



the place
to live

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 14 April 2020

Released to the public on Monday 20 April 2020



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.

Table of Contents

Item Number	Page Number
1. PRESENT	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	2
5. CONSIDERATION OF REPORTS	3
5.1 AMENDMENT OF A DEVELOPMENT PLAN - POD/1/2017/B 198 BEAVERS ROAD NORTHCOTE.....	3
5.2 APPLICATION FOR PLANNING PERMIT D/266/2019 10 BENAMBRA STREET PRESTON	6
5.3 APPLICATION FOR PLANNING PERMIT D/878/2018 4 ARTHURTON ROAD NORTHCOTE	14
5.4 APPLICATION FOR PLANNING PERMIT D/722/2018 800-802 & 820 PLENTY ROAD RESERVOIR.....	43
6. OTHER BUSINESS	55
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	55
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	56
8. CLOSE OF MEETING.....	56

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF
THE DAREBIN CITY COUNCIL HELD AT COUNCIL CHAMBER
DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON TUESDAY 14 APRIL 2020**

THE MEETING OPENED AT 6.00 pm.

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

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Trent McCarthy

Cr. Lina Messina (arrived 6.06 pm)

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

Michelle Martin - Council Business Officer

Milan Nagda – IT Support

2. APOLOGIES

Cr. Kim Le Cerf.

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MINUTE NO. 20-044

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

That the Minutes of the Planning Committee Meeting held on 10 March 2020 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 AMENDMENT OF A DEVELOPMENT PLAN - POD/1/2017/B 198 BEAVERS ROAD NORTHCOTE

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Terrain Consulting 12 Parkhill Rd KEW VIC 3018	Metro Northcote Pty Ltd Level 4 484 St Kilda Rd MELBOURNE 3004	Terrain Consulting 12 Parkhill Rd KEW VIC 3018

SUMMARY

- This report seeks approval to amend Development Plan - POD/1/2017.
- Development Plan POD/1/2017 was initially approved by Council at the Planning Committee meeting of 16 April 2018. The Development Plan was subsequently amended and approved by the Planning Committee on 19 November 2018. The current Development Plan allows the construction of up to 140 dwellings, a café and car parking at grade and at basement level.
- This latest amendment seeks to reduce and rationalise the scale of development which would ultimately form part of a planning application. This proposed amendment removes the apartment building in preference to a townhouse typology including 74 two and three storey townhouses. The amendment also includes modifications to the car parking layout and vehicle access arrangements including the removal of the basement.
- The amendment to the development plan is consistent with the aims and objectives of the Darebin Planning Scheme.
- It is recommended that the amendment to the Development Plan is supported.

CONSULTATION:

- Public notice was given via letters sent to owners and occupiers, in the broader area;
- One (1) submission was received in response to the amended Development Plan.
- Extensive pre-application discussions occurred between the applicant, Council planning officers and Council’s City Architect.
- The application was referred internally to the Climate Emergency and Sustainable Transport Unit.
- The application was referred externally to Melbourne Water, Transport for Victoria, SP Powernet and the EPA.

Recommendation

That Council adopt the amended Development Plan (POD/1/2017/B) subject to the following conditions:

The approved documentation is to comprise plans: DP01, DP02, DP03, DP04, DP05, DP06, DP07, DP08, DP09, DP10, DP11, DP12, DP13 and DP14, dated 17.12.2019 and prepared by Clarke Hopkins Clarke, but modified to show:

- (1) Provision of a minimum 3 m wide paved *Disability Discrimination Act 1992* compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
 - (2) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
 - (3) Passive surveillance provided to the west over the Northcote Golf Course.
 - (4) No garages are to front or side onto Beavers Road.
 - (5) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
 - (6) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
-

Committee Decision

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

That Council adopt the amended Development Plan (POD/1/2017/B) subject to the following conditions:

The approved documentation is to comprise plans: DP01, DP02, DP03, DP04, DP05, DP06, DP07, DP08, DP09, DP10, DP11, DP12, DP13 and DP14, dated 17.12.2019 and prepared by Clarke Hopkins Clarke, but modified to show:

- 1) Provision of a minimum 3 m wide paved *Disability Discrimination Act 1992* compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
 - 2) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
-

- 3) Passive surveillance provided to the west over the Northcote Golf Course.
- 4) No garages are to front or side onto Beavers Road.
- 5) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- 6) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
- 7) Pedestrian access only (no vehicle access) for the proposed access way located between Block B and Block C. The access shall be finished in appropriate paving and landscaping to maximise the use of communal space for pedestrians and residents.

CARRIED

**5.2 APPLICATION FOR PLANNING PERMIT D/266/2019
10 BENAMBRA STREET PRESTON**

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Amcor Flexibles	Containers Ltd	Planning & Design Treemap Arboriculture Sustainable Built Environments TTM Consulting

SUMMARY:

- It is proposed to construct seven (7) double storey dwellings over a basement garage area, with three (3) being three (3) bedroom and four (4) being two (2) bedroom dwellings.
- Dwellings 1 and 2 are attached and located to the front. They are to have a similar design and layout and will have a study alcove to the front and an open plan kitchen/meals/living area at ground level, with three (3) bedrooms to the first floor. They are each to have two (2) car spaces and a laundry/storage area in the basement Dwelling 1 will have two (2) car spaces and Dwelling 2 will have a single garage and tandem car space.
- Dwellings 3 to 6 are to have a similar design and layout and will have a kitchen/meals/living area at ground level with two (2) bedrooms to the first floor. They are each to have a single garage or car space and a laundry/storage area in the basement.
- Dwelling 7 is to have a bedroom and a kitchen/meals/living area at ground level, with two (2) bedrooms to the first floor. This dwelling is to have two (2) car spaces and a and a laundry/storage area in the basement.
- The basement will be accessed via a ramp from a crossover central to the street frontage. A waste storage area with shared bins is to be located opposite the car parking spaces and garages against the eastern wall of the basement.
- The dwellings will have a contemporary design, with walls finished in brick, render and lightweight cladding. They are to have flat and gabled roofs.
- The proposal will have a maximum height of approximately 8.255 metres.
- The site is zoned General Residential Zone Schedule 2
- There is no restrictive covenant on the title for the subject land.
- 14 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on the site frontage and letters sent to adjoining and nearby owners and occupiers.
- The application was referred internally to the ESD Officer, the Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit, the Climate Emergency and Sustainable Transport Unit and the City Architect.
- This application was not required to be referred to external authorities.

