



# Merri-bek City Council

## **PROPOSED** **Minutes of the Planning and Related Matters Meeting**

Held at the Council Chamber, Merri-bek Civic Centre,  
90 Bell Street, Coburg  
on Wednesday 23 August 2023

The Mayor opened the meeting at 6.35 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.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Helen Davidson, Deputy Mayor	6.35 pm	7.21 pm
Cr Adam Pulford	6.35 pm	7.21 pm
Cr Annalivia Carli Hannan	6.35 pm	7.21 pm
Cr James Conlan	6.35 pm	7.21 pm
Cr Lambros Tapinos	6.37 pm	7.21 pm
Cr Mark Riley	6.35 pm	7.21 pm
Cr Monica Harte	6.35 pm	7.21 pm
Cr Oscar Yildiz JP	6.35 pm	7.21 pm
Cr Sue Bolton	6.35 pm	7.21 pm

### **OFFICERS**

Director Place and Environment – Joseph Tabacco  
Group Manager City Development – Phil Priest  
Unit Manager Urban Planning – Mark Hughes  
Planning Coordinator – Ryan Hay  
Senior Urban Planner – Luke Rogers  
Unit Manager Governance – Troy Delia  
Team Leader Governance – Naomi Ellis

### **APOLOGIES/LEAVE OF ABSENCE**

Leave of absence has been granted to:

Cr. Panopoulos - 10 August 2023 to 10 September 2023 inclusive  
Cr. Pavlidis - 14 August 2023 to 24 August 2023 inclusive

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

## **MINUTE CONFIRMATION**

### **Resolution**

**Cr Riley moved, Cr Yildiz seconded -**

**The minutes of the Planning and Related Matters Meeting held on 26 July 2023 be confirmed.**

**Carried**

## 5.1 CITY DEVELOPMENT ACTIVITY REPORT - JUNE QUARTER 2023

### Executive Summary

The City Development Urban Planning Unit is managing to produce positive results with officer caseloads having now returned to more manageable levels. Pleasingly the planning application caseloads awaiting a decision has remained at a manageable level in the June quarter. Having addressed the higher caseloads that resulted from pandemic years the Unit has made further improvements in customer service and decision-making timeframes which is now better than the metropolitan average.

It is evident that in the last quarter of 2022 and continuing into 2023, there has been a reduction in the number of planning applications being received by Council. The planning application reduction over a 12-month period is 15 per cent.

A reducing planning application caseload will have some implications for public open space contributions, and which help to fund Council's Park Close to Home activities and open space enhancements. In the past two decades the public open space reserve funds have been increasing in line with a sustained development boom in Merri-bek. This has enabled the purchase of new open space as well as enhancements within existing open space. A reduction in these contributions, which are realised at the time of subdivision of new apartment buildings or multi-unit developments, is being witnessed in alignment with reduced development activity in Merri-bek.

The area of focus for the Urban Planning Unit is to further improve the timeliness of planning permit decisions, acknowledging that the June quarter saw improvements in timeliness with the current average decision-making within the 60 statutory days exceeding the metropolitan average of 62 per cent. Merri-bek's average is slightly higher at 64 per cent. Pleasingly Vic Smart timeframes, for minor matters, remains above the metropolitan average at 92 per cent within 10 statutory days at Merri-bek compared to the metropolitan average of 80 per cent.

The Planning Enforcement Unit experienced some staff turnover over the last quarter, which together with a 19 per cent increase in complaints received, has impacted the team's ability to close out cases. This has seen an increase in the outstanding compliance caseload this quarter. With interim measures in place and newly appointed staff commencing, there is potential to reduce caseloads towards more ideal levels, next quarter. This will need to be closely monitored over the next quarter.

The proactive enforcement program has met the end of year targeted number of developments audited.

Victorian Civil & Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-COVID-19 case numbers.

### Officer Recommendation

That Council notes the City Development Activity Report – June Quarter 2023.

### Resolution

**Cr Riley moved, Cr Yildiz seconded -**

**That Council notes the City Development Activity Report – June Quarter 2023.**

**Carried**

6.46 pm      *Cr Carli Hannan left the meeting.*  
6.49 pm      *Cr Carli Hannan returned to the meeting.*  
7.00 pm      *Cr Tapinos left the meeting.*  
7.01 pm      *Cr Tapinos returned to the meeting.*  
7.05 pm      *Cr Carli Hannan left the meeting.*

**5.2 12 LINDEN STREET & 14 LINDEN STREET, BRUNSWICK EAST - PLANNING APPLICATIONS MPS/2022/769 & MPS/2022/772**



<b>Property:</b>	12 Linden Street, BRUNSWICK EAST 14 Linden Street, BRUNSWICK EAST			
<b>Proposal:</b>	Two applications proposing the construction of two triple-storey dwellings and a reduction in the standard car parking requirement			
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Mixed Use Zone (MUZ1)</li> <li>Parking Overlay (PO1)</li> <li>Development Contributions Plan Overlay (DCPO1)</li> </ul>			
<b>Strategic setting:</b>	<table border="1"> <tr> <td>Minimal change</td> <td style="background-color: #0070C0; color: white;">Incremental change</td> <td>Significant change</td> </tr> </table>	Minimal change	Incremental change	Significant change
Minimal change	Incremental change	Significant change		
<b>Objections:</b>	<ul style="list-style-type: none"> <li>15 Objections (MPS/2022/769)</li> <li>8 Objections (MPS/2022/772)</li> <li>Key issues identified: <ul style="list-style-type: none"> <li>Car parking and traffic impacts</li> <li>Amenity impacts</li> <li>Over-development in area</li> </ul> </li> </ul>			
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Held on Thursday 29<sup>th</sup> June 2023</li> <li>Attendees included 9 objectors, the applicant, 2 Council officers, and Cr Harte</li> <li>The following agreements were reached at the meeting: <ul style="list-style-type: none"> <li>Provision of setback to side boundaries at 2<sup>nd</sup> storey</li> <li>Increase to rear setback.</li> <li>Use of lighter colours/materials at rear.</li> <li>Retention of an existing tree.</li> </ul> </li> </ul>			
<b>ESD:</b>	<ul style="list-style-type: none"> <li>7.0 stars average NatHERS rating (conditioned)</li> </ul>			
<b>Accessibility:</b>	<ul style="list-style-type: none"> <li>No accessible dwellings</li> </ul>			
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>Well located in proximity to public transport and for active transport</li> <li>Acceptable amenity impacts</li> <li>Good provisions of internal amenity and secluded private open space</li> </ul>			
<b>Recommendation :</b>	Part A, That a Notice of Decision to Grant a Planning Permit No. MPS/2022/769, be issued for the proposal, and Part B, That a Notice of Decision to Grant a Planning Permit No. MPS/2022/772 be issued for the proposal.			

## Officer Recommendation

### Part A,

That a Notice of Decision to Grant a Planning No. MPS/2022/769 be issued for the construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 12 Linden Street, BRUNSWICK EAST, 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 3 May 2023 but modified to show:
  - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:
    - i. Increased second storey eastern side setback to a minimum distance of 1.0m;
    - ii. Increased second storey western side setback to a minimum distance of 1.16m;
    - iii. Increased second storey rear setback to a minimum distance of 7.815m for Dwelling 1;
    - iv. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 2;
    - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;
    - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar.
  - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/772, at 14 Linden Street, Brunswick East such as lowering the vertical fin walls to the entry of Dwelling 2.
  - b) Four resident bicycle parking spaces to be provided for Dwelling 2 in a location that does not require the bicycles to be taken into, or through, the dwelling.
  - c) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
  - d) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
  - e) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
  - f) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.
  - g) At least 6m<sup>3</sup> of storage external to each of the dwellings.

- h) A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).
- i) Service authority meters shown on all relevant plans. Where meters would be visible from the street they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
- j) 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.
- k) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
- l) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- m) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6.c) 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 Merri-bek 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 John Patrick Landscape Architects dated September 2022 but amended to show:
  - a) Any changes required to align with the plans for endorsement.
  - b) The four bins (at the correct size) for both dwellings.
  - c) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
  - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
  - e) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.
  - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
  - g) 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.

