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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 8 April 2024

Released to the public on 10 April 2024



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 8 APRIL 2024

THE MEETING OPENED AT 6.44PM

WELCOME

The Chairperson, Mayor Susanne Newton opened the meeting with the following statement:

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

1. PRESENT

Councillors

Cr. Susanne Newton (Mayor) (Chairperson)
Cr. Tim Laurence (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Julie Williams
Cr. Lina Messina
Cr. Susan Rennie
Cr. Tom Hannan

Council Officers

Vanessa Petrie – General Manager City Sustainability & Strategy
Chad Griffiths – Manager City Futures & City Development
Neil Cooney – Assistant Manager City Development
Matthew Cullen – Coordinator Statutory Planning
Ann Taylor – Principal Planner
Harry Grange – Senior Statutory Planner
Paul Moriarty – Senior Statutory Planner
Anthony Smith – Acting Manager Governance & Communications

2. APOLOGIES

Cr. Trent McCarthy

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. T Hannan

That the Minutes of the Planning Committee Meeting held on 12 March 2024 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/114/2016/A 61 HIGH STREET NORTHCOTE

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Submissions

The following people addressed the Committee in relation to this item:

1. Matt Dillon (Applicant)
2. Joseph Thomas (Applicant)
3. Jacob Purcell (Objector)
4. Kaity (Katie) Munro (Objector)

Applicant	Owner	Consultant
Elton Wen	Glantz Pty Ltd	Professional Consulting Services

SUMMARY

Property:	61 High Street, Northcote
Proposal:	<p>The application proposes an amendment to the existing planning permit affecting the site and seeks the following changes:</p> <ul style="list-style-type: none"> • Approval of a Late-Night Liquor Licence in lieu of the existing General Liquor Licence. • Modifications to Condition No. 5 of the Permit to increase the operating hours of the bar on Fridays and Saturdays to 3:00am; and • Modifications to Condition No. 7 of the Permit to increase the maximum patronage to 145.
Car parking:	There are no changes to the car parking provision, noting the original permit included a full car parking waiver. The car parking rate for a bar is based on the leasable floor area due to the sites location in the Principal Public Transport Network Area (PPTN), noting there are no changes to the leasable floor area of the existing bar.
Zoning:	Commercial 1 Zone (C1Z)
Overlay/s:	Heritage Overlay – Schedule 101 (HO101) Development Contributions Plan Overlay (DCPO1)
Is a Developer Contribution required?	No as the application relates to a liquor licence and modifications to conditions on the existing Planning Permit.
Council 100YR Flooding:	No, the application is not within an area affected by Council flooding overlays.
Consultation:	<ul style="list-style-type: none"> • Letters were sent to surrounding owners and occupiers.

	<ul style="list-style-type: none"> • One (1) sign was displayed along the High Street frontage of the subject site.
<p>Objections:</p>	<ul style="list-style-type: none"> • Twenty-three (23) objections were received against this application. • The key objection grounds raised include: <ul style="list-style-type: none"> ○ Noise concerns. ○ Inconsistency with Planning Policy Framework. ○ Adverse negative cumulative impacts. ○ Assumptions the premises will operate as a nightclub. ○ Potential anti-social behaviour in the rear laneway. ○ Noise concerns and anti-social behaviour associated with the operation of the premises under previous management. ○ A late-night liquor licence is not appropriate along this section of High Street. ○ Limited venues in the immediate surrounding area operating until 3:00am. ○ Adverse impacts to local businesses. ○ Increased traffic and car parking impacts.
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The venue is located in an established commercial precinct and with appropriate conditions of approval, potential amenity impacts to nearby residential areas can be managed. • No changes are proposed to the hours of operation of the rear courtyard. The increased operating hours relate only to the areas inside the building. • The existing permit and use already must comply with noise requirements during night-time hours and this requirement will continue. • The amended operating hours allows the existing business to grow in place rather than relocate. This will increase economic and employment opportunities and provide a community benefit to the area. • Given proximity to public transport modes, there is sufficient capacity for increased patron numbers, without impacting surrounding car parking and traffic levels. • A late-night liquor licence, increased trading hours and increased patronage will contribute positively to the economic, social and cultural value along High Street. • Since new management commenced trading from the premises in August 2023, no complaints have been received by Council regarding noise or other amenity concerns. The venue has been operating within the restrictions of the existing permit.
<p>Recommendation</p>	<p>Notice of Decision to Grant an Amended Planning Permit, with conditions.</p>

