



the place
to live

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 14 June 2022

Released to the public on 20 June 2022

THIS MEETING WAS HELD VIRTUALLY

**LIVE STREAMING OF THE PLANNING 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.



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 xiriiir 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/302/2021	3
1 Wardrop Grove Northcote	3
5.2 APPLICATION FOR PLANNING PERMIT - D/742/2020	26
205 Smith Street Thornbury	26
5.3 CASBE ELEVATING ESD STAGE 2 - PLANNING SCHEME AMENDMENT	44
6. OTHER BUSINESS	47
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	47
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	47
8. CLOSE OF MEETING.....	47

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD VIRTUALLY ON TUESDAY 14 JUNE 2022

THE MEETING OPENED AT 6.40PM

WELCOME

The Chairperson, Mayor Lina 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. Trent McCarthy (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Rachel Ollivier - Acting Chief Executive Officer

Vanessa Petrie – Acting Manager City Sustainability and Strategy

Kathryn Pound – Manager City Development

Chad Griffiths – Manager City Futures

Jolyon Boyle – Coordinator Priority Development

Alia Slamet – Principal Strategic Planner

Rachna Gupta Singh - Senior Council Business Officer

Michelle Martin - Council Business Officer

Georgina Steele – Council Business Officer and Meeting Host

Milan Nagda – IT Support

2. APOLOGIES

AN APOLOGY WAS RECEIVED FROM COUNCILLOR TIM LAURENCE.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Councillor Newton declared a general conflict of interest in the item 5.2 – Application for Planning Permit D742/2020 205 Smith Street Thornbury on the basis that she lived quite close to the subject area.

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 9 May 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 9 May 2022 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/302/2021 1 Wardrop Grove Northcote

SUMMARY

- It is proposed to construct four (4), three (3) storey dwellings.
- Each dwelling has three (3) bedrooms plus a retreat area and a study space.
- Each dwelling has access to two (2) on site car spaces contained either within a double garage or as a single garage and tandem car space.
- Each dwelling has access to ground level secluded private open space, which is supplemented by a balcony on the second-floor level.
- The maximum height of the development is 10.19 metres when measured in the centre of the site from natural ground level (NGL).
- The dwellings will have a contemporary design, with pitched and gabled roofs.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Design and Development Overlay – Schedule 14 and Development Contributions Plan Overlay (currently expired).
- The mandatory garden area requirement is 35% or 292.6 square metres. The proposal achieves a garden area of 305 square metres of 36%.
- There is no restrictive covenant on the Certificate of Title for the subject land.
- Four (4) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 43.02, 55 and 52 of the Darebin Planning Scheme.
- A previous application for a medium density housing development comprising the construction of four (4) x three (3) storey dwellings was refused by VCAT in 2020. The issues that led to that refusal have been addressed in this current proposal.
- It is recommended that the application be supported, subject to conditions.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Asset and Capital Delivery, City Designer, City Works, Climate Emergency and Sustainable Transport, Environmental Sustainability Officer, Landscape Architect, Property Management and Tree Management.
- This application was not required to be referred to external authorities.

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/302/2021 1 Wardrop Grove Northcote:

- ***Genevieve McMahon (Objector)***
- ***Pam Morton (Objector)***

- **Mark Stanyon (Objector)**
- **Sue Sukkar (Applicant)**

Officer Recommendation

That Planning Permit Application D/302/2021 be supported and Planning Permit be issued for a medium density housing development comprising the construction of four (4), three (3) storey dwellings at 1 Wardrop Grove Northcote, 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 Sheets A03.2, A04, A05, A06, A07, A08, A09, A09.1, A09.2, A10, A11, revision TP6, dated 30 November 2021, job no. CKA17-076 and prepared by C. Kairouz Architects and Landscape Plan, prepared by Etched, dated May 2021 and received by Council on the 3 June 2021 but modified to show:
 - (a) Lighting along the accessway at regular intervals and around the entryways of dwellings 2 to 4.
 - (b) The northern boundary fencing noted as either existing or proposed. Fencing notations must include height, colour and materials. Colour and design samples are required and must respect the heritage characteristics of the adjoining lot at 3 Wardrop Grove, Northcote.
 - (c) The northern elevation modified to include the Dwelling 2 and 3 first floor bedroom 2 planter boxes. The plans must include a section diagram demonstrating how the screens minimise overlooking of the adjoining northern lot in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (d) The southern elevation modified to include the Dwelling 1, 2 and 3 first floor bedroom 2 and study area planter boxes. The plans must include a section diagram demonstrating how the screens minimise overlooking of the adjoining southern lots in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (e) A notation and plans modified to show the eastern and western balustrades of the second level balconies of dwellings 2, 3 and 4 are a minimum of 1.7 metres high above finished floor level (FFL) to ensure no overlooking from oblique views, in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (f) The first floor north facing retreat windows of dwelling 1 provided with either:
 - (i) a sill with a minimum height of 1.7 metres above finished floor level;
 - (ii) a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - (iii) fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the

