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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 13 February 2023

Released to the public on 17 February 2023



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 13 FEBRUARY 2023

THE MEETING OPENED AT 6.35PM

WELCOME

The Chairperson, Mayor Julie Williams opened the meeting with the following statement:

I'd like to start by welcoming and acknowledging the Traditional Owners of the land, acknowledging the Wurundjeri Woi-wurrung people.

It is a very emotional day today, being 15 Years since the National Apology to the Stolen Generations.

I would like to say thank you to the Traditional Owners of this land and pay my respects to Elders past, present and emerging, and recognise their continuing connection to land, water and culture.

1. PRESENT

Councillors

Cr. Julie Williams (Mayor)
Cr. Susanne Newton (Deputy Mayor)
Cr. Lina Messina
Cr. Tim Laurence
Cr. Tom Hannan
Cr. Trent McCarthy
Cr. Susan Rennie

Council Officers

Rachel Ollivier - General Manager City Sustainability and Strategy
Kathryn Pound - Manager City Development
Neil Cooney – Assistant Manager City Development
Jolyn Boyle - Coordinator - Priority Development
Matthew Cullen - Coordinator Statutory Planning
Alex McKenna-Cocks - Priority Development Planner
Shannan Clarence - Statutory Planner
Jody Brodribb - Coordinator Governance Services
Georgina Steele - Senior Governance Officer
Jeme Ling - IT Support Officer

2. APOLOGIES

Cr. Gaetano Greco
Cr. Emily Dimitriadis

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. T McCarthy

That the Minutes of the Planning Committee Meeting held on 14 November 2022 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

STATEMENT OF CONDOLENCE

The Chairperson, Mayor Julie Williams made the following statement of condolence regarding the earthquakes in Türkiye and Syria:

Before we start the formalities of tonight's meeting, on behalf of Darebin Council, I'd like to acknowledge the terrible situation following the earthquakes in Türkiye and Syria.

In particular, we send all our support to members of the Darebin community with family and friends who are impacted by this tragedy. The news reports and vision of the crisis is deeply upsetting and we send our sincere condolences to those who have lost loved ones.

I know the Darebin community is incredibly generous and caring and would be wanting to lend a hand. For community members who would like to donate or find out how they can help, please visit the Darebin website for further information.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/1020/2016/A 20 Chingford Street, Fairfield

Author: Statutory Planner

Reviewed By: General Manager, City Sustainability and Strategy

Applicant	Owner	Consultant
E. Ricciuti	Ela Rose Latin Dance Academy	Braemar Consulting RedSquare Traffic

EXECUTIVE SUMMARY

Property:	20 Chingford Street, Fairfield
Proposal:	<p>Amendment to an existing planning permit issued in April 2017 (D/1020/2016/A) which allows for buildings and works and the use of the land as a caretaker’s residence, recreation facility and warehouse.</p> <p>This amendment seeks to alter the hours of operation, increase the maximum patron numbers from 50 to 60 during the day and 50 to 100 in the evening and allow internal and external re-arrangements, including a new mezzanine floor and outdoor terrace.</p>
Car parking:	<p>Required to be to the satisfaction of the Responsibility Authority.</p> <p>Council’s Transport Engineering Team support the proposal subject to a reduction in the evening patron numbers to a maximum of 80.</p>
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Industrial 3 Zone (IN3Z) • Development Contribution Plan Overlay (DCPO)
Is a Developer Contribution required?	The DCPO was gazetted on 25/01/23. Currently a technical assessment is being done as to whether an additional permit condition should be applied or not in relation to this Section S72 Amendment application. A clear view on this is expected before the date of decision and an update will be provided ahead of the Planning Committee meeting.
Consultation:	<ul style="list-style-type: none"> • A public notice sign to the front of the site. • Letters sent to surrounding owners and occupiers.
Objections:	<ul style="list-style-type: none"> • Seven (7) objections from seven properties, including a petition with forty-six (46) signatures • Key issues: <ul style="list-style-type: none"> ○ Traffic and car parking ○ Noise and amenity impacts ○ Late night amenity impacts ○ Ancillary uses occurring on site ○ No bicycle parking on site

<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The use remains unchanged; this amendment allows for growth in the business and for it to remain in Darebin. • The additional traffic and patron activity arising from the changes can be accommodated in this industrial / residential area and amenity impacts mitigated by permit conditions, including: <ul style="list-style-type: none"> ○ Maximum total patron numbers between 5pm and 10pm of 80 (as opposed to 100) ○ Provision of an Acoustic Report ○ Provision of a Green Travel Plan ○ Provision of an Access and Movement Management Plan ○ Provision of bicycle parking spaces. • The additional studio space and increased patron capacity will contribute positively to economic, cultural and social activity.
<p>Recommendation:</p>	<p>Notice of Decision to Grant a Planning Permit</p>

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/1020/2016/A 20 Chingford Street, Fairfield:

- Emilio Ricciuti (Applicant)
- Pamela Fergie-Jackson (Objector)
- Scott Madden (Objector)
- Peter Dupuche (Objector)

An Amended Officer’s Recommendation was tabled to make the following changes to the Recommendation:

Part 1

Background: The Development Contributions Plan (DCP) Overlay was re-activated on 25 January 2023 via the Minister’s approval of Amendment C170 to the Darebin Planning Scheme.

The Amended officer’s recommendation Part 1 is to include an additional condition and note which requires a DCP levy and an additional explanatory note, as follows:

31. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.

N5 Please note the Development Contribution Plan levy will be invoiced separately.

This new condition and note is included in the updated recommendation below (and is shown underlined).

Part 2

Background: the Recommendation contained in the report states:

THAT a Notice of Decision to grant an amended Permit No. D/1020/2016/A be issued for buildings and works and use of the land as a caretaker’s residence, recreation facility and warehouse at 20 Chingford Street, Fairfield, subject to the following conditions (new and altered conditions in bold):...

However due to formatting error, none of the conditions are shown in bold.

The Amended officer's recommendation Part 2 is to show the new and altered conditions (which are conditions 1, 4, 9, 10, 11, 20, 21 and 31) in bold, shown in the updated recommendation below.

Amended Officer Recommendation

THAT a Notice of Decision to grant an amended Permit No. D/1020/2016/A be issued for buildings and works and use of the land as a caretaker's residence, recreation facility and warehouse at 20 Chingford Street, Fairfield, subject to the following conditions (new and altered conditions in bold):

1. **Before the development approved by Amendment A to this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing reference TP.01 (B), TP.02 (B) received by the City of Darebin on 4 January 2022) but modified to show:**
 - (a) **The provision of a minimum of four (4) bicycle racks on the site.**
 - (b) **Relocation of the coffee cart and seating area from the loading bay to the Main Lobby/Amenity area and retention of the existing loading bay.**
 - (c) **Any annotations and modifications to the plans as a result of the Acoustic Report required by Condition 4.**
 - (d) **Any annotations and modifications required as a result of the approved Access and Movement Management Plan, required by Condition No. 20 of this Permit.**
 - (e) **Any annotations and modifications required as a result of the approved Green Travel Plan, required by Condition No. 21 of this Permit.**
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. **Before plans are endorsed under Condition No. 1 of the Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to 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 demonstrate how the use/development will comply the relevant EPA noise controls, or outline any measures considered necessary to achieve compliance with relevant EPA noise controls.**

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

The endorsed plans must be amended to implement the recommendations and requirements contained in the endorsed Acoustic Report to the satisfaction of the Responsible Authority.

5. 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.
6. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
7. The caretaker's house shall not be separately subdivided from the property. It shall at all times be used and occupied in conjunction with the use by a supervisor of that building/use.
8. The dividing walls and floors to the dwelling must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 9. The recreation facility use may operate only between the hours of:**
- **9.00am to 10.00pm Monday to Sunday**
- 10. The number of patrons on the premises at any one time must not exceed:**
- **9:00am to 5:00pm Monday to Sunday: 60 patrons**
 - **5:00pm to 10:00pm Monday to Sunday: 80 patrons**
- 11. The terrace may only be used in conjunction with the caretaker's residence and must not to be used for commercial purposes.**
12. Before the use starts a minimum of three (3) car parking spaces, must be provided on the land to the satisfaction of the Responsible Authority.
13. In the event that any buildings and works are carried out which would destroy or break up the existing flooring of the building, before any such work commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction.

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 environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's 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 a 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 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.

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.

14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

15. The land must be drained to the satisfaction of the Responsible Authority.
16. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
17. Provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

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/or in any other way, to the satisfaction of the Responsible Authority.
19. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
20. **Before plans are endorsed under Condition No. 1 of this Permit, an Access and Movement Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access and Movement Management Plan will be endorsed and will then form part of this Permit. The Access and Movement Management Plan must include:**
- (a) **The location of all areas on-and/or off-site to be used for staff and patron bicycle and car parking.**
 - (b) **The means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled and made safe both on and off-site.**
 - (c) **Measures to discourage patron car parking on the southern side of Chingford Street.**
 - (d) **Staffing and other measures to ensure the orderly departure and arrival of patrons, especially any large groups departing at closing time.**

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

21. **Before plans are endorsed under Condition No. 1 of this Permit a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:**
- (a) **A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);**
 - (b) **A requirement that bicycle parking areas be installed in well secured and prominent locations;**
 - (c) **The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;**
 - (d) **Establishment of a car-pooling database for patrons;**
 - (e) **Specific targets to guide the plans ongoing implementation;**
 - (f) **Identification of persons responsible for the implementation of actions;**
 - (g) **A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.**

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

22. All outdoor 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.
23. All plant and equipment (including air conditioners and the like) 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.
24. Before the use starts a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres. If located outside a building, the waste storage/collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

The waste storage/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.
25. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
26. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
27. 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.
28. 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.
29. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
30. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
31. **Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.**

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 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 Please note the Development Contribution Plan levy will be invoiced separately.

Councillor Newton moved the Motion below with an amendment to Condition 10.

Motion

MOVED: Cr. S Newton
SECONDED: Cr. L Messina

THAT a Notice of Decision to grant an amended Permit No. D/1020/2016/A be issued for buildings and works and use of the land as a caretaker’s residence, recreation facility and warehouse at 20 Chingford Street, Fairfield, subject to the following conditions (new and altered conditions in bold):

1. **Before the development approved by Amendment A to this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing reference TP.01 (B), TP.02 (B) received by the City of Darebin on 4 January 2022) but modified to show:**
 - (a) The provision of a minimum of four (4) bicycle racks on the site.
 - (b) Relocation of the coffee cart and seating area from the loading bay to the Main Lobby/Amenity area and retention of the existing loading bay.
 - (c) Any annotations and modifications to the plans as a result of the Acoustic Report required by Condition 4.
 - (d) Any annotations and modifications required as a result of the approved Access and Movement Management Plan, required by Condition No. 20 of this Permit.
 - (e) Any annotations and modifications required as a result of the approved

Green Travel Plan, required by Condition No. 21 of this Permit.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. **Before plans are endorsed under Condition No. 1 of the Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to 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 demonstrate how the use/development will comply the relevant EPA noise controls, or outline any measures considered necessary to achieve compliance with relevant EPA noise controls.**

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

The endorsed plans must be amended to implement the recommendations and requirements contained in the endorsed Acoustic Report to the satisfaction of the Responsible Authority.

5. 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.
6. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 7. The caretaker's house shall not be separately subdivided from the property. It shall at all times be used and occupied in conjunction with the use by a supervisor of that building/use.
 8. The dividing walls and floors to the dwelling must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
 9. **The recreation facility use may operate only between the hours of:**
 - **9.00am to 10.00pm Monday to Sunday**
 10. **The number of patrons on the premises at any one time must not exceed:**
 - **9:00am to 5:00pm Monday to Sunday: 60 patrons**
 - **5:00pm to 10:00pm Monday to Sunday: 100 patrons**
 11. **The terrace may only be used in conjunction with the caretaker's residence and must not to be used for commercial purposes.**
 12. Before the use starts a minimum of three (3) car parking spaces, must be provided on the land to the satisfaction of the Responsible Authority.
 13. In the event that any buildings and works are carried out which would destroy or break
-

up the existing flooring of the building, before any such work commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction.

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 environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's 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 a 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 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.

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.

14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

16. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
17. Provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.
- All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.
- All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
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/or
- and/or in any other way, to the satisfaction of the Responsible Authority.
19. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 20. Before plans are endorsed under Condition No. 1 of this Permit, an Access and Movement Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access and Movement Management Plan will be endorsed and will then form part of this Permit. The Access and Movement Management Plan must include:**
- (a) The location of all areas on-and/or off-site to be used for staff and patron bicycle and car parking.**
 - (b) The means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled and made safe both on and off-site.**
 - (c) Measures to discourage patron car parking on the southern side of Chingford Street.**
 - (d) Staffing and other measures to ensure the orderly departure and arrival of patrons, especially any large groups departing at closing time.**
- The requirements of the endorsed Access and Movement Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority**
21. **Before plans are endorsed under Condition No. 1 of this Permit a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:**
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- (a) A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);
- (b) A requirement that bicycle parking areas be installed in well secured and prominent locations;
- (c) The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
- (d) Establishment of a car-pooling database for patrons;
- (e) Specific targets to guide the plans ongoing implementation;
- (f) Identification of persons responsible for the implementation of actions;
- (g) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

- 22. All outdoor 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.
 - 23. All plant and equipment (including air conditioners and the like) 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.
 - 24. Before the use starts a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres. If located outside a building, the waste storage/collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

The waste storage/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.
 - 25. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 - 26. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
 - 27. 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.
 - 28. 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.
 - 29. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
 - 30. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
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31. **Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.**

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 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 **Please note the Development Contribution Plan levy will be invoiced separately.**

The amended motion became the Committee Decision as follows:

Committee Decision

MOVED: Cr. S Newton
SECONDED: Cr. L Messina

THAT a Notice of Decision to grant an amended Permit No. D/1020/2016/A be issued for buildings and works and use of the land as a caretaker’s residence, recreation facility and warehouse at 20 Chingford Street, Fairfield, subject to the following conditions (new and altered conditions in bold):

- 1. Before the development approved by Amendment A to this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the**

plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing reference TP.01 (B), TP.02 (B) received by the City of Darebin on 4 January 2022) but modified to show:

- (a) The provision of a minimum of four (4) bicycle racks on the site.
 - (b) Relocation of the coffee cart and seating area from the loading bay to the Main Lobby/Amenity area and retention of the existing loading bay.
 - (c) Any annotations and modifications to the plans as a result of the Acoustic Report required by Condition 4.
 - (d) Any annotations and modifications required as a result of the approved Access and Movement Management Plan, required by Condition No. 20 of this Permit.
 - (e) Any annotations and modifications required as a result of the approved Green Travel Plan, required by Condition No. 21 of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 4. **Before plans are endorsed under Condition No. 1 of the Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to 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 demonstrate how the use/development will comply the relevant EPA noise controls, or outline any measures considered necessary to achieve compliance with relevant EPA noise controls.**

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

The endorsed plans must be amended to implement the recommendations and requirements contained in the endorsed Acoustic Report to the satisfaction of the Responsible Authority.

