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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 September 2022

Released to the public on 16 September 2022



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, παρακαλείσθε 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 'ਯੋਜਨਾ ਸਮਿਤੀ ਕੋ 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 SEPTEMBER 2022**

THE MEETING OPENED AT 6.33 PM

WELCOME

The Deputy Mayor Councillor Trent McCarthy opened the meeting with the following statement:

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land and waters 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.

1. PRESENT

Councillors

Cr. Trent McCarthy (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Susanne Newton
Cr. Susan Rennie
Cr. Julie Williams

Council Officers

Vanessa Petrie – Acting General Manager City Sustainability & Strategy
Kathryn Pound – Manager City Development
Chad Griffiths – Manager City Futures
Hamish Jacobson – Senior Strategic Planner City Futures
Julie Smout - Coordinator Statutory Planning
Dan Burke – Senior Town Planner
Rachna Gupta Singh – Acting Coordinator Council Business
Rebecca Papoulias - Council Business Officer
Nalaka Medagoda – IT Support Officer

2. APOLOGIES

An apology was received from Mayor Councillor Lina Messina.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Councillor Tom Hannan declared a general conflict of interest in the item 5.2 – Application for Planning Permit D-850-2021 84-96 Bastings Street, Northcote on the basis that he lived quite close to the subject area.

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 8 August 2022 be confirmed as a correct record of business transacted.

Committee Decision

MOVED: Cr. J Williams

SECONDED: Cr. S Rennie

That the Minutes of the Planning Committee Meeting held on 8 August 2022 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/617/2021 4-6 Cool Street Reservoir

SUMMARY

- The development is comprised of eight (8) double-storey townhouses on three (3) consolidated lots. Six (6) of the townhouses have three (3) bedrooms, two (2) townhouses have two (2) bedrooms. Fifteen (15) car parking spaces are provided; two car parking spaces for each three-bedroom dwelling, one car parking space for each of the two bedroom dwellings and one visitor car parking space
- The site is zoned General Residential Zone 2 (GRZ2) and is affected by the Development Contribution Plan Overlay
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35%
- Eleven (11) objections were received against this application with key issues raised being Car Parking, Neighbourhood Character, Over-development and density
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme and the policies regarding neighbourhood character and design
- It is recommended that the application be supported, subject to conditions

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers
- Revised floor plans and shadow diagrams that showed that the overshadowing standard of Clause 55 could be met based on reducing the height and increasing the setback of some of the units were submitted to Council informally on 11 August 2022 (**refer attachments D & E**). These were distributed to objectors and are discussed in the assessment below
- This application was referred internally to Assets and Capital Delivery Unit, City Designer, Climate Emergency and Sustainable Transport Unit, ESD Officer and Tree Management Unit
- This application was not required to be referred to external authorities

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/617/2021 4-6 Cool Street Reservoir:

- **Adriane Kellock (Applicant)**
- **Loutini Douveas (LoU) (Objector)**

Recommendation

That Planning Permit Application D/617/2021 be supported and a Notice of Decision to Grant a Permit be issued at 4-6 Cool Street, Reservoir for the development of the land for eight dwellings, 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 Sheets TP-01 to TP-04, SD-01 to SD-03, SP-01 & SP-02 (Revised and submitted to Council 15 December 2021) as prepared by Planning & Design) but modified to show:
 - (a) The specific location within the visitor parking bay and detailed dimensions of a sign reading "Visitor Parking Only".
 - (b) A minimum 1.5kW solar PCV system to each dwelling.
 - (c) Natural light to garages by way of skylights, windows or glazing to external vehicle and/ or pedestrian doors.
 - (d) A revised material schedule to include recycled red brick to all ground floor areas, cement sheeting and durable metal cladding to upper storeys and removal of all alucobond cladding.
 - (e) External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at Ground Floor) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
 - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are used a dimensioned section diagram or photograph must be provided. Shading must not extend to within 1 metre of a property boundary.
 - (g) All habitable room windows to be operable. Window operation must not increase overlooking of adjoining secluded private open space and/or habitable room windows. Casement, sliding and sash windows must be used for habitable room windows.
 - (h) Bicycle parking to each dwelling.
 - (i) Bicycle parking located proximate to the visitor car parking space.
 - (j) Alterations to the development, generally in accordance with the changes indicated in the discussion plans submitted to Council on 11 August 2022, so that there would be no additional shadow caused to the rear yards of the units to the east between 9 am and 3 pm on 22 September. This must be achieved without any further reduction in setbacks to boundaries.
 - (k) Modifications to the internal boundaries between Dwellings 6 and 7 to ensure each dwelling has a minimum of 40 square metres of private open space (landscaping strips in front of these dwellings must not be counted in the POS provision).
 - (l) The height of fences separating each dwelling's secluded private open space to be a minimum height of 1.8 metres as measured above finished surface levels.
 - (m) Details of the fences on the northern property boundary in accordance with Condition No. 9 of this Permit.

