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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 14 November 2022

Released to the public on 17 November 2022



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.

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 14 NOVEMBER 2022

THE MEETING OPENED AT 6.31PM

WELCOME

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

"I acknowledge the Wurundjeri Woi-wurrung people who are the Traditional Owners of the land. I recognise their continuing connection to the land, water and culture. I pay my respects to Elders past, present and emerging."

1. PRESENT

Councillors

Cr. Lina Messina (Mayor) (Chairperson)
Cr. Trent McCarthy (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Susan Rennie

Council Officers

Rachel Ollivier - General Manager City Sustainability and Strategy
Kathryn Pound – Manager City Development
Neil Cooney – Assistant Manager City of Development
Deniz Yener-Korematsu – Priority Development Coordinator
Alex McKenner-Cocks – Priority Development Planner
Carmela Tornatore – Appeals Advocate
Jody Brodribb - Coordinator Governance Services
Michelle Martin – Senior Governance Services Officer
Danica Webster – Governance Services Officer
Jeme Liang – I.T Support Officer

2. APOLOGIES

An apology was received from Cr. Gaetano Greco
Cr. Julie Williams is on an approved Leave of Absence
Cr. Susanne Newton is on Parental Leave

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Hannan disclosed a conflict of interest in URGENT BUSINESS Item 7.1 CONFIDENTIAL 84-96 Bastings Street, Northcote - VCAT MATTER stating he lives within close proximity of the proposed development at Bastings Street Northcote.

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MINUTE NO. 22-113

MOVED: Cr. T McCarthy
SECONDED: Cr. T Laurence

That the Minutes of the Planning Committee Meeting held on 10 October 2022 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/745/2021 700 HIGH STREET THORNBURY

Author: Principal Planner

Reviewed By: General Manager City Sustainability & Strategy

Applicant	Owner	Consultants
C. Kairouz Architects	Walter Stragan	C. Kairouz Architects Infinity Landscape Design EcoHarmony Amber Traffic and Transport Wastewise Environmental

SUMMARY

- The application relates to the proposed construction of a six (6) storey, mixed-use development comprising a ground floor commercial/retail premises, dwellings, office at fifth-floor, a rooftop communal open space area and a reduction in the statutory car parking requirement of fourteen (14) car parking spaces.
- The site is zoned Commercial 1 Zone (C1Z) and is affected by a Development Contributions Plan Overlay – Schedule 1 (DCPO1 – which is currently expired) and the Environmental Audit Overlay (EAO). The site is located in the Principal Public Transport Network Area and Substantial change area under the local housing policy.
- Five (5) objections were received against the application, on the key grounds of neighbourhood character, the overall scale of the proposal, overshadowing, amenity impacts on the adjoining properties and the proposed car parking reduction.
- The proposal is largely compliant with Clause 58 of the Darebin Planning Scheme save some minor variation requests in relation to Standard D7 (Communal Open Space Objective), Standard D20 (Private Open Space Objective) and Standard D26 (Functional Layout Objective).
- The proposal is seeking multiple variations to design standards within the High Street Corridor Land Use and Urban Design Guidelines. In particular, the proposed height and setback variations are supported due to the precedence set by the six-storey building to the south of the site and the existence of a commercial building to the east of the site, as well as the proposal incorporating a high standard of design.
- It is recommended that the application be supported, subject to conditions.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the following units and officers within Council: Infrastructure and Capital Delivery, Climate Emergency and Sustainable Transport,

Environmental Sustainability Officer, City Designer, City Design Unit and the Principal Environmental Risk Officer.

- 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/745/2021 700 High Street Thornbury:

