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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 February 2024

Released to the public on 15 February 2024



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

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

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

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

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



English

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

Arabic

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

Chinese

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

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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**MINUTES OF THE PLANNING COMMITTEE MEETING
DAREBIN CITY COUNCIL
HELD VIRTUALLY, MONDAY 12 FEBRUARY 2024**

THE MEETING OPENED AT 4.31PM

WELCOME

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

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

1. PRESENT

Councillors

Cr. Susanne Newton (Mayor) (Chairperson)
Cr. Tim Laurence (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Trent McCarthy
Cr. Lina Messina (arrived 4.37pm)
Cr. Susan Rennie
Cr. Julie Williams (arrived 4.44pm)

Council Officers

Vanessa Petrie - General Manager City Sustainability and Strategy
Neil Cooney – Acting Manager City Development
Chad Griffiths – Manager City Futures
Alex McKenna-Cocks – Acting Coordinator Statutory Planning
Jack Allworth – Acting Principal Planner

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 13 November 2023 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 PLANNING PERMIT APPLICATION D/420/2022 46 WALKER STREET, NORTHCOTE

Author: Statutory Planner

Reviewed By: Manager City Futures

Submissions

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

1. Tom Attard
2. Paul Bath
3. Thomas Jones

Applicant	Owner	Consultant
Justin Mallia Architecture T B Attard	Thomas Bernard Attard Clementine Anne Isaacson	Justin Mallia Architecture

SUMMARY

Property:	46 Walker Street, Northcote
Proposal:	This application seeks planning approval for alterations and additions to an existing dwelling and the construction of a detached habitable outbuilding in an Environmental Significance Overlay and Land Subject to Inundation Overlay.
Car Parking:	The existing car parking provision on site is being retained. This complies with the requirements of the Darebin Planning Scheme.
Zoning:	General Residential Zone – Schedule 2 (GRZ2)
Overlay/s:	Environmental Significance Overlay – Schedule 1 (ESO1) Land Subject to Inundation Overlay (LSIO) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Is a Developer Contribution required?	No as the application relates to alterations and additions to a single dwelling.
Council Flooding 100YR:	Yes, a small section of the subject site is identified as potentially impacted by flooding, localised within the south-west corner of the block. The application was referred to Council’s Integrated Water Management Unit who raised no objection to the proposal.
Consultation:	<ul style="list-style-type: none"> • Public notice was provided twice via Section 52 and Section 57A respectively of the <i>Planning and Environment Act 1987</i> as

	<p>follows:</p> <ul style="list-style-type: none"> ○ Section 52 advertising included one (1) sign posted on site and letters sent to surrounding owners and occupiers; and ○ Section 57A advertising (following an amendment to the application) included letters sent to surrounding owners and occupiers.
<p>Objections:</p>	<ul style="list-style-type: none"> ● Seven (7) objections were received against this application. ● The key objection grounds raised include: <ul style="list-style-type: none"> ○ The development does not comply with Clause 54 (ResCode). ○ The development is out of character for the area. ○ The construction will have a negative environmental impact on the Merri Creek. ○ The additional bedroom is considered a second dwelling on the lot. ○ The terraced landscaping includes no details regarding retaining walls. ○ The additional bedroom is not wheelchair accessible. ○ The development will impact drainage, flood patterns and soil erosion. ○ The tree at 44 Walker Street will be impacted by the proposed works. ○ The fence and privacy screens are excessively high. ○ The extent of the basement is excessive and will adversely impact surrounding buildings. ○ The height of the elevated, habitable bedroom to the rear of the site is excessive and should be lowered as it obstructs shared views.
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> ● The proposal meets all relevant planning policy and proposes a modest extension (including a detached outbuilding) to the existing family dwelling on the lot. ● The modest extension to the existing dwelling complies with all requirements of the Environmental Significance Overlay – Schedule 1, specifically as there will be no impacts to significant vegetation within the creek corridor and no unreasonable impacts to the visual character of the creek environs. The overall bulk, height, setbacks and siting of the extension have been designed to limit visibility from the creek corridor, due to the design response and presence of the adjoining built-form to the south and east. ● The application has been referred to and is supported by both Melbourne Water and the Merri Creek Management Committee (MCMC), subject to conditions which are included as part of the officer recommendation for approval. ● Many of the concerns raised by objectors relate directly to the

	standards and objectives of Clause 54 (ResCode), which do not apply to this application as a permit is not triggered under the General Residential Zone. These matters are assessed at building permit stage. Nonetheless, the proposal is designed to be compliant with residential siting requirements under the Building Regulations / Clause 54.
Recommendation:	Notice of Decision to Grant a Planning Permit, subject to conditions.