- design of the development.
- (g) The provision of bicycle racks for each dwelling in each garage. A dimensioned section diagram of the bike racks must be provided. The bicycle rack must be located so as to not protrude into the required clearance areas as set out in Diagram 1 – Clearance to car parking spaces in Clause 52.06 (Car parking) of the Darebin Planning Scheme.
 - (h) External storage for dwelling 1 with a volume of 6 cubic metres.
 - (i) A section diagram of the external storage sheds serving all dwellings, with volumes nominated in cubic metres.
 - (j) A bin enclosure for dwellings 2 and 3 located within the secluded private open space. Plans must demonstrate that the storage sheds and bin enclosures, do not reduce, beyond compliance the area of secluded private open space of 25 square metres.
 - (k) Each garage must be provided with minimum internal dimensions of 3.5 metres width (single), 5.5 metres width (double) and 6 metres length, clear of any obstructions (bins, storage, door openings etc). This must be achieved without reducing any boundary setbacks.
 - (l) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are use a dimensioned section diagram or photograph must be provided. Shading must not to extend within 1 metre of a property boundary.
 - (m) All habitable room windows to be operable. Window operation must not increase overlooking of adjoining secluded private open space and/or habitable room windows. Casement, sliding and sash windows must be used for all habitable room windows.
 - (n) External operable sun shading devices (excluding roller shutters to windows) to all west facing habitable room windows and glazed doors. Where sun shading devices are used, a dimensioned section diagram or photograph must be provided.
 - (o) Natural light to garages by way of skylights, windows or glazing to external vehicle and / or pedestrian doors.
 - (p) 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.
 - (q) 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.
 - (r) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.

- (s) Reduction to the area of hard paving within the secluded private open space for each dwelling and this converted to landscaping to the satisfaction of the Responsible Authority.
- (t) 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.
- (u) Annotations and modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
- (v) The provision of a Stormwater Management System Report, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18 – 5 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (w) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (x) The provision of pedestrian visibility splays measuring 2 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern side of the adjoining right of way to Wardrop Grove. 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.
- (y) Confirmation of the gradients of the ramps leading from the adjoining right of way into the garages and within each garages to comply with the requirements of Design Standard 3: Gradients of Clause 52.06-9 of the Darebin Planning Scheme.
- (z) The length of the tandem car spaces increased to 11.1 metres.
- (aa) A swept path assessment demonstrating that B85th percentile vehicles can enter and exit the garages of dwellings 1 and 2 when the tandem car space is occupied, in accordance with the requirements of AS2890.1:2004. Swept paths are to show wheel path, vehicle overhang and vehicle overhang plus 300mm clearance lines. This must be achieved by reducing the ground floor building footprint without decreasing the setbacks of the ground floor from any property boundary.
- (bb) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 9 of this Permit.
- (cc) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). Annotated coloured elevations and 3D renders accurately representing the proposed materials, colours and finishes in accordance with the approved schedule of construction materials. The use of 'MC' must be clarified on these elevations.

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 Landscape Plan must be generally in accordance with A03.2, A04, A05, A06, A07, A08, A09, A09.1, A09.2, A10, A11, revision TP6, dated 30 November 2021, job no. CKA17-076 and prepared by C. Kairouz Architects, but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 5 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Sustainable

Design Assessment required by Condition No. 7 of this Permit)

- (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 8 of this Permit)
- (a) A maintenance planting schedule for the planter boxes, including:
 - (i) details of who will be responsible for the maintenance of the garden wall and landscaping;
 - (ii) required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation);
 - (iii) access requirements/ agreements;
 - (iv) irrigation and plant nutrition.
- (d) Details of all trees on site marked on the landscape plan regardless of whether they are to be retained/removed. The species, genus, height and spread of trees is to be stated whether they will be retained or removed as per the Arborist report.
- (e) 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 or as per the approved Arborist Report.
- (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (g) A diversity of plant species and forms.
- (h) The location of Fogo bins.
- (i) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), medium canopy trees (6-8m x 6m), large canopy trees (8-12m x 10m).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) 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% of the site. 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.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) 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).
- (n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (o) An outline of the approved building/s including any basement, the location of

entry doors, windows, gates and fences.

- (p) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (r) Scale, north point and appropriate legend.
- (s) 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):

<i>Tree (as defined in the Preliminary Tree Assessment by Open Space Management dated 28/11/2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Trees 10-13 – Located within the adjoining property to the west	as per Australian Standard AS4970 – 2009
Tree Group 15 – Located within the adjoining property to the north	2.0 metres
Trees A & B (Not numbered in Arborist’s report) – 2x Council naturestrip tree (Lagerstroemia sp.) As identified in Open Space Management Arborist Report	2.0 metres

- 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 are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing (such as temporary fencing panels) must be constructed 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 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 all protected trees 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) 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.
- (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
- (g) Open space areas within the TPZ must remain at or above existing grade and remain permeable.
- Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
- (h) 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.

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

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

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

6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as Sustainable Design Assessment (SDA), dated 2 December 2021, prepared Eco Harmony and received by Council on the 3 December 2021 but modified to show:
- a) A minimum overall score of 50% and minimums of 50% in energy, water, IEQ, Stormwater (100%) categories to demonstrate best practice in Sustainable Design.
 - b) Bess Water 3.1 – Provide details of drought tolerant lawn / turf in the planting schedule of the landscape plans.
 - c) External Shading – External shading. Provide details of external operable

awnings, louvers, sliding shutters, venetian or roller blinds. Shading elements must consider hot and cold weather conditions.

- d) IEQ 2.2 Cross flow Ventilation – Amend elevations to reflect effective ventilation to all habitable rooms required (refer to 2.2 – Cross Flow Ventilation section of <https://bess.net.au/tool-notes/> for guidance)
- e) IEQ 3.1 Thermal comfort – Double glazing – Provide an annotation on plans specifying double glazing to all living areas and bedrooms.
- f) Urban Ecology – 2.1 Vegetation – Clarify via detailed plans 25% of the site is covered in vegetation.
- g) Building Materials - Concrete - A minimum of 20% of the cement must be replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- h) Urban Cooling - For the non-visible flat roofs and exposed concrete driveways, specify light-coloured or reflective finishes to help mitigate the urban heat island effect.

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

7. Before plans are endorsed under Condition No. 1 of this Permit, an amended Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SMSR Report and WSUD Plan will be endorsed and will then form part of this Permit. The amended SMSR Report and WSUD Plan must be modified to show:

- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - a. An assessment using an industry recognised stormwater tool;
 - b. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - c. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - d. A plan illustrating where all impervious surfaces will be treated and drained;
 - e. A construction and maintenance schedule;
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;
- (d) The STORM report amended to show tank water supply reliability of at least 80% or an increase in the capacity of rainwater tanks.
- (e) Rainwater tanks relocated so to be close to point of connection e.g. toilets
- (f) Cross-section of inground raingardens/planter box raingardens in accordance with Melbourne Water Raingarden Instruction Sheet.
- (g) Specification of raingarden plants in accordance with Melbourne Water Raingarden Instruction Sheet.

- (h) Construction details of the permeable paving [specify location] including a cross-section drawing that shows an impervious liner with a subsurface agricultural drain.

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

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

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

9. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- a) Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
 - b) Explain how and where waste will be stored on the site.
 - c) Detail the size and location of general, recyclable, *FOGO and glass waste bins.
 - d) Include a plan that shows:
 - (i) The waste storage and collection area.
 - (ii) The length and width of the footpath/ nature strip directly abutting the site boundary.
 - (iii) The location of any available on-street carparking, loading zones and tram/bus stops.
 - (iv) The location of all street furniture, light poles, electricity poles, driveways, street trees, bus shelters or similar obstructions.
 - (v) The location of the bins within the road reserve, with a minimum gap of 300mm between bins and other obstructions.
 - (vi) If private waste collection is required, type and size of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and location of bins prior to collection.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

Where waste is collected by a private contractor, bins must not be stored off site before and after collection.

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

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

*FOGO: Food Organics and Garden Organics

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 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. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
17. 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.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
19. This Permit will expire if either:
- (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.

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

- (a) Before this Permit expires;
- (b) Within six (6) months after the expiry date; or
- (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. 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.

Motion**MOVED: Cr. E Dimitriadis****SECONDED: Cr. G Greco**

That the Officer Recommendation be adopted.

Amendment**MOVED: Cr. S Rennie**

That the following Point 20 be added to the Officer Recommendation:

20. Construction of Right of Way

Prior to the occupation of the development:

- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the footpath with Wardrop Grove Northcote, must be submitted to and approved by Council.
- b) The right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the pedestrian footpath with Wardrop Grove Northcote must be constructed and surfaced in accordance with the approved plans.

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

The mover and seconder of the motion consented to the amendment.

The amendment was incorporated into the motion which became the substantive motion before the Council.

The substantive motion was put and carried.

Committee Decision**MOVED: Cr. E Dimitriadis****SECONDED: Cr. G Greco**

That Planning Permit Application D/302/2021 be supported and Planning Permit be issued for a medium density housing development comprising the construction of four (4), three (3) storey dwellings at 1 Wardrop Grove Northcote, 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 Sheets A03.2, A04, A05, A06, A07, A08, A09, A09.1, A09.2, A10, A11, revision TP6, dated 30 November 2021, job no. CKA17-076 and prepared by C. Kairouz Architects and Landscape Plan, prepared by Etched, dated May 2021 and received by Council on the 3 June 2021 but modified to show:
 - (a) Lighting along the accessway at regular intervals and around the entryways of dwellings 2 to 4.
 - (b) The northern boundary fencing noted as either existing or proposed. Fencing notations must include height, colour and materials. Colour and design samples are required and must respect the heritage characteristics of the adjoining lot at 3 Wardrop Grove, Northcote.
 - (c) The northern elevation modified to include the Dwelling 2 and 3 first floor bedroom 2 planter boxes. The plans must include a section diagram demonstrating how the screens minimise overlooking of the adjoining northern lot in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (d) The southern elevation modified to include the Dwelling 1, 2 and 3 first floor bedroom 2 and study area planter boxes. The plans must include a section diagram demonstrating how the screens minimise overlooking of the adjoining southern lots in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (e) A notation and plans modified to show the eastern and western balustrades of the second level balconies of dwellings 2, 3 and 4 are a minimum of 1.7 metres high above finished floor level (FFL) to ensure no overlooking from oblique views, in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.
 - (f) The first floor north facing retreat windows of dwelling 1 provided with either:
 - (i) a sill with a minimum height of 1.7 metres above finished floor level;
 - (ii) a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - (iii) fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.
 - (g) The provision of bicycle racks for each dwelling in each garage. A dimensioned

section diagram of the bike racks must be provided. The bicycle rack must be located so as to not protrude into the required clearance areas as set out in Diagram 1 – Clearance to car parking spaces in Clause 52.06 (Car parking) of the Darebin Planning Scheme.

- (h) External storage for dwelling 1 with a volume of 6 cubic metres.
- (i) A section diagram of the external storage sheds serving all dwellings, with volumes nominated in cubic metres.
- (j) A bin enclosure for dwellings 2 and 3 located within the secluded private open space. Plans must demonstrate that the storage sheds and bin enclosures, do not reduce, beyond compliance the area of secluded private open space of 25 square metres.
- (k) Each garage must be provided with minimum internal dimensions of 3.5 metres width (single), 5.5 metres width (double) and 6 metres length, clear of any obstructions (bins, storage, door openings etc). This must be achieved without reducing any boundary setbacks.
- (l) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are use a dimensioned section diagram or photograph must be provided. Shading must not to extend within 1 metre of a property boundary.
- (m) All habitable room windows to be operable. Window operation must not increase overlooking of adjoining secluded private open space and/or habitable room windows. Casement, sliding and sash windows must be used for all habitable room windows.
- (n) External operable sun shading devices (excluding roller shutters to windows) to all west facing habitable room windows and glazed doors. Where sun shading devices are used, a dimensioned section diagram or photograph must be provided.
- (o) Natural light to garages by way of skylights, windows or glazing to external vehicle and / or pedestrian doors.
- (p) 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.
- (q) 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.
- (r) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (s) Reduction to the area of hard paving within the secluded private open space for each dwelling and this converted to landscaping to the satisfaction of the

Responsible Authority.

- (t) 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.
- (u) Annotations and modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
- (v) The provision of a Stormwater Management System Report, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18 – 5 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (w) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (x) The provision of pedestrian visibility splays measuring 2 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern side of the adjoining right of way to Wardrop Grove. 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.
- (y) Confirmation of the gradients of the ramps leading from the adjoining right of way into the garages and within each garages to comply with the requirements of Design Standard 3: Gradients of Clause 52.06-9 of the Darebin Planning Scheme.
- (z) The length of the tandem car spaces increased to 11.1 metres.
- (aa) A swept path assessment demonstrating that B85th percentile vehicles can enter and exit the garages of dwellings 1 and 2 when the tandem car space is occupied, in accordance with the requirements of AS2890.1:2004. Swept paths are to show wheel path, vehicle overhang and vehicle overhang plus 300mm clearance lines. This must be achieved by reducing the ground floor building footprint without decreasing the setbacks of the ground floor from any property boundary.
- (bb) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 9 of this Permit.
- (cc) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). Annotated coloured elevations and 3D renders accurately representing the proposed materials, colours and finishes in accordance with the approved schedule of construction materials. The use of 'MC' must be clarified on these elevations.

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 Landscape Plan must be generally in accordance with A03.2, A04, A05, A06, A07, A08, A09, A09.1, A09.2, A10, A11, revision TP6, dated 30 November 2021, job no. CKA17-076 and prepared by C. Kairouz Architects, but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 5 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 7 of this Permit)
 - (c) Any modifications relating to landscaping required as a result of the Water

Sensitive Urban Design Plan/Report required by Condition No. 8 of this Permit)

- (a) A maintenance planting schedule for the planter boxes, including:
 - (i) details of who will be responsible for the maintenance of the garden wall and landscaping;
 - (ii) required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation);
 - (iii) access requirements/ agreements;
 - (iv) irrigation and plant nutrition.
- (d) Details of all trees on site marked on the landscape plan regardless of whether they are to be retained/removed. The species, genus, height and spread of trees is to be stated whether they will be retained or removed as per the Arborist report.
- (e) 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 or as per the approved Arborist Report.
- (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (g) A diversity of plant species and forms.
- (h) The location of Fogo bins.
- (i) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), medium canopy trees (6-8m x 6m), large canopy trees (8-12m x 10m).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) 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% of the site. 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.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) 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).
- (n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (o) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (p) The location of both existing and proposed overhead and underground

services. Conflicts of such services with the existing and proposed planting must be avoided.

- (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (r) Scale, north point and appropriate legend.
- (s) 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):

<i>Tree (as defined in the Preliminary Tree Assessment by Open Space Management dated 28/11/2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Trees 10-13 – Located within the adjoining property to the west	as per Australian Standard AS4970 – 2009
Tree Group 15 – Located within the adjoining property to the north	2.0 metres
Trees A & B (Not numbered in Arborist’s report) – 2x Council naturestrip tree (Lagerstroemia sp.) As identified in Open Space Management Arborist Report	2.0 metres

- 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 are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- (b) Tree protection fencing (such as temporary fencing panels) must be constructed 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 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 all protected trees 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) 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.
- (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
- (g) Open space areas within the TPZ must remain at or above existing grade and remain permeable.
- Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
- (h) 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.

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

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

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

6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as Sustainable Design Assessment (SDA), dated 2 December 2021, prepared Eco Harmony and received by Council on the 3 December 2021 but modified to show:
- a) A minimum overall score of 50% and minimums of 50% in energy, water, IEQ, Stormwater (100%) categories to demonstrate best practice in Sustainable Design.
 - b) Bess Water 3.1 – Provide details of drought tolerant lawn / turf in the planting schedule of the landscape plans.
 - c) External Shading – External shading. Provide details of external operable awnings, louvers, sliding shutters, venetian or roller blinds. Shading elements must consider hot and cold weather conditions.

- d) IEQ 2.2 Cross flow Ventilation – Amend elevations to reflect effective ventilation to all habitable rooms required (refer to 2.2 – Cross Flow Ventilation section of <https://bess.net.au/tool-notes/> for guidance)
- e) IEQ 3.1 Thermal comfort – Double glazing – Provide an annotation on plans specifying double glazing to all living areas and bedrooms.
- f) Urban Ecology – 2.1 Vegetation – Clarify via detailed plans 25% of the site is covered in vegetation.
- g) Building Materials - Concrete - A minimum of 20% of the cement must be replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- h) Urban Cooling - For the non-visible flat roofs and exposed concrete driveways, specify light-coloured or reflective finishes to help mitigate the urban heat island effect.

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

7. Before plans are endorsed under Condition No. 1 of this Permit, an amended Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SMSR Report and WSUD Plan will be endorsed and will then form part of this Permit. The amended SMSR Report and WSUD Plan must be modified to show:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - a. An assessment using an industry recognised stormwater tool;
 - b. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - c. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - d. A plan illustrating where all impervious surfaces will be treated and drained;
 - e. A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
 - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;
 - (d) The STORM report amended to show tank water supply reliability of at least 80% or an increase in the capacity of rainwater tanks.
 - (e) Rainwater tanks relocated so to be close to point of connection e.g. toilets
 - (f) Cross-section of inground raingardens/planter box raingardens in accordance with Melbourne Water Raingarden Instruction Sheet.
 - (g) Specification of raingarden plants in accordance with Melbourne Water Raingarden Instruction Sheet.
 - (h) Construction details of the permeable paving [specify location] including a cross-section drawing that shows an impervious liner with a subsurface agricultural

drain.

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

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

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

9. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- a) Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
 - b) Explain how and where waste will be stored on the site.
 - c) Detail the size and location of general, recyclable, *FOGO and glass waste bins.
 - d) Include a plan that shows:
 - (i) The waste storage and collection area.
 - (ii) The length and width of the footpath/ nature strip directly abutting the site boundary.
 - (iii) The location of any available on-street carparking, loading zones and tram/bus stops.
 - (iv) The location of all street furniture, light poles, electricity poles, driveways, street trees, bus shelters or similar obstructions.
 - (v) The location of the bins within the road reserve, with a minimum gap of 300mm between bins and other obstructions.
 - (vi) If private waste collection is required, type and size of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and location of bins prior to collection.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

Where waste is collected by a private contractor, bins must not be stored off site

before and after collection.

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

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

*FOGO: Food Organics and Garden Organics

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

17. 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.

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

20. Construction of Right of Way

Prior to the occupation of the development:

- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the footpath with Wardrop Grove Northcote, must be submitted to and approved by Council.
- b) The right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the pedestrian footpath with Wardrop Grove Northcote must be constructed and surfaced in accordance with the approved plans.

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

NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or

statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.

- N5. 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

For: Cr’s. Dimitriadis, Greco, McCarthy, Messina, Newton, Rennie and Williams (7)

Against: Cr. Hannan (1)

Declaration of Conflict of Interest

7.27 pm Councillor Newton declared a general conflict of interest in the following item on the basis that she live quite close to the subject area.

Councillor Newton left the meeting at 7.27 pm.

**5.2 APPLICATION FOR PLANNING PERMIT - D/742/2020
205 Smith Street Thornbury**

SUMMARY

- The development comprises the construction of three (3) attached double storey dwellings.
- Dwellings 1 and 2 will provide 3-bedroom accommodation and Dwelling 3 will provide 2-bedroom accommodation.
- Dwellings 1 and 2 will have two (2) car parking spaces and Dwelling 3 will have one (1) car parking space on site.
- Two (2) crossovers are to be provided for access from Smith Street and one (1) crossover from Comas Grove is proposed (for Dwelling 3).
- Private open space is to be provided at ground level to the rear (south) of each dwelling.
- The original application proposed three (3) side by side double storey dwellings on the site with no on-site car parking. Six (6) objections were received against the application with the common concern being lack of car parking.
- The application was subsequently amended under S.57A of the Planning Environment Act to alter the development so that the recommended car parking spaces are provided on site. The amended application has been readvertised with no further objections received. No objections were withdrawn either.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported, subject to conditions.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers. Public notice was given a second time after the application was amended.
- This application was referred internally to Assets and Capital Delivery Unit, Climate Emergency and Sustainable Transport Unit, Property Management Unit and the Tree Management Unit.
- This application was not required to be referred to external authorities.

The following person addressed the meeting in relation to Item 5.2 Application for Planning Permit D/742/2020 205 Smith Street Thornbury:

- **Anthony Pileggi (Applicant)**

Officer Recommendation

That Planning Permit Application D/742/2020 be supported and a Notice of Decision to Grant a Permit be issued for a medium density housing development comprised of the construction of three (3) double storey dwellings at 205 Smith Street, Thornbury, 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 Sheets TP01, TP02, and TP04, Revision D dated 3 November 2021, drawing no. 20-047, and Prepared by Pro Planning Pty Ltd) but modified to show:
 - (a) The provision of dimensions detailing the ground floor street (Smith Street) setback of Dwelling 1 and Dwelling 2.
 - (b) Confirmation that the garage and car spaces are provided with a minimum 2.1 metre headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
 - (c) Alteration to the development to ensure that the amount of sunlight to the secluded private open space of the adjoining allotment to the east is not further reduced, between 9 am and 3 pm on 22 September, in accordance with the requirements of Standard B21 of Clause 55.04-5 of the Darebin Planning Scheme.
 - (d) The proposed upper floor of Dwelling 1 set back from the eastern common boundary sufficiently to allow adequate daylight to the adjacent dwelling's habitable room windows in accordance with Standard B19 of Clause 55.04-3 of the Planning Scheme. This may be achieved by either modifications to the building's eastern envelope, an increase in eastern setback/s or an overall reduction in the height of the building's eastern wall/s.
 - (e) The height of fences separating each dwelling's secluded private open space to be a minimum height of 1.8 metres as measured above finished surface levels.
 - (f) Details of the fences on the southern property boundary in accordance with Condition No. 9 of this Permit.
 - (g) The following modifications to improve energy and sustainability outcomes for the development:
 - (i) Drawings specifying rainwater tanks connected to WC's.
 - (ii) Full construction details including a cross-section of the permeable paving
 - (iii) Provision of openable windows or operable skylights to the stairs on the top floor of each dwelling to allow stack ventilation through the stair cores.
 - (iv) Appropriate external shading devices to east, west and north facing habitable room windows
 - (h) The provision of pedestrian visibility splays measuring 2.0 metres (width across

the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossovers to Smith Street and Comas Grove. 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.

- (i) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (v) co-located where possible;
 - (vi) located or screened to be minimally visible from the public realm;
 - (vii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (viii) integrated into the design of the building.
- (j) 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.
- (k) 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.
- (l) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No.4 and No.5 of this Permit.
- (n) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
- (o) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No.7 of this Permit.
- (p) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No.8 of this Permit.

When approved, the plans will be endorsed and form part of this Permit.

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate
 - (a) Trees to the southern boundary (adjacent to the solar panels on the adjoining garage to the south) must not have a height greater than 3.5 metres at maturity.
 - (b) Tree protection measures in accordance with Condition No.4 and No.5 of this

Permit.

- (c) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No.6 of this Permit)
- (d) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No.7 of this Permit)
- (e) 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.
- (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (g) A diversity of plant species and forms and landscape design that, as appropriate, includes:
 - i. A wide variety of species with a priority for indigenous and native species including native grasses.
 - ii. Use of natural mulches and features such as logs and rocks where suitable.
 - iii. Key structural Eucalypt and Acacia species as prime habitat for biodiversity.
 - iv. A multilayered approach to plantings with grasses, groundcovers, shrubs and trees where possible.
 - v. The provision of water for wildlife, such as bird baths and ponds.
 - vi. Use of grasscrete or similar permeable paving to driveways and open car parking spaces to reduce hard surfaces on the site.
 - vii. Utilise green walls or facades to soften an interface with the public realm
- (h) Specification of water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.
- (i) At least two (2) medium sized canopy trees in the private open space of the proposed development and at least two (2) small trees in the front setback of the development. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) 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.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) 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).

- (n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (o) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (p) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (r) Scale, north point and appropriate legend.
- (s) 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*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 - <i>Lophostemon confertus</i> (Queensland Brush Box)	Naturestrip	3.0 metres
Tree 6 - <i>Acer buegerianum</i> (Trident Maple)	Adjoining property (east)	3.0 metres
Tree 7 - Rose species (Climbing)	Adjoining property (south)	1.2 metres
*as defined in the Arboricultural Report Construction Impact Assessment by Treeradar, dated 12/11/2021)		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) All excavations for the construction of the proposed crossover must be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity

Trees.

- (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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 TPZs 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.
 - (g) 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.
 - (h) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (i) Open space areas within the TPZ of Trees No. 6 and 7 must remain at or above existing grade and remain permeable.
 - (j) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (k) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (l) 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. Before plans are endorsed under Condition No.1 of this Permit, a Sustainable Design Assessment (SDA) generally in accordance with the SDA prepared by Simon Hodson dated December 2021 Rev B, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA
-

will be endorsed and will then form part of this Permit. The SDA must be prepared by a suitably qualified professional and must:

- (a) Detail the sustainable design strategies to be incorporated into the development.
- (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection.
- (c) Be accompanied by a report from an industry accepted performance measurement tool.

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

7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:

- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

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

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

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

9. The development must not be occupied until a fence/s to a minimum height of 1.8 metres above natural ground level is erected along the southern property boundary, where opposite adjoining secluded private open space areas. The fence must be constructed to the satisfaction of the Responsible Authority.

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

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

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

14. 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.

15. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.

16. 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.

17. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Smith Street and Comas Grove.

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

19. 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.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
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
- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for

further information and assistance.

- N7. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

7.31 pm Councillor Dimitriadis left the meeting and did not return

Committee Decision

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

That Planning Permit Application D/742/2020 be supported and a Notice of Decision to Grant a Permit be issued for a medium density housing development comprised of the construction of three (3) double storey dwellings at 205 Smith Street, Thornbury, 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 Sheets TP01, TP02, and TP04, Revision D dated 3 November 2021, drawing no. 20-047, and Prepared by Pro Planning Pty Ltd) but modified to show:
 - (a) The provision of dimensions detailing the ground floor street (Smith Street) setback of Dwelling 1 and Dwelling 2.
 - (b) Confirmation that the garage and car spaces are provided with a minimum 2.1 metre headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
 - (c) Alteration to the development to ensure that the amount of sunlight to the secluded private open space of the adjoining allotment to the east is not further reduced, between 9 am and 3 pm on 22 September, in accordance with the requirements of Standard B21 of Clause 55.04-5 of the Darebin Planning Scheme.
 - (d) The proposed upper floor of Dwelling 1 set back from the eastern common boundary sufficiently to allow adequate daylight to the adjacent dwelling's habitable room windows in accordance with Standard B19 of Clause 55.04-3 of the Planning Scheme. This may be achieved by either modifications to the building's eastern envelope, an increase in eastern setback/s or an overall reduction in the height of the building's eastern wall/s.
 - (e) The height of fences separating each dwelling's secluded private open space to be a minimum height of 1.8 metres as measured above finished surface levels.
 - (f) Details of the fences on the southern property boundary in accordance with Condition No. 9 of this Permit.
 - (g) The following modifications to improve energy and sustainability outcomes for the

development:

