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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 13 July 2020

Released to the public on Thursday 16 July 2020

IN ACCORDANCE WITH THE COVID-19 OMNIBUS (EMERGENCY MEASURES) ACT 2020, THIS MEETING WAS HELD VIRTUALLY.

LIVE STREAMING OF THE COUNCIL 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 VIRTUALLY ON MONDAY 13 JULY 2020

THE MEETING OPENED AT 6.03pm

The Mayor advised that the meeting was being streamed live and that audio and video would be made available on Council's website on Tuesday 14 July 2020.

WELCOME

The Chairperson, Mayor Rennie, 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

All Councillors confirmed their presence online.

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)
Cr. Susanne Newton (Deputy Mayor)
Cr. Steph Amir
Cr. Gaetano Greco (entered the meeting at 6.06pm)
Cr. Kim Le Cerf (entered the meeting at 6.20pm)
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Julie Williams

Council Officers

Sue Wilkinson - Chief Executive Officer
Rachel Ollivier - General Manager City Sustainability and Strategy
Darren Rudd – Manager City Development
Jolyon Boyle – Co Ordinator Statutory Planning
Stephen Mahon - Coordinator Governance, Council Business and Civic Services
Lisa Thomas-Bates – Governance Project Officer

2. APOLOGIES

CR. TIM LAURENCE

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MINUTE NO. 20-119

MOVED: Cr. S Amir
SECONDED: Cr. J Williams

That the Minutes of the Planning Committee Meeting held on 15 June 2020 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/550/2019
 35 DEAN STREET PRESTON**

Author: Principal Planner

Reviewed By: Manager City Development

Applicant	Owner	Consultant
Archiphor Pty Ltd	Corpwood Pty Ltd and Elpida Elizabeth Petroulas and Taryn Saxionis and Andrew Saxionis	Archiphor Pty Ltd TTM Consulting Pty Ltd Frater Consulting Services Gum and Maple Consulting

SUMMARY

- The application proposes the demolition of the existing dwelling and construction of three (3) double storey dwellings on the site
- Each dwelling will have open plan living/dining/kitchen areas at ground floor level and three bedrooms at the first-floor level
- The dwellings are each provided a double garage for car parking accessed via a single crossover on the southern side of the frontage
- The development utilises traditional forms such as pitched roofs and a combination of recycled bricks and render as well as more contemporary materials such as metal cladding on the facades
- The development will have a maximum height of 8.68 metres to the apex of the roof
- The site is zoned General Residential (GRZ2)
- There is no restrictive covenant on the title for the subject land
- 11 objections were received against the application

- The proposal achieves a high level of compliance with the objectives and standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be supported

CONSULTATION:

- Public notice was given via a sign posted on site and letters to surrounding owners and occupiers.
- The application was referred internally to the ESD Officer, Arboricultural Planning Unit, Infrastructure Unit and the Transport Engineering and Strategy Unit.
- This application was not required to be referred to external authorities

The following persons addressed the Committee in relation to the item.

Nick Petroulas – Applicants

Craig Walters - Objector

Committee Decision**MINUTE NO. 20-120****MOVED: Cr. S Newton****SECONDED: Cr. S Amir**

That Planning Permit Application D/550/2019 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawings TPA03, TPA04, TPA05, TPA06, dated 14 February 2020, job no. 1908 and prepared by Archiphor) but modified to show:
 - (a) A landscape plan in accordance with Condition No. 4 of this Permit
 - (b) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit)
 - (c) Modifications in accordance with the Stormwater Management System Report (Refer to Condition No.10 of this Permit) and the provision of a Water Sensitive Urban Design Plan
 - (d) The bike-holds shown within the garages relocated to the northern walls of the garages for Units 1 and 2; and relocated to the western wall of the garage of Unit 3. Bike holds must be installed so that bikes are above the height of a car bonnet
 - (e) Provision of a notation stating the walls on the northern and southern boundaries of the site will not exceed a maximum average height of 3.2 metres with no part of the walls exceeding a height of 3.6 metres, as measured above natural ground level
 - (f) The finished floor level of RL of 119.37 nominated for the Ground Floor and First Floor of Unit 3 on the North Elevation corrected to match the levels shown on the South Elevation; and the correct finished floor levels for this dwelling nominated on the Ground and First Floor plans
 - (g) Deletion of the 500mm lattice fence extensions shown on the northern boundary fence of the site

- (h) Provision of the internal east and west elevations of all dwellings
- (i) The louvre detail drawing on Sheet TPA06 to specify “fixed louvres”
- (j) The provision of a Roof Plan, detailing any rooftop plant and equipment
- (k) Provision of a notation confirming the existing crossover on the northern side of the site is to be “removed and reinstated with naturestrip, kerb and channel to Council’s satisfaction”
- (l) The crossover width reduced to 2.75 metres
- (m) The bicycle storage facilities within the garages raised to above-bonnet level
- (n) Provision of external adjustable shading devices to the west facing ground floor window of Unit 3 and the east facing living room windows of Unit 1. Full details of shading devices must be provided
- (o) Removal of the awnings above the First Floor north-facing windows of all dwellings
- (p) Any modifications and notations in accordance with tree impact mitigation measures and tree protection measures detailed below, for trees as identified in the Arborist Report prepared by *Gum & Maple* dated 13/12/2019:
 - i. The proposed crossover (including splays) located at least 3 metres from the trunk edge of the naturestrip tree (Tree 1) in front of the site. This may be achieved by a reduction in the width of the proposed crossover to a minimum of 2.75 metres
 - ii. The front section of the common driveway and entrance path to Unit 1 constructed above grade using a porous material
 - iii. The front fence must be of light timber construction only with manually excavated stump holes
 - iv. Unit 1 & 2 storage sheds relocated outside the tree protection zones of Tree No.9 on the adjoining northern property
 - v. Provision of a 0.5-metre-wide ‘raised/retained’ garden bed along the northern boundary (to prevent root damage from the proposed 0.2 metre change in grade between properties)
 - vi. Where within the tree protection zone of Tree 15, Unit 3’s garage must be constructed above grade (e.g. a suspended concrete slab founded on stumps, screw piles, pier & beam). No concrete strip footing may be constructed within the tree protection zone
- (q) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 7 & 8 of this Permit. Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans
- (r) 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 adjoining property windows and integrated into the design of the building
- (s) The location of gas, water and electricity meters. Where meters would be visible from the public realm, these are to be:
 - i.* Co-located where possible;
 - ii.* Positioned on a side boundary; and
 - iii.* Screened from view using either landscaping or durable screening that integrates with the development
 - (t) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit

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

- (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development
- 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) the provision of a minimum canopy planting on the site as follows:
 - i.* One (1) suitable medium canopy tree & one (1) small tree within the front setback of Unit 1
 - ii.* One (1) suitable small tree within the private open space of Unit 2
 - iii.* Two (2) suitable small trees within the private open space of Unit 3

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).

- (a) tree protection and impact mitigation measures, in accordance with Condition No. 1, No.7 and No.8 of this Permit
- (b) Planting within the landscape bed adjacent to the southern boundary to not exceed a height of 150mm
- (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) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking
 - (g) type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided
 - (h) hard paved surfaces at all entry points to dwellings
 - (i) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc
 - (j) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds)
 - (k) 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
 - (l) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers
 - (m) 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 Arborist Report by Gum & Maple Consulting dated 13 December 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1 - <i>Melaleuca styoheliodes</i> (Paperbark)	7.0 metres
Tree 8 - <i>Cotoneaster glaucophyllus</i> (Cotoneaster)	3.0 metres
Tree 9 - <i>Prunus domestica</i> (Common Plum)	2.0 metres
Tree 10 - <i>Pyrus communis</i> (Common pear)	3.6 metres
Tree 11 - <i>Prunus davidiana</i> (David's Peach)	2.6 metres
Tree 12 - <i>Prunus domestica</i> (Common Plum)	3.6 metres
Tree 13 - <i>Prunus domestica</i> (Common Plum)	2.0 metres
Tree 14 - <i>Ficus carica</i> (Edible Fig)	4.2 metres

Tree 15 - Prunus domestica (Common Plum)	2.2 metres
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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.

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.

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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

8. All existing trees on adjoining properties and the naturestrip tree identified for protection in the table to Condition No. 7 are subject to the following additional protection measures and requirements:
 - (a) With the exception of Tree 1, ground protection must be installed within the TPZ immediately following demolition works and prior to any construction on site. Ground protection must be installed in accordance with Australian Standard AS4970 – 2009: *Protection of trees on development sites* and be to the satisfaction of the Responsible Authority
 - (b) All works within TPZs must be supervised by a qualified arborist
 - i. Any roots (<50mm) uncovered must be pruned with sharp/sterile tools
 - ii. Any roots (>50mm) must not be damaged
 - (c) The TPZ (outside the building footprint) must remain at existing grade and permeable, strictly no hard landscape surfaces
 - (d) Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: **Pruning of Amenity Trees**, undertaken by a suitably qualified arborist and be to the satisfaction of the Responsible Authority
9. Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as *Sustainable Design Assessment* by *Frater* dated 13/02/2020 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:
 - (a) BESS Energy – change the exposed walls for all dwellings to R4.0

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

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

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

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

15. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority
16. The land must be drained to the satisfaction of the Responsible Authority
17. 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
18. 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
19. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
20. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed 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) to the satisfaction of the Responsible Authority
 - (f) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose
21. Before the development is occupied the proposed vehicular crossing must be constructed to align with the approved driveway to the satisfaction of the Responsible Authority. The redundant crossing must be removed and replaced with footpath, naturestrip and kerb and channel 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 must be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme

CARRIED

For: Cr’s Rennie, Newton, Amir, Greco, Le Cerf, McCarthy and Messina (7)

Against: Cr Williams (1)

5.2 PREPARATION OF A DEVELOPMENT PLAN - VILLAGE BELL

1-6, 8-15, 17, 19, 21, 23-27 Stokes Street Preston, 1-14 & 16 Penola Street, Preston, 56-66 Showers Street, Preston, 1, 3, 5, 7, 9, 11, & 13 Railway Place, West Preston, 1-12 Kenwood Court, Preston, 20-30 Oakover Road, Preston VIC 3072

Author: Urban Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Village Bell Pty Ltd (on behalf of MAB Corporation and the Victorian Director of Housing)	Department of Health and Human Services	Hayball Architects Contour Town Planners Wood & Grieve Engineers T.C.L Architects Dalton Consulting Engineers GTA Consultants Golder Associates

SUMMARY

- This report provides an assessment of a development plan which under the Darebin Planning Scheme is required to be approved prior to Council considering any planning permit applications. This process is intended to coordinate and guide good development outcomes for larger more complex development sites
- Village Bell Pty Ltd (on behalf of MAB Corporation and the Victorian Director of Housing) have prepared a Development Plan detailing the redevelopment of two precincts (the site) within the Development Plan Overlay – Schedule 11 Oakover Village, West Preston area. The redevelopment of the site is proposed to accommodate apartment and townhouse buildings of between two and ten storeys comprising:
 - A mixture of residential dwellings, including Private and Social (Public and Community) housing. In total, the Development Plan proposes a yield of between 450 to 650 new one, two and three bedroom dwellings. This yield includes 350-570 private dwellings and 83-131 social housing dwellings;
 - Commercial floor space;
 - Community uses (including an artist studio);
 - Resident car parking;
 - Resident and visitor bicycle parking;
 - New areas of public open space and landscaping; and
 - New pedestrian, bicycle and vehicle links, with connections to the existing transport networks in the area
- The Development Plan proposes several stages. Delivery of Social Housing dwellings is prioritised and will be delivered in the first stages of the development

- The site is within the Mixed - Use Zone – Schedule 1 and Residential Growth Zone – Schedule 1. The entire site is affected by the Development Plan Overlay – Schedule 11 and Development Contributions Plan Overlay (expired). Land within the western portion of the subject site (west of St Georges Road) is affected by the Special Building and Environmental Audit (57-59 Showers Street) overlays
- The proposal is considered to be generally consistent with the objectives of the Development Plan Overlay – Schedule 11 (DPO-11)
- The Village Bell Development Plan is a key tool in providing certainty to the long term development of the site in an appropriately staged manner. It will set out the form of future development and guide the assessment of planning permit applications
- The Village Bell Development Plan is a high quality and transformational redevelopment proposal for the Oakover Village area. Importantly, the Development Plan includes a clear commitment on behalf of the developer to a meaningful increase in the provision of Social and Affordable Housing in Darebin. Built form is designed to respond to its surrounding site context, with appropriate transitions in height and mass away from existing low scale residential areas. While overshadowing to the adjoining open space in Newman Reserve will increase, these impacts have been respectfully managed following design changes negotiated with Council. The ESD principles established within the Development Plan will ensure best practice outcomes within the Village Bell development
- On balance, the Development Plan is considered to be an exemplary outcome for future applications within this area
- It is recommended that the Development Plan be approved by Council, subject to conditions

CONSULTATION:

- The Development Plan application was exhibited for public comment, with notice provided directly to the owners and occupiers of adjoining land in accordance with the requirements of the DPO-11
- The Development Plan was exhibited for 21 days. Notice (letters) was sent to the adjoining owners and occupiers and signs were displayed on the street frontages of the site
- Letters were sent to the owners/occupiers of 768 nearby properties (within approximately 200 metres of the subject site). In total 661 letters were sent. Nineteen signs were displayed on the street frontages of the subject site. The exhibited Development Plan documents were publicly available online on the City of Darebin website
- Twenty-three submissions were received against this application. This includes one petition with 16 signatures
- It is important to note that substantial notification and community engagement was undertaken in relation to the Oakover Village, West Preston area prior to the receipt of this application. This occurred as part of Planning Scheme Amendment C136 that included the introduction of the Development Plan Overlay – Schedule 11, in September 2016. Furthermore, the applicant and the Department of Health and Human Services (DHHS) have engaged in separate consultation directly with the community through the Preston Community Consultative Committee (CCC). The Preston CCC met at various times prior to and after lodge of the application

REFERRALS:

- This application was referred internally to the Climate Emergency and Sustainable Transport, Infrastructure and Capital Delivery, City Design, Arboricultural Planning, Strategic Planning, Urban Design, Environmental Operations, Property Management, Business Development, Equity and Wellbeing, Aged and Disability units. The application was also referred to Council's ESD Officer, City Designer, and Coordinator Major Transport and Place Project
- This application was referred externally to VicRoads, Melbourne Water, VicTrack and Transport for Victoria. Comment was also sought from the Level Crossing Removal Project.

The following persons addressed the Committee in relation to the item.

Erin Schroeder - Objector

Andrew Walsh - Objector

Recommendation

That Council, having considered all the matters required under Section 60 of the *Planning and Environment Act, 1987*, endorse the Development Plan prepared under Schedule 11 of Clause 43.04 of the Darebin Planning Scheme for the land identified as 1-6, 8-15, 17, 19, 21, 23-27 Stokes Street Preston, 1-14 & 16 Penola Street, Preston, 56-66 Showers Street, Preston, 1, 3, 5, 7, 9, 11, & 13 Railway Place, West Preston, 1-12 Kenwood Court, Preston, 20-30 Oakover Road, Preston VIC 3072, subject to the following conditions:

1. The Development Plan amended to include detail of the following requirements regarding social housing provision and building heights:
 - a. Provision of an appendix to the Development Plan that details an agreement or agreements under Section 173 of the Planning and Environment Act 1987 (to be executed before development starts for any planning permit granted under the Development Plan for the buildings identified as SP4a, SP4b, and SP9) relating to the delivery of the Social Housing buildings (and dwellings) identified in the Development Plan. The agreement must adhere to the planning principles detailed in Section 11.4 (Building Heights and Anticipated Dwelling Yield) of the Development Plan, specifically in relation to the requirements for the provision of increased heights to the market housing buildings within the site
 - b. Provision of an appendix to the Development Plan that details an agreement under Section 173 of the Planning and Environment Act 1987 (to be executed before development starts for any planning permit granted under the Development Plan for the building identified as OR6a) relating to the community housing building (and dwellings) identified as OR2 in the Development Plan and the transfer of ownership of this building to the Registered Housing Association (Housing First). The agreement must adhere to the planning principles detailed in Section 11.4 (Building Heights and Anticipated Dwelling Yield) of the Development Plan, specifically in relation to the requirements for the provision of increased heights to the market housing buildings within the site
2. Provision of a traffic management master plan that details traffic management measures to be delivered in the vicinity of the site on the surrounding local road network, at the cost of the owner / developer, to the satisfaction of the

Responsible Authority. This may also extend to contributions to traffic management installations beyond the site that are demonstrated to be impacted by and/or benefit the development

3. Provision of a streetscape master plan, detailing streetscape improvements that will be delivered within and externally to the site, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. The master plan can be updated with the written consent of the Responsible Authority, without an amendment to the Development Plan. This may include payment toward works in Newman Reserve as an offset to public open space contributions
4. Figures 11.4a and 11.4c in Section 11.4 (Building Heights and Anticipated Dwelling Yield) of the Development Plan updated to refer to the nine-storey private housing building in the Oakover precinct as Building OR6a
5. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) amended to confirm the buildings fronting Newman Reserve on Showers Street are subject to the building street wall requirements
6. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) to include detail of the 45-degree rear setback profile requirements for boundaries abutting land not in the DPO-11 area
7. The vehicle loading options listed in Section 11.6 (Interfaces/Equitable Development - Oakover) of the Development Plan amended to identify the rear loaded option as the primary vehicle access method for dwellings adjacent the right of way. The front-loaded vehicle option updated to be identified as the secondary vehicle access option, only for those dwellings unable to take access from the Showers Street right of way
8. Compliance with Melbourne Water's referral response requirements and conditions dated 4 December 2019
9. The Development Plan and all accompanying reports updated in accordance with any amendments required by these conditions of approval

Motion

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

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act, 1987, endorse the Development Plan prepared under Schedule 11 of Clause 43.04 of the Darebin Planning Scheme for the land identified as 1-6, 8-15, 17, 19, 21, 23-27 Stokes Street Preston, 1-14 & 16 Penola Street, Preston, 56-66 Showers Street, Preston, 1, 3, 5, 7, 9, 11, & 13 Railway Place, West Preston, 1-12 Kenwood Court, Preston, 20-30 Oakover Road, Preston VIC 3072, subject to the following conditions:

1. The Development Plan amended to include detail of the following requirements regarding social housing provision and building heights:
 - a. The Development Plan and all associated documents amended to display maximum heights in accordance with the DPO-11 discretionary limits for each sub-precinct (i.e. the 'baseline proposal' detailed in Section 11.0 of the Development Plan). Buildings OR2 and OR6 must be amended to be Social Housing buildings. The amended building heights must provide for a minimum

social housing yield of 50% of the total dwelling yield in the Village Bell Development in accordance with the requirements of Condition 1(b)

- b. Provision of an appendix to the Development Plan that details an agreement under Section 173 of the Planning and Environment Act 1987 (to be executed before development starts for any planning permit granted under the Development Plan) relating to the social housing yield within the Village Bell Development Plan being a minimum of 50% of the total dwelling yield.

- 2. Provision of a traffic management master plan that details traffic management measures to be delivered in the vicinity of the site on the surrounding local road network, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. This may also extend to contributions to traffic management installations beyond the site that are demonstrated to be impacted by and/or benefit the development

- 3. Provision of a streetscape master plan, detailing streetscape improvements that will be delivered within and externally to the site, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. The master plan can be updated with the written consent of the Responsible Authority, without an amendment to the Development Plan. This may include payment toward works in Newman Reserve as an offset to public open space contributions.

- 4. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) amended to confirm the buildings fronting Newman Reserve on Showers Street are subject to the building street wall requirements.

- 5. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) to include detail of the 45-degree rear setback profile requirements for boundaries abutting land not in the DPO-11 area.

- 6. The vehicle loading options listed in Section 11.6 (Interfaces/Equitable Development - Oakover) of the Development Plan amended to identify the rear loaded option as the primary vehicle access method for dwellings adjacent the right of way. The front-loaded vehicle option updated to be identified as the secondary vehicle access option, only for those dwellings unable to take access from the Showers Street right of way.

- 7. Compliance with Melbourne Water’s referral response requirements and conditions dated 4 December 2019.

- 8. The Development Plan and all accompanying reports updated in accordance with any amendments required by these conditions of approval.

Amendment

MOVED: Cr. G Greco
SECONDED: Cr. L Messina

That a further condition be added as follows -

- 9. The 6 week waiting period for private dwellings to be available to first home buyers be extended to 12 months.

The amendment was put and lost

LOST

For: Cr's Williams and Greco (2)

Against: Cr's Rennie, Newton, Amir, Le Cerf, McCarthy and Messina (6)

Amendment

MOVED: Cr. T McCarthy

SECONDED: -

That conditions 2 and 3 be amended and an additional item 9 be added as follows –

2. Provision of a traffic management master plan that details traffic management measures to be delivered in the vicinity of the site on the surrounding local road network, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. This will also extend to contributions to traffic management and cycling and pedestrian safety installations beyond the site that are demonstrated to be impacted by and/or benefit the development and surrounds. The traffic management plan and proposed safety works will be presented to Council for consideration.
3. Provision of a streetscape master plan, detailing streetscape improvements that will be delivered within and externally to the site, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. The master plan can be updated with the written consent of the Responsible Authority, without an amendment to the Development Plan. This is to include payment toward works in Newman Reserve as part of required public open space contributions. This payment will fund an Improvement Plan and the associated Improvement Works at Newman Reserve.
9. Section 9.0 (Housing Diversity) be amended to show that private dwellings will be available to first home buyers for a period of 12 weeks.

The mover and seconder consented to the amendment.

Amendment

MOVED: Cr. L Messina

SECONDED: -

That an additional item 10 be added as follows –

10. That future planning permits issued in the development plan include a minimum of one changing places toilet in each of the two precincts, a graffiti management plan and conditions to require waste management plans that include recycling and treatment of food waste that demonstrates the minimisation of waste going to landfill.

The mover and seconder consented to the amendment.

The motion before the Committee with the amendments became the substantive motion, was put and carried.

Committee Decision**MINUTE NO. 20-121**

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

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act, 1987, endorse the Development Plan prepared under Schedule 11 of Clause 43.04 of the Darebin Planning Scheme for the land identified as 1-6, 8-15, 17, 19, 21, 23-27 Stokes Street Preston, 1-14 & 16 Penola Street, Preston, 56-66 Showers Street, Preston, 1, 3, 5, 7, 9, 11, & 13 Railway Place, West Preston, 1-12 Kenwood Court, Preston, 20-30 Oakover Road, Preston VIC 3072, subject to the following conditions:

1. The Development Plan amended to include detail of the following requirements regarding social housing provision and building heights:
 - a. The Development Plan and all associated documents amended to display maximum heights in accordance with the DPO-11 discretionary limits for each sub-precinct (i.e. the 'baseline proposal' detailed in Section 11.0 of the Development Plan). Buildings OR2 and OR6 must be amended to be Social Housing buildings. The amended building heights must provide for a minimum social housing yield of 50% of the total dwelling yield in the Village Bell Development in accordance with the requirements of Condition 1(b).
 - b. Provision of an appendix to the Development Plan that details an agreement under Section 173 of the Planning and Environment Act 1987 (to be executed before development starts for any planning permit granted under the Development Plan) relating to the social housing yield within the Village Bell Development Plan being a minimum of 50% of the total dwelling yield.
2. Provision of a traffic management master plan that details traffic management measures to be delivered in the vicinity of the site on the surrounding local road network, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. This will also extend to contributions to traffic management and cycling and pedestrian safety installations beyond the site that are demonstrated to be impacted by and/or benefit the development and surrounds. The traffic management plan and proposed safety works will be presented to Council for consideration.
3. Provision of a streetscape master plan, detailing streetscape improvements that will be delivered within and externally to the site, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. The master plan can be updated with the written consent of the Responsible Authority, without an amendment to the Development Plan. This is to include payment toward works in Newman Reserve as part of required public open space contributions. This payment will fund an Improvement Plan and the associated Improvement Works at Newman Reserve.
4. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) amended to confirm the buildings fronting Newman Reserve on Showers Street are subject to the building street wall requirements.
5. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) to include detail of the 45-degree rear setback profile requirements for boundaries abutting land not in the DPO-11 area.
6. The vehicle loading options listed in Section 11.6 (Interfaces/Equitable Development - Oakover) of the Development Plan amended to identify the rear loaded option as the

primary vehicle access method for dwellings adjacent the right of way. The front-loaded vehicle option updated to be identified as the secondary vehicle access option, only for those dwellings unable to take access from the Showers Street right of way.

7. Compliance with Melbourne Water’s referral response requirements and conditions dated 4 December 2019.
8. The Development Plan and all accompanying reports updated in accordance with any amendments required by these conditions of approval.
9. Section 9.0 (Housing Diversity) be amended to show that private dwellings will be available to first home buyers for a period of 12 weeks.
10. That future planning permits issued in the development plan include a minimum of one changing places toilet in each of the two precincts, a graffiti management plan and conditions to require waste management plans that include recycling and treatment of food waste that demonstrates the minimisation of waste going to landfill."

CARRIED

For: Cr’s Rennie, Newton, Greco, Le Cerf, McCarthy, Messina and Williams (7)

Against: Cr Amir (1)

**5.3 APPLICATION FOR PLANNING PERMIT D/290/2019
2-4 Rathcown Road Reservoir**

Author: Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Viola Architecture	Rossi Developments	Low Impact Development Consulting TTM Consulting (Vic) Pty Ltd AKWP Heritage Advisors

SUMMARY

- Construction of eight (8) double storey dwellings on a site abutting the Darebin Creek
- Unit 1 is to contain three (3) bedrooms and Units 2-8 are to contain two (2) bedrooms each. Private open spaces are located on the ground floor; for units 1-4 along the western boundary and for units 5-8 along the eastern boundary (towards the creek)
- Unit 1 is provided with a double garage accessible via a crossover along the western boundary. Units 2-8 have been provided with a garage/car port each and are accessed via a second crossover and central driveway
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Environmental Significance and Development Contributions Plan Overlays

- The mandatory garden area requirement is 35% (569.1 square metres). The proposal achieves a garden area of 36.7% (596.1 square metres)
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant
- 16 objections were received against this application. This includes one (1) petition with 35 signatures
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be supported

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers
- This application was referred internally to the ESD Officer, Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit, Bushland Unit, Property Management Unit and Transport Engineering and Strategy Unit
- This application was referred externally to Darebin Creek Management Committee (DCMC).

Committee Decision**MINUTE NO. 20-122**

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

That Planning Permit Application on D/290/2019 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A2.01, A2.02, A2.03, A3.01, A3.02 and A3.03 Rev B, prepared by Viola Architecture and dated 11.07.19) but modified to show:
 - (a) A landscape plan and at least 2 suitable medium canopy tree and 10 suitable small canopy trees in accordance with Condition No. 4 of this Permit
 - (b) Annotations detailing Tree Protection Zone(s) (TPZ), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 7 of this Permit
 - (c) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit)
 - (d) Any modifications in accordance with the Stormwater Management System Report (Refer to Condition No. 10 of this Permit).
 - (e) An annotation stating that 'the carports to Units 4 and 5 must be designed as fully demountable, not structurally dependent upon any section of an adjoining permanent buildings, lightweight, with flat roof and provide no

- foundations within the easement' in accordance with Condition No. 21 of this Permit
- (f) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows. Casement, sliding, louver or sash windows must be utilised to maximise ventilation
 - (g) Areas of permeable driveway materials within the front setback of the development
 - (h) The upper level rendered surfaces on the eastern, northern and western elevations reduced in lieu of additional cladding
 - (i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples)
 - (j) A notation stating 'Any vegetation within the eastern setbacks of the dwellings to be indigenous to the Darebin Creek and sourced from an approved native plant nursery'
 - (k) The east-facing meals area window of unit 1 to comply with Standard B15 of Clause 55.03-10 of the Darebin Planning Scheme
 - (l) A section diagram to demonstrate how the proposed privacy screens minimise overlooking of adjoining properties as per Standard B22 of Clause 55.04-6 of the Darebin Planning Scheme
 - (m) 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
 - (n) Detailed storage area dimensions demonstrating a minimum of 6 cubic metres of externally accessible storage areas to each of the dwellings
 - (o) The private open space and pedestrian path of Unit 8 within the TPZ of Tree 1 must be built at or above existing grade and constructed using permeable materials
 - (p) The private open space and pavers of Unit 5 within the TPZs of Trees 2-4 must be installed at or above existing grade
 - (q) The private open space and pavers of Unit 4 within the TPZs of Trees 5 and 6 must be installed at or above existing grade
 - (r) An annotation stating that 'the removal of the existing swimming pool within the TPZs of Trees 7 and 8 must minimise potential root disturbance'
 - (s) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of both crossovers to Rathcown Road. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height
 - (t) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness
 - (u) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang.

Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary

- (v) An annotation stating 'during demolition and construction all vehicles are to be free of weed seed'
- (w) An annotation stating 'during demolition and construction no site access is available from the reserve'
- (x) The low front fences and pedestrian gates of units 5-8 to be setback 500mm from the east boundary

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) At least 2 suitable medium canopy tree and 10 suitable small canopy trees
 - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants
 - (d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority
 - (e) 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)

- (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking
 - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided
 - (h) Hard paved surfaces at all entry points to dwellings
 - (i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc
 - (j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds)
 - (k) 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
 - (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers
 - (m) 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)

Tree	TPZ (radius from the base of the trunk)
Tree 1 - Council naturestrip tree (<i>Melaleuca armillaris</i>) in Rathcown Road adjacent to Unit 8	6.0 metres
Tree 2 – Eastern tree located in backyard of 1 Purinuan Road.	3.5 metres

Trees 3-4 - Western tree located in backyard of 1 Purinuan Road and eastern most tree in backyard of 3 Purinuan Road.	2.5 metres
Trees 5 and 6 – Located in backyard of 5 Purinuan Road.	2.5 metres
Trees 7 and 8 – located in property to the west adjacent to unit 4.	2.5 metres

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.

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.

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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

- (8) Any vegetation within the eastern setbacks of the dwellings to be indigenous to the Darebin Creek and sourced from an approved native plant nursery
- (9) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Sustainable Design Assessment for: 2-4 Rathcown Rd, Reservoir, prepared by Low Impact Development Consulting and dated 13 March 2019 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:
 - (a) BESS – recycling 70% of construction waste is not considered innovative. Remove this credit
 - (b) NatHERS rating – all units must achieve a minimum 6.5 stars rating to demonstrate best practice
 - (c) Draw and label the raingarden on the plans including details on the plant types, sections, drainage and maintenance schedule
 - (d) List all environmentally sustainable design features referred to within the SDA in table form on the plans
 - (e) STORM - The STORM Report specifies raingardens with a 300mm extended detention depth (EDD) however this poses a safety risk being right beside the driveway. Raingardens with 100mm EDD are more appropriate

- (f) Clarify the amount of raingardens. The Planting Concept Plan indicates raingardens of 5.4sqm and 4sqm in size however the STORM Report states a 2sqm size.
- (g) A WSUD plan/diagram must be provided with shaded areas and notations indicating which sections of the site divert to legal point of discharge or their respective WSUD treatments

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

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

- (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) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority
- (12) 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

- (13) 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
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority
- (15) The land must be drained to the satisfaction of the Responsible Authority
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority
- (18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
- (19) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be
- a. Constructed;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all weather sealcoat; and
 - d. Drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (20) 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.
- (21) The carports to Units 4 and 5 must be designed as fully demountable, not structurally dependent upon any section of an adjoining permanent buildings, lightweight, with flat roof and provide no foundations within the easement, 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 This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme

CARRIED

For: Cr’s Rennie, Newton, Amir, Le Cerf, McCarthy and Messina (6)

Against: Cr’s Greco and Williams (2)

**5.4 DEVELOPMENT PLAN POD/1/2007/H
1056-1140 AND 1142 PLENTY ROAD, BUNDOORA
(POLARIS - FORMER LARUNDEL PSYCHIATRIC
HOSPITAL)**

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
SJB Planning	Deal Corporation P/L (‘Dealcorp’)	SJB Planning Clarke Hopkins Clarke Architects Best Hooper Lawyers

SUMMARY

- It is proposed to amend the ‘Polaris 3083’ Precinct Development Plan (PDP) approved under the provisions of the Development Plan Overlay – Schedule 1
- The Applicant has initiated proceedings with the Tribunal pursuant to Section 149(1)(a) of the Planning and Environment Act 1987 (Act)
- The amendments sought generally relate to the redevelopment of Lot S3 in the Polaris town centre which specifically proposes student accommodation. The proposal is inconsistent with the provisions of the DPO1, in that it provides a height, scale and massing of Building 1B-16 which is considered to be excessive
- An almost identical application, encompassing Lot S3 and Lot S9 has been before Council previously
- The previous application eventually removed all aspects relating to Lot S3 as part of the VCAT proceeding. This enabled the Applicant to proceed with a Hilton Garden Inn residential hotel development on Lot S9, which was not contested by Council. Relevantly, Planning Permit D/10/2020 for the hotel was issued on 24 April 2020
- The site is in the Mixed-Use Zone (MUZ) and covered by (either wholly or in part) by the Development Plan Overlay – Schedule 1 (DPO1) and Heritage Overlay – Schedule 107 (HO107)
- A series of section 173 Agreements apply across the land
- It is recommended that the application be refused
- Previously Council has refused an application which included almost identical amendments to Lot S3, as well as amendments to Lot S9. This refusal was appealed to VCAT and VCAT removed from consideration the amendments relating to Lot S3, which enabled the appeal to consider amendments to Lot S9 only. The amendments relating to Lot S9 proceeded to proceed with a Hilton Garden Inn residential hotel development on Lot S9. Planning Permit D/10/2020 for the hotel was issued on 24 April 2020
- The applicant has lodged a new application for amendments relating to Lot S3, although the proposed amendments are almost identical to the previous proposal

- The site is in the Mixed-Use Zone (MUZ) and covered by (either wholly or in part) by the Development Plan Overlay – Schedule 1 (DPO1) and Heritage Overlay – Schedule 107 (HO107)
- A series of section 173 Agreements apply across the land

CONSULTATION:

- Public notice was not required to be given for an application of this nature
- This application was referred internally to the following Council units for comment/review:
 - Strategic Planning (Urban Design);
 - City Design; and
 - Climate Emergency & Sustainable Transport

Committee Decision**MINUTE NO. 20-123****MOVED: Cr. T McCarthy****SECONDED: Cr. G Greco**

That the amended Polaris Development Plan (POD/1/2007/H) not be supported on the following grounds:

1. The height, scale and massing of Building 1B-16 is excessive, fails to respond to its context and will unreasonably impact the desired built form character and amenity of the area
2. The proposed Polaris Development Plan fails to accurately and consistently document key details including:
 - Inconsistencies between the text description and Figure 60 (both Page 44) regarding the proposed car parking access of Building 1B-16
 - Failure to describe how Tree No. 199 (as noted in Figure 81 on Page 61 of the approved Polaris Development Plan) will be impacted by proposed car parking access from Main Drive

That officers advise the Tribunal and parties of its position to be relied on at the hearing scheduled for 20 August 2020.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Committee Decision

MINUTE NO. 20-124

MOVED: Cr. T McCarthy

SECONDED: Cr. J Williams

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 8.17pm.

**CITY OF
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