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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 July 2021

Released to the public on 15 July 2021



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

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

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

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## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 12 JULY 2021

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THE MEETING OPENED AT 6.35pm

### WELCOME

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

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

### 1. PRESENT

#### *Councillors*

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

#### *Council Officers*

Rachel Ollivier - General Manager City Sustainability and Strategy

Karen Leeder - Manager City Development

Jolyon Boyle - Coordinator Statutory Planning

Julie Smout - Coordinator Statutory Planning

Stevie Meyer – Acting Manager City Futures

Naomi Keung – Acting Co Ordinator Community Development & Planning

Stephen Mahon - Coordinator Council Business

Michelle Martin - Council Business Officer

### 2. APOLOGIES

An Apology was received for Cr. Emily Dimitriadis

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Newton advised that whilst she did not have a conflict of interest in these matters she would be making a brief statement prior to Items 5.3 Amendment to Development Plan POD/1/2007/I 1056-1140 & 1142 Plenty Road, Bundoora and 5.4 Planning Scheme Amendment C198DARE – Request for Interim Heritage Overlay

**4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE****Officer Recommendation**

**That** the Minutes of the Planning Committee Meeting held on 15 June 2021 be confirmed as a correct record of business transacted.

**Committee Decision**

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

**That** the Minutes of the Planning Committee Meeting held on 15 June 2021 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/62/2021 667-671 Heidelberg Road Alphington

The Mayor advised the Planning Committee that this item – Application for Planning Permit D/62/2021 – 667-671 Heidelberg Road, Alphington had been withdrawn on the basis that the Applicant had informed out Planning Department that they wished to withdraw and not proceed with this application.

### 5.2 APPLICATION FOR PLANNING PERMIT D/874/2018 893 High Street Thornbury

**Author:** Town Planner

**Reviewed By:** Acting General Manager City Sustainability and Strategy

| Applicant            | Owner                              | Consultant   |
|----------------------|------------------------------------|--|
| C Kairouz Architects | RC Consolidated Industries Pty Ltd | Sustainable Development Consultants<br>Wood and Grieve Engineers<br>Gareth Gale Town Planning & Advocacy<br>Leigh Design |

#### SUMMARY

- The proposal involves the partial demolition of the existing building and the development of a five-storey (plus rooftop terrace and basement) mixed use proposal comprising:
  - Partial demolition and partial retention of the existing ground floor building.
  - Five (5) dwellings (4 x 2-bedroom and 1 x 3-bedroom).
  - One (1) convenience restaurant (café) (111 square metres).
  - Six (6) car parking spaces.
  - Three (3) bicycle parking spaces.
- The site is zoned Commercial 1 Zone and is affected by the Heritage Overlay and the Development Contributions Plan Overlay.
- There is no restrictive covenant on the title for the subject land.
- There are currently six (6) objections against this application. It is noted that during the consultation process one (1) objection was withdrawn.
- The proposal is generally consistent with the objectives and standards of Clause 22.05, 22.06, 43.01 and 58 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the ESD Officer, City Designer, Climate Emergency and Sustainable Transport Unit, Heritage Advisor, City Design Unit, Urban Design Unit, Property Management Unit, and Infrastructure and Capital Delivery Unit.
- This application was not required to be referred to external authorities.
- On the 20 May 2021, a consultation meeting was facilitated by Council between the applicant and objectors in order to identify solutions and measures to mitigate amenity impacts to residents. Please see 'Introduction and background' for details of the outcomes of this meeting.