5. 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.
 6. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 7. The caretaker's house shall not be separately subdivided from the property. It shall at all times be used and occupied in conjunction with the use by a supervisor of that building/use.
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8. The dividing walls and floors to the dwelling must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. **The recreation facility use may operate only between the hours of:**
 - **9.00am to 10.00pm Monday to Sunday**
10. **The number of patrons on the premises at any one time must not exceed:**
 - **9:00am to 5:00pm Monday to Sunday: 60 patrons**
 - **5:00pm to 10:00pm Monday to Sunday: 100 patrons**
11. **The terrace may only be used in conjunction with the caretaker's residence and must not to be used for commercial purposes.**
12. Before the use starts a minimum of three (3) car parking spaces, must be provided on the land to the satisfaction of the Responsible Authority.
13. In the event that any buildings and works are carried out which would destroy or break up the existing flooring of the building, before any such work commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction.

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 environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's 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 a 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 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.

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.

14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

16. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

17. Provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

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/or

and/or in any other way, to the satisfaction of the Responsible Authority.

19. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

- 20. Before plans are endorsed under Condition No. 1 of this Permit, an Access and Movement Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access and Movement Management Plan will be endorsed and will then form part of this Permit. The Access and Movement Management Plan must include:**

- (a) The location of all areas on-and/or off-site to be used for staff and patron bicycle and car parking.**
- (b) The means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled and made safe both on and off-site.**
- (c) Measures to discourage patron car parking on the southern side of Chingford Street.**

- (d) Staffing and other measures to ensure the orderly departure and arrival of patrons, especially any large groups departing at closing time.

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

21. Before plans are endorsed under Condition No. 1 of this Permit a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
- (a) A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);
 - (b) A requirement that bicycle parking areas be installed in well secured and prominent locations;
 - (c) The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - (d) Establishment of a car-pooling database for patrons;
 - (e) Specific targets to guide the plans ongoing implementation;
 - (f) Identification of persons responsible for the implementation of actions;
 - (g) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

22. All outdoor 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.
23. All plant and equipment (including air conditioners and the like) 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.
24. Before the use starts a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.
- The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres. If located outside a building, the waste storage/collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.
- The waste storage/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.
25. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
-

26. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
27. 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.
28. 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.
29. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
30. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
31. **Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.**

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 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 **Please note the Development Contribution Plan levy will be invoiced separately.**

CARRIED

For: Cr's Rennie, Newton, Laurence, Williams, McCarthy, and Messina (6)

Abstained: Cr. Hannan (1)

5.2 MINISTERIAL INTERVENTION

30 St Georges Road, 32 & 36 Oakover Road and 47-49 Showers Street, Preston

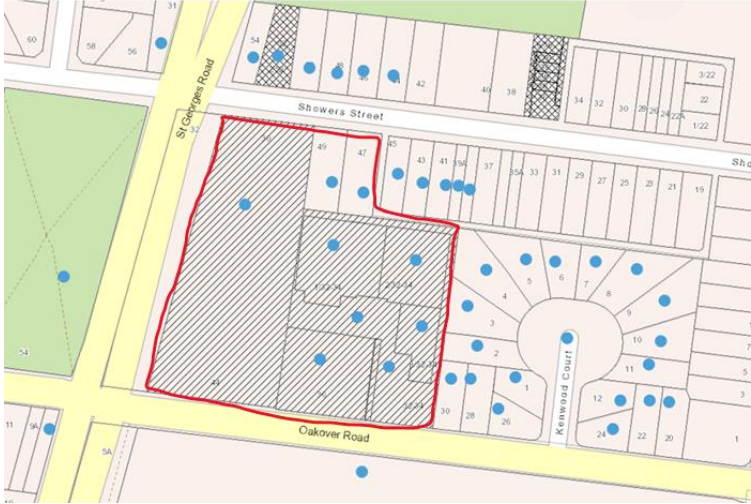
Author: Principal Planner

Reviewed By: General Manager, City Sustainability and Strategy

Applicant	Owner	Consultants
Assemble Communities	St Georges Road Management Pty Ltd	JCB Architects Planning Property Partners Traffix Group Tree Logic Frater Glas Urban WSP Acoustic Logic Vipac

EXECUTIVE SUMMMARY

Property:	30 St Georges Road, 32 & 36 Oakover Road and 47-49 Showers Street, Preston
References:	DTP Reference: Amendment C211dare and planning permit PA2201860 Council Reference: PIR/267/2022.
Proposal:	<ul style="list-style-type: none"> Rezone land at 47 & 49 Showers Street, Preston from Residential Growth Zone to Mixed Use Zone. Issue a planning permit that allows the development of the land for a mixed-use development across four buildings comprising of 480 Dwellings, Supermarket, Retail Space, Office Space, Food and Drink premises, alteration to access to a road in Transport Zone 2 and reduction to the onsite car parking requirement
Application Type:	<p>The Minister for Planning is considering preparing an amendment to the Darebin Planning Scheme (draft Amendment C211dare) under section 96A of the Planning and Environment Act 1987 to make herself the responsible authority for the site and draft planning permit PA2201860. If the Minister decides to prepare, adopt, and approve draft Amendment C211dare, this would allow for the granting of planning permit PA2201860 and part rezoning of the land.</p> <p>The proposal has been recommended by the State Government for accelerated assessment and determination by the Development Facilitation Program (DFP).</p> <p>To inform the Minister’s decision about whether to prepare, adopt, and approve draft Amendment C211dare and grant planning permit PA2201860, DTP are consulting with Council under section 20(5) of the Act to seek its views about the draft amendment and draft planning permit.</p>

<p>Zoning and Overlay/s:</p>	<ul style="list-style-type: none"> • The Mixed-Use Zone (Schedule 1) applies to 30-32 St Georges Road and 32-42 Oakover Road • The Residential Growth Zone (Schedule 1) applies to 47-49 Showers Street • A Development Plan Overlay (Schedule 11) applies to the entire site • An Environmental Audit Overlay applies to 30-32 St Georges Road and 32-42 Oakover Road • A Development Contributions Plan Overlay applies to the land • A Transport Zone 2 applies to St Georges Road
<p>Development Contribution</p>	<ul style="list-style-type: none"> • Not required as the DPT are the Responsible Authority.
<p>Consultation:</p>	<p>The developer has undertaken their own engagement detailed in Appendix H.</p> <p>DTP have sent letters to adjoining owners and occupiers shown on the below map provided from the DTP, with site identified in red:</p> 
<p>Submissions:</p>	<p>Eleven (11) submissions have been made to DTP with the key issues relating to:</p> <ul style="list-style-type: none"> • Insufficient car parking, traffic flow and road safety • Overshadowing • The rezoning of 47 and 49 Showers Street • Overall bulk and height of the proposal