- (n) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossovers to Cool Street. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- (o) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (p) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;
 - (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (q) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (r) Any modifications required as a result of the approved Landscape Plan required by Condition 3 of this Permit.
- (s) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions 4 and 5 of this Permit.
- (t) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit.
- (u) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (v) 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. 8 of this Permit.
- (w) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 9 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 and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate

-
- (a) Trees to the southern boundary (adjacent to the solar panels on the adjoining garage to the south) must not have a height of more than 3.5 metres at maturity.
 - (b) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (c) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 6 of this Permit)
 - (d) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit)
 - (e) 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.
 - (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (g) A diversity of plant species and forms and landscape design that, as appropriate, includes:
 - i. A wide variety of species with a priority for indigenous and native species including native grasses.
 - ii. Use of natural mulches and features such as logs and rocks where suitable.
 - iii. Key structural Eucalypt and Acacia species as prime habitat for biodiversity.
 - iv. A multilayered approach to plantings with grasses, groundcovers, shrubs and trees where possible.
 - v. The provision of water for wildlife, such as bird baths and ponds.
 - vi. Use of grasscrete or similar permeable paving to driveways and open car parking spaces to reduce hard surfaces on the site.
 - vii. Utilise green walls or facades to soften an interface with the public realm
 - (h) At least two (9) medium sized canopy trees, (at least one in each secluded private open space) and at least two (1) large canopy trees in the front setback of the development. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: medium canopy (8 metres), large canopy (10 metres).
 - (i) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (j) 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.
 - (k) Hard paved surfaces at all entry points to dwellings.
 - (l) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and
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the like).

- (m) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (n) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (o) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (p) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (q) Scale, north point and appropriate legend.
- (r) 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 - <i>Lophostemon confertus</i> (Queensland Brush Box)	Naturestrip (6 Cool Street)	2.0 metres
Tree 2 - <i>Lophostemon confertus</i> (Queensland Brush Box)	Naturestrip (4 Cool Street)	2.0 metres
*as defined in the Arboricultural Assessment & Report by Treemap Arboriculture, dated November 2021)		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) All excavations for the construction of the proposed crossover must be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity

Trees.

- (b) All services must be routed outside 'Tree Protection Zones'. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
 - (c) 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.
 - (d) 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.
 - (e) 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 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.
 - (f) 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 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZs 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.
 - (g) 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.
 - (h) 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.
 - (i) Open space areas within the TPZ of Trees No. 6 and 7 must remain at or above existing grade and remain permeable.
 - (j) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (k) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (l) 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. Before plans are endorsed under Condition No.1 of this Permit, a Sustainable Design Assessment (SDA) generally in accordance with the SDA prepared by Simon Hodson
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dated December 2021 Rev B, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed and will then form part of this Permit. The SDA must be prepared by a suitably qualified professional and must:

- (a) Detail the sustainable design strategies to be incorporated into the development.
- (b) Outline proposed sustainable design initiatives within the development including energy efficiency, water conservation, stormwater quality, waste management and material selection.
- (c) Be accompanied by a report from an industry accepted performance measurement tool.

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

7. 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.

8. 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.

The requirements of the endorsed Site Management Plan must be implemented and

complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- (a) Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
 - (b) Explain how and where waste will be stored on the site.
 - (c) Detail the size and location of general, recyclable, [*FOGO and glass] waste bins.
 - (d) Include a plan that shows:
 - (i) The waste storage and collection area.
 - (ii) The length and width of the footpath/ nature strip directly abutting the site boundary.
 - (iii) The location of any available on-street carparking, loading zones and tram/bus stops.
 - (iv) The location of all street furniture, light poles, electricity poles, driveways, street trees, bus shelters or similar obstructions.
 - (v) The location of the bins within the road reserve, with a minimum gap of 300mm between bins and other obstructions.

