for the installation of the tanks inside the TPZs.
  - (c) Plant omitting continuous exhaust fumes must not be operated directly below a tree canopy.
  - (d) No contaminated water must runoff the site to the north or east.
  - (e) Any boundary fencing within the TPZs must be replaced immediately if it is damaged or removed.

- (f) All services must be routed outside 'Tree Protection Zones'. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
- (g) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- (h) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.

### **Car Parking**

- 26. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 27. Before the use starts the 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) drained;
  - (d) line-marked to indicate each car space and all access lanes; and
  - (e) clearly marked to show the direction of traffic along the access lanes and driveways,to the satisfaction of the Responsible Authority.
- 28. The car park area must be treated with an all-weather sealcoat or alternative treatment to the satisfaction of the Responsible Authority.
- 29. The loading and unloading of goods from vehicles must only be carried out on the site and must not disrupt the circulation and parking of vehicles on the land or on abutting streets.

### **Environmental Protection Agency (EPA) Victoria Notations**

- N1 The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.
- N2 This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.

**NOTATIONS**

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

- N3 Before the use commences relevant permission and/or registration must be obtained from the Environmental Protection Agency Victoria. The use must comply with the conditions stipulated in the permission/registration throughout operation.
- N4 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N5 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N6 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development or use they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N7 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N8 Please note the Development Contribution Plan levy will be invoiced separately.

**RECOMMENDATION PART B:**

**That** Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

**1. BACKGROUND****1.1 Overview of Subject site**

The subject site is located at 2 Abbott Street, Alphington. The site is located on the northern side of Abbott Street, approximately 240 metres east of the intersection of Abbott Street with Fulham Road.

The subject site has a frontage of 38.96 metres to Abbott Street, a depth of 33.53 metres along the western boundary and comprises an area of approximately 1,123 square metres. The site is relatively flat with a small fall towards the east and largely comprises an existing concrete hardstand.

A vehicle crossover to Abbott Street is located at the eastern end of the frontage. Mesh metal fencing is provided along the property boundaries.

It is noted that some preliminary buildings and works related to this proposal have occurred on site without planning permission. These comprise machinery and infrastructure which does appear to correspond with what is proposed under this planning permit application and includes site offices and a toilet to the front of the lot and the processing machinery, water tanks, shipping containers and some concrete kerbing to the rear of the lot.

There are no restrictive covenants indicated on the Certificate of Title.



Figure 1: Photo of the subject taken from Abbott Street (26.04.2023).

## 1.2 Overview of Surrounding area

The site is located in an existing industrial area characterised by warehouse and industrial properties, including two (2) concrete batching plants to the north. The nearest residential areas are to the east beyond the Darebin Creek (within the neighbouring municipality, City of Banyule) and to the south beyond the industrial properties on the southern side of Abbott Street.

Abutting the northern boundary of the subject site is a concrete batching plant facing McKay Crescent with some external storage area located along the common property boundary.

To the west is a double storey warehouse facing Abbott Street built to the common boundary and setback approximately 11 metres from the site frontage.

Abutting the eastern boundary is a row of trees which are part of a parkland including the Darebin Creek Trail on the western side of the Darebin Creek (which is located some 50 metres to the east). Beyond the Darebin Creek, approximately 70 metres to the east, are the backyards of residential properties facing Abercorn Avenue in Ivanhoe (City of Banyule).

To the south, on the opposite side of Abbott Street, are several single and double storey warehouses and an open car park. Beyond these warehouses and car park to the south is a residential area with the nearest properties fronting Smith Street at a distance of approximately 50 metres.

The Bennett St/Separation St bus stop (Route 508) is located approximately 350 metres to the south-east of the site. Alphington Railway Station (Hurstbridge Line) is located approximately 900 metres to the south of the site.

A location plan forms **Attachment 1** and a zoning map forms **Attachment 2** of this report.

## 2. PROPOSAL

### 2.1 Details of the Current Proposal

- The application is for the use of the site for the purposes of materials recycling (resource recovery of drilling muds and hydro excavated spoil from non-destructive excavation) and associated buildings and works (some of which appear to already be on the site).
- The materials recycling facility seeks to separate drilling mud and hydro excavated spoil into its elements, being rocks, sand, clay and water. Liquid input streams would pass through a processing system/plant to separate the various fractions and materials. The system is a dual stage washing and recycling system that uses a vibrating platform screen technology. The solid/liquid mixture is separated into coarse and fine fractions and dewatered to enable reuse of materials. Excess water from the system would be stored in settling tanks and treated with coagulant and flocculant to separate the solids from the liquids and to enable reuse.



*Figure 2: Proposed processing equipment: G:MAX plant from CDEnviro*

- The use would operate as follows on site:
  1. **Receival/Delivery:** The incoming vehicle is manoeuvred into position and reversed up to a concrete pond. The operator initiates the bowl tilt to allow the contents of the vehicle to empty the contents into the pond.
  2. **Processing:** The materials would be processed through the G:MAX plant via a series of screens and conveyors to remove water and separate the materials into sand, rock and clay. An initial screen would divert muddy water and coarse solids into the waste water settlement container.
  3. **Water treatment/Dewatering:** The muddy water is further processed to recover suspended solids and water.
  4. **Storage and Offtake:** Water from the dewatering process would be pumped and stored into two storage tanks and used for dust suppression or recycled through the G:MAX.
- The recycling component of the facility comprises the reclamation of recoverable materials sourced from third party excavation operations from within the greater Melbourne metropolitan area, that would result in the diversion of materials from treatment facilities and landfill.



- The facility is proposed with a capacity to process 15,000 tonnes per annum of drilling muds with a maximum of 15 truck deliveries per day.
- It proposed to have four (4) full time staff on site at any one time
- The proposed hours of operation for the processing operations are:
  - 7am - 6pm Monday to Friday
  - 7am - 1pm Saturdays.
- The applicant also proposes to have some deliveries to the site outside these hours during night-time (deliveries only, with no processing).
- The proposed buildings and works comprise the installation of a mobile site office and facilities block along the southern property boundary. Towards the rear of the site it is proposed to construct a 100,000L ramped concrete pond, two (2) 30,000L water storage tanks, the G:MAX processing plant, a 30,000L waste water settlement container (shipping container), a mud drying area and some bunding and concrete containment.

The development plans form **Attachment 3**.

**2.2 Planning Permit History**

Council’s records do not show any recent planning history for the subject site.

**2.3 Planning Enforcement History**

On 12 August 2020, an initial complaint was received by Council about a previous operation run by a separate business at this site for the purposes of storage (Store). Further complaints were received associated with the same matters:

- Excessive noise at night and in the early morning.
- Dust and mud associated with stockpiling of soil.

The Planning Compliance team undertook investigations that included:

- Discussions with the complainants and operator of the business
- Correspondence with the business operator to achieve compliance.

The operator of that previous business has since ceased operations at the subject site and vacated the site.

The planning investigations concluded on 10 March 2021 and it was determined that no further action was required due to the imminent departure of the business from the subject site.

**Statutory Controls – why is a planning permit required?**

The planning permit triggers are outlined in the table below.

Control	Permit Requirement
Industrial 3 Zone	Clause 33.03-1: A permit is required for the use as a materials recycling facility. Clause 33.03-4: A permit is required to construct a building or construct or carry out works.

### 3. CONSULTATION

#### 3.1 Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing a sign on the frontage of the site.

Council has received 16 objections from 14 properties. A map identifying the location of objectors forms **Attachment 4**. One (1) letter of support was received.

The key issues raised in objections are:

- Noise from operation impacting residences, wildlife and recreational use of parklands.
- Incorrect background noise measurements
- Vibration and air pollution from operation
- Run-off and pollution affecting the Darebin Creek and existing vegetation
- Light spill
- Inappropriate hours of operation, scale of operation and location for the use in an Industrial 3 Zone
- Traffic congestion
- No trust in proponent
- History of amenity issues arising from previous use of site and adjoining industrial properties

### 4. REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
<b>Climate Emergency and Sustainable Transport Unit</b>	Supports the proposal subject to line marking to be installed on site, a DDA parking bay as per Australian Standard and wheel stoppers provided to the car spaces. Council kerbside waste collection from the site offices as proposed is acceptable.  The above matters are addressed through conditions forming part of the recommendation.
<b>Tree Management Unit</b>	Supports the proposal subject to tree protection measures for significant trees adjacent to the northern and eastern property boundaries.  These conditions form part of the recommendation.
<b>Infrastructure and Capital Delivery (Incl. Integrated Water Management – IWM Unit)</b>	Supports the proposal subject to the discharge of any works areas on this site to be to EPA requirements and no discharge directly into Council’s stormwater system.  A Stormwater Management System Report and other measures would be required that would ensure that no stormwater enters

Internal Business Unit	Comments
	<p>Council’s stormwater system. These conditions form part of the recommendation.</p> <p><b>Flooding</b>                      As of 12 May 2023, Council has obtained updated flood mapping with updated data which indicates that the site may be susceptible to flooding and/ or inundation. A containment kerb is proposed around the site and a recommended condition of approval to address potential flooding would require that the containment kerbing along the northern, eastern and southern property boundaries be at least 300mm above the highest ground survey level on the subject site.</p>
<p><b>Principal Environmental Risk Officer</b></p>	<p>Supports the proposal subject to conditions addressing disposal of soil during construction, mitigating impacts on stormwater, EPA requirements and mitigating mud/light spillage impacts on the surrounding environment.</p> <p>The above matters are addressed through conditions forming part of the recommendation.</p>

The proposal was referred to the following external referral authorities:

External Referral Authorities	Comments
<p><b>Environmental Protection Authority Victoria (EPA)</b></p>	<p>Supports the proposal noting the most significant environmental risks from the activity are noise, dust and stormwater discharge.</p> <p><b>Noise</b>                      The conclusions of the acoustic report provided by the applicant are to be considered. An acoustic fence along the eastern boundary is recommended to mitigate noise towards the residences to the east. The EPA notes that a risk remains that noise may affect the amenity if the site is not managed properly referring to the obligations of the applicant as per EPA guidelines. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking land use and development activities.</p> <p><b>Dust</b>                      The proposed use can generate significant levels of dust. Proposed measures by the applicant include spraying source areas with water to suppress emissions and a set of procedures highlighting roles and responsibilities during upset events as per the Environment Management Plan prepared by the applicant.</p> <p><b>Stormwater Management</b>                      The EPA recommends measures to be included to ensure that polluted stormwater does not leave the site and affect the local waterway noting that the proposal is not to receive contaminated soil.</p>

External Referral Authorities	Comments
	<p>Based on the comments received it is evident that noise, dust and stormwater management can be adequately addressed by the applicant subject to appropriate physical and management measures which form conditions in the recommendation.</p> <p>In addition to the planning approval, separate EPA permission/approval would be required addressing obligations and duties of the business operator.</p>
<p><b>Darebin Creek Management Committee</b></p>	<p>Supports the proposal as the proposed development is well screened and set back from the Darebin Creek and Shared Trail and would have little impact on the Darebin Creek Valley.</p>

## 5. PLANNING POLICY

### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12)
  - Significant Environments and Landscapes (Clause 12.05)
- Environmental Risks and Amenity (Clause 13)
  - Noise (Clause 13.05)
  - Amenity, Human Health and Safety (Clause 13.07)
- Natural Resource Management (Clause 14)
  - Water (Clause 14.02)
- Built Environment and Heritage (Clause 15)
  - Aboriginal Cultural Heritage (Clause 15.03-2S)
- Economic Development (Clause 17)
  - Industry (Clause 17.03)
- Infrastructure (Clause 19)
  - Development Infrastructure (19.03-5S)
- Introduction (Clause 21.01)
- Environment (Clause 21.02)
- Economic Development (Clause 21.04)
  - Industry (Clause 21.04-2)
- Transport and Infrastructure (Clause 21.05)
- Industrial and Commercial Activity (Clause 22.04)

### Zone:

- Industrial 3 Zone (Clause 33.03)

**Overlays:**

- Development Contributions Plan Overlay (Clause 45.06)

**Particular Provisions:**

- Car Parking (Clause 52.06)
- Uses and Activities with Potential Adverse Impact (Clause 53.10)
- Resource Recovery (Clause 53.14)
- Stormwater Management in Urban Development (Clause 53.18)

**6. RESPONSE TO OBJECTOR CONCERNS**

The following issues raised by objectors, are addressed in Section 7 of this report:

- Noise from operation impacting residences, wildlife and recreational use of parklands.
- Incorrect background noise measurements
- Vibration and air pollution from operation
- Run-off and pollution affecting the Darebin Creek and existing vegetation
- Light spill
- Inappropriate hours of operation, scale of operation and location for the use in an Industrial 3 Zone
- Traffic congestion

Responses to the other matters raised are provided below:

No trust in proponent and history of amenity issues arising from previous use of site and adjoining industrial properties

Issues such as trust in an proponent and previous unauthorised land uses are not relevant decision guidelines for this proposal, which must be assessed on its merits against the Darebin Planning Scheme and under the *Planning and Environment Act 1987*.

**7. ASSESSMENT****7.1 Does the development require a Cultural Heritage Management Plan?**

The subject site is located within an Area of Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is generally required when a 'high impact activity' is planned in an area of 'cultural heritage sensitivity', as defined in the Aboriginal Heritage Regulations 2018. The proposed development is defined as a high impact activity, however, a Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required as the site has had significant ground disturbance. Aerial imagery, application documentation and a site inspection all confirm that the site is covered by an existing concrete slab.

**7.2 Does the proposal have strategic policy support?**

The proposed use and development of the site is supported by State policy, in particular:

- Clause 11 seeks to ensure sufficient land is available for industrial uses by maintaining access to an adequate supply of well-located land for industry.
- Clauses 12.05 and 14.02 require development to not detract from the natural qualities of significant landscape areas and protect waterways by requiring appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways.
- Clause 13.05 emphasizes the management of noise effects on sensitive land uses by ensuring that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.
- Clause 13.07 furthers the above policy with particular focus on protecting community amenity, human health and safety while facilitating appropriate industrial uses with potential adverse off-site impacts.
- Clause 17.03 seeks to ensure the availability of land for industry by providing an adequate supply of industrial land in appropriate locations, protecting existing industrial areas to facilitate further industrial development and preserving locally significant industrial land for industrial or employment generating uses.
- Clause 19.03-5S seeks to reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.

From this policy framework, it is evident that the subject site is well located within an existing industrial area, is presently underutilised and therefore is suitable for a new use that contributes to employment, the reduction of waste and the contribution to resource recovery. At the same time, off-site impacts of the use on the environment and sensitive land uses need to be considered.

The provisions of the Local Planning Policy Framework provide further guidance on the management of off-site amenity impacts of the proposal and guide the appropriate outcome for this site.

#### Council's Municipal Strategic Statement (MSS)

Council's MSS provides the strategic guidance for the municipality and sets out (among other things) direction to facilitate the supply of land for business investment, the future planning of core industrial employment precincts, utilisation of vacant or underperforming industrial land and managing potential conflicts between industrial land uses and residential land uses as key future issues. One of the key strategic directions identified in the Strategic Framework Plan states that industrial zoned areas would provide a key employment and value-added role.

Clause 21.04 sets out the strategic framework for economic development and nominates the subject site and surrounding industrial area as a Core Industrial Precinct. Clause 21.04-1 also states that Council supports the transition of Darebin's economy to one that encourages the ongoing industrial uses in those areas where industry is best suited. One of the key features of economic land use in Darebin is that the core industrial areas provide for industrial activity.

The following objectives are relevant to industrial development:

- *To retain and protect Darebin's core industrial areas.*
- *To strengthen the economic viability and local employment generation capacity of Darebin's core industrial areas.*

The following strategies are of particular relevance to the subject site:

- *Maintain three core industrial areas at East Preston, Reservoir and Fairfield and one secondary industrial area at Anderson Road for the purposes of industrial and employment-based activities in Darebin.*
- *Manage interfaces with surrounding residential neighbourhoods to provide adequate protection to the industrial and commercial activities.*
- *Encourage new industrial activity into core and secondary industrial areas.*
- *Encourage land uses that diversify local employment opportunities in core and secondary industrial areas.*

This emphasises:

- The location of the proposed industrial use within a core industrial area is encouraged; and
- The interface of the industrial use with surrounding residential areas requires appropriate management.

#### 22.03 Darebin Creek – Adjacent Land Design and Development

The subject site is located some 50 metres to the west of the Darebin Creek, however Clause 22.03 of the Darebin Planning Scheme does not apply because the property is not located within a Darebin Creek “Character Area”. Nevertheless, the impact of the proposal on the creek side environments has been considered in the assessment below.

#### 22.04 Industrial and Commercial Activity

Council’s local policy applies to all land in the Industrial 3 Zone and recognises appropriate industrial development as an integral component of the economic growth and viability of the municipality and is committed to retaining employment opportunities. The policy relevantly seeks the following objectives under Clause 22.04-2:

- *To minimise the impact on the amenity of surrounding residential areas from traffic, noise and emissions resulting from industrial land uses.*
- *To reduce and minimise conflict between industrial and non-industrial land uses.*

The policy goes on to describe requirements for any development in relation to design, landscaping and amenity.

The proposal comprises a functional design limiting buildings and works to the required machinery and infrastructure to enable the operation of the business. Due to this functional layout of the use, the design and landscaping requirements of the policy are not very relevant to this proposal. In this context it is important to note that existing vegetation along the northern and eastern boundaries of the subject site is required to be retained to provide a landscaped interface with the residential areas to the east.

The relevant requirements regarding amenity seek a high standard of amenity to be achieved within industrial areas by addressing the following (extracted as relevant):

- *Any proposal to use or develop land for industrial or commercial purposes in the immediate area of residential uses, open space or other sensitive land uses must incorporate measures to limit adverse impact on the surrounding area, particularly in terms of emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

- *Plant and equipment, including air conditioning units, must be insulated and located to minimise noise impacts on the surrounding area.*
- *Well-defined interface buffers between industrial/commercial and residential land uses be maintained to minimise potential conflict.*
- *Storage and waste areas be appropriately secured and screened from sensitive uses and the public realm.*
- *Parking areas and access ways should be appropriately surfaced and drained to accommodate the proposed level of vehicular traffic and minimise the emission of dust.*
- *In both core and non-core industrial areas, on-site activities should be located to minimise the impact on non-industrial zoned land.*
- *Fencing should be located at or behind the building line and is discouraged along the front boundary or in front of the building line.*

#### Darebin Economic Land Use Strategy (DELUS)

The DELUS is a reference document under both Clause 21.04 and Clause 22.04 of the Darebin Planning Scheme. The document's primary focus is to review the need for and viability of industrial land use in the municipality and to make recommendations regarding future requirements. DELUS identifies the area of the subject site as one of the highest tier industrial areas, the Fairfield Core Industrial Area. Relevant objectives identified for the Fairfield Core Industrial Area include:

- *to retain and protect Darebin's core industrial area by maintaining three core industrial areas for the purposes of industrial activity in Darebin;*
- *to provide ongoing local employment opportunities in the industrial sector by encouraging new industrial activity that generates employment opportunities; and*
- *to improve the function, appearance and amenity of core industrial areas by ensuring local policy recognising that interfaces exist between industrial and residential uses and by providing adequate protection to the core industrial areas.*

The future direction for the Fairfield Core Industrial Area is to retain the existing Industrial 3 Zone and provide ongoing protection for the area in the local policy.

On balance, the proposed use for a materials recycling facility (nested under industry in the Darebin Planning Scheme) has strategic policy support. However, a balance needs to be struck between the support of industrial activity and any off-site impacts such an activity can have on the amenity.

### **7.3 Is the Industrial 3 Zone appropriate for the proposed use?**

The starting point to determine the appropriateness of the use within the zone is to determine the correct land use term for the proposal and the correct nesting of the use within the planning scheme. Materials recycling is defined in the planning scheme as:

*Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.*

The use material recycling is nested under the overarching use industry which is identified as a Section 2 use within the Industrial 3 Zone meaning it requires a planning permit. No specific conditions are identified in the zoning controls that need to be met by the use to qualify as a permit required use in this zone. Therefore, the next step for determination of the proposal is to consider the purpose and decision guidelines of the zone.



The following relevant purposes are identified in the Industrial 3 Zone:

- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

Given the site's context with a concrete batching plant to the north and warehouses to the site's immediate south and west, no inter-industry conflicts are expected to arise from the proposal. No objections from any adjoining business operators or property owners within the industrial area have been received.

The proposal at 2 Abbott Street is located approximately 50 metres from the nearest residential area, with other Industrial 3 sites in between, providing a greater buffer than required for the same use if it was located in the Industrial 1 Zone (which is intended as a more intensive zoning for industrial uses). This suggests that the buffer distance provided for this use in this location is generally appropriate.

The applicable decision guidelines of the zone as well as the decision guidelines of Clause 53.14 (resource recovery) essentially relate to the amenity impacts of the proposal and are addressed in detail through the assessment below. Based on the information provided and the recommendations received from internal and external referral authorities the proposal can achieve acceptable amenity outcomes subject to conditions as outlined in the recommendation.

#### **7.4 Are the noise emissions of the use acceptable?**

The noise emissions of the proposal can be differentiated into two noise sources. The first relates to noise generated by the operation of the machinery and equipment on site and includes the G:MAX processing plant and an excavator. Noise emissions are expected to include the vibrating machinery and the engine noise of the excavator when moving on site. The second source relates to the noise generated by the truck movements and delivery which includes the engine noise, dropping of material on site and reversing sounds.

The applicant has provided an acoustic assessment as part of the proposal which forms **Attachment 5**. The noise levels of the proposal have been determined by referring to noise measures of similar machines and note a maximum noise level of 103 decibel (db) for the excavator, 87db for the G:Max operating machinery and 60-74db for the trucks with peak noise levels at 85db.

The above noise levels are measured near the source. In order to determine the impact of noise on noise sensitive areas such as residential areas noise is to be measured at the receptor location and not at the source.

Since 1 July 2021 noise impacts are regulated by the EPA Publication 1826 ‘Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues’ (EPA Pub. 1826), which superseded previous policies. The EPA has defined three different operating time periods to determine noise impacts from industrial premises being ‘day’ (Monday to Saturday (except public holidays), from 7am to 6pm), ‘evening’ (Monday to Saturday, from 6pm to 10pm; and Sunday and public holidays from 7am to 10pm) and ‘night’ (10pm to 7am the following day). These differentiations provide for generally lower noise limits at more sensitive times, such as at night when people usually sleep.

The EPA Publication 1826 provides direction on how maximum noise limits are calculated. The background noise levels are put in relation to the applicable zoning noise levels to determine the background noise classification (neutral, low or high). Based on the background noise classification relevant noise limits apply.

In order to identify the maximum noise limits for this proposal the applicant has undertaken noise measurements within the noise sensitive area at the rear of 6 Smith Street, Alphington, which is located some 75 metres to the south-east of the subject site. Based on those measurements the background noise levels are 51db for the day, 48db for the evening and 42db for the night periods determining the background noise level as high and applying noise limits as per the last column of the table below. The background noise consisted of distant traffic, Darebin creek water flow and surrounding industry.

Period	Zoning level, $L_{eq}$ dB(A)	Background $L_{90}$ dB(A)	Classification	EPA 1826-P1 limit $L_{eq}$ dB(A)
6 Smith Street, Alphington (South) 75m				
Day	52	51	High background	57
Evening	46	48	High background	51
Night	41	42	High background	45

Figure 3: EPA Noise Limit calculation of the proposal (Acoustic report prepared by Renzo & Tonin and dated 01.09.2022)

In order to assess the anticipated noise levels generated by the proposal as measured at the nearest residences the acoustic report contains modelling. The modelling already considers an acoustic fence along eastern boundary and machinery and truck noise as outlined above. Based on this modelling the predicted noise levels at the nearest dwellings in Smith Street and Abercorn Avenue are predicted to reach 44-49db during the day (maximum noise limit is 57db), 26-31db during the evening (maximum noise limit is 51db) and 26-31db during the night (maximum noise limit is 45db).

Based on this assessment the noise impacts of the proposal would stay within prescribed limits as required by the EPA regulations and noise is within levels of reasonable amenity impacts. A condition of approval would require a 2.4 metre high acoustic barrier along the eastern boundary of the subject site as per the recommendations of the acoustic report.

The proposed hours of operation generally limit the extent of noise generation to the ‘day’ period. The applicant proposed occasional deliveries outside these hours of operation. The occasional deliveries would be inappropriate as they may lead to unacceptable offsite amenity impacts. A condition of approval would limit the operating hours to the proposed hours with no deliveries permitted outside these times. This prevents any potential for adverse amenity impacts during the more sensitive evening and night periods.

A secondary mechanism to ensure compliance is achieved is the inclusion of a condition requiring the applicant to undertake on-site noise measurements following the commencement of the use to confirm noise limits are within acceptable limits.

Further to the above conditions of approval would also limit the number of truck deliveries per day and the amount of material to be processed per year to ensure the scale of operation and the associated noise levels stay within what has been proposed. An Environment Management Plan (see attachment 6) has been provided as part of the application and the report requires the operator to maintain work equipment and provide noise suppressors where required further addressing noise emissions.

No particular requirements apply to noise impacts from industrial premises onto wildlife in the nearby creek side environment or onto the Darebin Creek trail. However, the required acoustic barrier along the eastern boundary and restriction of operating hours would contribute to reducing the noise impacts from the proposal and therefore also improve the situation for wildlife and users of the Darebin Creek trail. Relevantly, the Darebin Creek Management Committee did not object to the proposal.

### **7.5 Are the dust emissions of the use acceptable?**

Materials recycling facilities can generate significant levels of dust due to material being processed outdoors and due to the number of vehicle movements. Although dirt is a key component of non-destructive drilling muds, the proposal is expected to have limited dust generation due to the damp nature of the processing of the mud.

The applicant has submitted an Environment Management Plan that outlines measures to be undertaken and responsibilities of the business in order to prevent mud spill. Amongst others, dust risk would be addressed by spraying source areas with water to suppress emissions. A condition of approval would require the use to operate in line with the requirements of the Environment Management Plan.

To avoid any mud spilling into the street and this ending up via the stormwater drain in the Darebin Creek a rumble grid would be required via condition at the entry/exit to the site. This rumble grid would be connected to the pond to ensure the water and sediments are caught within the on-site stormwater system.

### **7.6 Are the storm and waste water emissions acceptable?**

The site is not connected to Council's drainage system and largely sealed with a concrete surface, with the exception of some unsealed area within the site shown below and confirmed via a site visit. The site is relatively flat with a slight fall towards the east. No stormwater treatment is currently in place.

Council's Infrastructure and Capital Delivery Unit requires that no discharge is to occur from the site into Council's stormwater drainage system. A condition of approval would require existing permeable surfaces (which appear to have been concreted at one point) to be modified to be impervious to ensure no run off from the use and waste water entering the soil.

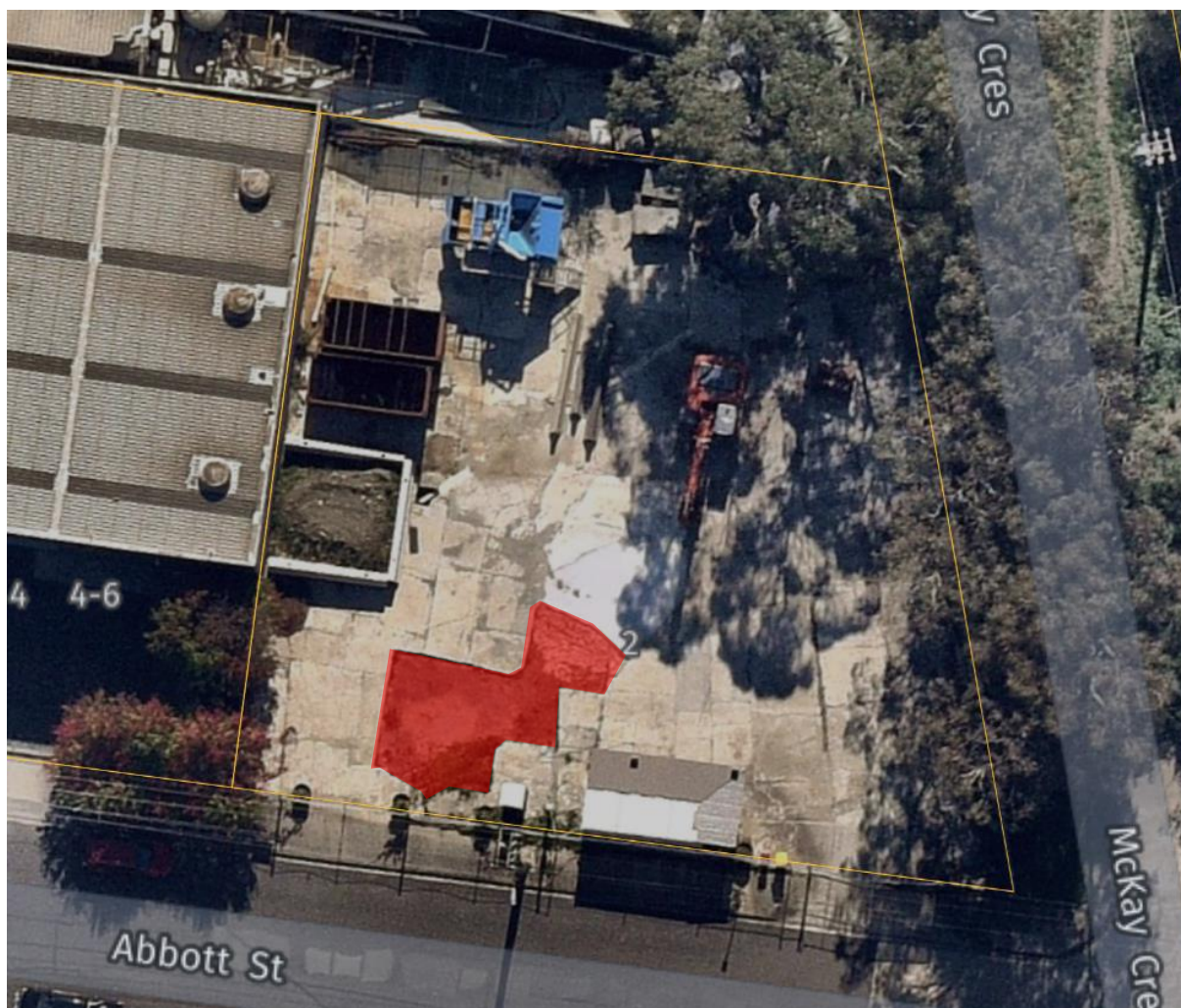


Figure 3: Site area with permeable surface highlighted red.

The waste water generated on site is the water that is separated from solid materials during the processing of the mud. The waste water is proposed to be diverted into a shipping container where solids would separate from the water within the container. Once separated the water would be pumped back into the water tanks to be reused. Excess sludge (mixture of solids and water) would be redirected into the pond for further processing.

The applicant has advised that mitigation measures would be put in place to ensure storm/waste water does not leave the site and enter Council's stormwater drainage system/the Darebin Creek. These measures include washing down of trucks and machinery and construction of concrete barriers to retain waste/storm water and mud on site. However, the advertised plans do not provide sufficient detail to ensure this is achieved.

Conditions of any approval would require these stormwater management measures to be provided. In addition to this a condition of approval would require details of how any excess waste water or stormwater would be connected to the sewer/sewerage system in order to avoid run-off into Council's drainage system, the Darebin Creek and the Darebin parklands.

Further to this, conditions of approval would require the washing of vehicles prior to exiting to remove excess sediment and prompt cleaning of any spill from the use onto the surrounding street network to minimise any risk of dirt and stormwater to enter the creek. The waste water from the washing of vehicles would be re-used where possible or directed to the sewer.

Given the applicant intends to process non-hazardous mud, risk associated with this could be appropriately managed. However, in order to ensure that on-site stormwater is not contaminated a condition of approval would require the proposal to only process non-hazardous materials.

### **7.7 Does the proposal result in any other emissions?**

Other possible emissions of the proposal that require consideration as per the Darebin Planning Scheme are artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, waste products, grit or oil.

The processing plant to be installed on site uses vibration to separate the materials of the mud into its components. The most sensitive receptors of vibrations would be nearby residences. Due to the distance of the residential properties of more than 50 metres there is sufficient distance between the site and residences to ensure vibrations caused by the proposal would not unreasonably impact the amenity of the area. Nevertheless, a condition of approval would ensure that the amenity is not adversely affected by vibrations, allowing compliance to be achieved should an issue arise.

External lighting is proposed to light up the site and have a potential to impact on the adjoining environment including the Darebin Creek trail, wildlife and adjoining residences to the east and south. A condition of approval would require the lighting to be designed, baffled and located so as to prevent any adverse effect on the amenity.

Given the treatment of non-hazardous material no additional adverse emissions such as odour, fumes or vapour are expected to occur. Nevertheless, a specific condition of approval would require that the proposal does not adversely affect the amenity of the area.

### **7.8 Are the proposed buildings and works acceptable?**

The proposed buildings and works are limited to the construction of relevant machinery and infrastructure necessary to operate the business, including upgraded drainage and water treatment facilities. The nature of the buildings and works are largely temporary in that they can be removed from the site with relative ease should the business cease operations.