Committee Decision

MOVED: Cr. T Hannan

SECONDED: Cr. S Rennie

RECOMMENDATION PART A:

That Planning Permit Application D/114/2016/A be supported and a Notice of Decision to Amend a Permit be issued for Demolition, a single storey rear extension; the sale and consumption of liquor under a Late Night Liquor Licence and a reduction in car parking in accordance with the endorsed plans at 61 High Street Northcote, subject to the following changes to Planning Permit D/114/2016:

- 1) The planning permit preamble amended from *'Demolition, a single storey rear extension and a reduction in car parking, in accordance with the endorsed plans'*.

To

'Demolition, a single storey rear extension; the sale and consumption of liquor under a Late Night Liquor Licence and a reduction in car parking, in accordance with the endorsed plans'.

- 2) Condition No. 1 amended to refer to the current Revision A plans and to include additional Condition 1 requirements as follows:

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 those submitted to Council under Amendment A to Planning Permit D/114/2016 (identified as 'Floor Plans' TP.1, 'Red Line Plan' TP.2, Revision A, dated 15 December 2023 and prepared by Arch Edge Design) but modified to show:*

- a) *any modifications required as a result of the approved Acoustic Report (Refer to Condition No. 13 of this Permit);*
- b) *any modifications required as a result of the approved Patron Management Plan (Refer to Condition No. 14 of this Permit)*

- 3) Condition No. 5 amended from:

'The use may operate only between the hours of

- *Monday to Saturday - 7:00am to 1:00am*
- *Sunday - 10:00am to 11:00pm*

To:

The use may operate only between the hours of:

- *Monday to Thursday - 7:00am to 1:00am*
- *Friday & Saturday - 7:00am to 3:00am*
- *Sunday - 10:00am to 11:00pm*

- 4) Condition No. 7 amended from:

'The maximum number of indoor and rear courtyard chairs shall be no more than 80 at any one time'

To:

'No more than 145 patrons may be on the premises at any one time'.

- 5) Condition No. 11 amended from:

'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'.

To:

'Noise levels associated with the permitted use on the land must not exceed the maximum levels under the Environment Protection Regulations 2021 (Part 5.3) and the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826 – Noise Protocol)'.

- 6) The inclusion of a new Condition No. 13, which states:

Before amended plans are endorsed under Condition 1 of this Permit, an Acoustic Report to 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 will comply with the relevant EPA noise guidelines, or outline any measures considered necessary to achieve compliance with relevant EPA noise controls.

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

- 7) The inclusion of a new Condition No. 14, which states:

Before amended plans are endorsed under Condition 1 of this Permit, an amended Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended patron Management Plan will be endorsed and will then form part of this Permit. The amended Patron Management Plan must be generally in accordance with the document identified as (Patron Management Plan, received by Council 24 July 2023 and prepared by the Applicant) but modified to include the following detail:

- 1. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.*
- 2. Venue shut down procedures to encourage patrons to leave the premises sporadically and proposed routes encouraging the flow to the nearest pick-up point.*
- 3. Patrons must be reminded to be quiet and actively encouraged not to go near sensitive land uses and other accommodation establishments.*
- 4. Security patrols and the management of patron behaviour.*
- 5. Details of the management of patron numbers.*
- 6. Deletion of reference to live music activities.*
- 7. Measures to protect vandalism and anti-social behaviour.*

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

- 8) The inclusion of a new Condition No. 15, which states:

At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:

- 1. Patrons leave the premises in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and*
- 2. Patrons do not loiter around the premises.*

To the satisfaction of the Responsible Authority.

- 9) The inclusion of a new Condition No. 16, which states:

Patrons are not permitted to enter or exit the premises via the service gate at the rear of the site with access into the premises via the entry along High Street only.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

CARRIED

For: Crs Newton, Hannan, Rennie, Williams, Laurence, Greco and Messina (7)

Abstained: Cr Dimitriadis (1)

7.30pm – Cr Greco left the meeting.