### **Environmentally Sustainable Design (ESD)**

- 6) 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 Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:
  - a) Amend the NatHERS report to show
    - i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).
    - ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.
  - b) Amend the BESS report (and any other corresponding documentation) to:
    - i. At BESS Urban Ecology 2.4, add a tap and floor waste for the rooftop garden area and clearly draw and label on the plans. Claim this credit in BESS.
    - ii. At BESS Transport 1.1: Remove this credit.
    - iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.
  - c) Show the following ESD initiatives on the development plans:
    - i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north windows.
    - ii. External operable shading devices to the top floor east windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.
    - iii. Provide a section of the R7 roof insulation and R1.3 roof blanket listed in the NatHERS report with an acceptable air gap to demonstrate there will be adequate space in all roof areas.
    - iv. Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms. Add operable windows to the courtyards where there isn't a door.

- v. IEQ Shading – remove the adjustable shading for the ground floor courtyard glazing facing north and east.
  - vi. IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.
  - vii. WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.
  - viii. Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).
  - ix. Waste - Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.
  - x. BESS Urban ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.
  - xi. Materials – clearly label the materials for the façade on the elevations.
  - xii. Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.
  - xiii. Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.
- d) A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
- i. The STORM report is updated so a minimum of 50m<sup>2</sup> is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.
  - ii. The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- i. A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
    - Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
    - Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m<sup>2</sup> and 2 – 4 per cent of the area to be drained. The catchment



area must be a minimum of 25m<sup>2</sup>. Proprietary systems cannot be used.

- Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
- Ensure consistency between the plans, SDA and STORM report.

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.

- 7) 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.
- 8) Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a 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.
- 9) 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.

#### **Car Parking and Vehicle Access**

- 10) 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).
- 11) 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).
- 12) 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.
- 13) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

#### **Undergrounding cables**

- 14) 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.

## Stormwater

- 15) 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

- 16) 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.
- 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.
- 18) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 19) 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

- 20) 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: These notes are for information only and do not constitute part of this notice of decision/permit or conditions of this notice of decision/permit.**

**Note 1:** 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 2:** 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 3:** 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).

## **Part B,**

That a Notice of Decision to Grant a Planning No. MPS/2022/772 be issued for the Construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 14 Linden Street, BRUNSWICK EAST, 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 3 May 2023 but modified to show:
  - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:
    - i. Increased second storey eastern side setback to a minimum distance of 1.085m;
    - ii. Increased second storey western side setback to a minimum distance of 1.0m;
    - iii. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 1;
    - iv. Increased second storey rear setback to a minimum distance of 8.135m for Dwelling 2;
    - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;
    - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar;
    - vii. Retention of existing tree in south east corner of the lot.
  - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/769 at 12 Linden Street, Brunswick East, such as altering the window proportions for Dwelling 1 lounge room and Dwelling 2 bedroom 1.
  - c) Four resident bicycle parking spaces to be provided for Dwelling 1 in a location that does not require the bicycles to be taken into, or through, the dwelling.
  - d) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
  - e) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).

- f) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- g) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.
- h) At least 6m<sup>3</sup> of storage external to each of the dwellings.
- i) A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).
- j) Service Authority meters shown on all relevant plans. Where meters would be visible from the street realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
- k) 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.
- l) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
- m) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- n) Tree protection zone(s) in accordance with Condition 6 of this permit, to tree in north west corner of the site.
- o) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7.c) 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 Merri-bek 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 John Patrick Landscape Architects dated September 2022 but amended to show:
  - a) Any changes required to align with the plans for endorsement.
  - b) The four bins (at the correct size) for both dwellings.
  - c) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected. This is to include trees that are marked as retained on the Discussion Plans referenced in condition 1(a) of this permit.
  - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
  - e) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.

- f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
- g) 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 development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all the trees marked on the endorsed plans as being retained and protected must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

- a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

- b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating “Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.”. The TPF signage must be complied with at all times.

- c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

- d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

## 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 SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:
- a) Amend the NatHERS report to show
    - i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).
    - ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.
  - b) Amend the BESS report (and any other corresponding documentation) to:
    - i. At BESS Urban Ecology 2.4 Tap and Floor Waste: Claim this credit.
    - ii. At BESS Transport 1.1: Do not claim this credit.
    - iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.
  - c) Show the following ESD initiatives on the development plans:
    - i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north sitting room windows.
    - ii. External operable shading devices to the top floor west windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.
    - iii. Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms.
    - iv. IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.
    - v. WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.
    - vi. Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).
    - vii. Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.
    - viii. BESS Urban Ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.

- ix. Materials – clearly label the materials for the façade on the elevations.
  - x. Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.
  - xi. Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.
- d) A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
- i. The STORM report is updated so a minimum of 50m<sup>2</sup> is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.
  - ii. The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- i. A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
    - Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
    - Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m<sup>2</sup> and 2 – 4 per cent of the area to be drained. The catchment area must be a minimum of 25m<sup>2</sup>. Proprietary systems cannot be used.
    - Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
    - Ensure consistency between the plans, SDA and STORM report.

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 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 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.

#### **Car Parking and Vehicle Access**

- 11) 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).
- 12) 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).
- 13) 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.
- 14) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

#### **Undergrounding cables**

- 15) 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.

#### **Stormwater**

- 16) 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**

- 17) 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.
- 18) 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.
- 19) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.



- 20) 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**

- 21) 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: These notes are for information only and do not constitute part of this notice of decision/permit or conditions of this notice of decision/permit.**

**Note 1:** 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 2:** 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 3:** 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).

## Resolution

Cr Yildiz moved, Cr Pulford seconded -

Part A,

That a Notice of Decision to Grant a Planning No. MPS/2022/769 be issued for the construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 12 Linden Street, BRUNSWICK EAST, 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 3 May 2023 but modified to show:
  - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:
    - i. Increased second storey eastern side setback to a minimum distance of 1.0m;
    - ii. Increased second storey western side setback to a minimum distance of 1.16m;
    - iii. Increased second storey rear setback to a minimum distance of 7.815m for Dwelling 1;
    - iv. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 2;
    - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;
    - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar.
  - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/772, at 14 Linden Street, Brunswick East such as lowering the vertical fin walls to the entry of Dwelling 2.
  - b) Four resident bicycle parking spaces to be provided for Dwelling 2 in a location that does not require the bicycles to be taken into, or through, the dwelling.
  - c) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
  - d) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
  - e) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).

- f) **The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.**
- g) **At least 6m<sup>3</sup> of storage external to each of the dwellings.**
- h) **A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).**
- i) **Service authority meters shown on all relevant plans. Where meters would be visible from the street they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.**
- j) **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.**
- k) **A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.**
- l) **Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.**
- m) **The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6.c) 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 Merri-bek 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 John Patrick Landscape Architects dated September 2022 but amended to show:**
  - a) **Any changes required to align with the plans for endorsement.**
  - b) **The four bins (at the correct size) for both dwellings.**
  - c) **Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.**
  - d) **Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.**
  - e) **A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.**
  - f) **Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.**
  - g) **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.**

#### **Environmentally Sustainable Design (ESD)**

- 6) 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 Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:**
  - a) Amend the NatHERS report to show**
    - i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).**
    - ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.**
  - b) Amend the BESS report (and any other corresponding documentation) to:**
    - i. At BESS Urban Ecology 2.4, add a tap and floor waste for the rooftop garden area and clearly draw and label on the plans. Claim this credit in BESS.**
    - ii. At BESS Transport 1.1: Remove this credit.**
    - iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.**
  - c) Show the following ESD initiatives on the development plans:**
    - i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north windows.**
    - ii. External operable shading devices to the top floor east windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.**

- iii. Provide a section of the R7 roof insulation and R1.3 roof blanket listed in the NatHERS report with an acceptable air gap to demonstrate there will be adequate space in all roof areas.
  - iv. Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms. Add operable windows to the courtyards where there isn't a door.
  - v. IEQ Shading – remove the adjustable shading for the ground floor courtyard glazing facing north and east.
  - vi. IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.
  - vii. WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.
  - viii. Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).
  - ix. Waste - Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.
  - x. BESS Urban ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.
  - xi. Materials – clearly label the materials for the façade on the elevations.
  - xii. Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.
  - xiii. Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.
- d) A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
- i. The STORM report is updated so a minimum of 50m<sup>2</sup> is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.
  - ii. The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- i. A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.

- Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
- Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m<sup>2</sup> and 2 – 4 per cent of the area to be drained. The catchment area must be a minimum of 25m<sup>2</sup>. Proprietary systems cannot be used.
- Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
- Ensure consistency between the plans, SDA and STORM report.

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.

- 7) 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.
- 8) Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a 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.
- 9) 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.

#### **Car Parking and Vehicle Access**

- 10) 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).
- 11) 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).
- 12) 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.

- 13) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

#### Undergrounding cables

- 14) 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.