Committee Decision

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

RECOMMENDATION PART A:

That Planning Permit Application D/420/2022 be supported and a Notice of Decision to Grant a Permit be issued for alterations and additions to an existing dwelling and the construction of a detached habitable outbuilding in an Environmental Significance Overlay and Land Subject to Inundation Overlay, 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 Project 46 Walker Street, Northcote, Drawing Number P401, P404 Revision P3, P402, P403 and P405 Revision P2, P406, 601 and P701 Revision P1, issued 2 June 2023 by Justin Mallia Architecture) but modified to show:
 - (a) Any modifications required as a result of the Landscape Plan required by Condition No. 3 of this Permit.
 - (b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
 - (c) Any modifications required as a result of Melbourne Water Conditions No. 15 to 21.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before plans are endorsed under Condition 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person, be drawn to scale with dimensions, and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be

specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.

- (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (d) A diversity of plant species and forms.
- (e) Two (2) medium sized canopy trees, native in species and endemic to Merri Creek (per the Environmental Significance Overlay – Schedule 1), in the private open space of the proposed development, with a minimum mature height of eight (8) metres. At the time of planting, these trees are to be from 50 litre sized pots and be at least two (2) metres in height.
- (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
- (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (h) Hard paved surfaces at all entry points.
- (i) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (l) 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.
- (o) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

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

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 – Nature Strip Tree	Nature strip	Two (2) metres
Tree 2 - Feijoa tree	Adjoining property (west)	Three (3) metres

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow for 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.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with one (1) litre of clean water for every one (1) centimetre of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of Tree 1 and Tree 2 must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that

vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

6. 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 seven (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).

7. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
8. The land must be drained to the satisfaction of the Responsible Authority.
9. 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.
10. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
11. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
12. 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; and
 - (d) drained;
- to the satisfaction of the Responsible Authority.
13. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
14. 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.
-

Melbourne Water Conditions (Conditions No. 15 – 21)

15. The finished floor level of the dwelling extension, habitable outbuilding and arbour walkway must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 21.85 metres to AHD.
16. The finished floor level of the garage must be set no lower than 21.85 metres to AHD, which is at the applicable flood level.
17. All basement entry and exits points, including stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 21.85 metres to AHD.
18. Any electrical installations must be set no lower than 22.45 metres to AHD which is 300mm above the applicable flood level of 21.85 metres to AHD. Any electrical installations within areas subject to flooding must meet the applicable standards of the relevant authority.
19. Fill is not permitted outside of the development footprint, with the exception of the minimum required for ramping to the garage.
20. The foundations and area under the habitable outbuilding must remain open underneath for the life of the structure and steps contain no vertical risers, for the passage of overland flows.
21. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the plans, 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 has considered the flood mapping information which became available on 12 May 2023.

RECOMMENDATION PART B:

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

CARRIED

For: Cr's Newton, Rennie, Greco, Laurence, Messina, McCarthy (6)

Against: Cr's Hannan, Williams (2)

Abstained: Cr's Dimitriadis (1)

**5.2 PLANNING PERMIT APPLICATION D/769/2022
154 HIGH STREET, NORTHCOTE**

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Submitters:

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

1. Marita Brasher
2. John La Marca
3. Yasmin Roper
4. Aiden Spence

Applicant	Owner	Consultant
Taylor's Development Strategists Pty Ltd	Mrs Rigs Pty Ltd	Mason Bright SBE Ratio: Ratio: Waste

SUMMARY

Property:	154 High Street, Northcote
Proposal:	<p>Construction of a six-storey mixed use building and a reduction in the required provision of car parking.</p> <p>The proposed uses comprise office, bar and spa. The bar and office uses do not require a Planning Permit under the Darebin Planning Scheme. The spa use does require a planning permit.</p>
Car parking:	<p>The development proposes a total of 13 on site car spaces within ground level car stackers accessible from Clarke Street.</p> <p>A total of 36 spaces are required under Clause 52.06 of the Darebin Planning Scheme and to the satisfaction of the Responsible Authority.</p> <p>The Darebin Planning Scheme does not specify a car parking requirement for a 'Spa' use. Car parking for such unspecified uses is to be provided to the satisfaction of the Responsible Authority. In this instance, Council's Transport Unit have advised a three space requirement for the Spa. This results in a total car parking requirement of 36 spaces for the proposal.</p> <p>Three of the 13 car parking spaces on site are allocated to the Spa use. As such, this proposal seeks a statutory car parking reduction of 23 spaces for the Office, Retail and Bar uses only.</p>