**5.2 PLANNING PERMIT APPLICATION D/330/2023
199-203 BROADWAY, RESERVOIR**

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

7.33pm – Cr Greco returned to the meeting.

Submissions

The following people addressed the Committee in relation to this item:

1. David Lin (Applicant)
2. Cos Camassa (Objector)
3. Maria Camassa (Objector)
4. Carla Camassa (Objector)
5. Robyn Ellis (Objector)
6. Lynette Curlis (Objector)
7. Penny Jagiello (Objector)

8.08pm - The meeting adjourned for a break.

8.18pm - The meeting resumed.

8.19pm - Cr Greco left the meeting.

8.20pm - Cr Greco returned to the meeting.

Applicant	Owner	Consultant
Urbis Pty Ltd	201 Broadway Pty Ltd	Urbis Pty Ltd Point Architects Tree Department Stantec

SUMMARY

Property:	199-203 Broadway, Reservoir
Proposal:	Construction of a two-storey building and use as a childcare centre, including associated signage, on site carparking and alteration of access to a road in a Transport Zone 2. A permit is required for the buildings and works, use of the land, display signs and to alter access to a road in a Transport Zone 2.
Car parking:	The development proposes a total of 26 on site car spaces provided at ground level and accessible from Lindsay Street. A total of 26 spaces are required under Clause 52.06 of the Darebin Planning Scheme.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Residential Growth Zone, Schedule 3 (RGZ3) • Design and Development Overlay – Schedule 18 (DDO18) • Development Contribution Plan Overlay – Schedule 1 (DCPO1)
Is a Developer Contribution required?	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.

	A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
Council 100YR Flooding:	Yes.
Consultation:	<ul style="list-style-type: none"> • Letters sent to surrounding owners and occupiers. • Four (4) notices were displayed on the subject site, with one (1) sign located on each of the three (3) lots facing Broadway and another on the central portion of the Lindsay Street frontage.
Objections:	<ul style="list-style-type: none"> • 19 objections were received against this application from 13 different households. • The key objection grounds raised include: <ul style="list-style-type: none"> ○ Acoustic Impacts. ○ Traffic and Parking Impacts. ○ Operation of the centre including hours of operation. ○ Impacts on existing residents with disabilities. ○ Loss of vegetation and native birds. ○ Property values.
Key reasons for support:	<ul style="list-style-type: none"> • The site is located close to commercial areas, located within the Reservoir Activity Centre and a designated Substantial Change Area. • The proposal is supported by Council’s Families Youth and Children Services as it responds to the need for additional childcare facilities in this area of Reservoir East. • The proposal promotes walking, cycling and public transport use whilst minimising car dependency. • The proposal achieves sustainable design outcomes commensurate with a childcare development. • The proposal is designed with high-quality materials and includes substantial portions of active frontage. • The proposed non-residential use is compatible with the residential area. • The scale and intensity of the proposal sits comfortably in the location, with appropriate landscaping provided. • Safe, efficient onsite parking is provided along with appropriate access to the site. • Traffic generated by the proposal can be accommodated within the surrounding road network.
Recommendation	Notice of Decision to Grant a Planning Permit, with conditions.

Committee Decision

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

RECOMMENDATION PART A

That Planning Permit Application D/330/2023 be supported and a Notice of Decision to Grant a Permit be issued for the

Construction of a building; use of the land for a childcare centre; display of signs and the alteration of access to a road in a Transport Zone 2

subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Point Architects; Dated 26 October 2023; Pages TP100-TP102, TP200-TP203, TP300, TP500-TP503) but modified to show:
 - (a) The removal of business identification sign from the southern elevation.
 - (b) Annotation of the noise attenuation measures described in the Acoustic Report prepared by DDEG; dated 23 August 2023 prepared by DDEG (Acoustics).
 - (c) Any modifications required as a result of the approved Landscape Plan prepared for Condition 3 of this permit.
 - (d) Any modifications required as a result of the Sustainable Management Plan (refer to Condition No. 6 of this Permit).
 - (e) Any modifications required as a result of Melbourne Water Conditions (refer to Conditions 29-35 of this permit).

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be generally in accordance with the landscape plan, drawn by Justin Goon, Revision A, dated August 2023, but modified to show:
 - (a) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 6 of this Permit.
 - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, container size and quantities of all plants.
 - (d) A diversity of plant species and forms, including native species.

