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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 18 November 2019

Released to the public on Thursday 21 November 2019



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 and waters we now call Darebin and pays respect to their Elders, past, present and future.

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

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

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



English

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

Arabic

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

Chinese

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

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 18 NOVEMBER 2019

THE MEETING OPENED AT 6PM

WELCOME

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

“Ngarrgma Wurundjeri Woi-wurrung guljin gurringanyinu bik wenerop Darebin dharri. Ngarri yana ngarnga bik, baan ba ngarrgu. Gahgook-al Nanggit Bambuth, Yalingbu ba gama-dji.”

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

1. PRESENT

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Lina Messina

Council Officers

Sue Wilkinson - Chief Executive Officer

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd – Manager City Development

Peter Rollis – Coordinator Statutory Planning

Stephen Mahon - Coordinator Governance, Council Business and Civic Services

Karlee Ferrante - Council Business Officer

Chaden Berbari – IT Service Desk Officer

2. APOLOGIES

Apologies were received from Cr. Le Cerf and Cr. Williams.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Greco disclosed an indirect conflict of interest because of a residential amenity effect in Item 5.4 Application for Planning Permit – 435-437 High Street, Northcote, due to his ownership of a property at 45 Bent Street, Northcote which is in the proximity of the subject property.

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. G Greco
SECONDED: Cr. L Messina

That the Minutes of the Planning Committee Meeting held on 21 October 2019 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/653/2018 16-18 Clarendon Street Thornbury

Author: Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
The Clarendon Street Collective Pty Ltd	The Clarendon Street Collective Pty Ltd	Property Collectives Hansen Partnership Pillar + Post Lloyd Hetrick Consulting Arborist Ratio:Consultants Green Rate Sustainable Building Consultants KTS Studio

SUMMARY

- The application is recommended for approval subject to conditions.
- The application is for a citizen-led joint venture development for six (6) triple storey dwellings with two (2) bedrooms and secondary living areas each.
- Units 1-5 have been provided with traditional open spaces on the ground floor to the side/rear of the living areas; unit 6 has been provided with a balcony off the living area.
- Seven (7) car spaces are provided in car stackers and accessible via the laneway along the southern boundary. Six (6) bicycle racks are proposed, one to each townhouse.
- The development will have a maximum overall height of 10.6 metres.
- The application does not seek a reduction in car parking; however, all units have secondary living areas/retreats large enough to form a third bedroom. Officers have therefore assessed parking demand based on if the retreats were used as third bedrooms. The assessment, considerations and conclusions are detailed in this report.
- The site is zoned General Residential – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The subject site is comprised of two lots with an overall size of 675 square metres and therefore requires a garden area of 35%. A garden area of 284 square metres is provided, which equals 42% of the site.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Seven (7) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Public Places, Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit, Property Management Unit and Transport Engineering and Strategy Unit.
- This application was not required to be referred to external authorities.

The following person addressed the meeting in relation to Item 5.1 Application for Planning Permit D/653/2018 16-18 Clarendon Street, Thornbury and was thanked for his presentation by the Chairperson, Mayor Rennie:

- (1) Damian Iles (Applicant)

Committee Decision

MOVED: Cr. T McCarthy
SECONDED: Cr. T Laurence

That Planning Permit Application on D/653/2018 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as A100, A102, A103, A104, A200, A300, A301 and A501 Rev F, prepared by Pillar and Post and dated 29 July 2019) but modified to show:
 - (a) At least 2 suitable medium canopy tree and 6 suitable small canopy trees and a landscape plan in accordance with Condition No. 5 of the permit.
 - (b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 8 of this Permit.
 - (c) All car spaces within the car stacker clearly allocated to the dwellings.
 - (d) The bins for unit 6 provided in an external bin enclosure as per units 3-5 and located adjacent to the car stacker.
 - (e) The unit 6 entry/seat area increased by removing the internal bin storage area and reducing the ground floor storage area forward of the bottom step of the stairwell.
 - (f) Design details of the bin enclosures of units 3-6 designed to integrate into the design of the development.
 - (g) Pedestrian gates connecting the front yards to the private open spaces of units 1 and 2.
 - (h) Details of the proposed 1.2 metres high front fence to units 1 and 2 or a notation stating no front fence provided.
 - (i) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 9 of this Permit).
 - (j) Details of the external operable sun shading devices to the east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
 - (l) Details of the proposed mesh screening to show compliance with the requirements of Standard B22 of Clause 55.04-6 of the Planning Scheme.
 - (m) The south-facing first floor master bedroom and bedroom 1 windows of unit 6 clearly provided with mesh screening to avoid overlooking or updated correct view cones showing no direct views into the adjoining property to the south.
 - (n) The sill height of the west-facing kitchen window of unit 6 shown at least 1.7 metres above the floor level.
 - (o) The timber paling fences separating the front yards of the units reduced to a maximum height of 1.2 metres.
 - (p) Removal of the notation 'wall on boundary' adjacent to the service yard.
 - (q) The location and design layout of site services, including letter boxes, meters, air conditioning units, hot water systems, hydrants and pumps (as required). Plans must demonstrate how utility metres and services are minimally visible from the streetscape and adjoining properties, co-located where possible and/or screened to limit visibility of services.
 - (r) Any modifications in accordance with the Car Stacker Management Plan as per condition 14 of the permit.
 - (s) The hipped roof replaced with a floating flat roof.
 - (t) The second floor east-facing balconies redesigned as follows:
 - i. The height of the brick screening between the balconies, when measured from the 1 metre high balcony balustrade, reduced to match the depth of the vertical feature elements on the eastern elevation;
 - ii. Visual separation between the balconies and above the brick screening to be provided by the provision of planter boxes and/or vertical semi-permeable timber battens. Any timber batten are to extent from the wall to the edge of the roof;
 - iii. The balconies either
 - 1. to remain open to the sky where not located under the eave; or
 - 2. provided with a pergola structure between the eave and the balcony edge. At the balcony edge the vertical feature elements are to be continued to the pergola roof and extended along the pergola beams to frame each balcony.
 - (u) The colour of the TB timber cladding material changed to match the TM timber paling fence material.
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:
- The development does not start within three (3) years from the date of this Permit; or
 - 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:
- Before this Permit expires;
-

- Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. The land must be drained to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) At least 2 suitable medium canopy tree and 6 suitable small canopy trees
 - (b) details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - (c) a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (e) 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 are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (f) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (h) hard paved surfaces at all entry points to dwellings.
 - (i) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (j) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - (k) an outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (l) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (m) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
-

6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
 - 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.
7. 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.
8. Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in Arboricultural Report for Property Collectives, site address 16-18 Clarendon Street Thornbury, 3071, prepared by Lloyd Hetrick Consulting Arborist and dated 23 August 2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 3 - Ficus elastica (Rubber Tree)	3.4 metres
Tree 4 - Corymbia citriodora (Lemon Scented Gum)	3.8 metres
Tree 5 - Prunus persica (Peach)	3.0 metres
Tree 6 - Citrus reticulata (Mandarin)	2.0 metres
Tree 7 - Ficus carica (Edible Fig)	3.6 metres

The proposed paving and bin storage within the TPZ of Tree 3 must be built at or above existing grade and constructed using permeable materials.