<p>Zoning and Overlay/s:</p>	<ul style="list-style-type: none"> • Commercial 1 Zone (C1Z) • Design and Development Overlay – Schedule 14 (DDO14) • Development Contribution Plan Overlay – Schedule 1 (DCPO1)
<p>Is a Developer Contribution required?</p>	<p>Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.</p> <p>A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.</p>
<p>Council 100YR Flooding:</p>	<p>No.</p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • Letters were sent to surrounding owners and occupiers. • Two (2) notices were displayed on the subject site, with one on the High Street frontage and another on the central portion of the Clarke Street frontage.
<p>Objections:</p>	<ul style="list-style-type: none"> • Sixteen (16) objections were received against this application. • The key objection grounds raised in objections include: <ul style="list-style-type: none"> ○ Height ○ Setbacks ○ Overlooking ○ Overshadowing ○ Acoustic Impacts ○ Traffic and Parking Impacts ○ Removal of views to and from Ruckers Hill landmarks ○ Consistency with Planning Policy
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The development provides for both short term and long-term economic prosperity to the Darebin community through initial construction cost of over \$7 million and on-going varied employment options for 63 persons. • The proposal promotes walking, cycling and leverages a site with excellent public transport access whilst also providing for car-share use, effectively minimising car dependency. • The development will activate the street and the area, which is described by Council policy as ‘rundown’ and under-utilised. • The proposal delivers policy on the site for uses and built form more effectively than the previous approval for a residential building on the site. • The proposal delivers on the purpose of the Commercial 1

	<p>Zone by providing retail and employment opportunities, together with a high quality architectural and ESD response.</p> <ul style="list-style-type: none"> • The proposal responds to the surrounding streetscape and topography of the site and is designed to minimise the impacts on the immediate and wider context, including views to Town Hall. • The development incorporates high-quality materials and proposes substantial areas of active frontage along the High Street and Clarke Street frontages. • The proposal achieves sustainable design outcomes and delivers a modern six-storey building with varied commercial floorspace that will meet modern day needs. • The proposed range of commercial and retail spaces, suited to various small businesses, will support the delivery of a diverse range of enterprises in an established activity centre, with associated access to employment opportunities and goods and services for nearby residents.
<p>Recommendation</p>	<p>Notice of Decision to Grant a Planning Permit, with conditions.</p>

Committee Decision

MINUTE NO. 24-012

MOVED: Cr. T Hannan
SECONDED: Cr. T McCarthy

RECOMMENDATION PART A:

That Planning Permit Application D/769/2022 be supported and a Notice of Decision to Grant a Permit be issued for the construction of a six-storey mixed use building; use of the land for leisure and recreation; and a reduction in the provision of car parking, 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 TP_01, TP_03, TP_04, TP_05, TP_06, TP_07, TP_08 and TP_10 of Revision C (dated 10.11.2023) of Project No. 21026 prepared by Mason Bright) but modified to show:
 - (a) A pedestrian canopy on the High Street frontage.
 - (b) Details of the proposed car stacker system (including manufacturer and model type) must be nominated on the plans to the satisfaction of the Responsible Authority. The system must achieve the requirement for 25% of spaces to be capable of accommodating a vehicle of at least 1.8m high and must allow for a car platform width of 2.6m for all spaces.
 - (c) The location of mechanical exhausts, air conditioning units and other external

mechanical features.

- (d) The floor area on Level 1 (TP_04) as being used for 'leisure and recreation' rather than 'retail'.
- (e) Annotation of the noise attenuation measures described in the Acoustic Report prepared by Enfield Acoustics and dated 3 October 2023.
- (f) Any modifications required as a result of the Landscape Plan prepared in accordance with Condition No. 3 of this permit.
- (g) Modifications in accordance with the Sustainability Management Plan (refer to Condition No. 4 of this Permit).
- (h) Modifications in accordance with the Waste Management Plan (refer to Condition No. 6 of this Permit).
- (i) Modifications in accordance with the Acoustic Report (refer to Condition No. 7 of this Permit).
- (j) Modifications in accordance with the Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan (refer to Condition No. 8 of this Permit).

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person, be drawn to scale with dimensions, and must incorporate:
 - (a) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 4 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan required by Condition No. 8 of this Permit.
 - (c) At least one advanced replacement street tree along Clarke Street. The tree is to be provided with a two (2) metre minimum Height and in a 40-litre container. Tree species to be *Geijera parviflora* (Wilga).
 - (d) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (e) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, container size and quantities of all plants.
 - (f) A diversity of plant species and forms, including native species.
 - (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, and raised planter beds.
 - (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). Surfaces are to minimise reflectivity.

- (i) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, water tanks, storage, bike racks and the like).
- (j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (l) 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.
- (o) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

4. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the document identified as that prepared by Sustainable Built Environments Pty Ltd dated 14 June 2023 but modified to show:

- (a) The rainwater tank connected to flushing toilets and bin washing tap, with the tank's access details annotated.
- (b) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
- (c) All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
- (d) Annotate on plans water efficient irrigation, connection of irrigation system to

rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.

- (e) Annotate roof materials to be light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance <0.6).

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

5. Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will then form part of this Permit. The amended WMP must be generally in accordance with the document identified as the WMP submitted with the application prepared by Ratio:Waste and dated 1 March 2023, but modified to show:
 - a) The changes to the development as a result of Condition No. 1 of this permit.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. If collection occurs offsite, bins will be removed from the street promptly after collection. The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans. The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour to the satisfaction of the Responsible Authority.

7. Before plans are endorsed under Condition No. 1 of this Permit, an amended Acoustic Report (AR) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended AR will be endorsed and will then form part of this Permit. The amended AR must be generally in accordance with the document identified as Acoustic Report prepared by Enfield Acoustics and dated 3 October 2023 but modified to show:
 - (a) The changes to the development as a result of Condition No. 1 of this Permit.

- (a) The changes to the development as a result of Condition No. 1 of this Permit.

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

8. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMSR and WSUD Plan 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.

9. The operation of the fifth floor (bar area) restricted as follows:
- (a) The outdoor terrace associated with the bar to be closed for public access at 10:00pm.
 - (b) The indoor areas are to cease operations by 1am.
 - (c) No more than 150 patrons are to be within the indoor and outdoor areas on the fifth floor at any one time.
 - (d) No live music is to be played on the premises.
 - (e) No loudspeakers are to be operated on the outdoor terrace areas.
10. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority
11. Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian and vehicular entry to the building, the basement 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.
12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. 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
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otherwise hidden from view to the satisfaction of the Responsible Authority.

15. 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.
16. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all weather sealcoat; and
 - (d) Drained to the satisfaction of the Responsible Authority.

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

18. Before the development is occupied, the vehicular crossing must be constructed to align with the approved driveway to the satisfaction of the Responsible Authority. Any redundant crossing or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
19. The development and leisure and recreation use 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.

20. Prior to the commencement of works, the applicant is to pay the establishment fee for a car share pod, in accordance with Council's Car Share Policy, which is to be installed by a car share operator within the vicinity of the subject site to the satisfaction of the Responsible Authority.
21. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.

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

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

NOTATIONS

- N1** Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2** This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3** Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development or use they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4** This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5** Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6** Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.
- N7** The sale of liquor may require permission from the Victorian Commission for Gambling and Liquor Regulation and Council.
- N8** The use of the land may require approval by, and/or registration with, Council's Health Protection Unit under the provisions of the Food Act 1984, Public Health and Wellbeing Act 2008 and/or Tobacco Act 1987.
- N9** No building or works may be built over any easement on the land except with the written consent of the relevant authority.
- N10** Separate permits may be required for a Road Closure and/or Works in a Road Reserve from the Responsible Authority or Vic Roads.

RECOMMENDATION PART B:

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

CARRIED

For: Cr's Newton, Messina, McCarthy, Rennie, Hannan (5)

Against: Cr's Greco, Williams (2)

Abstained: Cr's Dimitriadis, Laurence (2)

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year 2023-2024, to date at Table 1; and
- A summary of decisions issued since last reported to Council (financial year 2023-2024) at Table 2.

Committee Decision

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

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 5.25pm.

**CITY OF
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 **Speak your language**
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