The proposed interfaces within the industrially zoned land are acceptable, as these are non-sensitive with warehouses to the west and south and the concrete batching facility with outdoor storage areas on the lot to the north. Site offices and car parking areas are proposed to be located within the front of the property with storage areas and the processing operations generally located to the rear. This layout is functional and acceptable.

While the buildings and works would be visible from Abbott Street, they would not be visible from the nearby residential areas to the east and south. The landscaped areas to the east of the site would appropriately screen the proposal towards the creek (noting that the required fence along the eastern boundary would further screen the subject site). Towards the south existing landscaping adjacent to the open car space on the opposite side of Abbott Street and vegetation within the backyard areas of the nearest residential properties would visually screen the subject site from any residences to the south.

Existing significant vegetation is located on the abutting lots to the north and east. The existing trees are required to be retained. An arborist report has been submitted by the applicant that confirms that the proposal can be accommodated whilst retaining the existing vegetation subject to appropriate offsets of the buildings and works. Based on this, tree management measures would be requested by condition subject to any approval so that the proposed works would not detrimentally impact existing vegetation.

**7.9 Is the proposal acceptable with respect to traffic impacts?**

The traffic generated by the proposal would result in vehicle movements of trucks and passenger vehicles of staff. The majority of vehicle movements would be the incoming and outgoing trucks with input loads for the machinery to be provided on site. The number of trucks entering and exiting the facility is anticipated to be around 12-13 trucks per day with a maximum of 15 trucks per day. A condition of approval would limit the maximum number of trucks.

Private vehicles would be largely limited to staff working on site and given the proposal would comprise an equivalent of four (4) full time staff this amount of traffic is acceptable. No objections were received from Council's Climate Emergency and Sustainable Transport Unit and the area provided for car parking complies with the requirements of the Darebin Planning Scheme. All car parking for employees would be provided entirely on site.

Clause 65 of the Darebin Planning Scheme also requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. The applicant has indicated that sufficient space would be available for loading and unloading to occur entirely on site. This is appropriate given the space available on site. A condition of approval would require no unloading to occur off site.

**8. POLICY IMPLICATIONS****Environmental Sustainability**

Runoff and discharge of stormwater from the site must meet EPA requirements. The permit applicant would need to seek separate approval from the EPA and other relevant authorities (e.g. Yarra Valley Water) following any planning approval.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**9. FINANCIAL AND RESOURCE IMPLICATIONS**

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







**10. FUTURE ACTIONS**

Nil

**11. RELATED DOCUMENTS**

- Planning and Environment Act 1987
- Darebin Planning Scheme

**Attachments**

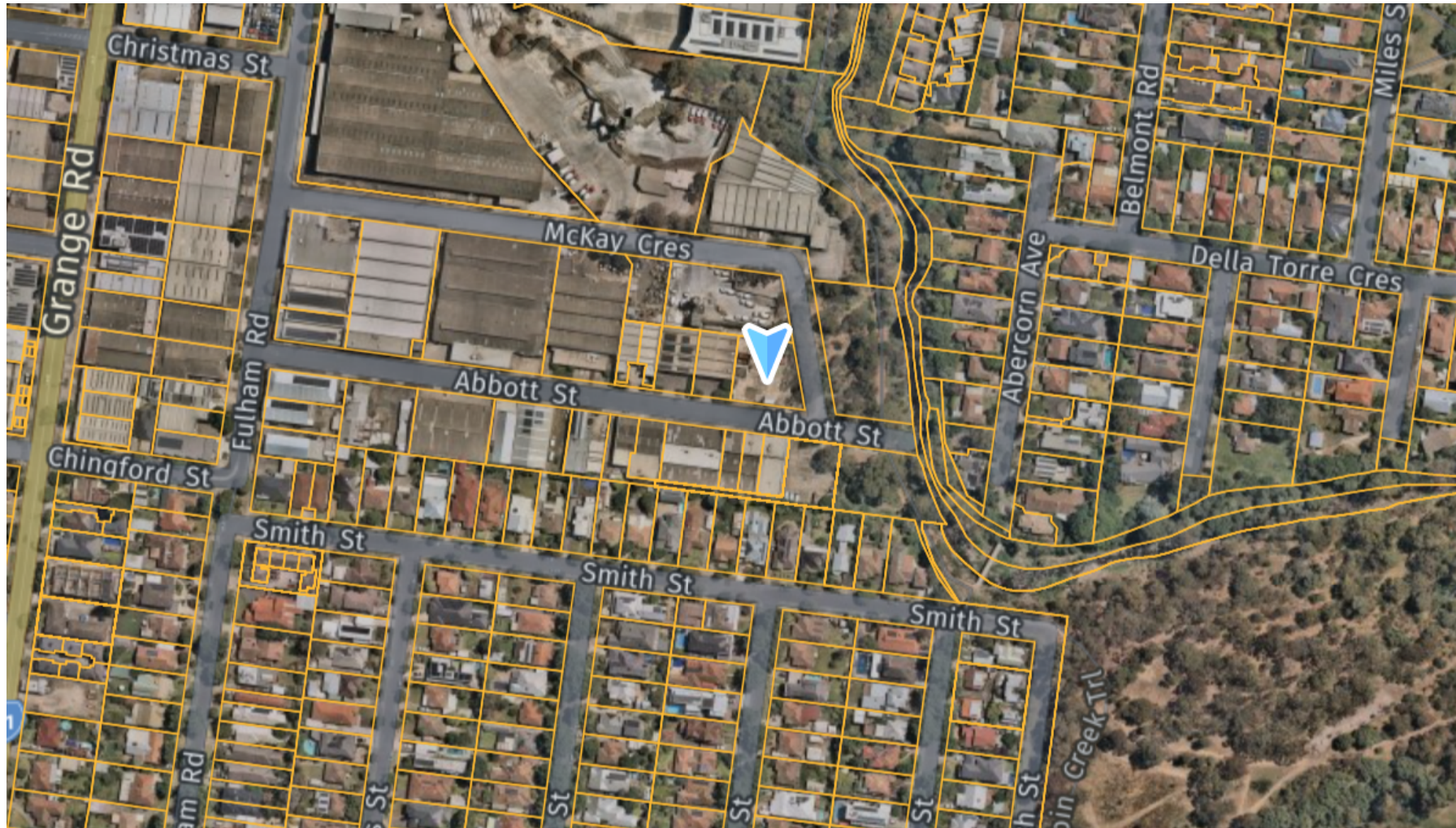
- Location Plan (**Appendix A**) [↓](#) 
- Zoning Map (**Appendix B**) [↓](#) 
- Development Plans (**Appendix C**) [↓](#) 
- Objector Map (**Appendix D**) [↓](#) 
- Acoustic Report (**Appendix E**) [↓](#) 
- Environmental Management Plan (**Appendix F**) [↓](#) 

**12. DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

**Address:** 2 Abbott Street Alphington  
**Application:** D/530/2022  
**Map:** Attachment 1 - Location Plan of the subject site (Nearmaps, January 2023)



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**Address:** 2 Abbott Street Alphington  
**Application:** D/530/2022  
**Map:** Attachment 2 - Zoning Map (VicPlan, May 2023)

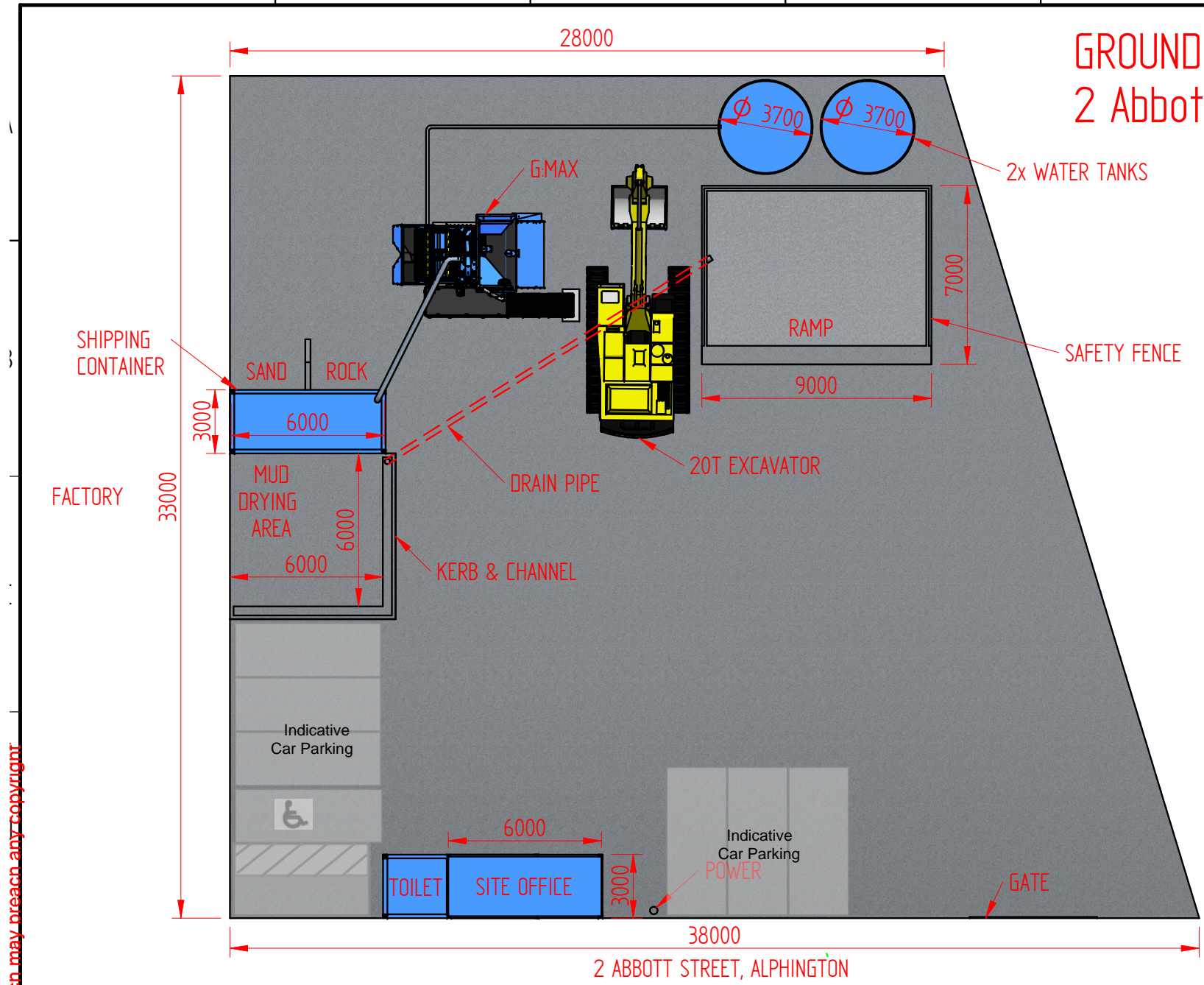


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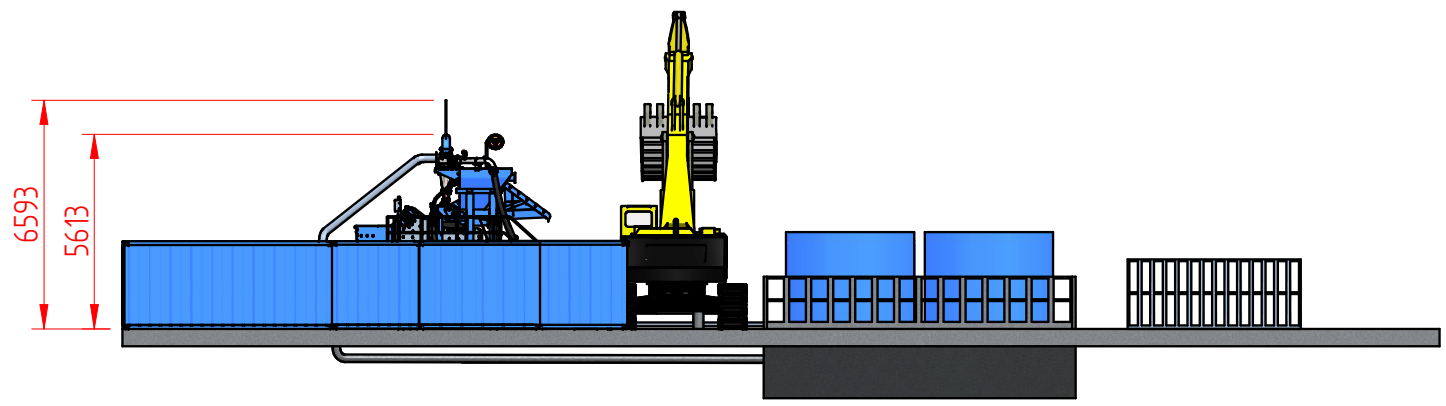
# GROUND WASTE SOLUTIONS - SITE LAYOUT

## 2 Abbott Street, Alphington, VIC 3078, Australia

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 ALL LINEAR DIMENSIONS IN MM  
 FINISHES AND GENERAL TOLERANCES  
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 2) FABRICATION TOLERANCES UNLESS OTHERWISE STATED  
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 LINEAR DIMENSIONS OVER 100 UP TO 1000 ±2mm  
 LINEAR DIMENSIONS OVER 1000 ±3mm  
 MACHINING TOLERANCES UNLESS OTHERWISE STATED  
 LINEAR DIMENSION 100 AND UNDER ±0.25mm  
 LINEAR DIMENSIONS OVER 100 UP TO 1000 ±0.5mm  
 LINEAR DIMENSIONS OVER 1000 ±1.0mm  
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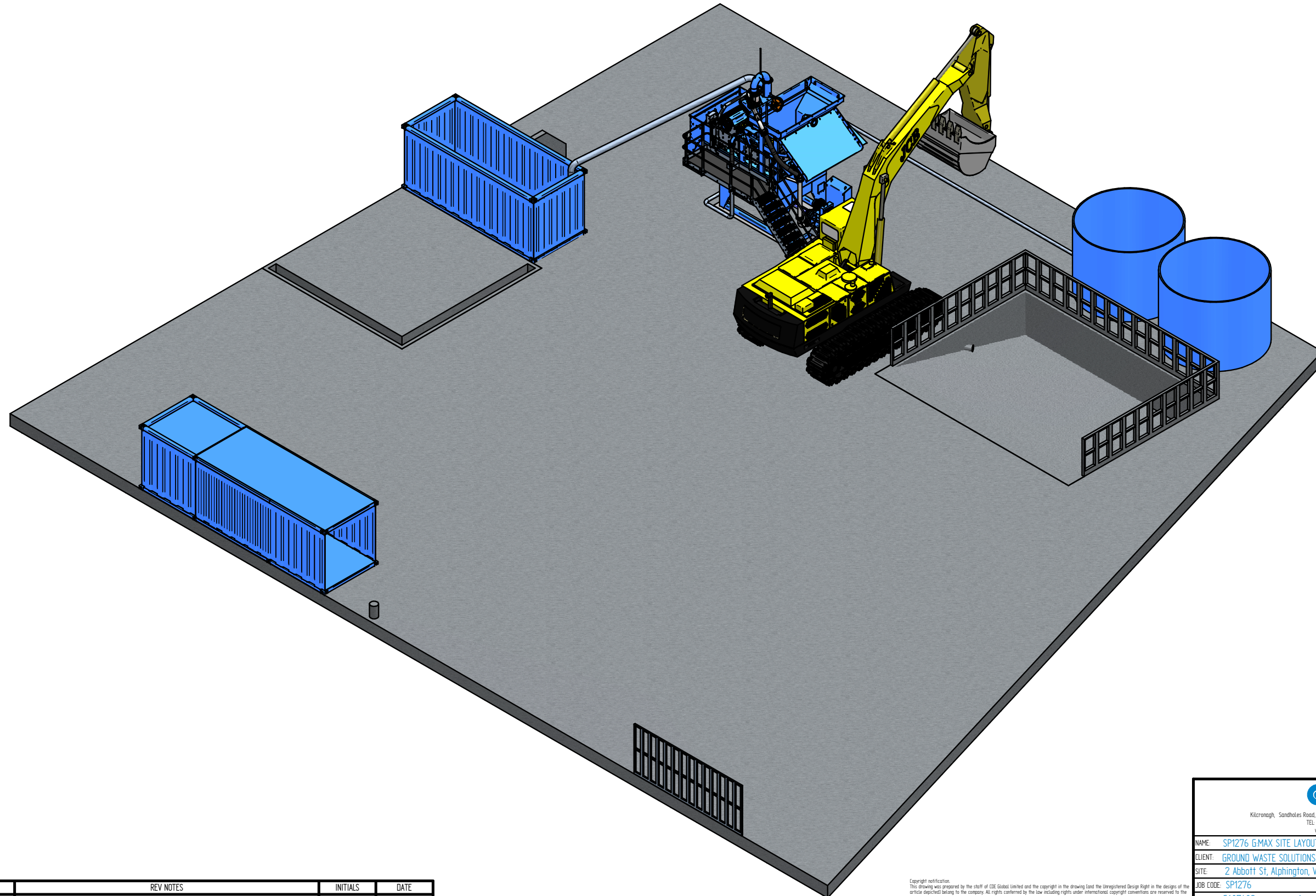
Kilcronagh, Sandholes Road, Cookstown, Co. Tyrone, N. Ireland, BT80 9HU  
 TEL: +44 (0)28 8676 7900  
 www.cdeglobal.com

NAME: SP1276 G-MAX SITE LAYOUT	DRWN BY: Michael Edwards	DATE: 21/07/2022
CLIENT: GROUND WASTE SOLUTIONS	APP BY: N/A	DATE: N/A
SITE: 2 Abbott St, Alphington, VIC 3078, Australia	REVISION: A	SCALE: 1:200 SHEET: 1 OF 3 SIZE: A3
JOB CODE: SP1276	EXT. NO:	
DRWG NO: C607482		

# GROUND WASTE SOLUTIONS – SITE LAYOUT

## 2 Abbott Street, Alphington, VIC 3078, Australia


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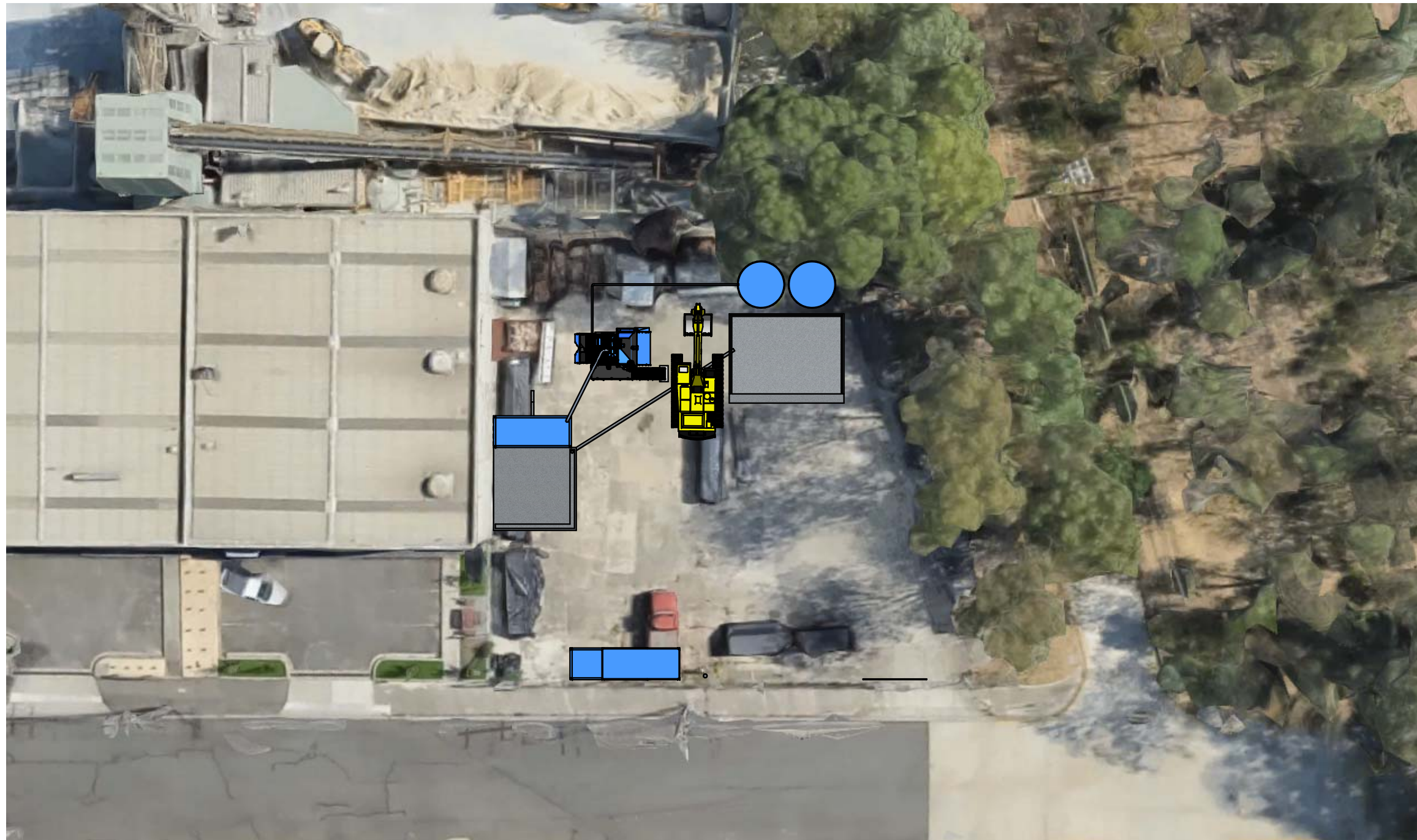
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 www.cdeglobal.com

NAME: SP1276 G-MAX SITE LAYOUT	DRWN BY: Michael Edwards	DATE: 21/07/2022
CLIENT: GROUND WASTE SOLUTIONS	APP BY: N/A	DATE: N/A
SITE: 2 Abbott St, Alphington, VIC 3078, Australia	REVISION: A	SCALE: 1:200 SHEET: 2 OF 3 SIZE: A3
JOB CODE: SP1276	EXT. NO:	

# GROUND WASTE SOLUTIONS – SITE LAYOUT

## 2 Abbott Street, Alphington, VIC 3078, Australia


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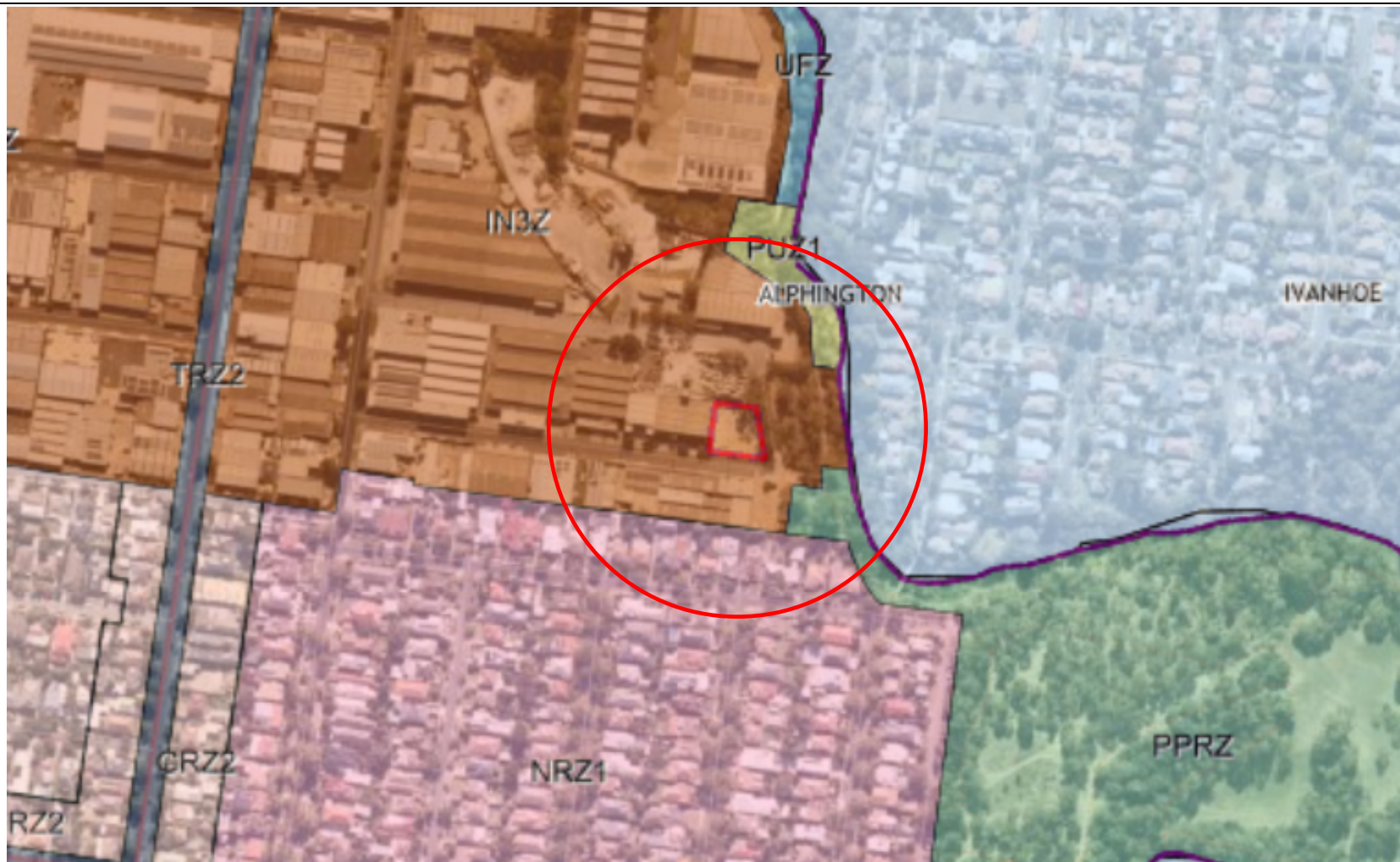
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 TEL: +44 (0)28 8676 7900  
 www.cdeglobal.com

NAME: SP1276 G-MAX SITE LAYOUT	DRWN BY: Michael Edwards	DATE: 21/07/2022
CLIENT: GROUND WASTE SOLUTIONS	APP BY: N/A	DATE: N/A
SITE: 2 Abbott St, Alphington, VIC 3078, Australia	REVISION: A	SCALE: 1:333 SHEET: 3 OF 3 SIZE: A3
JOB CODE: SP1276	EXT. NO.	
DRWG NO: E607482		

**Address:** 2 Abbott Street Alphington

**Application:** D/530/2022

**Map:** 17 total objections: seven (7) objections received within 100 metres of the subject site (demonstrated by red circle); nine (9) objections received outside of 100 metre radius.



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Acoustics  
Vibration  
Structural Dynamics

# 2 ABBOTT STREET, ALPHINGTON - WASTE MANAGEMENT FACILITY

## Acoustic Report

1 September 2022

MRA Consulting Group

MD914-01F01 Acoustic Report (r0)

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Melbourne Sydney Brisbane Gold Coast Kuwait Singapore

Renzo Tonin & Associates ABN 30 117 463 297

Level 2, 7 Meaden Street, Southbank VIC 3006 **Darebin City Council Received 15/11/2022**

P (03) 9690 6005 melbourne@renzotonin.com.au www.renzotonin.com.au



### Document details

Detail	Reference
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Prepared for:	MRA Consulting Group
Attention:	Veronique Bensadou

### Document control

Date	Revision history	Non-issued revision	Issued revision	Prepared	Instructed	Reviewed / Authorised
01/09/2022	Issued		0	M. Weston		N. Peters
File Path: M:\AssocMelbProjects\MD901-MD950\MD914 mwes 2 Abbott Street, Alphington - Waste Management Facility\1 Docs\MD914-01F01 Acoustic Report (r0).docx						

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This document is issued subject to review and authorisation by the suitably qualified and experienced person named in the last column above. If no name appears, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

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We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

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## Executive summary

Renzo Tonin & Associates has undertaken an acoustic town planning assessment of the proposed industrial site, to be located at 2 Abbott Street, Alphington (the Subject Development), comprising:

- Processing and treatment of (non-hazardous) hydro excavated spoil
- Processing hours of operation will be carried out between:
  - 7am to 6pm, Monday to Friday
  - 7am to 1pm, Saturday
  - No works on Sunday
- Deliveries to and from site will mainly occur between 7am and 6pm, Monday to Friday. Occasional deliveries to site may occur out of hours (deliveries only, with no processing)

In conducting the acoustic assessment, Renzo Tonin & Associates has:

- Quantified relevant noise criteria: EPA 1826-P1; sleep disturbance criteria;
- Utilised test measurements from a similar plant to that of the Subject Site
- Measured noise levels from operational activities at similar industrial sites
- Referenced mechanical services noise levels from typical equipment
- Constructed a three-dimensional noise model of the Subject Site, to assess various noise impacts (described below)
- Assessed and compared predicted levels to noise limits.

The outcomes of the acoustic assessment are:

- Specification for a 2.4 metre acoustic barrier along the east boundary of the Subject Land.
- Noise levels from representative mechanical services were found noise levels to conform at all times with EPA 1826-P1 criteria, as a result of noise reduction with distance.
- Anticipated operational activities at the Subject Site are predicted to conform with EPA 1826-P1.

Provided that the advice in this document is incorporated, we expect that the Subject Site can operate in conformance with applicable criteria and not cause unreasonable impact to amenity of the nearby residential dwellings.

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## 1 Introduction

Renzo Tonin & Associates has undertaken an acoustic town planning assessment of the proposed industrial warehouses, to be located at 2 Abbott Street, Alphington (the Subject Development). The acoustic assessment has been based on the following documents:

- Drawing Set, Project No. SP1276, Revision A, entitled 'SP1276 G:MAX Site Layout', dated 21.07.2022, by CDE Global

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001. Appendix A contains a glossary of acoustic terms used in this report.

## 2 Site and development overview

The Subject Development is proposed to comprise the following:

- A processing and treatment of (non-hazardous) hydro excavated spoil (drilling muds)
  - Noise generating activities include:
    - Processing plant (G:MAX) – washes, screens and separates materials into 3 stockpiles (rock, clay & sand)
    - 20T excavator to move materials around the site
    - Truck delivery and removal of materials, with expected 15 trucks (i.e. 30 truck movements in/out per day)
  - Proposed operational details:
    - Deliveries to and from site will mainly occur between 7am and 6pm, Monday to Friday
    - Occasional deliveries to site may occur out of hours (deliveries only, with no processing)
    - Processing hours of operation will be carried out between:
      - 7am to 6pm, Monday to Friday
      - 7am to 1pm, Saturday
      - No works on Sunday
  - Access via main gate on Abbott Street (south)
  - Site office (with roof mounted A/C unit) and toilet
  - Acoustic barrier, minimum 2.4 metres, on the eastern boundary, as per Figure 1 and Table 1

Figure 1 and Table 1 present an overview of the Subject Site surrounding land uses.