- **Sue Sukkar from C Kairouz Architects (Applicant)**

<p style="text-align: center;">Officer Recommendation</p>
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That Planning Permit Application D/745/2021 for the construction of a six (6) storey, mixed-use development comprising a ground floor commercial premises, dwellings and an office and a reduction in the statutory car parking requirement be supported and a Notice of Decision to Grant a Permit be issued 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 advertised plans identified as A02, A03, A05.1, A05.2, A05.3, A05.4, A06.1, A06.2, A07 prepared by C. Kairouz Architects, Job No. CKA 21-031 dated 28 March 2022 and L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 008.2022, dated 23 February 2022 but modified to show:
 - (a) 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.
 - (b) The lift core and entire central core shifted 200mm towards High Street to enable vehicle maneuverability to be contained entirely within the subject site and rear laneway.
 - (c) The rooftop communal open space area increased to 67.5 square metres.
 - (d) Showers to 50 per cent of dwellings being hobless.
 - (e) Toilets to 50 percent of the dwellings rearranged to allow full compliance with Standard D18 of Clause 58.05-1 of the Darebin Planning Scheme.
 - (f) At least 50 percent of bathrooms having a clear path with a minimum width of 900mm from the door opening to the circulation area to allow full compliance with Standard D18 of Clause 58.05-1 of the Darebin Planning Scheme.
 - (g) The east and west opposing windows to bedrooms facing the light well to be screened in accordance with Standard D15 of Clause 58.04-2 of the Darebin Planning Scheme to the satisfaction of the Responsible Authority.
 - (h) Bedroom 3 to dwellings 1.2 and 2.2 (formerly identified as 'Study') updated to be identified as 'Bedroom 3' respectively, with associated, accurate dimensions.
 - (i) The access corridor from Gooch Street leading to the bicycle parking compound

at ground floor having a minimum width of 1.5 metres with all doors on route automated.

- (j) Internal and external storage units to each dwelling in accordance with Standard D21 of Clause 58.05-4 of the Darebin Planning Scheme.
- (k) Indicate on the plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection.
- (l) The capacity (22kW) of the proposed solar systems must be indicated on the plans and elevations.
- (m) All bathrooms and ensuites must incorporate an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.
- (n) Plans and elevations must demonstrate appropriate external shading to east, west and north facing glazing of commercial areas. Shade structures must not extend more than 150mm beyond title boundaries.
- (o) Notations on plans demonstrating that the Transport 1.4 Bicycle Parking – Non-residential commitment.
- (p) The Urban Ecology 2.1 Vegetation BESS credit to include only turfed or planting areas and no other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, or storage sheds. This area must be demarcated on the landscape plan accurately and entry in BESS must be updated accordingly.
- (q) For the non-visible flat roofs and exposed concrete driveway, specification of high SRI paints and materials (SRI>50) to mitigate the urban heat island effect. This must be reflected on plans.
- (r) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
- (s) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 4 and 5 of this Permit.
- (t) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 6 of this Permit.
- (u) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 6 of this Permit.
- (v) 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.
- (w) The provision of a Site Management Plan (SMP) in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (x) Any modifications required as a result of the approved Wind Impacts Assessment or statement required by Condition No. 17 of this Permit.
- (y) Any modifications required as a result of the approved Acoustic Report required by Condition 18 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, an amended

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 generally in accordance with L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 008.2022, dated 23 February 2022 but modified to show:

- (a) Tree protection measures in accordance with Condition No. 4 and No. 5 this Permit.
- (b) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 6 of this Permit.
- (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
- (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (e) A diversity of plant species and forms.
- (f) The incorporation of six (6) small canopy trees within the rooftop communal open space area. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must incorporate a minimum width of four (4) metres at maturity.
- (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
- (h) 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).
- (i) Landscape specification notes including general establishment and maintenance requirements.
- (j) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

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)
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		trunk)
Tree 1 - Nature strip tree	Nature strip of Gooch Street	2 metres
Tree 2 – Nature strip tree	Corner of High Street and Gooch Street	2 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 must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of 1 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) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (g) 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.

6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) and set of plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the SMP prepared by EcoHarmony dated 1 April 2022 but modified to address the following matters:

- (a) The project maintaining the proposed 58% overall score and meet minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. Should any category fall short of the minimum targets, adjustments must be made to demonstrate that the project meets the BESS minimums.
- (b) Indication on the plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection.
- (c) The capacity (22kW) of the proposed solar systems indicated on the plans and elevations.
- (d) All bathrooms and ensuites incorporating an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.
- (e) The BESS built-in calculation tool removed in relation to all bedrooms that have single windows to the lightwell.
- (f) Details about how 100% of the commercial spaces are naturally ventilated.
- (g) Plans and elevations demonstrating appropriate external shading to east, west and north facing glazing of commercial areas.
- (h) Notations demonstrating that the Transport 1.4 Bicycle Parking – Non-residential commitment is being delivered.
- (i) The Urban Ecology 2.1 Vegetation BESS credit including only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, or storage sheds. This area must be demarcated on the landscape plan accurately and entry in BESS must be updated accordingly.
- (j) Specification of high SRI paints and materials (SRI>50) for the non-visible flat roofs and exposed concrete driveway, to help mitigate the urban heat island effect. This must be reflected on plans.
- (k) All fabricated structural steelwork being supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture.

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, 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 (SMP) 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. 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).

10. Before the use starts, an automatic external lighting system capable of illuminating the rear ROW 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.

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

12. 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.

13. 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.

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

- Contact details for key construction site staff including after-hours contact numbers.
 - Hours for the construction activity.
 - Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
 - Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
 - The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
 - On site facilities for vehicle washing.
 - Delivery and unloading points and expected frequency.
 - The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
 - Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
 - Management of laneway access during construction.
 - An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
 - The processes to be adopted for the separation, re-use and recycling of demolition materials.
 - The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
 - The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
 - Any requirements of the Statement of Environmental Audit Report and/ or Preliminary Site Assessment, including the ongoing management measures as relevant to the construction phase of the development.
 - Any other relevant matters.
15. Before plans are endorsed under Condition No. 1 of this Permit either:
- (a) A contribution must be made (equivalent to four (4) bicycle spaces) to cycling infrastructure near the site (where possible) or within the municipality, or
 - (b) Four (4) ground mounted bicycle parking spaces must be provided on the site in a location conveniently accessible by visitors/patrons.

Visitor bicycle parking spaces on the site must be installed and maintained to the satisfaction of the Responsible Authority.

16. Before the use commences, the owner/developer must pay a financial contribution (establishment fee of \$1,100) to facilitate the installation of a new car share pod on Gooch Street, in accordance with Council's Car Share Policy, to the satisfaction of the Responsible Authority.
17. The provision of a Wind Impacts Assessment or statement prepared by a qualified

professional, confirming either that the development will not have detrimental wind tunnel impacts along Gooch Street and High Street near the subject site; or provision of recommended measures to ensure wind tunnel impacts are appropriately managed. If further measures are required, details of must be provided and incorporated into the development.

18. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:
- (a) Noise levels associated with the operation of High Street and the ground floor car stackers do not impact adversely on the amenity of the dwellings.
 - (b) Dwellings are designed to achieve the following noise levels:
 - (i) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - (ii) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- (c) Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- (d) The car stackers must be routinely serviced and maintained, including in accordance with the provisions, recommendations and requirements of the endorsed Acoustic Report, to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land by the emission of noise.

The requirements of the approved Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

19. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by WasteWise Environmental dated 29 March 2022.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

If collection occurs offsite, bins will be removed from the street or public road promptly after collection.

The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the responsible Authority.

20. 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.

21. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
22. 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.
23. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
24. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
25. Before the use commences (or the certification or issue of a statement of compliance under the Subdivision Act 1988); or before the construction or carrying out of buildings and works in association with the use commences, with the exception of buildings or works required to facilitate the undertaking of the PRSA or Audit process:
 - (a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (d) A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

If an Environmental Audit Statement issued:

- (e) The Environmental Audit Statement including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.
- (f) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.
- (g) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (h) Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement require ongoing maintenance and/or monitoring, before the use starts the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with.

Before use starts (or the certification or issue of a statement of compliance under the Subdivision Act 1988), application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the section 173 agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

26. 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 plans, 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 development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.

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

Committee Decision**MINUTE NO. 22-114**

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

That Planning Permit Application D/745/2021 for the construction of a six (6) storey, mixed-use development comprising a ground floor commercial premises, dwellings and an office and a reduction in the statutory car parking requirement be supported and a Notice of Decision to Grant a Permit be issued 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 advertised plans identified as A02, A03, A05.1, A05.2, A05.3, A05.4, A06.1, A06.2, A07 prepared by C. Kairouz Architects, Job No. CKA 21-031 dated 28 March 2022 and L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 008.2022, dated 23 February 2022 but modified to show:
 - (a) 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.
 - (b) The lift core and entire central core shifted 200mm towards High Street to enable vehicle maneuverability to be contained entirely within the subject site and rear laneway.
 - (c) The rooftop communal open space area increased to 67.5 square metres.
 - (d) Showers to 50 per cent of dwellings being hobless.
 - (e) Toilets to 50 percent of the dwellings rearranged to allow full compliance with Standard D18 of Clause 58.05-1 of the Darebin Planning Scheme.
 - (f) At least 50 percent of bathrooms having a clear path with a minimum width of 900mm from the door opening to the circulation area to allow full compliance with Standard D18 of Clause 58.05-1 of the Darebin Planning Scheme.
 - (g) The east and west opposing windows to bedrooms facing the light well to be screened in accordance with Standard D15 of Clause 58.04-2 of the Darebin Planning Scheme to the satisfaction of the Responsible Authority.
 - (h) Bedroom 3 to dwellings 1.2 and 2.2 (formerly identified as ‘Study’) updated to be

identified as 'Bedroom 3' respectively, with associated, accurate dimensions.

- (i) The access corridor from Gooch Street leading to the bicycle parking compound at ground floor having a minimum width of 1.5 metres with all doors on route automated.
- (j) Internal and external storage units to each dwelling in accordance with Standard D21 of Clause 58.05-4 of the Darebin Planning Scheme.
- (k) Indicate on the plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection.
- (l) The capacity (22kW) of the proposed solar systems must be indicated on the plans and elevations.
- (m) All bathrooms and ensuites must incorporate an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.
- (n) Plans and elevations must demonstrate appropriate external shading to east, west and north facing glazing of commercial areas. Shade structures must not extend more than 150mm beyond title boundaries.
- (o) Notations on plans demonstrating that the Transport 1.4 Bicycle Parking – Non-residential commitment.
- (p) The Urban Ecology 2.1 Vegetation BESS credit to include only turfed or planting areas and no other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, or storage sheds. This area must be demarcated on the landscape plan accurately and entry in BESS must be updated accordingly.
- (q) For the non-visible flat roofs and exposed concrete driveway, specification of high SRI paints and materials (SRI>50) to mitigate the urban heat island effect. This must be reflected on plans.
- (r) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
- (s) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 4 and 5 of this Permit.
- (t) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 6 of this Permit.
- (u) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 6 of this Permit.
- (v) 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.
- (w) The provision of a Site Management Plan (SMP) in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (x) Any modifications required as a result of the approved Wind Impacts Assessment or statement required by Condition No. 17 of this Permit.
- (y) Any modifications required as a result of the approved Acoustic Report required by Condition 18 of this Permit.
- (z) Car parking allocation for the development nominated on the plans in accordance with Condition No.23 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, an amended 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 generally in accordance with L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 008.2022, dated 23 February 2022 but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 4 and No. 5 this Permit.
 - (b) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 6 of this Permit.
 - (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
 - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (e) A diversity of plant species and forms.
 - (f) The incorporation of six (6) small canopy trees within the rooftop communal open space area. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must incorporate a minimum width of four (4) metres at maturity.
 - (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (h) 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).
 - (i) Landscape specification notes including general establishment and maintenance requirements.
 - (j) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

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 - Nature strip tree	Nature strip of Gooch Street	2 metres
Tree 2 – Nature strip tree	Corner of High Street and Gooch Street	2 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 must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of 1 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) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (g) 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.
6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) and set of plans to the satisfaction of the

Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the SMP prepared by EcoHarmony dated 1 April 2022 but modified to address the following matters:

- (a) The project maintaining the proposed 58% overall score and meet minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. Should any category fall short of the minimum targets, adjustments must be made to demonstrate that the project meets the BESS minimums.
- (b) Indication on the plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection.
- (c) The capacity (22kW) of the proposed solar systems indicated on the plans and elevations.
- (d) All bathrooms and ensuites incorporating an openable window or openable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.
- (e) The BESS built-in calculation tool removed in relation to all bedrooms that have single windows to the lightwell.
- (f) Details about how 100% of the commercial spaces are naturally ventilated.
- (g) Plans and elevations demonstrating appropriate external shading to east, west and north facing glazing of commercial areas.
- (h) Notations demonstrating that the Transport 1.4 Bicycle Parking – Non-residential commitment is being delivered.
- (i) The Urban Ecology 2.1 Vegetation BESS credit including only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, or storage sheds. This area must be demarcated on the landscape plan accurately and entry in BESS must be updated accordingly.
- (j) Specification of high SRI paints and materials (SRI>50) for the non-visible flat roofs and exposed concrete driveway, to help mitigate the urban heat island effect. This must be reflected on plans.
- (k) All fabricated structural steelwork being supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture.

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, 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 (SMP) 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. 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).

10. Before the use starts, an automatic external lighting system capable of illuminating the rear ROW 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.

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

13. 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.

14. Before the development starts a Construction Management Plan (CMP) must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will then form part of this Permit. The Construction Management Plan must address, without limitation, the following:
- Contact details for key construction site staff including after-hours contact numbers.
 - Hours for the construction activity.
 - Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
 - Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
 - The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
 - On site facilities for vehicle washing.
 - Delivery and unloading points and expected frequency.
 - The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
 - Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
 - Management of laneway access during construction.
 - An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
 - The processes to be adopted for the separation, re-use and recycling of demolition materials.
 - The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
 - The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
 - Any requirements of the Statement of Environmental Audit Report and/ or Preliminary Site Assessment, including the ongoing management measures as relevant to the construction phase of the development.
 - Any other relevant matters.
15. Before plans are endorsed under Condition No. 1 of this Permit either:
- (a) A contribution must be made (equivalent to four (4) bicycle spaces) to cycling infrastructure near the site (where possible) or within the municipality, or
 - (b) Four (4) ground mounted bicycle parking spaces must be provided on the site in a location conveniently accessible by visitors/patrons.

Visitor bicycle parking spaces on the site must be installed and maintained to the

satisfaction of the Responsible Authority.

16. Before the use commences, the owner/developer must pay a financial contribution (establishment fee of \$1,100) to facilitate the installation of a new car share pod on Gooch Street, in accordance with Council's Car Share Policy, to the satisfaction of the Responsible Authority.
17. The provision of a Wind Impacts Assessment or statement prepared by a qualified professional, confirming either that the development will not have detrimental wind tunnel impacts along Gooch Street and High Street near the subject site; or provision of recommended measures to ensure wind tunnel impacts are appropriately managed. If further measures are required, details of must be provided and incorporated into the development.
18. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:
 - (a) Noise levels associated with the operation of High Street and the ground floor car stackers do not impact adversely on the amenity of the dwellings.
 - (b) Dwellings are designed to achieve the following noise levels:
 - (i) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - (ii) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- (c) Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- (d) The car stackers must be routinely serviced and maintained, including in accordance with the provisions, recommendations and requirements of the endorsed Acoustic Report, to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land by the emission of noise.

The requirements of the approved Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

19. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by WasteWise Environmental dated 29 March 2022.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

If collection occurs offsite, bins will be removed from the street or public road promptly after collection.

The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans.

The waste storage and collection area must not be used for any other purpose and

- must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the responsible Authority.
20. 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.
 21. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
 22. 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.
 23. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 24. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
 25. Before the use commences (or the certification or issue of a statement of compliance under the Subdivision Act 1988); or before the construction or carrying out of buildings and works in association with the use commences, with the exception of buildings or works required to facilitate the undertaking of the PRSA or Audit process:
 - (a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (d) A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

If an Environmental Audit Statement issued:

- (e) The Environmental Audit Statement including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.
- (f) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.
- (g) Written confirmation of compliance must be provided by a suitably qualified

environmental consultant or other suitable person acceptable to the Responsible Authority.

- (h) Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement require ongoing maintenance and/or monitoring, before the use starts the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with.

Before use starts (or the certification or issue of a statement of compliance under the Subdivision Act 1988), application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the section 173 agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

26. 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.

27. The car parking spaces shown on the endorsed plans must be allocated as follows and must not be used for any other purpose:

- (a) One car parking space for each of the two-bedroom dwellings (within the mechanical stackers)
- (b) One car parking space for each of the three-bedroom dwellings (within the mechanical stackers)
- (c) Two car parking spaces for the Office (at grade tandem spaces).

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 plans, 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 development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N6. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED UNANIMOUSLY

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).

Committee Decision

MINUTE NO. 22-115

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

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

6.47pm Cr. Hannan declared a general conflict of interest in the following item he lives within close proximity of the proposed development.

CLOSE OF MEETING

Committee Decision

MINUTE NO. 22-116

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

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

7.1 Urgent business: 84-96 Bastings Street, Northcote - VCAT matter

This item is confidential because it is land use planning information, being information that if prematurely released is likely to encourage speculation in land values, pursuant to Section 3(1) (c) of the Act.

Contains information pertaining to confidential without prejudice discussions at VCAT Compulsory Conference, as well as land use planning information

CARRIED

The meeting was closed to the members of the public at 6.47pm

The Council considered and resolved on Report Item 7.1 which had been circulated to Councillors with the Council Agenda Paper.

RE-OPENING OF MEETING

Committee Decision

MINUTE NO. 22-117

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

That the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to the members of the public at 6.51pm.

8. CLOSE OF MEETING


The meeting closed at 6.51pm.

**CITY OF
DAREBIN**

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