

DAREBIN PLANNING SCHEME
Incorporated Document

5-9 Nisbett Street, Reservoir – September 2020

This document is an incorporated document in the Darebin Planning Scheme pursuant to *the Section 6(2)(j) of the Planning and Environment Act 1987*

1.0 INTRODUCTION

The document is an Incorporated Document in the schedule to Clause 45.12 and the schedule to Clause 72.04 of the Darebin City Council Planning Scheme (planning scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and clauses contained in Clause 6.0 of this document.

The controls in this document prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this incorporated document is to permit and facilitate the use and development of the land described in Clause 3.0 for building and works comprising the construction of a four-storey building containing 32 dwellings and a reduction to the car parking requirement on land in the Residential Growth Zone – Schedule 3 and the Development and Design Overlay – Schedule 19, generally in accordance with the plans approved under Clause 5.0 of this incorporated document.

3.0 ADDRESS OF THE LAND

This document applies to the land at 5-9 Nisbett Street, Reservoir (Lot 25 LP59113, Lot 26 LP59113 and Lot 27 LP59113) that is affected by the SCO3 and as identified in Figure 1 below.



Figure 1: Land subject to this incorporated document highlighted in red

4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the

development permitted by this document, with the exception of the provisions of Clause 52.05 Signs which continue to apply.

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows the development of a four-storey building containing 32 dwellings and a reduction to the car parking requirement on land in the Residential Growth Zone – Schedule 3 and the Development and Design Overlay – Schedule 19, generally in accordance with the following plans prepared by Point Architects, dated 16 July 2019 but modified to include changes required by the clauses of this Incorporated Document at Clause 6.0 of this document:

CS000 Cover Street + Street Perspective
SA001 Site Analysis
SA002 Design Response
TP000 Development Summary
TP000A Typical Apartments
TP100 Proposed Ground Level Floor Plan
TP101 Proposed Level 1 Floor Plan
TP102 Proposed Level 2 Floor Plan
TP103 Proposed Level 3 Floor Plan
TP104 Proposed Roof Plan
TP200 Proposed Elevations Sheet 1
TP201 Proposed Elevations Sheet 2
TP202 Section
TP203 Streetscape
TP300 Shadow Diagrams @ 9am and 10am
TP301 Shadow Diagrams @ 11am and 12pm
TP302 Shadow Diagrams @ 1pm and 2pm
TP303 Shadow Diagrams @ 3pm
TP400 Survey

and including any amendment of the plans that may be approved from time to time under the clauses of this document. Once approved, these plans will be the Incorporated Plans.

6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT

1. Before the development starts (excluding bulk excavation and early works), amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (identified as Landscape Plan, dated 28/11/2019 and Dwg No. TP000, TP100, TP101, TP102, TP103, TP104, TP200, TP201, TP202, Rev B and TP203 Rev A, Dated 20/3/2020, Job No. 979, drawn by Point Architects and received by Council on 29 April 2020) but modified to show:
 - a) A notation that no buildings or structures are permitted over the easement on the site and all works close to the easement must consider the appropriate angle of repose to all existing Council drainage assets.
 - b) A notation that all redundant crossovers must be reconstructed with full kerb and channel to the satisfaction of the Responsible Authority.
 - c) The location of the mailboxes cohesively integrated into the building and in a convenient location as required by Australia Post.

- d) A section diagram of the bicycle racks.
- e) A southern elevation plan of dwelling 1.08 depicting the louvre screen on the balcony as shown in the section diagram on sheet TP203.
- f) The eastern balcony balustrade of dwelling 3.05 shown as being 1.4 metres high and with a 0.6 metre wide ledge. A section diagram must be provided which demonstrates that the balcony ledge allows for distant and not downward views.
- g) A notation on the plan that the front fence must be a maximum height of 1.5 metres with at least 20% visual transparency above 1.2 metres.
- h) Notations on the plan that all side and rear boundary fencing is either existing or proposed. Fencing notations must include height and materials.
- i) A landscape plan in accordance with Clause No. 5 of this Incorporated Document.
- j) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Clause No. 8 of this Incorporated Document.
- k) External sun shading devices (excluding roller shutters) to all west facing habitable room windows and glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- l) An acoustic assessment in accordance with the requirements of Clause No. 9 of this Incorporated Document.
- m) Annotations and modifications in accordance with the Sustainable Design Assessment (refer to Clause No. 10 of this Incorporated Document).
- n) Annotations and modifications in accordance with the Waste Management Plan (refer to Clause No. 11 of this Incorporated Document).
- o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
- p) A single communal antenna for the development (refer also to Clause No. 25 of the Incorporated Document). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- q) The location, dimensions and design layout of site services, including meters, air conditioning units, hot water systems, hydrants and pumps. These are to be co-located where possible, screened to be minimally visible from the public realm, streetscape and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- r) All roof plant must be screened from view and integrated into the architecture of the building to the satisfaction of the Responsible Authority.