- (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, and raised planter beds.
- (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Surfaces are to minimise reflectivity.
- (g) Four (4) large sized canopy trees and six (6) small sized canopy trees within the ground floor open space. All canopy trees must have a minimum height of 2 metres in 50 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council’s standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), large canopy trees (10-12m x 10m).
- (h) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, water tanks, storage, bike racks and the like).
- (i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (j) An outline of the approved buildings, the location of entry doors, windows, gates and fences.
- (k) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (m) Scale, north point and appropriate legend.
- (n) Landscape specification notes including general establishment and maintenance requirements.

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

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 8	Adjoining property (East)	2.0 metres
Tree 12	Adjoining property (East)	2.0 metres
Tree 16 –	Naturestrip	4.0 metres
Tree 17 –	Naturestrip	4.4 metres

Tree 18 -	Naturestrip	6.0 metres
Tree 20	Naturestrip	5.6 metres
Tree 12	Adjoining property (East)	2.0 metres
Tree 13	Adjoining property (East)	2.0 metres
*as defined in <i>Arboricultural Assessment and Report</i> prepared by TreeDepartment, dated 27 August 2023.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) **All fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for the reinstatement of the crossovers to be decommissioned.**
 - (c) **All excavations for the reinstatement of the decommissioned crossovers are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.**
 - (d) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for trees 8, 12, 16 to 18, and 20.
 - (e) All services must be routed outside ‘Tree Protection Zones’. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
 - (f) All tree protection zones must be observed according to Australian Standard AS4970-2009 **Protection of trees on development sites**. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
 - (g) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (h) 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.
 - (i) 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) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.

-
- (j) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 **Pruning of Amenity Trees**. This work should be supervised or carried out by a qualified arborist.
 - (k) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (l) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (m) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the document identified as that prepared by F2 Design; dated 26 October 2023 but modified to show:
- (a) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
 - (b) Steel – All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
 - (c) Annotate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn
 - (d) Annotate roof materials to be light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6)

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

7. Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

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

9. The 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 Leigh Design; dated 29 August 2023. 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 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.
10. The Acoustic Report (AR) to be endorsed and which will then form part of this Permit is the AR report prepared by DDEG (Acoustic), dated 23 August 2023. The requirements as set out in the approved Acoustic Report must be implemented to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority
12. Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian and vehicular entry to the building 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.
13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. The use may operate only between the hours of:
 - o 7.00am – 6.00 pm Monday to Friday.
16. No more than 25 staff members may be present on the premises at any one time.
17. No more than 120 children may be present on the premises at any one time.
18. 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.
19. 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.
20. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all weather sealcoat;
 - (d) Linemarked; and

(e) Drained to the satisfaction of the Responsible Authority.

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

21. Before the development is occupied, the vehicular crossing must be constructed to align with the approved driveway to the satisfaction of the Responsible Authority. Any redundant crossing or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
22. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed, or the use is not started 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.

SIGN CONDITIONS

23. The location and details of the signs (including the size, nature, panels, position and construction), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
24. The signs must not contain any flashing, intermittent or changing colour light.
25. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining and nearby land.
26. The signs must not be illuminated by external or internal lights.
27. The advertising sign must not contain any moving parts or be animated in any way.
28. The signs must be located wholly within the boundary of the site.
29. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
30. This permission relating to the signs expires 15 years from the date of issue of Permit.

On expiry of this Permit, the sign and structures built specifically to support and illuminate it must be removed.

DEPARTMENT OF TRANSPORT CONDITIONS

31. Prior to the occupation of buildings and/or works all disused or redundant vehicle crossings must be removed and the area reinstated to existing kerb and channel, to the satisfaction of the Responsible Authority, and at no cost to the Head, Transport for Victoria.

MELBOURNE WATER CONDITIONS

32. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - (a) Retaining wall removed from the northern, eastern and western property boundaries, adjacent to the proposed outdoor play area.