#### Stormwater

- 15) 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

- 16) 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.
- 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.
- 18) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 19) 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

- 20) 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:** These notes are for information only and do not constitute part of this notice of decision/permit or conditions of this notice of decision/permit.

**Note 1: 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 2: 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 3: 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).**

## **Part B**

**That a Notice of Decision to Grant a Planning No. MPS/2022/772 be issued for the Construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 14 Linden Street, BRUNSWICK EAST, 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 3 May 2023 but modified to show:**
  - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:**
    - i. Increased second storey eastern side setback to a minimum distance of 1.085m;**
    - ii. Increased second storey western side setback to a minimum distance of 1.0m;**
    - iii. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 1;**
    - iv. Increased second storey rear setback to a minimum distance of 8.135m for Dwelling 2;**
    - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;**
    - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar;**
    - vii. Retention of existing tree in south east corner of the lot.**
  - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/769 at 12 Linden Street, Brunswick East, such as altering the**



window proportions for Dwelling 1 lounge room and Dwelling 2 bedroom 1.

- c) Four resident bicycle parking spaces to be provided for Dwelling 1 in a location that does not require the bicycles to be taken into, or through, the dwelling.
- d) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
- e) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- f) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- g) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.
- h) At least 6m<sup>3</sup> of storage external to each of the dwellings.
- i) A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).
- j) Service Authority meters shown on all relevant plans. Where meters would be visible from the street realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
- k) 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.
- l) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
- m) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- n) Tree protection zone(s) in accordance with Condition 6 of this permit, to tree in north west corner of the site.
- o) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7.c) 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 Merri-bek 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 John Patrick Landscape Architects dated September 2022 but amended to show:

- a) Any changes required to align with the plans for endorsement.
- b) The four bins (at the correct size) for both dwellings.
- c) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected. This is to include trees that are marked as retained on the Discussion Plans referenced in condition 1(a) of this permit.
- d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
- e) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.
- f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
- g) 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 development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all the trees marked on the endorsed plans as being retained and protected must have a Tree Protection Zone (TPZ) in accordance with AS4970 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

- a) **Tree Protection Fencing**

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

**b) Signage**

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

**c) Irrigation**

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

**d) Provision of Services**

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

**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 SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:

**a) Amend the NatHERS report to show**

- i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).
- ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.

**b) Amend the BESS report (and any other corresponding documentation) to:**

- i. At BESS Urban Ecology 2.4 Tap and Floor Waste: Claim this credit.
- ii. At BESS Transport 1.1: Do not claim this credit.
- iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.

**c) Show the following ESD initiatives on the development plans:**

- i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north sitting room windows.

- ii. **External operable shading devices to the top floor west windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.**
  - iii. **Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms.**
  - iv. **IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.**
  - v. **WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.**
  - vi. **Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).**
  - vii. **Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.**
  - viii. **BESS Urban Ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.**
  - ix. **Materials – clearly label the materials for the façade on the elevations.**
  - x. **Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.**
  - xi. **Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.**
- d) **A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:**
- i. **The STORM report is updated so a minimum of 50m<sup>2</sup> is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.**
  - ii. **The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.**
- e) **An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:**
- i. **A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;**

- Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
- Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
- Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m<sup>2</sup> and 2 – 4 per cent of the area to be drained. The catchment area must be a minimum of 25m<sup>2</sup>. Proprietary systems cannot be used.
- Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
- Ensure consistency between the plans, SDA and STORM report.

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 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 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.

#### **Car Parking and Vehicle Access**

- 11) 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).
- 12) 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).
- 13) 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.

- 14) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

#### **Undergrounding cables**

- 15) 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.

#### **Stormwater**

- 16) 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**

- 17) 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.
- 18) 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.
- 19) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 20) 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**

- 21) 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: These notes are for information only and do not constitute part of this notice of decision/permit or conditions of this notice of decision/permit.**

**Note 1: 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 2: 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 3: 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).**

7.09 pm Cr Carli Hannan returned to the meeting during the debate.

**Carried**

Cr Pulford called for a division.

**For**

Cr Davidson  
Cr Yildiz  
Cr Pulford  
Cr Conlan  
Cr Carli Hannan  
Cr Riley  
Cr Tapinos

**Total For (7)**

**Against**

Cr Bolton  
Cr Harte

**Total Against (2)**

## **URGENT BUSINESS REPORTS**

Nil.

The meeting closed at 7.21 pm.