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Table 1: Existing land uses surrounding the Subject Site

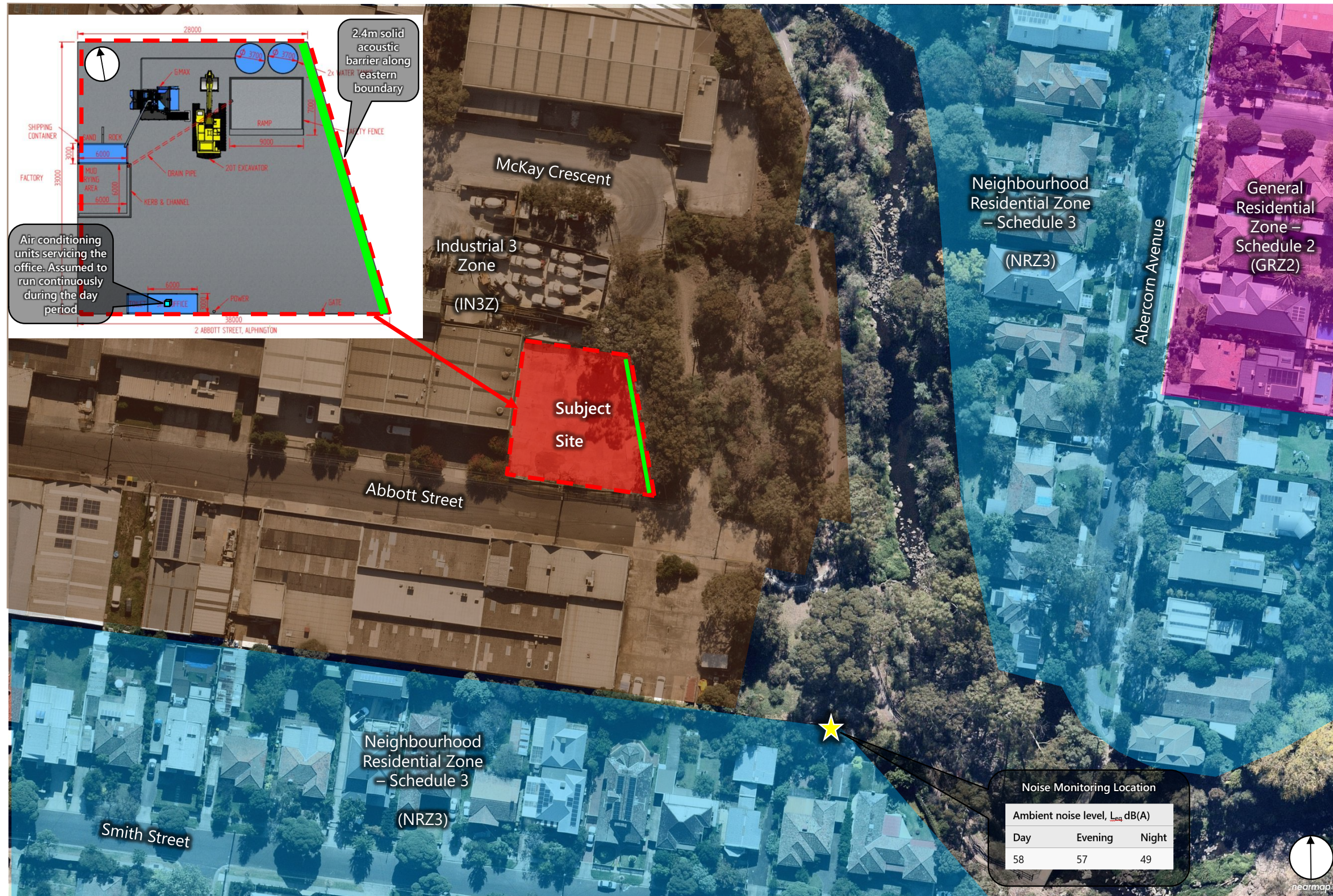
Subject Site	<p>2 Abbott Street, Alphington – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• Vacant Land</li> </ul>
To north	<p>1-3 McKay Crescent – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• Piave Premix Concrete (Batching Plant)</li> </ul> <p>8 McKay Crescent – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• Parthenon Marble Pty Ltd (Manufacturing and distribution facility)</li> </ul> <p>6 McKay Crescent – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• XL Concrete (Batching Plant)</li> </ul> <p>All part of a large industrial zoned area</p>
To east	<p>2-to-20 Abercorn Avenue – Neighbourhood Residential Zone 3 (NRZ3)</p> <ul style="list-style-type: none"> <li>• One and two-storey dwellings</li> <li>• Facades from 75-to-100 metres from Subject Site, across Darebin Creek Reserve</li> </ul> <p>All part of a large residential zoned area</p>
To south	<p>3-9 Abbott Street – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• TrendBio Pty Ltd (Scientific equipment supplier)</li> <li>• Party Corp (Event venue)</li> <li>• Maxim Infrastructure Services (Electrical installation service)</li> </ul> <p>6-to-140 Smith Street – Neighbourhood Residential Zone 1 (NRZ1)</p> <ul style="list-style-type: none"> <li>• One and two-storey dwellings</li> <li>• Facades from 60-to-90 metres from Subject Site</li> </ul>
To west	<p>6 Abbott Street – Industrial 3 Zone (IN3Z)</p> <ul style="list-style-type: none"> <li>• Print Music Works (Sheet music store)</li> </ul> <p>Part of a large industrial zoned area</p>

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RENZO TONIN & ASSOCIATES

Approved Document D99/2022, Page 1 of 1  
1 SEPTEMBER 2022

Figure 1: Site overview



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### 3 Noise sources

The following noise source measurements have been referred to in this assessment. Renzo Tonin & Associates considers that Subject Site is similar, therefore a suitable source to use for the purpose of this acoustic assessment.

**Table 2: Measured equipment/activity noise levels**

Equipment/activity	Measured noise level, $L_{eq}$ dB(A)
G:MAX operating continuously	87 dB(A)
20T excavator (continuous)	103 dB(A)

**Table 3: Referenced mechanical plant**

Description	Sound power level $L_{W,eq}$ dB(A)
Outdoor air-conditioning unit <sup>1</sup>	65 dB(A) at 1m

Notes 1. assumed as point source on the office roof.

Renzo Tonin & Associates has previously conducted extensive measurements and testing of noise from loading areas and car parks. Table 4 shows the range of measured noise levels.

**Table 4: Measured noise level from loading areas**

Noise source	Noise Level $L_{eq}$ dB(A)	Noise peaks $L_{max}$ dB(A)
Truck (semi-trailer) arrival and departure (continuous), 8 metres from the microphone	74	85
Truck (semi-trailer) unloading (continuous over 10mins), 16 metres from the microphone	60	-

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## 4 Noise measurements

### 4.1 Unattended long-term noise monitoring

To quantify the existing noise levels in the area, Renzo Tonin & Associates conducted unattended noise monitoring between Friday 19<sup>th</sup> August to Friday 26<sup>th</sup> August 2022. The monitor location is shown in Figure 1 and described in Table 5 below. Appendix B presents graphs of the unattended monitored noise levels.

Table 5: Noise monitoring locations

ID	Location	Details
L1	6 Smith Street- approximately 75m from the rear boundary to front gate of Subject Site	<ul style="list-style-type: none"> <li>The microphone was set up 2 metres above ground level at the rear fence, on the external boundary, hidden within the Darebin Creek Trail parklands</li> <li>Generally low wind and limited precipitation for the duration of the monitoring.</li> <li>The noise environment consisted of distant traffic, Darebin creek water flow, and industry.</li> </ul>

Notes: 1. The monitors were set to record broadband and spectral noise descriptors, and audio for noise source verification  
 2. Weather data per Bureau of Meteorology's Olympic Park weather station.

Table 6 presents background noise levels relevant for derivation of noise limits

Table 6: Summary of period average background and ambient noise levels

ID	Location	Background noise level, L <sub>90</sub> dB(A)			Ambient noise level, L <sub>eq</sub> dB(A)		
		Day	Evening	Night	Day	Evening	Night
L1	6 Smith Street	51	48	42	58	57	49

EPA 1826 Period Definitions: Day: Monday-to-Saturday 7am-to-6pm; Sundays NA  
 Evening: Monday-to-Saturday 6pm-to-10pm; Sundays 7am-to-10pm  
 Night: All days 10pm-to-7am

Notes: Minimum period average background noise levels, excluding any prominent industrial noise.

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## 5 Criteria

### 5.1 EPA 1826-P1 commercial noise limits

From 1 July 2021, EPA Publication 1826 'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues' (EPA Pub. 1826) superseded:

- State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1), and
- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).

For this assessment's application, EPA Publication 1826 uses the same methods to assess noise impacts as the superseded noise policies, but with slight amendments to the durations of day, evening & night.

EPA 1826-P1 noise limits are calculated from zoning and; background noise levels measured within an area, in absence of intrusive noise sources. Table 7 presents the applicable EPA 1826-P1 noise limits, which are applicable for mechanical services and on-site operational activities.

Table 7: EPA 1826-P1 noise limits

Period	Zoning level, $L_{eq}$ dB(A)	Background $L_{90}$ dB(A)	Classification	EPA 1826-P1 limit $L_{eq}$ dB(A)
<b>6 Smith Street, Alphington (South) 75m</b>				
Day	52	51	High background	57
Evening	46	48	High background	51
Night	41	42	High background	45
EPA 1826-P1 period definitions:	Day:	Monday-to-Saturday 7am-to-6pm;	Sundays NA	
	Evening:	Monday-to-Saturday 6pm-to-10pm;	Sundays or Holidays 7am-to-10pm	
	Night:	All days 10pm-to-7am		

### 5.2 EPA 1826-P1 effective noise levels

EPA 1826-P1 noise limits are calculated from zoning and; background noise levels measured within an area, in absence of intrusive commercial noise sources. In Addition, where applicable, the effective noise level is determined, for noise from commercial, industrial and trade premises, as a 30-min equivalent sound pressure level  $L_{Aeq,30min}$  adjusted, where relevant for:

- a. duration ( $A_{dur}$ )
- b. Noise character
  - i. tonality ( $A_{tone}$ )
  - ii. impulse ( $A_{imp}$ )
  - iii. intermittency ( $A_{int}$ )
- Measurement position
  - i. reflection ( $A_{refl}$ )
  - ii. indoor ( $A_{ind}$ )

The effective noise level is calculated using the following equation:

$$ENL = L_{Aeq} + (A_{dur}) + (A_{tone}) + (A_{imp}) + (A_{int}) + (A_{refl}) + (A_{ind})$$

### 5.3 Sleep disturbance noise criteria

There are currently no legislated policies or guidelines in Victoria for the control or assessment of noise events likely to cause sleep disturbance. However, drawing on the results from an extensive survey of studies conducted world-wide on the impact of noise on domestic amenity, the NSW EPA *Road Noise Policy, March 2011* (RNP), concluded that:

*"From the research on sleep disturbance to date it can be concluded that:*

- *Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep*
- *One or two noise events per night, with maximum internal noise levels of 65-70dB(A), are not likely to affect health and wellbeing significantly."*

When a window to a room is open (such as might be required for natural ventilation during the night), it is commonly accepted that the noise level inside the room due to external sources would be 10-to-15 dB(A) lower than the noise level outside the room. Where amenity may be affected due to sleep disturbance, the aforementioned criteria are typically taken to apply between 10pm and 7am the following day.

To summarise, the nominated criteria are presented in Table 8 below.

**Table 8: Sleep disturbance noise criteria**

Noise character	Criterion
Maximum noise level peak, L <sub>max</sub>	L <sub>max</sub> 50-55 dB(A) inside a bedroom between 10pm and 7am (or L <sub>max</sub> 65 dB(A) outside an open bedroom window)

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## 6 Noise assessment

### 6.1 Noise propagation model

A Cadna-A three-dimensional noise model, implementing ISO 9613 noise propagation algorithms was built to calculate noise propagation from the Subject Site to the nearest residential dwellings. The following propagation effects were included in the predictive model:

- Mitigation of noise with distance, including geometrical spreading and air absorption
- Reflections from buildings and environment
- Barrier effects due to obstructions between noise sources and residential receivers
- Ground absorption effects
- Local topographical changes

### 6.2 Subject Site acoustic treatment construction details

The following table describes, where acoustic fences, barriers or screens are mentioned in the assessment, their construction requirements:

1. Constructed using any of treated timber, glass, precast concrete panels, lightweight aerated concrete, transparent acrylic panels, profiled metal sheet cladding, and/or fibre cement sheeting; as long the selected material (or combined skins) has a mass of at least 10-to-15kg/m<sup>2</sup>
2. Where Condition 2 is not demonstrated, the overall sound transmission loss through the material of which the barrier is to be constructed shall not be less than R<sub>w</sub> 25, to be approved by a suitably qualified acoustic consultant
3. Acoustic barrier shall have no gaps or holes, and shall be designed so that there is no likelihood of them occurring through natural causes or deformations which would allow noise to pass through
4. The barrier must be designed and built in an acceptable manner so that noise will not pass underneath it

### 6.3 Commercial noise assessment

#### 6.3.1 Operational modelling scenarios and assumptions

To ensure a typical worst case noise scenario, in accordance with EPA Pub 1826, the assessment assumes 30-minute operational scenarios:

*Day Period*

- 1 x G:MAX processing plant (operating continuously over 30-minute period)
- 1 x 20T excavator (operating continuously over 30-minute period)
- 1 x truck delivery (semitrailer arrives, idles whilst unloading, leaves) (continuously over 30-minute period)
- 1 x air conditioning unit operating at capacity (continuously over 30-minute period)

*Evening / Night Period*

- 1 x truck delivery - semitrailer arrives and idles (continuously over 30-minute period. In reality engines will be turned off, so conservative.)

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Further to the above, the following assumptions have been made with respect the various operational activities:

- Acoustic barrier/fence, shown in Figure 1 are used within the model and form part of the prediction
- Indicative noise source location, shown in Figure 1 are used within the model and form part of the prediction

Noise levels for sources referred to in this assessment are detailed in Section 3.

Table 9 presents the results from the noise modelling and compares them to the EPA 1826-P1 noise limited established for this assessment.

**Table 9: Commercial noise assessment**

Receiver ID and dwelling location	Predicted Effective noise level (ENL) at dwelling, Leq,30min dB(A) <sup>1,2</sup>			Complies with EPA 1826-P1? (✓ / X)		
	Day	Evening	Night	Day, 57 dB(A)	Evening, 51 dB(A)	Night, 45 dB(A)
R1 – 14 Smith Street, Alphington	44	26	26	✓	✓	✓
R2 – 12 Smith Street, Alphington	44	29	29	✓	✓	✓
R3 – 10 Smith Street, Alphington	49	30	30	✓	✓	✓
R4 – 8 Smith Street, Alphington	48	29	29	✓	✓	✓
R5 – 6 Smith Street, Alphington	49	31	31	✓	✓	✓
R6 – 2 Abercorn Avenue, Ivanhoe	48	28	28	✓	✓	✓
R7 – 4 Abercorn Avenue, Ivanhoe	49	28	28	✓	✓	✓
R8 – 6 Abercorn Avenue, Ivanhoe	49	28	28	✓	✓	✓
R9 – 10 Abercorn Avenue, Ivanhoe	49	29	29	✓	✓	✓
R10 – 12 Abercorn Avenue, Ivanhoe	49	29	29	✓	✓	✓
R11 – 14 Abercorn Avenue, Ivanhoe	49	29	29	✓	✓	✓
R12 – 16 Abercorn Avenue, Ivanhoe	48	29	29	✓	✓	✓
R13 – 18 Abercorn Avenue, Ivanhoe	48	28	28	✓	✓	✓
R14 – 20 Abercorn Avenue, Ivanhoe	49	27	27	✓	✓	✓
R15 – 22 Abercorn Avenue, Ivanhoe	47	26	26	✓	✓	✓

- Note:
1. Noise levels at other dwellings are lower than the noise levels presented above, as a result of greater distance from the Subject Development
  2. Cumulative noise impacts of all operational use, mechanical plant, truck deliveries, loading and unloading and carpark activities, per section 6.3.1

As shown, the proposed operations are to predicted to comply with EPA 1826-P1 noise limits. The assessment assumes that all noise sources are operating simultaneously, which is conservative. As such, actual noise levels are expected to be lower than presented

Table 10 presents the analysis of maximum noise levels from the Subject Development and compares to sleep disturbance criterion.

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Table 10: Noise peak assessment

Receiver ID & dwelling location	Noise source <sup>2</sup>	Predicted maximum noise level outside window, L <sub>max</sub>	Complies with sleep disturbance criterion? (✓ / X) (L <sub>max</sub> 65 dB(A) outside an openable bedroom window)
R6 – 2 Abercorn Avenue, Ivanhoe	Truck (semi-trailer) arrival, including air break release.	57	✓

- Note:
- Noise levels at other dwellings are lower than the noise levels presented above, as a result of greater distance from the Subject Development.
  - Noise levels, per Table 4.

As shown, maximum noise level events are expected to conform with sleep disturbance criterion, where deliveries may occur outside operational hours.

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## 7 Conclusion

Renzo Tonin & Associates has undertaken an acoustic town planning assessment of the proposed industrial site, to be located at 2 Abbott Street, Alphington (the Subject Development), comprising:

- Processing and treatment of (non-hazardous) hydro excavated spoil
- Processing hours of operation will be carried out between:
  - 7am to 6pm, Monday to Friday
  - 7am to 1pm, Saturday
  - No works on Sunday
- Deliveries to and from site will mainly occur between 7am and 6pm, Monday to Friday. Occasional deliveries to site may occur out of hours (deliveries only, with no processing)

In conducting the acoustic assessment, Renzo Tonin & Associates has:

- Quantified relevant noise criteria: EPA 1826-P1; sleep disturbance criteria;
- Utilised test measurements from a similar plant to that of the Subject Site
- Measured noise levels from operational activities at similar industrial sites
- Referenced mechanical services noise levels from typical equipment
- Constructed a three-dimensional noise model of the Subject Site, to assess various noise impacts (described below)
- Assessed and compared predicted levels to noise limits.

The outcomes of the acoustic assessment are:

- Specification for a 2.4 metre acoustic barrier along the east boundary of the Subject Land.
- Noise levels from representative mechanical services were found noise levels to conform at all times with EPA 1826-P1 criteria, as a result of noise reduction with distance.
- Anticipated operational activities at the Subject Site are predicted to conform with EPA 1826-P1.

Provided that the advice in this document is incorporated, we expect that the Subject Site can operate in conformance with applicable criteria and not cause unreasonable impact to amenity of the nearby residential dwellings.

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## APPENDIX A Glossary of terminology

Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the $L_{A90}$ noise level if measured as an overall level or an $L_{90}$ noise level when measured in octave or third-octave bands.
Barrier (Noise)	A natural or constructed physical barrier which impedes the propagation of sound and includes fences, walls, earth mounds or berms and buildings.
Decibel [dB]	The units of sound measurement. The following are examples of the decibel readings of everyday sounds: 0dB The faintest sound we can hear, defined as 20 micro Pascal 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB CBD mall at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 110dB Operating a chainsaw or jackhammer 120dB Deafening
Free field	An environment in which there are no acoustic reflective surfaces. Free field noise measurements are carried out outdoors at least 3.5m from any acoustic reflecting structures other than the ground.
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch, and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
$L_{90}$	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the $L_{90}$ noise level expressed in units of dB(A).
$L_{Aeq}$ or $L_{eq}$	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time, which would produce the same energy as a steady sound level occurring over the same period of time. When A-weighted, this is written as the $L_{Aeq}$ .
$L_{max}$	The maximum sound pressure level measured over a given period. When A-weighted, this is usually written as the $L_{Amax}$ .
$R_w$	Weighted Sound Reduction Index A measure of the sound insulation performance of a building element. It is measured in very controlled conditions in a laboratory. The term supersedes the value STC which was used in older versions of the Building Code of Australia. $R_w$ is measured and calculated using the procedure in ISO 717-1. The related field measurement is the $D_{nT,w}$ . The higher the value the better the acoustic performance of the building element.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound absorption	The ability of a material to absorb sound energy by conversion to thermal energy.
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance, and designed to measure sound pressure levels.
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power of 1 pico watt.
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone referenced to 20 micro Pascal.

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RENZO TONIN & ASSOCIATES

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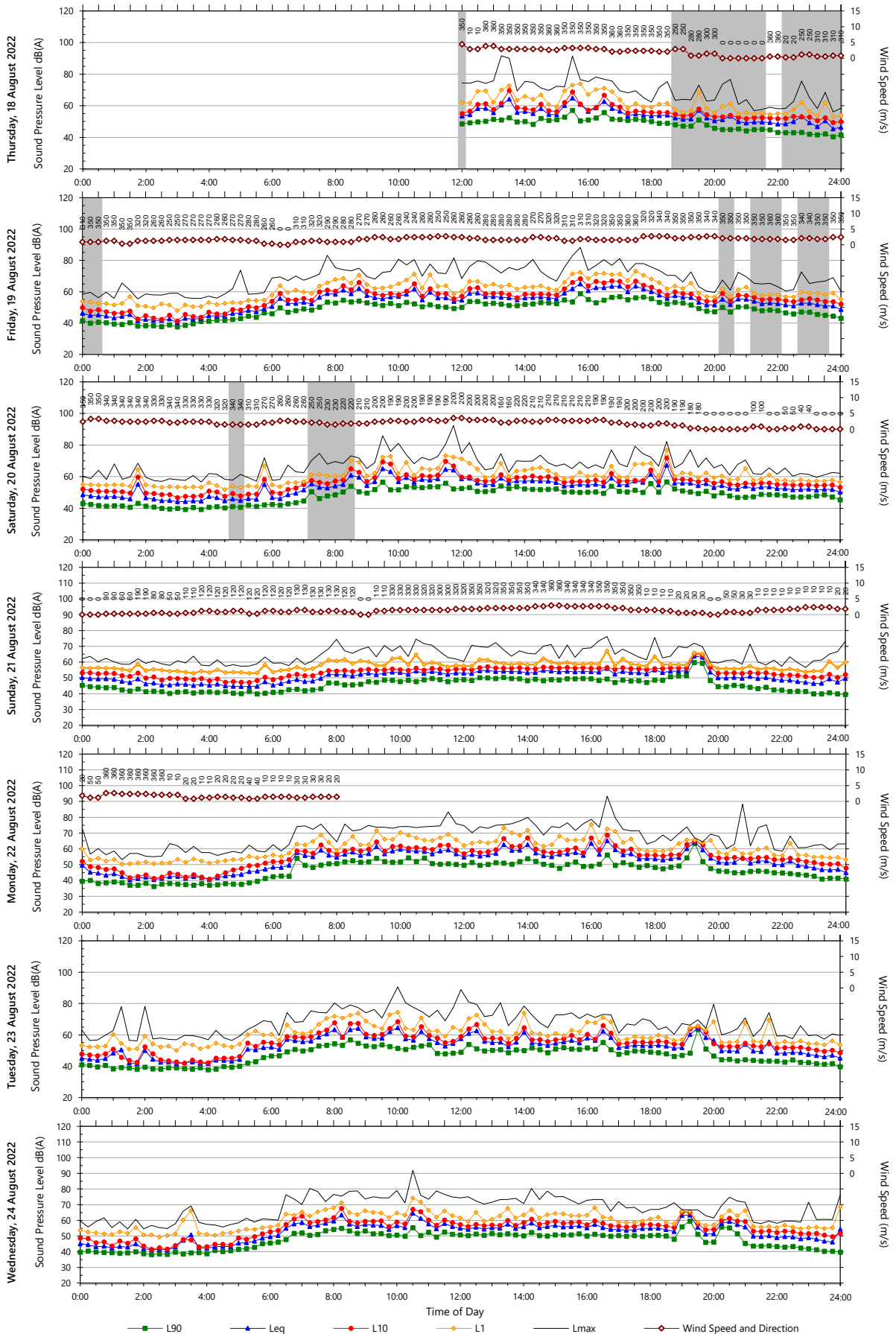
1 SEPTEMBER 2022

## APPENDIX B Noise monitor graphs

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Unattended Monitoring Results

Location: 6 Smith Street, Alphington (rear boundary, free field)



Data File: 2019-03-28\_SLM\_002\_123\_Rpt\_Report.txt

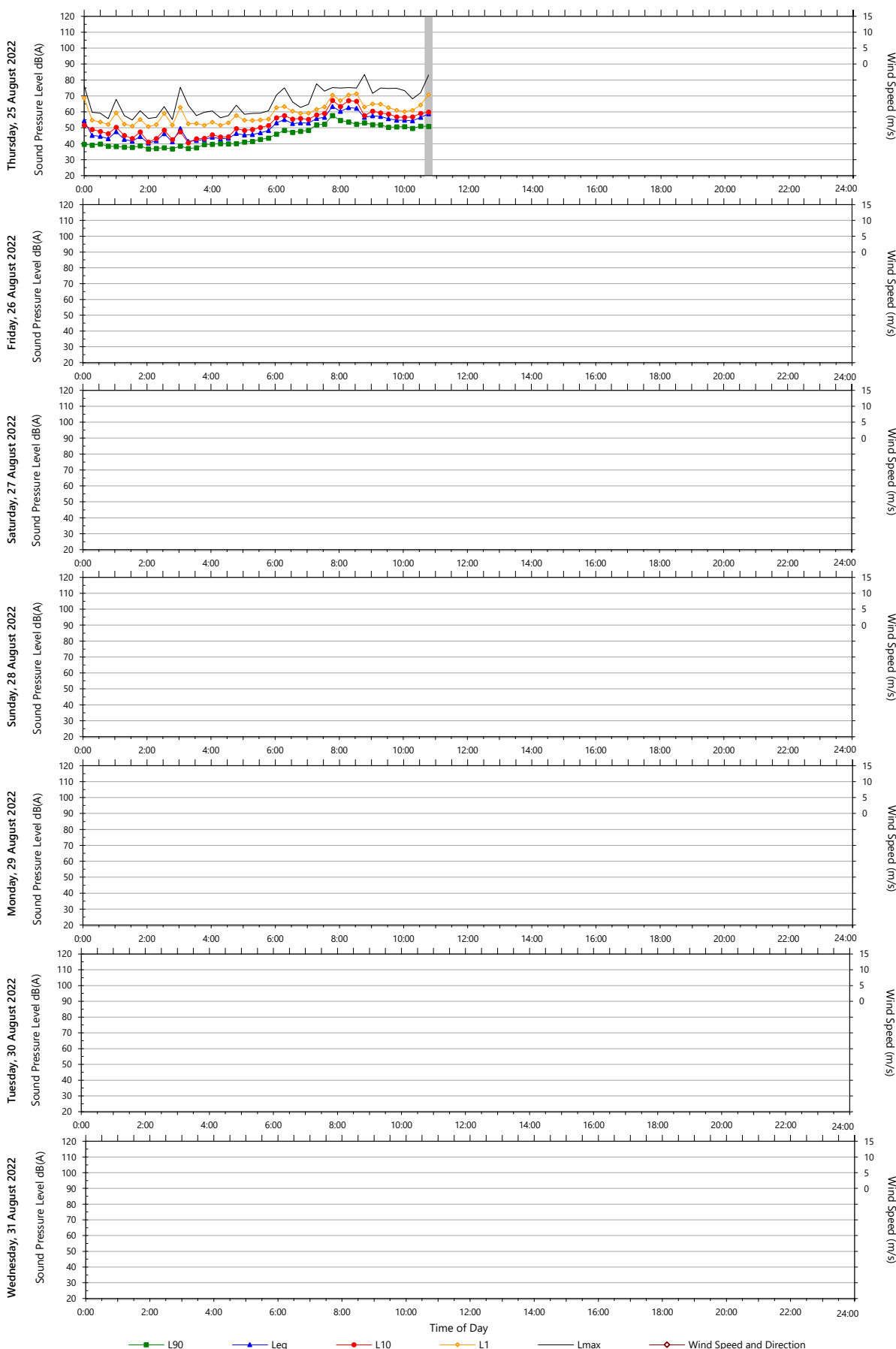
Template: QTE-26 Logger Graphs Program (r38)

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Template: QTE-26 Logger Graphs Program (r38)

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# Environmental Management Plan (EMP): 2 Abbott Street, Alphington

## A Submission to Ground Waste Solutions

September 2022

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**Environmental Management Plan (EMP): 2 Abbott Street, Alphington**

A Submission to Ground Waste Solutions (ABN 68 847 315 060)  
 Job No. 222-1012880

**Prepared by**

MRA Consulting Group (MRA)  
 Registered as Mike Ritchie & Associates Pty Ltd  
 ABN 13 143 273 812

Suite 408 Henry Lawson Building  
 19 Roseby Street  
 Drummoyne NSW 2047

+61 2 8541 6169  
[info@mraconsulting.com.au](mailto:info@mraconsulting.com.au)  
[mraconsulting.com.au](http://mraconsulting.com.au)

**Version History**

Ver	Date	Status	Author	Approver
0.1	26/08/2022	Draft	Veronique Bensadou	Esther Hughes
0.2	02/09/2022	Review	Veronique Bensadou	Esther Hughes
1	02/09/2022	Final	Veronique Bensadou	Esther Hughes

**Disclaimer**

This report has been prepared by MRA Consulting Group for Ground Waste Solutions. MRA (ABN 13 143 273 812) does not accept responsibility for any use of, or reliance on, the contents of this document by any third party.

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In the spirit of reconciliation MRA Consulting Group acknowledges the Traditional Custodians of country throughout Australia and their connection to land, sea and community. We pay our respects to Aboriginal and Torres Strait Islander peoples and to Elders past, present and emerging.

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Environmental Management Plan (EMP)	
<b>Project Name</b>	Alphington NDD Recycling & Recovery Facility
<b>Proponent/ Approval holder and ABN/ACN</b>	Ground Waste Solutions Pty Ltd ABN 68 847 315 060
<b>Proposed Action</b>	Operation of the site as a Non-Destructive Digging (NDD) slurry dewatering facility
<b>Location of the Action</b>	Lot 1 TP114251; 2 Abbott Street, Alphington, VIC
<b>Date of preparation of EMP</b>	2 September 2022

Review

Revision number	Person accepting responsibility for Environmental Management Plan (EMP)	Position	Signature	Date
01	Inert Name	Inert Position	Sign	Date

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Ground Waste Solutions / Environmental Management Plan (EMP): 2 Abbott Street, Alphington

v



## Glossary

Terminology	Definition
ADG	Australian Dangerous Goods Code
CBD	Central Business District
EC	Environmental Complaint
EMP	Environmental Management Plan
EPA	Environment Protection Authority
FTE	Full Time Equivalent
GWS	Ground Waste Solutions [the Proponent]
HSR	Health and Safety Representative
LGA	Local Government Area
MSDS	Material Safety Data Sheet
MRA	MRA Consulting Group
NCR	Non-Conformance Report
NDD	Non-destructive digging
NOHSC	National Occupational Health and Safety Commission
PPE	Personal Protective Equipment
SDS	Safety Data Sheet
WHS	Work Health and Safety

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Ground Waste Solutions / Environmental Management Plan (EMP): 2 Abbott Street, Alphington

vi



# 1 Background

## 1.1 Introduction

This Environmental Management Plan (EMP) has been prepared by MRA Consulting Group (MRA) on behalf of Ground Waste Solutions Pty Ltd ('GWS' hereafter). The EMP details how the environmental management requirements for the proposed non-destructive digging (NDD) recycling and recovery facility at 2 Abbott Street, in Alphington, Victoria, will be implemented and managed on site by GWS.

The aim of the EMP is to ensure compliance with environmental legislation and that environmental risks associated with the project are properly managed.

## 1.2 Project Description

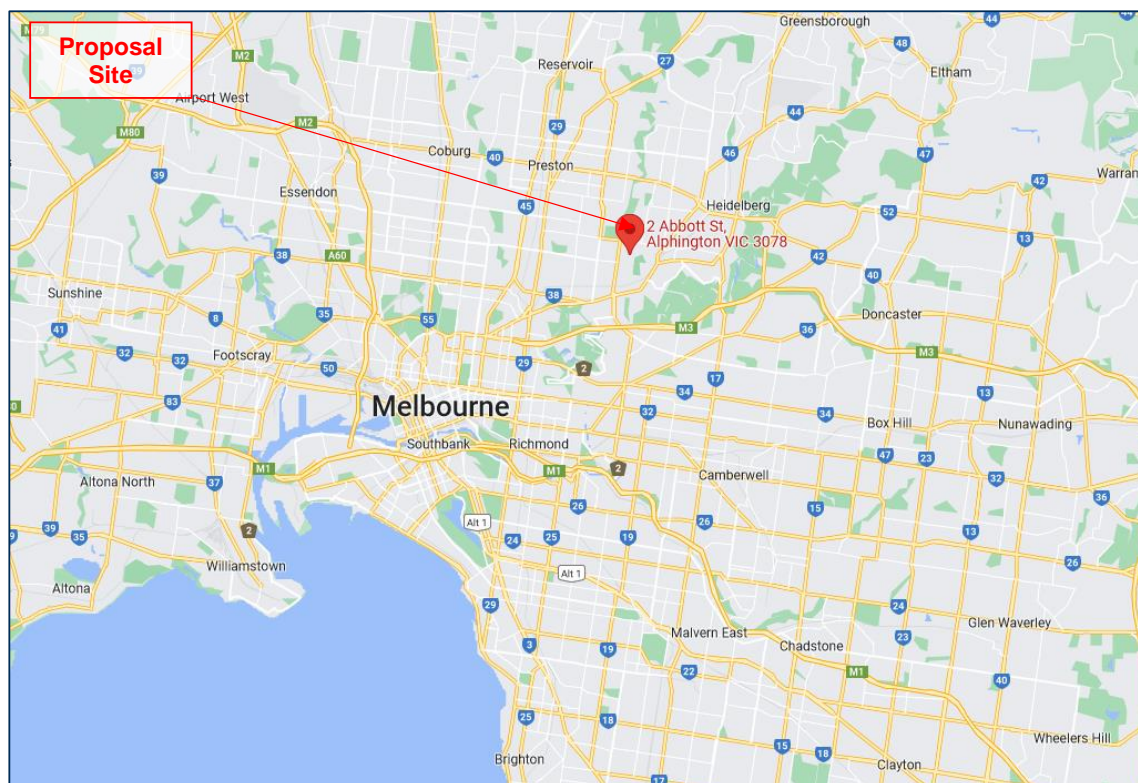
GWS proposes to operate a facility for the processing and treatment of inert drilling muds and hydro excavated spoil from non-destructive excavation.

The facility will have the capacity to process 15,000 tonnes per annum of drilling muds and will enable the reclamation of recoverable materials sourced from third party excavation operation established in the greater Melbourne metropolitan area. The resource recovery process will result in the diversion of materials from treatment facilities and landfill.

### 1.2.1 Site Location

The site is located at 2 Abbott Street, Alphington within the City of Darebin Local Government Area (LGA), approximately 10km north of Melbourne's CBD (see Figure 1). The property is legally defined as Lot 1 TP114251 and is located within an industrial precinct, Alphington Industrial Estate.

Figure 1: Site location



Source: Google Maps, 2022

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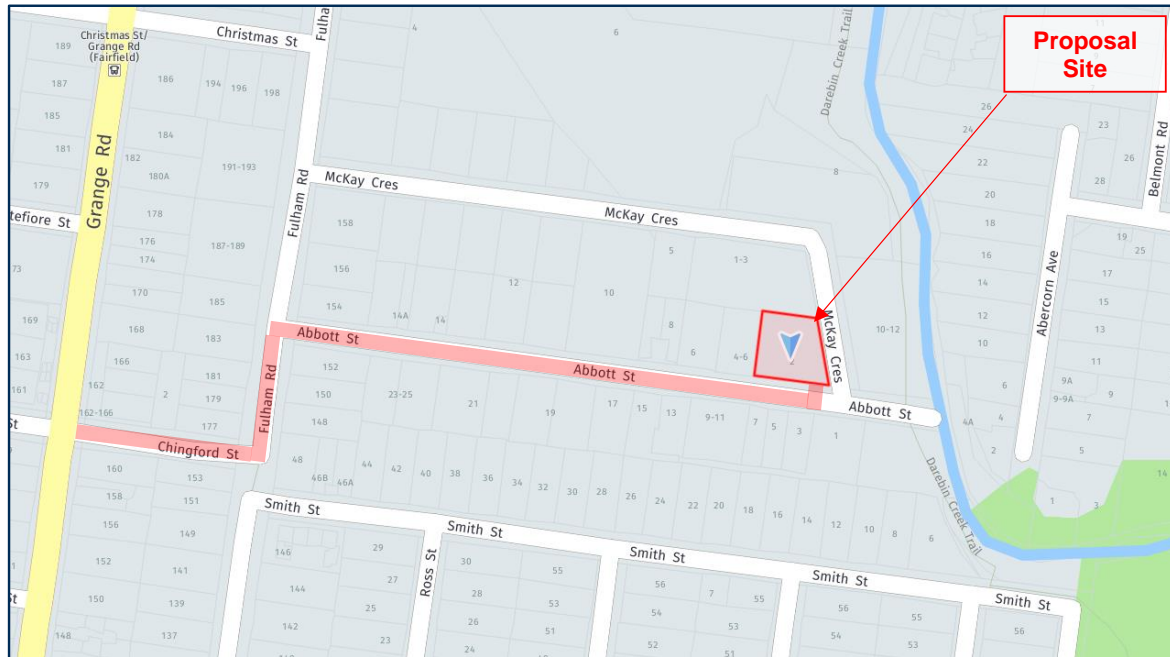
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Abbott Street is a no-through road on its eastern side and is connected to Grange Road (State Route 21) to the west of the site via Fulham Road and Chingford Road (see Figure 2). The site is accessed off Abbott Street on the southern boundary, through a 10m wide entrance/exit gate.

Indicative site plan showing the proposed site layout is provided in Error! Reference source not found..

Figure 2: Site location and surrounding roadway



Source: Nearmap, 2022

1.2.2 Surrounding Land Uses

The site is established within the Fairfield/ Alphington Industrial Precinct. The area is zoned Industrial 3 Zone (IN3Z on the Darebin City Planning Scheme maps.

The locality is characterised by similar industrial developments of comparable scale, generally consisting of warehouse complexes and small industrial units. The local precinct contains similar activities to the proposed use, including a number of processing and manufacturing facilities.

1.2.3 Sensitive Receivers

The nearest sensitive receivers are residential areas located some 50m to the south abutting the warehouse units on the south of Abbott Street, and some 75m to the east on the opposite side of the Darebin Creek.

The remainder of the Fairfield/ Alphington Industrial Precinct lies in between the site and any other sensitive receivers (residential areas) to the north and west, hence providing a buffer and mitigates noise and amenity impacts that could result from the facility.

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Figure 3: Aerial imagery of the site and its surrounds



Source: VicPlan, 2022

1.2.4 Main Operational Activities

1.2.4.1 Construction

The site is entirely covered by concrete hardstand.

Construction will comprise bunding and concrete containment, and a ramped concrete pond. The processing plant (CDEnviro G:MAX system), a waste water settlement container (shipping container), two water storage tanks as well as a mobile site office and facilities block will also require installation.

1.2.4.2 The Processing Plant

Liquid input streams will pass through a processing system to separate the various fractions and materials. GWS has selected the CDEnviro G:MAX system as the appropriate technology to process the non-destructive digging (NDD) drill muds. The G:MAX is a dual stage washing and recycling system that uses a vibrating platform screen technology. The solid/liquid mixture is separated into coarse and fine fractions and dewatered to enable reuse of materials. Excess water from the G:MAX system will be stored in settling tanks and treated with coagulant and flocculant to separate the solids from the lids and to enable reuse.

1.2.4.3 Outline of the Operations

All storage and processing of the drilling muds and product outputs would be wholly undertaken within the confines of the site, including the loading and unloading of trucks.

Operational activities proposed to be undertaken at the site involve the following steps:

1. Delivery
  - The incoming vehicle is manoeuvred into position and safely reversed up to a concrete pond. The operator initiates the bowl tilt to allow the contents of the vehicle to empty the contents into the pond.
2. Processing

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The materials would be processed through the G:MAX plant via a series of screens and conveyors to remove water and separate the materials into sand, rock and clay. An initial screen will divert muddy water and coarse solids into the waste water settlement container.

3. Dewatering

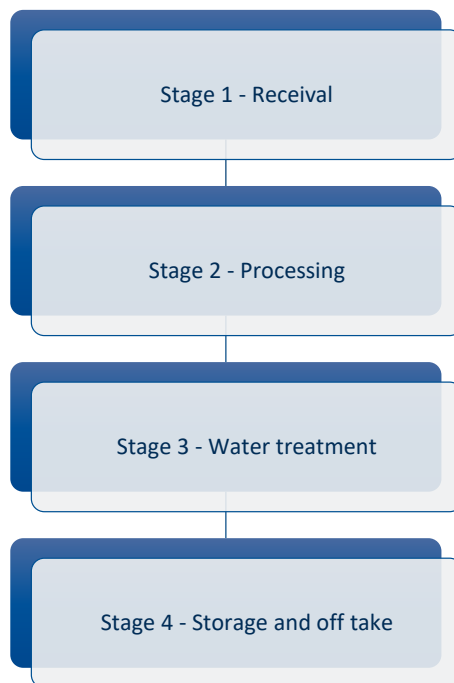
The muddy water is further processed to recover suspended solids and water.

4. Offtake

Water from the dewatering process would be pumped and stored into two storage tanks and used for dust suppression or recycled through the G:MAX.

The process steps for the proposed operations are summarised in Figure 4 below.

Figure 4: Proposed process flow for processing operations



**Stage 1 – Reveal**

The site will receive approximately 15,000 tonnes per annum of inert drilling muds and hydro excavated spoil from non-destructive excavation in the Melbourne metropolitan area.

Delivery trucks would enter the site off Abbott Road. All drivers of trucks carrying incoming waste will be required to provide confirmation that only permitted material is received on site. GWS operatives would also carry out a check of the incoming load type and amount. If a non-conforming load is identified at this stage, the vehicle will be rejected and directed to an appropriate disposal facility.

The delivery trucks would then reverse up to the concrete constructed pond (9m long, 7m wide and 2m deep, with handrail provided all around for fall protection). Incoming slurry would be unloaded directly into the pond which is provided with concrete walls, concrete floor and ramp to enter.

**Stage 2 – Processing of slurry**

Material from the pond will be loaded into a sifting plant's integrated hopper with an excavator. The sifting plant consists of the G:MAX system, which effectively screens and dewateres the incoming material.

The equipment sifts and separates the material into sand, rock, clay, and the water is collected into a container and two water tanks.

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**Stage 3 – Water treatment**

The waste water from the process will be collected into a 20ft long container (6m long, 3m wide and 2.6m high), having a capacity of approximately 30,000L. It will still contain residual solids. These solids will be allowed to separate from the water, settle within the container and will be dug out of the container with the excavator.

A water pump will be used to pump the water from the container into two 30,000L water tanks (3.7m diameter and 2.8m high). Any excess sludge will be pumped back to the pond for reprocessing.

The water storage areas, including the shipping container and the two tanks, will be bunded with kerbing to re-direct water to the concrete pond. The pond has capacity to capture approximately 100,000L of liquid which is sufficient in the case of a containment failure.

**Stage 4 – Storage of product and offtake**

The output material from the process will be stored into stockpiles and contained within concrete bays:

- Sand and rock will be stored in 3m wide bays, between concrete barriers (6m long and 3m high);
- Clay will be stored behind concrete barriers (6m long and 3m high).

All materials will be stored on concrete hardstand and contained with concrete barriers.

The clay stockpile will have concrete barriers as well as a kerb all the way around it, controlling water run off or leachate which will drain to a pit which then drains back to the pond.

Stockpiled materials will be removed off site on a regular basis to ensure that they do not exceed the concrete containment areas.

**1.2.5 Hours of Operation**

During construction, all equipment and infrastructure installation activities would be undertaken during standard construction hours of:

- Monday to Friday: 7am to 6pm
- Saturdays: 7am to 1pm
- Sundays: No work

Operating hours will be as follows:

- Deliveries to and from the site will mainly occur between 7am and 6pm, Monday to Friday;
- Some deliveries to the site may occur out of hours during night-time (deliveries only, with no processing);
- Processing operations will be carried out between the following hours:
  - 7am - 6pm, Monday to Friday; and
  - 7am - 1pm, Saturday;
- No works would occur on Sundays.

**1.2.6 Staff**

The site will employ four (4) full time equivalent FTE staff.

The proposed operation activities require three (3) FTE staff to operate the plant and run the site operations. These will include daily and weekly maintenance and cleaning duties. There will also be one (1) FTE office staff.

**1.3 Environmental Management Plan Context**

This EMP has been prepared to support a planning permit application for the proposed NDD recycling and recovery facility submitted to Darebin City Council.

This EMP summarises the objectives, responsibilities, and operational management measures to be undertaken by GWS to ensure the ongoing sustainable and safe use of the site as a recycling and recovery facility.

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#### 1.4 Environmental Management Plan Objective

The EMP is a site or project specific plan developed to ensure that appropriate environmental management practices are followed during a project.

The objectives of this EMP are:

- to comply with applicable environmental legislation;
- minimise damage to the environment caused by the project;
- comply with GWS environmental guidelines and requirements;
- to ensure all environmental safeguards are implemented correctly; and
- to monitor the project's environmental impact.

#### 1.5 Environmental Policy

An Environmental Policy has been developed and approved by the relevant delegate as per **Appendix B** (Environmental Policy). The policy incorporates a commitment from senior management to reduce environmental impacts, meet and exceed environmental compliance requirements and implement a program of continual improvement.

The policy will be reviewed at least annually and will be updated in the event of a change to legislation, organisational position or activities and priorities at the site.



## 2 Environmental Management

### 2.1 Environmental Management Structure and Responsibility

The principal responsibilities of GWS workers with respect to the environment are described below. The management structure is set out in the following diagram. A matrix of specific site responsibilities is set out in Table 1 overleaf.

#### Site Manager

The Site Manager is responsible for promoting and maintaining good environmental management. The Site Manager is to ensure that this EMP is effectively implemented. The Site Manager is required to support the Site Supervisor and hold them accountable for their specific responsibilities. The Site Manager is responsible for taking prompt remedial action to eliminate any non-compliance or environmentally risky conditions.

#### Site Supervisor

The Site Supervisor is responsible for inducting all workers and subcontractors and directing site activities in accordance with this EMP.

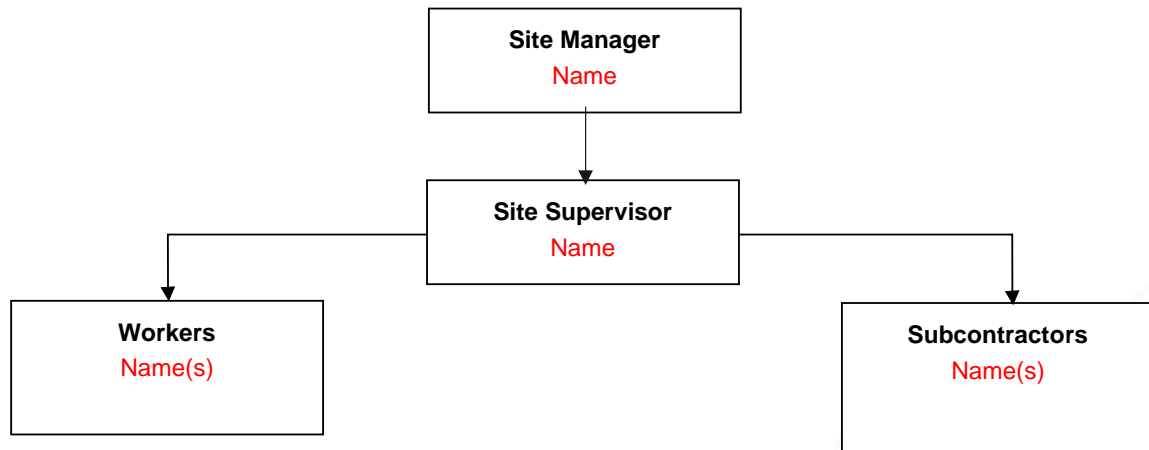
The Site Supervisor is responsible for taking all practical measures to ensure the site is operating according to this EMP, and without risks to the environment. The Site Supervisor is responsible for detecting any non-compliance or environmentally risky conditions. If the Site Supervisor does not have the necessary authority to fix a problem, they are responsible for reporting the matter promptly and recommending remedial action to the Site Manager.

#### Workers

All workers are required to attend site inductions and follow this EMP. Workers are responsible for advising the Site Supervisor of any potential environmental issues.

#### Subcontractors

All subcontractors engaged to perform work for GWS are required, as part of their contract, to comply with this EMP and to comply with directions from the company’s designated officers. Failure to comply will be considered a breach of the contract and sufficient grounds for termination of the contract.



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Table 1: Project environmental roles & responsibilities matrix

TASK	Site Manager	Site Supervisor	Workers	Subcontractors
Inducting workers and subcontractors and directing site activities in accordance with the EMP.	2	1	2	2
Identifying, assessing and eliminating any non-compliance or environmentally risky conditions and documenting the risk controls implemented.	1	1	2	2
Promoting and maintaining good environmental management in accordance with the relevant environmental legislation, regulations and laws.	1	1	2	2
Implementing practical measures to ensure the site complies with the EMP and project specifications.	2	1	2	2
Maintaining, providing updates and supplying this EMP to relevant authorities and workers.	1	2	2	2
Monitoring and assessing subcontractors for the project to ensure environmental regulations are met and relate to the works undertaken.	1	2	2	2
Maintaining stocks for environmental control.	1	1	2	1
Provide and maintain a hazardous substances register for hazardous substances used and stored in the workplace.	1	1	2	2

1 = has responsibility for the overall implementation and / or management of the process/procedure on the project.

2 = has responsibility for complying with the process/procedure on the project.

## 2.2 Approval and Licensing Requirements

There are a number of approvals and licensing requirements for this development which are summarised below. GWS will ensure that any licences, permits and approvals are obtained prior to work commencing

### 2.2.1 Planning Permit

The proposed facility requires a Planning Permit under the Darebin City Council's Planning Scheme and an application has been submitted to Darebin City Council for approval before the operations commence. The Planning Permit will be retained by GWS as part of the Environmental Management Plan documentation. Conditions of consent will be adhered to by the occupier of the premises.

### 2.2.2 Environmental Protection Permit

Having considered the *Environment Protection Regulations, 2021*, the collection and processing of NDD muds would be a Prescribed Registration Activity, under Schedule 1, item 13c. Registration is the lowest of three levels of EPA permitting and contains the lowest risk. Application for registration with the EPA will be obtained before operations

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commence. The environmental registration will be retained by GWS as part of the Environmental Management Plan documentation. Conditions of registration will be adhered to by the occupier of the premises.

### 2.3 Reporting

The Site Manager will ensure control of all project environmental documentation and reports. Adequate records will be maintained to demonstrate conformance to specified environmental requirements. The records to be maintained for this project will include, but not be limited to, the following:

- monitoring records;
- non-conformance, corrective action and preventive action
- complaints management;
- training and induction records;
- audit records;
- permits, licenses, and approvals.

These documents will be maintained within the site file.

### 2.4 Environmental Training

All GWS workers who will be working on this site shall receive site-specific induction training. The induction training will include:

- familiarisation with the requirements of this EMP;
- environmental emergency response training; and
- familiarisation with site environmental controls.

GWS may combine the Work Health and Safety (WHS) and Environmental induction training into one session. A record of the site induction will be made on the Site Environmental Induction Register (see **Appendix C**).

### 2.5 Emergency Contacts and Responses

This EMP sets out GWS management of environmental emergencies during the project. It includes:

- the names of key emergency response personnel and contact details (including all-hours telephone numbers);
- contact details for emergency services (e.g. ambulance, fire brigade, spill clean-up services);
- the location of on-site information on hazardous materials, including SDS (Safety Data Sheets) and spill containment material;
- steps to follow to minimise damage and control the emergency; and
- instructions and contact details for notifying the Site Supervisor, EPA, local council, nearby residents or the community if necessary.

#### 2.5.1 Key Emergency Response Personnel

The **Site Manager [Insert Name]** will be the first point of contact when an incident or spill occurs. They can be contacted 24 hours a day.

Contact details including emergency services are included in Table 2 below.



Table 2: Emergency Response Contact Details

Site Contact Details	
<b>Emergency Services</b>	
Ambulance, Fire or Police	000
Poisons Information	13 11 26
<b>First Aiders</b>	
Contact Name TBC	Contact Number TBC
Contact Name TBC	Contact Number TBC
<b>Utilities</b>	
Water Pollution	TBC
Electrical Emergency	TBC
Gas	TBC
Telephone	TBC
Dial Before You Dig	1100
<b>EPA (24 hours)</b>	1300 372 842
<b>Site Manager</b>	
Contact Name TBC	Contact Number TBC
<b>Site Supervisor</b>	
Contact Name TBC	Contact Number TBC
<b>Health and Safety Representative (HSR)</b>	
Contact Name TBC	Contact Number TBC

**2.5.2 Hazardous Substances**

GWS will maintain an up-to-date register of Hazardous Substances and Safety Data Sheets (MSDS) for all materials used on the site (see **Appendix C**).

Controlled, updated copies of these SDS will be readily available to the Site Manager and Site Supervisor and prominently displayed at the worksite.

**2.5.3 Emergency Response Procedures**

**2.5.3.1 Fire Emergency**

Steps to manage a fire emergency:

- Call '000' as soon as possible. If '000' does not work on your mobile phone call '112';
- If safe to do so leave the work area. If unsafe to leave, seek refuge in a safe area immediately;

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- Go to the designated Emergency Assembly Area or to a clear/open area;
- Make sure all workers are present and accounted for, do not return to the work area to locate any missing workers; and
- Notify the Site Supervisor and wait for instructions.

**2.5.3.2 Gas Leak Emergency**

Steps to manage a gas leakage emergency:

- Call the Site Supervisor immediately, if deemed necessary call the Fire Brigade on '000'. If '000' does not work on your mobile phone call '112';
- Site Supervisor to immediately arrange to turn off the gas supply;
- Site Supervisor to turn off the site's electrical supply;
- If deemed necessary notify all persons to evacuate the work area and assemble at the Emergency Assembly Area;
- Control the movement of people to the Emergency Assembly Area;
- Check all workers and others are in attendance; and
- Remain at the Emergency Assembly Area until notified that the area is safe to reoccupy.

**2.5.3.3 Leak or Spill Emergency**

Steps to manage any Leak or Spill in a work site:

- Identify the source of the problem;
- Stop goods leaking;
- Contain spilt material, using spills kit or sand;
- Notify Site Supervisor;
- Remove spilt material and place in sealed container for disposal (if possible); and
- Site Supervisor to record incident.

OR

- as suggested on Safety Data Sheet (SDS)

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### 3 Implementation

#### 3.1 Risk Assessment

The risk to the environment of carrying out the project has been considered and documented.

The qualitative risk assessment identifies key environmental aspects using the risk rating presented in Table 3 below. The assessment calculates a risk ranking based on the likelihood of occurrence of an event and the expected consequence in the case of the event occurring.

Table 3: Risk analysis categories and criteria for risk rating

Likelihood		Consequence				
		Not significant 1	Minor 2	Moderate 3	Major 4	Critical (severe) 5
Rare	A	L	L	M	M	M
Unlikely	B	L	L	M	M	H
Possible	C	L	M	M	H	V
Likely	D	M	M	H	V	V
Almost certain	E	M	H	V	V	V

(Risk Rating = Likelihood x Consequences)

**LEGEND:**

<b>L</b>	<b>Low Risk</b>	Responsible Managers need to develop or modify policy or procedure to address the risk. A simple action plan can also be developed.
<b>M</b>	<b>Moderate Risk</b>	Action timeframe determined and Risk Action Plan developed by responsible manager with relevant Director informed of progress.
<b>H</b>	<b>High Risk</b>	Action timeframe to be determined in conjunction with the Emergency Management Team (EMT) and Risk Action Plan to be developed by the responsible manager.
<b>V</b>	<b>Very High Risk</b>	Immediate action to be initiated in conjunction with EMT and Risk Action Plans to be developed by responsible manager and implemented immediately.

The criteria for evaluating likelihood and consequence of risks are identified in Table 4 and Table 5.

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Table 4: Criteria for evaluating likelihood

Level	Descriptor	Example of Description	Example Frequency of Occurrence
A	Rare	Only ever occurs under exceptional circumstances	Once in more than 20 years
B	Unlikely	Conceivable but not likely to occur under normal operations; no evidence of previous incidents	Between once in 5 years and once in 20 years
C	Possible	Not generally expected to occur but may under specific circumstances	Between once a year and once in 5 years
D	Likely	Will probably occur at some stage based on previous incidents	Between once a month and once a year
E	Almost certain	Event expected to occur most times during normal operations	Once per month

Table 5: Criteria for evaluating consequence

Level	Descriptor	Safety	Financial	Operational	Environmental
1	Not significant	No medical control required	Low financial cost	< 6 hours facility closure or disruption of operations	No environmental harm
2	Minor	First aid only	Medium financial loss	> 6 hours but < 24 hours facility closure or disruption of operations	Release to environment immediately contained
3	Moderate	Medical treatment, lost time to injury or temporary reversible illness	Moderate financial loss	> 24 hours but < 48 hours facility closure or disruption of operations	Release to environment contained with internal assistance
4	Major	Extensive injuries – permanent partial disability or severe lost time to injury	Major financial loss	> 2 days but < 5 days facility closure or disruption of operations	Release to environment contained with external assistance
5	Critical (Severe)	Death or irreversible disability	Huge financial loss (> \$5m)	> 5 days facility closure or disruption of operations	Pollution event with detrimental effect

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### 3.2 Environmental Management Activities and Controls

The following environmental management activities, mitigation and control measures will be adopted to prevent or minimise environmental impacts.

#### 3.2.1 Air Quality

Table 6: Air Quality - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Emissions of air pollutants from vehicles &amp; plant</b>			
Vehicles, plant and equipment will undergo a standard maintenance process on a regular schedule which will ensure efficiency and minimal exhaust emissions.	Low	Site Supervisor	Ongoing during construction and operational phases
<b>Potential Impact: Dust emissions from site operations</b>			
Standard dust control measures will manage impacts.	Low	Site Supervisor	Ongoing during construction and operational phases
Maintaining good housekeeping on all areas of the Site, including regular cleaning of all internal and external areas of the site.	Moderate	Site Supervisor	Ongoing during construction and operational phases
Reviewing operational practices and management plans regularly and training of relevant staff regarding material handling.	Low	Site Supervisor	Ongoing during operational phase
Usage of mobile or fixed dust suppression sprinklers to suppress dust generation during operation.	Low	Site Supervisor	Ongoing during construction and operational phases
Monitor local weather conditions and reduce operations during periods of high wind.	Low	Site Supervisor	Ongoing during operational phase
<b>Potential Impact: Odour emissions from site operations</b>			
The facility will maintain a record of client details and an affirmation from the client that the drilling mud to be received has not been sourced from contaminated locations.	Low	Site Supervisor	Ongoing during operational phase
If materials arrive at the site that appear to contain contaminants, they will be rejected and directed to another facility to be appropriately disposed of.	Low	Site Supervisor	Ongoing during operational phase

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3.2.2 Noise

Table 7: Noise - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Unacceptable noise levels on site</b>			
Work equipment will be maintained in good working order. Where required, noise suppressors will be installed.	Low	Site Supervisor	Ongoing during construction and operational phases
Hearing protection will be worn as/ when appropriate e.g. earplugs or earmuffs.	Low	All workers	Ongoing during construction and operational phases
<b>Potential Impact: Unacceptable noise levels at sensitive receivers</b>			
Work equipment will be maintained in good working order. Where required, noise suppressors will be installed.	Low	Site Supervisor	Ongoing during construction and operational phases
Records would be kept of noise complaints.	Low	Site Supervisor	Ongoing during construction and operational phases

3.2.3 Water Quality

Table 8: Water Quality - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Contamination of water due to chemicals, fuels or wastes</b>			
Bunding will be installed around the mud processing area and will be regularly inspected for integrity.	Low	Site Supervisor	Ongoing during operational phase
The water storage tanks that will contain process water will be sealed systems that will prevent any leakage. The water tanks will be regularly inspected for integrity.	Low	Site Supervisor	Ongoing during operational phase
Silt socks will be used on the drainage inlets.	Low	Site Supervisor	Ongoing during operational phase
Management measures will be adopted, including an appropriate emergency response plan that outlines how to contain surface spills from entering the downstream stormwater system.	Low	Site Supervisor	Ongoing during operational phase
No contaminated input materials will be accepted, minimising the potential for pollution.	Low	Site Supervisor	Ongoing during operational phase
Spill kit to be available to clean up liquid spills and a daily tidy of the site is to be part of regular maintenance activities.	Low	Site Supervisor	Ongoing during operational phase

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Control Measure	Residual Risk	Responsibility	Timing Frequency
Truck operators will be trained in the clean-up of spills.	Low	Site Supervisor	Ongoing during operational phase

3.2.4 Hazards

Table 9: Hazards- Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Fire on site</b>			
No smoking will be allowed on site.	Low	Site Supervisor	Ongoing during operational phase
Fire suppression equipment will be supplied and maintained in accordance with the manufacturer's instructions.	Low	Site Supervisor	Ongoing during operational phase
Staff will be trained in the use of fire suppression equipment.	Low	Site Supervisor	Ongoing during operational phase
<b>Potential Impact: Spillage of hazardous chemicals</b>			
Incompatible chemicals and fuels will be stored separately.	Low	Site Supervisor	Ongoing during operational phase
Chemicals and fuels will be clearly labelled, securely sealed when not in use, and stored in appropriate containers	Low	Site Supervisor	Ongoing during operational phase
Flammable chemicals would be stored in a dedicated, well-ventilated area, away from ignition sources.	Low	Site Supervisor	Ongoing during operational phase
Bunding will be used to capture any spills or leaks.	Low	Site Supervisor	Ongoing during operational phase
A spill kit will be available to safely clean up spills.	Low	Site Supervisor	Ongoing during operational phase
Personal protective equipment (PPE) will be used, cleaned and maintained properly.	Low	Site Supervisor	Ongoing during operational phase
Training will be provided to staff in procedures for accidental consumption, splashes, spill contamination or other chemical or fuel emergencies.	Moderate	Site Supervisor	Ongoing during operational phase

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3.2.5 Traffic

Table 10: Traffic - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Increased traffic volumes and frequency</b>			
Traffic movements associated with the operation are not expected to cause significant impacts to the surrounding traffic network.	Low	Site Supervisor	Ongoing during construction and operational phases
<b>Potential Impact: Reduction in road safety</b>			
Site speed limits are to be observed at all times	Low	Site Supervisor	Ongoing during construction and operational phases
All vehicles will enter and leave the site in a forward direction.	Low	Site Supervisor	Ongoing during operational phase

3.2.6 Heritage

Table 11: Heritage - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Disturbance or destruction of items of indigenous heritage</b>			
Should an item of indigenous significance, or suspected significance, be discovered on the site, all work in the vicinity of the area would cease and the site management would be contacted immediately to engage in the appropriate course of action which may include contacting a heritage professional, notifying the Department of Environment, Land, Water and Planning and Science and the Victorian Aboriginal Heritage Council.	Low	Site Manager	Ongoing during construction and operational phases
<b>Potential Impact: Disturbance or destruction of items of non-indigenous heritage</b>			
Should an item of non-indigenous significance, or suspected significance, be discovered on the site, all work in the vicinity of the area would cease and the site management would be contacted immediately to engage in the appropriate course of action which may include contacting a heritage professional, notifying the Department of Environment, Land, Water and Planning and Science and the Victorian Aboriginal Heritage Council.	Low	Site Manager	Ongoing during construction and operational phases

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3.2.7 Biodiversity

Table 12: Biodiversity - Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Disturbance or damage to flora and fauna</b>			
The vegetated areas at the site boundaries are not to be disturbed or removed.	Low	Site Supervisor	Ongoing during construction and operational phases
All processing operations and storage of materials will occur within the site area cleared of vegetation.	Low	Site Supervisor	Ongoing during operational phase
Trucks and other vehicles will park in designated areas on hardstand only, minimising any risk to vegetated areas.	Low	Site Supervisor	Ongoing during construction and operational phases

3.2.8 Visual Impact

Table 13: Visual Impact- Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Decrease in visual amenity of the surrounding area</b>			
Existing vegetation at the site will not be affected and will be maintained as/ when appropriate.	Low	Site Supervisor	Ongoing during construction and operational phases
Lights will be directed downward as much as possible.	Low	Site Supervisor	Ongoing during operational phase
Site lighting will be directed away from sensitive locations such as residential properties.	Low	Site Supervisor	Ongoing during operational phase

3.2.9 Amenity

Table 14: Amenity- Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Detrimental impact on local amenity</b>			
Site clean-up during daily operations to control windblown litter.	Low	Site Supervisor	Ongoing during construction and operational phases
Staff would monitor the site for unauthorised persons in staff-only areas.	Low	Site Supervisor	Ongoing during operational phase
Flood lights would be angled downward to avoid glare.	Low	Site Supervisor	Ongoing during operational phase

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3.2.10 Socio-economic

Table 15: Socio-economic- Potential Impacts and Controls

Control Measure	Residual Risk	Responsibility	Timing Frequency
<b>Potential Impact: Detrimental social impacts on the locality due to increased air pollution, noise, traffic, and decreased visual amenity</b>			
No negative social impacts are anticipated to occur as a result of the operation of the site.	Low	-	Ongoing during operational phases
<b>Potential Impact: Local economic impact</b>			
The site operations will result in a net social benefit due to the generation of 4 full time jobs in the City of Darebin LGA.	Positive	-	Ongoing during operational phase

3.3 Environmental Schedules

This EMP refers to a number of environmental schedules comprising forms, registers and checklists. They are listed below and included in **Appendix C**.

1. Site Environmental Induction Register
2. Site Environmental Inspection Checklist
3. Environmental Complaint Form
4. Non-Conformance Report Form
5. Hazardous Substances Register
6. Safety Data Sheets (SDS) Register

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## 4 Monitoring and Review

### 4.1 Environmental Monitoring

GWS will monitor the environmental controls listed in Section 3.2 through regular site environmental inspections.

Site environmental inspections will be undertaken on a daily/ weekly basis and will be recorded by the Site Supervisor on the Site Inspection Checklist (see **Appendix C**).

Management and performance indicators will track:

- Implementation of the policies and training included in this EMP and other management plans for the site;
- Conformance, e.g. legal compliance, fines, and penalties; and
- Community relations/complaints.

Operational performance indicators will track:

- Inputs, outputs, residual waste.

A quarterly meeting of management staff will manage and record environmental obligations, such as:

- Legal compliance;
- Fines;
- Community complaints;
- Operations;
- Environmental audit results; and
- Non-conformance

### 4.2 Environmental Auditing

Quarterly site audits aimed at evaluating the environmental conformance of the site operations will be carried out by GWS. Any deficiencies identified during the audits shall be documented and actioned in accordance with GWS corrective action process (see Section 4.5).

The audits to be carried out and their frequency are listed in Table 16.

Table 16: Site Audit Plan

Audit Type	Frequency	Record	Auditor
Environmental Management Plan (EMP)	Yearly	Audit Report	Site Manager / External Auditor
Sub-contractor Environmental Performance Audit	Yearly	Audit Report	Site Manager / External Auditor
Site Inspection	Daily / Weekly	Site Environmental Inspection Checklist	Site Supervisor

### 4.3 Communication

To minimise impacts on the public by the site operations, residents and adjacent property owners will be notified in writing before the works commence and at appropriate stages during the operation of the facility. The letter will contain details of the intended work, where relevant, the duration of the activities, information regarding any access interruptions and details of whom to contact with questions regarding the works. The Site Manager will seek permission if there is any need to access private property.

Project Signage will be erected at the site, as required and appropriate.

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GWS will undertake external and on-site communication in case of environmental incidents and emergencies, including communication with subcontractors. External communication will include informing nearby residents of proposed works, incidents and emergencies and contacting regulatory agencies if required.

#### 4.4 Complaints

Community groups, customers, interested parties, etc may advise of practices, activities and processes that are related to the environment by a variety of methods. These may include a non-conformance report, email/letter, telephone complaint, newspaper/magazine report and verbal protest.

On receipt of a complaint, the person receiving the complaint will notify the Site Manager and the complaint will be recorded using the *Environmental Complaint Form* (see **Appendix C**). The Site Manager will follow up the complaint and take corrective action as required.

#### 4.5 Corrective Action

A non-conformance occurs when a procedure or environmental control is not followed, or does not perform as required by this EMP. GWS will monitor non-conformances to the EMP and initiate corrective and preventive action where required. All non-conformances will be recorded on the *Non-Conformance Report Form* (see **Appendix C**).

GWS will undertake corrective action in case of incidents that have an environmental impact or works not carried out according to the required standard. Procedures for identifying corrective action include:

- an EMP review;
- investigation into the causes of incidents and recording of the results; and
- evaluating further environmental risks.



## 5 Management Plan Review

This EMP will be reviewed by the Site Manager as required to ensure its continuing suitability and to ensure it is conforming to the EMP's environmental objectives and legal requirements. Reviews will be undertaken as necessary as a result of any of the following:

- when there is a change in the site activities that requires a change in environmental controls;
- when there is a need to improve performance in an area of environmental impact;
- at the completion of environmental audits as required; or
- as a result of changes in environmental legislation applicable and relevant to the site and operations.

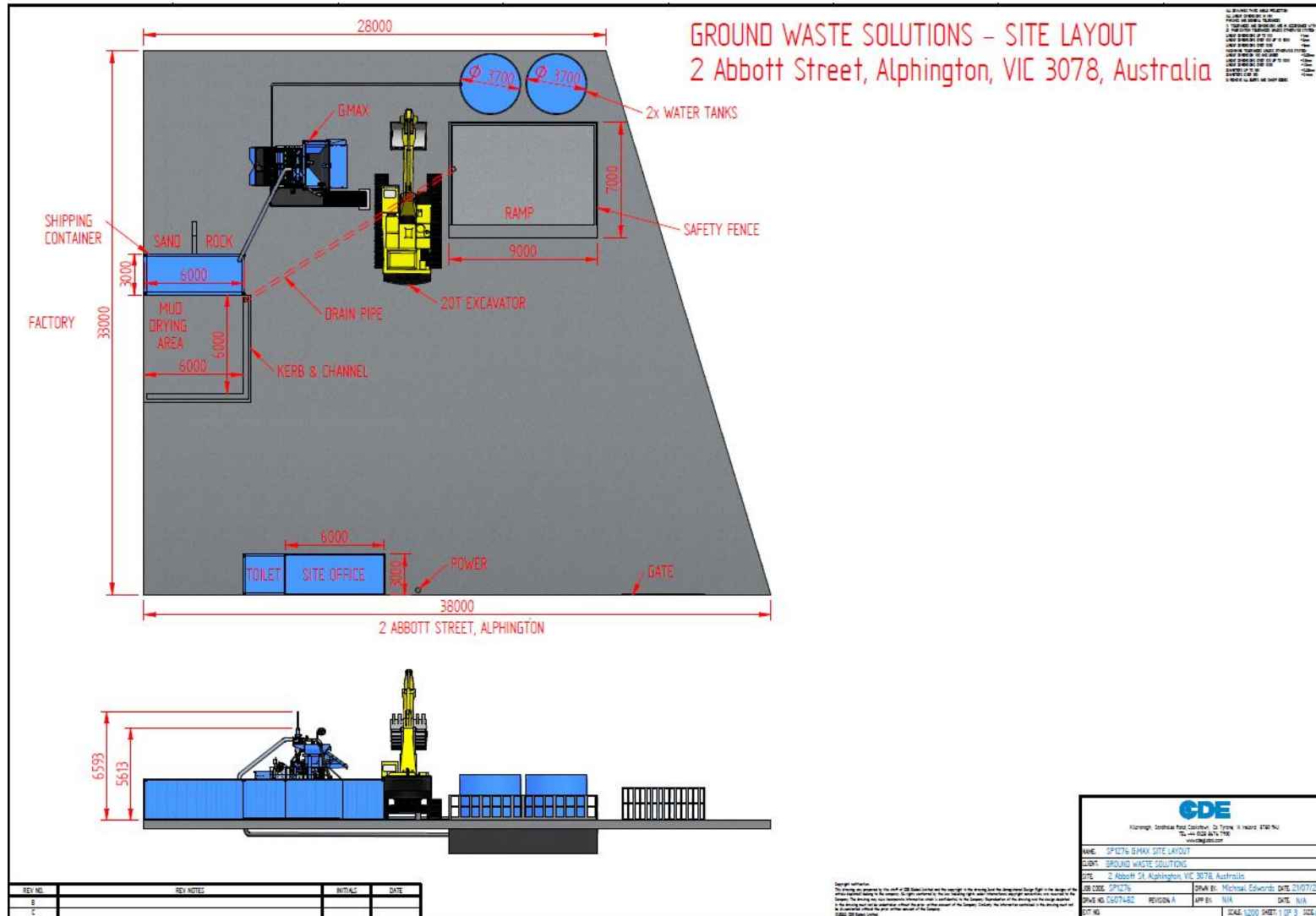
Reasons for making changes to the EMP will be documented. A copy of the original EMP document will be kept for the project records.

The Site Manager is authorised to change and re-issue the EMP. The Site Supervisor is to be informed of any changes made by the Site Manager.

The Site Supervisor is responsible for ensuring the work crew are complying with the current EMP, and for informing the work crew of any changes. The Site Supervisor is responsible for ensuring the workers are aware of changes before starting any works or operation.



# Appendix A Indicative Site Plan



Ground Waste Solutions / Environmental Management Plan (EMP): 2 Abbott Street, Alphington  
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in the Planning and Environment Act 1987.



# Appendix B Environmental Policy

## ENVIRONMENTAL POLICY

1. COMPANY DETAILS	
Site Manager/ Supervisor name:	Contact number:
Issued to:	
Date of Issue:	Date of Review:

### 2. INTRODUCTION

Ground Waste Solutions has developed the following policy to create a safe and healthy workplace. This policy outlines the rules, responsibilities and procedures for environmental protection.

### 3. SCOPE

This policy applies across the organisation of Ground Waste Solutions and across all workplaces/worksites under this organisation’s control, including contractors/sub-contractors and visitors to the workplace/worksite. Ground Waste Solutions will continually improve our environmental performance, prevent environmental harm associated with our activities, develop employee environmental awareness, report on environmental performance and minimise waste.

### 4. RULES

- Wherever practicable employees at Ground Waste Solutions will reduce the volume of waste generated and reuse and recycle. Whenever possible new products and supplies should be reusable and/or recyclable;
- Where possible purchase responsibly for example purchase local products to reduce transport emissions and support the local community, be aware of where the product or its raw components have come from – is it causing deforestation, loss of habitat or exploiting workers in another country;
- Prevent any actions from work activities causing environmental damage by following preventative procedures. In the event of an incident/accident follow the emergency procedures, making sure that the appropriate equipment is available for clean-up and that a quick response is applied to eliminate or reduce any damage; and
- Be aware of environmental issues and safeguards, including air quality, noise, water quality, heritage, biodiversity and waste.

### 5. RESPONSIBILITIES

Site Managers and Supervisors must:

- Implement and review this policy;
- Consult with workers about this policy;
- Provide resources, information, training and supervision for workers to allow them to adhere to the rules and have the knowledge and resources to follow the procedures and understand their roles and responsibilities;
- Comply with statutory requirements, codes, standards and guidelines;
- Implement and comply with site Environmental Management Plans (EMP);
- Make sure all equipment is serviced and not showing visible emissions;

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- Make sure noise and air pollution are monitored and kept to the appropriate levels;
- Make sure all incidents are investigated and if required appropriate disciplinary action carried out; and
- Undertake site environmental inspections using the Site Environmental Inspection Checklist.

Workers must:

- Comply with the rules of this policy and follow environmental procedures;
- Not act in a manner that places the environment at risk;
- Use, store and dispose of chemicals as per the Safety Data Sheet (SDS);
- Remove waste from the workplace / worksite and place in designated waste areas;
- Wash machinery in designated area;
- Report any incidents or complaints to the site manager / supervisor;
- Participate in consultation and training in relation to environmental management; and
- Advise site manager or supervisor of any potential breaches of plans or statements, and sightings of rare plants or animals, fauna or archaeological or heritage items.

**6. SIGN OFF**

Company Representative:

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Position:** \_\_\_\_\_

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## Appendix C Environmental Schedules

### List of Schedules

1. Site Environmental Induction Register
2. Site Environmental Inspection Checklist
3. Environmental Complaint Form
4. Non-Conformance Report Form
5. Hazardous Substances Register
6. Safety Data Sheets (SDS) Register

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# SITE ENVIRONMENTAL INDUCTION REGISTER

*Record of persons receiving environmental induction for this site*

Site Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Inductor: \_\_\_\_\_ Telephone: \_\_\_\_\_

Topics Covered: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have attended this induction and have read and understood the environmental rules of this site and EMP.

Date	Worker Name	Induction Number (eg. General induction cart, licence)	Worker Signature	Supervisor

**Trainer Sign off**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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# SITE ENVIRONMENTAL INSPECTION CHECKLIST

Site Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Issues				
<b>Air Quality</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Does all plant and equipment comply with the relevant codes and emission standards for air quality				
Are procedures and management measures in place to control and minimise dust and air emissions				
<b>Noise</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Are procedures in place to minimise noise to workers, site and surrounding areas				
Does all plant and equipment comply with the relevant codes, guidelines and standards for noise control				
Does the site maintains a record of noise complaints received				
<b>Water Quality</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Does the site have an appropriate emergency response plan that outlines how to contain surface spills from entering the downstream stormwater system				
Are clean up equipment and spill kits available and held on site				
Are fuel storage areas regularly inspected				
<b>Waste Management</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Are procedures in place for identifying and managing non-conforming waste				
<b>Biodiversity</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
Is relevant protection in place surrounding flora to stop any damage				
<b>Hazardous Materials</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>

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Environmental Issues				
Are fire suppression equipment supplied and maintained on site in accordance with the manufacturer's instructions				
Are spill kits available and held on site				
Are all incompatible chemicals and fuels stored separately				
Are all hazardous material containers sealed properly and no leaks evident				
Are chemicals and fuels clearly labelled, securely sealed when not in use, and stored in appropriate containers				
Are Safety Data Sheet (SDS) on site for all hazardous materials				
Are personal protective equipment (PPE) used, cleaned and maintained properly				

Company Representative Name: \_\_\_\_\_

Company Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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# ENVIRONMENTAL COMPLAINT (EC) FORM

Record of environmental complaints for this site

Site Name: \_\_\_\_\_ EC Number: \_\_\_\_\_  
 Address: \_\_\_\_\_ Date: \_\_\_\_\_  
 EC Issued to: \_\_\_\_\_ EC Issued by: \_\_\_\_\_

## ENVIRONMENTAL COMPLAINT DETAILS

**Environmental Incident**

Pollution  Potential pollution  
 Other: \_\_\_\_\_

**DETAILS OF COMPLAINT**

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Position: \_\_\_\_\_ Contact No.: \_\_\_\_\_

**NATURE OF COMPLAINT**

Dust  Heritage  
 Odour  Biodiversity (Flora/ Fauna)  
 Noise  Waste  
 Vibration  Pollution  
 Traffic/ Road  Plant/ machinery  
 Water  Other: \_\_\_\_\_

**INCIDENT DETAILS**

Location of incident: \_\_\_\_\_ Time: \_\_\_\_\_  
 Date: \_\_\_\_\_

Description: \_\_\_\_\_

Conditions of site when complaint occurred: \_\_\_\_\_

Corrective or preventive action to be taken to fix the complaint	Responsible person	Date to be completed by

**SIGN OFF**

Corrective or preventive action is complete and dealt with by the responsible person noted above

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

[Insert Name of Project Manager] agrees corrective or preventative is complete

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

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# NON-CONFORMANCE REPORT (NCR) FORM

*Record of non-conformances*

**Site Name:** \_\_\_\_\_ **NCR Number:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**NCR Issued to:** \_\_\_\_\_ **NCR Issued by:** \_\_\_\_\_

NON CONFORMANCE DETAILS	
<b>Area of Non Conformance</b>	
<input type="checkbox"/> Site operation <input type="checkbox"/> Works outlined in contract <input type="checkbox"/> Supplier <input type="checkbox"/> Customer complaint	<input type="checkbox"/> Work Health and Safety <input type="checkbox"/> Environmental Management <input type="checkbox"/> Quality Management <input type="checkbox"/> Other:

Description of Non Conformance

Outline the evidence obtained for Non Conformance

Corrective or preventive action to be taken to fix the Non Conformance	Responsible person	Date to be completed by

SIGN OFF			
<b>Corrective or preventive action is complete and dealt with by the responsible person noted above</b>			
<b>Name:</b>		<b>Date:</b>	
<b>Signature:</b>			
<b>Ground Waste Solutions agrees corrective or preventative is complete</b>			
<b>Name:</b>		<b>Date:</b>	
<b>Signature:</b>			

Darebin City Council Received 15/11/2022

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## HAZARDOUS SUBSTANCES REGISTER

Product Name	Location where Product is Used	Quantity	Clearly Labelled	SDS on Site		Action / Comments
			Yes / No	Yes / No	Date	

A SDS is a Safety Data Sheet – these are available from the substance manufacturer or the point of purchase. SDS must be on site together with the hazardous substance.

Action / Comments - note any particular safety controls required e.g. use, transport, PPE, first aid, storage, spill control and whether each substance is classified as hazardous (according to NOHSC) or dangerous goods for transportation (according to ADG code).

**Darebin City Council Received 15/11/2022**

Under the Planning and Environment Act 1987.



# SAFETY DATA SHEET (SDS) REGISTER

*Record of Safety Data Sheets*

Prepared by: \_\_\_\_\_

SAFETY DATA SHEET REGISTER					
SDS Number	Date of Issue	Worker	Description	Date Reviewed*	Signed

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\*Check SDS is current before starting each project.  
 SDS must not be more than five years old from date of issued date.  
 Refer to: ***Safe Work Australia Code of Practice - Preparation of Safety Data Sheets for Hazardous Chemicals***

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**MRA Consulting Group**

Suite 408 Henry Lawson Building  
19 Roseby Street  
Drummoyne NSW 2047

+61 2 8541 6169  
info@mraconsulting.com.au  
mraconsulting.com.au





**5.2 CONSIDERATION OF PLANNING PERMIT APPLICATION  
D/514/2020  
9-15 Kilmore Avenue, Reservoir**

**Author:** Senior Statutory Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
C. Kairouz Architects	Bjorn Farrugia Kilmore Avenue Reservoir Pty Ltd	ArborReport Victoria Amber Organisation (Traffic) Infinity Landscape Architects EcoHarmony

**SUMMARY**

<b>Property:</b>	9-15 Kilmore Avenue, Reservoir. Four separate lots comprising: <ul style="list-style-type: none"> <li>• 9 Kilmore Avenue;</li> <li>• 11 Kilmore Avenue;</li> <li>• 13 Kilmore Avenue; and</li> <li>• 15 Kilmore Avenue</li> </ul>
<b>Proposal:</b>	The application is for the development of 14, double storey dwellings and a reduction in the resident car parking rate.
<b>Car parking:</b>	A permit is required to reduce the car parking requirement by 10 spaces for 10 of the three-bedroom dwellings. At a minimum, all dwellings are provided with one car parking space. Eight (8) covered residential bicycle parking spaces are provided and four (4) visitor bicycle parking spaces are provided.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>• General Residential Zone – Schedule 2 (GRZ2)</li> <li>• Development Contribution Plan Overlay (DCPO)</li> </ul>
<b>Is a Developer Contribution required?</b>	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme. A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• A public notice sign to the front of each property.</li> <li>• Letters sent to surrounding owners and occupiers.</li> </ul>



<p><b>Objections:</b></p>	<ul style="list-style-type: none"> <li>• Fifteen (15) objections in total were received against this application, including six (6) objections to the amended design.</li> <li>• The key objection grounds raised include:             <ul style="list-style-type: none"> <li>○ Insufficient car parking;</li> <li>○ Traffic congestion and traffic (pedestrian and vehicle) safety concerns;</li> <li>○ Personal safety (crime) concerns;</li> <li>○ Height and Neighbourhood character concerns;</li> <li>○ Impact to views of natural landscape;</li> <li>○ Insufficient storage onsite;</li> <li>○ Waste management;</li> <li>○ Construction impacts;</li> <li>○ Amenity impacts; and</li> <li>○ Overdevelopment and restriction of future development.</li> </ul> </li> </ul>
<p><b>Key reasons for support:</b></p>	<ul style="list-style-type: none"> <li>• Consistent with Darebin’s Strategic Housing Framework policy; improves affordability and achieves the outcomes sought for Incremental Change Areas, with 14 dwellings proposed across four lots (approximately 3.5 dwellings per lot).</li> <li>• The design and layout of the development achieves an excellent response to Council’s Good Design Guide.</li> <li>• The proposal provides a diverse housing outcome, aligns with Council’s Neighbourhood Character policy and responds well to Clause 55 (ResCode) of the Darebin Planning Scheme.</li> <li>• Located close to public transport and within the Principal Public Transport Network Area (PPTNA) – a reduced car parking provision is a suitable and sustainable response to this context.</li> <li>• Achieves good sustainability outcomes; no gas connection, minimum 7 star average NaTHERS rating, double glazing, 3kW solar PV per dwelling and water sensitive urban design.</li> <li>• There would be no unreasonable off-site amenity impacts, subject to some conditions including to address overlooking.</li> </ul>
<p><b>Recommendation:</b></p>	<p>Notice of Decision to Grant a Planning Permit</p>

**Recommendation**

**That** Planning Permit Application D/514/2020 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of fourteen (14) dwellings and a reduction in the statutory car parking rate in accordance with the endorsed plans at 9-15 Kilmore Avenue, Reservoir, subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A07-A13, Prepared by C. Kairouz Architects, dated 13 February 2023) but modified to show:
  - (a) Finished Floor levels of each dwelling raised as follows:
    - (i) Existing Finished Floor levels (FFLs) at 76.80 raised to 77.01m AHD.
    - (ii) Existing FFLs at 76.56 raised to 76.68m AHD.
    - (iii) Existing FFL at 76.33 and 76.34 raised to 76.38m AHD.
    - (iv) The finished ground level of the carpark at 76.71m AHD.

The buildings on the site must remain compliant with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks), Standard 21 of Clause 55.04-5 (Overshadowing) and with Clause 55.04-6 (Overlooking) of the Darebin Planning Scheme.
  - (b) Each car parking space numbered and allocated to a dwelling in accordance with Condition No. 12 of this permit. The spaces must be allocated so that they are located as close as practicable to the respective dwelling.
  - (c) All redundant crossovers being reinstated with kerb and channel.
  - (d) Accessway gradients in accordance with Design Standard 3 of Clause 52.06-9.
  - (e) All proposed first floor habitable windows appropriately screened to prevent overlooking where there are opportunities for overlooking into existing neighbouring SPOS or habitable windows within 9 metres of the proposed window in accordance with Standard B22 at Clause 55.04-6 of the Darebin Planning Scheme. Screening must be provided to a height of 1.7m above finished floor level and where screens are proposed, a detailed section diagram must be provided to demonstrate views are limited in accordance with Standard B22.
  - (f) The north-west facing habitable windows of Dwellings 1-7 screened to prevent downward views into adjoining proposed secluded private open space. Screening must be designed to provide outlook to the dwellings where possible. A section drawing must be provided for any proposed screening measures.
  - (g) The height of the fences separating each proposed dwelling's secluded private open space to be noted on the plans at a height of 1.8 metres (not to be annotated as "minimum") and the level of the alfresco areas above natural ground level to be specified.
  - (h) A minimum of 25 square metres of Secluded Private Open space, with a minimum dimension of 3 metres, provided for Dwelling 6.
  - (i) A minimum dimension of 1.6 metres provided for Dwelling 1's balcony and noted on the plans.
  - (j) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

- (k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossover to Kilmore Avenue. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- (l) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
  - (v) co-located where possible;
  - (vi) located or screened to be minimally visible from the public realm;
  - (vii) air conditioners located as far as practicable from neighbouring existing habitable windows or acoustically screened; and
  - (viii) integrated into the design of the building.
- (m) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
  - (i) co-located where possible;
  - (ii) positioned on a side boundary or adjacent to the accessway; and
  - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (n) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (o) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 4 of this Permit.
- (q) Any modifications required as a result of the approved Sustainable Management Plan required by Condition No. 5 of this Permit, including:
  - (i) An ESD table on the plans for items that cannot be drawn e.g. NatHERS 7 Star, induction cook top, heat pump cooling/heating ratings, no gas connection etc.
  - (ii) Details of the permeable paving with a cross sectional drawing as per Darebin preferred design.
  - (iii) Annotate that Dwelling 3 and 6 will have a minimum 15A dedicated circuit from switchboard to garage for future electric vehicle car charging.
  - (iv) Annotate 3kW solar PV system for each dwelling consistent with the BESS report.
- (r) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (s) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No.8 of this Permit.

- (t) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 9 of this Permit.

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) Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must generally in accordance with the Landscape Plan prepared by Infinity Landscape Architects Dated 13 February 2023 but modified to show:
- (a) Tree protection measures in accordance with Condition No. 4 of this Permit.
  - (b) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 5 of this Permit
  - (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
  - (d) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
  - (e) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (f) A diversity of plant species and forms.
  - (g) 10 small and 12 medium sized canopy trees in the private open space of the proposed development.
  - (h) All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (i) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (j) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (k) Hard paved surfaces at all entry points to dwellings.
  - (l) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
  - (m) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

- (n) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (o) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (p) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (q) Scale, north point and appropriate legend.
- (r) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

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

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

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

- 4) Before plans are endorsed under Condition No. 1 of this Permit and before the commencement of any works including demolition and site preparation works, a Tree Protection Management Plan (TPMP) including reports and plan/s to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This report must be made available to all relevant parties involved with the site. When approved, the TPMP will be endorsed and will then form part of this Permit

The TPMP must be prepared by a suitably qualified and experienced arborist and include:

- a) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
- b) Protection measures to be utilised and at what stage of the development they will be implemented;
- c) Appointment of a project arborist detailing their role and responsibilities;
- d) Stages of development at which the project arborist will inspect tree protection measures and;
- e) Monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

- a) The TPP must
- b) Be legible, accurate and drawn to scale;
- c) Indicate the location of all tree protection measures to be utilised and;
- d) Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
- e) Include a key describing all tree protection measures to be utilised.

All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

- 5) The Sustainability Management Plan (SMP) to be endorsed and which will then form part of this Permit is the SMP submitted with the application (identified as Sustainability Management Plan, prepared by EcoHarmony, Dated 13 February 2023, Rev E).

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

- 6) The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Management Plan (SMP) endorsed under Condition No. 6 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SMP have been implemented in accordance with the endorsed SMP.

- 7) Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. 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 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 requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

- 8) Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
  - (b) Stormwater.
  - (c) Litter, concrete and other construction wastes.
  - (d) Chemical contamination.

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

- 9) Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- (a) Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
  - (b) Include measures to minimise waste material sent to landfill including details of how recycling of and treatment of organic/food waste will be maximised;
  - (c) Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
  - (d) Include calculations showing the amount of general, recycle, glass and organic waste (including food waste) expected to be generated;
  - (e) Detail the size of bins, frequency of collection and hours of collection;
  - (f) Include a dimensioned plan showing:
    - (i) the location of the bin storage area on the site.
    - (ii) details of screening of the bin storage area from public view.
    - (iii) suitably dimensioned bin storage area with convenient access.
    - (iv) the storage area is capable of accommodating and allowing convenient access to the waste bins.
    - (v) the location on the site where the bins will be placed for collection.
    - (vi) where the waste trucks will stop to service the waste bins and whether No Parking restrictions will be required for the waste trucks to access that space.
  - (g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings.
  - (h) Show how waste bins will be taken to the point of waste collection.
  - (i) Confirm that the bins will be removed from the street promptly after collection.
  - (j) If the waste is to be collected from a Basement Level or under any structure, specify the size of the collection vehicle and demonstrate:

- (i) sufficient head-height clearance is available for access and collection; and
- (ii) through swept path diagrams that the specified vehicle can enter and exit the site conveniently in a forward direction.

The requirements of the approved Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area.

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

- 10) The development must not be occupied until fences to a minimum height of 1.8 metres above natural ground level is erected along the northern, western and eastern property boundary (except where within 6 metres of the southern boundary). The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on northern, western or eastern boundaries with a height less than 1.8 metres is structurally sound, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

- 11) At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

- 12) The car parking spaces shown on the endorsed plans must be allocated as follows and must not be used for any other purpose:
- (a) A minimum of one car parking space for each dwelling
  - (b) The remaining two car parking spaces to each be allocated to two of the three-bedroom dwellings

- 13) Before the development is occupied starts, an automatic external lighting system capable of illuminating the entry to each unit, access to the carport and each 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

- 14) The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

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

- 16) All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

- (a) concealed in service ducts or otherwise hidden from view; or
  - (b) located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.

- 17) No plant, equipment, services or structures 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.
- 18) The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
- 19) Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
- 20) Before occupation of the development, the 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; and
  - (e) line-marked to indicate each car.to the satisfaction of the Responsible Authority.
- 21) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 22) Before the occupation of the development all 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.
- 23) Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
- 24) This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - (a) Before this Permit expires;
  - (b) Within six (6) months after the expiry date; or
  - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

**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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- 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. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N8. Please note the Development Contribution Plan levy will be invoiced separately.

**RECOMMENDATION PART B:**

**That** Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

**1. BACKGROUND****1.1 Subject Site**

The subject site comprises four lots, located at 9, 11, 13 and 15 Kilmore Avenue, Reservoir.

The site is located on the northern side of Kilmore Avenue, approximately 100 metres east of the intersection of Kilmore Avenue and Charlton Crescent.

The subject site has a frontage width of 59 metres to Kilmore Avenue Street, a depth of 38.1 metres and comprises an area of approximately 2242 square metres. The site is relatively flat, with a small fall towards the north-east.

The site currently contains four single storey dwellings. At 9 Kilmore Avenue, the existing dwelling shares a party wall with 7 Kilmore Avenue. Each of the four lots contains one single crossover to Kilmore Avenue, for a total of four crossovers. All existing dwellings currently feature secluded private open space to the rear, including outbuildings and varying levels of vegetation on each property.

There are no restrictive covenants indicated on the Certificates of Title.

## 1.2 Surrounding area

To the north of the subject site is 8, 12, 14,16 and 18 Kyneton Avenue. These lots contain single storey dwellings fronting Kyneton Avenue, including two attached dwellings at number 10. These dwellings have private open space to the rear of the building, abutting the subject site and the buildings are setback from the common boundary between approximately 10 and 20 metres. These dwellings are constructed from a variety of materials, including red, yellow and cream brick, with tiled roofs and timber, brick or wire mesh front fences.

To the south-west of the subject site is 7 Kilmore Avenue. This dwelling is constructed of yellow brick and tiled roof, and shares a party wall with 9 Kilmore Avenue. Secluded private open space is located to the rear, as well as outbuildings. There is limited vegetation within the rear private open space of this dwelling.

To the south of the site, across Kilmore Avenue, are a number of single storey dwellings fronting Kilmore Avenue. Each dwelling generally contains a single crossover, car parking facilities on site, and private open space to the rear of the property. The dwellings are constructed of varying materials, including concrete render, white painted brick and red and yellow brick. All dwellings have tiled roofs and brick or timber front fences.

To the north-east of the site is 17 Kilmore Avenue. This dwelling is constructed of yellow brick and has a tiled roof. Car parking facilities are provided on the property, including within the front setback. The property also features secluded private open space at the rear of the dwelling, and outbuilding, including a large shed on the north-eastern boundary of the property.

The surrounding area is generally low density residential with single dwellings on large lots that provide for front and rear gardens. There are several medium density dwelling developments in the vicinity of the site, including at 8 Kilmore Avenue (two double storey dwellings), 1 Kilmore Avenue (two single storey dwellings), 16 Charlton Crescent (two double storey and one single storey dwellings), 3 Keilor Avenue (three double storey dwellings), 14 Keilor Avenue (two dwellings - one single storey and one double storey).

The site is located approximately 710 metres north of the Summerhill Shopping precinct, 1 km east of the Broadway Activity Centre and 1.6 km from Reservoir Railway Station, 600m from the Route 86 Tram along Plenty Road and within the Principal Public Transport Network Area (PPTNA). Reservoir East Primary School, Reservoir High School and the Darebin Community Sports Stadium are situated within 500 metres of the subject site. Additionally, approximately 200 metres to the north west is the Darebin creek and associated open space reserves.

A location plan forms **Appendix A** and a zoning map forms **Appendix B**.

## 2. PROPOSAL

The application is for construction of fourteen (14) double storey dwellings across the four lots (approximately 3.5 dwellings per lot) and a reduction of one car parking space for ten (10) of the dwellings. All dwellings would be provided with at least one car parking space within the co-located carport. Eight (8) resident bicycle spaces are provided undercover adjacent to the shared parking area and four (4) visitor bicycle spaces are provided at the site frontage.

- As the site is within the PPTNA no visitor car parking is required.
- The development would have a maximum height of 8.565 metres and two storeys.
- The proposed dwellings are of a contemporary design, with Dwellings 1-7 fronting Kilmore Avenue and Dwellings 8-14 located in the rear half of the site and fronting the internal walkway and communal open space area.
- With the exception for Dwelling 1, each dwelling is provided with ground floor open space. Dwelling 1 is provided with a balcony at first floor in a reverse living arrangement. The secluded private open space for each dwelling would be provided in accordance with the requirement of the planning scheme, subject to minor amendments through conditions for Dwellings 1 and 6, as discussed later in this report.
- Site services, including an enclosed bin storage area, are to be provided in a single storey shared area in the southwest corner of the site.
- Three existing crossovers are proposed to be removed as a result of the development. One new crossover would be provided for vehicle access to the development. This would result in a net increase in on-street car parking availability as a result of the development. A separate pedestrian access point is provided from Kilmore Avenue to avoid pedestrian/vehicle conflict and includes a seating area at the street frontage on the subject site. A condition of the recommendation would also require all redundant crossovers to be reinstated with kerb and channel to the satisfaction of the responsible authority.



3D VIEW - FRONT FAÇADE (SOUTH-EAST)



3D VIEW – REAR FAÇADE (NORTH-WEST)

The development plans form **Appendix C**.

**2.1 Planning Permit History**

Council’s records do not show any recent planning history for the subject site.

**2.2 Statutory Controls – why is a planning permit required?**

The planning permit triggers are outlined in the table below.

<b>Control</b>	<b>Permit Requirement</b>
Clause 32.08 General Residential Zone Schedule 2	Clause 32.08-6 Construct two or more dwellings on a lot
Clause 52.06 – Car Parking	Clause 52.06-3 Reduce the number of car parking spaces required under Clause 52.06-5

**3. CONSULTATION**

**3.1 Public Notification**

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing a sign on the frontage of the site

Council has received 15 objections from 10 properties. A map identifying the general location of objectors forms **Appendix D**

The key issues raised in objections are:

- Insufficient car parking;
- Traffic congestion and traffic (pedestrian and vehicle) safety concerns;
- Personal safety (crime) concerns;
- Height and Neighbourhood character concerns;
- Impact to views of natural landscape;
- Insufficient storage onsite;
- Waste management;
- Construction impacts;
- Amenity impacts; and
- Overdevelopment and restriction of future development.