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

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

*FOGO: Food Organics and Garden Organics

10. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the northern property boundary, where opposite adjoining secluded private open space areas. The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on the northern property boundary with a height less than 1.8 metres is structurally sound, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

11. 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).
12. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
 13. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 14. The land must be drained to the satisfaction of the Responsible Authority.
 15. 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.
 16. 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.
 17. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Cool Street.
 18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
 19. 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.
 20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 21. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
 22. 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:
 - (c) Before this Permit expires;
 - (d) Within six (6) months after the expiry date; or

Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 [insert development or use or both] 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. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N.7 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.

Motion

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

That the Officer Recommendation be adopted.

The motion was put to vote and lost.

LOST

For: Cr's. Hannan, McCarthy and Newton (3)

Against: Cr's. Dimitriadis, Greco, Laurence, Rennie and Williams (5)

Alternate Motion

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

That Council does not support Planning Application D/617/2021 on the following grounds:

1. The proposed car parking spaces would require too many movements to access and would be inconvenient to residents and would not create efficient access, contrary to the purpose of Clause 52.06 Car parking.
2. The proposed layout of the car parking would dominate the internal layout of the development and would not be separated from pedestrian access, contrary to the urban design and safety standards of Clause 52.06 Car parking.
3. The proposed modifications to the existing vehicle crossover to 6 Cool Street would reduce on-street parking capability by a factor of one (1) and have an adverse impact on the amenity of the area contrary to the requirements of Clause 52.06 Car parking.

The alternate motion was put and carried.

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

That Council does not support Planning Application D/617/2021 on the following grounds:

1. The proposed car parking spaces would require too many movements to access and would be inconvenient to residents and would not create efficient access, contrary to the purpose of Clause 52.06 Car parking.
2. The proposed layout of the car parking would dominate the internal layout of the development and would not be separated from pedestrian access, contrary to the urban design and safety standards of Clause 52.06 Car parking.
3. The proposed modifications to the existing vehicle crossover to 6 Cool Street would reduce on-street parking capability by a factor of one (1) and have an adverse impact on the amenity of the area contrary to the requirements of Clause 52.06 Car parking.

CARRIED UNANIMOUSLY

Declaration of Conflict of Interest

6.57 pm Councillor Hannan declared a general conflict of interest in the following item on the basis that he lives quite close to the subject area.

Councillor Hannan left the meeting at 6.57 pm.

**5.2 PLANNING PERMIT APPLICATION D-850-2021
84-96 Bastings Street, Northcote**

SUMMARY

- The development comprises the construction of forty-nine (49) townhouses (1x two-bedroom, 39x three bedroom and 9x four bedroom) above a car parking basement. The dwellings are to be constructed in a contemporary style. Forty-six dwellings would be three storeys in height and three dwellings would be double storey. The maximum building height is 9.7 metres. Dwellings predominantly feature open-plan kitchen/living/dining on the ground floor with bedrooms above apart from dwellings 30-33 which have a reverse living design.
- Fifty nine (59) car parking spaces are proposed. A car parking reduction of forty-eight (48) spaces is sought. Each dwelling would have at least one car parking space in a private garage at basement level, with three further spaces proposed comprising two visitor car parking spaces and one communal electric vehicle charging space.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2) and is affected by the (expired) Development Contribution Plan Overlay.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35%.
- There is no restrictive covenant on the title for the subject land.
- Seventy-three (73) objections were received against this application. This includes one (1) petition with twenty-six (26) signatories. The key issues raised being carparking, traffic, contaminated land, neighbourhood character, overlooking, overshadowing and overdevelopment. A consultation meeting was held.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- The applicant has lodged an appeal with VCAT pursuant to Section 79 of the Act against Council's failure to decide the application. A Compulsory Conference hearing has been scheduled for 30 September 2022 and a Full hearing for six days commencing 16 January 2023. To date, no objectors have joined as parties to the appeal.
- As such, Council must form a position to either support (with conditions) or oppose the issuing of a planning permit. It is recommended that the application be supported, subject to conditions.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- A consultation meeting between objecting parties, the applicant and Council's Statutory Planning Unit took place on 14 July 2022. No changes were made to the proposal as a result of this meeting.
- A subsequent meeting was held between the applicant and representatives of Westgarth Primary School resulting in several proposed conditions primarily regarding construction management and the southern interface with the school. These conditions have been included in the recommendation below.
- This application was referred internally to: City Designer, City Design Unit, Parks and Open Space, Climate Emergency and Sustainable Transport Units, City Works, Environment, Environmentally Sustainable Design, Capital Works and Drainage engineer.
- This application was not required to be referred to external authorities.

