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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 April 2022

Released to the public on 14 April 2022

**LIVE STREAMING OF THE PLANNING COMMITTEE MEETING WAS MADE
AVAILABLE ON COUNCIL'S INTERNET SITE**



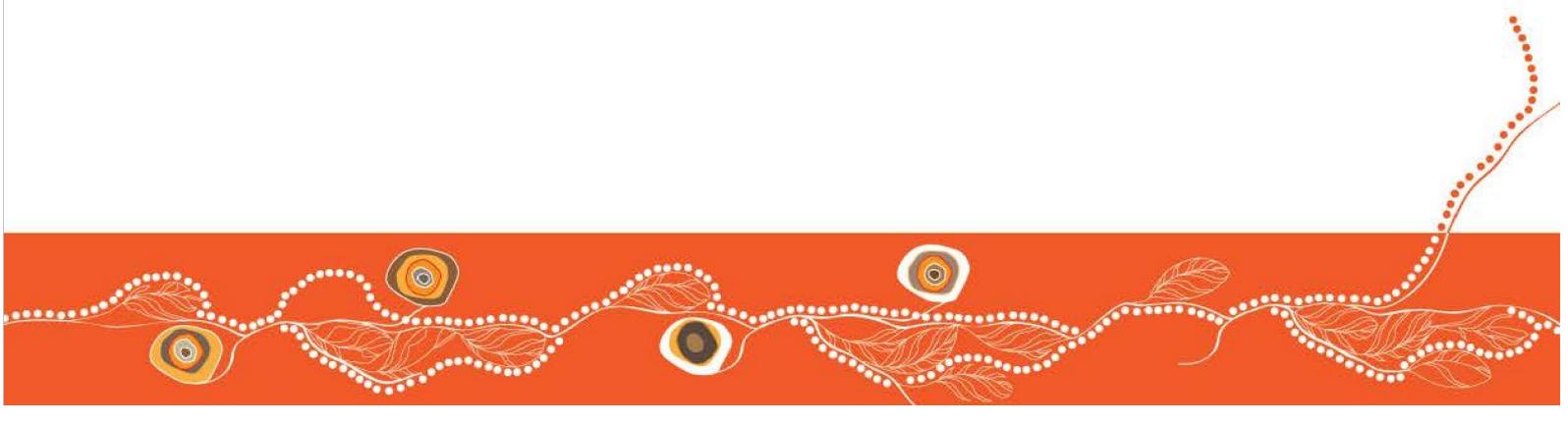
ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

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

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

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

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



(2)

English

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये योजना समिति की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਪੇਜਨਾਰਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

Table of Contents

Item Number	Page Number
1. PRESENT	1
2. APOLOGIES.....	2
3. DISCLOSURES OF CONFLICTS OF INTEREST	2
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	2
5. CONSIDERATION OF REPORTS	3
5.1 APPLICATION FOR PLANNING PERMIT D/740/2021	3
721-725 High Street Preston.....	3
5.2 APPLICATION FOR A PLANNING PERMIT D/738/2020	18
42 ELIZABETH STREET, COBURG	18
5.3 HEIDELBERG ROAD HERITAGE - PLANNING SCHEME AMENDMNET C203DARE	34
6. OTHER BUSINESS	38
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	38
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	39
8. CLOSE OF MEETING.....	39

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 11 APRIL 2022

THE MEETING OPENED AT 6.33 PM

WELCOME

The Chairperson, Mayor Messina opened the meeting with the following statement:

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land and waters 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.

1. PRESENT

Councillors

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Rachel Ollivier – Acting Chief Executive Officer

Kathryn Pound – Manager City Development

Julie Smout – Coordinator Statutory Planning

Jolyon Boyle – Coordinator Priority Development

Amy O’Keefe – Senior Strategic Planner

Alia Slamet – Principal Strategic Planner

Stephen Mahon – Coordinator Council Business

Georgina Steele – Council Business Officer

Michelle Martin – Council Business Officer

2. APOLOGIES

Apologies were received from Councillor Susanne Newton, Councillor Trent McCarthy and Councillor Tom Hannan.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Officer Recommendation

That the Minutes of the Planning Committee Meeting held on 15 March 2022 be confirmed as a correct record of business transacted.

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. S Rennie

That the Minutes of the Planning Committee Meeting held on 15 March 2022 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/740/2021 721-725 High Street Preston

Author: Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
McMillan Property Group	Gary McMillan Corporation	Urbis Ola Architecture GIW Environmental Solutions One Mile Grid

SUMMARY

- The application is for the development of a seven (7) storey (including roof top terrace; plus two basements) mixed use development comprising:
 - Two (2) retail premises with a floor area of 107 square metres
 - 31 dwellings (3 x 1 bedroom and 28 x 2 bedroom apartments)
 - 32 car parking spaces
 - 48 bicycle spaces and a bicycle repair station
 - Five (5) motorbike spaces
 - Removal of an easement
- The site is zoned Mixed Use Zone and is affected by the Development Contributions Plan Overlay.
- The mandatory garden area requirements do not apply.
- There is no restrictive covenant on the title for the subject land.
- Two (2) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.06, 52.06 and 58 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Assets and Capital Delivery Unit, Tree Management Unit, City Designer, City Design Unit, Property Management Unit, Strategic Planning Unit, Climate Emergency and Sustainable Transport Unit, ESD Officer and WSUD Officer.
- This application was referred externally to Yarra Valley Water.

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/740/2021 721-725 High Street, Preston:

- **Christina McRae – Applicant**
- **Laurie Amerena – Objector**

Officer Recommendation

That Planning Permit Application on D/740/2021 be supported and a Notice of Decision to Grant a Permit be issued for Development of a seven (7) storey (including communal roof top terrace and two basements) mixed-use development and a reduction in the standard car parking requirements at 721-725 High Street, Preston 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 the advertised plans: drawings A2.01-A4.04, prepared by Ola Architecture and dated 20.10.2021) but modified to show:
 - a. 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 side of the proposed crossover to Regent Street. 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.
 - b. Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 4 and 5 of this Permit.
 - c. Any modifications required as a result of the approved Landscape Plan required by Condition No. 6 of this Permit.
 - d. The street address of the building '721 High' included on the High Street planter box as per reference plan A.3.01, prepared by Ola Architecture and dated 07.02.2022.
 - e. The canopy over the public footpath on High Street and Regent Street with a setback of 0.75 metres from the kerb and a minimum clearance height of 3 metres above the level of the footpath. The canopy must not interfere with existing street trees.
 - f. Visitor bicycle parking within the High Street reserve in accordance with Condition No. 10 of this Permit.
 - g. Clear glazing to the eastern and southern walls of the mail room as per reference plan A.2.03, prepared by Ola Architecture and dated 07.02.2022.
 - h. The entry to apartment G.04 relocated and the layout amended as per reference plan A.2.03, prepared by Ola Architecture and dated 07.02.2022.
 - i. Changes to the apartment layouts on the ground floor, first floor and second floor levels as per Drawings A2.03, A2.04 and A2.05 prepared by Ola Architecture and dated 07.02.2022.
 - j. The tiled private open space areas of apartments 3.02 and 3.03 increased to a

minimum of 2 metres for a width of a minimum of 4 metres.

- k. The extent of the unsealed section of road R1 to be utilised for vehicle/pedestrian access to the site clearly delineated; and full construction details including materials, drainage and levels provided, in accordance with Condition 11 of this Permit.
- l. A single communal antenna for the development in accordance with Condition No. 12 of this Permit. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

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. The land must be drained to the satisfaction of the Responsible Authority.
- 4. 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):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1	Naturestrip High Street	2.0 metres
Tree 2	Naturestrip Regent Street	2.0 metres
Tree 3	Naturestrip Regent Street	2.0 metres

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition 4 of this Permit:
 - a. 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.
- 6. 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, be drawn to scale with dimensions, and must incorporate:
 - a. Tree protection measures in accordance with Conditions No. 4 and 5 of this Permit.
 - b. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 7 of this Permit).
 - c. Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - d. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e. A diversity of plant species and forms.
 - f. Two (2) small sized canopy trees in the private open space of the proposed

- development.
- g. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - h. Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - i. 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).
 - j. Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - l. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m. Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - n. Scale, north point and appropriate legend.
 - o. Landscape specification notes including general establishment and maintenance requirements.
 - p. A maintenance planting schedule, including:
 - q. Details of who will be responsible for the maintenance of the landscaping
 - i. Required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - ii. Access requirements/agreements
 - iii. Irrigation and plant nutrition

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.

7. 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 Sustainable Management Plan Rev E, prepared by GIW Environmental Solutions and dated 27.09.2021).

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

8. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by will bthe author of the SMP endorsed under

Condition 7 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.

9. Before plans are endorsed under Condition No. 1 of this Permit, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will then form part of this Permit. The amended WMP must be generally in accordance with the document identified as Waste Management Plan prepared by One Mile Grid and dated 19 October 2021 but modified to show:
 - a. The updated waste storage area on page 6 of the reportThe requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development is occupied, either:
 - a. Visitor bicycle parking in the High Street reserve adjacent to the site must be carried out by the permit holder, at their cost, under supervision, and to the satisfaction of the Responsible Authority; or
 - b. Contribution must be made (equivalent to four (4) bicycle spaces) to cycling infrastructure near the site (where possible) or within the municipality, or
11. Prior to the occupation of the development:
 - a. Plans detailing the construction and surfacing including drainage of road R1 abutting the western boundary of the property, commencing from Regent Street and continuing north to the garage of 727 High Street must be submitted to and approved by Council.
 - b. The road R1 abutting the western boundary of the property, commencing from Regent Street and continuing north to the garage of 727 High Street must be constructed and surfaced in accordance with the approved plans.All works must be to the satisfaction of the Responsible Authority.
12. Only one (1) communal television antenna may be erected on the building and located to be minimally visible from High Street and Regent Street. Individual antennae for individual dwellings/tenancies must not be erected.
13. Before the development starts a Demolition and Construction Management Plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Demolition and Construction Management Plan will be endorsed and will then form part of this Permit. The Demolition and Construction Management Plan must address, without limitation, the following:
 - a. Contact details for key construction site staff including after-hours contact numbers.
 - b. Hours for the construction activity.
 - c. Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
 - d. Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
 - e. The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
 - f. On site facilities for vehicle washing.
 - g. Delivery and unloading points and expected frequency.
 - h. The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
 - i. Any traffic management plans and measures that will be required to allow

vehicles to safely access the site and to safely undertake deliveries/works.

- j. Management of laneway access during construction.
- k. An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
- l. The processes to be adopted for the separation, re-use and recycling of demolition materials.
- m. The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
- n. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- o. Any other relevant matters.

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

- 14. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
- 17. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 18. 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;
 - e. Line-marked to indicate each car space and all access lanes; and
 - f. Clearly marked to show the direction of traffic along the access lanes and driveways,to the satisfaction of the Responsible Authority.
- 19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 20. Before the development is occupied 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.
- 21. Before the development is occupied, an automatic external lighting system capable of illuminating car and bicycle parking areas, access lanes and driveways must be

provided on the site 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.

22. This Permit will expire if either:

a. The development does not start within three (3) years from the date of this Permit; or

b. The development is not completed within five (5) years of the date of this Permit.

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

c. Before this Permit expires;

d. Within six (6) months after the expiry date; or

e. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

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 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 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.

N6 In relation to the requirements of Condition 10 of this Permit, please contact Council's Transport Engineering Unit (Ph: 03 8470 8220) or Transport@darebin.vic.gov.au for details on how to supply on-street bicycle spaces or to make an equivalent contribution.

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.

Motion

MOVED: Cr. S Rennie
SECONDED: Cr. T Laurence

That Planning Permit Application on D/740/2021 be supported and a Notice of Decision to Grant a Permit be issued for Development of a seven (7) storey (including communal roof top terrace and two basements) mixed-use development and a reduction in the standard car parking requirements at 721-725 High Street, Preston 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 the advertised plans: drawings A2.01-A4.04, prepared by Ola Architecture and dated 20.10.2021) but modified to show:
 - a. 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 side of the proposed crossover to Regent Street. 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.
 - b. Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 4 and 5 of this Permit.
 - c. Any modifications required as a result of the approved Landscape Plan required by Condition No. 6 of this Permit.
 - d. The street address of the building '721 High' included on the High Street planter box as per reference plan A.3.01, prepared by Ola Architecture and dated 07.02.2022.
 - e. The canopy over the public footpath on High Street and Regent Street with a setback of 0.75 metres from the kerb and a minimum clearance height of 3 metres above the level of the footpath. The canopy must not interfere with existing street trees.
 - f. Visitor bicycle parking within the High Street reserve in accordance with Condition No. 10 of this Permit.
 - g. Clear glazing to the eastern and southern walls of the mail room as per reference plan A.2.03, prepared by Ola Architecture and dated 07.02.2022.
 - h. The entry to apartment G.04 relocated and the layout amended as per reference plan A.2.03, prepared by Ola Architecture and dated 07.02.2022.
 - i. Changes to the apartment layouts on the ground floor, first floor and second floor levels as per Drawings A2.03, A2.04 and A2.05 prepared by Ola Architecture and dated 07.02.2022.
 - j. The tiled private open space areas of apartments 3.02 and 3.03 increased to a minimum of 2 metres for a width of a minimum of 4 metres.
 - k. The extent of the unsealed section of road R1 to be utilised for vehicle/pedestrian access to the site clearly delineated; and full construction details including materials, drainage and levels provided, in accordance with Condition 11 of this Permit.

- i. A single communal antenna for the development in accordance with Condition No. 12 of this Permit. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

m. Provision of an electric vehicle charging facility.

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. The land must be drained to the satisfaction of the Responsible Authority.
- 4. 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):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1	Naturestrip High Street	2.0 metres
Tree 2	Naturestrip Regent Street	2.0 metres
Tree 3	Naturestrip Regent Street	2.0 metres

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition 4 of this Permit:
 - a. 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.
- 6. 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, be drawn to scale with dimensions, and must incorporate:
 - a. Tree protection measures in accordance with Conditions No. 4 and 5 of this Permit.
 - b. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 7 of this Permit).
 - c. Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - d. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e. A diversity of plant species and forms.
 - f. Two (2) small sized canopy trees in the private open space of the proposed development.
 - g. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

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- h. Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - i. 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).
 - j. Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - l. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m. Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - n. Scale, north point and appropriate legend.
 - o. Landscape specification notes including general establishment and maintenance requirements.
 - p. A maintenance planting schedule, including:
 - q. Details of who will be responsible for the maintenance of the landscaping
 - i. Required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - ii. Access requirements/agreements
 - iii. Irrigation and plant nutrition

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.

7. 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 Sustainable Management Plan Rev E, prepared by GIW Environmental Solutions and dated 27.09.2021).

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

8. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by will bthe author of the SMP endorsed under Condition 7 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.
9. Before plans are endorsed under Condition No. 1 of this Permit, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be

submitted to an approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will then form part of this Permit. The amended WMP must be generally in accordance with the document identified as Waste Management Plan prepared by One Mile Grid and dated 19 October 2021 but modified to show:

a. The updated waste storage area on page 6 of the report

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

10. Before the development is occupied, either:

a. Visitor bicycle parking in the High Street reserve adjacent to the site must be carried out by the permit holder, at their cost, under supervision, and to the satisfaction of the Responsible Authority; or

b. Contribution must be made (equivalent to four (4) bicycle spaces) to cycling infrastructure near the site (where possible) or within the municipality, or

11. Prior to the occupation of the development:

a. Plans detailing the construction and surfacing including drainage of road R1 abutting the western boundary of the property, commencing from Regent Street and continuing north to the garage of 727 High Street must be submitted to and approved by Council.

b. The road R1 abutting the western boundary of the property, commencing from Regent Street and continuing north to the garage of 727 High Street must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the Responsible Authority.

12. Only one (1) communal television antenna may be erected on the building and located to be minimally visible from High Street and Regent Street. Individual antennae for individual dwellings/tenancies must not be erected.

13. Before the development starts a Demolition and Construction Management Plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Demolition and Construction Management Plan will be endorsed and will then form part of this Permit. The Demolition and Construction Management Plan must address, without limitation, the following:

a. Contact details for key construction site staff including after-hours contact numbers.

b. Hours for the construction activity.

c. Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.

d. Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.

e. The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).

f. On site facilities for vehicle washing.

g. Delivery and unloading points and expected frequency.

h. The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.

i. Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.

j. Management of laneway access during construction.

k. An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.