When approved, the plans will be the Incorporated Plans and form part of this Incorporated Document.

2. The development as shown on the Incorporated Plans must not be altered without the prior written consent of the Responsible Authority.
3. The existing street tree in front of No. 5 Nisbett Street, Reservoir must be removed by the developer at its own cost, to the satisfaction of the Responsible Authority.
4. Before the development starts, a tree replacement fee of \$500 for the removal of trees 1 and 3 must be paid to the Responsible Authority for replacement nature strip planting.
5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the landscape Plan is approved, it will be endorsed and will then form part of the Incorporated Plans. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) The tree protection zones as outlined under Clause No. 8 of this Incorporated Document.
 - b) The two Acer spp. (Maples) shown on the landscape plan substituted for suitable native or indigenous species.
 - c) Inclusion of at least 50% indigenous plant species as site is in proximity to Darebin Creek.
 - 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.
 - 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. All proposed planting must be to the satisfaction of the Responsible Authority.
 - g) Screen vegetation must be planted along the southern property boundary and along the car spaces along the eastern and western property boundary.
 - h) All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - 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) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.

- 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 must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - p) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

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

Tree	TPZ (radius from the base of the trunk)
Tree 2 – Street tree in front of No. 7 Nisbett Street, Reservoir.	4.2 metres
Tree 3 – Street tree in front of No. 9 Nisbett Street, Reservoir	5.4 metres

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

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

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

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

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

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

Tree Protection Zones and the methods of tree protection must be clearly notated on all plans.

All excavation works within the TPZ's (including the removal of existing crossovers) must be supervised by a qualified arborist

Any roots uncovered must be pruned with sharp/sterile tools

Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs.

9. Before development starts (excluding bulk excavation and early works), an acoustic assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
 - a) Dwellings are to be designed to achieve the following noise levels:
 - (i) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - (ii) Not greater than 40dB(a) for living areas, assessed LAeq, 16h from 6am to 10pm.
 - (iii) Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.
 - b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

10. Before the development starts (excluding bulk excavation and early works), a revised Sustainable Design Assessment generally in accordance with the document identified as (Sustainability Management Plan, dated 24 April 2020, prepared by Frater Consulting and received by Council on the 29 April 2020) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
 - BESS Energy – the angle of the solar panels must be increased to 10 degrees. This must be updated in the BESS Report and a note included on the plans.
 - The NatHERS energy ratings list R3 insulation for ceiling areas of exposed roof. This rating must be improved.

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

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

11. Before the development starts (excluding bulk excavation and early works), a revised Waste Management Plan generally in accordance with the document identified as (Waste Management

Plan, dated 27 May 2020, prepared by Frater Consulting and received by Council on the 27 April 2020) must be submitted to, and approved in writing, by the Responsible Authority. The document is to be amended as follows:

- a) Include measures that will be taken to minimise material sent to landfill including ways recycling and treatment of organic/food waste will be maximised;
- b) Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
- c) Include calculations showing the amount of general, recycle, organic waste (including food waste) expected to be generated;
- d) Detail the size of bins, frequency of collection and hours of collection;
- e) 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) the storage area is capable of accommodating and allowing convenient access to the waste bins;
 - (iv) the location on the site where the bins will be placed for collection;
 - (v) 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.
- f) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;
- g) Show how fully loaded waste bins will be taken to the point of waste collection;
- h) Confirm that the bins will be removed from the street promptly after collection;
- i) A notation confirming that air emissions will be in accordance with the EPA guidelines in relation to air emissions.

The provisions, recommendations and 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 collections, 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.

12. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:

- a) Erosion and sediment.
- b) Stormwater.

- c) Litter, concrete and other construction wastes.
- d) Chemical contamination.

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

13. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
14. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the *Building Code of Australia*.
15. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. Noise from fixed domestic plant must comply with Section 48A of the *Environment Protection Act 1970* and the *Environment Protection (Residential Noise) Regulations 2008*.
18. The land must be drained to the satisfaction of the Responsible Authority.
19. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
20. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
21. No plant, equipment, services or architectural features other than those shown on the Incorporated Plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
22. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
23. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the Incorporated Plan(s) must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;

- c) surfaced with an all weather sealcoat; and
- d) drained to the satisfaction of the Responsible Authority.

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

- 24. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
- 25. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.

7.0 EXPIRY OF INCORPORATED DOCUMENT

This Incorporated Document will expire if one of the following circumstances applies:

- The development is not started within one year of the date of the gazettal of amendment C193dare.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

End of Document