The following person addressed the meeting in relation to Item 5.2 Application for Planning Permit D/874/2018:

- Sue Sukkar (Applicant)

**Officer Recommendation**

**That** Planning Permit Application D/874/2018 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A07 dated 23.09.2019 and A10-A17 dated 4.6.2020, all prepared by C. Kairouz Architects) but modified to show:
  - a. The ground floor use clearly nominated as a convenience restaurant (café).
  - b. The height of the planter boxes to the balconies of apartments 2.2 and 3.1 nominated and construction detail.
  - c. Traffic management information provided by a qualified traffic engineer on how waste collection via the rear laneway is arranged.
  - d. The minimum dimension of the balcony to apartment 1.2 in accordance with the requirements of Standard D19 of Clause 58.05-3 of the Darebin Planning Scheme.
  - e. The living areas of apartments 2.1 and 3.1 as per Standard D24 of Clause 58.07-1 of the Darebin Planning Scheme and to be provided clear of the dining areas.
  - f. Visitor bicycle parking in accordance with Condition No. 23 of this Permit.
  - g. A single communal antenna for the development in accordance with Condition No. 7 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.
  - h. Any modifications required as a result of the approved Acoustic Report required by Condition No. 9 of this Permit.
  - i. The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition



No. 19 of this Permit.

- j. The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 20 of this Permit.
- k. Garage lighting to the rear to be downlight task lighting and designed, baffled and located so as to prevent any adverse effect including direct light into existing windows on adjoining and nearby land.
- l. The roller door to the garage treated with acoustic measures to further reduce noise impacts to the laneway.
- m. The car stacker system treated with acoustic measures to ensure any noise impact to adjoining properties does not exceed a decibel range of a maximum of 62 decibels when measured from the laneway to the rear of 893 High Street Thornbury.

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
  - a. The development does not start within three (3) years from the date of this Permit; or
  - b. The development is not completed within five (5) years of the date of this Permit.

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

- a. Before this Permit expires.
  - b. Within six (6) months after the expiry date; or
  - c. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) The land must be drained to the satisfaction of the Responsible Authority.
  - (5) At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

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

- (6) Before the development starts a Demolition and Construction Management Plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Demolition and Construction Management Plan will be endorsed and will then form part of this Permit. The Demolition and Construction Management Plan must address, without limitation, the following:
  - a. Contact details for key construction site staff including after-hours contact numbers.
  - b. Hours for the construction activity.
  - c. Measures to control the escape of noise, dust, litter, water, and sediment laden runoff from the site.

- d. Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
- e. The protection measures for site features to be retained (e.g., vegetation, retaining walls, buildings, other structures, and pathways, etc).
- f. On site facilities for vehicle washing.
- g. Delivery and unloading points and expected frequency.
- h. The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
- i. Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
- j. Management of laneway access during construction.
- k. An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
- l. The processes to be adopted for the separation, re-use and recycling of demolition materials.
- m. The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water, or other means
- n. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- o. Any other relevant matters.

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

- (7) Only one (1) communal television antenna may be erected on the building and located to be minimally visible from High Street. Individual antennae for individual dwellings/tenancies must not be erected.
- (8) The development must not adversely affect the amenity of the area, including 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, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; andand/or in any other way, to the satisfaction of the Responsible Authority.
- (9) Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:
  - a. Noise levels associated with the operation of surrounding and nearby non-residential uses such as retail and commerce / tram lines / road traffic do not

impact adversely on the amenity of the dwellings.

- b. Dwellings are designed to achieve the following noise levels:
  - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
  - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- c. Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- d. Minimisation of noise levels arising from the car stacker on the site to the adjoining site to the west at 1 Benjamin Street.
- e. The roller door to the garage treated with acoustic measures to further reduce noise impacts to the laneway.
- f. The car stacker system treated with acoustic measures to ensure any noise impact to adjoining properties does not exceed a decibel range of a maximum of 62 decibels when measured from the laneway to the rear of 893 High Street Thornbury.

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

- (10) The car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
- (11) All guttering, rainheads, pipes including downpipes, fixtures, fittings, and vents servicing any building on the site including those associated with a balcony must be:
  - a. concealed in service ducts or otherwise hidden from view; or
  - b. located and designed to integrate with the development,to the satisfaction of the Responsible Authority.
- (12) No plant, equipment, services, or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (13) A clothesline must be provided to each dwelling. Clotheslines must not be visible from High Street. If clotheslines are located on a balcony, the balcony balustrade must be solid or obscure material.
- (14) Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
- (15) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.
- (16) The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (17) The Sustainable Design Assessment (SDA) to be endorsed and which will then form part of this Permit is the SDA submitted with the application (identified as Sustainable Design Assessment 893 High Street, Thornbury, prepared by

Sustainable Development Consultants and dated June 2020).