The following people addressed the meeting in relation to Item 5.2 Application for Planning Permit D-850-2021 84-96 Bastings Street, Northcote:

- ***Panos Miltiadou (Applicant)***
- ***Robert Atanasovski (Objector)***

Recommendation

That the Planning Committee:

- A. Determines to form a position to support Planning Permit Application D/850/2021 for construction of 49 dwellings and a reduction in associated car parking at 84-96 Bastings Street, Northcote at the upcoming Tribunal hearings, subject to the recommended conditions outlined below.
- B. Authorises Council's Statutory Planners to write to the Tribunal and all parties to advise them of this position.
- C. Authorises the Manager City Development to instruct Council's Statutory Planners and/ or Solicitors on the VCAT application for review.

Recommended 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 advertised plans (identified as the set of plans TP100-TP104, TP200 -TP212, TP300-TP310, prepared by KUD and dated 06.05.2021) but modified to show:
 - (b) Removal of the security gate to the pedestrian access and a notation stating 'no gate/fence to be installed'.
 - (c) A notation to southern boundary fence stating 'No gates or accessways of any kind between 84-96 Bastings Street and Westgarth Primary School'.

- (d) A minimum of two bicycle parking spaces per dwelling.
- (e) Internal storage capacities to each dwelling being a minimum of 6 cubic metres.
- (f) Specification of the roof colour, being a light colour, no darker than Colorbond Surfmist.
- (g) Section diagrams demonstrating compliance with Standard B22 at Clause 55.04-5 of the Darebin Planning Scheme (supported by a viewing arc) for:
 - I. Dwellings 1, 12, 25 & 38: all west-facing 1st floor windows.
 - II. Dwelling 11, 24, 37 & 49: all east-facing 1st floor windows.

Where overlooking is to be limited by hit and miss brick and vertical fins, the above section diagrams must be accompanied by detail specifications demonstrating that the extent of transparency through these materials is no more than 25% transparent.

- (h) A south facing screen with a height of 1.7 metres above the finished floor level of the second floor terrace of Townhouse 38.
- (i) The southern boundary fence replaced with a minimum 2.85m high (as measured from the school site), capped colorbond fence. The fence must be double skinned (colorbond sheeting on both sides of boundary). The fence should be no lower than the existing boundary fence.
- (j) A notation stating no buildings, structures or services permitted within, on or over the 3.66 metre easement along the western boundary of the site.
- (k) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (l) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;
 - (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (m) Any fencing visible from the street, other than fencing along common boundaries to an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (n) Any modifications required as a result of the Landscape Plan required by Condition 3 of this Permit.
- (o) Any modifications required as a result of the Sustainable Management Plan (SMP) required by Condition No. 7 of this Permit.
- (p) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme and in accordance with Condition No.9 of this

Permit.

- (q) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme and in accordance with Condition No.6 of this Permit.
- (r) Any modifications required as a result of the Waste Management Plan (WMP) required by Condition No. 10 of this Permit.
- (s) Any modifications required as a result of the car sharing pod required under Condition No. 12 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 and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 5 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No.7 of this Permit.
 - (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 9 of this Permit.
 - (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 minimum of one (1) medium sized canopy tree to each SPOS.
 - (f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (g) A diversity of plant species and forms.
 - (h) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (i) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (j) 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.
 - (k) Hard paved surfaces at all entry points to dwellings.

