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MINUTES OF THE PLANNING COMMITTEE MEETING

Virtual Meeting held on Tuesday 13 June 2023

Released to the public on 15 June 2023



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

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

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

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

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



English

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

Arabic

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

Chinese

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

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

Table of Contents

Item Number	Page Number
1. PRESENT	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	2
5. CONSIDERATION OF REPORTS	3
5.1 CONSIDERATION OF PLANNING PERMIT APPLICATION D/530/2022.....	3
2 Abbott Street Alphington	3
5.2 CONSIDERATION OF PLANNING PERMIT APPLICATION D/514/2020.....	13
9-15 Kilmore Avenue, Reservoir.....	13
6. OTHER BUSINESS	24
6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE	24
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	25
NIL	25
8. CLOSE OF MEETING.....	25

MINUTES OF THE PLANNING COMMITTEE MEETING OF DAREBIN CITY COUNCIL HELD VIRTUALLY ON TUESDAY 13 JUNE 2023

THE MEETING OPENED AT 6.41PM

WELCOME

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

“I acknowledge the Wurundjeri Woi-wurrung people who are the Traditional Owners of the land on which Darebin City Council lies. I recognise their continuing connection to the land, water and culture. I pay my respects to Elders past, present and emerging. Some of us are also joining from Canberra today, and I would like to acknowledge the Ngunnawal people, the traditional custodians of the land here, and pay my respects to their Elders past, present and emerging.”

1. PRESENT

Councillors

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

Council Officers

Vanessa Petrie - General Manager City Sustainability and Strategy
Kathryn Pound – Manager City Development
Neil Cooney - Assistant Manager City Development
Matthew Cullen - Coordinator Statutory Planning
Johannes Wuebbels - Principal Planner
Beth Lamb - Senior Statutory Planner
Paul Moriarty – Senior Statutory Planner

2. APOLOGIES

Cr. Lina Messina

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 8 May 2023 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 CONSIDERATION OF PLANNING PERMIT APPLICATION D/530/2022, 2 ABBOTT STREET ALPHINGTON

Author: Principal Planner

Reviewed By: General Manager City Sustainability & Strategy

Submissions

The following people addressed the meeting in relation to Item 5.1 Consideration of Planning Permit Application D/530/2022, 2 Abbott Street Alphington:

1. *Esther Hughes*
2. *Helen Moore*
3. *Gwenda Prince*
4. *Harry Schaap*
5. *Gina Dirita*
6. *Kathy Friday*
7. *Robert Dawlings*
8. *Luke Hurley*

The following submitter did not attend the Committee Meeting:

9. *David Craven*

Applicant	Owner	Consultant
Ground Waste Solutions	No Limit Holdings Pty Ltd	MRA Consulting Group Renzo Tonin & Associates Melbourne Arborist Reports CDE Global Ltd SA Design Drafting

SUMMARY

Property:	2 Abbott Street, Alphington
Proposal:	The application is for the use of the site for the purposes of materials recycling (resource recovery of drilling muds and hydro excavated spoil from non-destructive excavation) and associated buildings and works.
Car parking:	Requirement is 10% of the site area. 10% of the site area is set aside for car parking, so no permit is required to reduce the car parking requirements.

<p>Zoning and Overlay/s:</p>	<ul style="list-style-type: none"> • Industrial 3 Zone (IN3Z) • Development Contribution Plan Overlay (DCPO)
<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>Consultation:</p>	<ul style="list-style-type: none"> • A public notice sign to the front of the site. • Letters sent to surrounding owners and occupiers. • Phone conversations with the applicant and objectors following the notification period and prior to the Planning Committee meeting.
<p>Objections:</p>	<ul style="list-style-type: none"> • 17 objections from 14 properties • Key issues: <ul style="list-style-type: none"> ○ Noise from operation impacting residences, wildlife and recreational use of parklands. ○ Incorrect background noise measurements ○ Vibration and air pollution from operation ○ Run-off and pollution affecting the Darebin Creek and existing vegetation ○ Light spill ○ Inappropriate hours of operation, scale of operation and location for the use in an Industrial 3 Zone ○ Traffic congestion ○ No trust in proponent ○ History of amenity issues arising from previous use of site and adjoining industrial properties
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The use is a reasonable outcome for a site in the Industrial 3 Zone. • The proposed buildings and works are low scale and a reasonable outcome for a site in the Industrial 3 Zone and in the context of the creek. • No objections received from any internal or external referral bodies. • Amenity impacts and potential impacts on the creek can be addressed via conditions of approval. • The proposed business would result in the creation of four (4) full time staff, benefiting the local economy. • The proposed operation would recover and reuse materials such as stones, sand and soil that would otherwise be diverted to landfill or treatment facilities in more remote locations

	(reducing CO ₂ emissions).
Recommendation:	Notice of Decision to Grant a Planning Permit

Due to administrative error, an Amended Officer’s Recommendation was tabled to make the following two changes to the Recommendation:

Part 1 - to amend condition (19) points a) and b) with updated numbering to refer to condition 18 (instead of condition 20) as follows:

19. Within three (3) months of the commencement of the use of the land a Post Use-Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The Post Use-Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:
 - (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No.20-18 have been implemented;
 - (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition 20 18 achieve:

Part 2 - to update the table at condition (24), as the table published in the Agenda was missing information due to a formatting error. The complete table is outlined below:

Tree Protection

24. 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 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	6.6 metres
Tree 2 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	5.6 metres
Tree 3 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	5.5 metres
Tree 4 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	2.6 metres
Tree 5 - Eucalyptus ?yarraensis (Yarra Gum)	Adjoining property to the north	8.4 metres
Tree 5 - Eucalyptus ?yarraensis (Yarra Gum)	Adjoining property to the north	8.4 metres
<i>As defined in the Arboricultural Report prepared by Melbourne Arborist Reports and dated 09.11.2022.</i>		

**Amended Officer
Recommendation**

That a Notice of Decision to grant Permit No. D/530/2022 be issued for use of the land as a materials recycling facility (resource recovery of drilling muds and hydro excavated spoil from non-destructive excavation) and associated buildings and works at 2 Abbott Street, Alphington, subject to the following conditions:

1. Before the development and use start, 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 SP1276 G:MAX Site Layout Rev A Sheet 1 of 3, prepared by CDE Global Limited and dated 21.07.2022) but modified to show:
 - (a) Northern, eastern, western and southern elevations including heights of all proposed structures on site.
 - (b) Existing vegetation including any trees on and adjacent to the site.
 - (c) The car spaces, entry gate and crossover dimensions, as shown on the plan identified as '*Site plan Sheet 1 Job number 22099, dated 16.12.2022, and prepared by SA Design Drafting*'.
 - (d) Details of the DDA car parking space showing compliance with the requirements of Australian Standard AS2890.6.
 - (e) Wheel stoppers provided to the car parking spaces.
 - (f) Containment kerbing along the northern, eastern and southern property boundaries with the top of all kerbing at least 300mm above the highest ground survey level as measured on the subject site.
 - (g) A transition area and rumble grid at the entrance/exit to the site draining into the concrete pit.
 - (h) Details of the proposed surface treatments to all existing permeable surfaces on the subject site. Existing permeable surfaces are to be modified to ensure no run off from the site, with no permeable surfaces to be within the subject site.
 - (i) Details showing all excess waste water and stormwater to be directed to the sewer/sewerage system, as per the requirements of Condition No. 12.
 - (j) The provision of a Site Environmental Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 13 of this Permit.
 - (k) Any modifications required as a result of the amended Environmental Management Plan required by Condition No. 20 of this Permit.
 - (l) A 2.4 metre high acoustic barrier along the eastern boundary of the subject site in accordance with the requirements of the acoustic report prepared by Renzo Tonin & Associates dated 01.09.2022 required by Condition No. 18 of this Permit. The fence must not impact existing trees.
 - (m) The northern and eastern setbacks of the concrete pond, the placement of the rainwater tanks and annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 24 and 25 of this Permit.
 - (n) The location of external lighting that has been designed, baffled and located so

as to prevent any adverse effect on adjoining and nearby land including residential properties and the Darebin Creek.

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

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

- (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. 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.
5. During the construction phase of the development:
 - (a) All waste water and excess stormwater from the site must be directed to the sewerage network.
 - (b) Only clean rainwater may be discharged to the stormwater drainage system;
 - (c) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
 - (d) Vehicle borne materials must not accumulate on the roads abutting the site;
 - (e) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (f) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
 - (g) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.

Use

6. The use including all deliveries may operate only between the hours of:
 - (a) 7am to 6pm Monday to Friday
 - (b) 7am to 1pm Saturdays.
7. No more than 15 trucks per day may deliver material to the site.
8. No more than 15,000 tonnes of material per calendar year may be processed.
9. The land must not be used for any purpose which requires any of the following:
 - (a) Notification under the Occupational Health and Safety Regulations 2017.
 - (b) A licence under the Dangerous Goods Act 1985.
10. The land must not be used for any purpose where the fire protection quantity under the

Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

11. Only non-hazardous material may be processed on site.

Amenity

12. No stormwater, effluent, mud, dirt, spoil or the like must be discharged into Council's stormwater drainage system. Waste water and excess stormwater from the site (where not collected for reuse) must be directed to the sewer/sewerage system to EPA and Yarra Valley Water requirements and comply with applicable environmental reference standards and/or values prior to being discharged off site.
13. Before plans are endorsed under Condition No. 1 of this Permit, a Site Environmental Management Plan (SEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SEMP will be endorsed and will then form part of this Permit. The SEMP 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 SEMP must be implemented and complied with to the satisfaction of the Responsible Authority.

14. All vehicles must be washed down to remove excess sediment prior to exiting the site.
15. Wash water and sediment collected in the rumble grid must be discharged to the concrete pit on the subject site for re-use in the operation or directly discharged to the sewer in accordance with the requirements of any relevant EPA and Yarra Valley Water approvals.
16. Any spillage of dirt, mud, litter or waste onto Abbott Street or other public roads in the vicinity of the site must be cleaned up without delay to the satisfaction of the Responsible Authority.
17. The materials recycling facility 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
 - (d) and/or in any other way,to the satisfaction of the Responsible Authority.
18. The Acoustic Report to be endorsed and which will then form part of this Permit is the Acoustic Report submitted with the application prepared by Renzo Tonin & Associates dated 01.09.2022.

The requirements and noise mitigation measures as set out in the approved Acoustic Report must be implemented to the satisfaction of the Responsible Authority.
19. Within three (3) months of the commencement of the use of the land a Post Use-Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The

Post Use-Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:

- (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. **18** have been implemented;
- (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition **18** achieve:
 - i. Compliance with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Part 5.3) and the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826) (Noise Protocol).
 - ii. Confirm that the noise influence of the use on the land has been tested in accordance with the publication on Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade premises and Entertainment Venues Publication 1826.2 May 2021.

The assessment must include acoustic testing undertaken by a suitably qualified acoustic engineer.

- (c) If the testing reveals that the use does not meet maximum noise levels prescribed the relevant EPA noise controls, include recommendations for modifications of the buildings and works to bring the use into compliance with those levels and prescribe timeframes for those modifications.

The requirements of the endorsed Post Use-Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Any recommended modifications must be carried out within the timeframes specified in the endorsed Post Use-Commencement Acoustic Report.

Within three (3) months of the completion of the recommended modifications, further acoustic testing must be carried out by a suitably qualified acoustic engineer to confirm whether the use complies with maximum noise levels prescribed by relevant EPA noise controls and a written report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All acoustic testing must be carried out during a peak operation of the approved use on the land.

20. Before plans are endorsed under Condition No. 1 of this Permit, an amended Environmental Management Plan (EMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended EMP will be endorsed and will then form part of this Permit. The amended EMP must be generally in accordance with the document identified as EMP, prepared by MRA Consulting Group and dated September 2022 but modified to show:
 - (a) Excess waste water and stormwater discharged to the sewer/sewerage system;
 - (b) Details of a management log to track the amount of material processed. The log must be kept up to date and be made available to Council upon request; and
 - (c) Details how waste collection from the facilities block will be managed or the facilities block permanently connected to the sewer.

The requirements and management measures as set out in the approved EMP must be implemented to the satisfaction of the Responsible Authority.

21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land including residential properties and the Darebin Creek to the satisfaction of the Responsible Authority. Lighting must only be used during the approved hours of operation under this Permit, unless where required for

specific out-of-hours attendance associated with security and/or maintenance.

Buildings and Works

- 22. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 23. The portable toilets must be serviced and maintained in according to manufacturer’s requirements and kept in good working order or replaced with permanent toilets that are connected to the sewer system to the satisfaction of Council.