The requirements of the endorsed Sustainable Design Assessment (SDA) (identified as Sustainable Design Assessment 893 High Street, Thornbury, prepared by Sustainable Development Consultants and dated June 2020) must be implemented and complied with to the satisfaction of the Responsible Authority.

- (18) The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Design Assessment (SDA) endorsed under Condition 17 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SDA have been implemented in accordance with the endorsed SDA.
- (19) Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- a. Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
    - i. An assessment using an industry recognised stormwater tool.
    - ii. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants, and drainage directions.
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties, and landscaped areas.
    - iv. A plan illustrating where all impervious surfaces will be treated and drained.
    - v. A construction and maintenance schedule.
  - b. Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces.
  - c. Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements:

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

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

- d. Chemical contamination.
  - e. The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- (21) Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a. constructed.
  - b. properly formed to such levels that they can be used in accordance with the plans.
  - c. surfaced with an all-weather sealcoat.
  - d. drained.

to the satisfaction of the Responsible Authority.

- (22) Before the development is occupied, an automatic external lighting system capable of illuminating car and bicycle parking areas, access lanes and driveways must be provided on the site to the satisfaction of the Responsible Authority.

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

- (23) Before plans are endorsed under Condition No. 1 of this Permit either:
- a. a contribution must be made (equivalent to one (1) bicycle space) to cycling infrastructure near the site (where possible) or within the municipality, or
  - b. One (1) ground mounted bicycle parking space must be provided in a location conveniently accessible by visitors/patrons.

Visitor bicycle parking spaces on the site must be installed and maintained to the satisfaction of the Responsible Authority.

- (24) C. Kairouz Architects or an alternative suitably qualified person approved by the Responsible Authority must be appointed for the duration of the project to oversee and ensure the design intent and construction quality of the development is followed through to the completion stage of the development, to the satisfaction of the Responsible Authority.
- (25) Garage lighting to the rear to be downlight task lighting and designed, baffled and located so as to prevent any adverse effect including direct light into existing windows on adjoining and nearby land to the satisfaction of the Responsible Authority.
- (26) The roller door to the garage treated with acoustic measures to further reduce noise impacts to the laneway.
- (27) The car stacker system treated with acoustic measures to ensure any noise impact to adjoining properties does not exceed a decibel range of a maximum of 62 decibels when measured from the laneway to the rear of 893 High Street Thornbury.

## NOTATIONS

- N1 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other

- relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.
- N6 In relation to the requirements of Condition 24 of this Permit, please contact Council's Transport Engineering Unit (Ph: 03 8470 8220) or Transport@darebin.vic.gov.au for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
- N7 This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

### Committee Decision

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

**That** Planning Permit Application D/874/2018 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A07 dated 23.09.2019 and A10-A17 dated 4.6.2020, all prepared by C. Kairouz Architects) but modified to show:
  - a. The ground floor use clearly nominated as a convenience restaurant (café).
  - b. The height of the planter boxes to the balconies of apartments 2.2 and 3.1 nominated and construction detail.
  - c. Traffic management information provided by a qualified traffic engineer on how waste collection via the rear laneway is arranged.
  - d. The minimum dimension of the balcony to apartment 1.2 in accordance with the requirements of Standard D19 of Clause 58.05-3 of the Darebin Planning Scheme.
  - e. The living areas of apartments 2.1 and 3.1 as per Standard D24 of Clause 58.07-1 of the Darebin Planning Scheme and to be provided clear of the

dining areas.

- f. Visitor bicycle parking in accordance with Condition No. 23 of this Permit.
- g. A single communal antenna for the development in accordance with Condition No. 7 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.
- h. Any modifications required as a result of the approved Acoustic Report required by Condition No. 9 of this Permit.
- i. The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 19 of this Permit.
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When approved, the plans will be endorsed and form part of this Permit.

