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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 13 December 2021

Released to the public on 17 December 2021



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

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

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

# Table of Contents

Item Number	Page Number
1. PRESENT .....	1
2. APOLOGIES.....	2
3. DISCLOSURES OF CONFLICTS OF INTEREST .....	2
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE .....	2
5. CONSIDERATION OF REPORTS .....	3
5.1 APPLICATION FOR PLANNING PERMIT D/711/2020 .....	3
2-6 Isaacs Street Preston.....	3
5.2 DEVELOPMENT PLAN POD/1/2020 .....	27
22/148 Arthurton Road, Northcote.....	27
5.3 THORNBURY PARK ESTATE HERITAGE PRECINCT - PLANNING SCHEME AMENDMENT C191DARE.....	29
6. OTHER BUSINESS .....	32
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	32
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL .....	32
8. CLOSE OF MEETING.....	32

## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT PRESTON TOWN HALL, 284 GOWER STREET PRESTON ON MONDAY 13 DECEMBER 2021

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### THE MEETING OPENED AT 6.34 PM

#### WELCOME

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

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

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

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

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

#### 1. PRESENT

##### ***Councillors***

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Trent McCarthy (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

##### ***Council Officers***

Rachel Ollivier - General Manager City Sustainability and Strategy

Chad Griffiths – Manager City Futures

Karen Leeder – Manager City Development

Jolyon Boyle - Coordinator Statutory Planning

Julie Smout - Coordinator Statutory Planning

Sophie Jordon – Principal Strategic Planner

Naomi Keung – Senior Strategic Planner

Stephen Mahon - Coordinator Council Business

Rachna Gupta Singh - Senior Council Business Officer

Georgina Steele - Council Business Officer

## 2. APOLOGIES

Nil

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Newton advised that whilst she owned property in the subject area of Item '5.3 – Thornbury Park Estate Heritage Precinct - Planning Scheme Amendment C191dare' she did so in common with approx. 1000 property owners and had formed the view that her interest does not exceed that of the interests held by other residents, ratepayers and electors.

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

<b>Officer Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 8 November 2021 be confirmed as a correct record of business transacted.

<b>Committee Decision</b>
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**MOVED:** Cr. J Williams  
**SECONDED:** Cr. G Greco

**That** the Minutes of the Planning Committee Meeting held on 8 November 2021 be confirmed as a correct record of business transacted.

**CARRIED UNANIMOUSLY**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/711/2020 2-6 Isaacs Street Preston

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#### SUMMARY

- The proposal involves the development of a 10-storey (plus rooftop terrace and basements) mixed use development comprising:
  - One restricted recreational facility (gym) (208 square metres).
  - 81 dwellings (13 x 1-bedroom, 27 x 1 bedroom plus study, 33 x 2-bedroom and 8 x 3-bedroom).
  - 85 car parking spaces.
  - 50 bicycle parking spaces.
  - Five motorbike spaces.
- The site is zoned Priority Development Zone – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- There is no restrictive covenant on the title for the subject land.
- There are currently five objections against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.06, 52.06 and 58 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

#### CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Climate Emergency and Sustainable Transport Unit, Infrastructure and Capital Delivery Unit, City Design Unit, Tree Management Unit, ESD Officer, Urban Designer, Property Management Unit and Strategic Planning Unit.
- This application was referred externally to the Department of Transport.

*The following person addressed the meeting in relation to Item 5.1 'Application for Planning Permit D/711/2020 2-6 Isaacs Street Preston*

- **David Crowder (on behalf of Applicant)**

**Officer Recommendation**

**That** Planning Permit Application on D/711/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP03a-TP25 and TP37, prepared by Terry Harper Architects and dated 02.09.2021) but modified to show:
  - a. The textured concrete panel or alternative measures to provide some visual interest applied to the eastern boundary wall adjacent to dwellings G.03 and 2.06.
  - b. The front setbacks G.04, G.05 and G.06 nominated and with a minimum dimension of 3 metres.
  - c. A stylised number at the entry to the upper level apartments off Peter Street.
  - d. The height of the front fences to Dwellings G01-G.06 nominated and to be no higher than 1.5 metres.
  - e. Any modifications required as a result of the approved Landscape Plan required by Condition No. 4 of this Permit.
  - f. The east-facing habitable room windows and balconies and habitable room windows and balconies of apartments generally facing north and south with some outlook towards the east, within 9 metres of habitable room windows and balconies of the development to the east with either:
    - i. a sill with a minimum height of 1.7 metres above finished floor level;
    - ii. a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
    - iii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.
  - g. The accessible car parking space increased in length to 5.4 metres and relocated so it is not impacted upon by turning areas of other vehicles.
  - h. Wheel stops for car parking spaces 24-27.
  - i. Ramp length clearly nominated on the plans.
  - j. The widths of the car parking spaces 24-31 clearly nominated.
  - k. Appropriate signage for the loading area.
  - l. The extent of the unsealed section of the right of way to be utilised for vehicle/pedestrian access to the site clearly delineated; and full construction details including materials, drainage and levels provided, in accordance with Condition 11 of this Permit.
  - m. 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.
- n. The eastern walls of the building adjacent to Dwelling G3 treated with anti-graffiti paint, in accordance with Condition No. 8 of this Permit.
- o. Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- p. Any modifications required as a result of the approved Sustainable Management Plan (SMP) required by Condition No. 27 of this Permit.
- q. All environmentally sustainable design measures referred to within the Sustainability Management Plan (SMP) clearly shown in a table.
- r. Any modifications required as a result of the approved Acoustic Report required by Condition No. 19 of this Permit.
- s. External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at Ground Floor) to all west-facing habitable room windows/glazed doors where adjacent to a balcony or terrace. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
- t. Details of the west-facing vertical shading fins. These are to be deeper and angled for improved efficiency.
- u. A dimensioned section diagram or photograph for the north-facing sun shading devices.
- v. All habitable room windows to be operable. Window operation must not increase overlooking of adjoining secluded private open space and/or habitable room windows. Casement, sliding and sash windows must be used for habitable room windows.
- w. Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 28 of this Permit.
- x. The provision of a Stormwater Management System Report, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18-5 of the Darebin Planning Scheme. Refer to Condition No. 29 of this Permit.
- y. The provision of a Site Environmental Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 30 of this Permit.
- z. Details of the obscured glazing to the balconies of the podium apartments (levels 1-3) ensuring these are not visually permeable or alternative solid balcony balustrades.
- aa. The living area dimensions of apartment 1.04 showing compliance with Standard D24 as per Clause 58.07-1 of the Darebin Planning Scheme.
- bb. The living areas of apartments 7.04 and 8.04 with the minimum dimensions as per Standard D24 of Clause 58.07-1 of the Darebin Planning Scheme excluding bedroom accessways.
- cc. The open plan living areas to apartments 5.01, 6.01, 7.01, 8.01, 9.04 with a maximum depth of 9.0 metres (excluding pantries where applicable).

- dd. The secondary area to the main bedroom of apartment 1.04 to comply with the requirements of Standard D26 of Clause 58.07-3 or the apartment redesigned to achieve compliance.
- ee. Individual storage cages for each dwelling.

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

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

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

- a. Before this Permit expires;
  - b. Within six (6) months after the expiry date; or
  - c. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person, be drawn to scale with dimensions, and must incorporate:
    - a. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 27 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. 29 of this Permit)
    - c. Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
    - d. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
    - e. A diversity of plant species and forms.
    - f. Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), medium canopy trees (6-8m x 6m), large canopy trees (8-12m x 10m).
    - g. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed

and decking.

- h. Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i. Hard paved surfaces at all entry points to dwellings.
- j. 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).
- k. Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- m. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- n. Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- o. Scale, north point and appropriate legend.
- p. Landscape specification notes including general establishment and maintenance requirements.
- q. Any modifications relating to landscaping required as a result of the Streetscape Improvements required by Condition No. 13 of this Permit).

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

- 5. Before development (including demolition) starts, the existing street tree/s within the nature strip adjacent to the frontage of the land on Isaacs Street must be removed by the permit holder at their own cost, to the satisfaction of the Responsible Authority.
- 6. Before the development (including demolition) starts, a Tree Amenity Fee of \$10,635 must be paid in full to the Responsible Authority for the planting of a replacement tree/s within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
- 7. The ground floor uses must not adversely affect the amenity of the area, including through the:

- a. transport of materials, goods or commodities to or from the land;
- b. appearance of any building, works, stored goods or materials;
- c. emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; and

and/or in any other way, to the satisfaction of the Responsible Authority.

8. The development must not be occupied until all sections of the eastern podium wall of the building, up to a minimum height of 3.6 metres above natural ground level, is treated with either a clear finish “anti-graffiti protective coating” specifically designed for the ease of removing graffiti or a graffiti proof finish to the satisfaction of the Responsible Authority.

If graffiti occurs, it must be promptly removed to the satisfaction of the Responsible Authority.

9. The car parking spaces are to be allocated as follows:

- a. One (1) car space to the ground floor commercial premise;
- b. One (1) car space for each 2-bedroom apartment;
- c. Two (2) car spaces for each 3-bedroom apartment; and
- d. 31 car spaces to the 1-bedroom dwellings.

10. An individual storage cage to be allocated to each dwelling.

11. Before occupation of the development, the areas set aside for the parking of vehicles, loading bays and access lanes as shown on the endorsed plan(s) must be:

- a. constructed;
- b. properly formed to such levels that they can be used in accordance with the plans;
- c. surfaced with an all-weather sealcoat;
- d. drained;
- e. line-marked to indicate each car space and all access lanes; and
- f. clearly marked to show the direction of traffic along the access lanes and driveways,

to the satisfaction of the Responsible Authority.

12. Prior to the occupation of the development:

- a. Plans detailing the construction and surfacing including drainage of the right of way abutting the northern boundary of the property, commencing from the intersection with the constructed laneway to the east end of the property and continuing west to the end of the laneway, must be submitted to and approved by Council.
- b. The right of way abutting the northern boundary of the property, commencing from the intersection with the constructed laneway to the east end of the property and continuing west to the end of the laneway must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the Responsible Authority.

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

14. Before the development is occupied, streetscape improvement works in the Peter Street and Isaacs Street reserve adjacent to the site must be carried out by the permit holder, at their cost, under supervision, and to the satisfaction of the Responsible Authority. The streetscape improvement works must include the following:
- a. New street trees within the nature strip (street tree species must be approved by the responsible authority)
  - b. Structural cells and structural soils must be used for street trees which are surrounded by hard surface paving (trees near the south-west corner of the development)
15. Before the development starts a Demolition and Construction Management Plan must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the Demolition and Construction Management Plan will be endorsed and will then form part of this Permit. The Demolition and Construction Management Plan must address, without limitation, the following:
- a. Contact details for key construction site staff including after-hours contact numbers.
  - b. Hours for the construction activity.
  - c. Measures to control the escape of noise, dust, litter, water and sediment laden runoff from the site.
  - d. Measures to control mud, crushed rock or other debris being carried onto public roads or footpaths from the site.
  - e. The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc).
  - f. On site facilities for vehicle washing.
  - g. Delivery and unloading points and expected frequency.
  - h. The location of parking areas for construction vehicles and construction workers vehicles, to ensure that vehicles associated with demolition and/or construction activity cause minimal disruption to surrounding land uses and traffic flows.
  - i. Any traffic management plans and measures that will be required to allow vehicles to safely access the site and to safely undertake deliveries/works.
  - j. Management of laneway access during construction.
  - k. An outline of requests to occupy public footpaths, bicycle paths or roads, and anticipated disruptions to public transport services.
  - l. The processes to be adopted for the separation, re-use and recycling of demolition materials.
  - m. The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means
  - n. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
  - o. Any other relevant matters.

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

16. Before the construction or carrying out of buildings and works in association with the use starts, either:
- a. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - b. An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, the development must not be occupied until:

- a. all conditions of the Statement of Environmental Audit are complied with; and
- b. a report prepared by a suitably qualified environmental professional is provided to the Responsible Authority confirming that all conditions of the Statement of Environmental Audit have been complied with.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, the development must not be occupied until the owner of the land has entered into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- a. Compliance with all conditions of the Statement of Environmental Audit issued in respect of the land.
- b. Provision of a report prepared by a suitably qualified environmental professional confirming that all conditions of the Statement of Environmental Audit have been complied with.

The development must not be occupied until application has been 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.

17. 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).

18. The architect or an alternative suitably qualified person approved by the Responsible Authority must be appointed for the duration of the project to oversee and ensure the design intent and construction quality of the development is followed through to the completion stage of the development, to the satisfaction of the Responsible Authority.
19. Only one (1) communal television antenna may be erected on the building and located to be minimally visible from Peter Street and Isaacs Street. Individual antennae for individual dwellings/tenancies must not be erected.
-

20. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:
- a. Noise levels associated with the operation of surrounding and nearby non-residential uses such as industry, commerce, train lines and road traffic do not impact adversely on the amenity of the dwellings.
  - b. Dwellings are designed to achieve the following noise levels:
    - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
    - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

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

- c. Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

21. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

22. 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.

23. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.

24. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Peter Street and Isaacs Street. If clotheslines are located on a balcony, the balcony balustrade must be solid or obscure material.

25. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

26. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or

thoroughfare, to the satisfaction of the Responsible Authority.

27. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
28. Before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of this Permit. The SMP must be prepared by a suitably qualified professional and must:
- a. Address the following 10 key Sustainable Building Categories:
    - i. Management
    - ii. Energy
    - iii. Water
    - iv. Stormwater
    - v. IEQ
    - vi. Transport
    - vii. Waste
    - viii. Urban Ecology
    - ix. Innovation
    - x. Materials
  - b. Be accompanied by a report from an industry accepted performance measurement tool.

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

29. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- a. Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
  - b. Include measures to minimise waste material sent to landfill including details of how recycling of and treatment of organic/food waste will be maximised;
  - c. Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
  - d. Include calculations showing the amount of general, recycle, glass and organic waste (including food waste) expected to be generated;
  - e. Detail the size of bins, frequency of collection and hours of collection;
  - f. Include a dimensioned plan showing:
    - i. the location of the bin storage area on the site.
    - ii. details of screening of the bin storage area from public view.
    - iii. suitably dimensioned bin storage area with convenient access.



- iv. the storage area is capable of accommodating and allowing convenient access to the waste bins.
- v. the location on the site where the bins will be placed for collection.
- vi. where the waste trucks will stop to service the waste bins and whether No Parking restrictions will be required for the waste trucks to access that space.
- g. Detail the ventilation to prevent garbage odours entering the car park and/or dwellings.
- h. Show how waste bins will be taken to the point of waste collection.
- i. Confirm that the bins will be removed from the street promptly after collection.

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

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

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

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

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

31. Before plans are endorsed under Condition No. 1 of this Permit, a Site Environmental

Management Plan (SEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SEMF will be endorsed and will then form part of this Permit. The SEMF 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 SEMF must be implemented and complied with to the satisfaction of the Responsible Authority.

32. The loading and unloading of goods from vehicles must only be carried out on the site within the loading bay shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land or on abutting streets.
33. Before the development is occupied all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

#### **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 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.
- N6 This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

**Committee Decision**

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

**That** Planning Permit Application on D/711/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP03a-TP25 and TP37, prepared by Terry Harper Architects and dated 02.09.2021) but modified to show:
  - a. The textured concrete panel or alternative measures to provide some visual interest applied to the eastern boundary wall adjacent to dwellings G.03 and 2.06.
  - b. The front setbacks G.04, G.05 and G.06 nominated and with a minimum dimension of 3 metres.
  - c. A stylised number at the entry to the upper level apartments off Peter Street.
  - d. The height of the front fences to Dwellings G01-G.06 nominated and to be no higher than 1.5 metres.
  - e. Any modifications required as a result of the approved Landscape Plan required by Condition No. 4 of this Permit.
  - f. The east-facing habitable room windows and balconies and habitable room windows and balconies of apartments generally facing north and south with some outlook towards the east, within 9 metres of habitable room windows and balconies of the development to the east with either:
    - i. a sill with a minimum height of 1.7 metres above finished floor level;
    - ii. a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
    - iii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.
  - g. The accessible car parking space increased in length to 5.4 metres and relocated so it is not impacted upon by turning areas of other vehicles.
  - h. Wheel stops for car parking spaces 24-27.
  - i. Ramp length clearly nominated on the plans.
  - j. The widths of the car parking spaces 24-31 clearly nominated.
  - k. Appropriate signage for the loading area.
  - l. The extent of the unsealed section of the right of way to be utilised for vehicle/pedestrian access to the site clearly delineated; and full construction details including materials, drainage and levels provided, in accordance with Condition 11 of this Permit.

- m. 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.
- n. The eastern walls of the building adjacent to Dwelling G3 treated with anti-graffiti paint, in accordance with Condition No. 8 of this Permit.
- o. Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- p. Any modifications required as a result of the approved Sustainable Management Plan (SMP) required by Condition No. 27 of this Permit.
- q. All environmentally sustainable design measures referred to within the Sustainability Management Plan (SMP) clearly shown in a table.
- r. Any modifications required as a result of the approved Acoustic Report required by Condition No. 19 of this Permit.
- s. External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at Ground Floor) to all west-facing habitable room windows/glazed doors where adjacent to a balcony or terrace. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
- t. Details of the west-facing vertical shading fins. These are to be deeper and angled for improved efficiency.
- u. A dimensioned section diagram or photograph for the north-facing sun shading devices.
- v. All habitable room windows to be operable. Window operation must not increase overlooking of adjoining secluded private open space and/or habitable room windows. Casement, sliding and sash windows must be used for habitable room windows.
- w. Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No. 28 of this Permit.
- x. The provision of a Stormwater Management System Report, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18-5 of the Darebin Planning Scheme. Refer to Condition No. 29 of this Permit.
- y. The provision of a Site Environmental Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 30 of this Permit.
- z. Details of the obscured glazing to the balconies of the podium apartments (levels 1-3) ensuring these are not visually permeable or alternative solid balcony balustrades.
- aa. The living area dimensions of apartment 1.04 showing compliance with Standard D24 as per Clause 58.07-1 of the Darebin Planning Scheme.
- bb. The living areas of apartments 7.04 and 8.04 with the minimum dimensions as per Standard D24 of Clause 58.07-1 of the Darebin Planning Scheme excluding bedroom accessways.
- cc. The open plan living areas to apartments 5.01, 6.01, 7.01, 8.01, 9.04 with a maximum depth of 9.0 metres (excluding pantries where applicable).

- dd. The secondary area to the main bedroom of apartment 1.04 to comply with the requirements of Standard D26 of Clause 58.07-3 or the apartment redesigned to achieve compliance.
- ee. Individual storage cages for each dwelling.

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

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

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

- a. Before this Permit expires;
  - b. Within six (6) months after the expiry date; or
  - c. Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person, be drawn to scale with dimensions, and must incorporate:
    - a. Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 27 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. 29 of this Permit)
    - c. Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
    - d. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
    - e. A diversity of plant species and forms.
    - f. Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), medium canopy trees (6-8m x 6m), large canopy trees (8-12m x 10m).
    - g. Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
    - h. Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where

paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

- i. Hard paved surfaces at all entry points to dwellings.
- j. 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).
- k. Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- m. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- n. Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- o. Scale, north point and appropriate legend.
- p. Landscape specification notes including general establishment and maintenance requirements.
- q. Any modifications relating to landscaping required as a result of the Streetscape Improvements required by Condition No. 13 of this Permit).

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

5. Before development (including demolition) starts, the existing street tree/s within the nature strip adjacent to the frontage of the land on Isaacs Street must be removed by the permit holder at their own cost, to the satisfaction of the Responsible Authority.
6. Before the development (including demolition) starts, a Tree Amenity Fee of \$10,635 must be paid in full to the Responsible Authority for the planting of a replacement tree/s within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
7. The ground floor uses must not adversely affect the amenity of the area, including through the:
  - a. transport of materials, goods or commodities to or from the land;
  - b. appearance of any building, works, stored goods or materials;
  - c. emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; and

and/or in any other way, to the satisfaction of the Responsible Authority.

8. The development must not be occupied until all sections of the eastern podium wall of the building, up to a minimum height of 3.6 metres above natural ground level, is treated with either a clear finish “anti-graffiti protective coating” specifically designed for the ease of removing graffiti or a graffiti proof finish to the satisfaction of the Responsible Authority.

If graffiti occurs, it must be promptly removed to the satisfaction of the Responsible Authority.

9. The car parking spaces are to be allocated as follows:

- a. One (1) car space to the ground floor commercial premise;
- b. One (1) car space for each 2-bedroom apartment;
- c. Two (2) car spaces for each 3-bedroom apartment; and
- d. 31 car spaces to the 1-bedroom dwellings.

10. An individual storage cage to be allocated to each dwelling.

11. Before occupation of the development, the areas set aside for the parking of vehicles, loading bays and access lanes as shown on the endorsed plan(s) must be:

- a. constructed;
- b. properly formed to such levels that they can be used in accordance with the plans;
- c. surfaced with an all-weather sealcoat;
- d. drained;
- e. line-marked to indicate each car space and all access lanes; and
- f. clearly marked to show the direction of traffic along the access lanes and driveways,

to the satisfaction of the Responsible Authority.

12. Prior to the occupation of the development:

- a. Plans detailing the construction and surfacing including drainage of the right of way abutting the northern boundary of the property, commencing from the intersection with the constructed laneway to the east end of the property and continuing west to the end of the laneway, must be submitted to and approved by Council.
- b. The right of way abutting the northern boundary of the property, commencing from the intersection with the constructed laneway to the east end of the property and continuing west to the end of the laneway must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the Responsible Authority.

13. The land must be drained to the satisfaction of the Responsible Authority.

14. Before the development is occupied, streetscape improvement works in the Peter Street and Isaacs Street reserve adjacent to the site must be carried out by the permit

holder, at their cost, under supervision, and to the satisfaction of the Responsible Authority. The streetscape improvement works must include the following:

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

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

16. Before the construction or carrying out of buildings and works in association with the use starts, either:



- a. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- b. An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, the development must not be occupied until:

- a. all conditions of the Statement of Environmental Audit are complied with; and
- b. a report prepared by a suitably qualified environmental professional is provided to the Responsible Authority confirming that all conditions of the Statement of Environmental Audit have been complied with.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, the development must not be occupied until the owner of the land has entered into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- a. Compliance with all conditions of the Statement of Environmental Audit issued in respect of the land.
- b. Provision of a report prepared by a suitably qualified environmental professional confirming that all conditions of the Statement of Environmental Audit have been complied with.

The development must not be occupied until application has been 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.

17. 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).

18. The architect or an alternative suitably qualified person approved by the Responsible Authority must be appointed for the duration of the project to oversee and ensure the design intent and construction quality of the development is followed through to the completion stage of the development, to the satisfaction of the Responsible Authority.
19. Only one (1) communal television antenna may be erected on the building and located to be minimally visible from Peter Street and Isaacs Street. Individual antennae for individual dwellings/tenancies must not be erected.
20. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted and approved by the

Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must include recommended acoustic attenuation measures and treatments to ensure that:

- a. Noise levels associated with the operation of surrounding and nearby non-residential uses such as industry, commerce, train lines and road traffic do not impact adversely on the amenity of the dwellings.
- b. Dwellings are designed to achieve the following noise levels:
  - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
  - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

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

- c. Noise levels within the development (including the operation of plant, mechanical car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

21. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

22. 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.

23. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.
24. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Peter Street and Isaacs Street. If clotheslines are located on a balcony, the balcony balustrade must be solid or obscure material.
25. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
26. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

27. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
28. Before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of this Permit. The SMP must be prepared by a suitably qualified professional and must:
- a. Address the following 10 key Sustainable Building Categories:
    - i. Management
    - ii. Energy
    - iii. Water
    - iv. Stormwater
    - v. IEQ
    - vi. Transport
    - vii. Waste
    - viii. Urban Ecology
    - ix. Innovation
    - x. Materials
  - b. Be accompanied by a report from an industry accepted performance measurement tool.

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

29. Before plans are endorsed under Condition No. 1 of this Permit, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must:
- a. Ensure all bin types, bin sizes, the size of the waste storage area/s and any other relevant detail/s specified in the Waste Management Plan are shown to scale on the endorsed plans.
  - b. Include measures to minimise waste material sent to landfill including details of how recycling of and treatment of organic/food waste will be maximised;
  - c. Confirm that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
  - d. Include calculations showing the amount of general, recycle, glass and organic waste (including food waste) expected to be generated;
  - e. Detail the size of bins, frequency of collection and hours of collection;
  - f. Include a dimensioned plan showing:
    - i. the location of the bin storage area on the site.
    - ii. details of screening of the bin storage area from public view.

- iii. suitably dimensioned bin storage area with convenient access.
- iv. the storage area is capable of accommodating and allowing convenient access to the waste bins.
- v. the location on the site where the bins will be placed for collection.
- vi. where the waste trucks will stop to service the waste bins and whether No Parking restrictions will be required for the waste trucks to access that space.
- g. Detail the ventilation to prevent garbage odours entering the car park and/or dwellings.
- h. Show how waste bins will be taken to the point of waste collection.
- i. Confirm that the bins will be removed from the street promptly after collection.

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

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

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

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

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

31. Before plans are endorsed under Condition No. 1 of this Permit, a Site Environmental Management Plan (SEMP) to the satisfaction of the Responsible Authority must be

submitted to and approved by the Responsible Authority. When approved, the SEMP will be endorsed and will then form part of this Permit. The SEMP must be generally in accordance with Melbourne Water's Keeping Our Stormwater Clean – A Builder's Guide (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:

- a. Erosion and sediment.
- b. Stormwater.
- c. Litter, concrete and other construction wastes.
- d. Chemical contamination.

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

32. The loading and unloading of goods from vehicles must only be carried out on the site within the loading bay shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land or on abutting streets.
33. Before the development is occupied all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

## 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 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 This planning permit does not represent approval for residential siting. Contact your appointed Building Surveyor for residential siting requirements when seeking building approval.
- N6 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.

**CARRIED**

**For:** Cr’s. Hannan, McCarthy, Messina, Newton, Rennie and Williams (6)

**Against:** Cr’s. Dimitriadis, Greco and Laurence (3)

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**5.2 DEVELOPMENT PLAN POD/1/2020  
22/148 Arthurton Road, Northcote**

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**SUMMARY**

The application is for a Development Plan. The proposed Development Plan provides specific guidance on the redevelopment of the land at 22/148 Arthurton Road, Northcote and the guiding design principles and conceptual vision for the other 24 lots forming part of 148 Arthurton Road.

This Development Plan application proposes the following:

- Guidance on the small scale incremental and individual development of the properties located at 148 Arthurton Road, Northcote;
- A two-storey level extension above the existing two-storey warehouse at 22/148 Arthurton Road;
- Use of the land as one dwelling on the upper two floors in conjunction with the continued operation of commercial uses at the lower levels;
- It is recommended that the Development Plan is approved.

**CONSULTATION:**

- Public notice was given via signs on site and letters sent to surrounding owners and occupiers.
- No objections were received.
- This application was referred internally to the following units in Council: Infrastructure and Capital Delivery; Climate Emergency and Sustainable Transport; Property and; Strategic Planning.
- This application was referred externally to Melbourne Water and Public Transport Victoria.

<b>Officer Recommendation</b>
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**That** Council approve Development Plan POD/1/2020 subject to the following alterations/requirements:

The approved documentation is to comprise plans: Page 1 of 11, 2 of 11, 3 of 11, 4 of 11, 5 of 11, 6 of 11, 7 of 11, 8 of 11, 9 of 11 10 of 11 and 11 of 11, dated 27 July 2020 and received by Council on the 31 July 2021 and prepared by Justin Mallia Architecture but modified as follows:

1. Modifications made to the Development Plan to include the following notations:
  - a) Annotations made to Page 1 and 3 to state that the development is specific to Lot 22/148 Arthurton Road, Northcote and provides the conceptual vision and guiding principles for the other remaining lots at 148 Arthurton Road, Northcote.
  - b) Buildings adjacent land in a commercial zone to be designed to minimise the impact of external of noise sources and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application as appropriate.

- c) Buildings to incorporate green balcony edges and vertical climbing species to soften the entryways and internal interface between the eastern and western row of buildings.
- d) Lots abutting residential zoned land to the east should not be more than 8 metres above existing ground level where within 5 metres of an abutting lot boundary.
- e) The ground floor of each building must include glazing to the pedestrian and garage roller door.

<b>Committee Decision</b>
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**MOVED: Cr. T McCarthy**

**SECONDED: Cr. S Rennie**

**That** Council approve Development Plan POD/1/2020 subject to the following alterations/requirements:

The approved documentation is to comprise plans: Page 1 of 11, 2 of 11, 3 of 11, 4 of 11, 5 of 11, 6 of 11, 7 of 11, 8 of 11, 9 of 11 10 of 11 and 11of 11, dated 27 July 2020 and received by Council on the 31 July 2021 and prepared by Justin Mallia Architecture but modified as follows:

1. Modifications made to the Development Plan to include the following notations:
  - a) Annotations made to Page 1 and 3 to state that the development is specific to Lot 22/148 Arthurton Road, Northcote and provides the conceptual vision and guiding principles for the other remaining lots at 148 Arthurton Road, Northcote.
  - b) Buildings adjacent land in a commercial zone to be designed to minimise the impact of external of noise sources and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application as appropriate.
  - c) Buildings to incorporate green balcony edges and vertical climbing species to soften the entryways and internal interface between the eastern and western row of buildings.
  - d) Lots abutting residential zoned land to the east should not be more than 8 metres above existing ground level where within 5 metres of an abutting lot boundary.
  - e) The ground floor of each building must include glazing to the pedestrian and garage roller door.

**CARRIED UNANIMOUSLY**



*Councillor Newton advised Council, that whilst she owned property in the subject area of the following Item she did so in common with approx. 1000 property owners and had formed the view that her interest does not exceed that of the interests held by other residents, ratepayers and electors.*

### **5.3 THORBURY PARK ESTATE HERITAGE PRECINCT - PLANNING SCHEME AMENDMENT C191DARE**

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#### **EXECUTIVE SUMMARY**

This report presents the submissions received during the public exhibition period of Amendment C191 (Thornbury Park Estate) for Council consideration and seeks Council's endorsement to refer the amendment and all submissions to an independent Planning Panel.

Amendment C191 proposes to apply the Heritage Overlay to the Thornbury Park Estate Heritage Precinct, which is a large area of historic dwellings to the south of Miller Street and west of St Georges Road. The area, comprising 1052 properties, was developed as part of the 1911 Thornbury Park Estate subdivision and contains a high percentage of intact properties (72% of places contributory or significant), representing workers' housing during the late Federation and Interwar periods. The Thornbury Park Estate Precinct has been identified by external heritage consultants (RBA Architects and Conservation Consultants), who have recommended protection of the precinct due to its local heritage significance.

The amendment was exhibited from 5 August 2021 to 15 October 2021, a period of 10 weeks. A total of 166 submissions were received (of the 1,052 properties affected). Of these, 64 (6.1% of all properties) submissions were supportive of the proposal and 102 (9.7 % of all properties) submissions were not supportive (of which 24 were pro forma objections).

Preservation of the heritage character, reducing the diminution of the historic values of area and requiring sensitive, responsive development were cited as reasons for supporting the amendment by many submitters. Submissions opposing the amendment cited concerns for the potential impact heritage preservation may have on sustainability outcomes, disagreement with the heritage merits cited for individual properties and/or the precinct, potential financial costs and impacts to individual land owners, as well as other matters.

Council officers and the external heritage consultants have considered submissions and evaluated the issues raised against recognised heritage criteria. The heritage consultants have determined that none of the issues raised affect the heritage merit of the amendment, the integrity of the precinct nor require any significant changes to the proposed overlay. Some minor changes are proposed to reflect approved permits, which are detailed in this report.

It is recommended that Council refer all submissions received to an independent Planning Panel for further consideration. This will enable Amendment C191 to progress and for the Thornbury Park Estate Precinct to be protected into the future.

It is not uncommon for Heritage Overlays to be contentious in the community, and the independent Planning Panel will provide submitters an appropriate independent and expert forum to present their submissions and have their issues considered further.

Following the hearing, the independent panel will issue a report with recommendations for the amendment. Council will make a decision at a future meeting about the Panel's recommendations before determining whether to adopt the amendment.

The Manager City Futures introduced the report and advised the Planning Committee that a late submission had been received since the distribution of the Planning Committee agenda and that in response to this he would be revising his Officer Recommendation as follows to reflect this submission and to deal with any other late submission received.

*Notes the late submission received, being C191#167, and refers this, and any other late submissions received, to the independent panel for consideration.*

The Officer Recommendation below has been revised accordingly

*The following persons addressed the meeting in relation to Item 5.3 'Thornbury Park Estate Heritage Precinct - Planning Scheme Amendment C191dare'*

- **Catherine Maguire**
- **Brett Esler**
- **Frank Berra**
- **Steve**
- **Ana Rachman**
- **Paul Vascotto**
- **Edward Bucknell**
- **Joseph Villegas**
- **Jeremy Allan**

<b>Officer Recommendation</b>
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**That** Council, having prepared and exhibited Amendment C191dare to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*:

- (1) Notes and considers all written submissions received, as outlined in this report and within **Appendix A**.
- (2) Notes the late submission received, being C191#167, and refers this, and any other late submissions received, to the independent panel for consideration.
- (3) Resolves to continue progressing Amendment C191dare to an independent Planning Panel for consideration of submissions.
- (4) Requests that the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* and refers all submissions to the Panel for its independent consideration.
- (5) Endorses the response to submissions within **Appendix A**, and the suggested minor changes within **Appendix B** and **C**, which will form part of the basis of Council's submission to the independent Planning Panel.
- (6) Authorises the Manager City Futures to suggest minor changes to Amendment C191dare as part of Council's submission to the Panel.
- (7) Writes to all submitters to inform them of Council's decision.

**Motion**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That Council:**

- 1) Defers consideration of item 5.3, Thornbury Park Heritage Precinct – Planning Scheme Amendment C191dare to February 2022.
- 2) Accepts any further submissions received from community up until the date of its decision.
- 3) Ensures a concerted effort is made by Council as per the Darebin Council Engagement Policy to achieve an outcome of broader community consultation and submissions from a truer representation of the community in Thornbury Park Estate Precinct.

The motion was put and carried.

**Committee Decision**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That Council:**

- 1) Defers consideration of item 5.3, Thornbury Park Heritage Precinct – Planning Scheme Amendment C191dare to February 2022.
- 2) Accepts any further submissions received from community up until the date of its decision.
- 3) Ensures a concerted effort is made by Council as per the Darebin Council Engagement Policy to achieve an outcome of broader community consultation and submissions from a truer representation of the community in Thornbury Park Estate Precinct.

**CARRIED**

**For:** Cr's. Dimitriadis, Greco, Laurence, Messina and Williams (5)

**Against:** Cr's. Hannan, McCarthy, Newton and Rennie (4)

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

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

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

**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 8.30 pm.

**CITY OF  
DAREBIN**

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