- (b) Fill removed from the outdoor play area. Landscaping within the outdoor play area must be set to existing natural surface level.
 - (c) Fences on the northern and western property boundaries, that is adjacent to the play area, must be substituted with a 50% open style fence.
- 33. The childcare centre must be constructed with finished floor levels set no lower than 83.15 metres to Australian Height Datum, which is 300mm above the applicable flood level of 82.85m to AHD.
 - 34. No retaining walls are permitted on the northern, eastern and western property boundaries, adjacent to the outdoor play area to allow for the passage of overland flows.
 - 35. No fill is permitted within the outdoor play area. Any landscaping within the outdoor play area must be set to existing natural surface level.
 - 36. Any fences on the northern and western property boundaries, that is adjacent to the play area, must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of overland flows.
 - 37. Primary vehicular access and egress to the site must be maintained from the driveway heading onto Lindsay Street, where flood depths are in compliance with the flood safety requirements.
 - 38. Vehicular and pedestrian access to the site must head south on Lindsay Street in a 1% AEP flood event, within safe flood depths towards flood free ground.

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 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development or use they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6. Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.

Department of Transport Notations

- N7. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity is to be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- N8. The Road Access Permit Portal (RAPP) was launched on Monday 17 October 2022, and all Working Within the Road Reserve (WWRR) Consent applications are now required to be submitted through RAPP. Below are links that will assist you in applying for this consent.
- N9. Please get in touch via rapp.support@roads.vic.gov.au if you have any questions. You can access the RAPP website at: <https://rapp.transport.vic.gov.au>

Melbourne Water Notations

- N10. Melbourne Water's adopted 'Guidelines for Development in Flood Affected Areas' (DELWP, 2019) state that the natural function of floodplains and overland flow paths to convey and store floodwater must not be compromised, such that new development should not divert floodwaters to the detriment of adjacent properties or increase flood levels/velocities on adjacent properties.
- N11. The current proposal presents an obstruction to the passage of overland flows within the property as result of the proposed retaining wall, fill within the outdoor play area and solid wall fencing. Condition 1 (a) to (c) must be complied with in order to satisfy overland flow requirements.
- N12. Alternatively, if the current or an amended proposal is pursued a suitably qualified hydraulic engineer will need to be engaged to undertake hydraulic modelling to demonstrate the proposal is not increasing flood risk on adjacent properties.
- N13. For general development enquiries contact our Customer Service Centre on 131722.

RECOMMENDATION PART B

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

CARRIED

For: Crs Rennie, Hannan, Laurence and Newton (4)

Against: Crs Williams, Messina and Greco (3)

Abstained: Cr Dimitriadis (1)

The motion was carried on the casting vote of the Chairperson, Mayor Newton.

**5.3 26 JENKINS STREET, NORTHCOTE (AMENDED VCAT POSITION)
26 Jenkins Street, Northcote**

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Submissions

The following people addressed the Committee in relation to this item:

1. Neil Moorhouse (Objector)
2. Janet May Howden (Objector)
3. Simon Power (Objector)
4. Katerina Staikos (Objector)
5. Cecilia Bjorkegren (Objector)

Applicant	Owner	Consultant
Assad Irahim & Megan Irahim C/- Urbis Ltd	Assad Irahim	Mick Meyer URBIS

SUMMARY

This report seeks Council’s support for an amended design for the application for 26 Jenkins Street, Northcote to inform an upcoming appeal hearing at the Victorian Civil and Administrative Tribunal (VCAT).

The application is for construction of two (2) dwellings on the site (both dwellings to have 4 bedrooms). The development proposes a side-by-side format, each with basement car parking for three (3) cars, and generous alfresco area with pool at the rear.

Seventeen (17) objections were received against the original proposal. The application was considered by the Planning Committee on 14 August 2023. The report to Council recommended support for the application, subject to conditions. Council subsequently refused the application, contrary to the officer recommendation.

Following refusal by the Planning Committee, the Permit Applicant lodged an appeal against Council’s decision with VCAT. 8 objector parties have joined the proceeding (4 of these 8 are jointly represented by JPL).

The matter was considered at a Compulsory Conference on 5th February 2024 with no agreement reached between parties.

The matter is therefore progressing to a full VCAT hearing, scheduled for the 15th & 16th April 2024.

As is typical in such appeals, the permit applicant has formally amended plans in response to the grounds of refusal. The amended plans continue to seek permission for two (2) double storey dwellings with basements, but with significant design alterations in response to Council’s grounds of refusal.

The revised proposal provides a significantly improved built form response compared to the original, including the following:

- A high degree of compliance with the Standards and Objectives of Clause 55 (ResCode).

- The increased upper-level setbacks, including the removal of a bedroom from Dwelling 1, reduce the visual bulk of the proposal, most importantly reducing bulk and dominance within the streetscape. The materials and architectural form of the development are also improved. Combined, these result in an appropriate response to neighbourhood character considerations.
- Increased landscaping, including additional canopy trees to the front setback, to blend into the streetscape.
- Regarding overshadowing of adjacent solar panels, the proposal predominately avoids overshadowing across the year and in a worst-case scenario still allows five (5) hours of unrestricted solar access to the solar panels between 9am and 2pm during Winter.

Given the improvements in the design, it is recommended that Council's position be revised to one of support for the proposal, subject to conditions, for the VCAT hearing scheduled on 15th and 16th April 2024.

Recommendation

That Council support planning permit application D/599/2022 (as amended) at the upcoming VCAT hearing and request the Tribunal include the following conditions within any Permit issued:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *TP04 – TP08 produced by SYNC Architecture, received 28/02/2024*), but modified to show:
 - (a) West-facing first-floor glazing provided with additional suitable external adjustable or fixed shading devices, pursuant to Standard B10 - Energy Efficiency.
 - (b) Double glazing treatment annotated on all habitable room windows and glazed doors.
 - (c) The design informed by preliminary NatHERS rating assessments for all dwellings that achieve an average of at least 6.5 stars, pursuant to Standard B10 - Energy Efficiency.
 - (d) Toilets detailed as connected to water-tanks and annotated onto WSUD Plan, in accordance with Condition No. 6 of this Permit.
 - (e) On-street car parking space to be dimensioned on plans.
 - (f) Air conditioning units suitably located within the secluded private open spaces of each dwelling.
 - (g) Double garage dimensions of 6.0 metres length x 5.5 metres width shown on the plans in accordance with Clause 52.06.
 - (h) Dwelling 2 pedestrian garage door provided glazing and detailed on elevations and floorplan.
 - (i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the crossovers to *Cramer Street*. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm

in height.

- (k) 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.
- (l) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (m) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (n) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (o) Any changes required as a result of the preparation 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.6 of this Permit.
- (p) Any changes required as a result of the preparation of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No.7 of this Permit.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (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) Three (3) medium sized canopy trees provided within the front setback. These must have a minimum mature height of 8 metres. At the time of planting these trees are to be from 45L size pots and at least 1.5 metres in height.
 - (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (h) Hard paved surfaces at all entry points to dwellings.
- (i) Suitable planting including climbers to be provided to soften side boundaries.
- (j) 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).
- (k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (m) Scale, north point and appropriate legend.
- (n) Landscape specification notes including general establishment and maintenance requirements.

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

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 - Liquidamber styraciflua (Sweet gum)	Rear SE corner of site	4.8 metres
Tree 2 - <i>Robinia pseudoacacia</i> (Blacklocust)	Rear SE corner of site	7.3 metres
Tree 8 – Chinese Elm	Nature-strip	2.0 metres
Tree 9 - <i>Brachychiton populneus</i> (Kurrajong)	Adjoining property (east)	4.8 metres
Tree 10 - <i>Corymbia ficifolia</i> (Red flowering gum)	Adjoining property (east)	2.0 metres

Tree 11 - <i>Agonis flexuosa</i> (Peppermint Willow)	Adjoining property (east)	2.0 metres
Tree 12 and 13 - <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	12.8 and 5.4 metres respectively
*as defined in Arborist Report by Root Zone dated 07/02/2023.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) **Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.**
 - (b) **Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing. Tree protection is required for neighbouring trees.**
 - (c) **Tree protection fencing is to be erected around the TPZ of the street tree (tree 8) to 2m, where occurring on the nature strip. All fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for construction of the approved crossover.**
 - (d) **All excavations for the construction of the proposed crossover are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.**
 - (e) **Tree protection is required for site trees and neighbouring trees as indicated in picture above. TPZ to be installed before any works occur on site. tree.**
 - (f) **A tree protection zone of 4.8m is required for tree 1. TPZ to be installed before any works occur on site, including demolition works. The proposed paving and alfresco must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of tree 1. The footing system for the living room must be non-continuous, either bored piers or screw piles. Once their position is known prior to auguring the affected roots must be cleanly root pruned with secateurs or sharp loppers just beyond the pier between it and the tree. No machinery should sit in the area between the dwelling and the eastern boundary fence. If it can't be avoided, then track mats or other ground protection will be required. The use of scaffold to the east of the living room will unduly interfere with canopy of Tree 1 and so cannot be used. Construction methods to avoid the use of scaffolds for the living room of dwelling 2 will need to be employed. These works will be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.**
 - (g) **A tree protection zone of 7.3m is required for tree 2. TPZ to be installed before any works occur on site, including demolition works. The proposed paving and alfresco must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of tree 2. Excavation will be allowed into the TPZ of tree 2 of approximately 1m in order to construct the proposed pool as the encroachment of the pool is less than 10% which is allowable per the Australian Standards (AS-4970-2009). These works will be closely supervised by the project arborist, to ensure there is no inadvertent**

- impact to the roots of this tree.
- (h) A tree protection zone of 4.8m is required for tree 9. TPZ to be installed before any works occur on site, including demolition works. Excavation will be allowed into the TPZ of tree 9 of approximately 0.5m in order to construct the proposed driveway as the encroachment of the driveway is less than 10% which is allowable per the Australian Standards (AS-4970-2009). These works will be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.
 - (i) A tree protection zone of 2m is required for tree 10. TPZ to be installed before any works occur on site, including demolition works.
 - (j) A tree protection zone of 2m is required for tree 11. TPZ to be installed before any works occur on site, including demolition works.
 - (k) A tree protection zone of 4.8m is required for tree 12. TPZ to be installed before any works occur on site, including demolition works.
 - (l) A tree protection zone of 5.4m is required for tree 13. TPZ to be installed before any works occur on site, including demolition works.
 - (m) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for trees 1 to 2, and 8 to 13.
 - (n) All services must be routed outside 'Tree Protection Zones'. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
 - (o) All tree protection zones must be observed according to Australian Standard AS4970-2009 Protection of trees on development sites. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
 - (p) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 Pruning of Amenity Trees. This work should be supervised or carried out by a qualified arborist.
 - (q) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (r) 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.
 - (s) Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.
6. Prior to the endorsement of plans, including any related demolition, Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Darebin City Council. This report must be made available to all relevant parties involved with the site.
- a) The TPMP must include:
 - (i) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
 - (ii) Protection measures to be utilised and at what stage of the development they will be implemented;
-

- (iii) Appointment of a project arborist detailing their role and responsibilities;
 - (iv) Stages of development at which the project arborist will inspect tree protection measures and;
 - (v) Monitoring and certification by the project arborist of implemented protection measures.
 - b) Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
 - c) Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
 - d) The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
 - e) The TPP must:
 - a. Be legible, accurate and drawn to scale;
 - b. Indicate the location of all tree protection measures to be utilised and;
 - c. Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
 - d. Include a key describing all tree protection measures to be utilised.
 - f) All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 - g) Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
- 7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
 - (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (vi) Toilets must be detailed as connected to water-tanks and laundry, detailed in the WSUD report and annotated onto the WSUD Plan.

- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

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

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

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

9. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

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

The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

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

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

13. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

- (a) concealed in service ducts or otherwise hidden from view; or
- (b) located and designed to integrate with the development,

to the satisfaction of the Responsible Authority.

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

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

16. A clothesline must be provided to each dwelling. Clotheslines must not be visible from *the street*.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
21. 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.
22. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

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

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

- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N8. Please note the Development Contribution Plan levy will be invoiced separately.

Motion

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

That Council not support Planning Permit Application D/599/2022 (as amended) at the upcoming VCAT hearing.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

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

That Council not support Planning Permit Application D/599/2022 (as amended) at the upcoming VCAT hearing.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year 2023-2024 to date.
- Table 1 includes a revised format to include a column that outlines performance against the Local Government Performance Reporting Team (LGPRF) and a column that more accurately outlines Council’s performance by including decisions resolved through mediation.
- Table 2 is a summary of decisions issued since last reported to Council (financial year 2023-2024).

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. G Greco

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 9.04pm.

**CITY OF
DAREBIN**

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

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