#### 4. REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
<b>Climate Emergency and Sustainable Transport Unit</b>	<p>Supports the proposal to reduce the car parking requirement and the design of the development overall, due to:</p> <ul style="list-style-type: none"> <li>• Proximity to the Edwardes St/Broadway Activity Centre.</li> <li>• Proximity to public transport (bus and train services) noting the site is located within the PPTNA.</li> <li>• Each dwelling would be provided one (1) off-street parking space. This meets the statutory requirement for 2 bedroom dwellings.</li> <li>• Average car ownership rates within this area of Reservoir is below the statutory parking requirement for 3 bedroom dwellings. Consequently, the majority of 3 bedroom dwellings within this area of Reservoir do not own 2 vehicles.</li> <li>• A net increase of one (1) on-street car parking as a result of the development and consolidation of crossovers, as</li> </ul>



Internal Business Unit	Comments
	<p>outlined later in this report.</p> <p><b>Officer Comment:</b> A condition of approval would require the car parking spaces to be allocated to each dwelling and noted on the plans.</p>
<p><b>City Works Unit</b></p>	<p>Communal Waste Storage and private waste collection is acceptable. A condition of approval would include the requirement for a Waste Management Plan (WMP) to be submitted, to be approved by Council’s Environmental Operations Unit. The WMP would be conditioned to ensure that it details a private waste collection service for the development, with bin collection occurring entirely on the site. Details of the proposed waste management vehicle must be outlined which allow for the satisfactory ingress and egress of the car parking area, accessway and bin storage location.</p> <p><b>Officer Comment:</b> A condition of the recommendation has been included to this effect.</p>
<p><b>Tree Management Unit</b></p>	<p>Supports the proposal subject to the provision of a Tree Protection management Plan including tree protection measures for significant trees adjacent to the northern and eastern property boundaries as well as the street trees on Kilmore Avenue.</p> <p><u>Canopy tree planting</u></p> <p>10 small and 12 medium sized canopy trees in the private open space of the proposed development.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>
<p><b>Infrastructure and Capital Delivery (Incl. Integrated Water Management – IWM Unit)</b></p>	<p>Supports the proposal subject to drainage to the satisfaction of the Responsible Authority.</p> <p>A Stormwater Management System Report and other measures would be required to ensure that Stormwater and Water sensitive design are managed appropriately. These would form conditions of the recommendation.</p> <p><b>Flooding</b></p> <p>The floor levels of the development had been raised to comply with Council’s 2021 flood mapping. However as of 12 May 2023, Council has obtained updated 2023 flood mapping with updated data. The changes to the flood mapping affect the site in both extent of flooding and level of flooding expected to occur.</p> <p>The application was re-referred to the IWM unit who advised:</p> <ul style="list-style-type: none"> <li>• Existing Finished Floor levels (FFLs) at 76.80 must be raised to 77.01m AHD</li> <li>• Existing FFLs at 76.56 must be raised to 76.68m AHD</li> <li>• Existing FFL at 76.33 and 76.34 must be raised to 76.38m AHD.</li> <li>• Given the carpark is recommended to be at 1% AEP flood level it can be at 76.71m AHD.</li> </ul>

Internal Business Unit	Comments
	<p>These changes can be addressed via a condition of approval, given the minimal raise in floor level overall, as follows:</p> <ul style="list-style-type: none"> <li>• Dwellings 1, 2, 8 and 9 would require a floor level raise of 210mm.</li> <li>• Dwellings 3, 4, 5 10 and 11 would require a floor level raise of 120mm.</li> <li>• Dwellings 7, 12, 13 and 14 would require a floor level raise of 50mm and Dwelling 6 would require a floor level raise of 40mm.</li> </ul> <p>The finished level of the carport is not specified, however the ground level at this area of the site ranges from 76.60 to 76.49 (per site survey provided by applicant), the car port level at 76.61 to AHD would represent an overall increase in 10-220mm to the ground level.</p> <p>The minor raise in floor level would not cause any notable impact from consequential changes to the built form. Notwithstanding this, the recommended condition requires that the setbacks and height of the building remain within the building envelope of Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) and the development remains compliant with Standard 21 of Clause 55.04-5 (Overshadowing). This would ensure that no unreasonable additional amenity impacts to neighbouring properties would result.</p>
<b>ESD Officer</b>	The proposal’s Environmentally Sustainable Design response is acceptable subject to conditions, contained within the recommendation.
<b>Urban Designer</b>	Council’s City designer supports the proposal as responsive to the Darebin Good Design Guide for Medium Density. Further information is provided at Section 7.3 of this report.

The proposal was not required to be referred to any external Authorities.

## 5. PLANNING POLICY

### 5.1 Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13)
  - Soil Degradation/Contaminated and Potentially Contaminate Land (Clause 13.04)
  - Noise (Clause 13.05)
- Built Environment and Heritage (Clause 15)
  - Urban Design – Metropolitan Melbourne (Clause 15.01-1R)
  - Building Design (Clause 15.01-2S)
  - Healthy Neighbourhoods – Metropolitan Melbourne (Clause 15.01-4R)

- Neighbourhood character (Clause 15.01-5S)
- Aboriginal Cultural Heritage (Clause 15.03-2S)
- Residential Development (Clause 16.01)
- Land use and Transport (Clause 18.01)
- Movement Networks (Clause 18.02).
- Infrastructure (Clause 19)
  - Development Infrastructure (19.03-5S)
- Introduction (Clause 21.01)
- Environment (Clause 21.02)
- Housing (Clause 21.03)
- Transport and Infrastructure (Clause 21.05)
- Neighbourhood Character (Clause 22.02)
- Environmentally Sustainable Design (Clause 22.12)

**Zone:**

- General Residential Zone, Schedule 2 (Clause 32.08)

**Overlays:**

- Development Contributions Plan Overlay (Clause 45.06)

**Particular Provisions:**

- Car Parking (Clause 52.06)
- Stormwater Management in Urban Development (Clause 53.18)
- Two or More Dwellings on a Lot (Clause 55)

## 6. RESPONSE TO OBJECTORS CONCERNS

The following issues raised by objectors are addressed in section 7 of this report:

- Insufficient car parking;
- Traffic congestion and traffic (pedestrian and vehicle) safety concerns;
- Height and Neighbourhood character concerns;
- Insufficient storage onsite;
- Waste management;
- Amenity impacts.

Responses to the other matters raised are provided below:

Personal safety (crime)

Concerns about safety and potential crime arising from dwellings in the development is not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

Impact to views of natural landscape

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of, view lines. The proposed layout and two storey height of the building is not expected to unreasonably impact existing perceived views in any case, given the topography of the land and location of the subject site and neighbouring properties in relation to surrounding valued landscaped.

Management of interface with 7 Kilmore Avenue during construction

This is not a relevant planning consideration. Construction impacts to private property are regulated under separate legislation including the Building regulations and Local Laws.

Noise impact and damage to infrastructure, during construction

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a valid reason to refuse an application. It is regulated under other legislation. Similarly, amenity impacts on the adjoining dwellings/dwellings within close proximity to the subject site during construction are regulated under other legislation.

Overdevelopment and restriction of future development

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme and not based on a subjective concern about whether or not too many units are proposed for a particular site. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development in established areas. The subject site has been identified as being located within an area of Incremental Housing Change. An assessment against Clause 21.03-1 (Strategic Housing Framework – Incremental Housing Change) has been provided within the ‘Planning Assessment’ section of this report.

## **7. PLANNING ASSESSMENT**

### **7.1 Does the development require a Cultural Heritage Management Plan?**

The subject site is partially located within an Area of Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is generally required when a 'high impact activity' is planned in an area of 'cultural heritage sensitivity', as defined in the Aboriginal Heritage Regulations 2018. The proposed development is defined as a high impact activity, however, a Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required as the site has had significant ground disturbance. This is documented in the submitted report identified as the Aboriginal Heritage Due Diligence Report prepared by Luke Falvey of Heritage Insight Pty Ltd, dated 12 August 2021.

### **7.2 Does the proposal have strategic policy support?**

The proposed development is supported by State policy, in particular:

- Clause 11.02-1S seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 15.01-1S sets out urban design guidance to achieve a high-quality built environment and public realm.

- Clause 15.01-4S seeks to create neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 16.01-1S seeks to encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Clause 16.01-1R seeks to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.
- Clause 18.01-1S seeks to design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.

On consideration of the above policy, it is evident that the site is well located and suitable for redevelopment for the purpose of new medium density housing.

The provisions of the Local Planning Policy Framework provide further guidance on the expected form, scale and intensity of development appropriate for this site.

#### Clause 21.03 – Housing

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

The subject site is identified as an area of Incremental change in the Strategic Housing Framework Plan and is defined as:

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

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

- *A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically, areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.*
- *Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however, are generally unaffected by extensive heritage recognition.*

Are located:

- *Within an 800-metre walkable catchment of an activity centre;*
- *Generally, within an 800-metre walkable catchment of train, tram or Smartbus services.*

The site meets the characteristics for Incremental change and the proposal results in an acceptable level of development envisaged in this context. The development proposes a medium density development (rather than a small apartment development) which would allow for a variation of the existing neighbourhood character from the predominant single and double storey dwellings on large blocks, to semi attached, double storey dwellings which would subsequently contribute to the preferred future character of the area.

Similarly, while the proposal is for 14 dwellings in total, this is across four individual lots and the overall outcome is an increase of approximately 3.5 dwellings per lot, which is an appropriately incremental increase in housing density with regard to Council's Housing Strategy.

#### General Residential Zone – Clause 32.08

The proposal successfully responds to purpose of the zone, which ensures the development would implement the Municipal Planning Strategy and Planning Policy Framework. The development respects the neighbourhood character of the area, as outlined later in this report. A diversity of housing types are provided, including two and three bedroom dwellings with one to two car parking space and the subject site is well located to provide access to services, commercial centres, schools, and public transport to future residents.

Key considerations as outlined within the General Residential Zone (GRZ) relate to impacts on solar energy facilities for dwellings on adjoining lots, meeting garden area requirements and achieving a suitable response to Clause 55 assessment. There are no dwellings on adjoining lots which include rooftop solar energy systems that would be affected by the proposal, and the proposal adequately complies with the requirements of Clause 55.

Further to the above, the application meets the garden area requirement of the zone, by providing 38.8% (870 sqm) of the site for garden area, with minimum mandatory requirement being 35% of the site area.

### **7.3 Does the proposal respond to neighbourhood character and to Council's preferred future character?**

#### Neighbourhood Character Precinct Guidelines

The subject site is in Precinct F5 (Post-war) of the Darebin Neighbourhood Character Study. The existing neighbourhood character of this precinct is one of a range of dwelling styles from the post war era with frequent second storey additions and an established rhythm of dwelling spacing. Typical original materials generally include cream and red brick and front fences are low which creates a sense of openness of the streetscape.

The preferred character statement for Precinct F5 states there are opportunities to introduce well designed, contemporary architectural styles that adopt the established front and side setbacks to ensure consistency of dwelling spacing and adequate garden area.

The preferred character statement also envisages respecting the predominant height and setbacks of nearby buildings, maintaining the predominant single storey scale of building frontages, keeping front fences low to medium height and preferably transparent, use of respectful building materials that blend in with the street, retaining adequate space for planting of trees and shrubs and maintaining consistent front and side building setbacks.

The proposed development is a contextual response that provides a high quality outcome in terms of neighbourhood character. The layout of the building blocks maintains a sense of space between buildings, and the low front fence maintains street openness. No walls are proposed on existing boundaries, to ensure the side setback rhythm of the street is protected and a single storey built form is provided to the south-west site interface to provide a transition to the existing single storey dwelling that is built to the boundary.

The materials of the development are generally muted and present a contemporary interpretation of the existing materials along Kilmore Avenue, using cream/light grey cladding and darker bricks and cladding to create visual interest.

While a single storey building frontage is not provided to Kilmore Avenue, the response is consistent with the emerging neighbourhood character, which includes double storey built form fronting the street.

The design guidelines relating to neighbourhood character, design, form and materials are addressed in full within Appendix E. Overall, the development would respond adequately in a contemporary manner to key elements of the neighbourhood character, as required by the Precinct Guidelines.

#### Darebin Good Design Guide

The proposal is also highly responsive to Darebin's Good Design Guide for Medium Density Development, which correlates with the proposal satisfactorily meeting neighbourhood character objectives.

Specifically, the proposal responds to the Darebin Good Design Guide in the following ways:

- The development includes site consolidation which enables improved amenity by allowing co-location of car parking, reduction in land required for accessways and provision of shared open space.
- The location of single storey built form to the south and west of the site results in limited offsite amenity impacts in term of overshadowing and is a contextual response to the site.
- The development uses the Village typology recommended in the Good Design Guide by co-locating carparking in one part of development and freeing up the remaining development from cars. This creates a more pedestrian friendly development.
- It provides communal open space for passive recreation and fostering a sense of community.
- Majority of the units have private open space on ground level with high levels of amenity. Where reverse living is proposed (Dwelling 1), outlook is provided to the street, removing the requirement for screening.
- The development maintains the rhythm of dwellings fronting the street by providing side setbacks and setbacks between buildings, as well as pitched roofs which are evident in the streetscape.
- Dwellings front the street, and a direct separate pedestrian entry with seating provided creating a high-quality public realm interface.

A minimal palette of materials is used to reduce visual clutter and the architectural expression of buildings is consistent across the development.

#### **7.5 Does the proposal provide an acceptable response to Clause 55?**

The assessment below addresses key Clause 55 standards with respect to amenity impacts and any areas of direct non-compliance with Clause 55 standards that are being supported as compliant with the relevant Clause 55 objective, either as presented or through conditions of approval.

The table at **Appendix E** of this report provides an overview of compliance with all Clause 55 standards and objectives. The vast majority of standards are met either through the current design or via minor recommended conditions, with all objectives satisfied.

Clause 55.03-1 – Standard B6 – Street Setback

The front setbacks of the adjoining dwellings are 6.5 metres and 7.9 metres. The standard therefore requires a street setback of 7.2 metres.

The proposed street setback of 5 to 6 metres does not comply with the standard, however the design response is acceptable due to the following:

- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping and the existing character statement for Precinct F5 states that front setbacks are generally between 5 and 7 metres.
- The existing setback pattern along the street varied from 5.7 metres to 8.1 metres and the proposal provides varied setbacks across the front dwellings, at 5 metres, 5.5 metres and 6 metres and therefore reinforces the variations in setback patterns.
- The dwellings fronting the street are appropriately articulated.
- The front setback would not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.

Clause 55.03-2 – Standard B7 – Building Height

The proposed dwellings are to have a maximum height of 8.565 metres or two storeys which complies with the standard requiring a maximum height not exceeding 11.0 metres (General Residential Zone).

The proposed height of two (2) storeys represents an incremental increase in height compared to the properties in the vicinity and is appropriate.

Clause 55.04-4 – Standard B20 – North-facing windows

There is one north facing window within three metres of the common boundary at 7 Kilmore Avenue. A one metre setback is provided to the carport and a light court of minimum 1 metre dimension and three square metres in area is provided to this window, in accordance with the requirements of the Standard.

Clause 55.04-5 – Standard B21 – Overshadowing

As demonstrated within the shadow diagrams provided by the applicant, the proposed development does not cast any additional shadow on neighbouring properties on the 22<sup>nd</sup> of September, as required by the Standard.

This is because any shadow cast by the proposal is captured within existing fence shadows with adjoining lots. The overall design of the development also minimises overshadowing of existing secluded private open space on adjoining lots, as it has been designed to locate larger built form to the north of the site. The orientation of the site is also beneficial in reducing offsite overshadowing.

Clause 55.04-6 – Standard B22 – Overlooking*Ground Floor*

Overlooking from the ground floor within the development is addressed by new boundary fences ranging from 1.9-2.5 metres in height. A minimum of 1.8 metre height is required to limit overlooking, therefore this response is acceptable.



### *Upper Floors*

The upper-level habitable rooms of the development are appropriately designed and/or screened to limit views into neighbouring secluded private open space and habitable room windows.

While all upper-level windows with potential to overlook are shown with screening, it is unclear if the screening is proposed to 1.7m above finished floor level and whether the screens would appropriately managed overlooking in accordance with the standard.

Therefore, a condition of the recommendation would require all first-floor habitable windows to be screened where opportunities for overlooking into neighbouring SPOS or habitable windows exist within the 9 metre 45-degree viewing arc of the window. The condition would require that screening is provided to 1.7m above finished floor level and where screens are proposed, a detailed section diagram is provided to demonstrate views are limited in accordance with Standard B22.

### Clause 55.04-7 – Standard B23 – Internal Views

Any potential for internal views between the dwellings at ground floor would reasonably be managed with the proposed internal fencing, noted on the plans as being 'at least 1.7 metres in height' above each alfresco area.

A minimum internal fence height is not specified by ResCode, however the external overlooking standard would normally require 1.8 metre fences if the alfresco was less than 0.8 metres above ground level. To limit the potential for views between dwellings within the development, a condition of approval would require the height of the fence to be clearly noted on the plans, provided at a minimum height of 1.8 metres, and for the level of the alfresco above natural ground level to be specified.

Internal views between the upper levels of the development would also be appropriately managed. Obscure glazing to 1.7m above FFL is proposed for the south facing upper-level windows of Dwellings 8-14 to prevent views into secluded private open space and habitable windows of the dwellings to the south, which is acceptable.

Screening is proposed to the upper level north facing windows for Dwellings 1-7, however it is unclear what type of screening is proposed. As these windows may have oblique views into the secluded private open space of neighbouring proposed dwellings and ground floor windows of Dwellings 8-14, a condition of the recommendation requires that these windows are afforded screening which would limit downward views, while providing the dwellings outlook.

Views are otherwise obscured into first floor windows of Dwelling 8-14 by obscure glazing on these windows.

Overall, the development is designed to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within the development, subject to conditions.

### Clause 55.04-8 – Standard B24 – Noise Impacts

There are no obvious noise sources to or from the development. The application is for a residential development within a residential zone, as such the noise generated by the day-to-day occupation of the dwellings would be commensurate with expectations in a residential area, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone.

Notwithstanding this, the proposal has not specified the location of air-conditioning units. A condition of the recommendation would require the location of all plant and equipment, including air-conditioning units to be located as far as practicable from existing habitable room windows (and acoustically screened if this cannot be achieved) and co-located where possible.

#### Clause 55.05-4 – Standard B28 – Private Open Space

The development provides adequate secluded private open space (SPOS) for the reasonable recreation and service needs of residents. While the development does not meet the overall private open space (POS) requirements for all dwellings (40 square metres of POS total), the provision of adequate SPOS ensures that each dwelling is afforded with functional and useable space.

All dwellings, except Dwelling 1, are provided with ground floor secluded private open space of 25 square metres or more, with a minimum dimension of 3 metres, which meets the Standard B28 requirements for Secluded Private Open Space. This is except for Dwelling 6, which is shown as providing 24 square metres. A condition of the recommendation would require a minimum of 25 square metres of Secluded Private Open space to be provided to Dwelling 6. This can be comfortably accommodated given the small increase of 1 square metre required.

Dwelling 1 is provided with SPOS at first floor, in the form of a balcony which provides a diverse dwelling mix and is acceptable given its location in close proximity to extensive open space along the Darebin Creek to the east. The balcony has an area of 12 square metres, which meets the minimum area required for SPOS provided as balconies. The minimum dimension is not noted on the plans, although it appears the minimum dimension of 1.6 metres is met. A condition of the recommendation would require that a minimum dimension of at least 1.6 metres is provided for this balcony.

#### Clause 55.05-5 – Standard B29 – Solar Access to Open Space

Dwelling 1's secluded private open space is located within a first-floor balcony, and in this scenario the numerical requirements of the standard are not applicable. Nonetheless, the dwelling would achieve excellent morning sunshine, having an easterly orientation and meets the outcome sought by the objective.

The secluded private open space of Dwellings 2 – 14 are located on the northwest side of the dwellings, representing an appropriate response.

As the axis of the site is not a through north-south orientation, and reflects a north-east / south-west orientation, Dwellings 7 to 14 do not have walls due-north of their private open space. The numerical requirements of the standard are not applicable.

The design response is acceptable as the secluded private open spaces would be useable, have an acceptable amount of amenity and have good access to sunlight, especially in the morning and late afternoon. The proposal complies with the objective as it allows solar access into the secluded private open space of the new dwellings.

### **7.6 Is the proposal acceptable with respect to transport impacts and car parking provision?**

Clause 18.01-3S Sustainable and Safe Transport seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. The policy supports the promotion of walking, cycling and the use of public transport and the minimisation of car dependency.

Cause 21.05-2 Integrated and Sustainable Transport seeks to manage the provision of car parking and congestion of car parking in Darebin and encourage use of sustainable transport modes to reduce car parking demand. The policy directs the responsible authority to:

- Consider existing public transport opportunities when assessing applications to waive or reduce car parking;
- Take into consideration existing car parking demand levels when considering applications to waive car parking and ensure there is demonstrated on-street capacity before waiving an on-site car parking requirement, particularly in locations outside of activity centres.

While the proposal does require a car parking reduction for 10 of the dwellings, the subject site is in a location where policy contemplates such a car parking reduction. The site is within the PPTNA which means the site is within 400m of high-quality public transport. The PPTNA is designed to support integrated transport and land use planning by encouraging more diverse and dense development near high quality public transport to help support public transport usage.

Similarly, the subject site is in close proximity to schools, indoor and outdoor recreation facilities including high quality green open space, activity centres (Broadway) and neighbourhood activity centres (Summerhill).

Number of Parking Spaces Required

Car parking provision is calculated via Table 1 of Clause 52.06 (car parking). The rate of car parking required and provided is illustrated in the table below.

Use	Measure (column B of Clause 52.06-5)	Dwellings	Required Spaces	Provided
Dwelling	1 space to each 2-bedroom dwelling	2	2	2
	2 spaces to each 3-bedroom dwelling	12	24	14
Visitor	N/A – Site is located within the PPTNA			
		Total:	26	16

The subject site is located within the PPTNA, therefore Column B of Clause 52.06 and a reduced rate of car parking apply.

The proposal would include 16 car parking spaces, therefore the proposal requires a reduction in car parking of ten (10) car spaces. All 14 dwellings are provided with at least one car parking space, with Dwellings 3 and 4 being provided with two car parking spaces.

Further to the above, in deciding whether adequate parking has been provided, the decision guidelines under Clause 52.06-7 have been taken into account, as well as the site context and design response.

A reduction in car parking provision represents an acceptable outcome for the following reasons:

- The site has access to public transport, with buses, trams (Route 86 along Plenty road, which connects to Bundoora and the Melbourne CBD) and trains (Reservoir Railway Station) nearby.
- The proposal does not generate a Bicycle parking requirement per Clause 52.34 of the Darebin Planning Scheme, however a total of 12 bicycle parking spaces have been provided on site. Eight (8) have been provided for residents and four (4) for visitors which would encourage use of nearby bicycle routes, including routes along Plenty Road, the Darebin Creek Trail and Boldrewood Parade, which are designated Principal Bike Network routes, as well as local streets.
- There would be a net increase of on-street car parking, with the consolidation of three crossovers to one. Specifically, the applicant has confirmed that there would be 10 car parking spaces able to be accommodated in front of the site as a result of the development and consolidation of crossovers, which is an increase of one car parking space compared to current conditions. The previously advertised proposal which included two crossovers, would have maintained the on-street car parking at 9 spaces.
- The increase in traffic from the subject development would not place an unreasonable load on the surrounding street network. Additionally, no objections have been raised from Council's Sustainable Transport Unit regarding traffic on the local street network.
- Whilst it is acknowledged that the development would generate some additional vehicle movements on the local road network, such additional movements would not necessarily be concentrated or conflict substantially with existing traffic and pedestrian activity in the area. The area is a residential area set aside for incremental housing density increase, and the road network is constructed for such increases in traffic activity. Furthermore, some residents may choose to walk, cycle or use public transport which is available within a short walking distance of the site.
- The applicant has provided a car parking demand assessment which illustrates that in Reservoir, 40% of three-bedroom dwelling households only own one car, while a further 9% do not own a car. This indicates there is a demand for three-bedroom dwellings with only one car parking space in Reservoir.
- No visitor car parking is required by the Darebin Planning Scheme, as the subject site is within the PPTNA.
- Council's Sustainable Transport Unit have no objection to the reduction in parking, given the site's proximity to services, public transport and in considering car ownership rates and the provision of at least one car parking space to each dwelling.

Overall, the use would not place an unreasonable load on the traffic and parking conditions and the car parking provision is acceptable in this instance.

#### Design Standards for Car Parking

The car parking spaces and accessways enable efficient use and management of the site. The parking layout is acceptable subject to a condition requiring each car parking space to be noted as allocated to a dwelling. The condition would require all dwellings to be allocated at least one car parking spaces and the spaces to be allocated logically so that the spaces are located as close as practicable to the respective dwelling.

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

Further to this, the application has been assessed against the Car Parking Design Guidelines of Clause 52.06 and meets the relevant requirements for accessway length, width and car parking space dimensions. The applicant has also provided swept path analysis which demonstrates appropriate room is provided for vehicles to enter and exit the and turning circles.

Additional requirements, as detailed by Council's traffic engineers would be included as any recommended conditions of Permit, as listed in the recommendation. Subject to these conditions, the traffic and car parking demand generated by the proposal would have negligible impact on the safety and operation of the surrounding road network.

### **7.7 Does the proposal provide a suitable response to environmental and sustainability requirements?**

The proposal satisfactorily responds to Clause 22.12 (Environmentally Sustainable Design) and Clause 52.18 (Stormwater Management in Urban Development).

The applicant has provided a Sustainability Management Plan which demonstrates the sustainability initiatives proposed for the development and shows that the development would obtain a minimum seven star average energy rating, be gas free, and provides solar panels to each dwelling (among other initiatives).

The development application has also demonstrated that the proposal would include Water Sensitive Urban Design initiatives and adequately manage Stormwater runoff during the life of the development. A condition of approval would require a Site Environmental Management Plan to ensure stormwater run off is managed during the construction phase.

## **8 POLICY IMPLICATIONS**

### **Environmental Sustainability**

The application has provided a satisfactory Sustainability Management Plan (SMP) as part of the application. A condition of the recommendation requires initiatives to be shown on the plans. The SMP may be endorsed with no further amendments.

### **Social Inclusion and Diversity**

Nil

### **Other**

Nil


## **9 FINANCIAL AND RESOURCE IMPLICATIONS**





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

## **10 FUTURE ACTIONS**

Nil

### **Attachments**

- Location Plan (**Appendix A**) [↓](#) 

- Zoning Map (**Appendix B**) [↓](#) 
- Development Plans (**Appendix C**) [↓](#) 
- Objector Map (**Appendix D**) [↓](#) 
- Reference Tables (**Appendix E**) [↓](#) 

## 11 DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

9-15 KILMORE AVENUE RESERVOIR 3073

Appendix A – Location Map

Source: Nearmap, 2023

16/05/2023



Subject Site



9-15 KILMORE AVENUE RESERVOIR 3073 (Approved property)

Appendix B – Zoning Map

Darebin City Council

16/05/2023

Suburb: RESERVOIR  
 Ward: North Central  
 Charge Area  
 Property No  
 Area (m<sup>2</sup>)  
 Planning Zone [GRZ2, Schedule](#)  
 DCPO: [DCPO, Schedule](#)  
 DDO:  
 EAO:  
 ESO:  
 HO:  
 IPO:  
 LSIO:  
 PAO:  
 RXO:  
 SBO:  
 VPO:

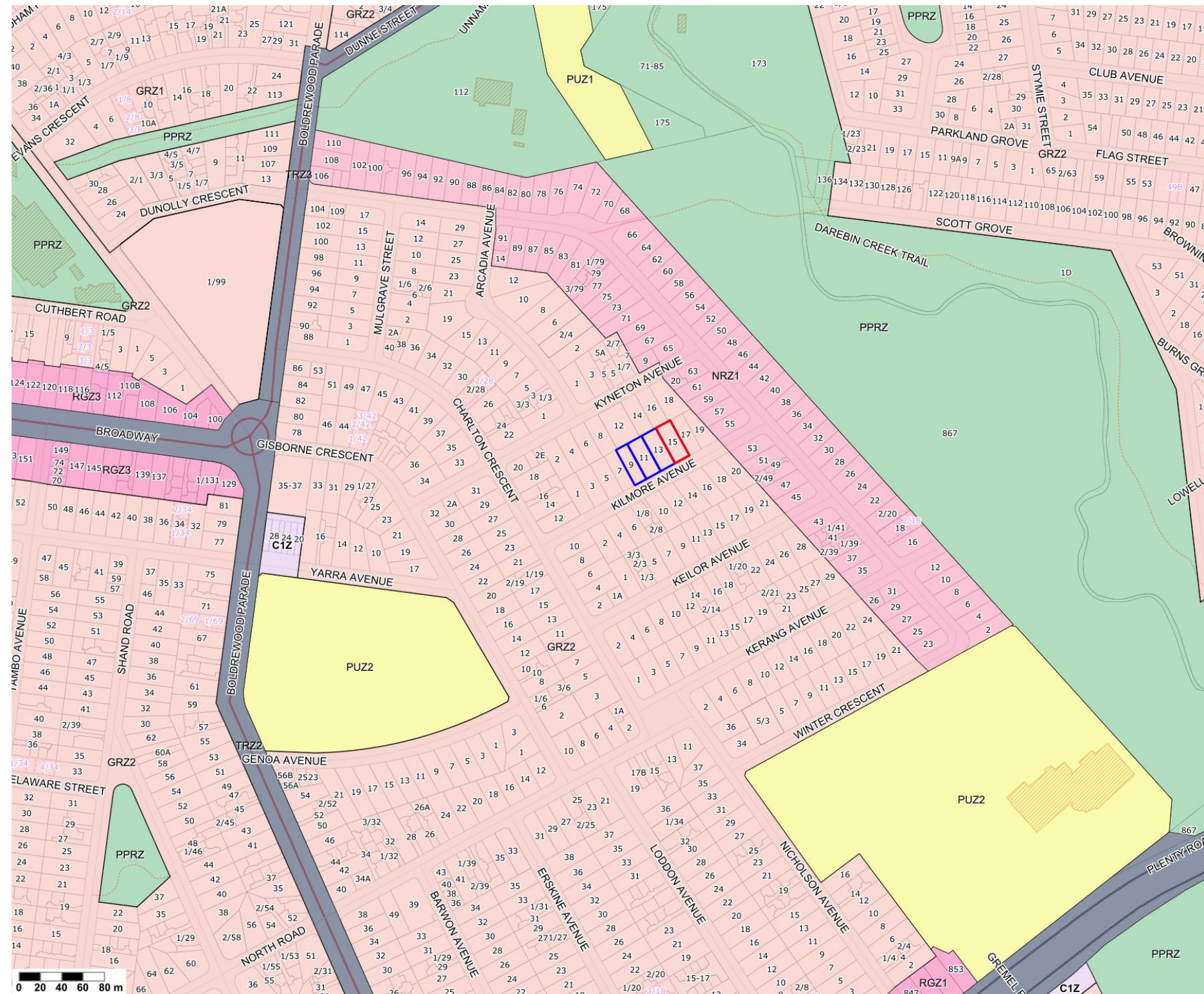
Aboriginal Heritage [Click Here](#)

Neighbourhood Character [F5 : Post-war](#)

Housing Change Framework [INCREMENTAL](#)

High Street Precinct

Applications Open Closed





Area Schedule			
Name	Area	car space	Beds

Bin storage	18 m <sup>2</sup>		
-------------	-------------------	--	--

1. Townhouse 1

BACKYARD TH1	10 m <sup>2</sup>		
FF TH1	57 m <sup>2</sup>		1
FG TH1	44 m <sup>2</sup>		
GF TH1	55 m <sup>2</sup>	1	2
POS TH1	12 m <sup>2</sup>		

2. Townhouse 2

FF TH2	61 m <sup>2</sup>		2
FG TH2	34 m <sup>2</sup>		
GF TH2	61 m <sup>2</sup>	1	1
POS TH2	25 m <sup>2</sup>		

3. Townhouse 3

FF TH3	66 m <sup>2</sup>		2
FG TH3	35 m <sup>2</sup>		
GF TH3	65 m <sup>2</sup>	2	1
POS TH3	25 m <sup>2</sup>		

4. Townhouse 4

FF TH4	61 m <sup>2</sup>		2
FG TH4	29 m <sup>2</sup>		
GF TH4	61 m <sup>2</sup>	2	1
POS TH4	26 m <sup>2</sup>		

5. Townhouse 5

FF TH5	57 m <sup>2</sup>		2
FG TH5	34 m <sup>2</sup>		
GF TH5	58 m <sup>2</sup>	1	1
POS TH5	25 m <sup>2</sup>		

6. Townhouse 6

FF TH6	57 m <sup>2</sup>		2
FG TH6	35 m <sup>2</sup>		
GF TH6	59 m <sup>2</sup>	1	1
POS TH6	24 m <sup>2</sup>		

7. Townhouse 7

FF TH7	49 m <sup>2</sup>		1
FG TH7	42 m <sup>2</sup>		
GF TH7	60 m <sup>2</sup>	1	1
POS TH7	39 m <sup>2</sup>		

8. Townhouse 8

FF TH8	71 m <sup>2</sup>		3
GF TH8	55 m <sup>2</sup>	1	0
POS TH8	25 m <sup>2</sup>		

9. Townhouse 9

Area Schedule			
Name	Area	car space	Beds

FF TH9	62 m <sup>2</sup>		2
GF TH9	60 m <sup>2</sup>	1	1
POS TH9	26 m <sup>2</sup>		

10. Townhouse 10

FF TH10	61 m <sup>2</sup>		2
GF TH10	60 m <sup>2</sup>	1	1
POS TH10	26 m <sup>2</sup>		

11. Townhouse 11

FF TH11	61 m <sup>2</sup>		2
GF TH11	60 m <sup>2</sup>	1	1
POS TH11	26 m <sup>2</sup>		

12. Townhouse 12

FF TH12	62 m <sup>2</sup>		2
GF TH12	60 m <sup>2</sup>	1	1
POS TH12	26 m <sup>2</sup>		

13. Townhouse 13

FF TH13	60 m <sup>2</sup>		2
GF TH13	57 m <sup>2</sup>	1	1
POS TH13	25 m <sup>2</sup>		

14. Townhouse 14

FF TH14	49 m <sup>2</sup>		2
GF TH14	57 m <sup>2</sup>	1	
POS TH14	40 m <sup>2</sup>		

Grand total: 51 2315 m<sup>2</sup>

TOTAL CAR SPACES: 16  
 TOTAL BICYCLE SPACES: 8 + 4 VISITORS  
 TOTAL NUMBER OF BEDS: 38

12 X 3 BED TOWNHOUSES  
 2 X 2 BED TOWNHOUSES

Drawings Sheet List - TP

Sheet No	Sheet Name
A00	COVER SHEET
A01	AERIAL VIEW
A02	STREET VIEW AND NCS
A03	FEATURE SURVEY
A04	DEMOLITION PLAN
A05	PROPOSED SITE PLAN
A06	DESIGN RESPONSE
A07	PROPOSED GROUND FLOOR PLAN
A08	PROPOSED FIRST FLOOR PLAN
A09	PROPOSED ROOF PLAN
A10	PROPOSED ELEVATIONS
A11	PROPOSED ELEVATIONS
A12	PROPOSED SECTIONS
A13	SITE COVERAGE PLAN
A14	PROPOSED SHADOW DIAGRAM 9AM-10AM-11AM-12PM
A15	PROPOSED SHADOW DIAGRAM 1PM-2PM-3PM
A16	ARTIST IMPRESSIONS
A17	ARTIST IMPRESSIONS

ESD INITIATIVES:

**GF slab:**  
 150mm concrete slab on ground, no added insulation  
**TH4 & TH5 GF slab:**  
 150mm concrete slab on ground, with R2.0 under-slab insulation  
**Elevated floors:**  
 R4.0 bulk insulation added within the floor space  
**Roof / ceiling**  
 Exposed roofs R4.0 glass fiber on ceiling level and R1.3 foil faced blanket under the metal cladding.

**Walls**  
 External walls R2.5 glass fiber batts  
**Party Wall**  
 R2.5 glass fiber batts to each side  
**Internal stud walls where a wet area have an external window or adjacent a garage**  
 R2.5 glass fiber batts  
**Windows and glazed doors**  
 Sliding and Fixed Windows: Aluminium, double glazed, high solar gain, low E windows.  
 U=4.3 SHGC=0.47 +/- 5%  
**Awning Windows**  
 Aluminium, double glazed, high solar gain, low E windows.  
 U=4.3 SHGC=0.53 +/- 5%  
**Skylights**  
 Operable roof lights Low-e double glazing  
 U value=< 2.53  
 SHGC = 0.21 +/- 5%  
 Such as Velux Ventilating Skylight  
 3mm LoE 366 / 10.5mm Ar / 3mmClr  
**Ceiling Penetrations**  
 • All Downlights under exposed roofs are IC rated, these lights can be abutted by the insulation.  
 • 300 x 300 mm clearance has been allowed for the exhaust fans.

**Project:**  
 Proposed multi residential unit development  
 9-15 Kilmore Avenue, Reservoir

**Stage:**  
 TP AMENDMENT RFI RESPONSE  
 TP-06

**Client:**  
 SPB Developments

**Municipality:**  
 Darebin City Council

13.02.2023

AREA SCHEDULE		
Site area	2242 m <sup>2</sup>	
Site coverage	1135 m <sup>2</sup>	50.6%
Permeability	743.5 m <sup>2</sup>	33.2%
Garden area	870m <sup>2</sup>	38.8%

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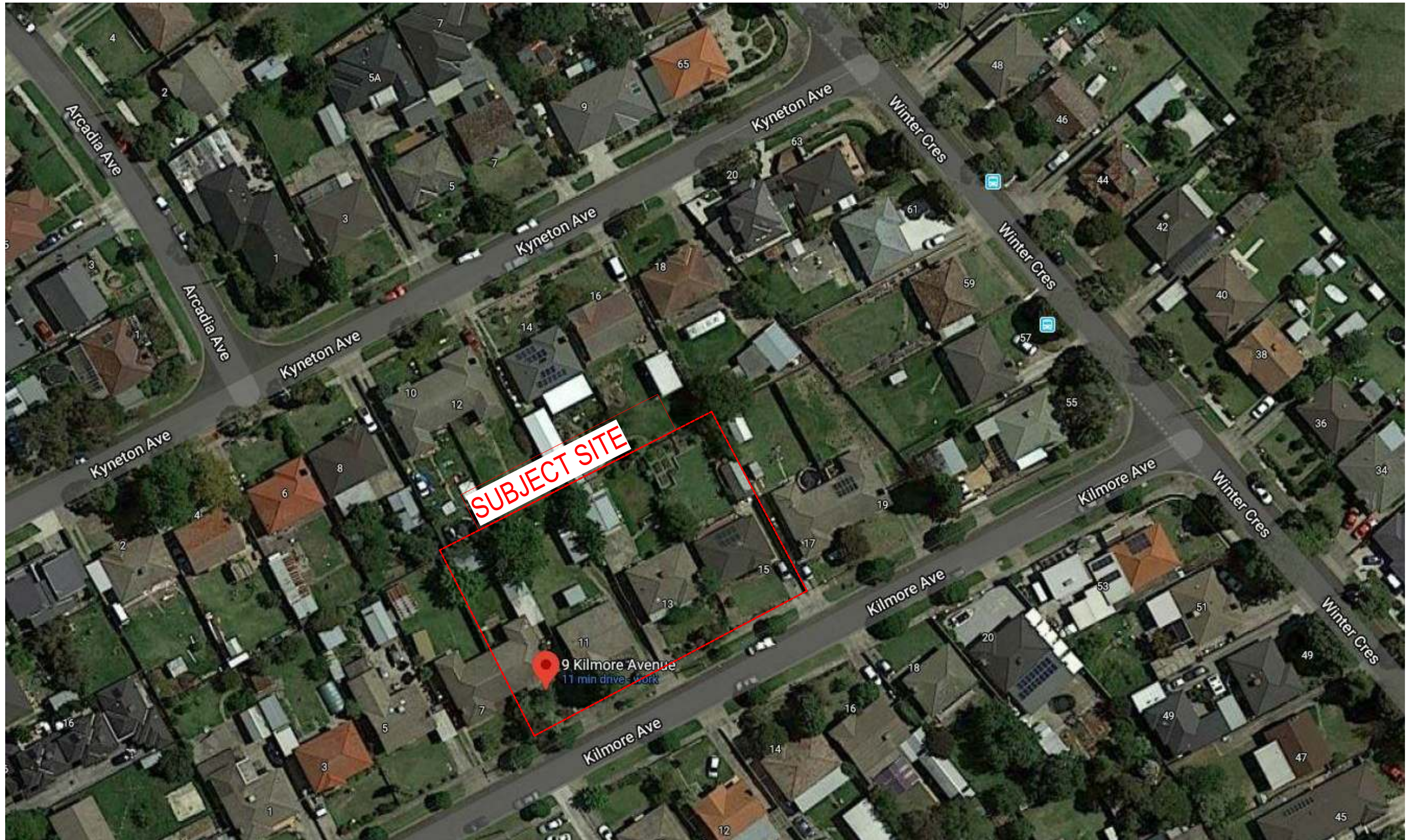
# 9-15 Kilmore Avenue, Reservoir

C.KAIROUZ

ARCHITECTS

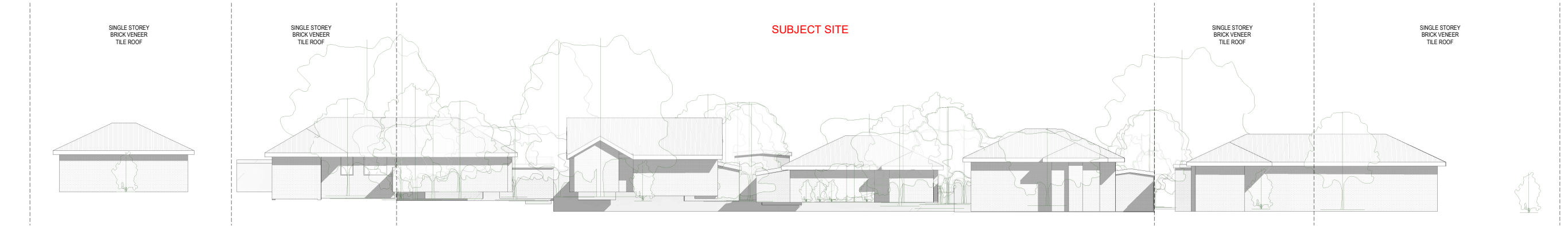
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Darebin City Council Received 14/02/2023

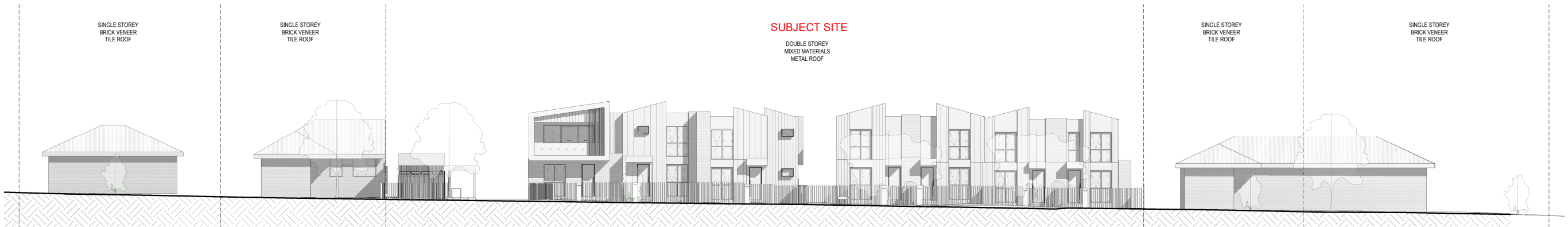


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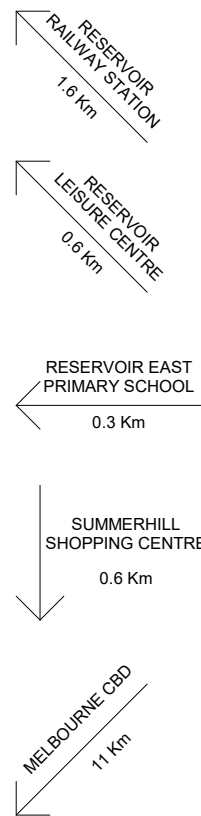


Existing Streetscape

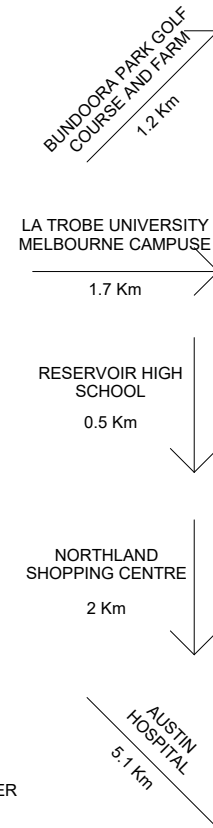


Proposed Streetscape

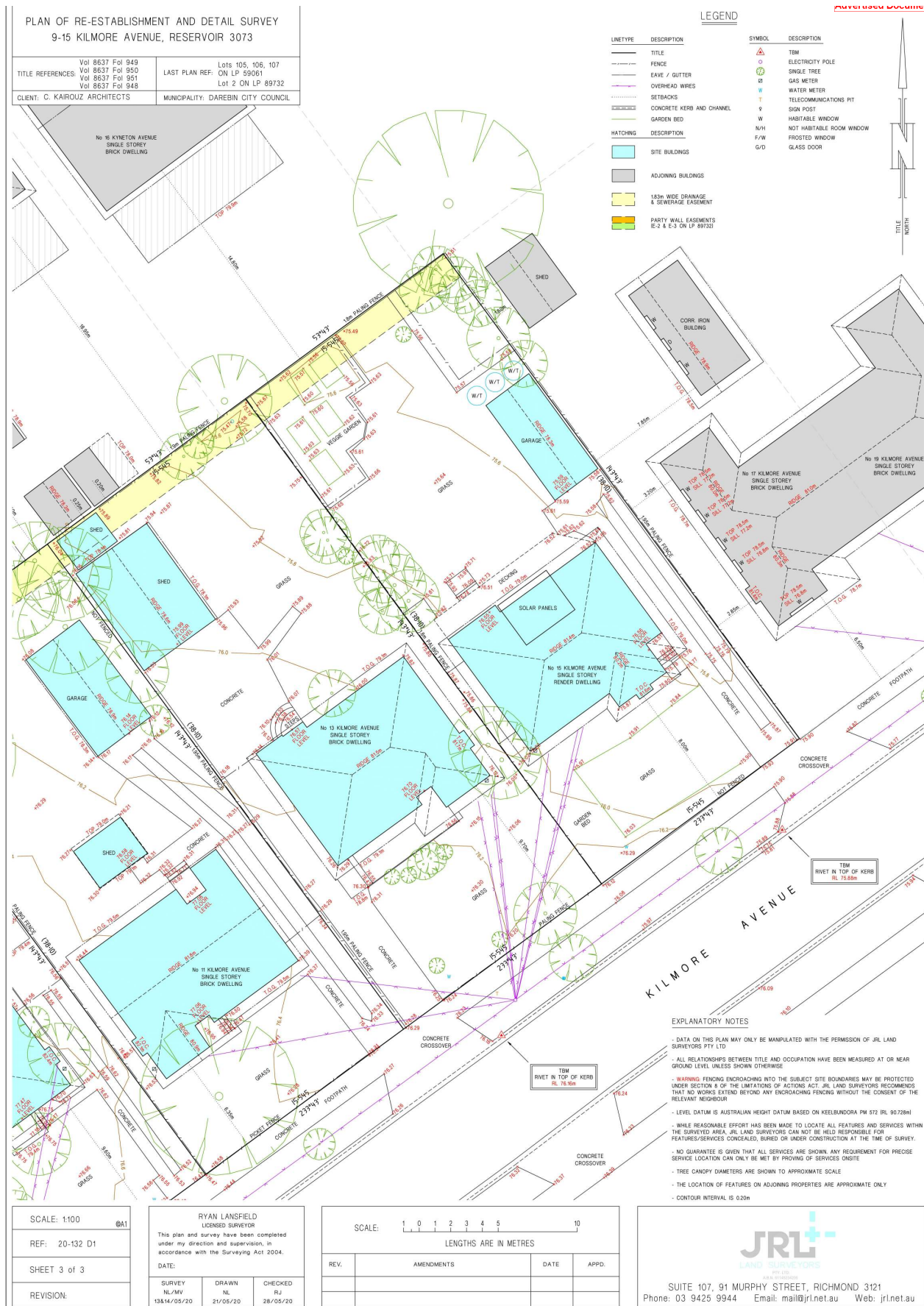
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EC: EXISTING CROSSOVER  
NS: NATURAL STRIP



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**DRAWING:**  
**FEATURE SURVEY**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

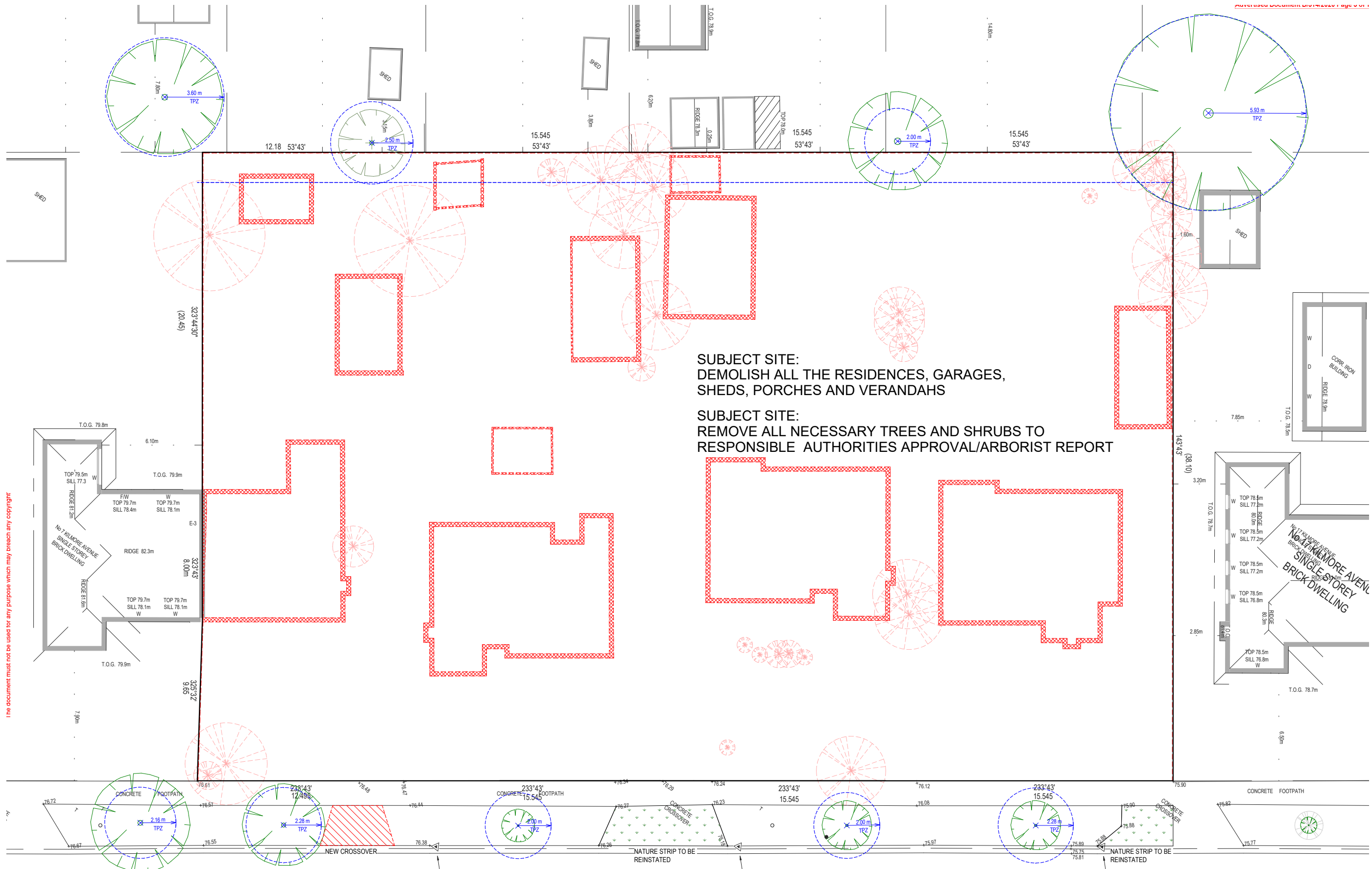
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TP-6	AMENDMENT RFI RESPONSE	13.02.2023

**DATE:** 13.02.2023  
**SCALE:**  
**JOB N°:** CKA 17-071  
**DRAWN:** AF

**No in SET:** A03  
**Rev TP-6**  
**ISSUE:** TP AMENDMENT RFI RESPONSE  
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DEMOLISH ALL THE RESIDENCES, GARAGES,  
SHEDS, PORCHES AND VERANDAH'S

**SUBJECT SITE:**  
REMOVE ALL NECESSARY TREES AND SHRUBS TO  
RESPONSIBLE AUTHORITIES APPROVAL/ARBORIST REPORT

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**DRAWING:**  
**DEMOLITION PLAN**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

**AMENDMENT:**

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**DATE:** 13.02.2023  
**SCALE:** 1 : 100  
**JOB N° :** CKA 17-071  
**DRAWN :** AF

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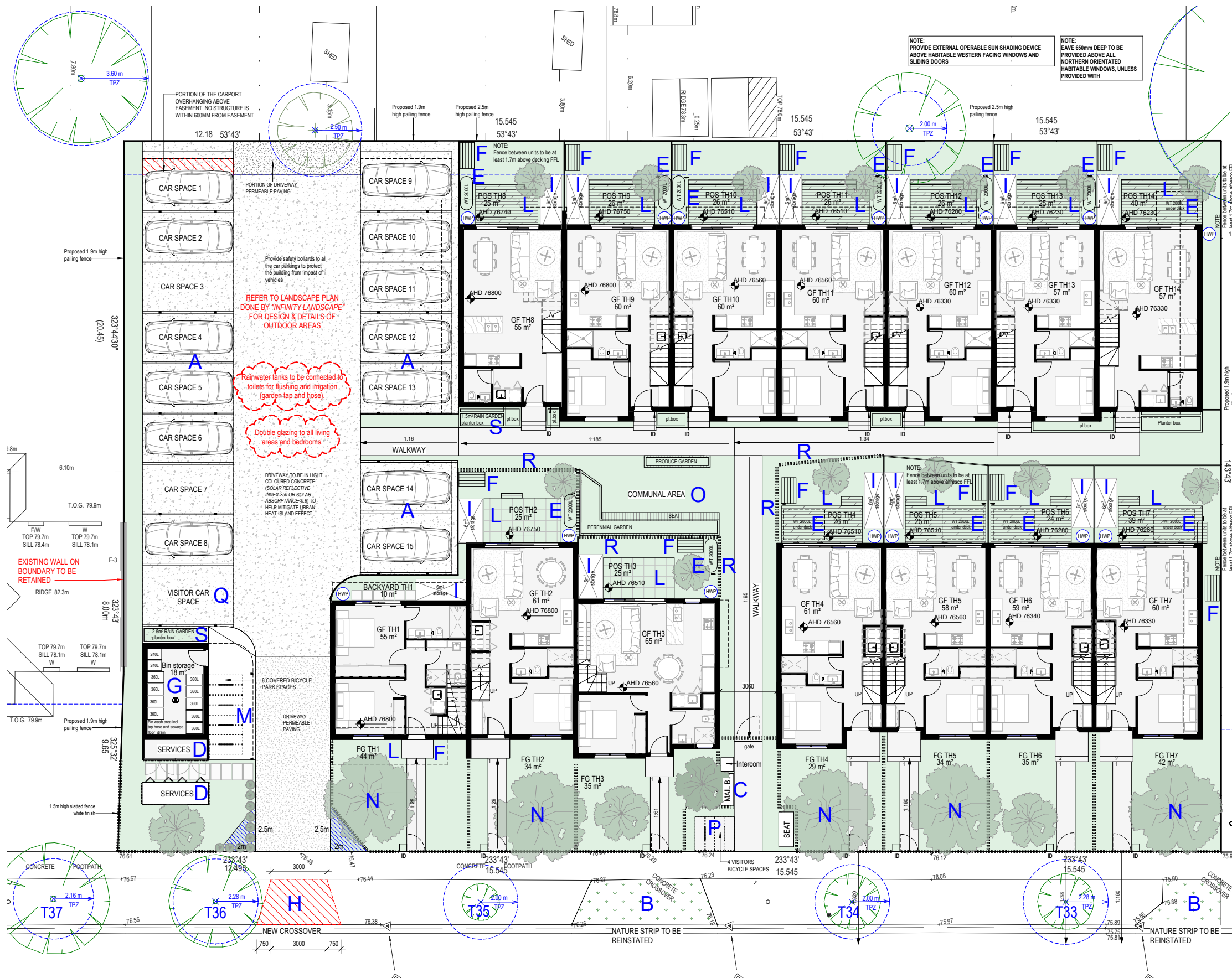


KYNETON AVENUE



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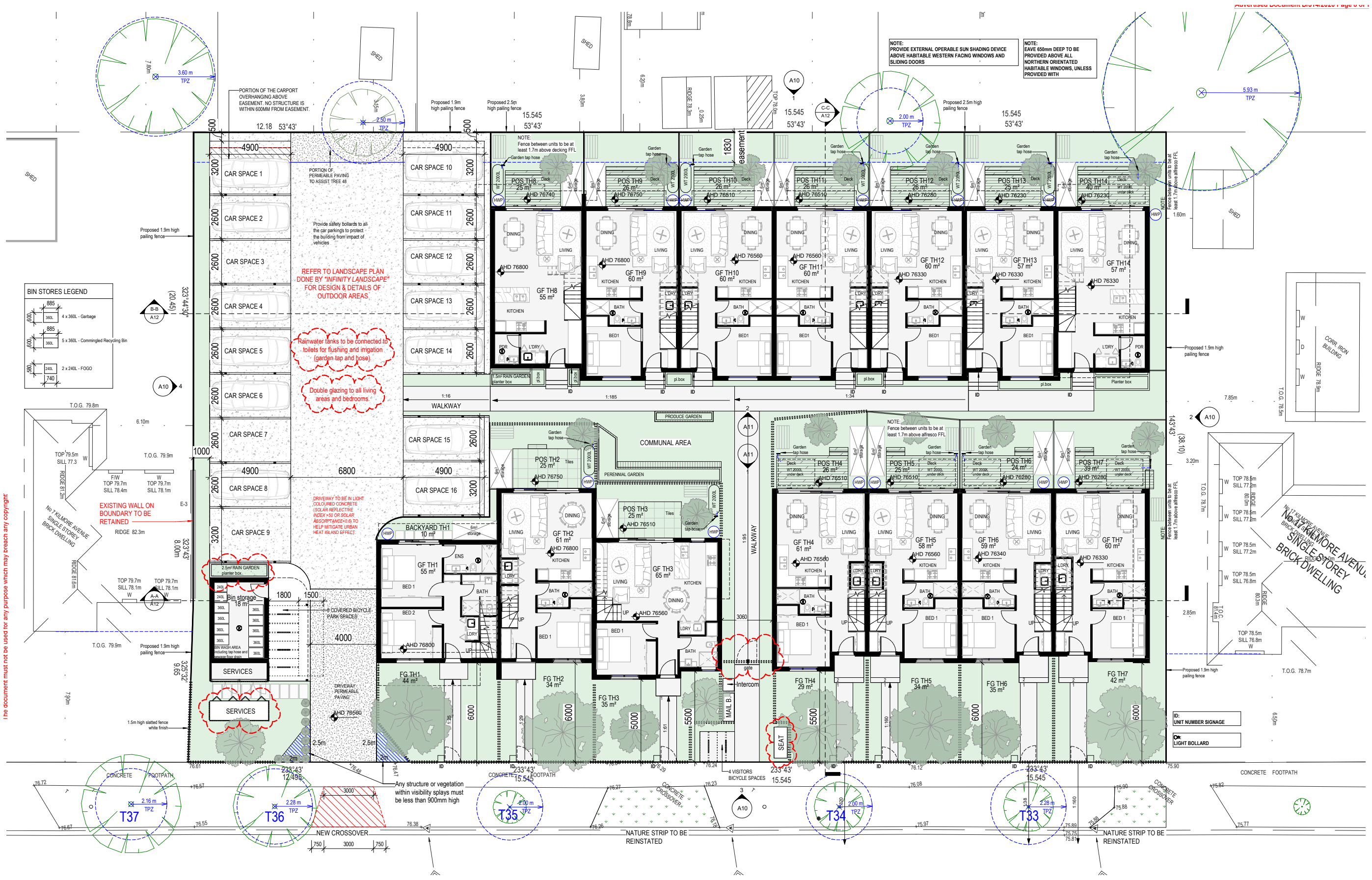
- A** ON SITE CAR SPACES PROVIDED FOR DWELLINGS TO MINIMISE ON STREET PARKING.
- B** EXISTING CROSSOVER TO BE REMOVED & NATURE STRIP TO BE REINSTATED.
- C** MAIL BOXES
- D** WATER/ELECTRICITY METERS
- E** RAIN WATER TANK TO BE CONNECTED TO TOILETS FOR FLUSHING AND IRRIGATION. TAP HOSE TO BE PROVIDED IN GARDEN.
- F** RETRACTABLE CLOTHES LINE (TH1 C/L LOCATED ON BALCONY)
- G** GARBAGE BINS STORAGE
- H** PROPOSED NEW CROSSOVER TO RESPONSIBLE AUTHORITIES APPROVAL
- I** MIN. 6 CUBIC METER MIN. OF STORAGE PROVIDED EACH UNIT
- L** NORTH ORIENTATED PRIVATE OPEN SPACE. (TH1 POS IS LOCATED ON FIRST FLOOR BALCONY)
- M** 8 COVERED BICYCLE SPACES
- N** LARGE CANOPY TREE
- O** COMMUNAL AREA
- P** 4 VISITORS BICYCLE SPACES
- Q** 1 VISITOR CAR SPACE
- R** FENCE TO BE TRANSPARENT AND TREATED WITH VERTICAL SLATS. & TO PROVIDE VERTICAL LANDSCAPE
- S** RAIN GARDEN

NOTE: EAVE 650mm DEEP TO BE PROVIDED ABOVE ALL NORTHERN ORIENTATED HABITABLE WINDOWS

ID: UNIT NUMBER SIGNAGE

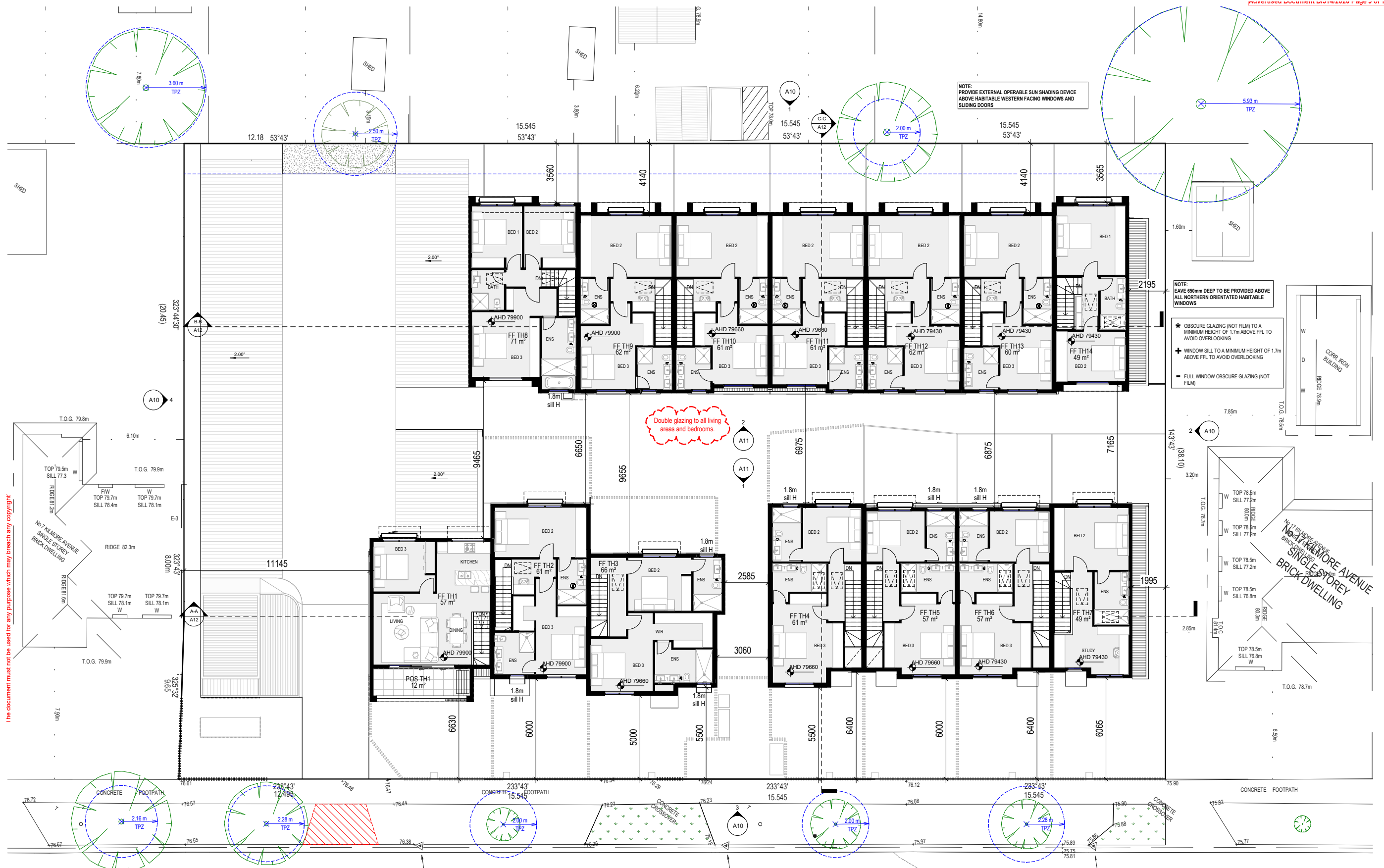
CB: LIGHT BOLLARD

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**DRAWING:**  
**PROPOSED FIRST FLOOR PLAN**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

**AMENDMENT:**

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**DATE:** 13.02.2023  
**SCALE:** 1 : 100  
**JOB N° :** CKA 17-071  
**DRAWN :** AF