- (l) 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).
- (m) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (n) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (o) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (p) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (q) Scale, north point and appropriate legend.
- (r) 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, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must also be circulated to Westgarth Primary School at the time it is lodged with the responsible authority for review and comment. When approved by the Responsible Authority, the CMP will be endorsed and will then form part of this Permit. The CMP must take into account all relevant aspects of demolition and building work and address in detail the public safety, stormwater and sediment control and amenity issues relating to the construction site and surrounds. It must also consider broader obligations including recycling, disposal and environmental initiatives. The CMP must be prepared by a suitably qualified person and must address the following:
- (a) Safety and amenity provisions for the public.
 - (b) Demolition, excavation and construction controls to protect adjoining properties
 - (c) Stormwater and sediment controls.
 - (d) Techniques and intervention levels to prevent a dust nuisance. This should include, but not be limited to, a mesh screen to be constructed above the existing south boundary fence to catch dust.
 - (e) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
 - (f) The protection measures taken to preserve any vegetation identified for

retention.

- (g) Traffic management to direct pedestrians along Bastings St on days of high traffic volume, such as deliveries of materials or concrete.
- (h) Contact details of the site manager to be provided to Westgarth Primary School and all neighbours, once appointed prior to the commencement of the project and for the duration of the project.
- (i) Noise mitigation measures to be undertaken during construction, including timely and regular advice to Westgarth Primary School regarding the timing and duration of 'noisy' activities so that steps can be taken to minimise disruption during school hours, but also including limiting sound from radios or other amplification devices within the site during school hours.
- (j) Regular communications with Westgarth Primary School and neighbours to advise of upcoming works stages, expected duration and likely disruptions or changes to access, noise or other relevant and potential disturbances.
- (k) Disposal methods for construction and associated waste.

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

5. Prior to the endorsement of plans, including any related demolition or removal of vegetation, a Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Darebin City Council. This report must be made available to all relevant parties involved with the site as based upon the Arboricultural report submitted with the application, prepared by Michael Rogers and dated 13 December 2021.

The TPMP must include:

- (a) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
- (b) Protection measures to be utilised and at what stage of the development they will be implemented;
- (c) Appointment of a project arborist detailing their role and responsibilities;
- (d) Stages of development at which the project arborist will inspect tree protection measures and;
- (e) Monitoring and certification by the project arborist of implemented protection measures.
- (f) Findings from exploratory dig to Tree 1 as follows:

An exploratory dig, to a depth of 300mm below existing grade, using a non-destructive method such as manual, pneumatic or hydro excavation is undertaken. The excavation must be undertaken under supervision of the project arborist. The excavation should expose the area of encroachment within the TPZ of tree 1, the *Eucalyptus nicholii*, to ensure that no large roots, greater than 50mm in diameter are within this footprint.

- o If roots of this size are discovered, they must remain in situ and an engineering solution, such as suspending the slab of the proposed extension, implemented to avoid the severance of these roots.
- o Roots smaller than 50mm in diameter within this SRZ encroached area may be severed to facilitate the footings of the proposed design.
- o Any severance or engineering solution must be undertaken/ designed in co-ordination with a suitably qualified project arborist.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) Be legible, accurate and drawn to scale;
- b) Indicate the location of all tree protection measures to be utilised and;
- c) Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
- d) Include a key describing all tree protection measures to be utilised.

All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

6. Before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Management Plan (SMP) generally in accordance with the SMP prepared by SDC Consulting and dated April 2021 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of this Permit. The SMP must be prepared by a suitably qualified professional and must:

- a. Address the following 10 key Sustainable Building Categories:

- (i) Management
- (ii) Energy
- (iii) Water
- (iv) Stormwater
- (v) IEQ
- (vi) Transport
- (vii) Waste
- (viii) Urban Ecology
- (ix) Innovation
- (x) Materials

- b. Be accompanied by a report from an industry accepted performance measurement tool.

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

7. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Management Plan (SMP) endorsed under Condition 6 of this Permit, or similarly qualified person, is

submitted to the Responsible Authority, confirming that all measures specified in the SMP have been implemented in accordance with the endorsed SMP.

8. 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.

9. 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.

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

10. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants dated December 2021 and updated to address the amended design required through condition 1 of this permit. It must show:
- (a) All bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on

the endorsed plans.

- (b) How and where waste will be stored on the site.
- (c) Detail the size and location of general, recyclable, [*FOGO and glass] waste bins.
- (d) Include a plan that shows:
- (e) The waste storage and collection area.
- (f) The length and width of the footpath/ nature strip directly abutting the site boundary.
- (g) The location of any available on-street carparking, loading zones and tram/bus stops.
- (h) The location of all street furniture, light poles, electricity poles, driveways, street trees, bus shelters or similar obstructions.
- (i) Type and size of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and location of bins prior to collection.