<p>Community Outcomes:</p>	<p>The application provides for:</p> <ul style="list-style-type: none"> • 20 per cent of dwellings dedicated as social housing for a 15-year period, to be managed by Housing Choices Australia (HCA) and linked to the title via a Section 173 Agreement • A further 35 per cent of dwellings allocated for affordable, low to moderate income households (essential workers) in accordance with the definition parameters as outlined within the <i>Planning and Environment Act 1987</i> • Approximately five (5) per cent of housing designated for Specialist Disability Accommodation • A large amount of open space (the ‘green heart’ component) available to occupiers and the general public • ‘Assemble’ (community) spaces available to the occupiers of the proposal and the general public
<p>Key aspects of recommendation:</p>	<p>That Council oppose the granting of the combined planning scheme amendment and planning permit because the Ministerial intervention process is not required in this instance, does not follow due process and does not reflect proper and orderly planning.</p> <p>Notwithstanding this, officers have undertaken a detailed assessment of the development and are pleased to see that numerous improvements have been made to the design of the development in response to issues raised by Council. Officers have recommended a series of conditions that should be included in any permit should the Minister determine to approve the proposal.</p>

An Amended Officer’s Recommendation was tabled to make the following changes to the Recommendation:

Background: The Development Contributions Plan (DCP) Overlay was re-activated on 25 January 2023 via the Minister’s approval of Amendment C170 to the Darebin Planning Scheme. A Development Contributions is required for part of this development. The Council report incorrectly states that a Developer Contribution is not required as the Department of Planning and Transport are the Responsible Authority.

The Amended officer’s recommendation is to include an additional condition and note which requires a DCP levy and an additional explanatory note, under Recommendation Part A **‘Conditions for inclusion in any planning permit granted’** as follows:

36. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.

N5 Please note the Development Contribution Plan levy will be invoiced separately.

The revised officer recommendation is shown below:

**Amended Officer
Recommendation****RECOMMENDATION PART A:**

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that Council:

1. Does not support the draft Amendment C211dare and planning permit PA2201860 at 30 St Georges Road, 32 & 36 Oakover Road and 47-49 Showers Street, Preston on the following key grounds:
 - a) The Ministerial intervention process is not required in this instance, does not follow due process and does not reflect proper and orderly planning because:
 - i. Council has put significant resources into preparing appropriate planning controls for this area to transform the former industrial precinct, including through Amendment C136, and into its subsequent consideration of the Development Plan for this site.
 - ii. No Development Plan has been endorsed for the site, contrary to the requirements of the Development Plan Overlay 11.
 - iii. This process is an attempt to circumvent the finalisation of a Development Plan which was prepared and submitted to Council but the issues raised and further information requested by Council were never responded to.
 - iv. Should a Development Plan be endorsed, Council would be in a position to consider the planning permit application and amendment request for the rezoning, i.e. there is no planning reason why a call-in is required for this matter.
 - v. Council previously considered that because of the potential to realise significant community benefits on the site, that it may have been in a position to support the call-in process subject to certain contingencies being met. These contingencies sought consistency with the requirements of the DPO11 as well as a fair process for the community and Council and sharing of fees to assist cover Council's costs in assessing the proposal. However no response to these contingencies was received from DTP, including to either letter sent by Council. In addition, not all the contingencies set out by Council were met, specifically the requests about community notice and for Council to receive a share of the application fee to assist cover its costs.
 - vi. Insufficient notice has been given to all potentially affected community members, including a failure by DTP to notify all property owners and residents of Showers Street and other surrounding areas that would be affected directly by the redevelopment
 - b) Notwithstanding the above, Council:
 - i. Have undertaken a detailed assessment of the development and are pleased to see that a number of improvements have been made to the design of the development in response to issues raised by Council.
 - ii. Have recommended a series of conditions (set out below) that should be included in any permit should the Minister determine to approve the proposal.
 - iii. Request that the Department of Transport and Planning (DTP) refer the proposal to Melbourne Water prior to any final recommendation being

made.

- iv. Request to be kept informed of this matter and given the opportunity to participate in any further consultation and/ or independent advisory committee review of the application.

Conditions for inclusion in any planning permit granted

Amended plans required

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 TP1-101, TP1-108, TP1-109, TP1-110, TP1-111, TP1-112, TP1-113, TP1-114, TP1-115, TP1-116, TP1-117, TP1-118, TP1-119, TP1-120, TP1-121, TP1-122, TP1-123, TP1-124, TP1-125, TP1-130, TP1-131, TP1-132, TP1-133, TP1-134, TP1-135, TP1-136, TP1-201, TP1-202, TP1-203, TP1-204, TP1-205, TP1-206, TP2-101, TP2-102, TP2-103, TP2-104, TP2-105, TP2-106, TP2-107, TP2-108, TP9-101 prepared by Jackson Clements Burrows Architects, Job No. CKA 21-031 dated 28 March 2022 and L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 21-042, Revision 3, dated 26 August 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) Retractable bollards located within the site to prevent thru vehicle access.
 - (c) A plan showing the location of all proposed areas that would allow for unrestricted public access.
 - (d) Greater than 20% of the bike parking spaces being horizontal rails at ground level, some with access to charging points, and spaced appropriately to allow for larger cargo bikes.
 - (e) The bicycle parking facility servicing the supermarket having direct access into the supermarket providing convenient access for people on bikes.
 - (f) All visitor and employee bicycle spaces complying with the clearance and access-way requirements of AS2890.3.
 - (g) A 'Bicycles Excepted' sign included at the north of the internal laneway, allowing North-South bike movements so people on bikes can access the supermarket and associated bike parking from Showers St and further north.
 - (h) Layout details of the fifteen (15) Motorcycle parking arrangements, demonstrating compliance with the requirements of AS2890.1:2004.
 - (i) All vehicles being able to enter and exit the site in a forward motion.
 - (j) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
 - (k) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.

- (l) 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. 5 of this Permit.
- (m) 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. 6 of this Permit.
- (n) Any modifications required as a result of the approved Wind Impacts Assessment or statement required by Condition No. 13 of this Permit.
- (o) Any modifications required as a result of Condition No. 20 of this Permit with regards to Council's traffic engineering and infrastructure requirements.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 21 and 22 of this Permit.

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

Development in accordance with endorsed plans

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

Landscape Plan

- 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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 6 of this Permit.
 - (b) 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.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (f) 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).
 - (g) Landscape specification notes including general establishment and maintenance requirements.
 - (h) 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.

Sustainability Management Plan

4. 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 and set of plans must be modified to show:

- (a) A 5-star Green Star Building rating.
- (b) A development-wide Zero Emissions Action Plan.

Adjustable sun shading devices to the north and west facing apartments to prevent glare and overheating.

- (d) A 20 per cent improvement on NCC energy efficiency requirements.
- (e) Greater consideration to reduce potable water use.
- (f) Provisions for e-bike charging in the bicycle parking facilities, as well as electrical provisions for future owners to maintain the option of installing an Electric Vehicle charging point.
- (g) The separation of general waste, co-mingled recycling and food/garden waste.
- (h) The use of materials with low embodied energy and sustainable manufacturing practices.

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

Stormwater Management System Report

5. 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.

Site Management Plan

6. 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.

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.

Land Surveyor Report

7. 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).

External Lighting System

8. 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.

Drainage and services

9. The land must be drained to the satisfaction of the Responsible Authority.
10. 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.

11. 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.

Construction Management Plan

12. 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.

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, an amended Wind Impacts Assessment must be submitted to and approved by the Responsible Authority.

The Wind Impacts Assessment must be modified to show:

- Further investigations through wind tunnel testing is recommended to confirm wind effects.

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

Waste Management Plan

14. 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 WSP dated May 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.

15. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.

Acoustic Report

16. The Acoustic Report to be endorsed and will then form part of this Permit is the Acoustic Report submitted with the application prepared by Acoustic Logic dated 23 May 2022.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

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

18. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat;
- (d) drained;

to the satisfaction of the Responsible Authority.

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

Public Infrastructure Plan

20. Before plans are endorsed under Condition No. 1 of this Permit, a Public Infrastructure Plan must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Responsible Authority:
- (a) An east-bound on-road protected bike lane installed along the length of the section of Oakover Road between St Georges Road and Railway Place West.
 - (b) Lanterns and head starts (east and west bound) at the Oakover / St Georges Rd intersection.
 - (c) All new public footpaths, including the one on the north side of Oakover Road, having a minimum width of 1.8 metres.
 - (d) Traffic signals at the St Georges Road intersection upgraded to include bicycle lanterns and bicycle head starts in both east and west bound directions.
 - (e) A detailed design of the road works associated with the right turn lane works, bicycle infrastructure, and pedestrian linkages or access via the footpath on Showers Street.
 - (f) The layout and dimensions for the new or existing vehicle crossings.

Service relocation

21. Any service relocation associated with the works must be approved by the Service Authorities and at the owner’s cost.

Tree Protection Measures

22. 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)
*As defined in the Arboricultural Assessment and Report prepared by Tree Logic dated 14 June 2022		
Tree 15 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.6 metres
Tree 16 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.4 metres
Tree 17 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 18 – <i>Syzigium austral</i> (Scrub Cherry)	Showers Street	4.7 metres
Tree 19 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 20 – <i>Corymbia ficifolia</i> (Red-flowering Gum)	Showers Street	2.0 metres
Tree 21 - <i>Callistemon viminalis</i>	Showers Street	4.6 metres

(Weeping Bottlebrush)		
Tree 22 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.9 metres
Tree 23 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 24 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.1 metres
Tree 25 – <i>Pyrus calleryana's</i> <i>Pear</i> (Callery's Pear)	Showers Street	4.3 metres
Tree 26 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres

The following tree protection measures must be implemented for trees identified in the table to Condition No. 21 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 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.

24. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
25. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Green Travel Plan

26. Before plans are endorsed under Condition No. 1 of this Permit, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
 - a) A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);
 - b) A requirement that bicycle parking areas be installed in well secured and prominent locations;
 - c) The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - d) Establishment of a car-pooling database for patrons;
 - e) Specific targets to guide the plan's ongoing implementation;
 - f) Identification of persons responsible for the implementation of actions;
 - g) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

Legal agreement for Social and Affordable housing and Specialist Disability Accommodation

27. Prior to the commencement of the development, excluding bulk excavation and site remediation, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the title to the land and provide for the following:

The owner of the land will enter into a binding agreement with a registered housing agency to the satisfaction of the Responsible Authority, requiring:

 - (a) Twenty (20) per cent of the dwellings to be nominated for the purpose of social housing, for a period of time as agreed to with the registered housing agency, but not less than fifteen (15) years post issuing of occupancy permit.
 - (b) Thirty-five (35) per cent of the dwellings to be nominated for the purpose of affordable housing.

- (c) Five (5) per cent of the dwellings no be nominated for the purpose of Specialist Disability Accommodation.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Legal agreement for Public Access

28. Prior to the occupation of the development, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority the agreement must provide the following:

Give rights of unrestricted public pedestrian access 24 hours a day, 7 days a week to the proposed 'green heart' section of the development as well as all north-south, east-west access lanes to St Georges Road, Oakover Road, Showers Street and the adjacent property development located at 18-30 Oakover Road.

- (b) The use of retractable bollards and installation of signage to prevent the general public having through vehicle access over the north-south connection between St Georges Road and Showers Street, so that thru access is only provided to commercial operators within the development. The bollards must be in use at all times, apart from where commercial operators require access within the development.
- (c) The owner must, at its cost, maintain the internal streets/laneways/public ways to the same standards as is required by the Darebin City Council for the adjoining roads, as well as maintaining the corresponding public liability insurance.

The owner of the land must pay all of the Darebin City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Materials and Finishes

29. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Darebin City Council.

Façade Strategy

30. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
- a) A concise description by the architect(s) of the building design concept and how the façades works to achieve this.
- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
- c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries, doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:
- d) The finished floor levels and ceiling levels.

- e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
- f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
- g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.

Information about how the façade will be accessed, maintained and cleaned.

- i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Architect to be retained

- 31. Except with the consent of the Responsible Authority, Jackson Clements Burrows Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

- 32. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

- 33. Before the occupation of the development all vehicular crossings 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.

Environmental Audit Overlay requirements

- 34. 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 is issued:

- (a) 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*.
- (b) 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.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) 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.

Permit expiry

35. 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.

36. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.

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.
- N7. An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.
- N5 Please note the Development Contribution Plan levy will be invoiced separately.**

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

*Councillor McCarthy moved the motion below, with the addition of **Recommendation Part C.***

*Councillor Rennie proposed an amendment to the motion to **Condition 27(a)** as shown in bold below, which was accepted by the Mover and Seconder.*

Motion

MOVED: Cr. T McCarthy

SECONDED: Cr. S Newton

RECOMMENDATION PART A:

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that Council:

1. Does not support the draft Amendment C211dare and planning permit PA2201860 at 30 St Georges Road, 32 & 36 Oakover Road and 47-49 Showers Street, Preston on the following key grounds:
 - (a) The Ministerial intervention process is not required in this instance, does not follow due process and does not reflect proper and orderly planning because:
 - i. Council has put significant resources into preparing appropriate planning controls for this area to transform the former industrial precinct, including through Amendment C136, and into its subsequent consideration of the Development Plan for this site.
 - ii. No Development Plan has been endorsed for the site, contrary to the requirements of the Development Plan Overlay 11.
 - iii. This process is an attempt to circumvent the finalisation of a Development Plan which was prepared and submitted to Council but the issues raised and further information requested by Council were never responded to.
 - iv. Should a Development Plan be endorsed, Council would be in a position to consider the planning permit application and amendment request for the rezoning, i.e. there is no planning reason why a call-in is required for this matter.
 - v. Council previously considered that because of the potential to realise significant community benefits on the site, that it may have been in a position to support the call-in process subject to certain contingencies being met. These contingencies sought consistency with the requirements of the DPO11 as well as a fair process for the community and Council and sharing of fees to assist cover Council's costs in assessing the proposal. However no response to these contingencies was received from DTP, including to either letter sent by Council. In addition, not all the contingencies set out by Council were met, specifically the requests about community notice and for Council to receive a share of the application fee to assist cover its costs.
 - vi. Insufficient notice has been given to all potentially affected community members, including a failure by DTP to notify all property owners and residents of Showers Street and other surrounding areas that would be affected directly by the redevelopment
 - (b) Notwithstanding the above, Council:
 - i. Have undertaken a detailed assessment of the development and are pleased to see that a number of improvements have been made to the design of the development in response to issues raised by Council.
 - ii. Have recommended a series of conditions (set out below) that should be included in any permit should the Minister determine to approve the proposal.