- l. The processes to be adopted for the separation, re-use and recycling of demolition materials.
- m. The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
- n. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- o. Any other relevant matters.

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

14. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
15. 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.
16. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
17. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
18. 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;
 - e. Line-marked to indicate each car space and all access lanes; and
 - f. Clearly marked to show the direction of traffic along the access lanes and driveways,to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Before the development is occupied 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.
21. Before the development is occupied, an automatic external lighting system capable of illuminating car and bicycle parking areas, access lanes and driveways must be provided on the site 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.

22. This Permit will expire if either:
- a. The development does not start within three (3) years from the date of this Permit; or
 - b. The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- c. Before this Permit expires;
 - d. Within six (6) months after the expiry date; or
 - e. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

- 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 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 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.
- N6 In relation to the requirements of Condition 10 of this Permit, please contact Council's Transport Engineering Unit (Ph: 03 8470 8220) or Transport@darebin.vic.gov.au for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
- 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.

The motion was put and lost.

LOST

For: Cr's. Rennie and Laurence (2)

Against: Cr's. Dimitriadis, Greco, Williams and Messina (4)

The Mayor adjourned the meeting for a brief break at 7.09 pm.

The Meeting recommenced at 7.19 pm.

Motion

MOVED: Cr. G Greco
SECONDED: Cr. J Williams

That Planning Permit Application on D/740/2021 be refused on the following grounds:

- 1) The proposal's front and rear setbacks do not comply with the design guidelines of Clause 22.05-3 of the Darebin Planning Scheme and result in excessive visual bulk.
- 2) The proposal's height is excessive and does not comply with the objectives and design guidelines of Clause 22.06-3.3 of the Darebin Planning Scheme.
- 3) The proposal's apartment mix and lack of 3-bedroom dwellings does not comply with the objectives of Clause 22.06-3.4 and Clause 58.02-3 of the Darebin Planning Scheme.
- 4) The proposal does not comply with the car parking provision requirements of Clause 52.06-5 of the Darebin Planning Scheme.
- 5) The proposal does not comply with the requirements of Clause 58 regarding accessibility (including 58.05-1 D17) and private open space.
- 6) The building does not comprise sufficient articulation and is a poorly resolved design.

The motion was put and carried.

Committee Decision

MOVED: Cr. G Greco
SECONDED: Cr. J Williams

Refuse on the following grounds:

- 1) The proposal's front and rear setbacks do not comply with the design guidelines of Clause 22.05-3 of the Darebin Planning Scheme and result in excessive visual bulk.
- 2) The proposal's height is excessive and does not comply with the objectives and design guidelines of Clause 22.06-3.3 of the Darebin Planning Scheme.
- 3) The proposal's apartment mix and lack of 3-bedroom dwellings does not comply with the objectives of Clause 22.06-3.4 and Clause 58.02-3 of the Darebin Planning Scheme.
- 4) The proposal does not comply with the car parking provision requirements of Clause 52.06-5 of the Darebin Planning Scheme.
- 5) The proposal does not comply with the requirements of Clause 58 regarding accessibility (including 58.05-1 D17) and private open space.
- 6) The building does not comprise sufficient articulation and is a poorly resolved design.

CARRIED

For: Cr's. Dimitriadis, Greco, Williams, Laurence and Messina (5)

Against: Cr's. Rennie (1)

**5.2 APPLICATION FOR A PLANNING PERMIT D/738/2020
42 ELIZABETH STREET, COBURG**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
	Luciano & Helen Capozza	Daniel Bowden (SongBowden Planning)/Evangelos Mazarakis (Mazark Architects)

SUMMARY

- The application involves the construction of five (5) triple storey dwellings (including basement level) in a linear arrangement with Dwelling 1 fronting Elizabeth Street and dwellings 2-5 sited behind.
- The application also involves a waiver of one (1) visitor car parking space.
- The application also proposes the alteration of access to a Transport Zone 2 (Elizabeth Street), which is proposed through the removal of the existing crossover located along the north-west corner of the site, to be replaced with a new crossover and communal driveway which leads to five (5) double garages, each providing two (2) car spaces per dwelling. An existing street tree is to be removed to make way for the proposed crossover, which Council’s Tree Management Unit has consented to, subject to conditions.
- Each dwelling is to be comprised of a basement level (including two car parking spaces per dwelling), a ground floor level each with a bedroom, ensuite, kitchen, living areas and a terrace as well as a first-floor level including two bedrooms, two ensuites and a balcony.
- The proposed dwellings provide a contemporary design with building finishes incorporating a skillion roof form and a material palette consisting of face brickwork, brick detailing, render and metal roof sheeting.
- Due to the slope and orientation of the site, the proposal incorporates a maximum building height which ranges between eight (8) and nine (9) metres overall above natural ground level.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2) and is affected by the Development Contributions Plan Overlay (currently expired). The site adjoins a Transport Zone 2 for which access is proposed to be altered.
- The mandatory garden area requirement is 35% (267.75 square metres of the 765 square metre site). The proposal achieves this through providing 268 square metres of garden area.
- Restrictive covenant 1657661 is listed on the title which restricts the excavation and removal of earth, clay, stone, gravel or sand from the site, other than for the purpose of excavating for the foundations of any buildings to be erected. The proposed development therefore will not breach the terms of the covenant.
- Six (6) objections were received against this application.

- The proposal is generally consistent with the objectives and standards of Clause 55 and relevant policies within the Darebin Planning Scheme.
- It is recommended that the application be supported, subject to conditions.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units within Council: Infrastructure and Capital Delivery, Climate Emergency and Sustainable Transport and Tree Management.
- This application was referred externally to the Head, Transport for Victoria (VicRoads).