As waste is to be collected by a private contractor, bins must not be stored off site before and after collection.

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

Waste storage and collection must not affect the amenity of the surrounding area.

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

*FOGO: Food Organics and Garden Organics

- 11. Before the dwellings are occupied, a car share pod must be constructed, road marked and signposted to the satisfaction of the Responsible Authority and at the expense of the permit holder adjacent to the bus stop on Bastings Street. The car share pod must not be used for any purpose other than the parking of car share vehicles and must be maintained to the satisfaction of the Responsible Authority.
- 12. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls (or at each group stage of dwelling construction), 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).
- 13. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
- 14. The land must be drained to the satisfaction of the Responsible Authority.
- 15. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the

- easement
16. 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.
 17. 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.
 18. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Bastings Street. If clotheslines are located on a balcony, the balcony balustrade must be solid or obscure material.
 19. Provision must be made on the land for letter boxes and newspapers to the satisfaction of the Responsible Authority.
 20. 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;
 - (e) line-marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways,
to the satisfaction of the Responsible Authority.
 21. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 22. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
 23. The conditions of the Statement of Environmental Audit prepared by Todd Mitchell, of Aecom Australia Pty Ltd dated 3 May 2018, and recommendations and findings of the *Environmental Management Plan 84-96 Bastings Street, Northcote* (AE1512011-R02) prepared by Alpha Environmental Pty Ltd (dated 19 April 2018) (in order to meet condition No 3 of the Statement of Environmental Audit, which has been reviewed by Todd Mitchell, an Environmental Auditor appointed under the Environment Protection Act 1970), must be complied with over the life of the development, effectively implemented during the construction phase of the development, and be maintained over the life of the development, to the satisfaction of the responsible authority.
 24. Prior to the occupation of the development or issue of a statement of compliance under the Subdivision Act 1988 (whichever of these occurs first), a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority must verify in writing that all conditions of the Statement of Environmental Audit prepared by Todd Mitchell, of Aecom Australia Pty Ltd dated 3 May 2018, and recommendations and findings of the *Environmental Management Plan 84-96 Bastings*
-

Street, Northcote (AE1512011-R02) prepared by Alpha Environmental Pty Ltd (dated 19 April 2018) have been complied with as relevant, to the satisfaction of the Responsible Authority.

25. Prior to the occupation of the development or issue of a statement of compliance under the Subdivision Act 1988 (whichever of these occurs first), the owner of the site must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- a) All management measures and requirements of the conditions of the Statement of Environmental Audit prepared by Todd Mitchell, of Aecom Australia Pty Ltd dated 3 May 2018, and recommendations and findings of the *Environmental Management Plan 84-96 Bastings Street, Northcote* (AE1512011-R02) prepared by Alpha Environmental Pty Ltd (dated 19 April 2018) and any amendments/ addendums to those documents, be complied with and maintained throughout the life of the development, unless with the written approval of the Responsible Authority.

Before the occupation of the development or issue of a statement of compliance under the Subdivision Act 1988 (whichever of these occurs first), an application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

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

26. Prior to the commencement of construction works on the site, a Construction Environmental Management Plan (CEMP) prepared by suitably qualified environmental consultant must be submitted to, approved by, and be to the general satisfaction of, the Responsible Authority, and must:

- a) address requirements detailed in the *Environmental Management Plan 84-96 Bastings Street, Northcote, Waratah Properties Pty Ltd* (AE1512011-R02) prepared by Alpha Environmental Pty Ltd (dated 19 April 2018)
- b) detail site specific roles and responsibilities for environmental management throughout construction
- c) be prepared in accordance to the *Civil Construction, Building and Demolition Guide*, Environmental Protection Agency publication 1834 (November 2020) and the latest applicable EPA environmental guidelines and best management practices
- d) specify site specific environmental mitigation and management measures considering the proposed construction methodology, plant and equipment employed
- e) be made available on site and easily retrievable upon request by Darebin City Council Officer(s) throughout the construction phase
- f) require the duty holder or the appointed construction contractor to notify Darebin City Council in writing not less than 14 days prior to commencement of works on site.

27. This Permit will expire if either:

- (a) The development does not 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.

Alternate Motion

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

That the planning committee:

1. Determines to form a position to not support Planning Application D/850/2021 at the upcoming Tribunal hearings on the following grounds:
 - a) The proposal does not comply with the car parking provision requirements of Clause 52.06-5 of the Darebin Planning Scheme and would have an adverse impact on the amenity of the area.
 - b) The proposed site coverage of 63% exceeds the Clause 55.03-3 standard and do not meet the objective to respect the neighbourhood character of the area.
 - c) The proposed street setback of 6.7 metres does not meet the Clause 55.03-1 standard and would not respect the neighbourhood character of the area.
 - d) Not all dwellings are provided with a total of 40 square metres of total Private Open Space which does not meet the Clause 55.05-4 standard would result in inadequate private open space being provided.
 - e) The proposal would not respect the existing neighbourhood character of the area with respect to the proposed materials and design and height of the front fencing.
2. Authorises Council's Statutory Planners to write to the Tribunal and all parties to advise them of this position.
3. Authorises the Manager City Development to instruct Council's Statutory Planners and/or Solicitors on the VCAT application for review.

The alternate motion was put and carried.

Committee Decision

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

That the planning committee:

1. Determines to form a position to not support Planning Application D/850/2021 at the upcoming Tribunal hearings on the following grounds:
 - a) The proposal does not comply with the car parking provision requirements of Clause 52.06-5 of the Darebin Planning Scheme and would have an adverse impact on the amenity of the area.
 - b) The proposed site coverage of 63% exceeds the Clause 55.03-3 standard and do not meet the objective to respect the neighbourhood character of the area.
 - c) The proposed street setback of 6.7 metres does not meet the Clause 55.03-1 standard and would not respect the neighbourhood character of the area.
 - d) Not all dwellings are provided with a total of 40 square metres of total Private Open Space which does not meet the Clause 55.05-4 standard would result in inadequate private open space being provided.
 - e) The proposal would not respect the existing neighbourhood character of the area with respect to the proposed materials and design and height of the front fencing.
2. Authorises Council's Statutory Planners to write to the Tribunal and all parties to advise them of this position.
3. Authorises the Manager City Development to instruct Council's Statutory Planners and/or Solicitors on the VCAT application for review.

CARRIED

For: Cr's. Dimitriadis, Greco, Hannan, Laurence, McCarthy, Rennie and Williams (7)

Against: Cr. Newton (1)

7.28pm Councillor Hannan returned to the meeting

5.3

AMENDMENT C186DARE - OPEN SPACE LEVY

EXECUTIVE SUMMARY

Council has a strong commitment to providing high-quality, accessible open space and protecting and enhancing biodiversity. This commitment is reflected in *Council Plan 2021-2025* which includes an action to update the open space levy. Significant progress has been made towards this action through Council endorsing *Breathing Space: The Darebin Open Space Strategy* and the commencement of planning scheme Amendment C186dare.

Amendment C186dare implements the recommendations of *Breathing Space* and the *Open Space Contributions Review Report*. It proposes to amend the schedule to Clause 53.01 to require all subdivisions to pay a 10 per cent open space levy rate. This would generate additional revenue to fund an expansion in the quantity and quality of open space and recreational assets to cater to the needs of the growing Darebin population.

Amendment C186dare was first publicly exhibited in December 2019 and Council resolved to refer submissions to an independent Planning Panel. In response to the recommendations of a different Panel for a similar amendment by the Monash City Council, Darebin City Council resolved to undertake further work before proceeding with the Panel Hearing. This work consisted of three draft reports – ‘*Implementing Breathing Space*’ and ‘*Enhancing Open Space*’ and the ‘*Open Space Contribution Report*’ (Mesh Planning, 2021).

Darebin City Council placed Amendment C186dare on a second round of public exhibition between 30 September to 31 October 2021, along with the new reports. A total of 25 submissions were received through the re-exhibition process, including one late submission. Of these, two supported the amendment, one was neutral and 22 objected to the amendment. A summary and response to these submissions is provided in **Appendix A**.

Should Council wish to continue with Amendment C186, the next step is for Council to consider these additional submissions and refer all submissions to the independent Planning Panel. However, the recent experiences of other councils at Planning Panels have significantly undermined the likelihood of success of Darebin Amendment C186dare (notably the Yarra City Council which proposed a similar 10.1% open space levy). This has highlighted the risks for C186dare.

There is no state-wide framework that guides the method to determine an open space contribution/levy. This results in ambiguity in the approval system and variations between councils in the way they justify and calculate a levy. Pursuing an ambitious 10 per cent open space levy results in more opposition from some submitters and more scrutiny of the methodology at Panel, making higher-rate open space levy amendments highly contested and unpredictable.

There remains a clear need for more and better open space to meet the needs of future populations, and that new development contributes in a fair and equitable manner to meet this need. This remains important for meeting community needs and also achieving Council’s financial sustainability objectives. Leadership is needed to modernise the statutory framework and Darebin’s strategy is an important contribution to push for change.

Based on these circumstances, this report recommends that Council not refer the submissions received to this second round of public exhibition to the Planning Panel and to not proceed with Amendment C186dare in its current form.

It instead recommends Council implements a revised, two-step strategy to progressively increase the open space levy rate and address the significant strategic risks that have arisen since 2019:

- Immediately commence a new amendment to remove content within the schedule to Clause 53.01 and enable Darebin to require a maximum open space levy contribution rate of 5% (up from the current sliding scale of 2% to 5%).
- Revise the existing strategic work to develop a longer term (20 years+) open space strategy and associated contribution/funding mechanism to support a new, future amendment which may involve further increasing the open space levy.

If Council wishes to continue with Amendment C186, notwithstanding the risks, it would need to request an extension to the amendment lapse date (currently 14 November 2022) and refer all submissions to a Planning Panel.

The following people addressed the meeting in relation to Item 5.3 Amendment C186 DARE – Open Space Levy

- **David Taylor**
- **Sam Kodski**

Officer Recommendation

That Council:

- (1) Note submissions received through the second round of public exhibition of Amendment C186dare
- (2) Resolve not to refer the additional submissions received to the Panel and to inform the Panel of this decision.
- (3) Further investigate the projected open space needs within Darebin for a longer period than previously modelled (through to at least 2041).
- (4) Notes the need to undertake further work on the implementation plan and costings methodology and to prepare an open space contribution rate based on this revised strategic work.
- (5) Refer consideration of funding for this further strategic work to the 23/24 financial year budget.
- (6) Immediately commences a new planning scheme amendment to remove content within the schedule to Clause 53.01.
- (7) Receives a report at a future Planning Committee meeting to formally request the Minister for Planning to authorise a new planning scheme amendment to remove the content within the schedule to Clause 53.01.
- (8) Write to all submitters and thank them for their submissions and advise of Council's proposed next steps.
- (9) Write to the Minister for Planning outlining the difficulties faced by Darebin and other councils in preparing an open space amendment, and the lack of any meaningful guidance from Panels or the State as to the methodology for establishing an open space levy and the impact of this on councils in regard to costs and infrastructure planning.

Committee Decision

MOVED: Cr. G Greco
SECONDED: Cr. T Hannan

That Council:

- (1) Note submissions received through the second round of public exhibition of Amendment C186dare
- (2) Resolve not to refer the additional submissions received to the Panel and to inform the Panel of this decision.
- (3) Further investigate the projected open space needs within Darebin for a longer period than previously modelled (through to at least 2041).
- (4) Notes the need to undertake further work on the implementation plan and costings methodology and to prepare an open space contribution rate based on this revised strategic work.
- (5) Refer consideration of funding for this further strategic work to the 23/24 financial year budget.
- (6) Immediately commences a new planning scheme amendment to remove content within the schedule to Clause 53.01.
- (7) Receives a report at a future Planning Committee meeting to formally request the Minister for Planning to authorise a new planning scheme amendment to remove the content within the schedule to Clause 53.01.
- (8) Write to all submitters and thank them for their submissions and advise of Council's proposed next steps.
- (9) Write to the Minister for Planning outlining the difficulties faced by Darebin and other councils in preparing an open space amendment, and the lack of any meaningful guidance from Panels or the State as to the methodology for establishing an open space levy and the impact of this on councils in regard to costs and infrastructure planning.

CARRIED

For: Cr's. Dimitriadis, Greco, Hannan, Laurence, McCarthy, Newton and Williams (7)

Against: Cr. Rennie (1)

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Officer Recommendation

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

Committee Decision

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

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.56 pm.

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