- iii. Request that the Department of Transport and Planning (DTP) refer the proposal to Melbourne Water prior to any final recommendation being made.
- iv. Request to be kept informed of this matter and given the opportunity to participate in any further consultation and/ or independent advisory committee review of the application.

Conditions for inclusion in any planning permit granted

Amended plans required

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 TP1-101, TP1-108, TP1-109, TP1-110, TP1-111, TP1-112, TP1-113, TP1-114, TP1-115, TP1-116, TP1-117, TP1-118, TP1-119, TP1-120, TP1-121, TP1-122, TP1-123, TP1-124, TP1-125, TP1-130, TP1-131, TP1-132, TP1-133, TP1-134, TP1-135, TP1-136, TP1-201, TP1-202, TP1-203, TP1-204, TP1-205, TP1-206, TP2-101, TP2-102, TP2-103, TP2-104, TP2-105, TP2-106, TP2-107, TP2-108, TP9-101 prepared by Jackson Clements Burrows Architects, Job No. CKA 21-031 dated 28 March 2022 and L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 21-042, Revision 3, dated 26 August 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) Retractable bollards located within the site to prevent thru vehicle access.
 - (c) A plan showing the location of all proposed areas that would allow for unrestricted public access.
 - (d) Greater than 20% of the bike parking spaces being horizontal rails at ground level, some with access to charging points, and spaced appropriately to allow for larger cargo bikes.
 - (e) The bicycle parking facility servicing the supermarket having direct access into the supermarket providing convenient access for people on bikes.
 - (f) All visitor and employee bicycle spaces complying with the clearance and access-way requirements of AS2890.3.
 - (g) A 'Bicycles Excepted' sign included at the north of the internal laneway, allowing North-South bike movements so people on bikes can access the supermarket and associated bike parking from Showers St and further north.
 - (h) Layout details of the fifteen (15) Motorcycle parking arrangements, demonstrating compliance with the requirements of AS2890.1:2004.
 - (i) All vehicles being able to enter and exit the site in a forward motion.
 - (j) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.

- (k) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.
- (l) 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. 5 of this Permit.
- (m) 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. 6 of this Permit.
- (n) Any modifications required as a result of the approved Wind Impacts Assessment or statement required by Condition No. 13 of this Permit.
- (o) Any modifications required as a result of Condition No. 20 of this Permit with regards to Council's traffic engineering and infrastructure requirements.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 21 and 22 of this Permit.

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

Development in accordance with endorsed plans

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

Landscape Plan

- 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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 6 of this Permit.
 - (b) 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.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (f) 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).
 - (g) Landscape specification notes including general establishment and maintenance requirements.
 - (h) 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.

Sustainability Management Plan

4. 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 and set of plans must be modified to show:

- (a) A 5-star Green Star Building rating.
- (b) A development-wide Zero Emissions Action Plan.
Adjustable sun shading devices to the north and west facing apartments to prevent glare and overheating.
- (d) A 20 per cent improvement on NCC energy efficiency requirements.
- (e) Greater consideration to reduce potable water use.
- (f) Provisions for e-bike charging in the bicycle parking facilities, as well as electrical provisions for future owners to maintain the option of installing an Electric Vehicle charging point.
- (g) The separation of general waste, co-mingled recycling and food/garden waste.
- (h) The use of materials with low embodied energy and sustainable manufacturing practices.

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

Stormwater Management System Report

5. 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.

Site Management Plan

6. 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.

Land Surveyor Report

7. 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).

External Lighting System

8. 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.

Drainage and services

9. The land must be drained to the satisfaction of the Responsible Authority.
10. 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.
11. 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.

Construction Management Plan

12. 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.

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, an amended Wind Impacts Assessment must be submitted to and approved by the Responsible Authority. The Wind Impacts Assessment must be modified to show:

- Further investigations through wind tunnel testing is recommended to confirm wind effects.

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

Waste Management Plan

14. 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 WSP dated May 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.

15. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.

Acoustic Report

16. The Acoustic Report to be endorsed and will then form part of this Permit is the Acoustic Report submitted with the application prepared by Acoustic Logic dated 23 May 2022.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

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

18. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat;
- (d) drained;

to the satisfaction of the Responsible Authority.

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

Public Infrastructure Plan

20. Before plans are endorsed under Condition No. 1 of this Permit, a Public Infrastructure Plan must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Responsible Authority:
- (a) An east-bound on-road protected bike lane installed along the length of the section of Oakover Road between St Georges Road and Railway Place West.
 - (b) Lanterns and head starts (east and west bound) at the Oakover / St Georges Rd intersection.
 - (c) All new public footpaths, including the one on the north side of Oakover Road, having a minimum width of 1.8 metres.
 - (d) Traffic signals at the St Georges Road intersection upgraded to include bicycle lanterns and bicycle head starts in both east and west bound directions.
 - (e) A detailed design of the road works associated with the right turn lane works, bicycle infrastructure, and pedestrian linkages or access via the footpath on Showers Street.
 - (f) The layout and dimensions for the new or existing vehicle crossings.

Service relocation

21. Any service relocation associated with the works must be approved by the Service Authorities and at the owner’s cost.

Tree Protection Measures

22. 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)
*As defined in the Arboricultural Assessment and Report prepared by Tree Logic dated 14 June 2022		
Tree 15 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.6 metres
Tree 16 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.4 metres
Tree 17 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 18 – <i>Syzigium austral</i> (Scrub Cherry)	Showers Street	4.7 metres
Tree 19 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 20 – <i>Corymbia ficifolia</i> (Red-flowering Gum)	Showers Street	2.0 metres

Tree 21 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.6 metres
Tree 22 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.9 metres
Tree 23 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 24 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.1 metres
Tree 25 – <i>Pyrus calleryana's</i> Pear (Callery's Pear)	Showers Street	4.3 metres
Tree 26 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres

The following tree protection measures must be implemented for trees identified in the table to Condition No. 21 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 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.
24. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
25. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Green Travel Plan

26. Before plans are endorsed under Condition No. 1 of this Permit, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
- (a) A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);
 - (b) A requirement that bicycle parking areas be installed in well secured and prominent locations;
 - (c) The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - (d) Establishment of a car-pooling database for patrons;
 - (e) Specific targets to guide the plan's ongoing implementation;
 - (f) Identification of persons responsible for the implementation of actions;
 - (g) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

Legal agreement for Social and Affordable housing and Specialist Disability Accommodation

27. Prior to the commencement of the development, excluding bulk excavation and site remediation, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the title to the land and provide for the following:

The owner of the land will enter into a binding agreement with a registered housing agency to the satisfaction of the Responsible Authority, requiring:

- (a) Twenty (20) per cent of the dwellings to be nominated for the purpose of social housing, for a period of time as agreed to with the registered housing agency, but not less than thirty (30) years post issuing of occupancy permit.
- (b) Thirty-five (35) per cent of the dwellings to be nominated for the purpose of

affordable housing.

- (c) Five (5) per cent of the dwellings no be nominated for the purpose of Specialist Disability Accommodation.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Legal agreement for Public Access

28. Prior to the occupation of the development, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority the agreement must provide the following:

- (a) Give rights of unrestricted public pedestrian access 24 hours a day, 7 days a week to the proposed 'green heart' section of the development as well as all north-south, east-west access lanes to St Georges Road, Oakover Road, Showers Street and the adjacent property development located at 18-30 Oakover Road.
- (b) The use of retractable bollards and installation of signage to prevent the general public having through vehicle access over the north-south connection between St Georges Road and Showers Street, so that thru access is only provided to commercial operators within the development. The bollards must be in use at all times, apart from where commercial operators require access within the development.
- (c) The owner must, at its cost, maintain the internal streets/laneways/public ways to the same standards as is required by the Darebin City Council for the adjoining roads, as well as maintaining the corresponding public liability insurance.

The owner of the land must pay all of the Darebin City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Materials and Finishes

29. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Darebin City Council.

Façade Strategy

30. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:

- (a) A concise description by the architect(s) of the building design concept and how the façades works to achieve this.
- (b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
- (c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries,

doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:

- (d) The finished floor levels and ceiling levels.
- (e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
- (f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
- (g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
- (h) Information about how the façade will be accessed, maintained and cleaned.
- (i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Architect to be retained

- 31. Except with the consent of the Responsible Authority, Jackson Clements Burrows Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

- 32. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

- 33. Before the occupation of the development all vehicular crossings 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.

Environmental Audit Overlay requirements

- 34. 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 is issued:

- (a) 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*.
- (b) 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.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) 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.

Permit expiry

35. 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.

36. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.

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.
- N7. An application for a ‘Consent to Dig in the Road Reserve’ permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.
- N5 Please note the Development Contribution Plan levy will be invoiced separately.**

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

RECOMMENDATION PART C:

That Council delegates the Chief Executive to write to the local State Member for the Victorian Legislative Assembly (the Member for Northcote) and the State Members for the Victorian Legislative Council (Northern Metropolitan Region sitting members) to draw their attention to Council's position on this matter, including Council's concerns with the process and the community benefits that Council believes should be required through conditions in the event any planning permit is issued.

THE AMENDED MOTION THEN BECAME THE COMMITTEE DECISION:

Committee Decision

MOVED: Cr. T McCarthy

SECONDED: Cr. S Newton

RECOMMENDATION PART A:

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that Council:

1. Does not support the draft Amendment C211dare and planning permit PA2201860 at 30 St Georges Road, 32 & 36 Oakover Road and 47-49 Showers Street, Preston on the following key grounds:
 - (a) The Ministerial intervention process is not required in this instance, does not follow due process and does not reflect proper and orderly planning because:
 - i. Council has put significant resources into preparing appropriate planning controls for this area to transform the former industrial precinct, including through Amendment C136, and into its subsequent consideration of the Development Plan for this site.
 - ii. No Development Plan has been endorsed for the site, contrary to the requirements of the Development Plan Overlay 11.
 - iii. This process is an attempt to circumvent the finalisation of a Development Plan which was prepared and submitted to Council but the issues raised and further information requested by Council were never responded to.
 - iv. Should a Development Plan be endorsed, Council would be in a position to consider the planning permit application and amendment request for the rezoning, i.e. there is no planning reason why a call-in is required for this matter.
 - v. Council previously considered that because of the potential to realise significant community benefits on the site, that it may have been in a position to support the call-in process subject to certain contingencies being met. These contingencies sought consistency with the requirements of the DPO11 as well as a fair process for the community and Council and sharing of fees to assist cover Council's costs in assessing the proposal. However no response to these contingencies was received from DTP, including to either letter sent by Council. In addition, not all the contingencies set out by Council were met, specifically the requests about community notice and for Council to receive a share of the application fee to assist cover its costs.
 - vi. Insufficient notice has been given to all potentially affected community

members, including a failure by DTP to notify all property owners and residents of Showers Street and other surrounding areas that would be affected directly by the redevelopment

- (b) Notwithstanding the above, Council:
- i. Have undertaken a detailed assessment of the development and are pleased to see that a number of improvements have been made to the design of the development in response to issues raised by Council.
 - ii. Have recommended a series of conditions (set out below) that should be included in any permit should the Minister determine to approve the proposal.
 - iii. Request that the Department of Transport and Planning (DTP) refer the proposal to Melbourne Water prior to any final recommendation being made.
 - iv. Request to be kept informed of this matter and given the opportunity to participate in any further consultation and/ or independent advisory committee review of the application.

Conditions for inclusion in any planning permit granted

Amended plans required

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 TP1-101, TP1-108, TP1-109, TP1-110, TP1-111, TP1-112, TP1-113, TP1-114, TP1-115, TP1-116, TP1-117, TP1-118, TP1-119, TP1-120, TP1-121, TP1-122, TP1-123, TP1-124, TP1-125, TP1-130, TP1-131, TP1-132, TP1-133, TP1-134, TP1-135, TP1-136, TP1-201, TP1-202, TP1-203, TP1-204, TP1-205, TP1-206, TP2-101, TP2-102, TP2-103, TP2-104, TP2-105, TP2-106, TP2-107, TP2-108, TP9-101 prepared by Jackson Clements Burrows Architects, Job No. CKA 21-031 dated 28 March 2022 and L01A, L02A and L03A prepared by Infinity Landscape Architects, Project Number 21-042, Revision 3, dated 26 August 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) Retractable bollards located within the site to prevent thru vehicle access.
 - (c) A plan showing the location of all proposed areas that would allow for unrestricted public access.
 - (d) Greater than 20% of the bike parking spaces being horizontal rails at ground level, some with access to charging points, and spaced appropriately to allow for larger cargo bikes.
 - (e) The bicycle parking facility servicing the supermarket having direct access into the supermarket providing convenient access for people on bikes.

- (f) All visitor and employee bicycle spaces complying with the clearance and access-way requirements of AS2890.3.
- (g) A 'Bicycles Excepted' sign included at the north of the internal laneway, allowing North-South bike movements so people on bikes can access the supermarket and associated bike parking from Showers St and further north.
- (h) Layout details of the fifteen (15) Motorcycle parking arrangements, demonstrating compliance with the requirements of AS2890.1:2004.
- (i) All vehicles being able to enter and exit the site in a forward motion.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No.3 of this Permit.
- (k) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.
- (l) 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. 5 of this Permit.
- (m) 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. 6 of this Permit.
- (n) Any modifications required as a result of the approved Wind Impacts Assessment or statement required by Condition No. 13 of this Permit.
- (o) Any modifications required as a result of Condition No. 20 of this Permit with regards to Council's traffic engineering and infrastructure requirements.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 21 and 22 of this Permit.

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

Development in accordance with endorsed plans

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

Landscape Plan

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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 6 of this Permit.
 - (b) 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.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (f) 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).

- (g) Landscape specification notes including general establishment and maintenance requirements.
- (h) 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.

Sustainability Management Plan

- 4. 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 and set of plans must be modified to show:
 - (a) A 5-star Green Star Building rating.
 - (b) A development-wide Zero Emissions Action Plan.
 - (c) Adjustable sun shading devices to the north and west facing apartments to prevent glare and overheating.
 - (d) A 20 per cent improvement on NCC energy efficiency requirements.
 - (e) Greater consideration to reduce potable water use.
 - (f) Provisions for e-bike charging in the bicycle parking facilities, as well as electrical provisions for future owners to maintain the option of installing an Electric Vehicle charging point.
 - (g) The separation of general waste, co-mingled recycling and food/garden waste.
 - (h) The use of materials with low embodied energy and sustainable manufacturing practices.

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

Stormwater Management System Report

- 5. 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.

Site Management Plan

6. 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.

Land Surveyor Report

7. 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).

External Lighting System

8. 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.

Drainage and services

9. The land must be drained to the satisfaction of the Responsible Authority.
10. 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.
11. 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.

Construction Management Plan

12. 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.

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, an amended Wind Impacts Assessment must be submitted to and approved by the Responsible Authority. The Wind Impacts Assessment must be modified to show:
- Further investigations through wind tunnel testing is recommended to confirm wind effects.

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

Waste Management Plan

14. 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 WSP dated May 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.

15. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.

Acoustic Report

16. The Acoustic Report to be endorsed and will then form part of this Permit is the Acoustic Report submitted with the application prepared by Acoustic Logic dated 23 May 2022.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, the areas set aside for the parking of vehicles

and access lanes as shown on the endorsed plan(s) must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat;
- (d) drained;

to the satisfaction of the Responsible Authority.

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

Public Infrastructure Plan

20. Before plans are endorsed under Condition No. 1 of this Permit, a Public Infrastructure Plan must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Responsible Authority:

- (a) An east-bound on-road protected bike lane installed along the length of the section of Oakover Road between St Georges Road and Railway Place West.
- (b) Lanterns and head starts (east and west bound) at the Oakover / St Georges Rd intersection.
- (c) All new public footpaths, including the one on the north side of Oakover Road, having a minimum width of 1.8 metres.
- (d) Traffic signals at the St Georges Road intersection upgraded to include bicycle lanterns and bicycle head starts in both east and west bound directions.
- (e) A detailed design of the road works associated with the right turn lane works, bicycle infrastructure, and pedestrian linkages or access via the footpath on Showers Street.
- (f) The layout and dimensions for the new or existing vehicle crossings.

Service relocation

21. Any service relocation associated with the works must be approved by the Service Authorities and at the owner’s cost.

Tree Protection Measures

22. 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* *As defined in the Arboricultural Assessment and Report prepared by Tree Logic dated 14 June 2022	Location	TPZ (radius from the base of the tree trunk)
Tree 15 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.6 metres
Tree 16 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.4 metres

Tree 17 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 18 – <i>Syzigium austral</i> (Scrub Cherry)	Showers Street	4.7 metres
Tree 19 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 20 – <i>Corymbia ficifolia</i> (Red-flowering Gum)	Showers Street	2.0 metres
Tree 21 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.6 metres
Tree 22 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	4.9 metres
Tree 23 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres
Tree 24 – <i>Acmena smithii</i> (Lilly Pilly)	Showers Street	3.1 metres
Tree 25 – <i>Pyrus calleryana's</i> <i>Pear</i> (Callery's Pear)	Showers Street	4.3 metres
Tree 26 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Showers Street	2.0 metres

The following tree protection measures must be implemented for trees identified in the table to Condition No. 21 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 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.
24. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
25. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Green Travel Plan

26. Before plans are endorsed under Condition No. 1 of this Permit, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
- (a) A requirement that tram, train and bus timetables be installed in prominent locations in common areas (on noticeboards, etc);
 - (b) A requirement that bicycle parking areas be installed in well secured and prominent locations;
 - (c) The installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - (d) Establishment of a car-pooling database for patrons;
 - (e) Specific targets to guide the plan's ongoing implementation;
 - (f) Identification of persons responsible for the implementation of actions;
 - (g) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.
- The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

Legal agreement for Social and Affordable housing and Specialist Disability Accommodation

27. Prior to the commencement of the development, excluding bulk excavation and site remediation, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the title to the land and provide for the following:

The owner of the land will enter into a binding agreement with a registered housing agency to the satisfaction of the Responsible Authority, requiring:

- (a) Twenty (20) per cent of the dwellings to be nominated for the purpose of social housing, for a period of time as agreed to with the registered housing agency, but not less than thirty (30) years post issuing of occupancy permit.
- (b) Thirty-five (35) per cent of the dwellings to be nominated for the purpose of affordable housing.
- (c) Five (5) per cent of the dwellings no be nominated for the purpose of Specialist Disability Accommodation.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Legal agreement for Public Access

28. Prior to the occupation of the development, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority the agreement must provide the following:

- (a) Give rights of unrestricted public pedestrian access 24 hours a day, 7 days a week to the proposed 'green heart' section of the development as well as all north-south, east-west access lanes to St Georges Road, Oakover Road, Showers Street and the adjacent property development located at 18-30 Oakover Road.
- (b) The use of retractable bollards and installation of signage to prevent the general public having through vehicle access over the north-south connection between St Georges Road and Showers Street, so that thru access is only provided to commercial operators within the development. The bollards must be in use at all times, apart from where commercial operators require access within the development.
- (c) The owner must, at its cost, maintain the internal streets/laneways/public ways to the same standards as is required by the Darebin City Council for the adjoining roads, as well as maintaining the corresponding public liability insurance.

The owner of the land must pay all of the Darebin City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Materials and Finishes

29. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Darebin City Council.

Façade Strategy

30. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the

Façade Strategy must be generally in accordance with the development plans and must address the following matters:

- (a) A concise description by the architect(s) of the building design concept and how the façades works to achieve this.
- (b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
- (c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries, doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:
- (d) The finished floor levels and ceiling levels.
- (e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
- (f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
- (g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
- (h) Information about how the façade will be accessed, maintained and cleaned.
- (i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Architect to be retained

31. Except with the consent of the Responsible Authority, Jackson Clements Burrows Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

32. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

33. Before the occupation of the development all vehicular crossings 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.

Environmental Audit Overlay requirements

34. 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 is issued:

- (a) 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*.
- (b) 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.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) 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.

Permit expiry

35. 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.

36. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.

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.
 - N7. An application for a ‘Consent to Dig in the Road Reserve’ permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.
- N5 Please note the Development Contribution Plan levy will be invoiced separately.**

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

RECOMMENDATION PART C:

That Council delegates the Chief Executive to write to the local State Member for the Victorian Legislative Assembly (the Member for Northcote) and the State Members for the Victorian Legislative Council (Northern Metropolitan Region sitting members) to draw their attention to Council's position on this matter, including Council's concerns with the process and the community benefits that Council believes should be required through conditions in the event any planning permit is issued.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION - VCAT APPLICATIONS

Author: Statutory Planner

Reviewed By: Office of Chief Executive

EXECUTIVE SUMMARY

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

- A summary of decisions upheld by VCAT by financial year to date; and
- A summary of VCAT decisions issued since last report to Council.

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. S Rennie

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.28pm

**CITY OF
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