**No in SET:** **A08**  
Rev TP-6  
**ISSUE:** TP AMENDMENT RFI RESPONSE

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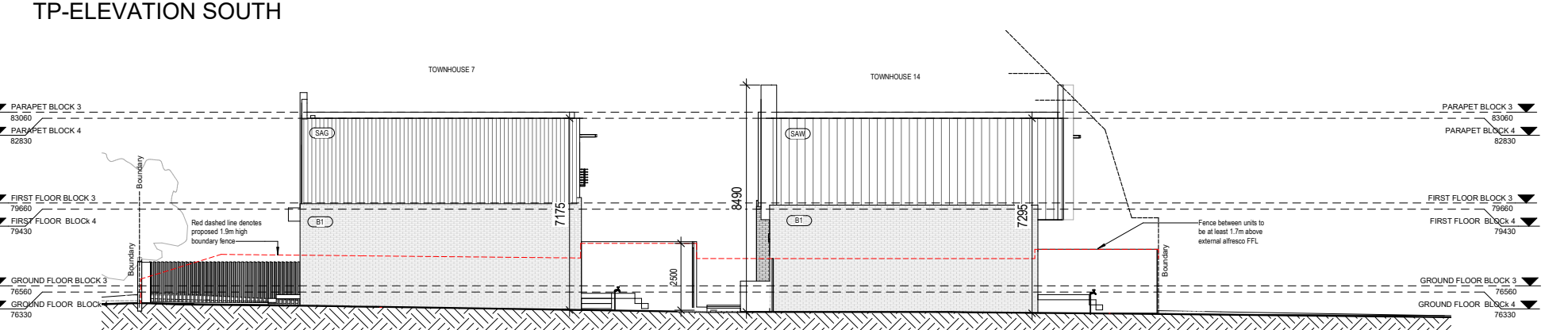
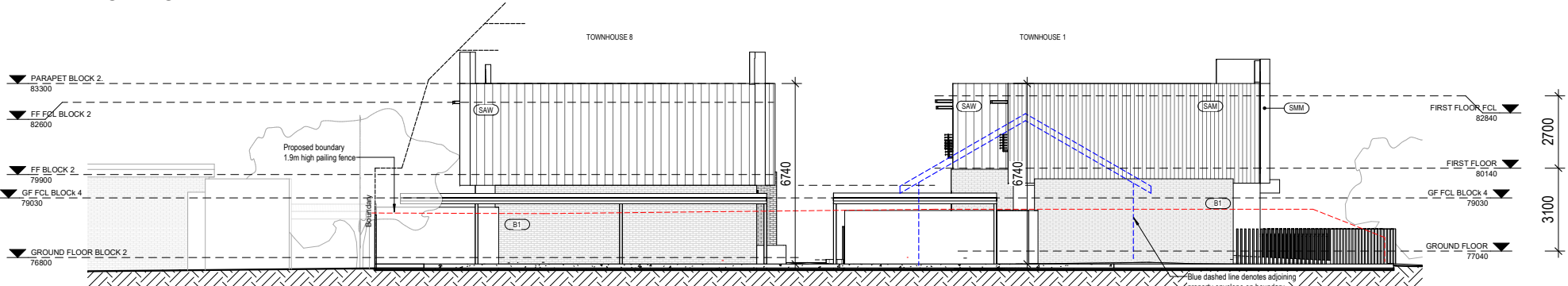
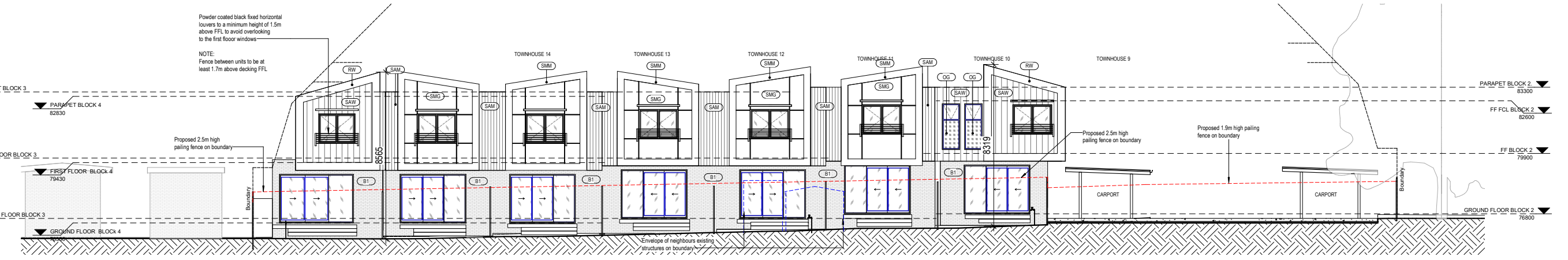
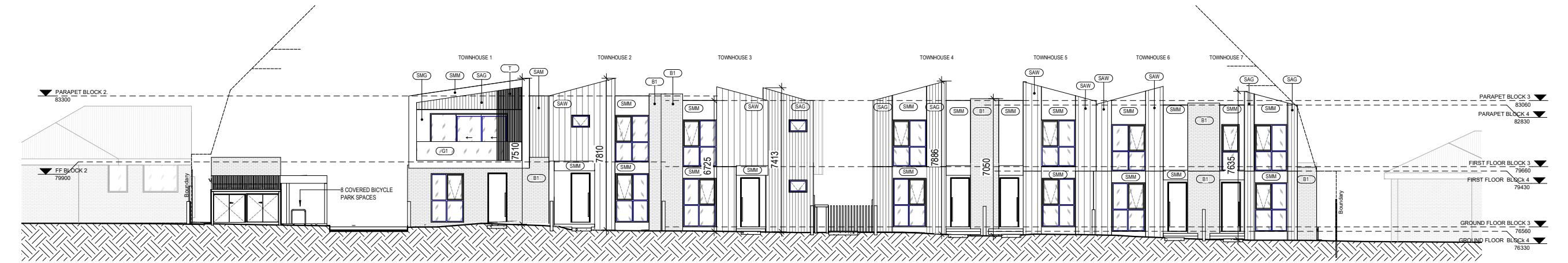




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PLANNING COMMITTEE MEETING Page 11 of 11



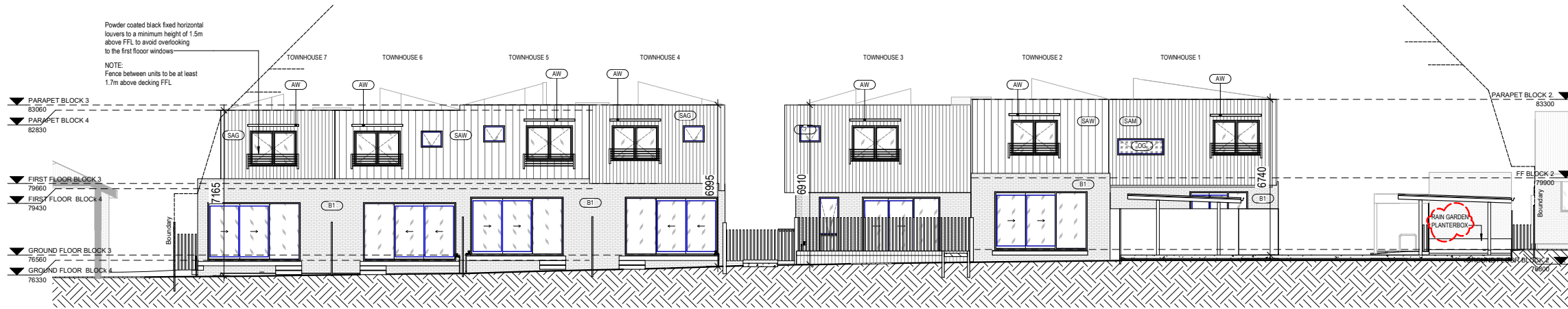
NOTE: WALL HEIGHTS TAKEN FROM (APPROX) NATURAL GROUND LEVEL AT VERTICAL POINT OF RESPECTIVE MEASURED POINT

NOTE: OB: OBSCURE GLAZING TO HAVE A MAXIMUM TRANSPARENCY OF 25% TO A MINIMUM HEIGHT OF 1.7 METRES ABOVE FFL TO PREVENT OVERLOOKING

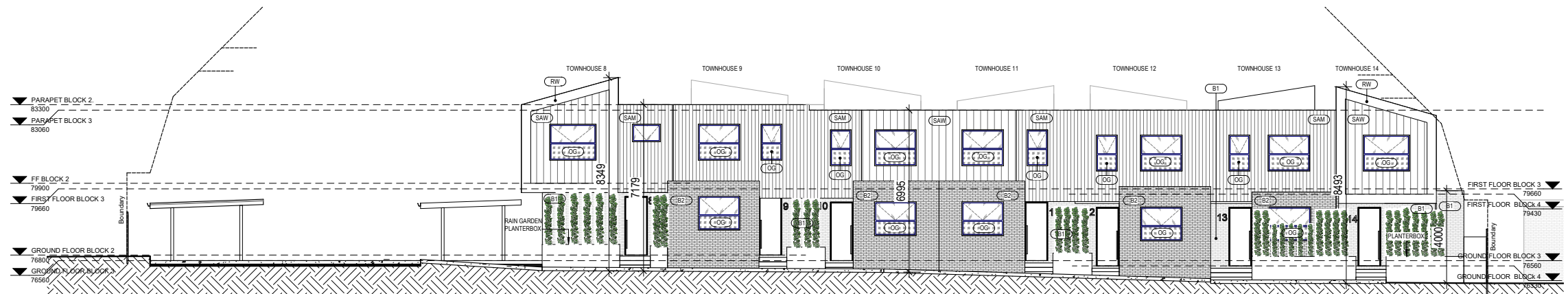
NOTE: ALL WINDOWS AND EXTERNAL DOORS TO BE ALLUMINIUM FRAMES POWDER COATED COLOR BLACK OR SIMILAR

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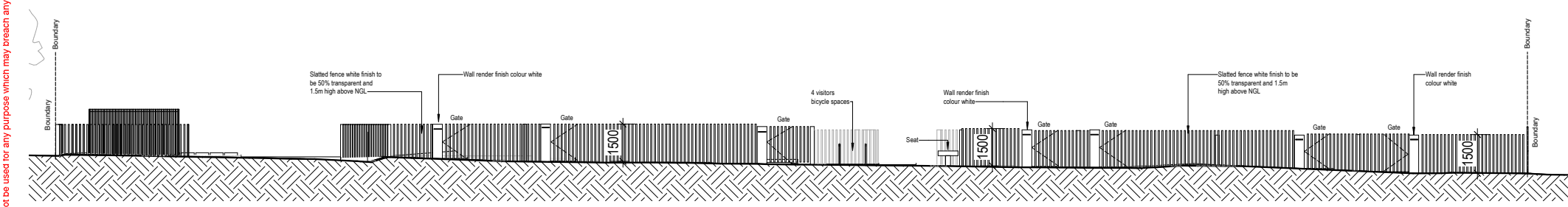
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1 INTERNAL ELEVATION NORTH-WEST  
1 : 100



2 INTERNAL ELEVATION SOUTH-EAST  
1 : 100



FRONT FENCE ELEVATION



650mm DEEP EAVE TO BE PROVIDED ABOVE ALL NORTHERN ORIENTATED HABITABLE WINDOWS

NOTE:  
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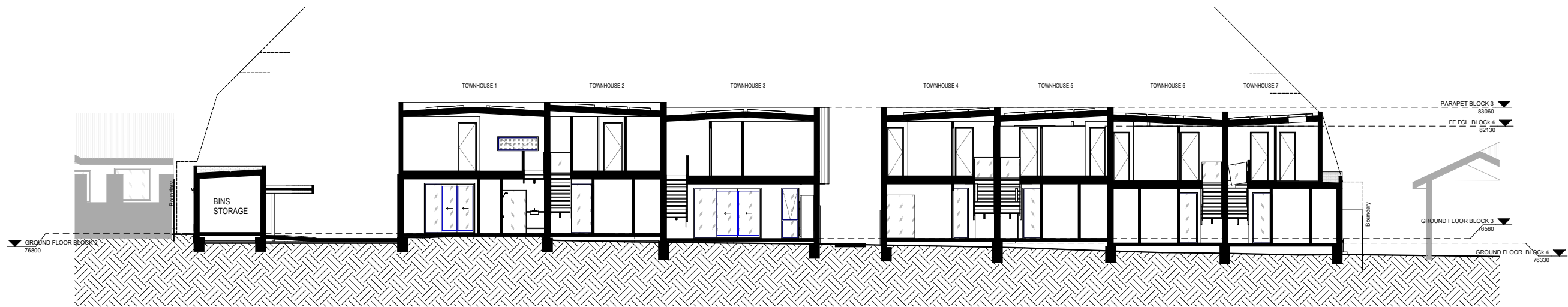
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Material legend		
Code	Description	Image
AW	Awning sun shading device colour black	
B1	Brickwall colour Light Grey	
B2	Brickwall colour San Selmo Opaque or similar shade	
G1	Glass clear	
MB	Metal cladding colour Monument	
OG	Obscure glazing	
R1	Klip Lock metal roof to be light grey	
RW	Render finish colour White	
SAG	Scyon Axon wall cladding colour Grey	
SAM	Scyon Axon wall cladding colour Monument	
SAW	Scyon Axon wall cladding colour Lexicon White	
SMG	Scyon Matrix wall cladding colour Grey	
SMM	Scyon Matrix wall cladding colour Monument	
T	Composite Timber Cladding	
TB	Battens Dark Timber looking	

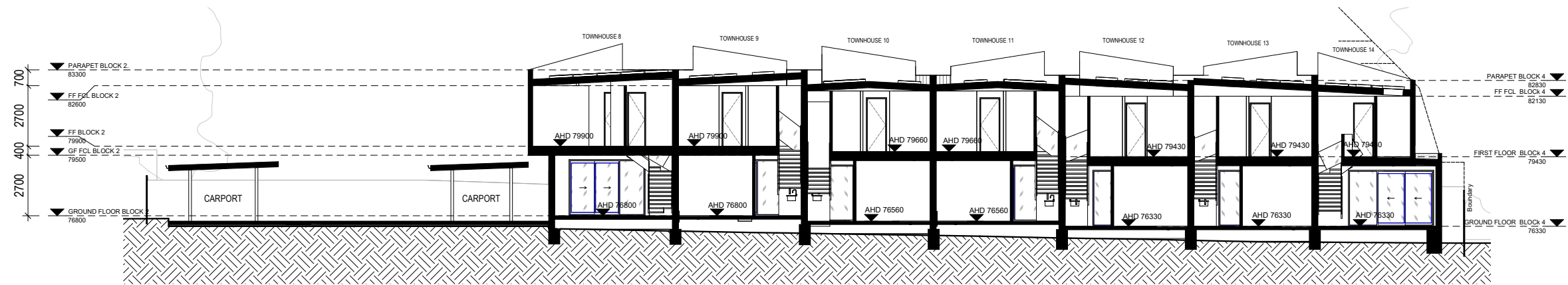
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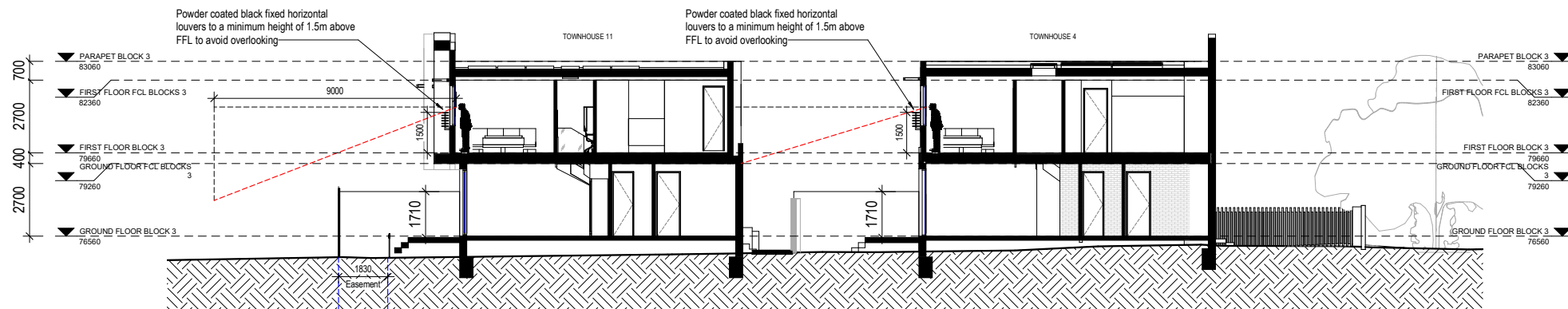
Proposed Council Submission Page 13 of 17



A-A  
A07 SECTION A-A  
1 : 100



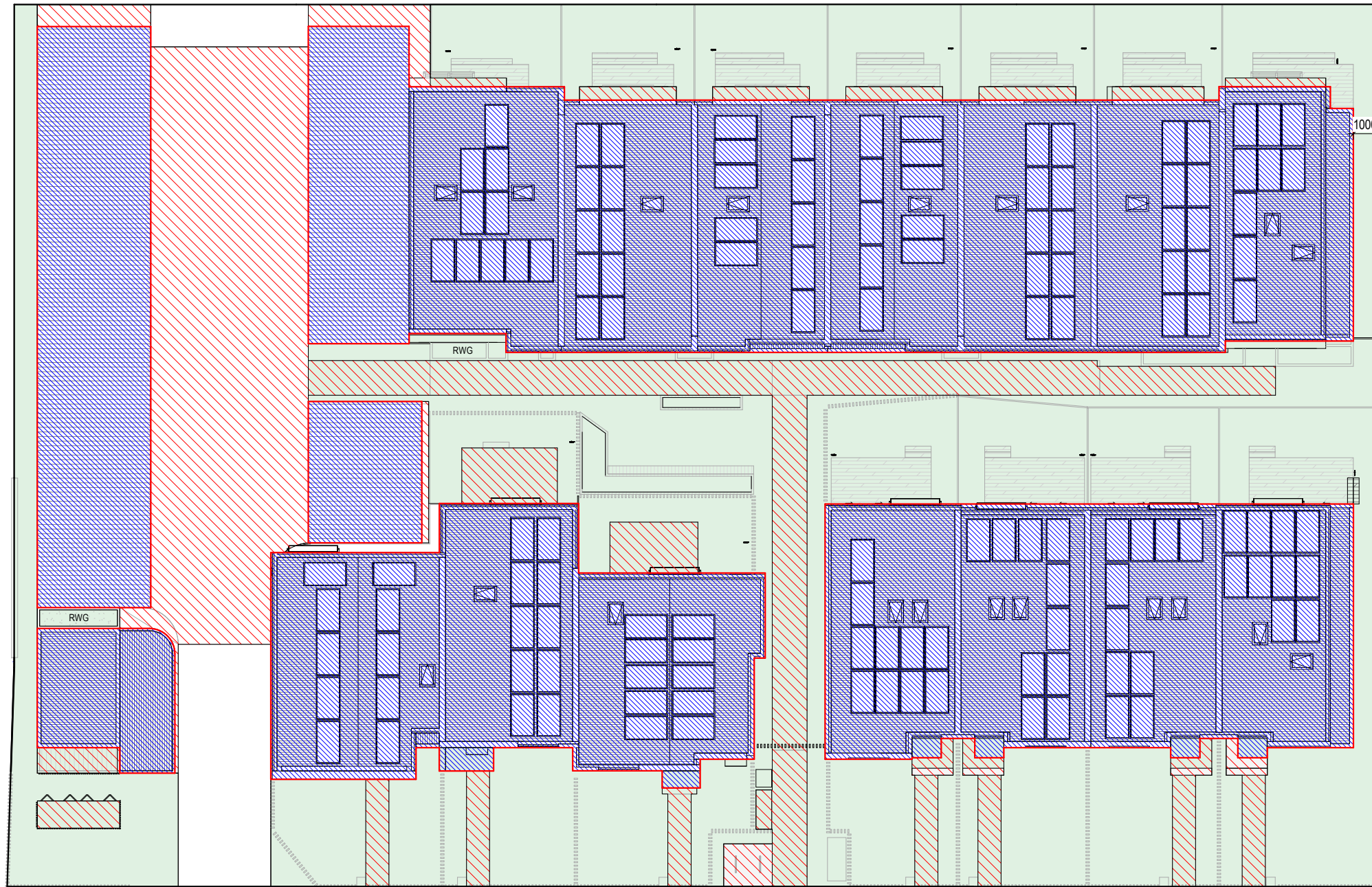
B-B  
A07 SECTION B-B  
1 : 100



C-C  
A07 SECTION C-C  
1 : 100

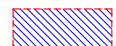


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LEGEND:

-  SITE COVERAGE
-  GARDEN AREA
-  NOT PERMEABLE AREA

AREA SCHEDULE

Site area	2242 m <sup>2</sup>	
Site coverage	1135 m <sup>2</sup>	50.6%
Permeability	743.5 m <sup>2</sup>	33.2%
Garden area	870m <sup>2</sup>	38.8%

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**DRAWING:**  
**SITE COVERAGE PLAN**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

**AMENDMENT:**

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**DATE:** 13.02.2023  
**SCALE:** 1 : 100  
**JOB N° :** CKA 17-071  
**DRAWN :** AF

**No in SET:** **A13**  
 Rev TP-6  
**ISSUE:**  
**TP AMENDMENT RFI RESPONSE**

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SHADOWS - 21 SEPTEMBER - 9AM



SHADOWS - 21 SEPTEMBER - 10AM

SHADOW LEGEND

 Existing fence shadow



SHADOWS - 21 SEPTEMBER - 11AM



SHADOWS - 21 SEPTEMBER - 12NOON

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**DRAWING:**  
**PROPOSED SHADOW DIAGRAM**  
**9AM-10AM-11AM-12PM**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

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**JOB N° :** CKA 17-071  
**DRAWN :** AF

**No in SET:** **A14**  
Rev TP-6  
**ISSUE:** TP AMENDMENT RFI RESPONSE

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SHADOWS - 21 SEPTEMBER - 1PM




SHADOWS - 21 SEPTEMBER - 2PM



SHADOWS - 21 SEPTEMBER - 3PM

SHADOW LEGEND

 Existing fence shadow

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**DRAWING:**  
**PROPOSED SHADOW DIAGRAM**  
**1PM-2PM-3PM**



**PROJECT:** Proposed multi residential unit development  
**LOCATION:** 9-15 Kilmore Avenue, Reservoir  
**CLIENT:** SPB Developments

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**ISSUE:** TP AMENDMENT RFI RESPONSE

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3D VIEW - FRONT FACADE (SOUTH-EAST)



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3D VIEW - REAR FACADE (NORTH-WEST)



3D VIEW - COMMUNAL AREA

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9-15 KILMORE AVENUE RESERVOIR 3073

Appendix D – Objector Map

Fifteen (15) objections total were received, all within a 100 metre radius of the site.

100 metres radius shown in blue.

Subject site shown in red.





9-15 Kilmore Avenue, Reservoir – Consideration of Planning Permit Application D/514/2020

## Appendix E - Reference Tables

### Clause 22.02 - Neighbourhood Character Assessment

The subject site is located within Neighbourhood Character Precinct F5 (Post war) of Darebin's Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character assessment objectives.

Objective	Comment	Compliance
Vegetation		
To maintain and strengthen the garden setting of the dwellings.	A detailed landscape plan has been provided (via Infinity Landscape Architects) which indicates substantial planting of new vegetation is possible. A condition of approval would require an amended landscape plan in accordance with the canopy tree planting required by Council's Tree Management Unit, as well as other administrative requirements (e.g. Construction details of garden beds and tree protection measures).	Complies
To integrate garden settings with creek-side environs.	The proposal is not located adjacent to the Creek.	N/A
Siting		
To provide space for front gardens.	The proposal would provide a 5-6 metre setback at the ground floor from Kilmore Avenue which provides a front garden for dwellings fronting Kilmore Avenue in accordance with the preferred neighbourhood character.	Complies.
To ensure new development retains substantial space for landscaping.	The proposal would provide sufficient space for landscaping, including a central communal open space area that will provide for additional landscaping opportunities. A detailed landscape plan is requested as a condition of the recommendation.	Complies subject to condition.
To maintain and reinforce the side boundary setback pattern and the existing	The proposal provides side setbacks between the south-western side boundary and waste/services building and north-eastern side boundary and Dwelling 7, as well as	Complies.

rhythm of spacing between dwellings.	between the waste building and Dwelling 1 and Dwelling 3 and 4, which would adequately reinforce the pattern of side setbacks and continues a rhythm of spacing between dwellings.	
To minimise the loss of front garden space and the dominance of car parking structures.	All dwellings fronting the street would be provided with a front garden and car parking would be located behind the building line, to avoid dominance of car parking structures.	Complies.
Height and Building Form		
To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.	The proposed double storey built form would respect the predominant height and form of buildings in the streetscape which is single and double storey dwellings. Further to this, the double storey proposal is consistent with the incremental housing change policy applicable to the subject site as it would present an incremental change from one storey to two storey built form.	Complies.
Materials and Design Detail		
To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.	<p>Dwellings in the area are single and double storey dwellings.</p> <p>The proposal is double storey and the upper floor is not set back one (1) room from the ground floor façade. Nevertheless, this is acceptable, as articulation is provided to the façade through setbacks, materials and openings. The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor envelope. The dwellings have been largely designed to minimise bulk, through articulation, lightweight first floor materials.</p> <p>The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over nearby single storey buildings.</p>	Complies.
To use materials and finishes that harmonise with the Darebin Creek setting for dwellings within close proximity of the creek.	The subject site is not proximate to the creek, however the materials would harmonise with the creek setting, as they are not overly dark or bright, and emphasise natural tones.	Complies.

Front Boundary Treatment		
To maintain the openness of the streetscape and views to established gardens and dwellings.	A 1.5 metre high slatted front fence is proposed which would allow sufficient views to the gardens and dwellings and maintain the openness of the streetscape.	Complies.

Overall, the proposal is compliant with the requirement of the Neighbourhood Character Study and Design guidelines for the precinct.

**Clause 55 – Rescode Assessment – Compliance Summary**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin has been included at ground floor level.	Y	Y
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings 1-7 appropriately integrate with the Street and have direct pedestrian access to Kilmore Avenue.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.2 metres, the dwellings are set back between 5 and 6 metres from the street frontage.	N	Y

Clause	Std		Compliance	
			Std	Obj
		The proposal's response is considered to meet the objective of the standard.		
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		8.565 metres or two storeys	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		50.6%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		33.2%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y

Clause	Std		Compliance	
			Std	Obj
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		The de-coupled parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		No walls are proposed on the boundary.	N/A	N/A
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		The proposal provides sufficient setbacks to all north facing windows within 3 metres of the common boundary.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		Internal views will be appropriately managed, subject to conditions.	Y	Y



Clause	Std		Compliance	
			Std	Obj
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts would be consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility. All dwellings, with the exception of Dwellings 1, 8 and 14 contain a living area, kitchen, bedroom and bathroom at ground floor.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		Please see assessment in the body of this report. The proposal would provide adequate secluded private open space for the reasonable recreation needs or future residents, subject to condition.	N	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access in accordance with the objective. Refer to the body of this report for further discussion.	N/A	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided for each dwelling.	Y	Y

Clause	Std		Compliance	
			Std	Obj
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A visually permeable 1.5 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		Common property areas are appropriate and manageable.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y

## 6. OTHER BUSINESS

### 6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

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#### EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year to date; and
- A summary of VCAT decisions since last report to Council.

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

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#### Attachments

- Applications Determined by VCAT - Report for Planning Committee (**Appendix A**) [↓](#) 

#### DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

PLANNING COMMITTEE MEETING

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**TABLE 1: SUMMARY OF DECISIONS UPHELD BY VCAT FINANCIAL YEAR TO DATE (JUL 2022 – MAY 2023)**

	Number of VCAT Decisions	Percentage of decisions upheld (excluding mediated outcomes/LGPRF reported)	Percentage of decisions upheld (including mediated outcomes)
<b>Council decisions</b>	5	40% (2 decisions)	100% (5 decisions)
<b>Delegated decisions</b>	30	47% (14 decisions)	90% (27 decisions)
<b>All decisions</b>	<b>35</b>	<b>46% (16 decisions)</b>	<b>91% (32 decisions)</b>

**Comment on performance and trends**

The results of this financial year to date are a significant improvement on last year's financial year results which were 20% of decisions upheld (excluding mediated outcomes) or around 50% (including mediated outcomes). The typical percentage of decisions upheld (excluding mediated outcomes) across similar Council's is around 58% or 50% for all decisions.

Last year's result was particularly low and in part was affected by there being a lower than usual number of overall VCAT applications, a trend that is continuing this year.

An improvement in results this financial year to date is in part accounted for by improvements to VCAT procedures that the team have been implementing. In addition, VCAT have increased the number of matters that can go to a compulsory conference, which is increasing the number of mediated outcomes reached.

**Notes on Table 1**

*Table 1 summarises VCAT decision types and outcomes required to be reported to the Local Government Performance Reporting Framework (LGPRF).*

*As LGPRF reporting does not reflect mediated outcomes as a decision upheld, decisions upheld based on a mediated outcome are distinguished in the table as percentage of decisions upheld including mediated outcomes.*

*Some less common VCAT application types are also not reported to LGPRF (for instance applications to cancel a permit, obtain a declaration and enforcement proceedings are not reported). This financial year to date, there have been six VCAT decisions that are not reportable to LGPRF and are not captured in the above table. Five of these decisions concerned delegated decisions of Council and were withdrawn (by the appellant) or struck out by the Tribunal, while one upheld Council's position.*

PLANNING COMMITTEE MEETING

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*Council decisions are decisions made by the Planning Committee. Delegated decisions are decisions made under Council’s delegation instruments by Planning Officers in the Statutory Planning Unit.*

**TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL**

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin’s position upheld?
D/312/2021 P287/2022	19 Winifred Street Preston – Central	Two (2) double storey dwellings	Support (NOD issued)	Delegate	S82	Hearing	Permit granted (with conditions)  14 April 2023	Yes
<p><b>Discussion</b> The applicant submitted amended plans at the hearing, which provided further detail and increased the western setback opposite the neighbouring secluded private open space (SPOS). This reduced overshadowing and visual bulk impacts on the adjoining property.</p>								
D/508/2022 P96/2022	125 Radford Road Reservoir – North West	Two (2) lot subdivision	Planning permit issued	Delegate	S80	Hearing	Permit amended 24 April 2023	Yes
<p><b>Discussion</b> The applicant considered the subdivision was exempt from the Public Open Space levy and applied to the Tribunal to have the permit condition reviewed and deleted from the permit. The Tribunal supported Council’s position and considered the subdivision was not exempt as at least one of the lots could be further subdivided.</p>								

PLANNING COMMITTEE MEETING

13 June 2023

D/125/2022 P1446/2022	53 King William Street Reservoir – North Central	Two (2) double storey dwellings	Support (NOD issued)	Delegate	S82	Compulsory Conference	Permit granted (with conditions) 27 April 2023	Yes
<p><b>Discussion</b> A mediated position was reached as a result of built form changes agreed to by the permit applicant to address objector concerns. Changes included a reduction of the built form adjacent to neighbouring windows and reducing the roof pitch at the rear in order to reduce the appearance of bulk.</p>								
D/154/2022 P1468/2022	31 Dundee Street Reservoir – North East	Construction of four (4) dwellings	Support (NOD issued)	Delegate	S82	Compulsory Conference	Permit granted (with conditions)  1 May 2023	Yes
<p><b>Discussion</b> A mediated position was reached as a result of condition changes agreed to by the permit applicant to address objector concerns. Changes related to additional screening measures, fence heights and the type of canopy trees to be planted along the boundary with the objector neighbour.</p>								
D/617/2021 P1451/2022	4-6 Cool Street Reservoir – West	Construction of four (4) dwellings	Refuse	Council	S77	None	Permit granted (with conditions)  2 May 2023	Yes
<p><b>Discussion</b> A mediated position was reached as the permit applicant agreed to changes to address Council’s concerns. The changes resulted in an improved internal layout, addressing safety and urban design concerns, a reduced vehicle crossover width and improved vehicle maneuver ability.</p>								

PLANNING COMMITTEE MEETING

13 June 2023

**Notes on Table 2***\*VCAT appeal types explained:*

**S77** – Section 77 Application for review of Council's refusal to grant a planning permit, by the applicant

**S78** – Section 88 Application for review of notice or information requirements requested by Council, by the applicant

**S79** – Section 79 Application for review of Council's failure to determine the application within the 60 day statutory timeframe, by the applicant

**S80** – Section 80 Application for review of Council's conditions on a planning permit, by the applicant

**S81** – Section 81 Application for review of Council's decision to not extend a planning permit, by the applicant

**S82** – Section 82 Application for review of Council's decision to support a proposal, by objectors

*\*\*VCAT hearing types explained:*

**Practice Day Hearing** – Administration hearing - VCAT gives direction on how the case will proceed, sets dates, discusses preliminary legal issues, etc

**Compulsory Conference** – Prior to the full hearing, parties confidentially discuss ways to resolve the case with the help of a VCAT member, may result in a mediated outcome being reached

**Hearing** – VCAT hearing where parties present their case and the decision is made after consideration by VCAT

**None (decision made on the papers)** – decision reached without the need for a hearing, usually where parties reached a mediated outcome outside of the Tribunal or where an appeal is withdrawn or struck out for administrative reasons

**Major Case** – Major cases are heard sooner and can reach a resolution quicker than other planning cases. Most cases are eligible to be heard as a major case, but one of the parties must pay higher fees. Applications for review under Sections 77, 79, 80 and 82 are all eligible

**Short Case** – These are cases which are not complex and can be handled in a short amount of time, typically involving limited issue/s and less parties. These cases are heard sooner and decisions are typically made orally at the hearing

*\*\*\*Decision upheld is all decisions where the Tribunal affirms Council's decision/recommendation with no change or varies Council's decision/recommendation with changes (i.e. adds conditions)*

**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

Nil

**8. CLOSE OF MEETING**




**CITY OF  
DAREBIN**

274 Gower Street, Preston  
PO Box 91, Preston, Vic 3072  
T 8470 8888 F 8470 8877  
E [mailbox@darebin.vic.gov.au](mailto:mailbox@darebin.vic.gov.au)  
[darebin.vic.gov.au](http://darebin.vic.gov.au)

 **National Relay Service**  
[relayservice.gov.au](http://relayservice.gov.au)

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