The proposed paving and private open space within the TPZ of Tree 4 must be built at or above existing grade and remain permeable.

Non-invasive construction methods within the TPZ of Tree 7; for the garage wall alternative construction measures such as pier and beam and above grade slab within the TPZ are to be utilised.

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

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 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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

9. Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Sustainable Design Assessment, prepared by Green Rate and dated 13 March 2019 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- (a) BESS – Water: Remove washing machines.
 - (b) BESS – Transport: Show details of the visitor bicycle spaces on plans or remove the score for this.
 - (c) STORM Report: correct number of occupants/number of bedrooms
 - (d) Changes required to the plans as per report:
 - i. A notation stating ‘rainwater connected to toilets’.
 - ii. Details of the Solar Photovoltaic system.
 - iii. Details of the external lighting controlled by a motion detector.
 - iv. A notation stating ‘maximum illumination power density of 4W/sqm or less’.
 - v. Clear details of the shading provided to east, west and north facing glazing.
- The development must be constructed in accordance with the requirements/recommendations of the SDA to the satisfaction of the Responsible Authority.
 - Prior to the occupation of the development, a report from the author of the SDA, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SDA have been implemented in accordance with the approved Plan.
10. Before occupation of the development Council is to be notified to allow for the installation of parking controls on Armadale Street along the site’s frontage.
11. Before occupation of the development a fee of \$1,000 is to be paid to Council in order to implement a car share space in front of the site’s frontage on either Armadale Street or Clarendon Street, as agreed with the car share operator.
12. Before occupation of the development 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.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
13. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
14. Before the development commences, a Car Stacker Management Plan covering matters of access and safety (e.g. access to controls, access to stacking mechanism

and queuing of cars); residential amenity (including noise and vibration); location of subject premises (including the ambient noise environment and suitability of location); and maintenance of car stackers (including by whom, to what standard and how enforced), etc. must be prepared to the satisfaction of the Responsible Authority. When approved the Car Stacker Management Plan will be endorsed and will then form part of this permit.

The car stacker(s) must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Stacker Management Plan to the satisfaction of the Responsible Authority.

15. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.

16. Before the dwellings are 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/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

17. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
19. Provision must be made on the land for letter boxes and receptacles for newspapers 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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the Planning and Environment Act 1987. They

can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 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

**5.2 APPLICATION FOR A PLANNING PERMIT D/852/2018
37 STOREY ROAD RESERVOIR**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ikomomidis Reid	Patdan Investments Ptd Ltd 739 Elgar Road DONCASTER VIC 3108	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address landscaping, stormwater management, ESD, materials, windows and shading.
- The proposal is recommended for approval because it attains a satisfactory level of compliance with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme. The site has State and Local planning policy support for medium density housing. The Municipal Strategic Statement identifies Storey Road as an incremental housing change area. The General Residential Zone allows development of up to 3-storeys (11 metres) in height on the site and adjacent sites fronting Storey Road.
- The proposal involves the development of five (5) double storey dwellings.
- A General Residential Zone (Schedule 2) applies to the site.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36.18% (440.07 square metres).
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received against this application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, the ESD officer and the City Architect.

The following people addressed the meeting in relation to Item 5.2 Application for Planning Permit D/852/2018 37 Storey Road, Reservoir and were thanked for their presentations by the Chairperson, Mayor Rennie:

- (1) Zoran Shainovit (Applicant)
- (2) Marie Dennaoui (Objector)
- (3) Angela Eynaud (Objector)

Recommendation

That Planning Permit Application D/852/2018 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (plans identified as: TP04- Rev F, TP05 Rev F and TP06 Rev F, dated 16 June 2019, prepared by Ikonomidis Reid) but modified to show:
 - a) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
 - b) A landscape plan in accordance with Condition No. 5 of this Permit.
 - c) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 6 of this Permit).
 - d) The relocation and reconstruction of the crossover to Storey Road to align with the proposed driveway.
 - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the either side of the reconstructed crossover to Storey Road. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
 - f) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - g) The location of all plant and equipment (including air-conditioners, gas and electricity meters and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - h) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - i) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
 - j) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and habitable room windows. Casement, sliding, sash and or louver windows must be provided to maximise ventilation.
 - k) Removal of the south facing first floor bedroom windows serving dwelling 5.

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:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

- (5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) 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.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) 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 are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
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- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - m) A continuous evergreen, shade-tolerant, screening hedge planted at a semi-advanced size and at an appropriate lineal density to the southern boundary of the site. The screening hedge must be within cultivated soil in a mulched garden bed that has a continuous 1 metre offset from the southern boundary. The cultivar of the selected plant selection(s) must be provided.
 - n) At least one (1) small canopy tree (3-4 metres at maturity) in the rear garden of dwelling 5.
- (6) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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; and
 - 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; and
 - c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements.

The development must be constructed and maintained in accordance with the requirements and recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

All works must be carried out by the developer at their cost and be under supervision of the responsible authority. The works must be carried out to the satisfaction of the Responsible Authority.

- (7) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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.

- (8) 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.
- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (10) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (11) Before the dwellings are 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/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- (12) The land must be drained to the satisfaction of the Responsible Authority.
- (13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (16) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- N4 If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N5 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. T Laurence
SECONDED: Cr. G Greco

That Planning Committee refuse the application with grounds as follows:

- (1) The proposal fails to satisfy the objectives of Clause 22.04 (Neighbourhood Character) of the Darebin Planning Scheme and the design objective of the Darebin Neighbourhood Character Study & Precinct Guidelines 2007 in terms of setbacks and visual bulk.
- (2) The proposal does not satisfactorily comply with the standards and objectives of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Clause 55.02-1: Neighbourhood character - The proposal is inappropriate in terms of the setbacks and visual bulk.
 - b) Clause 55.02-2: Residential policy - The proposal is contrary to the preferred character of the area.
- (3) The proposal is an overdevelopment of the site.
- (4) The proposal creates negative audio impacts, confinement and diminished internal amenity for both 24 Northernhay Street and Unit 5/37 Storey Road Reservoir.

CARRIED

**5.3 APPLICATION FOR PLANNING PERMIT D/503/2018
73-77 Plenty Road, Preston**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
SJB Planning c/- 73 Plenty Road Pty Ltd	73 Plenty Road Pty Ltd	Renzo Tonin & Associates SJB Planning Preston Lane Wood & Grieve Engineers Ratio Leigh Design

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address accessibility, environmentally sustainable design, overlooking and internal views, active frontages, storage amongst and design excellence.
- The proposal is generally consistent with the relevant policies within the Darebin Planning Scheme (the Scheme), such as the design objectives of Schedule 3 of the Design and Development Overlay, car parking requirements of Clause 52.06 and the objectives and standards of Clause 58 of the Scheme.
- A mix of dwelling bed capacity is proposed and of the 38 dwellings the following is proposed:
 - two (2) bedroom dwellings (x6)
 - three (3) bedroom dwellings (x28); and
 - four (4) bedroom dwellings (x4).
- Height: 38 metres for the building, 43 metres including rooftop terrace and lift overrun.
- The site is located in the Commercial 1 Zone and is affected by the Design and Development Overlay - Schedule 3, Environmental Audit Overlay and Development Contributions Plan Overlay – Schedule 1.
- There is not mandatory garden area requirement for the site.
- There is no restrictive covenant on the title for the site.
- 12 objections were received against this application.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.

- The application was referred internally to:
 - Arboricultural Planning Unit
 - City Architect
 - Environmental Operations Unit
 - ESD Officer
 - Infrastructure and Capital Delivery Unit
 - Public Places Unit
 - Transport Engineering and Strategy Unit
 - Urban Designer
- The application was referred externally to:
 - VicRoads

The Coordinator Statutory Planning, introduced the report and advised the Committee of the following administrative errors.

1. Condition (1) pp) should read;

pp) A Streetscape Improvement Works Plan in accordance with Condition No. **14** of this Permit.

2. Condition (8) c) iii should read;

(8) c) iii. Garden Ben within **Raglan** Street nature strip: 6 months from the completion of the garden bed.

3. Condition 14 (preamble) should read;

(14) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the **Plenty Road and Raglan Street** reserve adjacent to the subject site and the footpath adjacent the east elevation of the centre. The plans must include the following details:

The Officer recommendation below has been amended accordingly.

The following person addressed the meeting in relation to Item 5.3 Application for Planning Permit D/503/2018 73-77 Plenty Road, Preston and were thanked for their presentation by the Chairperson, Mayor Rennie:

(1) Charisse Soutar (Objector)

Recommendation

That Planning Permit Application on D/503/2018 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: A03-B2, Basement 02 Floor Plan, Revision 2; A03-B1, Basement 01 Floor Plan, Revision 2; A03-02, Ground Level Floor Plan, Revision 3; A03-03, Level 01 Floor Plan, Revision 3; A03-04, Level 02 Floor Plan, Revision 3; A03-05, Level 03, 05 Floor Plan, Revision 3; A03-06, Level 04, 06 Floor Plan, Revision 1; A03-09, Level 07 Floor Plan, Revision 2; A03-10, Level 08 Floor Plan, Revision 3; A03-11, Level 09 Floor Plan, Revision 3; A03-12, Level 10 Floor Plan, Revision 3; A03-13, Level 11 Floor Plan, Revision 3; A03-14, Level 12 Roof Plan, Revision 6; A04-00, North Elevation, Revision 1; A04-02, West Elevation, Revision 2; A04-01, East Elevation, Revision 2; A04-03, South Elevation, Revision 2; A06-00, Section A & Section B, Revision 3; A11-01, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; A11-02, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; all dated 25.03.2019 and prepared by Preston Lane; Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated; and Waste Management Plan, dated 25 March 2019; and prepared by Leigh Design) but modified to show:
 - a) The one (1) and two (2) storey street wall / podium increased in visual dominance by:
 - i. Increasing the width of the vertical columns;
 - ii. Removing the insets associated with balconies and parapets (for the sections of the street wall that abut the Plenty Road and Raglan Street property boundaries) so these sections are flush with the vertical columns.
 - b) Illumination of the Raglan Street pedestrian entry to the 'apartment foyer'. The illumination must be baffled and screened to ensure no light is spilled beyond the property boundaries.
 - c) Retail Tenancy A modified to extend to the south to include an active frontage to Plenty Road. The retail tenancy is to sit in front of the proposed ground floor plant room. The active frontage must have a minimum depth of 2.0 metres, as measured from the Plenty Road ground floor façade.
 - d) Dwelling types 1, 2, 5, 7, 8 and 10 to include a minimum of one (1) adaptable bathroom that complies with Table D4 of Standard D17 of the Darebin Planning Scheme. The dwellings must have a clear path with a minimum width of 1.2 metres connecting the dwelling entrance to the living area, main bedroom and the adaptable bathroom.
 - e) An annotation that the storage for Dwelling type 4 bedroom which states 'x.xm³' has a minimum volume of 3.0 cubic metres.
 - f) An annotation that the external storage for Dwelling type 4 has a minimum volume of 3.0 cubic metres.
 - g) Ventilation of the car parking within the basement levels.
 - h) The vehicular gate to the basement levels to be electronic and remote controlled.
 - i) Details of the car stackers. A minimum of 25 per cent of the car stackers must be able to accommodate a vehicle height of at least 1.8 metres in accordance with Design standard 4 of Clause 52.06 of the Darebin Planning Scheme.

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- j) A convex mirror to the eastern side of vehicular accessway from Raglan Street in accordance with Sheet No. 4, Design Recommendations, dated 08/11/2018 of the Traffic Report prepared by Ratio Consultant Pty Ltd.
 - k) The western edge of Bedroom 3 of Dwelling 7.03 to be a solid wall and not include openings or windows.
 - l) The southern and western edges (where within 2.0 metres of the southern edge of the balcony) of the balconies of Dwellings 7.02, 8.02, 9.02, 10.1 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- m) The south facing habitable room windows of Dwellings 1.02, 2.02, 3.02, 4.02, 5.02, 6.02, 7.02, 8.02, 9.02, 10.01 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- n) Balconies of Dwellings 2.02, 2.03, 3.02, 3.03, 4.02, 4.03, 5.02, 5.03, 6.02, 6.02, 7.02, 7.03, 8.02, 8.03, 9.02, 9.03, and 10.1 treated to ensure the dwellings do not overlook more than 50 per cent of the balcony of a lower-level dwelling directly below and within the same development. Any screening or treatment must be designed to maintain outward views to Raglan Street. Any screening must be designed to complement the aesthetics of the development.
 - o) Window operation clearly shown on all elevation plans. Window operability must be maximised whilst not increasing overlooking of secluded private open space and/or habitable room windows. All habitable rooms must have a minimum of one (1) operable window that maximises ventilation.
 - p) A canopy over the public footpath along Plenty Road extending from the southern property boundary to the column located to the north of the Retail Tenancy A entry (that fronts Plenty Road). The canopy must be set back 0.75 metres from the kerb, except for the portion located directly in front of the Retail Tenancy A entry which can splay away from the kerb resulting in a greater setback. The canopy must have a clearance height of between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must not encroach the tree protection zone identified in Condition No. 4 of this Permit. The canopy must complement the design of the development.
 - q) A canopy over the public footpath along Raglan Street, extending from the western edge of the booster bay to the eastern edge of Apartment Foyer entry
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area. The canopy must be set back 0.75 metres from the kerb. The canopy must have a clearance height between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must complement the design of the development.

- r) A canopy to the north of the Apartment Foyer integrated into the canopy over the Raglan Street public footpath referred to in Condition 1q) of this Permit. The canopy must complement the design of the development.
- s) Deletion of the portion of the rooftop canopy that is to the east of the stairwell (over the mechanical plant area).
- t) The details and location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- u) Indicative signage locations for the Retail Tenancies. The signage locations must be designed to complement the aesthetics of the development.
- v) The location of all utility meters for the dwellings and retail tenancies.
- w) The solar panels on the roof in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit). The solar panels must be located so they are not unreasonably shaded by surrounding structures or parts of the building.
- x) An external clothes line for all dwellings. The clothes lines must be located so as to be minimally visible from the public realm.
- y) Shared clothes lines shown in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit).
- z) The door to the bicycle storage room to be sliding or not self-closing to ensure the door is not required to be held open when entering and exiting the room. The door width must be a minimum of 1.2 metres.
- aa) The location of all taps and drainage to all balconies. These must be labelled.
- bb) The location of all rainwater basket filter pits. These must be labelled.
- cc) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted and rendered surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

The materials must provide a clear difference between the one (1) and two (2) storey street wall / podium and the upper levels by utilising facebrick (darker colour) to the podium compared to the facebrick of the upper levels.
- dd) The recommendations of the acoustic assessment (identified as Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated) implemented into the development and listed in table form.
- ee) A combined planter box and balustrade to the balconies, as follows:
 - i. The northern edge of the balconies of the first-floor communal open space and of Dwellings 1.01, 1.02, 2.03, 2.04, 3.04, 4.03, 5.04, 6.03, 7.04, 8.03, 9.04, 10.01 and 11.01.
 - ii. The eastern edge of the balconies of the first-floor communal open space and of Dwellings 2.01, 2.04, 3.01, 4.01, 4.04, 6.01, 6.04, 7.01, 8.01, 8.04, 9.01, 10.02 and 11.02.

Planter boxes must have minimum widths of 300mm and have the same height as the balustrades. The planter boxes must include suitable irrigation and drainage.

- ff) Planter boxes to the balconies of Dwellings 3.03, 4.04, 5.03, 6.04, 7.03, 8.04, 9.02, and 10.02 capable of accommodating a small canopy tree. The planter boxes must be located to the north of the master bedrooms (Dwellings 3.03, 5.03, 7.03 and 9.02) and the secondary rooms (Dwellings 4.04, 6.04, 8.04, and 10.02). The planter boxes must include suitable irrigation and drainage.
- gg) Planter boxes to the balconies of Dwellings 4.01, 6.01, 8.01 capable of accommodating a small canopy tree. The planter boxes must be located to the east of Bedroom 3 (Dwellings 4.01 and 6.01) and Bedroom 1 (Dwelling 8.01). The planter boxes must include suitable irrigation and drainage.
- hh) Dwelling 8.01 internally modified so the living area of the dwelling abuts the dwelling's balcony a minimum distance of 3.0 metres.
- ii) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 of this Permit.
- jj) A landscape plan in accordance with Condition No. 6 of this Permit.
- kk) Modifications in accordance with the Landscape Management Plan (refer to Condition No. 9 of this Permit).
- ll) All environmentally sustainable design features referred to within the Sustainability Management Plan (SMP) listed in table form (Refer to Condition No. 10 of this Permit).
- mm) A single communal antenna for the development (in accordance with Condition No. 12 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- nn) A car parking allocation plan in accordance with Condition No. 13 of this Permit.
- oo) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 14 of this Permit).
- pp) A Streetscape Improvement Works Plan in accordance with Condition No. 14 of this Permit.

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) 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:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) As part of the consultant team *Preston Lane* or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design

and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.

- (5) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
Council street (<i>Platanus x Acerifolius</i>) within the Plenty Road nature strip adjoin the site.	2.4 metres

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

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 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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a tree protection fence is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a tree protection fence only applies where within the subject site.

- (6) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Any modifications as required at Condition 1 of this Permit.
- b) Tree Protection measures in accordance with condition 4 of this permit.
- c) Modifications related to the Streetscape Improvement Works Plan in accordance with Condition No. 15 of this permit.
- d) SDA Modifications related to the landscape, WSUD or urban ecology, in accordance with conditions 10 and 14 of this permit.
- e) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site.
- f) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits.
- g) 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.

- h) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- i) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- j) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- k) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
- l) Type and detail of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating permeability in accordance with zoning requirements. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- m) Constructed items such as letter boxes, garbage bins, lighting, clotheslines, storage, bike racks and water tanks with storage capacity shown where appropriate.
- n) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflict between services with the existing and proposed planting must be avoided.
- o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- p) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- q) Landscape Specification Notes including general establishment and maintenance requirements.

The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at a later date approved by the Responsible Authority in writing.

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.

- (7) 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.
- (8) Before the development starts, a Landscape Management Plan detailing the proposed landscaping on the land, and the garden beds and planter box within the nature strip adjacent to the land must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. The Landscape Management Plan must be prepared by a suitably qualified person and must incorporate:
 - a) site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment

- b) a maintenance planning schedule including:
 - i. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - ii. access requirements/ agreements
 - iii. irrigation and plant nutrition
 - c) A minimum maintenance period of:
 - i. Landscaping on site: ongoing
 - ii. Planter box within Plenty Road nature strip: ongoing
 - iii. Garden bed within Raglan Street nature strip: 6 months from the completion of the garden bed.
 - iv. All requirements of the landscape management plan, once endorsed, are the ongoing responsibility of the body corporate.
- (9) Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainable Management Plan, dated 5 June 2019 and prepared by Wood & Grieve Engineers detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- a) The grouping of the dwellings based on similar thermal properties.
 - b) BESS – Publish the BESS report
 - c) BESS Management 2.4 - Provide the section J glazing assessment.
 - d) BESS Management – details of the Building User’s Guide.
 - e) BESS Water – consistency between the BESS report, MUSIC Report and SMP
 - f) BESS Water – provide a water tank reliability calculation.
 - g) BESS Water – further evidence of the predicted effluent quality/specifications of the filter pits.
 - h) BESS Water – further details regarding stormwater discharge and reuse
 - i) BESS Water – further evidence of MUSIC model data and parameter inputs to demonstrate how best practice targets are achieved
 - j) BESS Water – confirmation the proposed filter pits are able to be sourced or alternative filter pits provided.
 - k) BESS Energy - Use electric instantaneous hot water systems.
 - l) BESS Energy - Increase the NatHERS ratings to a minimum of 6.5 stars average and that no dwelling is less than 6 stars.
 - m) BESS Energy – increase the R value of the insulation to the roof to a minimum of R4.
 - n) BESS Energy – provide electric car charging to the three (3) at grade car parking spaces.
 - o) BESS Energy – provide suitable infrastructure to enable the installation of electric car charging in the future for all car stackers.
 - p) BESS IEQ – Use clear glazing. Use operable external blinds for east and west facing glazing. Use fixed shading for north facing glazing.
 - q) BESS Transport 1.2 – a minimum of one (1) bicycle space allocated per dwelling within the ground floor bicycle storage room.
 - r) BESS Transport 1.2 – Provide a minimum of eight (8) visitor bike spaces in the public areas to claim this credit.
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- s) BESS Urban ecology – the communal terraces are not vegetation. Only actual areas of vegetation can be included in this credit. Ensure the percentage is an accurate number.
- t) BESS Innovation – Removal of low VOC paints and third-party certified timber as innovative.

The development must be constructed in accordance with the requirements/recommendations of the SMP to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

- (10) Before development commences, 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 sensitive use.
- (11) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (12) The development must provide a minimum of:
 - a) One (1) car parking space to each two (2) bedroom dwelling;
 - b) Two (2) car parking spaces to each three (3) or more bedroom dwelling; and
 - c) One (1) car parking space to each retail tenancy.
- (13) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

- (14) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and Raglan Street road reserve adjacent to the subject site and the footpath adjacent the east elevation of the centre. The plans must include the following details:
- a) Demolition of the existing footpath pavement and replacement with high quality materials and surface treatments (such as concrete aggregate or bluestone paving) to be flush with the development site and setback. Pavement materials must be to the satisfaction of the Responsible Authority.
 - b) Any service pit in the Plenty Road and/or Raglan Street road reserves must be finished at the same level of the new concrete pavement level.
 - c) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site in accordance with the endorsed plans.
 - d) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits in accordance with the endorsed plans.
 - e) Supply and install two (2) bike parking hoops within the Raglan Street nature strip directly adjoining the site.
 - f) Supply and install within the Plenty Road nature strip directly adjoining the site the following:
 - i. A 120L recycling bin
 - ii. A 120L general waste bin

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at cost to the owner of the land, prior to the occupation of the development or at a later date approved by the Responsible Authority in writing.

- (15) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- a) Erosion and sediment.
 - b) Stormwater.
 - c) Litter, concrete and other construction wastes.
 - d) Chemical contamination.

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (16) The default phase for the vehicular signal system must prioritise vehicles accessing the site over vehicles exiting the site, to the satisfaction of the Responsible Authority.
- (17) Waste storage and collection must be undertaken in accordance with the approved waste management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- (18) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the

Responsible Authority.

- (19) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (20) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian entry to the building and vehicular access to the car parking area must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) All pipes, guttering, rain heads, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (25) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (27) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat; and
 - d) drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (28) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainability Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- 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. T McCarthy
SECONDED: Cr. L Messina

That Planning Permit Application on D/503/2018 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: A03-B2, Basement 02 Floor Plan, Revision 2; A03-B1, Basement 01 Floor Plan, Revision 2; A03-02, Ground Level Floor Plan, Revision 3; A03-03, Level 01 Floor Plan, Revision 3; A03-04, Level 02 Floor Plan, Revision 3; A03-05, Level 03, 05 Floor Plan, Revision 3; A03-06, Level 04, 06 Floor Plan, Revision 1; A03-09, Level 07 Floor Plan, Revision 2; A03-10, Level 08 Floor Plan, Revision 3; A03-11, Level 09 Floor Plan, Revision 3; A03-12, Level 10 Floor Plan, Revision 3; A03-13, Level 11 Floor Plan, Revision 3; A03-14, Level 12 Roof Plan, Revision 6; A04-00, North Elevation, Revision 1; A04-02, West Elevation, Revision 2; A04-01, East Elevation, Revision 2; A04-03, South Elevation, Revision 2; A06-00, Section A & Section B, Revision 3; A11-01, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; A11-02, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; all dated 25.03.2019 and prepared by Preston Lane; Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated; and Waste Management Plan, dated 25 March 2019; and prepared by Leigh Design) but modified to show:
 - a) The one (1) and two (2) storey street wall / podium increased in visual dominance by:
 - i. Increasing the width of the vertical columns;
 - ii. Removing the insets associated with balconies and parapets (for the sections of the street wall that abut the Plenty Road and Raglan Street property boundaries) so these sections are flush with the vertical columns.
 - b) Illumination of the Raglan Street pedestrian entry to the 'apartment foyer'. The illumination must be baffled and screened to ensure no light is spilled beyond the property boundaries.
 - c) Retail Tenancy A modified to extend to the south to include an active frontage to Plenty Road. The retail tenancy is to sit in front of the proposed ground floor plant room. The active frontage must have a minimum depth of 2.0 metres, as measured from the Plenty Road ground floor façade.
 - d) Dwelling types 1, 2, 5, 7, 8 and 10 to include a minimum of one (1) adaptable bathroom that complies with Table D4 of Standard D17 of the Darebin Planning Scheme. The dwellings must have a clear path with a minimum width of 1.2 metres connecting the dwelling entrance to the living area, main bedroom and the adaptable bathroom.
 - e) An annotation that the storage for Dwelling type 4 bedroom which states 'x.xm³' has a minimum volume of 3.0 cubic metres.
 - f) An annotation that the external storage for Dwelling type 4 has a minimum volume of 3.0 cubic metres.
 - g) Ventilation of the car parking within the basement levels.
 - h) The vehicular gate to the basement levels to be electronic and remote controlled.
 - i) Details of the car stackers. A minimum of 25 per cent of the car stackers must be

able to accommodate a vehicle height of at least 1.8 metres in accordance with Design standard 4 of Clause 52.06 of the Darebin Planning Scheme.

- j) A convex mirror to the eastern side of vehicular accessway from Raglan Street in accordance with Sheet No. 4, Design Recommendations, dated 08/11/2018 of the Traffic Report prepared by Ratio Consultant Pty Ltd.
- k) The western edge of Bedroom 3 of Dwelling 7.03 to be a solid wall and not include openings or windows.
- l) The southern and western edges (where within 2.0 metres of the southern edge of the balcony) of the balconies of Dwellings 7.02, 8.02, 9.02, 10.1 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- m) The south facing habitable room windows of Dwellings 1.02, 2.02, 3.02, 4.02, 5.02, 6.02, 7.02, 8.02, 9.02, 10.01 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- n) Balconies of Dwellings 2.02, 2.03, 3.02, 3.03, 4.02, 4.03, 5.02, 5.03, 6.02, 6.02, 7.02, 7.03, 8.02, 8.03, 9.02, 9.03, and 10.1 treated to ensure the dwellings do not overlook more than 50 per cent of the balcony of a lower-level dwelling directly below and within the same development. Any screening or treatment must be designed to maintain outward views to Raglan Street. Any screening must be designed to complement the aesthetics of the development.
- o) Window operation clearly shown on all elevation plans. Window operability must be maximised whilst not increasing overlooking of secluded private open space and/or habitable room windows. All habitable rooms must have a minimum of one (1) operable window that maximises ventilation.
- p) A canopy over the public footpath along Plenty Road extending from the southern property boundary to the column located to the north of the Retail Tenancy A entry (that fronts Plenty Road). The canopy must be set back 0.75 metres from the kerb, except for the portion located directly in front of the Retail Tenancy A entry which can splay away from the kerb resulting in a greater setback. The canopy must have a clearance height of between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must not encroach the tree protection zone identified in Condition No. 4 of this Permit. The canopy must complement the design of the development.

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- q) A canopy over the public footpath along Raglan Street, extending from the western edge of the booster bay to the eastern edge of Apartment Foyer entry area. The canopy must be set back 0.75 metres from the kerb. The canopy must have a clearance height between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must complement the design of the development.
 - r) A canopy to the north of the Apartment Foyer integrated into the canopy over the Raglan Street public footpath referred to in Condition 1q) of this Permit. The canopy must complement the design of the development.
 - s) Deletion of the portion of the rooftop canopy that is to the east of the stairwell (over the mechanical plant area).
 - t) The details and location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - u) Indicative signage locations for the Retail Tenancies. The signage locations must be designed to complement the aesthetics of the development.
 - v) The location of all utility meters for the dwellings and retail tenancies.
 - w) The solar panels on the roof in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit). The solar panels must be located so they are not unreasonably shaded by surrounding structures or parts of the building.
 - x) An external clothes line for all dwellings. The clothes lines must be located so as to be minimally visible from the public realm.
 - y) Shared clothes lines shown in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit).
 - z) The door to the bicycle storage room to be sliding or not self-closing to ensure the door is not required to be held open when entering and exiting the room. The door width must be a minimum of 1.2 metres.
 - aa) The location of all taps and drainage to all balconies. These must be labelled.
 - bb) The location of all rainwater basket filter pits. These must be labelled.
 - cc) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted and rendered surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

The materials must provide a clear difference between the one (1) and two (2) storey street wall / podium and the upper levels by utilising facebrick (darker colour) to the podium compared to the facebrick of the upper levels.
 - dd) The recommendations of the acoustic assessment (identified as Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated) implemented into the development and listed in table form.
 - ee) A combined planter box and balustrade to the balconies, as follows:
 - i. The northern edge of the balconies of the first-floor communal open space and of Dwellings 1.01, 1.02, 2.03, 2.04, 3.04, 4.03, 5.04, 6.03, 7.04, 8.03, 9.04, 10.01 and 11.01.
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- ii. The eastern edge of the balconies of the first-floor communal open space and of Dwellings 2.01, 2.04, 3.01, 4.01, 4.04, 6.01, 6.04, 7.01, 8.01, 8.04, 9.01, 10.02 and 11.02.

Planter boxes must have minimum widths of 300mm and have the same height as the balustrades. The planter boxes must include suitable irrigation and drainage.

- ff) Planter boxes to the balconies of Dwellings 3.03, 4.04, 5.03, 6.04, 7.03, 8.04, 9.02, and 10.02 capable of accommodating a small canopy tree. The planter boxes must be located to the north of the master bedrooms (Dwellings 3.03, 5.03, 7.03 and 9.02) and the secondary rooms (Dwellings 4.04, 6.04, 8.04, and 10.02). The planter boxes must include suitable irrigation and drainage.
- gg) Planter boxes to the balconies of Dwellings 4.01, 6.01, 8.01 capable of accommodating a small canopy tree. The planter boxes must be located to the east of Bedroom 3 (Dwellings 4.01 and 6.01) and Bedroom 1 (Dwelling 8.01). The planter boxes must include suitable irrigation and drainage.
- hh) Dwelling 8.01 internally modified so the living area of the dwelling abuts the dwelling's balcony a minimum distance of 3.0 metres.
- ii) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 of this Permit.
- jj) A landscape plan in accordance with Condition No. 6 of this Permit.
- kk) Modifications in accordance with the Landscape Management Plan (refer to Condition No. 9 of this Permit).
- ll) All environmentally sustainable design features referred to within the Sustainability Management Plan (SMP) listed in table form (Refer to Condition No. 10 of this Permit).
- mm) A single communal antenna for the development (in accordance with Condition No. 12 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- nn) A car parking allocation plan in accordance with Condition No. 13 of this Permit.
- oo) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 14 of this Permit).
- pp) A Streetscape Improvement Works Plan in accordance with Condition No. 14 of this Permit.

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) 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:

- Before this Permit expires;
- Within six (6) months after the expiry date; or
- Within twelve (12) months after the expiry date if the request relates to the

completion of the development or a stage of the development.

- (4) As part of the consultant team *Preston Lane* or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- (5) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
<i>Council street (Platanus x Acerifolius) within the Plenty Road nature strip adjoin the site.</i>	2.4 metres

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

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 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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a tree protection fence is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a tree protection fence only applies where within the subject site.

- (6) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Any modifications as required at Condition 1 of this Permit.
 - b) Tree Protection measures in accordance with condition 4 of this permit.
 - c) Modifications related to the Streetscape Improvement Works Plan in accordance with Condition No. 15 of this permit.
 - d) SDA Modifications related to the landscape, WSUD or urban ecology, in accordance with conditions 10 and 14 of this permit.
 - e) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site.
 - f) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits.
 - g) 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.

- h) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- i) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- j) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- k) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
- l) Type and detail of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating permeability in accordance with zoning requirements. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- m) Constructed items such as letter boxes, garbage bins, lighting, clotheslines, storage, bike racks and water tanks with storage capacity shown where appropriate.
- n) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflict between services with the existing and proposed planting must be avoided.
- o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- p) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- q) Landscape Specification Notes including general establishment and maintenance requirements.

The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at a later date approved by the Responsible Authority in writing.

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.

- (7) 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.
- (8) Before the development starts, a Landscape Management Plan detailing the proposed landscaping on the land, and the garden beds and planter box within the nature strip adjacent to the land must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. The Landscape Management Plan must be prepared by a suitably qualified person and must incorporate:
 - a) site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)

- ii. local environment
 - b) a maintenance planning schedule including:
 - i. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - ii. access requirements/ agreements
 - iii. irrigation and plant nutrition
 - c) A minimum maintenance period of:
 - i. Landscaping on site: ongoing
 - ii. Planter box within Plenty Road nature strip: ongoing
 - iii. Garden bed within Raglan Street nature strip: 6 months from the completion of the garden bed and then ongoing.
 - d) All requirements of the Land Management Plan once endorsed are the ongoing responsibility of the body corporate.
- (9) Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainable Management Plan, dated 5 June 2019 and prepared by Wood & Grieve Engineers detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
 - a) The grouping of the dwellings based on similar thermal properties.
 - b) BESS – Publish the BESS report
 - c) BESS Management 2.4 - Provide the section J glazing assessment.
 - d) BESS Management – details of the Building User’s Guide.
 - e) BESS Water – consistency between the BESS report, MUSIC Report and SMP
 - f) BESS Water – provide a water tank reliability calculation.
 - g) BESS Water – further evidence of the predicted effluent quality/specifications of the filter pits.
 - h) BESS Water – further details regarding stormwater discharge and reuse
 - i) BESS Water – further evidence of MUSIC model data and parameter inputs to demonstrate how best practice targets are achieved
 - j) BESS Water – confirmation the proposed filter pits are able to be sourced or alternative filter pits provided.
 - k) BESS Energy - Use electric instantaneous hot water systems.
 - l) BESS Energy - Increase the NatHERS ratings to a minimum of 6.5 stars average and that no dwelling is less than 6 stars.
 - m) BESS Energy – increase the R value of the insulation to the roof to a minimum of R4.
 - n) BESS Energy – provide electric car charging to the three (3) at grade car parking spaces.
 - o) BESS Energy – provide suitable infrastructure to enable the installation of electric car charging in the future for all car stackers.
 - p) BESS IEQ – Use clear glazing. Use operable external blinds for east and west facing glazing. Use fixed shading for north facing glazing.

- q) BESS Transport 1.2 – a minimum of one (1) bicycle space allocated per dwelling within the ground floor bicycle storage room.
- r) BESS Transport 1.2 – Provide a minimum of eight (8) visitor bike spaces in the public areas to claim this credit.
- s) BESS Urban ecology – the communal terraces are not vegetation. Only actual areas of vegetation can be included in this credit. Ensure the percentage is an accurate number.
- t) BESS Innovation – Removal of low VOC paints and third-party certified timber as innovative.

The development must be constructed in accordance with the requirements/recommendations of the SMP to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

- (10) Before development commences, 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 sensitive use.
- (11) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (12) The development must provide a minimum of:
 - a) One (1) car parking space to each two (2) bedroom dwelling;
 - b) Two (2) car parking spaces to each three (3) or more bedroom dwelling; and
 - c) One (1) car parking space to each retail tenancy.
- (13) Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

- (14) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the Plenty Road and Raglan Street road reserve adjacent to the subject site and the footpath adjacent the east elevation of the centre. The plans must include the following details:

- a) Demolition of the existing footpath pavement and replacement with high quality materials and surface treatments (such as concrete aggregate or bluestone paving) to be flush with the development site and setback. Pavement materials must be to the satisfaction of the Responsible Authority.
- b) Any service pit in the Plenty Road and/or Raglan Street road reserves must be finished at the same level of the new concrete pavement level.
- c) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site in accordance with the endorsed plans.
- d) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits in accordance with the endorsed plans.
- e) Supply and install two (2) bike parking hoops within the Raglan Street nature strip directly adjoining the site.
- f) Supply and install within the Plenty Road nature strip directly adjoining the site the following:
 - i. A 120L recycling bin
 - ii. A 120L general waste bin

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at cost to the owner of the land, prior to the occupation of the development or at a later date approved by the Responsible Authority in writing.

- (15) Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:

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

The site and development must be managed accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

- (16) The default phase for the vehicular signal system must prioritise vehicles accessing the site over vehicles exiting the site, to the satisfaction of the Responsible Authority.

- (17) Waste storage and collection must be undertaken in accordance with the approved

waste management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (18) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
- (19) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (20) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian entry to the building and vehicular access to the car parking area must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) All pipes, guttering, rain heads, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (25) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (27) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat; and
 - d) drained
- to the satisfaction of the Responsible Authority.

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

- (28) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainability Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- 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

Declaration of Conflict of Interest

6.03 pm Cr. Greco disclosed an indirect conflict of interest due to a residential amenity effect in the following item due to his ownership of property at 45 Bent Street, Northcote which is in the proximity of the subject property.

Cr. Greco left the meeting at 6.03 pm.

**5.4 APPLICATION FOR A PLANNING PERMIT D/1069/2016
435 - 437 HIGH STREET NORTHCOTE**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
CK Architects 780 High Street THORNBURY VIC 3071	Murat Musovic 118 Corriedale Crescent PARK ORCHARDS VIC 3114 Alex Premtic 13 Harry Street THORNBURY VIC 3071	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address ESD, materials, windows, shading, signage, storage, access, waste collection, streetscape improvement works and stormwater management.
- The proposal has State and Local planning policy support for multi-level mixed use development. The Municipal Strategic Statement identifies High Street as a substantial housing change area and the site is supported for increased residential density under the Design and Development Overlay.
- The proposal is recommended for approval as it attains a satisfactory level of compliance with the objectives and standards of Clauses 34.01, 22.06, 43.02, 52.06 and 58 of the Darebin Planning Scheme.
- The proposal involves the development of a six (6) storey building comprising 15 dwellings, two (2) retail premises, 18 basement car parking spaces and 20 bicycle parking spaces. Eight (8) two (2) bedroom and seven (7) three (3) bedroom dwellings are proposed.
- A reduction of 10 car parking spaces is sought.
- Visitor car parking is not required as the site is located on the Principal Public Transport Network.
- A Commercial 1 Zone, Design and Development Overlay (Schedule 14) and Special Building Overlay apply to the site.
- There is no restrictive covenant on the title for the subject land.
- Seven (7) objections were received against this application.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Planning and Management Unit, Urban Design officers, the Environmentally Sustainable Development Officer (ESD Officer) and the City Architect.
- This application was referred externally to Melbourne Water.

The following person addressed the meeting in relation to Item 5.4 Application for Planning Permit D/1069/2016 435-437 High Street, Northcote and was thanked for his presentation by the Chairperson, Mayor Rennie:

- (1) Chris McKenzie (on behalf of Applicant)

Committee Decision

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

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (plans identified as: A08, A09, A10, A20, dated 25 August 2019, A11, A15, A16, A17, dated 11 July 2019, A12, A13, A18, A19, dated 17 December 2018, prepared by C Kairouz Architects) but modified to show:
- a) Modifications in accordance with the Sustainability Management Plan (refer to Condition No. 5 of this Permit).
 - b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 6 of this Permit).
 - c) Modifications in accordance with the Streetscape Improvement Works Plan (refer to Condition No. 7 of this Permit).
 - d) Modifications in accordance with the Stormwater Management Plan (refer to Condition No. 8 of this Permit).
 - e) Modifications in accordance with Melbourne Water's requirements (refer to Condition No's 21 – 25 of this Permit).
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - c) The doors to the fire booster cabinet located on the south elevation must be designed to blend with the external wall materials applied to this section of the south elevation.
 - d) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - e) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - f) Window operation on all elevation plans. Window operation must not increase

overlooking of secluded private open space and/ or habitable room windows. Casement, sliding, sash and or louvre windows must be provided to maximise ventilation.

- g) A single communal antenna for the development (refer to Condition No. 16 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- h) The canopy over the public footpath set back no less than 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath.
- i) Location of indicative signage.
- j) The location of the car lift control panel.
- k) Details of the disabled stair lift to the retail entry to High Street and the resident entry to Bent Street. The stair lift facilities must be designed to blend with the High Street and Bent Street façade.
- l) Compliance with standard D17 (Accessibility) of Clause 58 of the Darebin Planning Scheme.
- m) Compliance with standard D20 (Storage) of Clause 58 of the Darebin Planning Scheme.
- n) Deletion of the planter bed at the corner of High Street and Bent Street.
- o) Modifications to the materials and façade detailing in accordance with plans A17 and A18, received 22 October 2019 and prepared by C Kairouz Architects, showing face brick work to the ground, first and second floor level, together with the following additional changes under conditions 1 p), q), r), s) and t) .
- p) Face brick (BR) to match the lower 3 levels, to the ground level south and west elevation (where the waste collection area is located).
- q) Face brick (BR) wrapping the south, west and east elevation of the staircase at the upper 3 levels.
- r) Shading hoods to the south facing windows located on the upper 3 levels.
- s) Metal balustrades to the balconies serving apartments 3.01, 4.01, 4.02, 5.01 and 5.02, to match the advertised plans (dated 17/12/2018).
- t) Vertical metal cladding (MC) to the upper 3 levels. The cladding type and colour (grey) is to match that shown on the advertised plans (dated 17/12/2018).

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:
 - The development does not start within three (3) years from the date of this Permit; or
 - 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:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. As part of the consultant team C Kairouz Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the

design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.

5. Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater
- e) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

The SMP must be accompanied by a report from an industry accepted performance measurement tool.

Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

6. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

7. Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the High Street and Bent Street road reserve adjacent to the subject site. The plans must include the following details:

- a) Demolition of the existing footpath pavement and replacement with new concrete paving with joints. The new concrete is to match the colour of the existing concrete as closely as practicable.
- b) Four (4) trees adjacent the Bent Street frontage.

- c) A council suite seat to the Bent Street frontage.
- d) A kerb out-stand to the High Street and Bent Street intersection (both sides of the intersection).
- e) A raised pedestrian threshold to the High Street and Bent Street intersection.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at cost to the owner of the land, prior to the occupation of the development unless otherwise agreed prior written consent of the Responsible Authority.

8. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. 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 as 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 development must be constructed and maintained in accordance with the requirements/ recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

9. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:

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

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

10. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days

from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

11. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
12. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the Bent Street residential entry, access to the car parking area, car parking spaces and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

13. The land must be drained to the satisfaction of the Responsible Authority.
14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. All pipes, guttering, rainheads, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features 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.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
19. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat;
 - d) drained;
 - e) line-marked to indicate each car space and all access lanes;
 - f) clearly marked to show the direction of traffic along the access lanes and driveways.

to the satisfaction of the Responsible Authority.

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

20. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land; and/or
 - (b) Appearance of any building, works, stored goods or materials; and/or
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority

Melbourne Water conditions (Conditions 21 – 25):

21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
22. The retail tenancies, entry foyer and lift area must be constructed with finished floor levels set no lower than 47.43 metres to Australian Height Datum.
23. The car lift must be constructed with finished surface levels set no lower than 46.95 metres to Australian Height Datum.
24. All doors, windows, vents and openings to the basement car park must be set a minimum of 300mm above the applicable grading flood level.
25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

COUNCIL 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 permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 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.

MELBOURNE WATER NOTATIONS

- The flood line for the property grades from 47.13 metres to Australian Height Datum (AHD) at the eastern boundary down to 46.65 metres to AHD at the western boundary.
- If further information is required in relation to Melbourne Water's permit conditions please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **232174**.

CARRIED

7.38 pm Cr. Greco returned to the meeting.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Committee Decision

MOVED: Cr. S Amir
SECONDED: Cr. L Messina

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

CARRIED

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.39 pm.

**CITY OF
DAREBIN**

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 **F** 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have
a hearing or speech
impairment, contact
us through the
National Relay Service.

 **Speak your language**
T 8470 8470

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繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt