



Merri-bek City Council

Minutes of the Planning and Related Matters Meeting

Held at the Council Chamber, Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 26 October 2022

The Mayor opened the meeting at 6.33 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Mark Riley, Mayor	6.33 pm	8.09 pm
Cr Lambros Tapinos, Deputy Mayor	Apology	
Cr Adam Pulford	6.33 pm	8.09 pm
Cr Angelica Panopoulos	Leave of absence	
Cr Annalivia Carli Hannan	Apology	
Cr Helen Davidson	6.33 pm	8.09 pm
Cr Helen Pavlidis	6.33 pm	8.09 pm
Cr James Conlan	6.33 pm	8.09 pm
Cr Monica Harte	6.33 pm	8.09 pm
Cr Oscar Yildiz JP	6.33 pm	8.09 pm
Cr Sue Bolton	Apology	

OFFICERS

Acting Group Manager City Development – Lachlan McGowan
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator – Esha Rahman
Senior Urban Planner Commercial Priority – Kate Murphy
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Panopoulos was on an approved leave of absence - 1 October 2022 to 26 November 2022 inclusive.

Apologies were received from Cr Tapinos, Cr Bolton and Cr Carli Hannan.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Harte moved, Cr Pavlidis seconded -

The minutes of the Planning and Related Matters Meeting held on 28 September 2022 be confirmed.

Carried

COUNCIL REPORTS

5.1 PLANNING AND RELATED MATTERS REPORT 9-13 & 15 BARROW STREET, COBURG - PLANNING PERMIT APPLICATION MPS/2021/1017



Property:	9-13 Barrow Street and 15 Barrow Street, Coburg
Proposal:	Use and development of a child care centre and display of business identification signage
Zoning and Overlay/s:	<ul style="list-style-type: none">Neighbourhood Residential Zone, Schedule 1Development Contributions Plan Overlay
Objections:	<ul style="list-style-type: none">27 objectionsKey issues:<ul style="list-style-type: none">Car parking and trafficNon-residential use and development in a residential area
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none">Date: 27 September 2022Attendees: 3 objectors, the applicant, 2 Council officers, and Cr HarteThe permit applicant tabled mediations plans at the PID meeting which sought to address concerns related to architectural expression and landscaping. Further following the meeting there was agreement to provide one additional car parking space.

ESD:	<ul style="list-style-type: none"> • 15kW solar panels • 10,000 Litre rainwater tank • 57 per cent BESS Rating
Key reasons for support	<ul style="list-style-type: none"> • An expanded child care centre will serve the local community which is consistent with Neighbourhood Residential Zone. • Part of the site will continue to provide accommodation. • The built form impacts are minimised through re-purposing of the dwelling. • Minimisation of off-site amenity impacts through the siting of built form and play areas, provision of acoustic fencing, and provision of all required parking spaces on site.
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/1017 be issued for the use and development of a child care centre and display of business identification signage at 9-13 and 15 Barrow Street, Coburg subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 20 June 2022 but modified to show:
 - a) Changes generally in accordance with the discussion plans dated and received on 4 October 2022, including:
 - i. Alterations to façade colours, materials and glazing, and the design of the feature shapes with all materials on the material schedule and clearly linked to the elevation plans.
 - ii. Reduction in the length of the wall on the northern boundary and realignment of the southern wall of the Toilets, Room 2 and Room 3/Multi-Purpose Room.
 - iii. Internal reconfiguration and wall realignments to the ground floor of 9-13 Barrow Street, without reducing any setbacks to the western boundary.
 - iv. Deletion of the skillion roof and clerestory windows to 15 Barrow Street to accommodate increased solar panels.
 - v. Reconfiguration of the landscape beds adjacent 9-13 Barrow Street to accommodate six bicycle spaces.
 - vi. The addition of a landscape bed to the south of the southernmost car park spaces.
 - vii. An additional car space within the “pram store room/storage” and the space in front indicated on the plans. These spaces are to be marked for staff use only and must be shown to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme.

- viii. The southernmost car park spaces relocated approximately 2 metres west to accommodate a landscape bed between the spaces and the Barrow Street boundary, with any changes necessary to the landscaping and other infrastructure adjacent the building to ensure appropriate turning space is provided.
- ix. The addition of a 0.3 metre wide landscape bed to the south of the southernmost car park spaces.
- b) Internal north and south elevations.
- c) Details of the business identification signage, including the materials, colours, dimensions, height above natural ground level and how it will be attached to the wall/how far it will project from the wall.
- d) The bicycle parking spaces relocated out of the 0.3 metre wide “clearance required” area of the adjacent car spaces.
- e) Any changes in accordance with the Tree Management Plan (TMP) required under condition 6 to ensure the retention of the cedar tree.
- f) The provision of a canopy tree within the front setback of 15 Barrow Street, that is located within a permeable area within the site of at least 4.5 metres x 4.5 metres. The canopy tree must be a species that can:
 - i. Reach a height of 8-15 metres at maturity.
 - ii. Achieve a canopy width of at least 7 metres at maturity.
- g) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7c) of this permit.
- h) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Acoustic Report in accordance with Condition 11 of this permit.

Compliance with Endorsed Plans

- 2. The use and development as shown on the endorsed plans, including the location, dimensions, shape and associated structures of signage, must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Etched, advertised 20 June 2022 but amended to show:
 - a) Any changes required to align with the plans for endorsement required by Condition 1.
 - b) Landscaping species within the landscape bed between the eastern car space of the southernmost car park spaces and the Barrow Street boundary that is visible to the street above the boundary fence.
 - c) The Structural Root Zone and Tree Protection Zone of the Cedar Tree and details of any construction measures recommended in the Tree Management Plan in accordance with Condition 6 of this permit for the protection of this tree.
 - d) A canopy tree as required by Condition 1(f) of this permit.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that the Cedar Tree at the front of the site can be retained and the Council street trees are protected during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
 - a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - b) Any recommendations to relocate hard paving or car parking spaces to ensure the Cedar Tree at the front of the site can be retained.
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.
 - f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
 - g) A timetable outlining works requiring supervision by the Project Arborist.
 - h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
 - i) All remedial pruning works that are required to be performed on the tree during the development of the site and for the proposed car parking immediately adjacent to tree. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

7. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by EcoHarmony, advertised on 20 June 2022 but modified to include the following changes:
 - a) Updated SDA to:
 - i. Have the correct address, consistent with the other planning documents.
 - ii. Reflect any changes to the plans and ESD initiatives in accordance with the discussion plans dated 4 October 2022, and any further changes in accordance with Condition 1 of this permit.
 - b) Updated ventilation section to include breeze paths overlaid onto floor plans showing effective natural ventilation has been achieved.
 - c) Show the following ESD initiatives on the development plans:
 - i. The solar PV panels tilt angle, being the angle between the horizontal plane and the panel, must be at least 10 degrees to allow for self-cleaning.
 - ii. A cross section or product detail of the permeable shading over the play area. Include details about the operability and adjustability of the shading device.
 - iii. Lawn areas annotated as 'not synthetic'.
 - iv. Double glazing 'DG' to all windows and glazed doors annotated on each individual glazing unit and specified on the material/colour schedule.
 - v. How the windows will operate (e.g. arrows for sliding and V for awning).
 - d) Provide a comprehensive daylight model report to outline how the development achieves the daylight requirements of BESS. Modelling must consider all existing and proposed development as well as shading and architectural features to account for all overshadowing. Skylights are to be double glazed and the Visible Light Transmittance (VLT) to be consistent with preliminary section J façade calculator. A comprehensive daylight modelling report must be provided showing the following at a minimum:
 - i. Overlay daylight maps on to floor plans such that it is easy to ascertain that the modelling accurately depicts the dimensions and design of the space.
 - ii. Clear scale to accompany daylight maps.
 - iii. Produce a summary table showing the daylight value for each space with their floor area and the compliant area as both a percentage and as a sqm area.
 - iv. An image of the development as modelled in the software which demonstrates that all external architectural features, overhangs, lightwells, screening, adjacent buildings and structures and other daylight obstructions have been accurately modelled and incorporated.
 - v. All surrounding future equitable (including proposed) development modelled where relevant.
 - vi. VLT of all windows ensuring that the VLT and glazing specifications match the glazing specifications used in the Section J façade calculator.
 - vii. Internal reflectance of walls, floor and ceilings.
 - viii. The sky conditions.

- ix. Description of the software used to produce the model.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly detailing:
 - i. Information about the permeable paving including a cross section drawing and evidence supporting how it will perform with heavy vehicles driving on it. Alternatively limit the permeable paved areas to the individual car parks and introduce permeability to other areas that won't be subject to as intense use, such as the service areas and the front entrance near the pram storage.

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

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

- 8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the SDA (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
- 9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, 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 (with documented evidence) that all measures specified in the SDA have been implemented in accordance with the approved plan.
- 10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Acoustic Report

- 11. Prior to the endorsement of plans, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Cogent Acoustics, advertised 20 June 2022, but modified to include:
 - a) Correct identification of the hours of operation in accordance with this permit.
 - b) Any changes to the assessment and recommendations for acoustic measures in association with the increased hours of operation.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

- 12. Prior to the commencement of the use and at all times during the operation of the use, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

13. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Hours of Operation

14. The use allowed by this permit must operate only between the following hours:
 - a) Monday to Friday 7:00 a.m. to 6:30 p.m.

Maximum Number of Children

15. The maximum number of children cared for in the centre must not exceed 75 at any one time.

Development Contributions

16. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

Boundary Walls

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

Site Services

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

Vehicle Crossings

19. Prior to the issue of an Occupancy Permit whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Street trees

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, at least one new street tree must be planted at the frontage and be undertaken and conducted solely by the Council. The owner must also submit the appropriate fees for this cost to the satisfaction of the Responsible Authority.

Signs

23. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
24. This permit as it pertains to signage expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

7.20 pm *Cr Davidson left the meeting.*

7.20 pm *Cr Davidson returned to the meeting.*

Resolution

Cr Harte moved, Cr Conlan seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/1017 be issued for the use and development of a child care centre and display of business identification signage at 9-13 and 15 Barrow Street, Coburg subject to the following conditions:

Amended Plans

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 20 June 2022 but modified to show:**
 - a) **Changes generally in accordance with the discussion plans dated and received on 4 October 2022, including:**
 - i. **Alterations to façade colours, materials and glazing, and the design of the feature shapes with all materials on the material schedule and clearly linked to the elevation plans.**

- ii. Reduction in the length of the wall on the northern boundary and realignment of the southern wall of the Toilets, Room 2 and Room 3/Multi-Purpose Room.
 - iii. Internal reconfiguration and wall realignments to the ground floor of 9-13 Barrow Street, without reducing any setbacks to the western boundary.
 - iv. Deletion of the skillion roof and clerestory windows to 15 Barrow Street to accommodate increased solar panels.
 - v. Reconfiguration of the landscape beds adjacent 9-13 Barrow Street to accommodate six bicycle spaces.
 - vi. The addition of a landscape bed to the south of the southernmost car park spaces.
 - vii. An additional car space within the “pram store room/storage” and the space in front indicated on the plans. These spaces are to be marked for staff use only and must be shown to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme.
 - viii. The southernmost car park spaces relocated approximately 2 metres west to accommodate a landscape bed between the spaces and the Barrow Street boundary, with any changes necessary to the landscaping and other infrastructure adjacent the building to ensure appropriate turning space is provided.
 - ix. The addition of a 0.3 metre wide landscape bed to the south of the southernmost car park spaces.
- b) Internal north and south elevations.
 - c) Details of the business identification signage, including the materials, colours, dimensions, height above natural ground level and how it will be attached to the wall/how far it will project from the wall.
 - d) The bicycle parking spaces relocated out of the 0.3 metre wide “clearance required” area of the adjacent car spaces.
 - e) Any changes in accordance with the Tree Management Plan (TMP) required under condition 6 to ensure the retention of the cedar tree.
 - f) The provision of a canopy tree within the front setback of 15 Barrow Street, that is located within a permeable area within the site of at least 4.5 metres x 4.5 metres. The canopy tree must be a species that can:
 - i. Reach a height of 8-15 metres at maturity.
 - ii. Achieve a canopy width of at least 7 metres at maturity.
 - g) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7c) of this permit.
 - h) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Acoustic Report in accordance with Condition 11 of this permit.
 - i) Windows consistently shown between floor and elevation plans.

Compliance with Endorsed Plans

2. The use and development as shown on the endorsed plans, including the location, dimensions, shape and associated structures of signage, must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

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 - a) Any changes required to align with the plans for endorsement required by Condition 1.
 - b) Landscaping species within the landscape bed between the eastern car space of the southernmost car park spaces and the Barrow Street boundary that is visible to the street above the boundary fence.
 - c) The Structural Root Zone and Tree Protection Zone of the Cedar Tree and details of any construction measures recommended in the Tree Management Plan in accordance with Condition 6 of this permit for the protection of this tree.
 - d) A canopy tree as required by Condition 1(f) of this permit

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that the Cedar Tree at the front of the site can be retained and the Council street trees are protected during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
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 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - b) Any recommendations to relocate hard paving or car parking spaces to ensure the Cedar Tree at the front of the site can be retained.
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.
 - f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.

- g) A timetable outlining works requiring supervision by the Project Arborist.**
- h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.**
- i) All remedial pruning works that are required to be performed on the tree during the development of the site and for the proposed car parking immediately adjacent to tree. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.**

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

- 7. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by EcoHarmony, advertised on 20 June 2022 but modified to include the following changes:**
 - a) Updated SDA to:**
 - i. Have the correct address, consistent with the other planning documents.**
 - ii. Reflect any changes to the plans and ESD initiatives in accordance with the discussion plans dated 4 October 2022, and any further changes in accordance with Condition 1 of this permit.**
 - b) Updated ventilation section to include breeze paths overlaid onto floor plans showing effective natural ventilation has been achieved.**
 - c) Show the following ESD initiatives on the development plans:**
 - i. The solar PV panels tilt angle, being the angle between the horizontal plane and the panel, must be at least 10 degrees to allow for self-cleaning.**
 - ii. A cross section or product detail of the permeable shading over the play area. Include details about the operability and adjustability of the shading device.**
 - iii. Lawn areas annotated as 'not synthetic'.**
 - iv. Double glazing 'DG' to all windows and glazed doors annotated on each individual glazing unit and specified on the material/colour schedule.**
 - v. How the windows will operate (e.g. arrows for sliding and V for awning).**

- d) **Provide a comprehensive daylight model report to outline how the development achieves the daylight requirements of BESS. Modelling must consider all existing and proposed development as well as shading and architectural features to account for all overshadowing. Skylights are to be double glazed and the Visible Light Transmittance (VLT) to be consistent with preliminary section J façade calculator. A comprehensive daylight modelling report must be provided showing the following at a minimum:**
- i. **Overlay daylight maps on to floor plans such that it is easy to ascertain that the modelling accurately depicts the dimensions and design of the space.**
 - ii. **Clear scale to accompany daylight maps.**
 - iii. **Produce a summary table showing the daylight value for each space with their floor area and the compliant area as both a percentage and as a sqm area.**
 - iv. **An image of the development as modelled in the software which demonstrates that all external architectural features, overhangs, lightwells, screening, adjacent buildings and structures and other daylight obstructions have been accurately modelled and incorporated.**
 - v. **All surrounding future equitable (including proposed) development modelled where relevant.**
 - vi. **VLT of all windows ensuring that the VLT and glazing specifications match the glazing specifications used in the Section J façade calculator.**
 - vii. **Internal reflectance of walls, floor and ceilings.**
 - viii. **The sky conditions.**
 - ix. **Description of the software used to produce the model.**
- e) **An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly detailing:**
- i. **Information about the permeable paving including a cross section drawing and evidence supporting how it will perform with heavy vehicles driving on it. Alternatively limit the permeable paved areas to the individual car parks and introduce permeability to other areas that won't be subject to as intense use, such as the service areas and the front entrance near the pram storage.**

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

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

8. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the SDA (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.**

9. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, 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 (with documented evidence) that all measures specified in the SDA have been implemented in accordance with the approved plan.**
10. **All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.**

Acoustic Report

11. **Prior to the endorsement of plans, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Cogent Acoustics, advertised 20 June 2022, but modified to include:**
 - a) **Correct identification of the hours of operation in accordance with this permit.**
 - b) **Any changes to the assessment and recommendations for acoustic measures in association with the increased hours of operation.**
 - c) **Any attenuation measures, to limit noise impacts from within the building.**

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

12. **Prior to the commencement of the use and at all times during the operation of the use, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

Waste Management

13. **The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.**

Hours of Operation

14. **The use allowed by this permit must operate only between the following hours:**
 - a) **Monday to Friday 7:00 a.m. to 6:30 p.m.**

Maximum Number of Children

15. **The maximum number of children cared for in the centre must not exceed 75 at any one time.**

Development Contributions

16. **Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space.**

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- a) a maximum of 12 months from the date of issue of the Building Permit;
or
- b) prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

Boundary Walls

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

Site Services

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

Vehicle Crossings

19. Prior to the issue of an Occupancy Permit whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Street trees

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, at least one new street tree must be planted at the frontage and be undertaken and conducted solely by the Council. The owner must also submit the appropriate fees for this cost to the satisfaction of the Responsible Authority.

Signs

23. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
24. This permit as it pertains to signage expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
- the development is not commenced within two (2) years from the date of issue of this permit;
 - the development is not completed within four (4) years from the date of issue of this permit;
 - the use is not commenced within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or:

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

7.33 pm Cr Davidson left the meeting during the debate.

7.33 pm Cr Davidson returned to the meeting during the debate.

Carried

Cr Pavlidis for a division.

For

Cr Davidson
Cr Pulford
Cr Conlan
Cr Riley
Cr Harte

Total For (5)

Against

Cr Yildiz
Cr Pavlidis

Total Against (2)

5.2 12 VALDOONE COURT, OAK PARK - PLANNING PERMIT APPLICATION MPS/2021/996



Property:	12 Valdoone Court, OAK PARK				
Proposal:	Construct five dwellings on a lot				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Neighbourhood Residential Zone (NRZ1) Development Contributions Plan Overlay (DCPO1) 				
Strategic setting:	<table border="1"> <tr> <td>Minimal housing growth</td> <td>Incremental housing growth</td> <td>Increased house densities encouraged</td> <td>Significant housing growth</td> </tr> </table>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth		
Objections:	<p>A total of 17 objections with key issues being:</p> <ul style="list-style-type: none"> Tree removal Overdevelopment Emergency and waste service access Car parking 				

Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date: 20 September 2022 • Attendees: 2 objectors, the applicant, 2 Council officers, and Cr Harte and Cr Yildiz. • The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. • The applicant offered the retention of a further two trees in the frontage.
ESD:	<ul style="list-style-type: none"> • Increased NatHERS rating of 7 stars through conditions of the recommendation (6.5 stars proposed). • Provision of 19kW of solar PV through conditions of the recommendation.
Key reasons for support	<ul style="list-style-type: none"> • Appropriate built form • No unreasonable off-site amenity impacts. • Tree retention achieved through conditions of the recommendation. • Acceptable car parking and traffic impacts
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit MPS/2021/996 be issued for the construction of five dwellings on a lot at 12 Valdoone Court, OAK PARK, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 7 June 2022 but modified to show:
 - a) The following changes to materials:
 - i. The rendered finish on the façade of Dwelling 1 replaced with horizontal cladding.
 - ii. The porch to Dwelling 1 to be masonry.
 - iii. The charcoal concrete surfaces replaced with a light colour.
 - iv. Introduction of permeable paving around the garages and dwelling entries.
 - v. The 'selected horizontal cladding' to be shown on the materials schedule.
 - b) The kitchen windows to Dwelling 2 and Dwelling 3 to be increased in size, to improve passive surveillance of the driveway
 - c) The landscaping strip to the south side of the driveway to have a minimum width of 600mm along the length of the site.
 - d) The bin storage area increased to accommodate 9 bins, in accordance with condition 7 d) iv.

- e) The vehicle crossing modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
- f) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- g) The ground floor plan to show all trees proposed for removal and retention, including:
 - i. Tree nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) clearly identified as to be retained and protected in accordance with Condition 6.
 - ii. Tree protection zones of trees to be retained in accordance with Condition 6.
 - iii. Any necessary changes to building envelopes, retaining walls and finished surface levels required to retain trees in accordance with Condition 6.
- h) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7d) of this permit.

Compliance with Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Zenith Concepts, dated 7 March 2022, but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The retention and protection of Tree 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17.
 - c) Identification of any existing trees and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zones of trees to be retained and protected.
 - d) The provision of at least one tree within the secluded private open space of Dwellings 1, 2 and 5, with tree species to be indigenous and selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2019.
 - e) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

- 4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
- 5. All landscaping must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that Tree Nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) are retained and protected during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
 - a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - b) Any recommendation to reduce the building footprint, relocate retaining walls or modify finished surface levels.
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.
 - f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
 - g) A timetable outlining works requiring supervision by the Project Arborist.
 - h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
 - i) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

7. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA by Beyond Design Group dated March 2022, but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. 'Publish' the BESS report (so it is no longer in 'draft' format).
 - ii. Remove credit IEQ 3.3 Thermal Comfort orientation as the living areas face north-west.

- b) Provide preliminary NatHERS ratings assessments for Dwelling D1, D4 and D5 and achieve a minimum average of 7 stars.
- c) A WSUD and STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
 - i. The extra raingardens are deleted from the WSUD and ground floor plans to match the STORM report.
- d) Show the following ESD initiatives on the development plans:
 - i. 19 kW of solar PV to be provided across the site.
 - ii. External operable shading devices to North-West and South-West facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).
 - iii. Add an operable window or daylight tube to D2 bath and daylight tube to D3 bath.
 - iv. Add 240L individual recycling bins to each townhouse.
 - v. Window operation on all elevation plans.

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

When submitted and approved to the satisfaction of the Responsible Authority, the Sustainable Design Assessment and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

- 8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
- 9. Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a Sustainable Design Assessment Post Construction report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
- 10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

Development Contributions

- 11. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy and Community Infrastructure Levy is charged per dwelling.
- 12. If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:
 - a) a maximum of 12 months from the date of issue of the Building Permit; or

- b) prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

Car Parking and Vehicle Access

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Undergrounding cables

16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

Lighting

17. All external lighting must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Stormwater

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

General Amenity

19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

22. This permit will expire if one of the following circumstances applies:

- a) the development is not commenced within two (2) years from the date of issue of this permit;
- b) the development is not completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes:

Note 1: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.merri-bek.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Merri-bek City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information:

<https://www.merri-bek.vic.gov.au/living-in-merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 4: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

7.42 pm Cr Davidson left the meeting.

7.42 pm Cr Davidson returned to the meeting.

7.50 pm Cr Yildiz left the meeting.

7.52 pm Cr Yildiz returned to the meeting.

8.01 pm Cr Davidson left the meeting.

8.01 pm Cr Davidson returned to the meeting.

Resolution

Cr Pulford moved, Cr Riley seconded -

That a Notice of Decision to Grant a Planning Permit MPS/2021/996 be issued for the construction of five dwellings on a lot at 12 Valdoone Court, OAK PARK, subject to the following conditions:

Amended Plans

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 7 June 2022 but modified to show:**
 - a) **The following changes to materials:**
 - i. **The rendered finish on the façade of Dwelling 1 replaced with horizontal cladding.**
 - ii. **The porch to Dwelling 1 to be masonry.**
 - iii. **The charcoal concrete surfaces replaced with a light colour.**
 - iv. **Introduction of permeable paving around the garages and dwelling entries.**
 - v. **The ‘selected horizontal cladding’ to be shown on the materials schedule.**
 - b) **The kitchen windows to Dwelling 2 and Dwelling 3 to be increased in size, to improve passive surveillance of the driveway**
 - c) **The landscaping strip to the south side of the driveway to have a minimum width of 600mm along the length of the site.**
 - d) **The bin storage area increased to accommodate 9 bins, in accordance with condition 7 d) iv.**
 - e) **The vehicle crossing modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council’s Standard Vehicle Crossing design.**
 - f) **Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.**
 - g) **The ground floor plan to show all trees proposed for removal and retention, including:**
 - i. **Tree nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) clearly identified as to be retained and protected in accordance with Condition 6.**
 - ii. **Tree protection zones of trees to be retained in accordance with Condition 6.**
 - iii. **Any necessary changes to building envelopes, retaining walls and finished surface levels required to retain trees in accordance with Condition 6.**
 - h) **The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7d) of this permit.**

Compliance with Endorsed Plans

2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.**

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Zenith Concepts, dated 7 March 2022, but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The retention and protection of Tree 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17.
 - c) Identification of any existing trees and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zones of trees to be retained and protected.
 - d) The provision of at least one tree within the secluded private open space of Dwellings 1, 2 and 5, with tree species to be indigenous and selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2019.
 - e) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that Tree Nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) are retained and protected during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
 - a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - b) Any recommendation to reduce the building footprint, relocate retaining walls or modify finished surface levels.
 - c) The location and design of Tree Protection Fencing.

- d) Details of appropriate footings within the Tree Protection Zone.
- e) The method of installing any services through the Tree Protection Zone.
- f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- g) A timetable outlining works requiring supervision by the Project Arborist.
- h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- i) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

7. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA by Beyond Design Group dated March 2022, but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. 'Publish' the BESS report (so it is no longer in 'draft' format).
 - ii. Remove credit IEQ 3.3 Thermal Comfort orientation as the living areas face north-west.
 - b) Provide preliminary NatHERS ratings assessments for Dwelling D1, D4 and D5 and achieve a minimum average of 7 stars.
 - c) A WSUD and STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
 - i. The extra raingardens are deleted from the WSUD and ground floor plans to match the STORM report.
 - d) Show the following ESD initiatives on the development plans:
 - i. 19 kW of solar PV to be provided across the site.
 - ii. External operable shading devices to North-West and South-West facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).
 - iii. Add an operable window or daylight tube to D2 bath and daylight tube to D3 bath.

- iv. Add 240L individual recycling bins to each townhouse.
- v. Window operation on all elevation plans.

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

When submitted and approved to the satisfaction of the Responsible Authority, the Sustainable Design Assessment and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
9. Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a Sustainable Design Assessment Post Construction report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

Development Contributions

11. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy and Community Infrastructure Levy is charged per dwelling.
12. If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:
 - a) a maximum of 12 months from the date of issue of the Building Permit;
or
 - b) prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

Car Parking and Vehicle Access

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Undergrounding cables

16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

Lighting

17. All external lighting must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Stormwater

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

General Amenity

19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

22. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes:

Note 1: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.merri-bek.vic.gov.au/planning-building/> and click on ‘Moreland Development Contributions Plan (DCP)’. Alternatively, please contact Merri-bek City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council’s website for more information:

<https://www.merri-bek.vic.gov.au/living-in-merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 3: Further approvals are required from Council’s City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council’s Open Space Unit on 8311 4300.

Note 4: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Carried

Cr Riley called for a division.

For	Against
Cr Pulford	Cr Davidson
Cr Conlan	Cr Yildiz
Cr Riley	Cr Pavlidis
Cr Harte	
Total For (4)	Total Against (3)

URGENT BUSINESS REPORTS

Nil.

The meeting closed at 8.09 pm.