Recommendation

THAT Planning Permit Application D/266/2019 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 drawing no's TP01, TP02, TP03, TP04, TP06, Revision C, dated 6 December 2019, project no. 6018 and prepared by Planning & Design) but modified to show:
 - (a) External operable sun shading devices (excluding roller shutters) to all 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.
 - (b) The gradients within the car spaces and garages in the basement are to be confirmed to be a maximum of 1:16.
 - (c) A ramp grade assessment and any required modifications required as a result of the assessment.
 - (d) All bicycle racks shown within car parking areas relocated adjacent to or within the basement storage areas of dwellings.
 - (e) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
 - (f) The height of fences on the eastern and western boundaries (except within 8.61 metres of the front boundary of the site) 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.
 - (g) The first floor east-facing bedroom windows of Dwellings 4 and 5 and the west-facing bedroom windows of Dwellings 3 and 6 provided with either:
 - a sill with a minimum height of 1.7 metres above finished floor level,
 - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to

demonstrate how the screens minimise overlooking of adjoining properties.

- (h) The vertical louvres to the first floor, east-facing windows of Dwellings 4 and 5 and the west-facing windows of Dwellings 3 and 6 are to be shown as fixed screens with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
- (i) Full details of the proposed screens to first floor windows showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- (j) 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.
- (k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (l) A Landscape Plan in accordance with Condition No. 5 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 8 of this Permit.
- (n) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 11 of this Permit).
- (o) Modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit), including an enlarged bin storage area that does not interfere with vehicle movements.

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. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. 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 two (2) medium canopy trees and eight (8) suitable

- small canopy trees.
- (b) tree protection measures and notations, in accordance with Condition No. 8 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) 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.
 - (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) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. 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.
7. 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.
-

8. 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 'Arboricultural Assessment & Report, prepared by Treemap Arboriculture and dated September 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
Trees 17-20 – Located within the adjoining properties to the north and west.	2.0 metres
Tree 21 – Located within the adjoining property to the west. Note: the proposed common footpath to be constructed at or above existing grade.	2.0 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 tree on a neighbouring lot, a TPZ only applies where within the subject site.

9. 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.
10. Before the development starts, a tree replacement fee of \$487 must be paid to the Responsible Authority for the removal of Tree 1. The existing street tree (Tree 1, *Callistemon salignus*) must be removed by the developer/permit holder at their own cost, by a suitably qualified professional to the satisfaction of the responsible authority.
11. The development must incorporate the sustainable design initiatives in accordance with the Sustainable Design Assessment (SDA) (identified as Environmentally Sustainable Design Report, prepared by SBE and dated 13 September 2019 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.
12. 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.

13. Before the development starts, a revised Waste Management Plan (WMP) generally in accordance the document identified as Waste Management Plan, prepared by SBE and dated 16 September 2019 detailing waste storage and collection 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) Details of how bins will be moved from the basement to the ground floor and details of and space for a bin tug, if required.
 - b) Details of who is responsible for moving bins to the street for collection and returning bins to the basement.
 - c) A requirement for seven (7) recycling bins.
 - d) A requirement for food organics and garden organics (FOGO) bins.

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.

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 floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
 16. 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.
 17. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 18. The land must be drained to the satisfaction of the Responsible Authority.
 19. 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.
 20. 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.
 21. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 22. 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.

- 23. 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.
- 24. Before the development is occupied Lot 112 on Plan of Subdivision 000841 and Lot 6 on Plan of Subdivision 415268S must be either:
 - Consolidated under the Subdivision Act 1988; or
 - Subdivided under the Subdivision Act 1988, in accordance with the plans endorsed as part of this Permit.
 - This must be done to the satisfaction of the Responsible Authority.
- 25. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition No. 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant 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.

The following person addressed the meeting in relation to Item 5.2 Application for Planning Permit D/266/2019 – 10 Benambra Street, Preston and was thanked for his presentation by the Chairperson, Mayor Rennie:

- (1) Andrew Robertson (Objector)

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. L Messina

That Council refuse the application with the grounds as follows:

1. The proposal fails to satisfy the objectives of Clause 22.04 (Neighbourhood Character) of the Darebin Planning Scheme and the design objective of the Darebin Neighbourhood Character Study & Precinct Guidelines 2007 in terms of visual bulk, height and lack of landscaping opportunities.
2. The proposal does not satisfactorily comply with the standards and objectives of Clause 55 of the Darebin Planning Scheme, in particular:
3. Clause 55.02-1: Neighbourhood character - The proposal is inappropriate in terms of the visual bulk and height.
4. Clause 55.02-2: Residential policy - the proposal is contrary to the preferred character of the area.
5. Clause 55.03-2: Building height - the height of the development will result in visual bulk to adjoining properties.
6. Clause 55.03-1: Street setback – the front setback does not comply.
7. Clause 55.04-1: Side and rear setbacks - inadequate side setbacks resulting in visual bulk to the neighbouring residential properties.
8. Clause 55.05-5: Solar access open space – Dwelling 6 fails to achieve this standard resulting in a poor level of amenity.

CARRIED

**5.3 APPLICATION FOR PLANNING PERMIT D/878/2018
4 ARTHURTON ROAD NORTHCOTE**

Author: Principal Statutory Planner
Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Lucky Bay	Lucky Bay Pty Ltd	Meydan Group Wireframe Architecture Tree Logic WSP One Mile Grid Papworth Davies Leigh Design

SUMMARY

- Development of three (3) buildings containing a total of 158 dwellings and 409 square metres of shops as follows:
 - Building A – three (3) to five (5) storey residential
 - Building B - eight (8) storey (plus mezzanine and roof terrace) mixed use (residential/shops)
 - Building D1 - eight (8) storey (plus roof terrace) residential

over two (2) basement levels and use of the land for shops on land affected by a Design and Development Overlay – Schedule 14 and a Special Building Overlay.
- The apartments are proposed to be split into the following accommodation types:
 - One (1) bedroom apartments: 19
 - Two (2) bedroom apartments: 118
 - Three (3) bedroom apartments: 21
- The proposal is known as Stage 1, with Stage 1A completed at 9-13 Arthurlton Road to the south and Stages 2 and 3 yet to be submitted to Council.
- The proposal includes 209 car parking spaces within the basement levels, which are to be accessed via Herbert Street, and 218 bicycle parking spaces, including 175 secure bicycle parking spaces within the basement.
- The maximum heights of the proposed buildings are Building A: 16 metres, Building B: 28.80 metres and Building D1: 25.60 metres.
- The site is zoned Mixed Use Zone and is affected by the Design and Development Overlay – Schedule 14, the Development Plan Overlay – Schedule 10, the Environmental Audit Overlay, the Development Contributions Plan Overlay and the Special Building Overlay.

- There is no restrictive covenant on the title for the subject land.
- The proposal is generally in accordance with the Approved Development Plan, Clause 58 of the Darebin Planning Scheme (the Scheme) and is considered to respond to both the physical and policy context of the subject site, including design objectives relevant to the Northcote Major Activity Centre.
- It is recommended that the application be supported and a permit issued.

CONSULTATION:

- In accordance with Clause 43.04-3 (Development Plan Overlay) the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- Although the application is exempt from notice and review, one (1) objection has been received against the application.
- This application was referred internally to Council's City Design Unit, ESD Officer, City Architect, Infrastructure and Capital Delivery Unit, Arboricultural Planning Unit, City Works Unit and Climate Emergency and Sustainable Transport Unit.
- This application was referred externally to Melbourne Water and Head, Transport Victoria.

Recommendation

That Planning Permit Application D/878/2018 be supported and a Planning Permit be issued subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP0.07, TP0.09, TP0.10 and TP0.12-TP0.26 Rev.3, TP0.11 Rev.5, TP0.34, TP0.35 Rev.P2, TP0.36-TP0.38 Rev.P1; TP1.01-TP1.06, TP1.10, TP1.11, TP1.20, TP1.21 and TP1.30 Rev.3; TP2.01- TP2.15, TP2.20, TP2.21 and TP2.30 Rev.3, TP2.22 Rev.P2; TP3.01-TP3.11, TP3.20, TP3.30 Rev.3, received by Council on the 10.02.2020 and prepared by Wireframe Architecture) but modified to show:
 - a) All balcony and terrace balustrades on the northern and western elevations of Building A to be finished with aluminium cladding to the satisfaction of the Responsible Authority.
 - b) The deletion of Building B apartments 1.07 and 2.07. The floor area associated with these apartments is to be absorbed into the adjoining apartments and/or common building services/corridors.
 - c) The south facing balconies to Building B apartments 2.09, 3.08, 4.08, 5.08, 6.07 and 7.07 to be curved on their western ends.
 - d) A single communal antenna for each of the buildings. The location of the antenna must be shown on the roof plan and elevations and the height of the antenna must be nominated.
 - e) All light wells to be painted with a light/reflective paint.

-
- f) The lower panel of glazing to the south facing bedroom windows of Building A (apartments 1.02, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 & 4.02) deleted and replaced with a solid panel.
 - g) The western living room walls of Building A apartments G.02, G.03 and G.04 western boundary setback reduced by 500mm.
 - h) A Landscape Plan in accordance with Condition No. 5 of this Permit.
 - i) A Landscape Management Plan in accordance with Condition No. 6 of this Permit.
 - j) A Streetscape Improvement Plan in accordance with Condition No. 10 of this Permit.
 - k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures and any modifications required as a result of the requirements of Condition No. 9 of this Permit.
 - l) Any modifications required as a result of the approved Sustainability Management Plan required by Condition No. 14 of this Permit.
 - m) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 15 of this Permit.
 - n) Any modifications required as a result of the approved Acoustic Assessment required by Condition No. 16 of this Permit.
 - o) Car parking allocated in accordance with Condition No. 20 of this Permit.
2. The development and layout of the uses 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:
 - * 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 the development starts, a drainage plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The drainage plan must detail how the drainage design of Stage 1 will allow for the drainage of future development stages on the land identified on Certificate of Title Volume 10571, Folio 598 as Land in Plan of Consolidation 361102Q.

The drainage design, as shown on the approved drainage plan, must be constructed to the satisfaction of the Responsible Authority before the development is occupied or the use starts (whichever comes first).

The land must be drained to the satisfaction of the Responsible Authority.
 5. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The landscaping plan must be generally in accordance with the Landscape Master Plan (drawing number LSK001, dated 23 April 2018) and the Landscape Concept Plan – Stage 1 (drawing number LSK002, dated 30 May 2018), both prepared by Papworth Davies, except that the plan must show:
 - a. Annotated cross-sectional details of proposed planter boxes specifying sizes, drainage, soil volume for each proposed tree species and irrigation method
-

- (drip line preferred).
- b. Annotated cross-sectional details of all planter boxes on communal terraces specifying sizes, soil volume, drainage.
 - c. The location and number of outdoor taps on communal terraces and communal garden areas at an accessible height.
 - d. The location and type of drainage on all communal terrace and garden areas
 - e. A storage area for the communal garden of Building A.
 - f. The location and type of drainage on all private balconies and terraces.
 - g. The location of outdoor taps on private balconies and terraces where provided.
 - h. Additional detailed plans and annotated cross sections showing streetscape of Elm Street and Arthurton Road.
 - i. Detailed landscape plan for each section of the landscape including communal areas at ground level and terraces for Buildings A and B.
 - j. At least 9 large trees or 18 medium trees (excluding trees planted in streetscapes) in the communal area at ground level.
 - k. Tree Protection measures in accordance with Condition No. 9 of this permit.
 - l. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 14 of this permit.
 - m. 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
 - n. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - o. A diversity of plant species and forms that must suit the sun and shade conditions of the site. All proposed planting must be to the satisfaction of the responsible authority.
 - p. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - q. Type and details of all surfaces and structures including hardscape elements (pavers, brick, asphalt and concrete).
 - r. Details of materials and construction methods (including cross sections where appropriate).
 - s. Spot heights to demonstrate accessible accessways through all communal areas of the site and entrances.
 - t. 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. Constructed items such as letter boxes, garbage bins, lighting, tanks, storage and bike racks must be located with storage capacity shown where appropriate.
 - u. An outline of the approved building/s including any basement, the location of

- entry doors, windows, gates and fences.
 - v. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed planting.
 - w. Planting plan with clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - x. Scale, north point and appropriate legend.
 - y. Landscape Specification Notes including general establishment and maintenance requirements.
6. Before the development starts, a Landscape Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and must:
- a. detail the proposed rooftop planter beds and vertical garden;
 - b. include site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment
 - c. include establishment details such as:
 - i. weight loading (dead load, live load and transient load)
 - ii. access
 - iii. construction layers including sectional diagrams
 - iv. support structures
 - v. waterproofing
 - vi. irrigation and plant nutrition
 - vii. vegetation
 - viii. lighting
 - d. incorporate a maintenance planting schedule, including:
 - i. details of who will be responsible for the maintenance of the garden structures and landscaping
 - ii. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - iii. access requirements/ agreements.
 - iv. irrigation and plant nutrition
7. The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan and Landscape Management Plan are completed to the satisfaction of the Responsible Authority.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping shown on the endorsed Landscape Plan and Landscape Management Plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.
-

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

<i>Tree (as defined in Arboricultural Assessment and Report, prepared by TreeLogic and dated 9 April 2018).</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1	5.5 metres
Tree 2	10 metres
Tree 3	5.8 metres
Tree 4	4.2 metres
Tree 5	4.9 metres
Tree 6	2.0 metres
Tree 7	6.4 metres

Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

The tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone. 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.

Except with the written consent of the Responsible Authority, within the Tree Protection Zone:

- No vehicular or pedestrian access, trenching or soil excavation is to occur, save for that allowed to complete the approved development.
- No storage or dumping of tools, equipment or waste is to occur.

Where applicable to a nature strip tree, a Tree Protection Zone is confined to the width of the nature strip.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

10. Before the development starts, a Streetscape Improvement Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and be drawn to scale with dimensions. The plan must include:

General

- (a) A description of the works to be carried out, and the land on which the works are to be carried out.
- (b) A description of streetscape assets to be transferred to Council on completion

of works.

- (c) The date by which each of the works will be carried out.
- (d) The value of any assets to be transferred and the costs of any works to be carried out.
- (e) The method of calculating the value of works if they are only partly carried out.
- (f) Any other appropriate matters.

Streetscape improvements – Arthurton Road (interim)

- (g) A plan showing the interim treatment for the 5 metre setback to Arthurton Road for Stage 1, including:
 - i. The provision of temporary landscaping comprising low ground covers.
 - ii. A planting plan for all temporary and permanent landscaping.
 - iii. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the Darebin Standard Park Seat, Stool and Bench.
 - iv. No car parking spaces on Arthurton Road.

Streetscape improvements – Arthurton Road (final)

- (h) A plan showing the final treatment for the 5 metre setback to Arthurton Road, including:
 - i. The provision of a bicycle path along Arthurton Road.
 - ii. The provision of permanent landscaping, including street trees every five lineal metres along Arthurton Road, or a minimum 50% coverage of the streetscape on Arthurton Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - iii. A planting plan for all permanent landscaping.
 - iv. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the *Darebin Standard Park Seat, Stool and Bench*.
 - v. No car parking spaces on Arthurton Road.

Streetscape improvements – Herbert Road

- (i) A plan showing the streetscape treatment for Herbert Road, including:
 - i. The provision of permanent landscaping, including street trees every five lineal metres along Herbert Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.

Streetscape improvements – Elm Street

- (j) A plan showing the streetscape treatment for Elm Street for Stage 1, including:
 - i. The provision of permanent landscaping, including street trees every five lineal metres along Elm Street or a minimum 50% coverage of the streetscape on Elm Street. All new street trees must be specified in

- semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.
- (k) Each of the plans described in condition 10(g), (h), (i) and (j) must also include:
- i. Dimensioned cross sections detailing the extent of landscaping, footpath, road, car parks, kerb and bicycle lanes.
 - ii. Pavement surfacing that includes bluestone pavers or equivalent materials as approved by the Responsible Authority.
 - iii. The location and dimensions of all existing and proposed streetscape elements including all adjacent public right-of-way, building envelopes, street, median, kerb and footpath materials and edges, driveways and crossovers, street trees, landscaping, street lighting, site furnishings, protected bicycle lanes and signage.
 - iv. Details of all existing street trees to be retained and all existing trees to be removed, including the genus, species, height and spread of all trees.
 - v. Details of tree protection measures in accordance with Australian Standards.
 - vi. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences including of adjacent buildings.
 - vii. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed elements.
 - viii. Incorporation of sustainability measures such as Water Sensitive Urban Design principles including passive irrigation tree pits, infiltration devices, permeable paving, improved drainage design, common trenches parallel to kerbs, closer alignment of services and increased landscaping opportunities.
 - ix. Scale, north point and appropriate legend.
 - x. Specification notes including warranty, establishment and maintenance requirements.
 - xi. Annotated construction details for tree pits and grates, in accordance with Darebin standard construction details for Northcote Activity Centre precinct.
11. The development must not be occupied until the works shown on the Streetscape Improvement Plan endorsed under condition 10 (with the exception of the final treatment for the 5 metre setback to Arthurton Road) are completed. The works are to be carried out:
- (a) at no cost to the Responsible Authority;
 - (b) in accordance with Council's standards;
 - (c) in accordance with the endorsed Streetscape Improvement Plan; and
 - (d) to the satisfaction of the Responsible Authority.
12. Unless otherwise agreed by the Responsible Authority in writing, the development must not be occupied until the portion of land comprising the 5 metre setback to Arthurton Road (identified in the endorsed Streetscape Improvement Plan required

under condition 10) is transferred to Council for no consideration.

13. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act) to provide for the following:

Construction and delivery of Infrastructure Items

- a) The construction and delivery of the following infrastructure items:
- i. the pedestrian operated signals located in proximity to the corner of Arthurton Road and Herbert Street;
 - ii. a landscaped raised threshold treatment at the western end of Elm Street to prioritise pedestrians walking along the eastern side of Herbert Street when crossing Elm Street, identified as item 12 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;
 - iii. a landscaped raised threshold treatment on the north side of Arthurton Road, identified as item 13 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;
- (collectively, the 'Infrastructure Items')
- to the satisfaction of the Responsible Authority.
- b) The timing of the delivery of each of the Infrastructure Items.
- c) Functional layout plans for the construction of the Infrastructure Items to the satisfaction of the Responsible Authority (and VicRoads if required) must be submitted to and approved by the Responsible Authority (and VicRoads if required).
- d) The process for the submission and approval of functional layout plans and any relevant tender process.
- e) The Infrastructure Items must be constructed in accordance with the approved functional layout plan(s) to the satisfaction of the Responsible Authority (and VicRoads if required).
- f) The process for the certification by Council of the delivered Infrastructure Items.
- g) The Owner must pay the costs associated with the construction and delivery of each of the Infrastructure Items respectively including any applicable GST.
- h) The Responsible Authority will reimburse the owner 50% of the costs associated with the construction and delivery of the Infrastructure Items within 12 months of the owner paying the last of those costs.
- i) The Responsible Authority may seek an extension of time if it has not provided its reimbursement within the 12 month period. The request must be in writing and must be made prior to the expiry of the 12 month period. Consent to the extension of time must not be unreasonably withheld by the owner.
- j) A dispute resolution process in relation to costs, scope of works and timing, specifically, the parties will refer any disputes to the Tribunal for determination pursuant to the Planning and Environment Act 1987.
- k) The termination date of the agreement, specifically, the date by which the Infrastructure Items are delivered to Council to the satisfaction of the Responsible Authority.

Land comprising the 5 metre setback to Arthurton Road

- l) The process and timing for interim treatment works, for permanent works, and for transferring the portion of land comprising the 5 metre setback to Arthurton Road relating to Stage 2 and Stage 3 of the development.

Before the development starts, the owner must make an application to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the section 173 agreement, including the Responsible Authority' costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

14. Before the development starts, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by WSP and dated August 2019 but modified to show:

- a) Data updated to reflect the approved number and layout of apartments.
- b) Removal of the Green Star credit for Financial Transparency.

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

The development must not be occupied until a report from the author of the SMP, approved under this permit, or similarly qualified person or company, has been 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.

15. Before the development starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will form part of this permit. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 31 August 2018 but modified to show:

- a) That waste collection is to be undertaken by a private contractor.
- b) Figures updated to reflect the approved apartment numbers and shop floor area.
- c) Collection of food waste included.
- d) The means by which garbage and recyclables will be stored on the site.
- e) The waste services to be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and food waste).
- f) The types of bins.
- g) The types of collection vehicles.
- h) The times and frequency of collection.
- i) The location of the collection point/s for vehicles.

j) Any other relevant matter.

The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area. Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

16. Before the development starts, an amended Acoustic Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Assessment will be endorsed and will form part of this permit. The amended Acoustic Assessment must be generally in accordance with the 'Arthurton Row Stage 1, Northcote, Town Planning Report' prepared by Acoustic Logic, Revision 1, dated 12 September 2018 but modified to include:

a) An assessment of the impact of noise generated by lifts, internal communal rooms and external communal terraces on the internal amenity of all adjoining apartments and any resultant recommendations to reduce noise impact on those dwellings.

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

17. Before the construction or carrying out of buildings and works in association with the use commences, either:

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

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

18. Before the development starts, a detailed Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will form

part of this permit. The plan must describe how the site will be managed prior to and during the construction period and must include, without limitation, the requirements for:

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

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

19. The development must not be occupied until the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) are:

- a) constructed;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced;
- 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.

20. Car parking spaces must be allocated as follows:

- a) 159 resident parking spaces
- b) 16 residential visitor car parking spaces
- c) 4 retail car parking spaces

21. 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.

22. Before the development is occupied, the bicycle parking spaces shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority. The bicycle parking spaces must be maintained to the satisfaction of the Responsible Authority.

23. The use and development must not detrimentally affect the amenity of the area through

the:

- (a) transport of materials, goods or commodities to or from the land;
- (b) appearance of any building, works, stored goods or materials;
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

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

- 24. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
- 25. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each building, shop and ground floor dwelling, access to adjoining public footpaths and all internal pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

- 26. 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.
- 27. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
- 28. 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.
- 29. 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.
- 30. The plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- 31. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 32. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 33. Before the development starts (including demolition), a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form

part of this permit. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.

34. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Melbourne Water Conditions:

35. The ground floor of building A must be constructed with finished floor levels no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
36. The ground floor of building B must be constructed with finished floor levels set no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
37. The ground floor of building D1 must be constructed with finished floor levels set no lower than 46.0 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
38. Any doors, windows, vents and openings to the basement car park must be a minimum of 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
39. The entry / exit driveway of the basement carpark must be constructed a flood proof apex set no lower than 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
40. A Pre and Post CCTV inspection of the underground drain is required to be carried out at the cost of the developer in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia. The footage must be submitted to Melbourne Water prior to the commencement of works.
41. Prior to the commencement of works, details are to be submitted to Melbourne Water of access via heavy vehicles and the methods and processes which will be actioned to protect Melbourne Water's High Risk Brick Drain Constructed in 1926.
42. Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain.

Head, Transport Victoria Condition:

43. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Arthurton Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria 8 weeks prior.

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.

The amendments specified in Condition No. 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

- N3 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.

Melbourne Water Advice

Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Summer Avenue Main Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property grades from 45.7 metres to AHD at the north western boundary down to 45.3 metres AHD at the south western boundary.

Melbourne Water recommends that if pedestrian entrances off Arthurton Road or Elm Street are grading downwards, a small apex should be provided above adjacent road level (approximately 100mm) to prevent overland flows from flooding the property open space.

For general development enquiries contact our Customer Service Centre on 131722.

The following person addressed the meeting in relation to Item 5.3 Application for Planning Permit D/878/2018 and was thanked for her presentation by the Chairperson, Mayor Rennie:

- (1) Natasha Liddell on behalf of The Meydan Group (Applicant)

Motion**MOVED: Cr. T McCarthy****SECONDED: Cr. S Newton**

That the Officer Recommendation be adopted.

Amendment**MOVED: Cr. L Messina****SECONDED: -**

That Condition 15 (c) be amended to read:

15 (c) Collection of food waste including the maximum conversion to composting.

The mover and the seconder consented to the amendment.

The motion as amended was put and carried

Committee Decision**MOVED: Cr. T McCarthy****SECONDED: Cr. S Newton**

That Planning Permit Application D/878/2018 be supported and a Planning Permit be issued subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP0.07, TP0.09, TP0.10 and TP0.12-TP0.26 Rev.3, TP0.11 Rev.5, TP0.34, TP0.35 Rev.P2, TP0.36-TP0.38 Rev.P1; TP1.01-TP1.06, TP1.10, TP1.11, TP1.20, TP1.21 and TP1.30 Rev.3; TP2.01- TP2.15, TP2.20, TP2.21 and TP2.30 Rev.3, TP2.22 Rev.P2; TP3.01-TP3.11, TP3.20, TP3.30 Rev.3, received by Council on the 10.02.2020 and prepared by Wireframe Architecture) but modified to show:
 - a) All balcony and terrace balustrades on the northern and western elevations of Building A to be finished with aluminium cladding to the satisfaction of the Responsible Authority.
 - b) The deletion of Building B apartments 1.07 and 2.07. The floor area associated with these apartments is to be absorbed into the adjoining apartments and/or common building services/corridors.
 - c) The south facing balconies to Building B apartments 2.09, 3.08, 4.08, 5.08, 6.07 and 7.07 to be curved on their western ends.
 - d) A single communal antenna for each of the buildings. The location of the antenna must be shown on the roof plan and elevations and the height of the

- antenna must be nominated.
- e) All light wells to be painted with a light/reflective paint.
 - f) The lower panel of glazing to the south facing bedroom windows of Building A (apartments 1.02, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 & 4.02) deleted and replaced with a solid panel.
 - g) The western living room walls of Building A apartments G.02, G.03 and G.04 western boundary setback reduced by 500mm.
 - h) A Landscape Plan in accordance with Condition No. 5 of this Permit.
 - i) A Landscape Management Plan in accordance with Condition No. 6 of this Permit.
 - j) A Streetscape Improvement Plan in accordance with Condition No. 10 of this Permit.
 - k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures and any modifications required as a result of the requirements of Condition No. 9 of this Permit.
 - l) Any modifications required as a result of the approved Sustainability Management Plan required by Condition No. 14 of this Permit.
 - m) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 15 of this Permit.
 - n) Any modifications required as a result of the approved Acoustic Assessment required by Condition No. 16 of this Permit.
 - o) Car parking allocated in accordance with Condition No. 20 of this Permit.
2. The development and layout of the uses 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:
- * 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 the development starts, a drainage plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The drainage plan must detail how the drainage design of Stage 1 will allow for the drainage of future development stages on the land identified on Certificate of Title Volume 10571, Folio 598 as Land in Plan of Consolidation 361102Q.
- The drainage design, as shown on the approved drainage plan, must be constructed to the satisfaction of the Responsible Authority before the development is occupied or the use starts (whichever comes first).
- The land must be drained to the satisfaction of the Responsible Authority.
5. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The landscaping plan must be generally in accordance with the Landscape Master Plan (drawing number LSK001, dated 23 April 2018) and the Landscape Concept Plan – Stage 1 (drawing number LSK002, dated 30 May 2018),
-

both prepared by Papworth Davies, except that the plan must show:

- a. Annotated cross-sectional details of proposed planter boxes specifying sizes, drainage, soil volume for each proposed tree species and irrigation method (drip line preferred).
- b. Annotated cross-sectional details of all planter boxes on communal terraces specifying sizes, soil volume, drainage.
- c. The location and number of outdoor taps on communal terraces and communal garden areas at an accessible height.
- d. The location and type of drainage on all communal terrace and garden areas
- e. A storage area for the communal garden of Building A.
- f. The location and type of drainage on all private balconies and terraces.
- g. The location of outdoor taps on private balconies and terraces where provided.
- h. Additional detailed plans and annotated cross sections showing streetscape of Elm Street and Arthurton Road.
- i. Detailed landscape plan for each section of the landscape including communal areas at ground level and terraces for Buildings A and B.
- j. At least 9 large trees or 18 medium trees (excluding trees planted in streetscapes) in the communal area at ground level.
- k. Tree Protection measures in accordance with Condition No. 9 of this permit.
- l. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 14 of this permit.
- m. 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
- n. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- o. A diversity of plant species and forms that must suit the sun and shade conditions of the site. All proposed planting must be to the satisfaction of the responsible authority.
- p. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- q. Type and details of all surfaces and structures including hardscape elements (pavers, brick, asphalt and concrete).
- r. Details of materials and construction methods (including cross sections where appropriate).
- s. Spot heights to demonstrate accessible accessways through all communal areas of the site and entrances.
- t. 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. Constructed items such as letter boxes, garbage bins, lighting, tanks, storage and bike racks must be located with storage capacity shown where

- appropriate.
- u. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - v. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed planting.
 - w. Planting plan with clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - x. Scale, north point and appropriate legend.
 - y. Landscape Specification Notes including general establishment and maintenance requirements.
6. Before the development starts, a Landscape Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and must:
- a. detail the proposed rooftop planter beds and vertical garden;
 - b. include site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment
 - c. include establishment details such as:
 - i. weight loading (dead load, live load and transient load)
 - ii. access
 - iii. construction layers including sectional diagrams
 - iv. support structures
 - v. waterproofing
 - vi. irrigation and plant nutrition
 - vii. vegetation
 - viii. lighting
 - d. incorporate a maintenance planting schedule, including:
 - i. details of who will be responsible for the maintenance of the garden structures and landscaping
 - ii. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - iii. access requirements/ agreements.
 - iv. irrigation and plant nutrition
7. The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan and Landscape Management Plan are completed to the satisfaction of the Responsible Authority.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping shown on the endorsed Landscape Plan and Landscape Management Plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced in
-

accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

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

<i>Tree (as defined in Arboricultural Assessment and Report, prepared by TreeLogic and dated 9 April 2018).</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1	5.5 metres
Tree 2	10 metres
Tree 3	5.8 metres
Tree 4	4.2 metres
Tree 5	4.9 metres
Tree 6	2.0 metres
Tree 7	6.4 metres

Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

The tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone. 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.

Except with the written consent of the Responsible Authority, within the Tree Protection Zone:

- No vehicular or pedestrian access, trenching or soil excavation is to occur, save for that allowed to complete the approved development.
- No storage or dumping of tools, equipment or waste is to occur.

Where applicable to a nature strip tree, a Tree Protection Zone is confined to the width of the nature strip.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

10. Before the development starts, a Streetscape Improvement Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person and be drawn to scale with dimensions. The plan must include:

General

- (a) A description of the works to be carried out, and the land on which the works

are to be carried out.

- (b) A description of streetscape assets to be transferred to Council on completion of works.
- (c) The date by which each of the works will be carried out.
- (d) The value of any assets to be transferred and the costs of any works to be carried out.
- (e) The method of calculating the value of works if they are only partly carried out.
- (f) Any other appropriate matters.

Streetscape improvements – Arthurton Road (interim)

- (g) A plan showing the interim treatment for the 5 metre setback to Arthurton Road for Stage 1, including:
 - i. The provision of temporary landscaping comprising low ground covers.
 - ii. A planting plan for all temporary and permanent landscaping.
 - iii. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the Darebin Standard Park Seat, Stool and Bench.
 - iv. No car parking spaces on Arthurton Road.

Streetscape improvements – Arthurton Road (final)

- (h) A plan showing the final treatment for the 5 metre setback to Arthurton Road, including:
 - i. The provision of a bicycle path along Arthurton Road.
 - ii. The provision of permanent landscaping, including street trees every five lineal metres along Arthurton Road, or a minimum 50% coverage of the streetscape on Arthurton Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - iii. A planting plan for all permanent landscaping.
 - iv. A pause location including a seat in a shaded area along the Arthurton Road streetscape using the *Darebin Standard Park Seat, Stool and Bench*.
 - v. No car parking spaces on Arthurton Road.

Streetscape improvements – Herbert Road

- (i) A plan showing the streetscape treatment for Herbert Road, including:
 - i. The provision of permanent landscaping, including street trees every five lineal metres along Herbert Road. All street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.

Streetscape improvements – Elm Street

- (j) A plan showing the streetscape treatment for Elm Street for Stage 1, including:

- i. The provision of permanent landscaping, including street trees every five lineal metres along Elm Street or a minimum 50% coverage of the streetscape on Elm Street. All new street trees must be specified in semi-mature sizes, such as 3.5m height and 100L pot size or greater, and must be installed with approved passive irrigation measures.
 - ii. A planting plan for all permanent landscaping.
- (k) Each of the plans described in condition 10(g), (h), (i) and (j) must also include:
 - i. Dimensioned cross sections detailing the extent of landscaping, footpath, road, car parks, kerb and bicycle lanes.
 - ii. Pavement surfacing that includes bluestone pavers or equivalent materials as approved by the Responsible Authority.
 - iii. The location and dimensions of all existing and proposed streetscape elements including all adjacent public right-of-way, building envelopes, street, median, kerb and footpath materials and edges, driveways and crossovers, street trees, landscaping, street lighting, site furnishings, protected bicycle lanes and signage.
 - iv. Details of all existing street trees to be retained and all existing trees to be removed, including the genus, species, height and spread of all trees.
 - v. Details of tree protection measures in accordance with Australian Standards.
 - vi. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences including of adjacent buildings.
 - vii. The location of both existing and proposed overhead and underground services, avoiding conflicts of such services with the existing and proposed elements.
 - viii. Incorporation of sustainability measures such as Water Sensitive Urban Design principles including passive irrigation tree pits, infiltration devices, permeable paving, improved drainage design, common trenches parallel to kerbs, closer alignment of services and increased landscaping opportunities.
 - ix. Scale, north point and appropriate legend.
 - x. Specification notes including warranty, establishment and maintenance requirements.
 - xi. Annotated construction details for tree pits and grates, in accordance with Darebin standard construction details for Northcote Activity Centre precinct.
- 11. The development must not be occupied until the works shown on the Streetscape Improvement Plan endorsed under condition 10 (with the exception of the final treatment for the 5 metre setback to Arthurton Road) are completed. The works are to be carried out:
 - (a) at no cost to the Responsible Authority;
 - (b) in accordance with Council's standards;
 - (c) in accordance with the endorsed Streetscape Improvement Plan; and
 - (d) to the satisfaction of the Responsible Authority.

-
12. Unless otherwise agreed by the Responsible Authority in writing, the development must not be occupied until the portion of land comprising the 5 metre setback to Arthurton Road (identified in the endorsed Streetscape Improvement Plan required under condition 10) is transferred to Council for no consideration.
 13. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act) to provide for the following:

Construction and delivery of Infrastructure Items

- a) The construction and delivery of the following infrastructure items:
 - i. the pedestrian operated signals located in proximity to the corner of Arthurton Road and Herbert Street;
 - ii. a landscaped raised threshold treatment at the western end of Elm Street to prioritise pedestrians walking along the eastern side of Herbert Street when crossing Elm Street, identified as item 12 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;
 - iii. a landscaped raised threshold treatment on the north side of Arthurton Road, identified as item 13 of the *Streets for People Strategy - Northcote - Thornbury Corridor*, Darebin City Council, August 2018;(collectively, the 'Infrastructure Items')
to the satisfaction of the Responsible Authority.
 - b) The timing of the delivery of each of the Infrastructure Items.
 - c) Functional layout plans for the construction of the Infrastructure Items to the satisfaction of the Responsible Authority (and VicRoads if required) must be submitted to and approved by the Responsible Authority (and VicRoads if required).
 - d) The process for the submission and approval of functional layout plans and any relevant tender process.
 - e) The Infrastructure Items must be constructed in accordance with the approved functional layout plan(s) to the satisfaction of the Responsible Authority (and VicRoads if required).
 - f) The process for the certification by Council of the delivered Infrastructure Items.
 - g) The Owner must pay the costs associated with the construction and delivery of each of the Infrastructure Items respectively including any applicable GST.
 - h) The Responsible Authority will reimburse the owner 50% of the costs associated with the construction and delivery of the Infrastructure Items within 12 months of the owner paying the last of those costs.
 - i) The Responsible Authority may seek an extension of time if it has not provided its reimbursement within the 12 month period. The request must be in writing and must be made prior to the expiry of the 12 month period. Consent to the extension of time must not be unreasonably withheld by the owner.
 - j) A dispute resolution process in relation to costs, scope of works and timing, specifically, the parties will refer any disputes to the Tribunal for determination pursuant to the Planning and Environment Act 1987.
 - k) The termination date of the agreement, specifically, the date by which the
-

Infrastructure Items are delivered to Council to the satisfaction of the Responsible Authority.

Land comprising the 5 metre setback to Arthurton Road

- l) The process and timing for interim treatment works, for permanent works, and for transferring the portion of land comprising the 5 metre setback to Arthurton Road relating to Stage 2 and Stage 3 of the development.

Before the development starts, the owner must make an application to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the section 173 agreement, including the Responsible Authority' costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

14. Before the development starts, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by WSP and dated August 2019 but modified to show:

- a) Data updated to reflect the approved number and layout of apartments.
- b) Removal of the Green Star credit for Financial Transparency.

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

The development must not be occupied until a report from the author of the SMP, approved under this permit, or similarly qualified person or company, has been 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.

15. Before the development starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will form part of this permit. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 31 August 2018 but modified to show:

- a) That waste collection is to be undertaken by a private contractor.
- b) Figures updated to reflect the approved apartment numbers and shop floor area.
- c) Collection of food waste including the maximum conversion to composting.
- d) The means by which garbage and recyclables will be stored on the site.
- e) The waste services to be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and food waste).
- f) The types of bins.
- g) The types of collection vehicles.
- h) The times and frequency of collection.

- i) The location of the collection point/s for vehicles.
- j) Any other relevant matter.

The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area. Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

16. Before the development starts, an amended Acoustic Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Assessment will be endorsed and will form part of this permit. The amended Acoustic Assessment must be generally in accordance with the 'Arthurton Row Stage 1, Northcote, Town Planning Report' prepared by Acoustic Logic, Revision 1, dated 12 September 2018 but modified to include:
 - a) An assessment of the impact of noise generated by lifts, internal communal rooms and external communal terraces on the internal amenity of all adjoining apartments and any resultant recommendations to reduce noise impact on those dwellings.

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

17. Before the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

18. Before the development starts, a detailed Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible
-

Authority. When approved, the Site Management Plan will be endorsed and will form part of this permit. The plan must describe how the site will be managed prior to and during the construction period and must include, without limitation, the requirements for:

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

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

19. The development must not be occupied until the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) are:

- a) constructed;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced;
- 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.

20. Car parking spaces must be allocated as follows:

- a) 159 resident parking spaces
- b) 16 residential visitor car parking spaces
- c) 4 retail car parking spaces

21. 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.

22. Before the development is occupied, the bicycle parking spaces shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority. The bicycle parking spaces must be maintained to the satisfaction of the Responsible Authority.

23. The use and development must not detrimentally affect the amenity of the area through

the:

- (a) transport of materials, goods or commodities to or from the land;
- (b) appearance of any building, works, stored goods or materials;
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

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

- 24. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
- 25. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each building, shop and ground floor dwelling, access to adjoining public footpaths and all internal pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

- 26. 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.
- 27. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
- 28. 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.
- 29. 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.
- 30. The plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- 31. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 32. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 33. Before the development starts (including demolition), a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form

part of this permit. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.

34. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Melbourne Water Conditions:

35. The ground floor of building A must be constructed with finished floor levels no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
36. The ground floor of building B must be constructed with finished floor levels set no lower than 46.020 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
37. The ground floor of building D1 must be constructed with finished floor levels set no lower than 46.0 metres to Australian Height Datum, which is 300mm above the applicable flood level at that location.
38. Any doors, windows, vents and openings to the basement car park must be a minimum of 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
39. The entry / exit driveway of the basement carpark must be constructed a flood proof apex set no lower than 46.0 metres to AHD which is 300mm above the applicable flood level of 45.7 metres to AHD.
40. A Pre and Post CCTV inspection of the underground drain is required to be carried out at the cost of the developer in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia. The footage must be submitted to Melbourne Water prior to the commencement of works.
41. Prior to the commencement of works, details are to be submitted to Melbourne Water of access via heavy vehicles and the methods and processes which will be actioned to protect Melbourne Water's High Risk Brick Drain Constructed in 1926.
42. Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain.

Head, Transport Victoria Condition:

43. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Arthurton Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria 8 weeks prior.

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.

The amendments specified in Condition No. 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

- N3 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.

Melbourne Water Advice

Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Summer Avenue Main Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property grades from 45.7 metres to AHD at the north western boundary down to 45.3 metres AHD at the south western boundary.

Melbourne Water recommends that if pedestrian entrances off Arthurton Road or Elm Street are grading downwards, a small apex should be provided above adjacent road level (approximately 100mm) to prevent overland flows from flooding the property open space.

For general development enquiries contact our Customer Service Centre on 131722

CARRIED

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

Author: Senior Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Japara Developments Pty Ltd	Japara Developments Pty Ltd	<ul style="list-style-type: none"> • Godfrey Spowers (Victoria) Pty Ltd. • Fitzgerald Frisby Landscape Architecture. • Planning & Property Partners Pty Ltd. • Hansen Partnership Pty Ltd. • TTM Consulting (Vic) Pty Ltd. • Lucid Consulting Australia. • Axiom Tree Management Pty Ltd. • Resonate. • Leigh Design Pty Ltd

SUMMARY

- This application was deferred for further consideration at this meeting following a direction for a consultation meeting to be facilitated by Council Officers, to be held between the permit applicant and the objector that is primarily impacted.
- This consultation meeting has been held by teleconference.
- The proposal is for the construction of two (2) mixed-use six (6) storey buildings (Building A and Building B), providing retail and food and drink premises with the primary use being a residential aged care facility and retirement village.
- A total of 123 car parking spaces are proposed within basement and lower ground levels, with access via the existing accessway to the east (for the lower ground level) and the rear Right of Way for the basement parking area.
- Building A
 - Plenty Road. The ground level also contains pedestrian entry to the internal core area, a kitchen (for meal preparation and distribution throughout the building). Additional independent living units are located at the rear ground floor, with a total of twelve (12) independent living units at this level. Various staff facilities and operational rooms, are provided within the basement level.
 - A total of ninety (90) aged care suites are provided from the first floor to the third floor levels, with communal lounge and dining areas and terraces to the south.
 - The fourth floor level has 15 assisted living units, with a communal lounge and terrace area and south facing balconies for the units.
 - The roof has a communal terrace area.

- Building B
 - At ground level Building B contains a retail premises fronting Plenty Road, with independent living units sleeved behind.
 - This building is primarily used for a retirement village with a total of 47 independent living units across the six (6) levels, with a variety of unit layouts and sizes (one (1), two (2) and three (3) bedrooms) and each unit with private open space area in the form of terraces and balconies (of 8 - 33 square metres).
 - There is a pool and gymnasium to the basement level and a communal terrace area to the roof.
- 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.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the policies and provisions of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the City Architect, ESD Officer, Urban design, Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit and the Transport Engineering and Strategy Unit.
- This application was referred externally to VicRoads and Public Transport Victoria.
- A resolution by the Planning Committee at its meeting on the 10 March 2020 has resulted in a consultation meeting being convened on 19 March 2020 as detailed below.

CONSULTATION MEETING:

In accordance with the resolution of the Planning Committee on 10 March 2020 a consultation meeting was convened on 19 March 2020 between the applicant, objector and Council planner. This was held via teleconference and resulted in further details being provided by the permit applicant in relation to the objectors concerns regarding the 30 degree setback as referenced in the DDO17.

Further details were also sought in relation to the treatments and materials proposed to satisfy proposed permit conditions in relation to overlooking. This resulted in the exchange of emails between the permit applicant and objector on potential impacts and treatments. Unfortunately no resolution has been achieved.

The objector and the permit applicant were unwilling to shift their positions on the 30 degree setback and no agreement or further concessions have been made.

Recommendation

That Planning Permit Application on D/722/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos 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 nos 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).
- q) Details of all window openings.
- r) Install an east facing operable window to Unit 305.
- s) Install an east facing operable window to E14.
- t) 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 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 9 of this Permit).
- gg) Modifications in accordance with the Waste Management Plan and inclusion of food waste disposal (Refer to Condition 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.

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) 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

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 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, food 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.
- 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.

The following person addressed the meeting in relation to Item 5.4 Application for Planning Permit D/722/2018 800-802 & 820 Plenty Road, Reservoir and was thanked for his presentation by the Chairperson, Mayor Rennie:

- (1) Alex Sands (Objector)

Committee Decision

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

That Council refuse the application with the grounds as follows:

1. The proposal does not comply with Clause 15.01-1S (Urban Design), Clause 15.01-2S (Building Design) and Clause 15.01-5S of the Darebin Planning Scheme with respect to the strategic and physical context of the site.
2. The proposal provides excessive visual bulk/mass to the sensitive southern interface, with inadequate setbacks and would adversely impact on the amenity of residential properties.

3. The proposal has not been designed in accordance with the objectives and decision guidelines of Clause 22.06 (Multi Residential and Mixed Use Development) of the Scheme in terms of building height, amenity impacts including overlooking and overshadowing.
4. The height, scale and setbacks of the proposal are contrary to the Design and Development Overlay Schedule 17. The proposal does not provide appropriate setbacks including compliance with the 30 degree requirement, with an excessive height and a lack of transition in scale to adjoining sites to the south.
5. The development does not comply with relevant Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

CARRIED

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

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

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

CARRIED

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.34 pm

**CITY OF
DAREBIN**

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

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt