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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 14 March 2023

Released to the public on 15 March 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 'ਯੋਜਨਾ ਸਮਿਤੀ 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 TUESDAY 14 MARCH 2023

THE MEETING OPENED AT 6.01PM

WELCOME

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

“I would like to start by acknowledging the Wurundjeri Woi-wurrung people, the Traditional Owners of this land and pay my respects to Elders past and present, and recognise their continuing connection to land, water and culture.”

1. PRESENT

Councillors

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

Council Officers

Rachel Ollivier – General Manager City Sustainability and Strategy
Kathryn Pound – Manager City Development
Neil Cooney – Assistant Manager City Development
Alex McKenna-Cocks - Priority Development Planner
Jody Brodribb - Coordinator Governance Services
Georgina Steele – Senior Governance Officer
Jeme Liang – IT Support Officer

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 McCarthy
SECONDED: Cr. G Greco

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

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT PA2201557 57-59 SHOWERS STREET PRESTON

Author: Principal Planner

Reviewed By: Office of Chief Executive

EXECUTIVE SUMMMARY

Property:	57 - 59 Showers Street, Preston
References:	Department of Transport and Planning (DTP) Reference: Planning Application PA2201557 Council Reference: PIR/274/2022.
Proposal:	The construction of an eight (8) storey social housing development comprising 32 apartments and a reduction in the statutory car parking requirement.
Application Type:	This is a planning permit application being considered by the Minister for Planning that has been informally referred to Council for comment (as the Minister for Planning is the Responsible Authority pursuant to Clause 72.01 of the Darebin Planning Scheme). It has been submitted on behalf of the Department of Health and Human Services (DHHS) for the purpose of 100 per cent social housing (32 dwellings).
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Mixed Use Zone – Schedule 1 (MUZ1) • Development Plan Overlay - Schedule 11 (DPO11) • Development Contributions Plan Overlay – Schedule 1 (DCPO1) • Environmental Audit Overlay (EAO) • Special Building Overlay (SBO)
Development Contribution	Pursuant to Schedule 1 to Clause 45.06, the application is exempt from the levy as the proposal is for the development of land for housing provided by or on behalf of the Department of Health and Human Services (DHHS), as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans dated 11 October 2016.
Consultation:	The application is exempt from consultation as per the approved Development Plan and the Minister for Planning did not undertake any public notice as part of their assessment process.
Submissions:	The application is exempt from advertising. No submissions have been received.

Community Outcomes:	The application provides for 100 percent (all 32 dwellings) of social housing.
Key aspects of recommendation:	Subject to conditions, the proposal will generally comply with the standards and objectives of Clause 58 of the Darebin Planning Scheme and the key objectives of the Development Plan Overlay – Schedule 11. Therefore, it is recommended that Council support the issuing of a planning permit, subject to conditions.

Recommendation

RECOMMENDATION PART A:

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that:

1. Council supports Planning Application PA2201557 subject to the conditions included in this recommendation.
2. As Council was not included in the early stages of the pre-application design and planning permit application process and was only referred the application post completion of the Further Information stage, the recommended conditions are fundamental to Council’s support of the application.
3. Council request to be kept informed of this matter and given the opportunity to participate in any further consultation and/ or independent advisory committee review of the application.
4. Council welcomes early involvement and a collaborative approach in such cases in the future.

Conditions for inclusion in any planning permit granted

1. Before the development starts, amended plans to the satisfaction of the Darebin City Council 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 plans identified as SP3-04, SP3-05, SP3-06, SP3-07, SP3-08, SP3-10, SP3-11, prepared by Hayball Architects, Project Number 2252, Revision C, dated 11 November 2022 but modified to show:
 - (a) The following alterations to align with proper planning, Clause 58 provisions and outcomes sought by the approved Development Plan:
 - I. The building envelope at the northeast corner of the site amended to be wholly within the title boundary of the site.

Transport Infrastructure
 - II. Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
 - III. The delivery of threshold treatments at the Oakover Road / Newman Street intersection.

Streetscape Activation
 - IV. A dedicated external entry to the bicycle storage area provided to the east ground floor façade.

- V. The layout and uses of the ground floor level revised to improve activation and surveillance of both public road frontages, with consideration given to the relocation of the fire booster and switch room to the west and incorporation of ground floor communal open space adjacent the pedestrian entry, with associated landscaping and variation of the podium above to allow light penetration.
- VI. The ground floor north, and east elevations subsequently revised to improve activation of the streetscape and interaction with ground floor uses.

Clause 58 provisions

- VII. The provision of Communal open space in accordance with the requirements of Standard D7, Clause 58.03-2 of the Darebin planning Scheme.
 - VIII. The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme.
- (b) 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.
 - (c) 20kW solar photovoltaic (PV) system, including the proposed location, approximate size and number of individual panels, orientation and tilt angle.
 - (d) The size and location of all ceiling fans.
 - (e) At least 50% of bicycle parks to be changed from wall mounted to ground mounted.
 - (f) Dedicated Electric Vehicle distribution board(s) in the basement that is capable of:
 - (i) Supplying a minimum Level 2 (Mode 3) 7 kW, 32 Amp single phase dedicated circuit to all residential car parking spaces; and
 - (ii) Managing the maximum demand load of the development so that it does not exceed the site capacity, while providing a minimum average of 12 kWh of charge to each car parking space (particularly during off peak periods).
 - (g) Dedicated space for cable trays to support the future installation of EV cabling from the distribution board to the edge of each car parking space.
 - (h) External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. All devices must be operable from within the dwelling. Include a product diagram or section of the proposed device (must not be roller shutters). Ensure all external shading meets the NCC requirements for Vol 1 - Part C1 Fire resistance and stability. In general metal blinds/ sliding screens/ louvres or blinds that are made from metal fabrics or a fabric that complies with the NCC requirements are acceptable.
 - (i) Horizontal, fixed, external shading devices to all north facing habitable room

windows and glazed doors where not located directly under an overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 45% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.

- (j) Removal of all proposed bin chutes or an alternative design approach that ensures equal ease of access to all streams of waste disposal.
- (k) Provide equal access and space for all waste streams in the ground floor bin area: Waste, recycling, food/garden (FOGO) and glass recycling plus hard waste and E-waste.
- (l) Ensure bins are easy and safe to access for all mobilities and near lifts.
- (m) All proposed bins are to be provided on the plans detailing correct sizes and dimensions.
- (n) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (o) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.
- (p) 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. 5 of this Permit.
- (q) A Site Management Plan (SMP) in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 6 of this Permit.
- (r) Any modifications required as a result of the approved Construction Management Plan required by Condition No. 12 of this Permit.
- (s) Any modifications required as a result of the approved Wind Impacts Assessment required by Condition No. 13 of this Permit.
- (t) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 14 of this Permit.
- (u) Any modifications required by the approved Acoustic Report required by Condition No.16 of this Permit.
- (v) An amended Arboricultural Report in accordance with the requirements of Condition No. 21 of this Permit.
- (w) Any modifications required by the approved Public Infrastructure Plan required by Condition No. 27 of this Permit.

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

Development in accordance with endorsed plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plan

- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Darebin City Council 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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended

SMP required by Condition No. 4 of this Permit.

- (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 5 of this Permit.
- (c) The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (d) A diversity of plant species and forms.
- (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
- (f) 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).
- (g) Landscape specification notes including general establishment and maintenance requirements.
- (h) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (i) Planter boxes, a tap and floor waste is to be provided to each balcony.
- (j) Street tree planting is to be provided along the Showers Street and Newman Street frontages to the satisfaction of Darebin City Council.

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.

Sustainability Management Plan

- 4. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) and set of plans to the satisfaction of Darebin City Council must be submitted to, and approved by, the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP and set of plans must be modified to show:
 - (a) Remove all references and commitment to natural gas in Section 6.3. Commit to electric heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, in lieu of gas.
 - (b) Remove all reference to NCC2016 and commit to using NCC2019 or 2022.
 - (c) Remove reference to meeting minimum 5 Star and average 6 Star NatHERS energy performance on page 17 of 50.
 - (d) Commit to 4 Star toilets and remove reference to 5 Star or show on the plans

how basin integrate into the toilets.

- (e) Remove reference to urinals as there are none proposed in the development.
- (f) Detail that 100% of carparking spaces will have Electric Vehicle (EV) cabling and infrastructure to support future EV chargers to be installed.
- (g) Provide an amended Green Star Assessment that uses an up to date version of Green Star, such as 'Buildings'. The assessment must demonstrate 35 points including net zero in operation to demonstrate a 5-star Buildings rating, as well as the following changes:
 - (i) Innovation credits cannot be used to achieve the minimum 35 credit points.
 - (ii) Commit to using an Independent Commissioning Agent (ICA).
 - (iii) Provide supporting evidence for all referenced reports, modelling and justifications.
 - (iv) A commitment to a minimum 20kW solar PV system.
- (h) An amended Stormwater Management Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) That the pollutant reduction targets have been met.
 - (ii) A catchment plan clearly showing all pervious and impervious areas and their treatment measures.
 - (iii) The rainwater tank reliability is over 80% of the demand.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a copy of the ICA report and Green Star Certification confirmation must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainability Management Plan (SMP) have been implemented in accordance with the approved plans.

Stormwater Management System Report

5. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of Darebin City Council 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.

Site Management Plan

- 6. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan (SMP) to the satisfaction of the Darebin City Council 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.

Land Surveyor Report

- 7. 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).

External Lighting System

- 8. Before the use starts, an automatic external lighting system capable of illuminating 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.

Drainage and services

9. The land must be drained to the satisfaction of Darebin City Council.
10. 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.
11. 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.

Construction Management Plan

12. Before the development starts a Construction Management Plan (CMP) must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will then form part of this Permit. The Construction Management Plan must address, without limitation, the following:
 - Contact details for key construction site staff including after-hours contact numbers.
 - Must be in accordance with the requirements of the CMP located within the approved Village Bell Development Plan specifically in relation to Stokes/Penola – Stage A.
 - Hours for the construction activity.
 - Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
 - Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
 - The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
 - On site facilities for vehicle washing.
 - Delivery and unloading points and expected frequency.
 - The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
 - Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
 - Management of laneway access during construction.
 - An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
 - The processes to be adopted for the separation, re-use and recycling of demolition materials.
 - The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water

or other means.

- The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- Any requirements of the Statement of Environmental Audit Report and/ or Preliminary Site Assessment, including the ongoing management measures as relevant to the construction phase of the development.
- Any other relevant matters.

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, a Wind Impacts Assessment must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Wind Impact Assessment must ensure that the proposal:

- Does not cause unsafe wind conditions as specified within Table D6 to Standard D17 in public land, publicly accessible areas on private land, private open space and communal open space; and
- Achieves comfortable wind conditions as specified within Table D6 to Standard D17 in public land and publicly accessible areas on private land:

Within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

The requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority and must seek the associated requirements as outlined within Standard D17 to Clause 58.04-4 of the Darebin Planning Scheme.

Waste Management Plan

14. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by Leigh Design dated 30 September 2021. The The amended Waste Management Plan must be modified to show:

- (a) Private bin collections must occur from within the site and cannot be collected from the Street.
- (b) The removal of the reference to bin chutes or incorporation of an alternative design approach that ensures equal ease of access to all streams of waste disposal.
- (c) Add glass recycling to the mix of waste streams supplied.
- (d) Ensure the ceiling height of the basement and entry is adequate for the trucks to collect waste.
- (e) Provide a WMP with a traffic diagram for the waste trucks.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

If collection occurs offsite, bins will be removed from the street or public road promptly after collection.

The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

The Waste Management Plan must be to the satisfaction of Darebin City Council and approved by the Responsible Authority.

15. 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.

Acoustic Report

16. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Acoustic Report must ensure that the design of the development sufficiently responds to all requirements of Standard D16 with particular attention provided to ensure each of the dwellings are designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. The Acoustic Report must ensure the development achieves full compliance in relation to the below noise levels:

- Experienced noise levels of no greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Experienced noise levels of no greater than 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. 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.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

Service relocation

20. Any service relocation associated with the works must be approved by the Service

Authorities and at the owner's cost.

Arboricultural Assessment and Report

21. The Arboricultural Assessment and Report to be endorsed and will then form part of this Permit is the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 24 May 2022. The submitted Arboricultural Report must be amended and re-submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority with the following amendments:
- (a) A detailed arboricultural assessment in relation to trees identified as Tree 28, Tree 31, Tree 32 and Tree 33.
 - (b) Relevant tree protection measures in relation to Tree 28 including the species and Tree Protection Zone (TPZ) as it is proposed to be retained.

Tree Protection Measures

22. The following tree protection measures must be implemented for Tree 28 as identified in the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 24 May 2022:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 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 TPZ must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (g) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (h) 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.

23. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
24. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Materials and Finishes

25. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Darebin City Council.

Façade Strategy

26. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
 - a) A concise description by the architect(s) of the building design concept and how the façades work to achieve this.
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
 - c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries, doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:
 - d) The finished floor levels and ceiling levels.
 - e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
 - f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
 - g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
 - h) Information about how the façade will be accessed, maintained and cleaned.
 - i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Public Infrastructure Plan

27. Before plans are endorsed under Condition No. 1 of this Permit, a Public

Infrastructure Plan to the satisfaction of Darebin City Council must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Darebin City Council:

- (a) Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
- (b) The delivery of threshold treatments at the Oakover Road / Newman Street intersection.

Planning Permit D/524/2021

28. Prior to the commencement of the development, the easement located at 57 Showers Street, Preston must be removed in accordance with the approval and associated requirements of Planning Permit D/524/2021.

Architect to be retained

29. Except with the consent of the Responsible Authority, Hayball Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

30. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

31. Before the occupation of the development all vehicular crossings 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

Environmental Audit Overlay requirements

32. Before the use commences (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*); or before the construction or carrying out of buildings and works in association with the use commences, with the exception of buildings or works required to facilitate the undertaking of the PRSA or Audit process:
 - (a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (d) A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

If an Environmental Audit Statement is issued:

- (a) The Environmental Audit Statement including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.
- (b) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement require ongoing maintenance and/or monitoring, before the use starts the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with.

Before use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*), 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.

Permit expiry

33. 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 the Responsible Authority. If additional amendments are made to the plans, they must be brought to the attention of the Responsible Authority as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the development allowed by this planning permit starts.
- N5. 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.
- N6. 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.
- N7. An application for a ‘Consent to Dig in the Road Reserve’ permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

*Councillor McCarthy moved the Motion below, with an additional **Point 5 to Recommendation Part A** and an additional **Recommendation C**.*

Motion

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

RECOMMENDATION PART A:

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that:

- 1. Council supports Planning Application PA2201557 subject to the conditions included in this recommendation.
- 2. As Council was not included in the early stages of the pre-application design and planning permit application process and was only referred the application post completion of the Further Information stage, the recommended conditions are fundamental to Council’s support of the application.
- 3. Council request to be kept informed of this matter and given the opportunity to

participate in any further consultation and/ or independent advisory committee review of the application.

4. Council welcomes early involvement and a collaborative approach in such cases in the future.
5. **Council is concerned that a holistic approach to upgrading essential safety, pedestrian and bicycle and other infrastructure in the Oakover Road redevelopment precinct is not being undertaken. Council welcomes the opportunity to further engage with the Minister's representatives about taking a holistic approach to ensure no opportunities are missed and to ensure that essential infrastructure is delivered.**

Conditions for inclusion in any planning permit granted

1. Before the development starts, amended plans to the satisfaction of the Darebin City Council 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 plans identified as SP3-04, SP3-05, SP3-06, SP3-07, SP3-08, SP3-10, SP3-11, prepared by Hayball Architects, Project Number 2252, Revision C, dated 11 November 2022 but modified to show:
 - (a) The following alterations to align with proper planning, Clause 58 provisions and outcomes sought by the approved Development Plan:
 - I. The building envelope at the northeast corner of the site amended to be wholly within the title boundary of the site.
Transport Infrastructure
 - II. Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
 - III. The delivery of threshold treatments at the Oakover Road / Newman Street intersection.
Streetscape Activation
 - IV. A dedicated external entry to the bicycle storage area provided to the east ground floor façade.
 - V. The layout and uses of the ground floor level revised to improve activation and surveillance of both public road frontages, with consideration given to the relocation of the fire booster and switch room to the west and incorporation of ground floor communal open space adjacent the pedestrian entry, with associated landscaping and variation of the podium above to allow light penetration.
 - VI. The ground floor north, and east elevations subsequently revised to improve activation of the streetscape and interaction with ground floor uses.
Clause 58 provisions
 - VII. The provision of Communal open space in accordance with the requirements of Standard D7, Clause 58.03-2 of the Darebin planning Scheme.
 - VIII. The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme.

- (b) 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.
- (c) 20kW solar photovoltaic (PV) system, including the proposed location, approximate size and number of individual panels, orientation and tilt angle.
- (d) The size and location of all ceiling fans.
- (e) At least 50% of bicycle parks to be changed from wall mounted to ground mounted.
- (f) Dedicated Electric Vehicle distribution board(s) in the basement that is capable of:
 - (i) Supplying a minimum Level 2 (Mode 3) 7 kW, 32 Amp single phase dedicated circuit to all residential car parking spaces; and
 - (ii) Managing the maximum demand load of the development so that it does not exceed the site capacity, while providing a minimum average of 12 kWh of charge to each car parking space (particularly during off peak periods).
- (g) Dedicated space for cable trays to support the future installation of EV cabling from the distribution board to the edge of each car parking space.
- (h) External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. All devices must be operable from within the dwelling. Include a product diagram or section of the proposed device (must not be roller shutters). Ensure all external shading meets the NCC requirements for Vol 1 - Part C1 Fire resistance and stability. In general metal blinds/ sliding screens/ louvres or blinds that are made from metal fabrics or a fabric that complies with the NCC requirements are acceptable.
- (i) Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 45% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.
- (j) Removal of all proposed bin chutes or an alternative design approach that ensures equal ease of access to all streams of waste disposal.
- (k) Provide equal access and space for all waste streams in the ground floor bin area: Waste, recycling, food/garden (FOGO) and glass recycling plus hard waste and E-waste.
- (l) Ensure bins are easy and safe to access for all mobilities and near lifts.
- (m) All proposed bins are to be provided on the plans detailing correct sizes and dimensions.
- (n) Any modifications required as a result of the approved Landscape Plan required

by Condition No. 3 of this Permit.

- (o) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.
- (p) 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. 5 of this Permit.
- (q) A Site Management Plan (SMP) in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 6 of this Permit.
- (r) Any modifications required as a result of the approved Construction Management Plan required by Condition No. 12 of this Permit.
- (s) Any modifications required as a result of the approved Wind Impacts Assessment required by Condition No. 13 of this Permit.
- (t) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 14 of this Permit.
- (u) Any modifications required by the approved Acoustic Report required by Condition No.16 of this Permit.
- (v) An amended Arboricultural Report in accordance with the requirements of Condition No. 21 of this Permit.
- (w) Any modifications required by the approved Public Infrastructure Plan required by Condition No. 27 of this Permit.

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

Development in accordance with endorsed plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plan

- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Darebin City Council 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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 4 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 5 of this Permit.
 - (c) The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (f) 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).
 - (g) Landscape specification notes including general establishment and

maintenance requirements.

- (h) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (i) Planter boxes, a tap and floor waste is to be provided to each balcony.
- (j) Street tree planting is to be provided along the Showers Street and Newman Street frontages to the satisfaction of Darebin City Council.

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.

Sustainability Management Plan

- 4. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) and set of plans to the satisfaction of Darebin City Council must be submitted to, and approved by, the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP and set of plans must be modified to show:
 - (a) Remove all references and commitment to natural gas in Section 6.3. Commit to electric heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, in lieu of gas.
 - (b) Remove all reference to NCC2016 and commit to using NCC2019 or 2022.
 - (c) Remove reference to meeting minimum 5 Star and average 6 Star NatHERS energy performance on page 17 of 50.
 - (d) Commit to 4 Star toilets and remove reference to 5 Star or show on the plans how basin integrate into the toilets.
 - (e) Remove reference to urinals as there are none proposed in the development.
 - (f) Detail that 100% of carparking spaces will have Electric Vehicle (EV) cabling and infrastructure to support future EV chargers to be installed.
 - (g) Provide an amended Green Star Assessment that uses an up to date version of Green Star, such as 'Buildings'. The assessment must demonstrate 35 points including net zero in operation to demonstrate a 5-star Buildings rating, as well as the following changes:
 - (i) Innovation credits cannot be used to achieve the minimum 35 credit points.
 - (ii) Commit to using an Independent Commissioning Agent (ICA).
 - (iii) Provide supporting evidence for all referenced reports, modelling and justifications.

- (iv) A commitment to a minimum 20kW solar PV system.
- (h) An amended Stormwater Management Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) That the pollutant reduction targets have been met.
 - (ii) A catchment plan clearly showing all pervious and impervious areas and their treatment measures.
 - (iii) The rainwater tank reliability is over 80% of the demand.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a copy of the ICA report and Green Star Certification confirmation must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainability Management Plan (SMP) have been implemented in accordance with the approved plans.

Stormwater Management System Report

5. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of Darebin City Council 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.

Site Management Plan

6. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan (SMP) to the satisfaction of the Darebin City Council 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.

Land Surveyor Report

7. 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).

External Lighting System

8. Before the use starts, an automatic external lighting system capable of illuminating 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.

Drainage and services

9. The land must be drained to the satisfaction of Darebin City Council.
10. 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.
11. 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.
-

Construction Management Plan

12. Before the development starts a Construction Management Plan (CMP) must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will then form part of this Permit. The Construction Management Plan must address, without limitation, the following:
- Contact details for key construction site staff including after-hours contact numbers.
 - Must be in accordance with the requirements of the CMP located within the approved Village Bell Development Plan specifically in relation to Stokes/Penola – Stage A.
 - Hours for the construction activity.
 - Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
 - Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
 - The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
 - On site facilities for vehicle washing.
 - Delivery and unloading points and expected frequency.
 - The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
 - Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
 - Management of laneway access during construction.
 - An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
 - The processes to be adopted for the separation, re-use and recycling of demolition materials.
 - The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.
 - The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
 - Any requirements of the Statement of Environmental Audit Report and/ or Preliminary Site Assessment, including the ongoing management measures as relevant to the construction phase of the development.
 - Any other relevant matters.

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, a Wind Impacts Assessment must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Wind Impact Assessment must ensure that the proposal:

- Does not cause unsafe wind conditions as specified within Table D6 to Standard D17 in public land, publicly accessible areas on private land, private open space and communal open space; and
- Achieves comfortable wind conditions as specified within Table D6 to Standard D17 in public land and publicly accessible areas on private land:

Within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

The requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority and must seek the associated requirements as outlined within Standard D17 to Clause 58.04-4 of the Darebin Planning Scheme.

Waste Management Plan

14. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by Leigh Design dated 30 September 2021. The The amended Waste Management Plan must be modified to show:
- (a) Private bin collections must occur from within the site and cannot be collected from the Street.
 - (b) The removal of the reference to bin chutes or incorporation of an alternative design approach that ensures equal ease of access to all streams of waste disposal.
 - (c) Add glass recycling to the mix of waste streams supplied.
 - (d) Ensure the ceiling height of the basement and entry is adequate for the trucks to collect waste.
 - (e) Provide a WMP with a traffic diagram for the waste trucks.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

If collection occurs offsite, bins will be removed from the street or public road promptly after collection.

The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

The Waste Management Plan must be to the satisfaction of Darebin City Council and approved by the Responsible Authority.

15. 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.

Acoustic Report

16. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Acoustic Report must ensure that the design of the development sufficiently responds to all requirements of Standard D16 with particular attention provided to ensure each of the dwellings are designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. The Acoustic Report must ensure the development achieves full compliance in relation to the below noise levels:

- Experienced noise levels of no greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Experienced noise levels of no greater than 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. 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.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

Service relocation

20. Any service relocation associated with the works must be approved by the Service Authorities and at the owner's cost.

Arboricultural Assessment and Report

21. The Arboricultural Assessment and Report to be endorsed and will then form part of this Permit is the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 24 May 2022. The submitted Arboricultural Report must be amended and re-submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority with the following amendments:
- (a) A detailed arboricultural assessment in relation to trees identified as Tree 28, Tree 31, Tree 32 and Tree 33.
 - (b) Relevant tree protection measures in relation to Tree 28 including the species and Tree Protection Zone (TPZ) as it is proposed to be retained.

Tree Protection Measures

22. The following tree protection measures must be implemented for Tree 28 as identified in the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture

dated 24 May 2022:

- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 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 TPZ must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (g) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (h) 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.
23. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
24. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Materials and Finishes

25. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible

Authority in consultation with Darebin City Council.

Façade Strategy

26. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
- a) A concise description by the architect(s) of the building design concept and how the façades work to achieve this.
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
 - c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries, doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:
 - d) The finished floor levels and ceiling levels.
 - e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
 - f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
 - g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
 - h) Information about how the façade will be accessed, maintained and cleaned.
 - i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Public Infrastructure Plan

27. Before plans are endorsed under Condition No. 1 of this Permit, a Public Infrastructure Plan to the satisfaction of Darebin City Council must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Darebin City Council:
- (a) Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
 - (b) The delivery of threshold treatments at the Oakover Road / Newman Street intersection.

Planning Permit D/524/2021

28. Prior to the commencement of the development, the easement located at 57 Showers Street, Preston must be removed in accordance with the approval and associated requirements of Planning Permit D/524/2021.

Architect to be retained

29. Except with the consent of the Responsible Authority, Hayball Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

30. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

31. Before the occupation of the development all vehicular crossings 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

Environmental Audit Overlay requirements

32. Before the use commences (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*); or before the construction or carrying out of buildings and works in association with the use commences, with the exception of buildings or works required to facilitate the undertaking of the PRSA or Audit process:
- (a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (d) A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

If an Environmental Audit Statement is issued:

- (a) The Environmental Audit Statement including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.
- (b) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement require ongoing maintenance and/or monitoring, before the use starts the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*

to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with.

Before use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*), 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.

Permit expiry

33. 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 the Responsible Authority. If additional amendments are made to the plans, they must be brought to the attention of the Responsible Authority as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the development allowed by this planning permit starts.
- N5. 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.
- N6. 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.

- N7. An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

RECOMMENDATION PART C:

That Council delegates the Chief Executive to write to the local State Member for the Victorian Legislative Assembly (the Member for Northcote) and the State Members for the Victorian Legislative Council (Northern Metropolitan Region sitting members) to draw their attention to Council's concerns that decision making by the State Government for development in this precinct is not incorporating a holistic approach to upgrading essential safety, pedestrian and bicycle and other infrastructure in the Oakover Road redevelopment precinct.

The amended motion became the Committee decision as follows:

Committee Decision

MINUTE NO. 23-001

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

RECOMMENDATION PART A:

That Council delegates the Manager City Development to write to the Minister for Planning and advise them that:

1. Council supports Planning Application PA2201557 subject to the conditions included in this recommendation.
2. As Council was not included in the early stages of the pre-application design and planning permit application process and was only referred the application post completion of the Further Information stage, the recommended conditions are fundamental to Council's support of the application.
3. Council request to be kept informed of this matter and given the opportunity to participate in any further consultation and/ or independent advisory committee review of the application.
4. Council welcomes early involvement and a collaborative approach in such cases in the future.
5. Council is concerned that a holistic approach to upgrading essential safety, pedestrian and bicycle and other infrastructure in the Oakover Road redevelopment precinct is not being undertaken. Council welcomes the opportunity to further engage with the Minister's representatives about taking a holistic approach to ensure no opportunities are missed and to ensure that essential infrastructure is delivered.

Conditions for inclusion in any planning permit granted

1. Before the development starts, amended plans to the satisfaction of the Darebin City Council 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 plans identified as SP3-04, SP3-05, SP3-06, SP3-07, SP3-08, SP3-10, SP3-11, prepared by Hayball Architects, Project Number 2252, Revision C, dated 11 November 2022 but modified to show:
 - (a) The following alterations to align with proper planning, Clause 58 provisions and outcomes sought by the approved Development Plan:
 - I. The building envelope at the northeast corner of the site amended to be wholly within the title boundary of the site.

Transport Infrastructure
 - II. Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
 - III. The delivery of threshold treatments at the Oakover Road / Newman Street intersection.

Streetscape Activation
 - IV. A dedicated external entry to the bicycle storage area provided to the east ground floor façade.
 - V. The layout and uses of the ground floor level revised to improve activation and surveillance of both public road frontages, with consideration given to the relocation of the fire booster and switch room to the west and incorporation of ground floor communal open space adjacent the pedestrian entry, with associated landscaping and variation of the podium above to allow light penetration.
 - VI. The ground floor north, and east elevations subsequently revised to improve activation of the streetscape and interaction with ground floor uses.

Clause 58 provisions
 - VII. The provision of Communal open space in accordance with the requirements of Standard D7, Clause 58.03-2 of the Darebin planning Scheme.
 - VIII. The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme.
 - (b) 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.
 - (c) 20kW solar photovoltaic (PV) system, including the proposed location,

- approximate size and number of individual panels, orientation and tilt angle.
- (d) The size and location of all ceiling fans.
 - (e) At least 50% of bicycle parks to be changed from wall mounted to ground mounted.
 - (f) Dedicated Electric Vehicle distribution board(s) in the basement that is capable of:
 - (i) Supplying a minimum Level 2 (Mode 3) 7 kW, 32 Amp single phase dedicated circuit to all residential car parking spaces; and
 - (ii) Managing the maximum demand load of the development so that it does not exceed the site capacity, while providing a minimum average of 12 kWh of charge to each car parking space (particularly during off peak periods).
 - (g) Dedicated space for cable trays to support the future installation of EV cabling from the distribution board to the edge of each car parking space.
 - (h) External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. All devices must be operable from within the dwelling. Include a product diagram or section of the proposed device (must not be roller shutters). Ensure all external shading meets the NCC requirements for Vol 1 - Part C1 Fire resistance and stability. In general metal blinds/ sliding screens/ louvres or blinds that are made from metal fabrics or a fabric that complies with the NCC requirements are acceptable.
 - (i) Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 45% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.
 - (j) Removal of all proposed bin chutes or an alternative design approach that ensures equal ease of access to all streams of waste disposal.
 - (k) Provide equal access and space for all waste streams in the ground floor bin area: Waste, recycling, food/garden (FOGO) and glass recycling plus hard waste and E-waste.
 - (l) Ensure bins are easy and safe to access for all mobilities and near lifts.
 - (m) All proposed bins are to be provided on the plans detailing correct sizes and dimensions.
 - (n) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - (o) Any modifications required as a result of the approved Sustainability Management Plan (SMP) required by Condition No. 4 of this Permit.
 - (p) 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. 5 of this Permit.
 - (q) A Site Management Plan (SMP) in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 6 of this Permit.
 - (r) Any modifications required as a result of the approved Construction

Management Plan required by Condition No. 12 of this Permit.

- (s) Any modifications required as a result of the approved Wind Impacts Assessment required by Condition No. 13 of this Permit.
- (t) Any modifications required as a result of the approved Waste Management Plan required by Condition No. 14 of this Permit.
- (u) Any modifications required by the approved Acoustic Report required by Condition No.16 of this Permit.
- (v) An amended Arboricultural Report in accordance with the requirements of Condition No. 21 of this Permit.
- (w) Any modifications required by the approved Public Infrastructure Plan required by Condition No. 27 of this Permit.

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

Development in accordance with endorsed plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plan

- 3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Darebin City Council 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 amended Landscape Plan must be modified to show:
 - (a) Any modifications relating to landscaping required as a result of the amended SMP required by Condition No. 4 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 5 of this Permit.
 - (c) The provision of landscaping planters in accordance with the requirements of Table D3, Standard D10, Clause 58.03-5 of the Darebin planning Scheme. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting and raised planter beds.
 - (f) 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).
 - (g) Landscape specification notes including general establishment and maintenance requirements.
 - (h) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
 - (i) Planter boxes, a tap and floor waste is to be provided to each balcony.
 - (j) Street tree planting is to be provided along the Showers Street and Newman Street frontages to the satisfaction of Darebin City Council.

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.

Sustainability Management Plan

4. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) and set of plans to the satisfaction of Darebin City Council must be submitted to, and approved by, the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP and set of plans must be modified to show:
 - (a) Remove all references and commitment to natural gas in Section 6.3. Commit to electric heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, in lieu of gas.
 - (b) Remove all reference to NCC2016 and commit to using NCC2019 or 2022.
 - (c) Remove reference to meeting minimum 5 Star and average 6 Star NatHERS energy performance on page 17 of 50.
 - (d) Commit to 4 Star toilets and remove reference to 5 Star or show on the plans how basin integrate into the toilets.
 - (e) Remove reference to urinals as there are none proposed in the development.
 - (f) Detail that 100% of carparking spaces will have Electric Vehicle (EV) cabling and infrastructure to support future EV chargers to be installed.
 - (g) Provide an amended Green Star Assessment that uses an up to date version of Green Star, such as 'Buildings'. The assessment must demonstrate 35 points including net zero in operation to demonstrate a 5-star Buildings rating, as well as the following changes:
 - (i) Innovation credits cannot be used to achieve the minimum 35 credit points.
 - (ii) Commit to using an Independent Commissioning Agent (ICA).
 - (iii) Provide supporting evidence for all referenced reports, modelling and justifications.
 - (iv) A commitment to a minimum 20kW solar PV system.
 - (h) An amended Stormwater Management Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) That the pollutant reduction targets have been met.
 - (ii) A catchment plan clearly showing all pervious and impervious areas and their treatment measures.
 - (iii) The rainwater tank reliability is over 80% of the demand.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a copy of the ICA report and Green Star Certification confirmation must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainability Management Plan (SMP) have been implemented in accordance with the approved plans.

Stormwater Management System Report

5. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of Darebin City Council 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.

Site Management Plan

6. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan (SMP) to the satisfaction of the Darebin City Council 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.

Land Surveyor Report

7. 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).

External Lighting System

8. Before the use starts, an automatic external lighting system capable of illuminating 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.

Drainage and services

9. The land must be drained to the satisfaction of Darebin City Council.
10. 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.
11. 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.

Construction Management Plan

12. Before the development starts a Construction Management Plan (CMP) must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will then form part of this Permit. The Construction Management Plan must address, without limitation, the following:
 - Contact details for key construction site staff including after-hours contact numbers.
 - Must be in accordance with the requirements of the CMP located within the approved Village Bell Development Plan specifically in relation to Stokes/Penola

– Stage A.

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

Wind Impact Assessment

13. Before plans are endorsed under Condition No. 1 of this Permit, a Wind Impacts Assessment must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Wind Impact Assessment must ensure that the proposal:

- Does not cause unsafe wind conditions as specified within Table D6 to Standard D17 in public land, publicly accessible areas on private land, private open space and communal open space; and
- Achieves comfortable wind conditions as specified within Table D6 to Standard D17 in public land and publicly accessible areas on private land:

Within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not

apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

The requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority and must seek the associated requirements as outlined within Standard D17 to Clause 58.04-4 of the Darebin Planning Scheme.

Waste Management Plan

14. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by Leigh Design dated 30 September 2021. The The amended Waste Management Plan must be modified to show:

- (a) Private bin collections must occur from within the site and cannot be collected from the Street.
- (b) The removal of the reference to bin chutes or incorporation of an alternative design approach that ensures equal ease of access to all streams of waste disposal.
- (c) Add glass recycling to the mix of waste streams supplied.
- (d) Ensure the ceiling height of the basement and entry is adequate for the trucks to collect waste.
- (e) Provide a WMP with a traffic diagram for the waste trucks.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

If collection occurs offsite, bins will be removed from the street or public road promptly after collection.

The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

The Waste Management Plan must be to the satisfaction of Darebin City Council and approved by the Responsible Authority.

15. 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.

Acoustic Report

16. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report must be submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority.

The provided Acoustic Report must ensure that the design of the development sufficiently responds to all requirements of Standard D16 with particular attention provided to ensure each of the dwellings are designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. The Acoustic Report must ensure the development achieves full compliance in relation to

the below noise levels:

- Experienced noise levels of no greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Experienced noise levels of no greater than 40dB(A) for living areas, assessed as an LAeq,16h from 6am to 10pm.

The requirements and management procedures as set out in the approved Acoustic Report must be implemented and adhered to at all times to the satisfaction of the Responsible Authority.

17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. 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.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

Service relocation

20. Any service relocation associated with the works must be approved by the Service Authorities and at the owner's cost.

Arboricultural Assessment and Report

21. The Arboricultural Assessment and Report to be endorsed and will then form part of this Permit is the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 24 May 2022. The submitted Arboricultural Report must be amended and re-submitted to the satisfaction of Darebin City Council and approved by the Responsible Authority with the following amendments:
 - (a) A detailed arboricultural assessment in relation to trees identified as Tree 28, Tree 31, Tree 32 and Tree 33.
 - (b) Relevant tree protection measures in relation to Tree 28 including the species and Tree Protection Zone (TPZ) as it is proposed to be retained.

Tree Protection Measures

22. The following tree protection measures must be implemented for Tree 28 as identified in the Arboricultural Assessment and Report prepared by Glenn Waters Arboriculture dated 24 May 2022:
 - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to

occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

- (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 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 TPZ must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (g) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (h) 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.
23. All works (including bulk excavation) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of Darebin City Council.
24. If a construction management plan or traffic management plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by Darebin City Council.

Materials and Finishes

25. Prior to the commencement of the development, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a schedule and samples of all external materials, colours and finishes including a colour rendered and notated plans/elevations must be submitted to and approved by the Responsible Authority in consultation with Darebin City Council.

Façade Strategy

26. Before each stage of the development starts, excluding demolition, bulk excavation and site preparation works, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must address the following matters:
- a) A concise description by the architect(s) of the building design concept and how the façades work to achieve this.

- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.
- c) Elevation details generally at a scale of 1:20 or 1:50 illustrating typical entries, doors, windows, balconies, utilities, façade details and any special features which are important to the buildings' presentation. The drawings must demonstrate:
- d) The finished floor levels and ceiling levels.
- e) Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
- f) Detailed information, including but not limited to, external materials, finishes and colours, glazing, canopies, services, security doors and lighting at the ground level.
- g) Cross section or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
- h) Information about how the façade will be accessed, maintained and cleaned.
- i) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built form outcome in accordance with the design concept.

Public Infrastructure Plan

27. Before plans are endorsed under Condition No. 1 of this Permit, a Public Infrastructure Plan to the satisfaction of Darebin City Council must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan must incorporate the following engineering and public infrastructure requirements to the satisfaction of the Darebin City Council:
- (a) Dedicated two-way off-road cycling paths provided along key connector routes and/or diagonally through Newman Reserve from the northwest corner to the southeast corner junction with St. Georges Road, or alternative infrastructure upgrades as agreed to by Darebin City Council.
 - (b) The delivery of threshold treatments at the Oakover Road / Newman Street intersection.

Planning Permit D/524/2021

28. Prior to the commencement of the development, the easement located at 57 Showers Street, Preston must be removed in accordance with the approval and associated requirements of Planning Permit D/524/2021.

Architect to be retained

29. Except with the consent of the Responsible Authority, Hayball Architects must be retained to complete and provide architectural oversight during construction of the detailed design, as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Glare

30. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Construction of vehicle crossings

31. Before the occupation of the development all vehicular crossings 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

Environmental Audit Overlay requirements

32. Before the use commences (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*); or before the construction or carrying out of buildings and works in association with the use commences, with the exception of buildings or works required to facilitate the undertaking of the PRSA or Audit process:
- (a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - (c) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (d) A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

If an Environmental Audit Statement is issued:

- (a) The Environmental Audit Statement including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.
- (b) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.
- (c) Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.
- (d) Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement require ongoing maintenance and/or monitoring, before the use starts the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with.

Before use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*), 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.

Permit expiry

33. 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 the Responsible Authority. If additional amendments are made to the plans, they must be brought to the attention of the Responsible Authority as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the development allowed by this planning permit starts.
- N5. 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.
- N6. 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.
- N7. An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/ or Solicitors in appearing for Council at any independent advisory committee and/ or in further discussions/ consultation with parties.

RECOMMENDATION PART C:

That Council delegates the Chief Executive to write to the local State Member for the Victorian Legislative Assembly (the Member for Northcote) and the State Members for the Victorian Legislative Council (Northern Metropolitan Region sitting members) to draw their attention to Council's concerns that decision making by the State Government for development in this precinct is not incorporating a holistic approach to upgrading essential safety, pedestrian and bicycle and other infrastructure in the Oakover Road redevelopment precinct.

CARRIED

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

Abstained: Cr. Dimitriadis (1)

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION - VCAT APPLICATIONS

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 issued since last report to Council.

Committee Decision

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

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 6.41pm.

**CITY OF
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