- (i) Drawings specifying rainwater tanks connected to WC's.
 - (ii) Full construction details including a cross-section of the permeable paving
 - (iii) Provision of openable windows or operable skylights to the stairs on the top floor of each dwelling to allow stack ventilation through the stair cores.
 - (iv) Appropriate external shading devices to east, west and north facing habitable room windows
- (h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossovers to Smith Street and Comas Grove. 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.
- (i) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
- (v) co-located where possible;
 - (vi) located or screened to be minimally visible from the public realm;
 - (vii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (viii) integrated into the design of the building.
- (j) 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.
- (k) 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.
- (l) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No.4 and No.5 of this Permit.
- (n) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
- (o) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No.7 of this Permit.
- (p) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No.8 of this Permit.

When approved, the plans will be endorsed and form part of this Permit.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

-
3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate
- (a) Trees to the southern boundary (adjacent to the solar panels on the adjoining garage to the south) must not have a height greater than 3.5 metres at maturity.
 - (b) Tree protection measures in accordance with Condition No.4 and No.5 of this Permit.
 - (c) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No.6 of this Permit)
 - (d) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No.7 of this Permit)
 - (e) 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.
 - (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (g) A diversity of plant species and forms and landscape design that, as appropriate, includes:
 - i. A wide variety of species with a priority for indigenous and native species including native grasses.
 - ii. Use of natural mulches and features such as logs and rocks where suitable.
 - iii. Key structural Eucalypt and Acacia species as prime habitat for biodiversity.
 - iv. A multilayered approach to plantings with grasses, groundcovers, shrubs and trees where possible.
 - v. The provision of water for wildlife, such as bird baths and ponds.
 - vi. Use of grasscrete or similar permeable paving to driveways and open car parking spaces to reduce hard surfaces on the site.
 - vii. Utilise green walls or facades to soften an interface with the public realm
 - (h) Specification of water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.
 - (i) At least two (2) medium sized canopy trees in the private open space of the proposed development and at least two (2) small trees in the front setback of the development. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (k) 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.

- (l) Hard paved surfaces at all entry points to dwellings.
- (m) 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).
- (n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (o) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (p) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (r) Scale, north point and appropriate legend.
- (s) 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*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 - <i>Lophostemon confertus</i> (Queensland Brush Box)	Naturestrip	3.0 metres
Tree 6 - <i>Acer buegerianum</i> (Trident Maple)	Adjoining property (east)	3.0 metres
Tree 7 - Rose species	Adjoining property (south)	1.2 metres

(Climbing)		
*as defined in the Arboricultural Report Construction Impact Assessment by Treeradar, dated 12/11/2021)		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) All excavations for the construction of the proposed crossover must be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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 TPZs 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.
 - (g) 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.
 - (h) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (i) Open space areas within the TPZ of Trees No. 6 and 7 must remain at or above existing grade and remain permeable.
 - (j) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (k) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within

the site.

- (l) 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. Before plans are endorsed under Condition No.1 of this Permit, a Sustainable Design Assessment (SDA) generally in accordance with the SDA prepared by Simon Hodson dated December 2021 Rev B, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed and will then form part of this Permit. The SDA must be prepared by a suitably qualified professional and must:
- (a) Detail the sustainable design strategies to be incorporated into the development.
 - (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection.
 - (c) Be accompanied by a report from an industry accepted performance measurement tool.

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

7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
 - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and

during the construction period, including requirements for:

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

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

9. The development must not be occupied until a fence/s to a minimum height of 1.8 metres above natural ground level is erected along the southern property boundary, where opposite adjoining secluded private open space areas. The fence must be constructed to the satisfaction of the Responsible Authority.

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

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

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

14. 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.

15. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.

16. 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.

17. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Smith Street and Comas Grove.

18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
19. 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.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
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
- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development

of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.

- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED UNANIMOUSLY

7.41 pm *Councillor Newton returned to the meeting*

Declaration of Conflict of Interest

7.41 pm Councillor Hannan declared a perceived general conflict of interest in the following item due to his employment in the Department of Land, Water and Planning.

Councillor Hannan left the meeting at 7.41 pm.

5.3 CASBE ELEVATING ESD STAGE 2 - PLANNING SCHEME AMENDMENT

EXECUTIVE SUMMARY

Council can take action on climate change by influencing the design of private development through environmentally sustainable development (ESD) requirements in the planning scheme. By requiring buildings to be designed in a way which minimises energy use, water and waste, Council can improve environmental outcomes and amenity, and reduce ongoing running costs for the community.

While Darebin's current ESD planning policy has resulted in improvements to sustainability outcomes and remains stronger than many councils in Melbourne, more can be done to ensure that development meets Council's current climate objectives, and better aligns with state, national and global policy on climate action.

Darebin has been collaborating with the Council Alliance for a Sustainable Built Environment (CASBE), in partnership with a group of 31 councils across Victoria, in the Elevating ESD Targets Planning Project (EETPP) to improve ESD policy in the planning scheme. Stage 1 of the project is now complete, and Stage 2 has recently commenced.

In Stage 1 of the project, a new ESD policy was drafted and background research completed, covering technical and development feasibility matters, an assessment of how best to implement the new ESD provisions in the planning system, and an economic analysis to consider the costs and benefits of the policy intervention.

Stage 2 involves preparing a planning scheme amendment to implement the new policy. It is proposed to create a new Particular Provision in Clause 53 of the Victoria Planning Provisions, which if successful would be applied within the planning schemes of each participating council. This approach would strengthen the ESD policy. The Particular Provisions of planning schemes is the responsibility of the Victorian Government, not local councils, and it is not yet clear if the Victorian Government will support this proposed approach.

Given Council's commitment to taking firm action on climate change and improving the design of development on private land, it is recommended that Council join the collective action by CASBE and 31 other councils to lift ESD standards in Victoria, by undertaking the following:

- Signing the Memorandum of Understanding (MOU) to participate in Stage 2 of the Elevating ESD project.
- Progress with a planning scheme amendment in partnership with other participating councils by seeking authorisation from the Minister for Planning (the Minister) to prepare and exhibit a new amendment for an updated ESD planning policy.
- Participate in joint advocacy to Victorian Government Ministers.

- Participate in informal community awareness-raising communications activities centrally-led by CASBE on behalf of the partner councils.

Officer Recommendation

That Council:

- (1) Authorise the Chief Executive Officer to sign the '*Elevating Environmentally Sustainable Development (ESD) Targets Planning Policy Amendment Memorandum of Understanding Stage 2 – Planning Scheme Amendment Process*'
- (2) Note the CASBE Elevating Targets Planning Project Stage 1 consultant reports at **Appendices A, B and C** as supporting documents that provide the rationale and evidence which underpin proposed Amendment C208dare to the Darebin Planning Scheme.
- (3) Seeks authorisation from the Minister for Planning pursuant to Section 8A of the *Planning and Environment Act 1987* to prepare Amendment C208dare to the Darebin Planning Scheme generally in accordance with **Appendix D**, including any consequential changes to the Local Planning Policy Framework (21.02 Environment) which are to be drafted as part of Stage 2 of the Project.
- (4) Undertakes exhibition of Amendment C208dare to the Darebin Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987* following authorisation from the Minister for Planning
- (5) Request that the Minister for Planning establish an advisory committee to advise on the ESD project and Amendment C208dare in accordance with section 151 of the *Planning and Environment Act 1987*.
- (6) Authorises the Manager City Futures to make editorial and/or administrative changes to Amendment C208dare and consequential changes to local policy as part of Stage 2 (generally as at **Appendix D**) as required for the purpose of:
 - a. Submitting the amendment to the Minister for Planning.
 - b. Satisfying any conditions of authorisation.
 - c. Providing guidance to any advisory committee or Panel established by the Minister for Planning.
- (7) Write a letter to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development outlining the benefits to the community of introducing zero carbon and elevated ESD planning policy into the Victoria Planning Provisions, and why Amendment C208dare should be adopted as a part of the State Government's environmentally sustainable development planning reforms.
- (8) Participates in informal community awareness raising communications activities centrally led by CASBE on behalf of participating councils.

Committee Decision

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That Council:

- (1) Authorise the Chief Executive Officer to sign the '*Elevating Environmentally Sustainable Development (ESD) Targets Planning Policy Amendment Memorandum of Understanding Stage 2 – Planning Scheme Amendment Process*'
- (2) Note the CASBE Elevating Targets Planning Project Stage 1 consultant reports at **Appendices A, B** and **C** as supporting documents that provide the rationale and evidence which underpin proposed Amendment C208dare to the Darebin Planning Scheme.
- (3) Seeks authorisation from the Minister for Planning pursuant to Section 8A of the *Planning and Environment Act 1987* to prepare Amendment C208dare to the Darebin Planning Scheme generally in accordance with **Appendix D**, including any consequential changes to the Local Planning Policy Framework (21.02 Environment) which are to be drafted as part of Stage 2 of the Project.
- (4) Undertakes exhibition of Amendment C208dare to the Darebin Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987* following authorisation from the Minister for Planning
- (5) Request that the Minister for Planning establish an advisory committee to advise on the ESD project and Amendment C208dare in accordance with section 151 of the *Planning and Environment Act 1987*.
- (6) Authorises the Manager City Futures to make editorial and/or administrative changes to Amendment C208dare and consequential changes to local policy as part of Stage 2 (generally as at **Appendix D**) as required for the purpose of:
 - a. Submitting the amendment to the Minister for Planning.
 - b. Satisfying any conditions of authorisation.
 - c. Providing guidance to any advisory committee or Panel established by the Minister for Planning.
- (7) Write a letter to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development outlining the benefits to the community of introducing zero carbon and elevated ESD planning policy into the Victoria Planning Provisions, and why Amendment C208dare should be adopted as a part of the State Government's environmentally sustainable development planning reforms.
- (8) Participates in informal community awareness raising communications activities centrally led by CASBE on behalf of participating councils.

CARRIED UNANIMOUSLY

7.50 pm Councillor Hannan returned to the meeting

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. J Williams
SECONDED: Cr. G Greco

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.50 pm .

**CITY OF
DAREBIN**

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt