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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 14 December 2020

Released to the public on Thursday 17 December 2020

DUE TO COVID-19 RESTRICTIONS, THIS MEETING WAS NOT OPEN TO PUBLIC.

**LIVE STREAMING OF THE PLANNING COMMITTEE MEETING WAS MADE
AVAILABLE ON COUNCIL'S INTERNET SITE**



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये योजना समिति की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਪੇਜਨਾਰਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT PRESTON TOWN HALL 284 GOWER STREET, PRESTON ON MONDAY 14 DECEMBER 2020

THE MEETING OPENED AT 6.31pm

The Chairperson, Mayor Messina advised that the meeting was being streamed live and that audio and video would be made available on Council's website.

WELCOME

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

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

1. PRESENT

Councillors

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Sue Wilkinson - Chief Executive Officer

Rachel Ollivier - General Manager City Sustainability and Strategy

Jodie Watson - – General Manager Governance and Engagement

Anita Craven - Manager Governance & Corporate Strategy

Karen Leeder – Manager City Development

Peter Rollis – Coordinator Statutory Planning

Stephen Mahon - Coordinator Council Business

Rachna Gupta Singh – Senior Council Business Officer

Nick Van - Council Business Officer

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONSIDERATION OF REPORTS

4.1 APPLICATION FOR PLANNING PERMIT D/722/2018 800-802 & 820 PLENTY ROAD RESERVOIR

Applicant	Owner	Consultant
Japara Developments Pty Ltd	Japara Developments Pty Ltd	Planning & Property Partners Pty Ltd.

SUMMARY

- This matter relates to an application for the use and development of the land for a retirement village and residential aged care facility, the removal of native vegetation and alteration of access to a road in a Road Zone Category 1.
- At the 14 April 2020 Planning Committee meeting it was resolved to refuse Planning Permit Application D/722/2018.
- The substantive issues set out in the Notice of Refusal include: development contrary to state planning policy on urban design, negative impact on residential amenity of adjoining properties and that aspects of the building envelope are contrary Design and Development Overlay – Schedule 17.
- The Applicant has applied to have Council’s decision reviewed at VCAT.
- A VCAT compulsory conference (mediation) was held on 7 October 2020. At the compulsory conference, the parties reached an ‘in principle’ agreement to settle the matter via consent and subject to the conditions detailed in the recommendation section of this report.
- The purpose of this report is to consider the ‘in principle’ agreement reached by the parties at the compulsory conference.
- Should Council resolve to settle the matter via consent, a planning permit will be issued and the VCAT hearing will be vacated. Alternatively, should Council resolve not to settle this matter, the Application will proceed to a hearing which is currently listed for four (4) days commencing 19 April 2021. At the hearing, Council would rely upon the grounds contained within the Notice of Refusal dated 21 April 2020.
- The ‘in principle’ agreement is without prejudice. In other words, the agreement and anything said or done in the course of the compulsory conference is not admissible at a hearing should this matter not settle.
- The site is zoned Commercial 1 and is affected by a Design and Development Overlay (Schedule 17) and Development Contributions Plan Overlay Schedule 1.
- There are no restrictive covenants on the titles for the subject land.
- It is recommended that the application be supported.

CONSULTATION:

- There was one (1) statement of grounds received by VCAT, with the objector nominating to become a party and actively participate in the proceedings.
- A VCAT compulsory conference (mediation) was held on 7 October 2020 and was attended by all parties.
- The application has been listed for an Administrative Mention on 15 December 2020. Among other administrative requirements, all parties must advise VCAT whether the matter is resolved.

Recommendation

That Council advise the Tribunal it has considered the 'in principle' agreement reached by the parties at Compulsory Conference on 7 October 2020 and supports the proposal subject to the conditions set out below.

That Council request the Tribunal make orders with the consent of the parties to this effect.

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing no's TP.00 to TP.49, dated 14 September 2019, project no. 2016020 and prepared by Godfrey Spowers (Victoria) Pty Ltd.) but modified to show:
 - a) Critical height dimensions shown to the elevations (and levels to AHD) with a maximum height of 20 metres (not including roof top plant and communal areas).
 - b) The following amendments to the Plenty Road façade in accordance with drawing no's SK_11, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd:
 - i. Amended layout to Apartments 308, 408, 508 to provide a balcony opening to the north-east façade.
 - ii. Increased width to the central entry from Plenty Road.
 - c) The southern elevation is to be amended in accordance with drawing no SK_10, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd to show increase glazing inset and deeper reveal to the central dining area of the first, second and third floors of Building A.
 - d) Bicycle parking spaces must be dimensioned as follows: Horizontal spaces (ground-mounted):
 - i. Double-sided parking rails or hoops set 1000mm apart, or 500mm from a wall or fence.
 - ii. Allow 1800mm long envelope for the bicycle, plus 1500mm wide aisle for access.Vertical spaces (wall-mounted):
 - i. Rails mounted at 500mm spacing between centres if mounted at staggered heights, or 1000mm if mounted at a single height.
 - ii. Rails to be mounted so that bicycles need to be lifted only between 50mm-350mm (staggered rails should be mounted at alternating heights of 1850mm and 2150mm).

- iii. Must allow 1200mm envelope for the bicycle to extend out from the wall, plus a 1500mm wide aisle for access.
- e) The width of the ramp providing access to the Lower Ground B car park is to be a minimum width of 6.1 metres between ramp walls and is to be revised, as per swept paths prepared by TTM Consulting (Vic) Issue A, dated 23 August 2018.
- f) Details of signage to inform drivers that the public road along the southern boundary allows exit only movements from the subject site.
- g) The intersection between the southern boundary road and accessway leading to the lower ground car park is to be clearly shown including methods of dealing with conflicting vehicle movements.
- h) Allocation of car parking spaces to dwelling units and commercial uses.
- i) Full dimensions of car spaces and accessways showing compliance with Design standard 2 – Car parking spaces, of Clause 52.06-9 of the Planning Scheme.
- j) Details of the tandem car spaces with minimum dimensions of 4.9 metres in length x 2.6 metres in width and separated by a minimum of 500mm.
- k) 17 car parking spaces proposed on land adjacent to the eastern access removed from the plans.
- l) The accessible parking space on the basement level is to be dimensioned in accordance with AS2890.6:2009.
- m) Details of column location in the basement area, ensuring compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-9 of the Planning Scheme.
- n) Parking spaces bounded by a wall are to be widened by 300mm.
- o) Ramp transitions are to be a minimum 2 metres wide.
- p) Screening of overlooking of adjoining residential properties to the south in accordance with the requirements of Standard B22 (within 9 metres and a 45-degree angle) and where screening is required to balconies or terraces, such screening must be a minimum height of 1.8m or otherwise through screen vegetation.
- q) Section shadow diagrams to demonstrate compliance with Standard B21 of ResCode.
- r) Details of all window openings.
- s) Install an east facing operable window to Unit 305.
- t) Install an east facing operable window to E14.
- u) Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.
- u) The water tank must be connected to the toilets for the independent living units for the lower levels.
- v) Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.
- w) Full details on the waste and recycling chutes.
- x) A single communal antenna for the development (refer also to Condition No. 17 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

- y) Details of lighting to the garage and common ground level and lower ground level areas.
 - z) Full details of shade and seating to the communal roof top terraces.
 - aa) Location of mailboxes adjacent to the building entry, in an active well-lit and weather protected.
 - bb) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 7 of this Permit.
 - cc) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - dd) A notation indicating the extent of the construction of the rear right of way (refer to Condition no. 13 of this Permit).
 - ee) Noise attenuation measures required by the acoustic assessment under Condition 14 of this permit.
 - ff) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition no. 9 of this Permit).
 - gg) Modifications in accordance with the Waste Management Plan (Refer to Condition no. 15 of this Permit).
 - hh) A landscape plan in accordance with Condition No. 4 of this Permit.
 - ii) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

The south facing lower ground elevation abutting the laneway to be of muted / non- reflective tones.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

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

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

- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Provision of a minimum of six (6) suitable medium canopy trees and ten (10) suitable small canopy trees.
 - b) Tree protection measures, in accordance with Condition No. 7 of this Permit.
 - c) 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.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - h) 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) Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - i) Hard paved surfaces at all entry points to dwellings.
 - j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - 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 must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - n) Planter sections to demonstrate compliance with Condition no. 1(p) of this Permit, as required.**
 - o) Details of the proposed irrigation system for all planters, including details of a proposed maintenance schedule.**

- p) **Creepers to produce a green wall at the lower ground and ground southern façade for all non-brick sections at the southern boundary of the Site.**
 - q) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- 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.
- (6) 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.
- (7) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in the tree assessment by Axiom Tree Management Pty Ltd dated 8 May 2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 4 – Located within the adjoining property to the south	3.2 metres
Tree 5 – Located within the adjoining property to the south	2.5 metres

- o Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - o Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
 - o The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - o No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - o No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - o Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - o Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.
- (8) Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.

Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.

- (9) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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

- (10) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

- (11) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- a) Erosion and sediment.
 - b) Stormwater.
 - c) Litter, concrete and other construction wastes.
 - d) Chemical contamination.

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (12) At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be

confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.

(13) Prior to the occupation of the development:

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

All works must be to the satisfaction of the responsible authority.

(14) Before development starts, an Acoustic Assessment of the development generally in accordance with the submitted report by Resonate dated 31 August 2018, to the satisfaction of the Responsible Authority, must be submitted to the Responsible

Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

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

(16) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and road reserve adjacent to the subject site.

The plans must include the following details:

- a) A detailed level and feature survey of the footpaths and roads, including the depth of the footpaths from the external façades to the kerb.
- b) Premium footpath paving (Abri masonry) in two tone (charcoal grey and steel grey or another suitable option) to the Plenty Road road reserve adjacent to the subject site.
- c) A planting schedule of proposed street tree vegetation and canopy trees detailing the botanical name, common name, size at maturity and quantities of all plants. All footpath planting must be provided in passively irrigated pits, either WSUD pits or resin bound surfacing and flush with the pavement. Planter boxes must not be provided.
- d) Any required relocation of parking and traffic signs.
- e) Any other works to the public land adjacent to the development.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with the prior written consent of the Responsible Authority.

- (17) Prior to the commencement of any works, the permit holder is to provide written approval for all relevant service authorities that benefit from any easements to be expunged/relocated to the satisfaction of the Responsible Authority.
- (18) Prior to the commencement of any works, the permit holder is to provide an appropriate lease to allow use of the adjacent VicRoads land to the satisfaction of the Responsible Authority.
- (19) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (20) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) 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.

- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) 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.
- (25) 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.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- (27) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

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.

- (28) Before the development is occupied 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.

VicRoads Conditions:

- (29) Prior to the commencement of works, amended ground floor plans must be submitted to and approved by the Roads Corporation (VicRoads). The plans must show a redesigned loading bay access (at the south boundary), provided with physical constraints (such as boom gate), to prevent other vehicles from the development from entering Albert Street directly from the site.
- (30) The development must be managed during construction so as not to compromise the operational efficiency of Plenty Road Reservoir or public safety.

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 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.

Committee Decision

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

That Council advise the Tribunal it has considered the 'in principle' agreement reached by the parties at Compulsory Conference on 7 October 2020 and supports the proposal subject to the conditions set out below.

That Council request the Tribunal make orders with the consent of the parties to this effect.

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing no's TP.00 to TP.49, dated 14 September 2019, project no. 2016020 and prepared by Godfrey Spowers (Victoria) Pty Ltd.) but modified to show:
- a) Critical height dimensions shown to the elevations (and levels to AHD) with a maximum height of 20 metres (not including roof top plant and communal areas).
 - b) The following amendments to the Plenty Road façade in accordance with drawing no's SK_11, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd:
 - i. Amended layout to Apartments 308, 408, 508 to provide a balcony opening to the north-east façade.
 - ii. Increased width to the central entry from Plenty Road.
 - c) The southern elevation is to be amended in accordance with drawing no SK_10, dated 30 May 2019 and prepared by Godfrey Spowers (Victoria) Pty Ltd to show increase glazing inset and deeper reveal to the central dining area of the first, second and third floors of Building A.
 - d) Bicycle parking spaces must be dimensioned as follows: Horizontal spaces (ground-mounted):
 - i. Double-sided parking rails or hoops set 1000mm apart, or 500mm from a wall or fence.
 - ii. Allow 1800mm long envelope for the bicycle, plus 1500mm wide aisle for access.

Vertical spaces (wall-mounted):

- i. Rails mounted at 500mm spacing between centres if mounted at staggered heights, or 1000mm if mounted at a single height.
 - ii. Rails to be mounted so that bicycles need to be lifted only between 50mm-350mm (staggered rails should be mounted at alternating heights of 1850mm and 2150mm).
 - iii. Must allow 1200mm envelope for the bicycle to extend out from the wall, plus a 1500mm wide aisle for access.
- e) The width of the ramp providing access to the Lower Ground B car park is to be a minimum width of 6.1 metres between ramp walls and is to be revised, as per swept paths prepared by TTM Consulting (Vic) Issue A, dated 23 August 2018.
 - f) Details of signage to inform drivers that the public road along the southern boundary allows exit only movements from the subject site.
 - g) The intersection between the southern boundary road and accessway leading to the lower ground car park is to be clearly shown including methods of dealing with conflicting vehicle movements.
 - h) Allocation of car parking spaces to dwelling units and commercial uses.
 - i) Full dimensions of car spaces and accessways showing compliance with Design standard 2 – Car parking spaces, of Clause 52.06-9 of the Planning Scheme.
 - j) Details of the tandem car spaces with minimum dimensions of 4.9 metres in length x 2.6 metres in width and separated by a minimum of 500mm.
 - k) 17 car parking spaces proposed on land adjacent to the eastern access removed from the plans.
 - l) The accessible parking space on the basement level is to be dimensioned in accordance with AS2890.6:2009.
 - m) Details of column location in the basement area, ensuring compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-9 of the Planning Scheme.
 - n) Parking spaces bounded by a wall are to be widened by 300mm.
 - o) Ramp transitions are to be a minimum 2 metres wide.
 - p) Screening of overlooking of adjoining residential properties to the south in accordance with the requirements of Standard B22 (within 9 metres and a 45-degree angle) and where screening is required to balconies or terraces, such screening must be a minimum height of 1.8m or otherwise through screen vegetation.
 - q) Section shadow diagrams to demonstrate compliance with Standard B21 of ResCode.
 - r) Details of all window openings.
 - s) Install an east facing operable window to Unit 305.
 - t) Install an east facing operable window to E14.
 - u) Relocate solar panels behind and next to the roof plant to the top of the plant room or closer together on the west area of roofing.
 - u) The water tank must be connected to the toilets for the independent living units for the lower levels.

- v) Install a door that is 1200 to 1500mm wide for the bike store for 20 bikes.
 - w) Full details on the waste and recycling chutes.
 - x) A single communal antenna for the development (refer also to Condition No. 17 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - y) Details of lighting to the garage and common ground level and lower ground level areas.
 - z) Full details of shade and seating to the communal roof top terraces.
 - aa) Location of mailboxes adjacent to the building entry, in an active well-lit and weather protected.
 - bb) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 7 of this Permit.
 - cc) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - dd) A notation indicating the extent of the construction of the rear right of way (refer to Condition no. 13 of this Permit).
 - ee) Noise attenuation measures required by the acoustic assessment under Condition 14 of this permit.
 - ff) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition no. 9 of this Permit).
 - gg) Modifications in accordance with the Waste Management Plan (Refer to Condition no. 15 of this Permit).
 - hh) A landscape plan in accordance with Condition No. 4 of this Permit.
 - ii) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

The south facing lower ground elevation abutting the laneway to be of muted / non- reflective tones.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Provision of a minimum of six (6) suitable medium canopy trees and ten (10) suitable small canopy trees.
 - b) Tree protection measures, in accordance with Condition No. 7 of this Permit.
 - c) 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.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - h) 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) Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - i) Hard paved surfaces at all entry points to dwellings.
 - j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - 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 must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
-

- n) Planter sections to demonstrate compliance with Condition no. 1(p) of this Permit, as required.
 - o) Details of the proposed irrigation system for all planters, including details of a proposed maintenance schedule.
 - p) Creepers to produce a green wall at the lower ground and ground southern façade for all non-brick sections at the southern boundary of the Site.
 - q) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- 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.
- (6) 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.
- (7) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in the tree assessment by Axiom Tree Management Pty Ltd dated 8 May 2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 4 – Located within the adjoining property to the south	3.2 metres
Tree 5 – Located within the adjoining property to the south	2.5 metres

- o Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- o Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
- o The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
- o No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
- o No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- o Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- o Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

- (8) Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.

Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.

- (9) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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

- (10) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

- (11) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:

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

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (12) At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
- (13) Prior to the occupation of the development:
- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the eastern end of the property and continuing west, must be submitted to and approved by Council.
 - b) The right of way abutting the western boundary of the property, commencing from the southern boundary of the property, commencing from the eastern end of the property and continuing west, must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

- (14) Before development starts, an Acoustic Assessment of the development generally in accordance with the submitted report by Resonate dated 31 August 2018, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
 - b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

Waste storage and collection must be undertaken in accordance with the approved waste management plan and must be conducted in such a manner as not to affect the

amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (16) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and road reserve adjacent to the subject site.

The plans must include the following details:

- a) A detailed level and feature survey of the footpaths and roads, including the depth of the footpaths from the external façades to the kerb.
- b) Premium footpath paving (Abri masonry) in two tone (charcoal grey and steel grey or another suitable option) to the Plenty Road road reserve adjacent to the subject site.
- c) A planting schedule of proposed street tree vegetation and canopy trees detailing the botanical name, common name, size at maturity and quantities of all plants. All footpath planting must be provided in passively irrigated pits, either WSUD pits or resin bound surfacing and flush with the pavement. Planter boxes must not be provided.
- d) Any required relocation of parking and traffic signs.
- e) Any other works to the public land adjacent to the development.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with the prior written consent of the Responsible Authority.

- (17) Prior to the commencement of any works, the permit holder is to provide written approval for all relevant service authorities that benefit from any easements to be expunged/relocated to the satisfaction of the Responsible Authority.
- (18) Prior to the commencement of any works, the permit holder is to provide an appropriate lease to allow use of the adjacent VicRoads land to the satisfaction of the Responsible Authority.
- (19) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (20) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) 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.

- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) 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.

- (25) 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.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (27) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

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.

- (28) Before the development is occupied 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.

VicRoads Conditions:

- (29) Prior to the commencement of works, amended ground floor plans must be submitted to and approved by the Roads Corporation (VicRoads). The plans must show a redesigned loading bay access (at the south boundary), provided with physical constraints (such as boom gate), to prevent other vehicles from the development from entering Albert Street directly from the site.
- (30) The development must be managed during construction so as not to compromise the operational efficiency of Plenty Road Reservoir or public safety.

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 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.

CARRIED UNANIMOUSLY

**4.2 APPLICATION FOR PLANNING PERMIT D/672/2019
61 Edwardes Street, RESERVOIR**

Applicant	Owner	Consultant
Branson Property Group Pty Ltd	June Margaret Salter	Best Hooper Lawyers Goodison Surveying Ratio Consultants SLAB Sustainable Development Tract Consultants Pty Ltd

SUMMARY

- This application comes to the Planning Committee for consideration as a result of substituted plans being circulated in a Victorian Civil and Administrative Appeals Tribunal (VCAT) proceeding.
- It relates to a VCAT appeal initiated by owners and occupiers of properties surrounding the subject site (VCAT Applicants). They are seeking a review of Council’s notice of decision to grant a planning permit (NOD).
- On the basis of the substituted plans, the VCAT Applicants have formally altered their position to now support the proposal.
- A VCAT compulsory conference (mediation) was held on 9 November 2020. The matter did not settle.

- VCAT set an Administrative Mention for 15 December 2020 to enable Council to advise VCAT and the other parties of Council's decision on the substituted plans.
- Council officers do not support the amended plans as they are contrary to the provisions of the Darebin Planning Scheme. Specifically, the original supported proposal provided vehicular access from the constructed rear laneway while the amended plans provide vehicular access via a double width crossover from Edwardes Street.
- The main practical impacts of the proposal to change vehicle access from the rear to the front are: the proposed new double width vehicle access would be across a well used footpath, increasing risk of accidents; and it would reduce space on Edwardes Street for street trees, nature strip and garden area at the front – all of which contribute to achieving Council's long term goal of creating a green, cool streetscape that is enjoyable to walk around in and resilient to hotter summers that are being experienced with climate change.
- The amended proposal would allow:
 - The construction of 14 triple storey dwellings (three bedrooms), one triple storey dwelling (two bedrooms) and one double storey dwelling (two bedrooms) in one attached form.
 - 24 car parking spaces within a basement level.
 - Vehicular access to the basement via a double width crossover from Edwardes Street.
 - Private open spaces in the form of either ground level yards or upper level balconies.
 - A maximum overall height is 9.5 metres.
- The site is zoned General Residential and is affected by the Development Contributions Plan Overlay.
- The site is designated as a Substantial Change area in the Darebin Housing Strategy 2013.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.9%.
- There is no restrictive covenant on the title for the subject land.
- 11 objections were received opposing the original application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- A Notice of Decision to Grant a Permit was issued on 16 June 2020.
- An appeal of Council's decision has been lodged with VCAT. The matter is listed for a one (1) day hearing on 21 April 2021.
- One statement of grounds has been submitted as part of the appeal.
- Recommendation: Not support the substituted plans which show a double width vehicular access from Edwardes Street.

CONSULTATION:

- Public notice of the substituted plans was given via letters sent to surrounding owners and occupiers. No additional statement of grounds was submitted to VCAT by the closing date of 11 November 2020.
- The substituted plans were referred internally to Council's:

- City Designer;
 - Climate Emergency and Sustainable Transport Unit; and
 - Tree Management Unit.
- The substituted plans were not required to be referred externally.

The following people addressed the meeting in relation to Item 4.2 Planning Permit Application D/672/2019:

- 1) Joseph Indomenico (Applicants Representative)
- 2) Nicola McGowan (Objectors Representative)

Recommendation

That Council advise the Tribunal and the parties to the proceedings that it does not support the substituted plans that show vehicular access from Edwardes Street.

That Council opposes the proposal at the hearing subject to the following grounds:

1. The vehicular access to Edwardes Street is contrary to the Reservoir Structure Plan, Clause 22.02 (Neighbourhood Character), Clause 52.06 (Car Parking) and Clause 55.03-9 (Access).

Motion

MOVED: Cr. S Newton

SECONDED: Cr. G Greco

That Council advise the Tribunal that it supports the substituted plans which show a double width access from Edwardes Street subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the documents submitted with the application (identified as: TP201, Basement Floor; TP202, Ground Floor; TP203, First Floor, TP204, Second Floor; TP205 Roof Plan; TP300, Elevations – Sheet 1; TP301, Elevations – Sheet 2; TP304, Section E (Basement Ramp); TP411, Perspective 1; TP412, Perspective 2; TP413, Perspective 3; TP414, Perspective 4; TP415, Perspective 5; TP416, Perspective 6; TP417, Perspective 7; all Rev. F, dated 14/10/2020, and prepared by Slab; Waste Management, dated 3 April 2020 and prepared by Ratio consultants) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) Any modifications in accordance with the Sustainable Management Plan (refer to Condition No. 8 of this Permit).

All environmentally sustainable design features referred to within Sustainability Management Plan (SMP) must be listed in table form on the plans.
 - c) Any modifications in accordance with the Stormwater Management Plan (refer to Condition No. 9 of this Permit).
 - d) The location of lighting in accordance with Condition No. 10 of this Permit
 - e) All car parking spaces allocated in accordance with Condition No. 11 of this Permit.
 - f) The waste management plan altered to reflect the vehicular access being from Edwardes Street, Reservoir.
 - g) A clothesline for TH01. The clothesline must be located and/or screened so it is not readily visible from Edwardes Street. The clothesline must not be located within the street setback.
 - h) The relocation of the TH02 clothesline so it is no within the street setback. The clothesline must be relocated and/or screened so it is not readily visible from Edwardes Street.
 - i) The deletion of the TH02 bicycle spaces from within the street setback.
 - j) A minimum site permeability of 20%.
 - k) A security gate to the basement car parking area. The gate must be remotely controlled.
 - l) The fence on the eastern boundary (except within 4.5 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25%

open and be fixed, permanent, durable and coloured or painted to blend with the development.

- m) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level to the following windows:
 - i. TH3, TH8, TH11-TH15 (inclusive): East facing first floor windows
 - ii. TH15: East facing second floor bedroom window.
 - iii. TH4: West facing second floor bedroom window.
 - iv. TH5: West facing second floor bedroom window.
 - n) Screening to the upper level west facing windows to TH7-TH11 (inclusive) to minimise views into the ground floor private open spaces of TH7-TH10 (inclusive) in accordance with Standard B23 of the Darebin Planning Scheme.
 - o) Details of the screens to the balconies of TH3-TH6 (inclusive) and TH11-TH16 (inclusive). Section diagrams must be provided to demonstrate that the screens allow outward views from the balconies and prevent downward views at a height of 1.7 metres above the finished floor level at the edge of the balconies.
 - p) The height of the front fence reduced to a maximum of 1.2 metres, as measured above natural ground level.
 - q) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - r) Any modifications required to ensure vehicles are able to turn into the ramp from the basement.
Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
 - s) Any modifications required to ensure vehicles are able prop at the top of the ramp to allow an approaching vehicle to pass.
Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
 - t) A minimum of one (1) bicycle parking space per dwelling for TH1 and TH2 within a secure cage or room in the basement. The spaces must be able to accommodate a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
The bicycle storage must not impede vehicular access within the basement.
 - u) Weather protection to the bicycle spaces of TH03-TH16 (inclusive)
When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.
 As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;

- Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) 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.
 - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (d) A minimum of two (2) medium sized canopy trees and 12 small sized canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (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) 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.
 - (g) Hard paved surfaces at all entry points to dwellings.
 - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (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 building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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.

6. 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.
7. Before the development starts, a Tree Replacement Fee of \$3688 must be paid in full to the Responsible Authority for replacement tree planting within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
8. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainability Management Plan, dated April 2020 and prepared by Sustainable Development Consultants detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
 - BESS Water – reduce the washing machines to 3 stars.
 - BESS Energy – minimum NCC 2019 loads must be used so can't be higher than 31MJ.
 - BESS Energy - reduce the clothes dryers to 2 stars.
 - BESS IEQ – install external adjustable shading to all west facing habitable room windows and glazed doors to reduce heat gain.
 - BESS IEQ - add a fixed shade such a window shroud to the top floor north facing window.
 - BESS Urban ecology – only include areas of vegetation as listed in BERSSS.
 - BESS Urban ecology – draw and label the tap and floor waste to all balconies and courtyards.
 - SMP– update the note to list the private waste collection, food waste and hard waste. Update the percentage of vegetation.
 - BESS and SMP – put a note or key on the plans listing all ESD features such as double glazing to all habitable room windows and glazed doors, FSC timber, level of insulation.
 - STORM - provide details and a section on the permeable paving to be used. Clearly label the paving on the ground floor plans.
 - STORM – Details of how the land, including the water tanks, can be drained to the LPOD via gravity?
 - STORM – the water tanks to be split so one tank services the front dwellings and the other tank services the rear dwellings
 - STORM – Remove connection from the balcony floors to the watertanks or provide filtration for the water collected from the balconies.

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

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

9. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/ recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

10. 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.

11. The car parking spaces must be allocated as follows:
- 1-2 bedroom dwellings: 1 car space
 - 3 or more bedroom dwellings: Minimum of 1 car space, up to a maximum of 2 car spaces per dwelling.
12. Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
13. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

14. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
15. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
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. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
21. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat; and
 - (d) drainedto 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.

22. Before the development is occupied 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.
23. Before development starts, the existing street tree/s within the nature strip adjacent to the frontage of the land on Edwardes Street must be removed by the permit holder at their own cost, to the satisfaction of the Responsible Authority.

All removal works must be undertaken by a suitably qualified professional to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainable 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. 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. In order to help justify the proposed car parking reduction, Council may consider placing a car share space in the section of kerb where the crossover will be reinstated. Following construction of the project, the developer must inform Council of the completion of works and Council will organise the necessary signage and line marking.

The motion was put and carried.

Committee Decision**MOVED: Cr. S Newton****SECONDED: Cr. G Greco**

That Council advise the Tribunal that it supports the substituted plans which show a double width access from Edwardes Street subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the documents submitted with the application (identified as: TP201, Basement Floor; TP202, Ground Floor; TP203, First Floor, TP204, Second Floor; TP205 Roof Plan; TP300, Elevations – Sheet 1; TP301, Elevations – Sheet 2; TP304, Section E (Basement Ramp); TP411, Perspective 1; TP412, Perspective 2; TP413, Perspective 3; TP414, Perspective 4; TP415, Perspective 5; TP416, Perspective 6; TP417, Perspective 7; all Rev. F, dated 14/10/2020, and prepared by Slab; Waste Management, dated 3 April 2020 and prepared by Ratio consultants) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) Any modifications in accordance with the Sustainable Management Plan (refer to Condition No. 8 of this Permit).

All environmentally sustainable design features referred to within Sustainability Management Plan (SMP) must be listed in table form on the plans.
 - c) Any modifications in accordance with the Stormwater Management Plan (refer to Condition No. 9 of this Permit).
 - d) The location of lighting in accordance with Condition No. 10 of this Permit
 - e) All car parking spaces allocated in accordance with Condition No. 11 of this Permit.
 - f) The waste management plan altered to reflect the vehicular access being from Edwardes Street, Reservoir.
 - g) A clothesline for TH01. The clothesline must be located and/or screened so it is not readily visible from Edwardes Street. The clothesline must not be located within the street setback.
 - h) The relocation of the TH02 clothesline so it is no within the street setback. The clothesline must be relocated and/or screened so it is not readily visible from Edwardes Street.
 - i) The deletion of the TH02 bicycle spaces from within the street setback.
 - j) A minimum site permeability of 20%.
 - k) A security gate to the basement car parking area. The gate must be remotely controlled.
 - l) The fence on the eastern boundary (except within 4.5 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25%

open and be fixed, permanent, durable and coloured or painted to blend with the development.

- m) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level to the following windows:
- v. TH3, TH8, TH11-TH15 (inclusive): East facing first floor windows
 - vi. TH15: East facing second floor bedroom window.
 - vii. TH4: West facing second floor bedroom window.
 - viii. TH5: West facing second floor bedroom window.
- n) Screening to the upper level west facing windows to TH7-TH11 (inclusive) to minimise views into the ground floor private open spaces of TH7-TH10 (inclusive) in accordance with Standard B23 of the Darebin Planning Scheme.
- o) Details of the screens to the balconies of TH3-TH6 (inclusive) and TH11-TH16 (inclusive). Section diagrams must be provided to demonstrate that the screens allow outward views from the balconies and prevent downward views at a height of 1.7 metres above the finished floor level at the edge of the balconies.
- p) The height of the front fence reduced to a maximum of 1.2 metres, as measured above natural ground level.
- q) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- r) Any modifications required to ensure vehicles are able to turn into the ramp from the basement.
- Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
- s) Any modifications required to ensure vehicles are able prop at the top of the ramp to allow an approaching vehicle to pass.
- Swept paths must be provided (but are not required to be endorsed) demonstrating the above for the waste collection vehicle and B85 vehicles.
- t) A minimum of one (1) bicycle parking space per dwelling for TH1 and TH2 within a secure cage or room in the basement. The spaces must be able to accommodate a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- The bicycle storage must not impede vehicular access within the basement.
- u) Weather protection to the bicycle spaces of TH03-TH16 (inclusive)
- When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- Before this Permit expires;

- Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) 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.
 - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (d) A minimum of two (2) medium sized canopy trees and 12 small sized canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (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) 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.
 - (g) Hard paved surfaces at all entry points to dwellings.
 - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (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 building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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.

6. 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.
7. Before the development starts, a Tree Replacement Fee of \$3688 must be paid in full to the Responsible Authority for replacement tree planting within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
8. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainability Management Plan, dated April 2020 and prepared by Sustainable Development Consultants detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
 - BESS Water – reduce the washing machines to 3 stars.
 - BESS Energy – minimum NCC 2019 loads must be used so can't be higher than 31MJ.
 - BESS Energy - reduce the clothes dryers to 2 stars.
 - BESS IEQ – install external adjustable shading to all west facing habitable room windows and glazed doors to reduce heat gain.
 - BESS IEQ - add a fixed shade such a window shroud to the top floor north facing window.
 - BESS Urban ecology – only include areas of vegetation as listed in BERSSS.
 - BESS Urban ecology – draw and label the tap and floor waste to all balconies and courtyards.
 - SMP– update the note to list the private waste collection, food waste and hard waste. Update the percentage of vegetation.
 - BESS and SMP – put a note or key on the plans listing all ESD features such as double glazing to all habitable room windows and glazed doors, FSC timber, level of insulation.
 - STORM - provide details and a section on the permeable paving to be used. Clearly label the paving on the ground floor plans.
 - STORM – Details of how the land, including the water tanks, can be drained to the LPOD via gravity?
 - STORM – the water tanks to be split so one tank services the front dwellings and the other tank services the rear dwellings
 - STORM – Remove connection from the balcony floors to the watertanks or provide filtration for the water collected from the balconies.

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

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

9. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/ recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

10. 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.

11. The car parking spaces must be allocated as follows:
- 1-2 bedroom dwellings: 1 car space
 - 3 or more bedroom dwellings: Minimum of 1 car space, up to a maximum of 2 car spaces per dwelling.
12. Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
13. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

14. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
15. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
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. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
21. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat; and
 - (d) drainedto 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.

22. Before the development is occupied 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.
23. Before development starts, the existing street tree/s within the nature strip adjacent to the frontage of the land on Edwardes Street must be removed by the permit holder at their own cost, to the satisfaction of the Responsible Authority.

All removal works must be undertaken by a suitably qualified professional to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an

interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainable 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. 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. In order to help justify the proposed car parking reduction, Council may consider placing a car share space in the section of kerb where the crossover will be reinstated. Following construction of the project, the developer must inform Council of the completion of works and Council will organise the necessary signage and line marking.

CARRIED

For: Cr’s. Messina, Greco, Dimitriadis, Laurence, Newton and Williams (6)

Against: Cr’s. McCarthy and Rennie (2)

Abstained: Cr. Hannan (1)

5. OTHER BUSINESS

5.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

SUMMARY

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

Recommendation

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

Committee Decision

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

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

CARRIED UNANIMOUSLY

6. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


Nil

7. CLOSE OF MEETING


The meeting closed at 7.02pm.

**CITY OF
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