The following people addressed the meeting in relation to Item 5.2 Application for Planning Permit D/738/2020 42 Elizabeth Street, Coburg:

- **Daniel Bowden - Applicant**

Officer Recommendation

That Planning Permit Application D/738/2020 be supported and a Notice of Decision to Grant a Permit be issued for the construction of five triple storey dwellings (inclusive of basement level), a reduction of the statutory car parking requirement (the waiver of one visitor car parking space) and the alteration of access to a road in a Transport Zone 2 in accordance with the endorsed plans at 42 Elizabeth Street, Coburg 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 advertised plans received by Council on 9 January 2022 (submitted in conjunction with the Section 50 Declaration for Amendment received 19 January 2022) (plans identified as TP01, TP03, TP04, TP05, TP06, TP07, dated 19 October 2021, project no. 3104-381, prepared by Mazark and Associates Architects) but modified to show:
 - (a) Dimensions of the proposed crossover delineated on all floor plans.
 - (b) A 1:20 ramp is to be provided for the first five (5) metres of the entryway.
 - (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (d) 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:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
 - (e) 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.
- (f) 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.
 - (g) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - (h) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
 - (i) The provision of adequate bicycle storage facilities for each dwelling.
 - (j) Details of the Tree Protection Zones (2 metres) and Structural Roots Zones (1.5m) of Tree 2 to the north within No. 44 Elizabeth Street.
 - (k) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 8 of this Permit.
 - (l) Any modifications required by the Stormwater Management System Plan and Water Sensitive Urban Design Plan required by Condition No. 8 of this Permit.
 - (m) 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. 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, the submitted landscape plan must be amended and re-submitted to the Responsible Authority for approval. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be amended to incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) A Tree Protection Zone (TPZ) (2 metres from the trunk edge) and Structural Roots Zone (1.5m) of Tree 2 as identified as being located within the front setback of 44 Elizabeth Street, Coburg.
 - (c) Updated landscaping works within the front setback of Dwelling 1 as well as the updated landscaping areas in lieu of the removed decking (in accordance with the proposed development plans formally submitted with the application via Section 50 Declaration received by Council on 19 January 2022).
 - (d) The landscape plan must clearly demonstrate how trees within 'confined' POS areas will successfully establish and remain viable for the long-term (adequate soil volumes, irrigation etc).
 - (e) At a minimum, the landscape plan must contain:
 - Two (2) medium canopy trees within the front setback.
 - Three (3) small 'upright' trees along the front northern boundary.
 - Five (5) small 'upright' trees within the private open space or common areas.
 - (f) A notation on plan that:

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- i. Tree 2 must be protected in accordance with Australian Standard AS4970 – 2009: ***Protection of trees on development sites*** and to the satisfaction of the Responsible Authority.
 - ii. All works within the Tree Protection Zone must be supervised by a qualified arborist.
 - iii. Any roots uncovered must be pruned with sharp/sterile tools.
 - iv. Any fencing within TPZs must be of light timber construction with manually excavated stump holes.
 - v. 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.
 - vi. TPZs must remain at existing grade and be permeable.
 - vii. Any pruning works to Tree 2 must be undertaken by a qualified arborist in accordance with AS4373-2007.
- (g) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 8 of this Permit.
 - (h) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 8 of this Permit.
 - (i) 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.
 - (j) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (k) A diversity of plant species and forms.
 - (l) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (m) 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.
 - (n) Hard paved surfaces at all entry points to dwellings.
 - (o) 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).
 - (p) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - (q) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - (r) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (s) Clear graphics identifying trees (deciduous and evergreen), shrubs,
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grasses/sedges, groundcovers and climbers.

- (t) Scale, north point and appropriate legend.
- (u) 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 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):

Tree 2*	Location	TPZ (radius from the base of the tree trunk)
Small exotic specimen	Adjoining property at No. 44 Elizabeth Street (north)	2 metres
*as defined in internal referral comments from Council’s Planning Arborist dated 19 March 2022		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) 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.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (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.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of Tree 2 within No. 44 Elizabeth Street adjacent

- the proposed works must be provided with 100mm layer of coarse mulch.
- (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- (e) All excavation works within the TPZ of trees within No. 44 Elizabeth Street are to be supervised by a suitably qualified arborist.
 - (f) 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.
 - (g) Open space areas within the TPZ of Tree 2 within 44 Elizabeth Street adjacent the proposed works must remain at or above existing grade and remain permeable.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where it is within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. Tree 1 (the nature strip tree - Eucalyptus sp.) is to be removed by the owner/permit holder using a suitably qualified professional. Once removed, the Responsible Authority must be notified of the completed works. Once the Responsible Authority is notified, Council arborists will inspect the site for possible replacement planting opportunities.
7. An amenity value/tree replacement fee of \$517.00 is to be paid by the owner/permit holder to the Responsible Authority for the removal of Tree 1 (Eucalyptus sp.). This is to occur prior to the removal of Tree 1 (Eucalyptus sp.).
8. Before plans are endorsed under Condition No.1 of this Permit, the submitted ESD/SDA report (inclusive of BESS and STORM reports) must be amended and re-submitted to be approved by the Responsible Authority. When approved, the ESD/SDA will be endorsed and will then form part of this Permit. The ESD/SDA must be amended to:
- (a) Provide external operable sun shading devices (excluding roller shutters to windows that face the street or common areas at ground floor) to all west facing habitable room windows/glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
 - (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection. It must be clearly shown where the shading will be located on the plans and elevations. Ensure windows that have external adjustable shading can open when using the blind.
 - (c) Fixed shading to north facing windows.
 - (d) Maximise operable windows including to bathrooms, hallways and stairwells. Clearly draw and label how all windows open. Install windows that allow for greater ventilation such as louvres, casement followed by double-hung and sliding. Avoid awning windows where possible as they allow for the lowest level of ventilation.
 - (e) The trafficable areas (pedestrian paths/balconies) cannot drain to water tanks as they are connected to toilets and the water may be contaminated and could stain.
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As such, the provided stormwater management report must be updated accordingly.

The requirements of the endorsed SDA 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 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.

10. 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).

11. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

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

13. 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.

14. 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.

15. 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.

16. The clothesline to each dwelling must be free-standing.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

18. 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;

to the satisfaction of the Responsible Authority.

19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Before the occupation of the development, the proposed vehicular crossing must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. The redundant crossing must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
21. 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 (VCAT).
- 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 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. 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.
- N6. This planning permit is to be attached to the "statement of matters affecting land being

sold”, under Section 32 of the Sale of *Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Committee Decision**MOVED: Cr. S Rennie****SECONDED: Cr. G Greco**

That Planning Permit Application D/738/2020 be supported and a Notice of Decision to Grant a Permit be issued for the construction of five triple storey dwellings (inclusive of basement level), a reduction of the statutory car parking requirement (the waiver of one visitor car parking space) and the alteration of access to a road in a Transport Zone 2 in accordance with the endorsed plans at 42 Elizabeth Street, Coburg 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 advertised plans received by Council on 9 January 2022 (submitted in conjunction with the Section 50 Declaration for Amendment received 19 January 2022) (plans identified as TP01, TP03, TP04, TP05, TP06, TP07, dated 19 October 2021, project no. 3104-381, prepared by Mazark and Associates Architects) but modified to show:
 - (a) Dimensions of the proposed crossover delineated on all floor plans.
 - (b) A 1:20 ramp is to be provided for the first five (5) metres of the entryway.
 - (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (d) 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:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
 - (e) 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.
 - (f) 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.
 - (g) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - (h) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
 - (i) The provision of adequate bicycle storage facilities for each dwelling.
 - (j) Details of the Tree Protection Zones (2 metres) and Structural Roots Zones (1.5m) of Tree 2 to the north within No. 44 Elizabeth Street.

-
- (k) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 8 of this Permit.
 - (l) Any modifications required by the Stormwater Management System Plan and Water Sensitive Urban Design Plan required by Condition No. 8 of this Permit.
 - (m) 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. 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, the submitted landscape plan must be amended and re-submitted to the Responsible Authority for approval. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be amended to incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) A Tree Protection Zone (TPZ) (2 metres from the trunk edge) and Structural Roots Zone (1.5m) of Tree 2 as identified as being located within the front setback of 44 Elizabeth Street, Coburg.
 - (c) Updated landscaping works within the front setback of Dwelling 1 as well as the updated landscaping areas in lieu of the removed decking (in accordance with the proposed development plans formally submitted with the application via Section 50 Declaration received by Council on 19 January 2022).
 - (d) The landscape plan must clearly demonstrate how trees within 'confined' POS areas will successfully establish and remain viable for the long-term (adequate soil volumes, irrigation etc).
 - (e) At a minimum, the landscape plan must contain:
 - Two (2) medium canopy trees within the front setback.
 - Three (3) small 'upright' trees along the front northern boundary.
 - Five (5) small 'upright' trees within the private open space or common areas.
 - (f) A notation on plan that:
 - i. Tree 2 must be protected in accordance with Australian Standard AS4970 – 2009: **Protection of trees on development sites** and to the satisfaction of the Responsible Authority.
 - ii. All works within the Tree Protection Zone must be supervised by a qualified arborist.
 - iii. Any roots uncovered must be pruned with sharp/sterile tools.
 - iv. Any fencing within TPZs must be of light timber construction with manually excavated stump holes.
 - v. 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.
 - vi. TPZs must remain at existing grade and be permeable.
 - vii. Any pruning works to Tree 2 must be undertaken by a qualified arborist in accordance with AS4373-2007.

- (g) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 8 of this Permit.
- (h) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 8 of this Permit.
- (i) 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.
- (j) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (k) A diversity of plant species and forms.
- (l) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (m) 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.
- (n) Hard paved surfaces at all entry points to dwellings.
- (o) 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).
- (p) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (q) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (r) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (s) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (t) Scale, north point and appropriate legend.
- (u) 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 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):

Tree 2*	Location	TPZ (radius from the base of the tree trunk)
Small exotic specimen	Adjoining property at No. 44 Elizabeth Street (north)	2 metres
*as defined in internal referral comments from Council’s Planning Arborist dated 19 March 2022		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:

- (a) 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.
- (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
- (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (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.
- (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of Tree 2 within No. 44 Elizabeth Street adjacent the proposed works must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- (e) All excavation works within the TPZ of trees within No. 44 Elizabeth Street are to be supervised by a suitably qualified arborist.
- (f) 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.
- (g) Open space areas within the TPZ of Tree 2 within 44 Elizabeth Street adjacent the proposed works must remain at or above existing grade and remain permeable.
- (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where it is

within the site.

- (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. Tree 1 (the nature strip tree - Eucalyptus sp.) is to be removed by the owner/permit holder using a suitably qualified professional. Once removed, the Responsible Authority must be notified of the completed works. Once the Responsible Authority is notified, Council arborists will inspect the site for possible replacement planting opportunities.
 7. An amenity value/tree replacement fee of \$517.00 is to be paid by the owner/permit holder to the Responsible Authority for the removal of Tree 1 (Eucalyptus sp.). This is to occur prior to the removal of Tree 1 (Eucalyptus sp.).
 8. Before plans are endorsed under Condition No.1 of this Permit, the submitted ESD/SDA report (inclusive of BESS and STORM reports) must be amended and re-submitted to be approved by the Responsible Authority. When approved, the ESD/SDA will be endorsed and will then form part of this Permit. The ESD/SDA must be amended to:
 - (a) Provide external operable sun shading devices (excluding roller shutters to windows that face the street or common areas at ground floor) to all west facing habitable room windows/glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
 - (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection. It must be clearly shown where the shading will be located on the plans and elevations. Ensure windows that have external adjustable shading can open when using the blind.
 - (c) Fixed shading to north facing windows.
 - (d) Maximise operable windows including to bathrooms, hallways and stairwells. Clearly draw and label how all windows open. Install windows that allow for greater ventilation such as louvres, casement followed by double-hung and sliding. Avoid awning windows where possible as they allow for the lowest level of ventilation.
 - (e) The trafficable areas (pedestrian paths/balconies) cannot drain to water tanks as they are connected to toilets and the water may be contaminated and could stain. As such, the provided stormwater management report must be updated accordingly.

The requirements of the endorsed SDA 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 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.

10. 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).

11. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

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

13. 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.

14. 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.

15. 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.

16. The clothesline to each dwelling must be free-standing.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

18. 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;

to the satisfaction of the Responsible Authority.

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

20. Before the occupation of the development, the proposed vehicular crossing must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. The redundant crossing must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

CARRIED UNANIMOUSLY

**5.3 HEIDELBERG ROAD HERITAGE - PLANNING SCHEME
AMENDMENT C203DARE****Author:** Strategic Planner**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report concerns two related strategic planning projects being undertaken along the Heidelberg Road Corridor, both of which seek to address the lack of suitable design and heritage controls for Darebin's side of the corridor.

Heritage Amendment C203dare

Planning Scheme Amendment C203dare ('the Amendment') proposes to apply a Heritage Overlay to seven individual properties along the Heidelberg Road through Fairfield and Alphington.

The Amendment was exhibited from 11 November to 13 December 2021. A total of four submissions were received, two in support and two with concerns. The general concerns raised in submissions to the Amendment include concerns about property value, heritage merit, individual financial impact and redevelopment limitations.

Submissions have been reviewed and considered, including review by external expert heritage consultants GML (formerly Context) against recognised heritage criteria. Consequently, some minor modifications to the statements of significance for some properties are suggested, but none of the submissions raise issues that would undermine the heritage merit of the amendment.

It is recommended that Council refer all submissions to an independent Planning Panel for further consideration. The Panel will provide submitters an independent forum to represent their concerns and have their submissions considered further.

Built form and land use provisions

At present, there is a lack of suitable design and heritage controls for Darebin's side of the corridor. The development pressure along Heidelberg Road has increased with the development of the former AMCOR papermill site (in Yarra LGA) and the local community have been voicing their concerns about the scale and type of development in the corridor.

In response to this, the Heidelberg Road Corridor Project (HRCP) involves developing new planning provisions to guide development and provide greater certainty about land use and built form outcomes.

Over the past two years a range of strategic investigations have been undertaken on economics, built form, and heritage to inform new provisions, which involves a 'whole of corridor' planning approach and a shared vision for the future of the corridor located. This vision is captured in the draft Heidelberg Road Corridor Local Area Plan.

Community engagement on the Heidelberg Road Corridor Project and proposed planning approach (land use, built form and heritage) was held between 22 June and 3 August 2021. Approximately 300 people participated in the engagement activities.

Below are some of the key findings of the engagement:

- Support for the broad objectives and outcomes identified for the corridor
- Support for mandatory heights (compared with discretionary)
- Support for the mixture of land uses through the corridor
- Broad support for heritage controls, and some opposition
- Desire to protect existing character and amenity
- Concerns that development will cause congestion and parking problems

Given the broad support for the heritage provisions, Heritage Amendment 203dare was the first project identified out of the HRCP and has been advanced separately.

Next steps for built form and land use controls

The engagement findings and the longer-term implications of the pandemic mean that further work is required before the proposed built form and land use controls can proceed to a planning scheme amendment, including:

- An economic review that considers the effects of the pandemic on the proposed transition to a more intensive form of employment in the corridor.
- A review of the urban design framework including feasibility of development in response to feedback on heights.
- A review of the proposed zoning approach, to consider the existing creative uses and the most appropriate zoning for the Fort Knox site.

It is proposed to report the outcomes from these further investigations back to Council in early 2023 and seek a resolution from Council to commence a planning scheme amendment to implement a new range of built form provisions.

Officer Recommendation

That Council, having prepared and Exhibited Amendment C203dare to the Darebin Planning Scheme under section 19 of the Planning and Environment Act 1987:

- (1) Considers all written submissions made to Amendment C203dare to the Darebin Planning Scheme (heritage controls).
- (2) Requests that the Minister for Planning appoint an independent Planning Panel to consider submissions to Amendment C203dare.
- (3) Refers all submissions to the independent Planning Panel to be appointed by the Minister for Planning.
- (4) Endorses the response to submissions outlined in this report and recommended minor changes to the Amendment documents (**Appendix B, Appendix C, and Appendix E**) to form the basis of Council's submission to an independent Planning Panel.
- (5) Authorises the Manager City Futures to make alterations and corrections, where necessary to the Amendment documents that do not change the intent of the Amendment C203dare.
- (6) Writes to all submitters to inform them of Council's decision to progress the heritage Amendment C203dare to an independent Planning Panel.
- (7) Notes the results of the 2021 Heidelberg Road Corridor community engagement (**Appendix G**) and the need for further work to progress the land use and built form provisions.

Motion

MOVED: Cr. E Dimitriadis

SECONDED: Cr. S Rennie

That Council, having prepared and Exhibited Amendment C203dare to the Darebin Planning Scheme under section 19 of the Planning and Environment Act 1987:

- 1) Considers all written submissions made to Amendment C203dare to the Darebin Planning Scheme (heritage controls).
- 2) Requests that the Minister for Planning appoint an independent Planning Panel to consider submissions to Amendment C203dare.
- 3) Refers all submissions to the independent Planning Panel to be appointed by the Minister for Planning.
- 4) Endorses the response to submissions outlined in this report and recommended minor changes to the Amendment documents (**Appendix B, Appendix C, and Appendix E**) to form the basis of Council's submission to an independent Planning Panel.
- 5) Authorises the Manager City Futures to make alterations and corrections, where necessary to the Amendment documents that do not change the intent of the Amendment C203dare.
- 6) Writes to all submitters to inform them of Council's decision to progress the heritage Amendment C203dare to an independent Planning Panel.
- 7) Notes the results of the 2021 Heidelberg Road Corridor community engagement (**Appendix G**) and the need for further work to progress the land use and built form provisions.
- 8)
 - a) **Notes that prior to council adopting the final version of the Heidelberg Road Corridor land use and built form provisions, it would be subject of a formal planning scheme amendment process.**
 - b) **This will include formal notification to give the community an opportunity to provide feedback and make submissions on the changes made.**
 - c) **Part of the formal notification material will include a simplified report comparing the differences between the current Industrial Zones with the proposed Commercial 1, 2 and 3 Zones, and describing the impacts this will have to the corridor, to ensure the community are well informed about the proposed changes.**
- 9)
 - a) **Directs the Manager City Futures to commission an independent Heritage Consultant to undertake a further review of the potential heritage significance of the following properties, and make a recommendation as to whether they should be included within a Heritage Overlay:**
 - i. **671 - 675 Heidelberg Road**
 - ii. **725-727 Heidelberg Road**
 - iii. **737 Heidelberg Road**
 - iv. **749-751 Heidelberg Road**
 - b) **In the event that the Heritage Consultant recommends that any of these properties be included within a Heritage overlay, this would be included within the scope of the Heidelberg Road Corridor land use and built form provisions Planning Scheme Amendment.**

The motion was put and carried unanimously

Committee Decision

MOVED: Cr. E Dimitriadis
SECONDED: Cr. S Rennie

That Council, having prepared and Exhibited Amendment C203dare to the Darebin Planning Scheme under section 19 of the Planning and Environment Act 1987:

- 9) Considers all written submissions made to Amendment C203dare to the Darebin Planning Scheme (heritage controls).
- 10) Requests that the Minister for Planning appoint an independent Planning Panel to consider submissions to Amendment C203dare.
- 11) Refers all submissions to the independent Planning Panel to be appointed by the Minister for Planning.
- 12) Endorses the response to submissions outlined in this report and recommended minor changes to the Amendment documents (**Appendix B, Appendix C, and Appendix E**) to form the basis of Council's submission to an independent Planning Panel.
- 13) Authorises the Manager City Futures to make alterations and corrections, where necessary to the Amendment documents that do not change the intent of the Amendment C203dare.
- 14) Writes to all submitters to inform them of Council's decision to progress the heritage Amendment C203dare to an independent Planning Panel.
- 15) Notes the results of the 2021 Heidelberg Road Corridor community engagement (**Appendix G**) and the need for further work to progress the land use and built form provisions.
- 16)
 - a) **Notes that prior to council adopting the final version of the Heidelberg Road Corridor land use and built form provisions, it would be subject of a formal planning scheme amendment process.**
 - b) **This will include formal notification to give the community an opportunity to provide feedback and make submissions on the changes made.**
 - c) **Part of the formal notification material will include a simplified report comparing the differences between the current Industrial Zones with the proposed Commercial 1, 2 and 3 Zones, and describing the impacts this will have to the corridor, to ensure the community are well informed about the proposed changes.**
 - a) **Directs the Manager City Futures to commission an independent Heritage Consultant to undertake a further review of the potential heritage significance of the following properties, and make a recommendation as to whether they should be included within a Heritage Overlay:**
 - v. **671 - 675 Heidelberg Road**
 - vi. **725-727 Heidelberg Road**
 - vii. **737 Heidelberg Road**
 - viii. **749-751 Heidelberg Road**
 - b) **In the event that the Heritage Consultant recommends that any of these properties be included within a Heritage overlay, this would be included within the scope of the Heidelberg Road Corridor land use and built form provisions Planning Scheme Amendment.**

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

The General Planning Information attached at **Appendix A** contains lists of:

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

Officer Recommendation

That the General Planning Information attached as **Appendix A** be noted.

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. J Williams

That the General Planning Information attached as **Appendix A** be noted

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. S Rennie

That in accordance with section 3(1) of the *Local Government Act 2020*, the meeting be closed to members of the public to consider the following item on the basis that this matter are confidential for the following reasons :

7.1 22 Wood Street Preston - Open Space Contribution

This item is confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to Section 3(1) (a) of the Act.

CARRIED UNANIMOUSLY

The meeting was closed to the members of the public at 7.35 pm.

The Council considered and resolved on Report Item 7.1 – 22 Wood Street, Preston – Open Space Contribution in the closed meeting.

8. CLOSE OF MEETING

The meeting closed at 7.48 pm.

**CITY OF
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