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
  - a. The development does not start within three (3) years from the date of this Permit; or
  - b. The development is not completed within five (5) years of the date of this Permit.

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

- a. Before this Permit expires.
  - b. Within six (6) months after the expiry date; or
  - c. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) The land must be drained to the satisfaction of the Responsible Authority.
  - (5) At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

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

- (6) Before the development starts a Demolition and Construction Management Plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Demolition and Construction Management Plan will be endorsed and will then form part of this Permit. The Demolition and Construction Management Plan must address, without limitation, the following:
- a. Contact details for key construction site staff including after-hours contact numbers.
  - b. Hours for the construction activity.
  - c. Measures to control the escape of noise, dust, litter, water, and sediment laden runoff from the site.
  - d. Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
  - e. The protection measures for site features to be retained (e.g., vegetation, retaining walls, buildings, other structures, and pathways, etc).
  - f. On site facilities for vehicle washing.
  - g. Delivery and unloading points and expected frequency.
  - h. The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
  - i. Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
  - j. Management of laneway access during construction.
  - k. An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
  - l. The processes to be adopted for the separation, re-use and recycling of demolition materials.
  - m. The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water, or other means
  - n. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
  - o. Any other relevant matters.

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

- (7) Only one (1) communal television antenna may be erected on the building and located to be minimally visible from High Street. Individual antennae for individual dwellings/tenancies must not be erected.
- (8) The development must not adversely affect the amenity of the area, including 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, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; and  
and/or in any other way, to the satisfaction of the Responsible Authority.
- (9) Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:
- a. Noise levels associated with the operation of surrounding and nearby non-residential uses such as retail and commerce / tram lines / road traffic do not impact adversely on the amenity of the dwellings.
  - b. Dwellings are designed to achieve the following noise levels:
    - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
    - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.
- c. Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
  - d. Minimisation of noise levels arising from the car stacker on the site to the adjoining site to the west at 1 Benjamin Street.
  - e. The roller door to the garage treated with acoustic measures to further reduce noise impacts to the laneway.
  - f. The car stacker system treated with acoustic measures to ensure any noise impact to adjoining properties does not exceed a decibel range of a maximum of 62 decibels when measured from the laneway to the rear of 893 High Street Thornbury.

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

- (10) The car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
- (11) All guttering, rainheads, pipes including downpipes, fixtures, fittings, and vents servicing any building on the site including those associated with a balcony must be:
- a. concealed in service ducts or otherwise hidden from view; or
  - b. located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.
- (12) No plant, equipment, services, or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (13) A clothesline must be provided to each dwelling. Clotheslines must not be visible from High Street. If clotheslines are located on a balcony, the balcony balustrade

must be solid or obscure material.

- (14) Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
- (15) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.
- (16) The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (17) The Sustainable Design Assessment (SDA) to be endorsed and which will then form part of this Permit is the SDA submitted with the application (identified as Sustainable Design Assessment 893 High Street, Thornbury, prepared by Sustainable Development Consultants and dated June 2020).

The requirements of the endorsed Sustainable Design Assessment (SDA) (identified as Sustainable Design Assessment 893 High Street, Thornbury, prepared by Sustainable Development Consultants and dated June 2020) must be implemented and complied with to the satisfaction of the Responsible Authority.

- (18) The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Design Assessment (SDA) endorsed under Condition 17 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SDA have been implemented in accordance with the endorsed SDA.
- (19) Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
  - a. Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
    - i. An assessment using an industry recognised stormwater tool.
    - ii. The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants, and drainage directions.
    - iii. The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties, and landscaped areas.
    - iv. A plan illustrating where all impervious surfaces will be treated and drained.
    - v. A construction and maintenance schedule.
  - b. Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces.
  - c. Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements:

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

- (20) Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's Keeping Our Stormwater Clean – A Builder's Guide (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- a. Erosion and sediment.
  - b. Stormwater.
  - c. Litter, concrete, and other construction wastes.
  - d. Chemical contamination.
  - e. The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- (21) Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a. constructed.
  - b. properly formed to such levels that they can be used in accordance with the plans.
  - c. surfaced with an all-weather sealcoat.
  - d. drained.
- to the satisfaction of the Responsible Authority.
- (22) Before the development is occupied, an automatic external lighting system capable of illuminating car and bicycle parking areas, access lanes and driveways must be provided on the site to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled, and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
- (23) Before plans are endorsed under Condition No. 1 of this Permit either:
- a. a contribution must be made (equivalent to one (1) bicycle space) to cycling infrastructure near the site (where possible) or within the municipality, or
  - b. One (1) ground mounted bicycle parking space must be provided in a location conveniently accessible by visitors/patrons.
- Visitor bicycle parking spaces on the site must be installed and maintained to the satisfaction of the Responsible Authority.
- (24) C. Kairouz Architects or an alternative suitably qualified person approved by the Responsible Authority must be appointed for the duration of the project to oversee and ensure the design intent and construction quality of the development is followed through to the completion stage of the development, to the satisfaction of the Responsible Authority.
- (25) Garage lighting to the rear to be downlight task lighting and designed, baffled and located so as to prevent any adverse effect including direct light into existing windows on adjoining and nearby land to the satisfaction of the Responsible Authority.
- (26) The roller door to the garage treated with acoustic measures to further reduce

noise impacts to the laneway.

- (27) The car stacker system treated with acoustic measures to ensure any noise impact to adjoining properties does not exceed a decibel range of a maximum of 62 decibels when measured from the laneway to the rear of 893 High Street Thornbury.

#### **NOTATIONS**

- N1 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.

**CARRIED UNANIMOUSLY**

**Statement by Cr Susanne Newton**

Councillors, I wish to have it noted in the minutes of this meeting that whilst I am employed by Latrobe University and this Development Plan is adjacent to LaTrobe Universities Bundoora campus it does not create a general or material conflict of interest between my role with LaTrobe University and my role as a Councillor of the City of Darebin.

**5.3 AMENDMENT TO DEVELOPMENT PLAN POD/1/2007/I  
1056 - 1140 & 1142 Plenty Road, Bundoora  
(Polaris - Former Larundel Psychiatric Hospital)**

**Author:** Principal Planner

**Reviewed By:** Acting General Manager City Sustainability and Strategy

| Applicant    | Owner                              | Consultant  |
|--------------|------------------------------------|---|
| SJB Planning | Deal Corporation P/L<br>(Dealcorp) | SJB Planning<br><br>Clarke Hopkins Clarke<br>Architects |

**SUMMARY**

- It is proposed to amend the Polaris 3083 Precinct Development Plan (PDP) approved under the provisions of the Development Plan Overlay – Schedule 1.
- The amendments sought generally relate to the redevelopment of Lot S3 to increase the number of storeys from 2-3 to 5 storeys and to replace outdated policy content that has been superseded by the current Municipal Strategic Statement and Plan Melbourne.
- The site is in the Mixed-Use Zone (MUZ) and covered (either wholly or in part) by the Development Plan Overlay – Schedule1 (DPO1) and Heritage Overlay (HO107).
- A series of Section 173 Agreements apply across the land.
- Five (5) submissions were received against this application.
- The proposal is generally consistent with the provisions of the Mixed-Use Zone, Heritage Overlay and Development Plan Overlay, of the Darebin Planning Scheme.
- It is recommended that the amendment be supported.

**CONSULTATION:**

- Public notice was given via letters sent to surrounding owners and occupiers and signs erected on respective lots.
- Notice was given directly to VicRoads, Public Transport Victoria and the Minister for Education and Training (Latrobe University).
- This application was referred internally to the following units in Council: Planning Landscape Architect, Climate Emergency and Sustainable Transport; City Designer.

The following person addressed the meeting in relation to Item 5.3 Amendment to Development Plan POD/1/2007/1:

- Aleesha Meesen (Applicant)

|                               |
|-------------------------------|
| <b>Officer Recommendation</b> |
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**That** amendment POD/1/2007/1 be supported subject to Page 44a of the amended Polaris Development Plan being substituted for that submitted to Council on the 3 June 2021.

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|---------------------------|
| <b>Committee Decision</b> |
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**MOVED:** Cr. T Laurence  
**SECONDED:** Cr. G Greco

**That** amendment POD/1/2007/1 be supported subject to Page 44a of the amended Polaris Development Plan being substituted for that submitted to Council on the 3 June 2021

**CARRIED UNANIMOUSLY**

**Statement by Cr Susanne Newton**

Councillors, I wish to have it noted in the minutes of this meeting that whilst I own property in the subject area of this proposed Planning Scheme Amendment I do so in common with approximately 1000 property owners and I have formed the view that my interest does not exceed that of the interests held by other residents, ratepayers and electors.

**5.4 PLANNING SCHEME AMENDMENT C198DARE - REQUEST FOR INTERIM HERITAGE OVERLAY**

**Author:** Senior Strategic Planner

**Reviewed By:** Acting General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

This report seeks endorsement from Council to submit Planning Scheme Amendment C198dare (C198) to the Minister for Planning for preparation and approval, pursuant to section 20(4) of the *Planning and Environment Act 1987*. C198 proposes an interim heritage overlay to two properties within the Thornbury Park Estate precinct.

Council resolved on 26 April 2021 to prepare and exhibit a planning scheme amendment to introduce permanent heritage controls (C191) within the proposed heritage precinct, 'Thornbury Park Estate'. At the same time, Council resolved to seek an interim heritage overlay (C197), which would provide protection for the precinct while the permanent controls were introduced.

Council received authorisation from the Minister for Planning, on 11 June 2021 to prepare and exhibit amendment C191 (permanent heritage overlay), however the request for the interim heritage overlay (C197) for Thornbury Park Estate is still being considered by the Minister. This means that there are no heritage protections in the planning scheme for the properties within the precinct.

In recent weeks, Council's building department has received two new applications for demolition of contributory buildings under Section 29A of the *Building Act 1993*, at 27 Keon Street (full demolition) and 39 Keon Street Thornbury (partial demolition).

Under Section 29B of the *Building Act 1993*, suspension of a demolition permit can only occur if a planning scheme amendment is requested within the prescribed time. Even though Council has already requested an interim heritage overlay for this precinct, it has not been approved in time to suspend these two applications. Officers recommend these applications are suspended to prevent demolition permits from being issued without due consideration of heritage impacts.

Until Amendment C197 (interim heritage overlay) is decided by the Planning Minister, Council officers propose to continue to seek the application of interim heritage overlays for individual sites (identified as significant or contributory), at the time a new demolition application is sought. This approach is necessary to protect the identified heritage values until an interim heritage precinct overlay is approved and reflects current practice in managing heritage amendments. This report includes a recommendation that authorises the Chief Executive Officer to continue to make these amendment requests for this heritage area in the meantime.

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**Officer Recommendation**

- (1) Request the Minister for Planning prepare and approve Amendment C198dare to apply an interim heritage overlay to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987* (**Appendices A-C**)
- (2) Authorise the Chief Executive Officer to request the Minister for Planning to prepare and approve an amendment to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim heritage overlay in response to any further demolition applications for significant and contributory dwellings within the proposed Thornbury Park Estate Heritage Precinct.

**Committee Decision**

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

- (1) Request the Minister for Planning prepare and approve Amendment C198dare to apply an interim heritage overlay to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987* (**Appendices A-C**)
- (2) Authorise the Chief Executive Officer to request the Minister for Planning to prepare and approve an amendment to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987*, to apply an interim heritage overlay in response to any further demolition applications for significant and contributory dwellings within the proposed Thornbury Park Estate Heritage Precinct

**CARRIED UNANIMOUSLY**



## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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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).

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| <b>Officer Recommendation</b> |
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**That** the General Planning Information attached as **Appendix A** be noted.

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| <b>Committee Decision</b> |
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. T McCarthy

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

**CARRIED UNANIMOUSLY**

**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

**NIL**

**8. CLOSE OF MEETING**


The meeting closed at 7.09 pm

**CITY OF  
DAREBIN**

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