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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 17 December 2018

Released to the public on Thursday 20 December 2018

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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 17 DECEMBER 2018

THE MEETING OPENED AT 6PM.

1. WELCOME

The Chairperson, Mayor Cr. Susan Rennie opened the meeting with the following statement:

“Ngarrgma Wurundjeri Kulin Mirambeekal bik wenerop Darebin bagungbul Arweet dharro Ba Gangookal Nanggit Bambuth ba Yalingbu.

I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today.”

2. PRESENT

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Susanne Newton (Deputy Mayor)

Cr. Julie Williams

Council Officers

Ingrid Bishop – Acting Chief Executive Officer

Vito Albicini - General Manager Operations and Capital

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd - Manager City Development

Melinda Viksne - Manager Governance and Performance

Julie Smout – Coordinator Statutory Planning

Avi Maharaj - Coordinator Governance, Council Business and Civic Services

Karlee Ferrante – Council Business Officer

Ram Sekharan - Service Desk Support Officer

3. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

Cr. Lina Messina is noted as an apology.

Sue Wilkinson, Chief Executive Officer is noted as an apology.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 19 November 2018 be confirmed as a correct record of business transacted.

CARRIED

6. CONSIDERATION OF REPORTS

6.1 APPLICATION FOR PLANNING PERMIT D/1007/2012 6-34 High Street Preston

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Onoufrios Gorozidis C/- Message Consultants P/L 2/398 Smith Street COLLINGWOOD VIC 3066	St Onoufrios P/L 101 Cheltenham Road DANDENONG VIC 3175	Message Consultants P/L 2/398 Smith Street COLLINGWOOD VIC 3066

SUMMARY

- Council has received an appeal against the non-determination of this planning application. A hearing date of 13 March 2019 has been set aside by the Victorian Civil and Administrative Tribunal to hear the case.
- The proposal is for an 18-storey (plus basement levels) mixed use development, designed by KUD Architects comprising:
 - A maximum height of 56 metres.
 - 157 dwellings (30 x 1-bedroom, 119 x 2-bedroom & 8 x 3-bedroom).
 - Six (6) commercial / retail spaces (897 square metres).
 - 201 car parking spaces (+2 DDA spaces).
 - 13 motor bike parking spaces.
 - 114 bicycle parking spaces.
 - Communal roof terraces at levels 2, 7, 10 and 16 (2,313 square metres).
 - 40 kilo-litre water tank.
- The development is finished in grey concrete panel, black vertical fin/handrail, grey alucobond, black vertical purlin, bronze aluminium composite panel, yellow podium glazing, tinted double glazed windows and painted concrete.
- A pedestrian link is provided between High Street and Plenty Road adjacent to the site's northern boundary. This link will be available for general public access.
- There is no restrictive covenant on the title for the subject land.
- The proposal fails to meet a number of objectives and standards of Clause 22.06, Clause 43.02 and Clause 58 of the Darebin Planning Scheme.
- The planning scheme identifies the subject land as a strategic landmark site which in conjunction with the Urban Design Framework (for St George's Road and Plenty Road Corridors, 2015) requires an exemplary level of design quality.
- It is recommended that the application is refused planning permission at the forthcoming appeal hearing.

CONSULTATION:

- Public notice of the initial proposal designed by Design Consortia Australia (DCA) was given notice via signs posted on site and letters to surrounding owners and occupiers. This proposal received 36 objections in October 2013.
- Notice of the current proposal prepared by KUD Architects is currently being undertaken in accordance with requirements of the Tribunal, including letters to surrounding owners and occupiers and the display of a signs on site.
- This application was referred internally to the Urban Design officer, ESD officer, Capital Works Unit, Transport Management and Planning Unit and the Public Realm Unit.
- This application was not required to be referred to external authorities.
- The initial proposal prepared by DCA was referred to the Office of the Victorian Government Architect (OVGA).
- To inform the requirements for a high standard of architectural and urban design quality, Council also attained independent urban design advice from MGS Architects in relation to the current proposal prepared KUD Architects.
- Council officers wrote to objectors in early November 2018 to update them on the status of the application and provide them with an opportunity to review the latest plans on line.

Committee Decision

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

That Council form a view that Planning Permit Application D/1007/2012 be refused planning permission at the forthcoming Tribunal hearing, on the following grounds:

- (1) The proposal fails to provide a design which accords with the objectives of Clause 22.01 (The Junction Framework Plan) of the Darebin Planning Scheme, particularly in the relation to the design of the street wall, roof form, the southern elevation and the pedestrian link.
- (2) The proposed fails to achieve the design quality expected for a Strategic Landmark Site as described in Clause 43.02 (Design and Development Overlay 3) of the Darebin Planning Scheme and supporting guidelines contained in the Urban Design Framework (2015) St George's Road and Plenty Road Corridors (as amended 4 September 2017).
- (3) The materials, architectural detailing, roof form, residential entrances, design and scale & height of the podium levels are contrary to Clause 22.06 (Multi Residential and Mixed use Development), Clause 43.02 (Design and Development Overlay – 3) of the Darebin Planning Scheme, Objective 5.1.7 of the Urban Design Guidelines of Victoria and the advice of the Office of the Victoria Government Architect (dated 15 October 2014) and MGS Architects (dated October 2018).
- (4) The proposal does not provide sufficient activation of the pedestrian link between High Street and Plenty Road, contrary Clause 22.06 (Multi Residential and Mixed use Development) and Clause 43.02 (Design and Development Overlay – 3) of the Darebin Planning Scheme and the advice of MGS architects (dated October 2018).
- (5) The proposal does not provide a sufficient mix of dwellings types including social and affordable housing, contrary to Clause 16.01-4S (Housing Affordability), Clause 16.01-S (Housing Diversity), 22.06 (Multi Residential and Mixed use Development), Clause 43.02 (Design and Development Overlay – 3) and Standard D3 of Clause 58 of the

Darebin Planning Scheme, and the advice of MGS architects (dated October 2018).

- (6) A number of aspects of the proposal, particularly the internal and external design of the proposal and the pedestrian link are contrary to the advice of the OVGA (dated 15 October 2015 and the advice of MGS Architects (dated October 2018).
- (7) The proposal does not satisfactorily comply with the standards and objectives of Clause 58 (Apartment Developments) of the Darebin Planning Scheme, in particular:
- Standard D1: Urban Context
 - Standard D2: Residential Policy
 - Standard D3: Dwelling Diversity
 - Standard D5: Integration with the street
 - Standard D7: Communal Open Space
 - Standard D15: Internal Views
 - Standard D16: Noise Impacts
 - Standard D17: Accessibility
 - Standard D18: Building Entry
 - Standard D19: Private Open Space
 - Standard D23: Waste and Recycling
 - Standard D24: Functional Layout
 - Standard D25: Room depth
 - Standard D26: Windows
 - Standard D27: Natural Ventilation

CARRIED

**6.2 APPLICATION FOR PLANNING PERMIT D/845/2017
69 - 71 High Street, Northcote**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
ITS Design Pty Ltd (Vic)	Amamoor Pty Ltd	Site Matters Town Planning and Site Analysis Consultants

SUMMARY

- It is proposed to partially demolish the rear of the existing two (2) storey building and construct a mixed use development consisting of a food and drink premises (restaurant) and office (both existing) and three (3) apartments (two (2) one bedroom and one (1) two (2) bedroom). Each apartment has been provided with secluded private open space ranging from 12 square metres to 18 square metres.
- The proposal seeks a reduction of six (6) car spaces for apartment 1, the office and food and drink premises (restaurant). The food and drink premises (restaurant) will have 36 seats.
- The land is zoned Commercial.
- There is no restrictive covenant on the Title for the subject land.
- 30 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 58 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Infrastructure and Capital Delivery, Environmental Operations, Transport Engineering and Strategy, Environmental Sustainability Officer and Heritage Advisor.
- This application was not required to be referred to external authorities.

The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Rennie:

- *Natascha Placencio, Applicant*
- *Jeff Croker, Objector*

Committee Decision

MOVED: Cr. S Amir
SECONDED: Cr. S Newton

That Planning Permit Application on D/845/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale and dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheet TP06, TP07, TP08, TP09, TP10, TP11, TP13, dated June 2016, drawn by ITS Design and shown with Council's advertised date stamp) but modified to show:
 - a) A swept path assessment demonstrating that B85th percentile vehicles can enter and exit the car stackers in accordance with the requirements of AS2890.1:2004 to the satisfaction of the Responsible Authority. 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.
 - b) The applicant must confirm the car stacker model and provide the technical data sheets separately. The proposed car stacker system must allow for a minimum internal car platform width of 2.4 metres, a minimum height clearance of 3.25 metres and a minimum pit depth of 2 metres.
 - c) All windows in the development treated with either double glazing or glazing that is a minimum of 6mm thick.
 - d) Three (3) bicycle spaces allocated to the commercial premises in the rear ground floor service area in accordance with AS2890.3.2015.
 - e) A sign within the services area showing which bike hooks are designated to the commercial premises.
 - f) The location of all plant and equipment (including air conditions and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the buildings.
 - g) All windows on each level along the western elevation aligned vertically.
 - h) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - h) Any modifications in accordance with the acoustic report (refer to Condition No. 5 of this Permit).
 - i) Any modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 6 of this Permit).
 - j) A waste management plan in accordance with Condition No. 7 of this permit.
 - k) A single communal antenna for the development (refer also to Condition No. 20 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

- l) Finished floor levels reference to the Australian Height Datum (AHD).
- m) The doors to each apartment clearly signposted. This must be annotated on the plans.
- n) The residential entry door to High Street shown with clear glazing.
- o) Annotations on the plans stating that the car spaces are allocated to Apartment 2 and 3.

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

- (2) The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed or the use is not started within five (5) years from the date of this Permit.

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

- Before this Permit expires;
 - 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.
- (4) Before any buildings or works commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Associated (Victoria) Inc, or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environment condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultants opinion be that an environmental audit be undertaken, before the use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with.

Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences 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 to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

- (5) Before development starts, an acoustic assessment of the development, to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - Noise emissions associated with the dwelling do not impact adversely on the surrounding commercial uses.
 - The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
 - Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

- (6) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance with the document identified as BESS report, dated 4 May 2017, prepared by ITS Design detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. The document is to be amended as follows:
- Provide details on how all windows open. Operable windows must be maximised, including to the light wells.

- Change the obscure glazed windows to external screens that block views down, but not out. Install larger operable windows.
- Install PV panels for common area electricity.

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

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

- (7) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection for all apartments and office be undertaken by a private contractor.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (8) Before the use starts, employee bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (10) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) Seating for patrons on the premises must not exceed 36.
- (13) All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
- (14) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to the car stacker and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- (15) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (19) Before occupation of the development, 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; and
 - c) Drained
- to the satisfaction of the Responsible Authority
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (20) No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
- (21) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.

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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition No. 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant Section of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications and without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.
- N6 No buildings or works may be built over any easement on the land except with the written consent of the relevant authority.

CARRIED

**6.3 APPLICATION FOR PLANNING PERMIT D/361/2018
834 High Street Thornbury**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Max Architects P/L Ground Level 31 Coventry Street SOUTH MELBOURNE	Brooks Property Group P/L 37 Northern Road HEIDELBERG WEST	Max Architects P/L Ground Level 31 Coventry Street SOUTH MELBOURNE

SUMMARY

- The proposal involves the partial demolition of the existing building and the development of a 5-storey mixed use proposal comprising:
 - Retention of the existing façade.
 - Seven (7) dwellings (1 x 2-bedroom and 6 x 3-bedroom).
 - One (1) commercial / retail space (99 square metres).
 - 15 car parking spaces.
 - 10 bicycle parking spaces.
- The site is zoned Commercial 1 and is affected by the Heritage Overlay - 309.
- There is no restrictive covenant on the title for the subject land.
- One (1) objection was received.
- The proposal achieves the objectives and standards of Clauses 22.05, 22.06, 43.01 and 58 of the Darebin Planning Scheme.
- It is recommended that the application be approved.

CONSULTATION:

- Public notice of the proposal was undertaken by the display of a sign on site and letters to surrounding owners and occupiers.
- The proposal received one (1) objection.
- This application was referred internally to the Transport Management and Planning Unit, Capital Works Unit, ESD officer, Heritage officer and Urban Design officer.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. T McCarthy

SECONDED: Cr. S Amir

That Planning Permit Application D/361/2018 be approved and a Notice of Approval 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP-02 Rev B, TP-03 Rev D, TP-04 Rev C, TP-05 Rev E, TP-06 Rev E, TP-07 Rev E, TP-08 Rev E, TP-09 Rev D, TP-10 Rev D, TP-11 Rev E, TP-12 Rev D, TP-13 Rev C and TP-14 Rev, prepared by MAX Architects) but modified to show:
 - a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 6 of this Permit).
 - b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 7 of this Permit).
 - c) Modifications in accordance with the Acoustic Report (refer to Condition No. 8 of this Permit).
 - d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - e) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows / glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.
 - g) Window type and opening mechanism on all elevation plans. Window mechanism must not increase overlooking of secluded private open space and/ or habitable room windows. Sliding, casement or sash windows must be provided to maximise ventilation.
 - h) A single communal antenna for the development (refer also to Condition No. 16 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - i) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - j) Indicative location of signage.
 - k) A canopy over the public footpath to High Street set back 0.75 metres from the kerb and a minimum clearance height of 3 metres above the level of the public footpath.
 - l) Full compliance with Standard D17 (Accessibility) of Clause 58 of the Darebin Planning Scheme in relation to Dwellings 1.01, 3.01 & 4.01.

- m) Removal of the rain-gardens and their replacement with a proprietary product by ENVIUSS or SPEL (or similar) to filter water in accordance with STORM.

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) This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - 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:

- Before this Permit expires;
 - 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.
- (4) As part of the consultant team MAX Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 5) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 6) Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater
- e) Indoor Environmental Quality (IEQ)
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

It is recommended that a Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.

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

- 7) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority. The collection of waste must be limited to no more than four (4) collections per week across all waste streams.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 8) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a) Noise emissions associated with the operation of the adjacent bar / restaurant (Joannie's) do not impact adversely on the amenity of the dwellings.
- b) Dwellings are to be designed to achieve the following noise levels:
 - (i) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - (ii) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

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

- c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

- 9) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the apartments are occupied, an automatic external lighting system capable of illuminating the residential entry and rear right of way access must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 11) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12) The land must be drained to the satisfaction of the Responsible Authority.
- 13) With the exception of guttering, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- 17) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Drained;
 - d) Line-marked to indicate each car space and all access lanes;
 - e) Clearly marked to show the direction of traffic along the access lanes and driveways.to the satisfaction of the Responsible Authority.
Car spaces and access lanes shown on the endorsed plans must not be used for any other purpose.
- 18) The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.

Council Notations:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

CARRIED

Julie Smout, Coordinator Statutory Planning left the meeting at 6.45pm.

6.4 PRESTON MARKET - SUBMISSION TO HERITAGE COUNCIL OF VICTORIA

Author: Coordinator Economic Development
Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

PURPOSE

The purpose of this report is to recommend that Council make a submission to the Heritage Council of Victoria, in response to the recommendation of the Executive Director of Heritage Victoria regarding the Preston Market not being a site of state heritage significance.

EXECUTIVE SUMMARY

On 26 November 2018, the Executive Director of Heritage Victoria recommended that the Heritage Council not include the Preston Market on the Victorian Heritage Register in response to two applications received. See **Appendix A** for the full recommendation.

The Executive Director's recommendation to the Heritage Council in general terms was:

- That the place does not meet the criteria for State heritage significance, and
- In line with standard procedure (without forming any view on the local heritage significance), to refer the recommendation to the City of Darebin to give its own assessment on the merit of applying a local Heritage Overlay

It is important to note that the Executive Director's recommendation to refer the matter to Council for further consideration is a routine process in cases where Heritage Victoria's recommendation is that a place is not considered to be of state significance. The phrasing of this recommendation is somewhat confusing for those not familiar with Heritage Victoria's role or processes as it is not clear that this is simply a routine referral and that it does not indicate or imply that local significance has been found – in fact, whether or not the site has local significance has not even been considered by Heritage Victoria.

Also, in this case Council has already looked into the question of local heritage significance and not found a basis on which heritage controls could be meaningfully applied to the site. Given this, Council decided at its meeting of 21 May 2018 not to seek a heritage control at that time and instead sought to have social significance addressed in an integrated way as part of the current review of planning controls. The report to Council noted that *"on balance, officers conclude that seeking a heritage overlay or interim protection at this point would not be likely to succeed, nor would it provide meaningful protection"*. This advice remains current and the Executive Director's recommendation does not reveal any new information that would warrant Council revisiting its earlier decision.

Considering Council's own research, the report to Council on 21 May 2018, and having reviewed Heritage Victoria's report, officers advise that they accept Heritage Victoria's assessment that the Preston Market does not meet the criteria for inclusion on the Victorian Heritage Register as outlined in the *Heritage Act 2017*.

There are important elements of the market that contribute to the market's success such as the wide pedestrian streets, access to natural light and individualised tenancies. While these are not necessarily of heritage value (using the definitions of heritage as it applies under the *Heritage Act* and the *Planning and Environment Act*), they are defining elements of the

market's design, sense of identity and place. Council is keen to ensure these contributory elements are respected and retained, replicated or enhanced in any possible future redevelopment of the site.

Council has been seeking to ensure important elements are incorporated in an integrated way as part of the current Review of Planning Controls. This could be achieved via a number of different planning controls such as the incorporated plan, or a design and development overlay. Important elements include:

- The valued internal characteristics that are readily associated with the Preston Market through the built form, access to light, openness and composition of individual tenancies.
- The number of pedestrian thoroughfares, and community spaces within the market footprint
- The continuity of trade of the market and minimisation and mitigation of construction disruption
- The wide cruciform pedestrian streets that offer a stage for activities or encounters
- Crossing places that sustain social engagement
- Open edges that promote public access
- Natural light and a sense of being open to the outside ('open air market')

A draft submission has been prepared and attached to this report for Council consideration (**Appendix B**), which accepts heritage Victoria's submission, calls for the important elements of the built form that support the social role of the market to be incorporated into the planning controls, and requests that any referral be made to the Victorian Planning Authority rather than City of Darebin in recognition that they are formally responsible for the current review of planning controls.

Council could also choose to modify the submission, not to make a submission, or to seek heritage controls at either state or local level, and this report outlines these options in more detail.

The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Rennie:

- *Anne Laver*
- *Anne Laver (on behalf of Marion Harper)*
- *Maria Poletti (on behalf of Chris Erlandsen)*
- *Maria Poletti*
- *Suriyan Nalliah*

Recommendation

That Council:

- (1) Notes the rich social heritage and importance of the market to the community, and reiterates Council's commitment to working to preserve the long term viability of the market.
- (2) Endorses the submission to the Heritage Council regarding the nomination of Preston Market as presented in **Appendix B** and requests that officers submit to the Heritage Council for consideration before 24 January 2019.
- (3) Reiterates its commitment to working in partnership with the VPA to review the planning controls and future opportunities for the site and to engagement with the community, key stakeholders and the owners of the Preston Market as an important part of this review.

Motion

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

That Council defer this item and come back to a Special Meeting of Council prior to 24 January 2019.

THE MOTION WAS PUT TO THE VOTE AND LOST.

The Mayor, Cr Rennie, declared the Motion to be lost.

Further Motion

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

That Council:

- 1) Notes the enormous social heritage significance of Preston Market to the Victorian community and reiterates Council's commitment to working to preserve the long term viability of the market.
- 2) Makes a submission to the Heritage Council of Victoria in support of the Preston Market being listed on the Victorian Heritage Register that expresses the heritage value of Preston Market including its:
 - a) importance as part of Victoria's cultural history in representing the layers of Victorian migration settlement and development since the post-war period; and
 - b) it is one of Victoria's most evident examples of immigration and settlement in the context of intangible Cultural Heritage; and
 - c) early use of space frame engineering technology.
- 3) Writes to the Minister for Planning and Victorian Planning Authority requesting that the Victorian Planning Authority prepare an amendment to the Darebin Planning Scheme to introduce a heritage overlay over the Preston Market site.

- 4) Reiterates its commitment to working in partnership with the VPA to review the planning controls and future opportunities for the site and to engagement with the community, key stakeholders and the owners of the Preston Market as an important part of this review.

THE FURTHER MOTION WAS PUT TO THE VOTE AND LOST.

The Mayor, Cr Rennie, declared the Further Motion to be lost.

Further Motion

MOVED: Cr. S Amir
SECONDED: Cr. S Newton

That the “Recommendation” as presented be adopted.

THE FURTHER MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS::

Committee Decision

MOVED: Cr. S Amir
SECONDED: Cr. S Newton

That Council:

- (1) Notes the rich social heritage and importance of the market to the community, and reiterates Council’s commitment to working to preserve the long term viability of the market.
- (2) Endorses the submission to the Heritage Council regarding the nomination of Preston Market as presented in **Appendix B** and requests that officers submit to the Heritage Council for consideration before 24 January 2019.
- (3) Reiterates its commitment to working in partnership with the VPA to review the planning controls and future opportunities for the site and to engagement with the community, key stakeholders and the owners of the Preston Market as an important part of this review.

CARRIED

Cr Greco and Cr Williams requested that their vote against the Committee Decision be noted.

7. OTHER BUSINESS

7.1 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

MOVED: Cr. K Le Cerf
SECONDED: Cr. S Amir

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

CARRIED

8. URGENT BUSINESS

Nil

9. CLOSE OF MEETING

The meeting closed at 7.32pm.