Tree Protection

- 24. 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 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	6.6 metres
Tree 2 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	5.6 metres
Tree 3 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	5.5 metres
Tree 4 - Eucalyptus camaldulensis (River Red Gum)	Adjoining property to the east	2.6 metres
Tree 5 - Eucalyptus ?yarraensis (Yarra Gum)	Adjoining property to the north	8.4 metres
Tree 5 - Eucalyptus ?yarraensis (Yarra Gum)	Adjoining property to the north	8.4 metres
<i>As defined in the Arboricultural Report prepared by Melbourne Arborist Reports and dated 09.11.2022.</i>		

- 25. The following tree protection measures must be implemented for trees identified in the table to Condition 25 of this Permit:
 - (a) Soil excavation must be a minimum 4.0m from the north boundary and 1.5m from the east boundary.
 - (b) Water tanks shown inside the TPZs of trees 5 and 6 must be placed on the existing hardstand and no soil excavation is to be completed for the installation of the tanks inside the TPZs.
 - (c) Plant omitting continuous exhaust fumes must not be operated directly below a tree canopy.
 - (d) No contaminated water must runoff the site to the north or east.
 - (e) Any boundary fencing within the TPZs must be replaced immediately if it is damaged or removed.
 - (f) 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.

- (g) 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.
- (h) 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.

Car Parking

- 26. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 27. Before the use starts 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) drained;
 - (d) line-marked to indicate each car space and all access lanes; and
 - (e) clearly marked to show the direction of traffic along the access lanes and driveways,to the satisfaction of the Responsible Authority.
- 28. The car park area must be treated with an all-weather sealcoat or alternative treatment to the satisfaction of the Responsible Authority.
- 29. The loading and unloading of goods from vehicles must only be carried out on the site and must not disrupt the circulation and parking of vehicles on the land or on abutting streets.

Environmental Protection Agency (EPA) Victoria Notations

- N1 The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.
- N2 This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.

NOTATIONS

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

- N3 Before the use commences relevant permission and/or registration must be obtained from the Environmental Protection Agency Victoria. The use must comply with the conditions stipulated in the permission/registration throughout operation.
- N4 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.

- N5 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.
- N6 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.
- N7 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.
- N8 Please note the Development Contribution Plan levy will be invoiced separately.

Motion

MOVED: Cr. E Dimitriadis
SECONDED: Cr. S Rennie

That Council does not support Planning Application D/530/20232 on the following grounds:

- 1. The use and development would result in unacceptable adverse amenity impacts to the nearby creek and residential areas resulting from disturbance and emissions associated with traffic, light spill, noise and vibration, and dust, contrary to the direction of Clause 13 (Environmental Risks and Amenity), Clause 22.04-3 (Industrial and Commercial Activity) and Clause 33.03 (Industrial 3 Zone) of the Darebin Planning Scheme.

The motion was put and carried and became the Committee Decision as follows:

Committee Decision

MINUTE NO. 23-035

MOVED: Cr. E Dimitriadis
SECONDED: Cr. S Rennie

That Council does not support Planning Application D/530/20232 on the following grounds:

- 1. The use and development would result in unacceptable adverse amenity impacts to the nearby creek and residential areas resulting from disturbance and emissions associated with traffic, light spill, noise and vibration, and dust, contrary to the direction of Clause 13 (Environmental Risks and Amenity), Clause 22.04-3 (Industrial and Commercial Activity) and Clause 33.03 (Industrial 3 Zone) of the Darebin Planning Scheme.

CARRIED

For: Cr’s Newton, Laurence, Dimitriadis, Rennie, McCarthy, Greco and Williams (7)
Against: Cr. Hannan (1)

**5.2 CONSIDERATION OF PLANNING PERMIT APPLICATION
D/514/2020
9-15 Kilmore Avenue, Reservoir**

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability & Strategy

Submissions

The following people addressed the meeting in relation to Item 5.2 Consideration of Planning Permit Application D/514/2020, 9-15 Kilmore Avenue, Reservoir:

1. Sue Sukkar (Applicant)
2. Josh Peterson (Objector)
3. Anthony Mavirikis (Objector), spoke on behalf of Angela Johnson, John Taylor and himself.

Applicant	Owner	Consultant
C. Kairouz Architects	Bjorn Farrugia Kilmore Avenue Reservoir Pty Ltd	ArborReport Victoria Amber Organisation (Traffic) Infinity Landscape Architects EcoHarmony

SUMMARY

Property:	9-15 Kilmore Avenue, Reservoir. Four separate lots comprising: <ul style="list-style-type: none"> • 9 Kilmore Avenue; • 11 Kilmore Avenue; • 13 Kilmore Avenue; and • 15 Kilmore Avenue
Proposal:	The application is for the development of 14, double storey dwellings and a reduction in the resident car parking rate.
Car parking:	A permit is required to reduce the car parking requirement by 10 spaces for 10 of the three-bedroom dwellings. At a minimum, all dwellings are provided with one car parking space. Eight (8) covered residential bicycle parking spaces are provided and four (4) visitor bicycle parking spaces are provided.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • General Residential Zone – Schedule 2 (GRZ2) • Development Contribution Plan Overlay (DCPO)

<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>Consultation:</p>	<ul style="list-style-type: none"> • A public notice sign to the front of each property. • Letters sent to surrounding owners and occupiers.
<p>Objections:</p>	<ul style="list-style-type: none"> • Fifteen (15) objections in total were received against this application, including six (6) objections to the amended design. • The key objection grounds raised include: <ul style="list-style-type: none"> ○ Insufficient car parking; ○ Traffic congestion and traffic (pedestrian and vehicle) safety concerns; ○ Personal safety (crime) concerns; ○ Height and Neighbourhood character concerns; ○ Impact to views of natural landscape; ○ Insufficient storage onsite; ○ Waste management; ○ Construction impacts; ○ Amenity impacts; and ○ Overdevelopment and restriction of future development.
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • Consistent with Darebin’s Strategic Housing Framework policy; improves affordability and achieves the outcomes sought for Incremental Change Areas, with 14 dwellings proposed across four lots (approximately 3.5 dwellings per lot). • The design and layout of the development achieves an excellent response to Council’s Good Design Guide. • The proposal provides a diverse housing outcome, aligns with Council’s Neighbourhood Character policy and responds well to Clause 55 (ResCode) of the Darebin Planning Scheme. • Located close to public transport and within the Principal Public Transport Network Area (PPTNA) – a reduced car parking provision is a suitable and sustainable response to this context. • Achieves good sustainability outcomes; no gas connection, minimum 7 star average NaTHERS rating, double glazing, 3kW solar PV per dwelling and water sensitive urban design. • There would be no unreasonable off-site amenity impacts, subject to some conditions including to address overlooking.
<p>Recommendation:</p>	<p>Notice of Decision to Grant a Planning Permit</p>

Committee Decision**MINUTE NO. 23-036**

MOVED: Cr. S Rennie
SECONDED: Cr. S Newton

That Planning Permit Application D/514/2020 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of fourteen (14) dwellings and a reduction in the statutory car parking rate in accordance with the endorsed plans at 9-15 Kilmore Avenue, Reservoir, subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A07-A13, Prepared by C. Kairouz Architects, dated 13 February 2023) but modified to show:
 - (a) Finished Floor levels of each dwelling raised as follows:
 - (i) Existing Finished Floor levels (FFLs) at 76.80 raised to 77.01m AHD.
 - (ii) Existing FFLs at 76.56 raised to 76.68m AHD.
 - (iii) Existing FFL at 76.33 and 76.34 raised to 76.38m AHD.
 - (iv) The finished ground level of the carpark at 76.71m AHD.

The buildings on the site must remain compliant with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks), Standard 21 of Clause 55.04-5 (Overshadowing) and with Clause 55.04-6 (Overlooking) of the Darebin Planning Scheme.
 - (b) Each car parking space numbered and allocated to a dwelling in accordance with Condition No. 12 of this permit. The spaces must be allocated so that they are located as close as practicable to the respective dwelling.
 - (c) All redundant crossovers being reinstated with kerb and channel.
 - (d) Accessway gradients in accordance with Design Standard 3 of Clause 52.06-9.
 - (e) All proposed first floor habitable windows appropriately screened to prevent overlooking where there are opportunities for overlooking into existing neighbouring SPOS or habitable windows within 9 metres of the proposed window in accordance with Standard B22 at Clause 55.04-6 of the Darebin Planning Scheme. Screening must be provided to a height of 1.7m above finished floor level and where screens are proposed, a detailed section diagram must be provided to demonstrate views are limited in accordance with Standard B22.
 - (f) The north-west facing habitable windows of Dwellings 1-7 screened to prevent downward views into adjoining proposed secluded private open space. Screening must be designed to provide outlook to the dwellings where possible. A section drawing must be provided for any proposed screening measures.
 - (g) The height of the fences separating each proposed dwelling's secluded private open space to be noted on the plans at a height of 1.8 metres (not to be annotated as "minimum") and the level of the alfresco areas above natural ground level to be specified.
 - (h) A minimum of 25 square metres of Secluded Private Open space, with a minimum dimension of 3 metres, provided for Dwelling 6.

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- (i) A minimum dimension of 1.6 metres provided for Dwelling 1's balcony and noted on the plans.
 - (j) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (k) 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 crossover to Kilmore Avenue. 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.
 - (l) 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:
 - (v) co-located where possible;
 - (vi) located or screened to be minimally visible from the public realm;
 - (vii) air conditioners located as far as practicable from neighbouring existing habitable windows or acoustically screened; and
 - (viii) integrated into the design of the building.
 - (m) 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.
 - (n) 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.
 - (o) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 4 of this Permit.
 - (q) Any modifications required as a result of the approved Sustainable Management Plan required by Condition No. 5 of this Permit, including:
 - (i) An ESD table on the plans for items that cannot be drawn e.g. NatHERS 7 Star, induction cook top, heat pump cooling/heating ratings, no gas connection etc.
 - (ii) Details of the permeable paving with a cross sectional drawing as per Darebin preferred design.
 - (iii) Annotate that Dwelling 3 and 6 will have a minimum 15A dedicated circuit from switchboard to garage for future electric vehicle car charging.
 - (iv) Annotate 3kW solar PV system for each dwelling consistent with the BESS report.
 - (r) 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.
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- (s) 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.
- (t) 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 generally in accordance with the Landscape Plan prepared by Infinity Landscape Architects Dated 13 February 2023 but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 4 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 5 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. 7 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 planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (f) A diversity of plant species and forms.
 - (g) 10 small and 12 medium sized canopy trees in the private open space of the proposed development.
 - (h) 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 and before the commencement of any works including demolition and site preparation works, a Tree Protection Management Plan (TPMP) including reports and plan/s to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This report must be made available to all relevant parties involved with the site. When approved, the TPMP will be endorsed and will then form part of this Permit

The TPMP must be prepared by a suitably qualified and experienced arborist and 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.

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.

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

- 5) The Sustainability Management Plan (SMP) to be endorsed and which will then form part of this Permit is the SMP submitted with the application (identified as Sustainability Management Plan, prepared by EcoHarmony, Dated 13 February 2023, Rev E).

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

- 6) 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 No. 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.
- 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) Include measures to minimise waste material sent to landfill including details of how recycling of and treatment of organic/food waste will be maximised;
- (c) Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
- (d) Include calculations showing the amount of general, recycle, glass and organic waste (including food waste) expected to be generated;
- (e) Detail the size of bins, frequency of collection and hours of collection;
- (f) Include a dimensioned plan showing:
 - (i) the location of the bin storage area on the site.
 - (ii) details of screening of the bin storage area from public view.
 - (iii) suitably dimensioned bin storage area with convenient access.
 - (iv) the storage area is capable of accommodating and allowing convenient access to the waste bins.
 - (v) the location on the site where the bins will be placed for collection.
 - (vi) where the waste trucks will stop to service the waste bins and whether No Parking restrictions will be required for the waste trucks to access that space.
- (g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings.
- (h) Show how waste bins will be taken to the point of waste collection.

- (i) Confirm that the bins will be removed from the street promptly after collection.
- (j) If the waste is to be collected from a Basement Level or under any structure, specify the size of the collection vehicle and demonstrate:
 - (i) sufficient head-height clearance is available for access and collection; and
 - (ii) through swept path diagrams that the specified vehicle can enter and exit the site conveniently in a forward direction.

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

The collection of waste from the site must be by private collection, unless with the prior written consent 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.

- 10) The development must not be occupied until fences to a minimum height of 1.8 metres above natural ground level is erected along the northern, western and eastern property boundary (except where within 6 metres of the southern boundary). The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on northern, western or eastern boundaries 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) The car parking spaces shown on the endorsed plans must be allocated as follows and must not be used for any other purpose:

- (a) A minimum of one car parking space for each dwelling
- (b) The remaining two car parking spaces to each be allocated to two of the three-bedroom dwellings

- 13) Before the development is occupied starts, an automatic external lighting system capable of illuminating the entry to each unit, access to the carport and each 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 walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

- 15) The land must be drained to the satisfaction of the Responsible Authority.

- 16) 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) 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.
- 19) Provision must be made on the land for letter boxes and a slot for 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; and
 - (e) line-marked to indicate each car.
- 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) 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.
- 24) 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

(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 development, they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. 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.
- N7. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N8. Please note the Development Contribution Plan levy will be invoiced separately.

CARRIED

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

Against: Cr's Williams and Greco (2)

Abstained: Cr. Dimitriadis (1)

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 to date; and
- A summary of VCAT decisions since last report to Council.

Committee Decision

MINUTE NO. 23-037

MOVED: Cr. S Rennie

SECONDED: Cr. G Greco

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 7.48pm.

**CITY OF
DAREBIN**

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