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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 December 2017

Released to the public on Thursday 14 December 2017

# Table of Contents

Item Number	Page Number
<b>1. PRESENT .....</b>	<b>1</b>
<b>2. APOLOGIES.....</b>	<b>1</b>
<b>3. DISCLOSURES OF CONFLICTS OF INTEREST.....</b>	<b>1</b>
<b>4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE .....</b>	<b>2</b>
<b>5. CONSIDERATION OF REPORTS.....</b>	<b>3</b>
5.1 ARTHURTON ROW DEVELOPMENT PLAN AMENDMENT 4, 8, 9-13, 16-18 Arthurton Road and 17 Elm Street, Northcote Vic 3070.....	3
5.2 APPLICATION FOR PLANNING PERMIT D/347/2017 26-28 Pearl Street, Northcote .....	8
5.3 APPLICATION FOR PLANNING PERMIT D/251/2017 152 Smith Street, Thornbury.....	25
5.4 APPLICATION FOR PLANNING PERMIT D/210/2017 4 Elliot Street, Reservoir .....	40
5.5 APPLICATION FOR PLANNING PERMIT D/12/2017 431 Plenty Road, Preston.....	45
5.6 APPLICATION FOR PLANNING PERMIT D/438/2017 321 Spring Street, Reservoir .....	50
5.7 APPLICATION FOR PLANNING PERMIT D/88/2017 271-273 St Georges Road, Northcote .....	52
5.8 APPLICATION FOR PLANNING PERMIT D/1015/2016 429 Heidelberg Road, Fairfield .....	60
<b>6. OTHER BUSINESS .....</b>	<b>64</b>
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS AD SIGNIFICANT APPLICATIONS.....	64
<b>7. URGENT BUSINESS.....</b>	<b>65</b>
<b>8. CLOSE OF MEETING .....</b>	<b>65</b>

## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 11 DECEMBER 2017

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THE MEETING OPENED AT 6.00PM

### WELCOME

The Chairperson, Mayor, Cr. Le Cerf opened the meeting with the following statement:

*"I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today."*

### 1. PRESENT

#### **Councillors**

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

#### **Council Officers**

Jacinta Stevens - Director Civic Governance and Compliance

Darren Rudd - Manager Planning and Building

John Limbach - Acting coordinator Statutory Planning

Jody Brodribb - Acting Coordinator Council Business

### 2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

An apology was lodged on behalf of Cr. Gaetano Greco and Sue Wilkinson, Chief Executive Officer.

### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

#### 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

<b>Committee Decision</b>
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**MOVED:** Cr. J Williams  
**SECONDED:** Cr. L Messina

**That** the Minutes of the Planning Committee Meeting held on 6 November 2017 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 ARTHURTON ROW DEVELOPMENT PLAN AMENDMENT 4, 8, 9-13, 16-18 Arthurton Road and 17 Elm Street, Northcote Vic 3070

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

Applicant	Owner	Consultant
MEYDAN GROUP	Luckybay Pty Ltd	Wireframe Architecture Cardno Grogan Richards OneMileGrid WSP Parsons Brinkerhoff Golders and Associates Datum Consulting

### SUMMARY

The proponents (Meydan Group) of the Arthurton ROW site (formerly occupied by Australian Horizons) have proposed an amendment to the approved Development Plan.

The revised proposal seeks to amend the approved Development Plan to reflect what was previously approved under the 2011 Plan:

- Remove the provision of a supermarket.
- Number of apartments proposed marginally more than the 2013 plan but less than the 2011 Plan.
- Building layout altered.
- Crossover to Arthurton Road removed.
- Maximum building heights are not to be increased as part of the proposal.

The area affected by the Development Plan is split into two (2) sites; the larger being on the northern side of Arthurton Road (Site 1) and the smaller being on the southern side of Arthurton Road (Site 2). The revised Development Plan does not seek to make any changes to Site 2, which has been constructed under Planning Permit (D783/13) for a four (4) storey building generally in accordance with the approved Development Plan.

The revised Development Plan proposes a redevelopment of the site to accommodate the following for Site 1:

- Up to 400 dwellings (mix of 1, 2 and 3 bedroom apartments) (plus completed Site 2 49 dwellings);
- Approximately 4,300 square metres of retail and commercial floor space (plus completed Site 2 500 square metres);
- Landscaped shared open spaces for residents;
- Residents' amenities;
- Car parking for approximately 510 cars (plus completed Site 2 60 spaces);

- Basement car parking, bicycle parking, bin storage, storage cages, showers and change rooms for cyclists; and
- A publicly accessible pedestrian link between Elm Street and Arthurton Road.

The Arthurton Row Development Plan is a key tool in providing certainty to the ongoing development of the subject site in an appropriately staged manner. It will set out the overall form of future development and guide the assessment of town planning permits.

## **BACKGROUND**

The scope and framework for the mixed use redevelopment of the site was established through the approval of Amendments C81 and C92 to the Darebin Planning Scheme in March 2011.

The controls applied to the site through the Amendments included the Development Plan Overlay (DPO). The DPO ensures the appropriate and coordinated development of the site by requiring the approval of a Development Plan prior to the issue of planning permits.

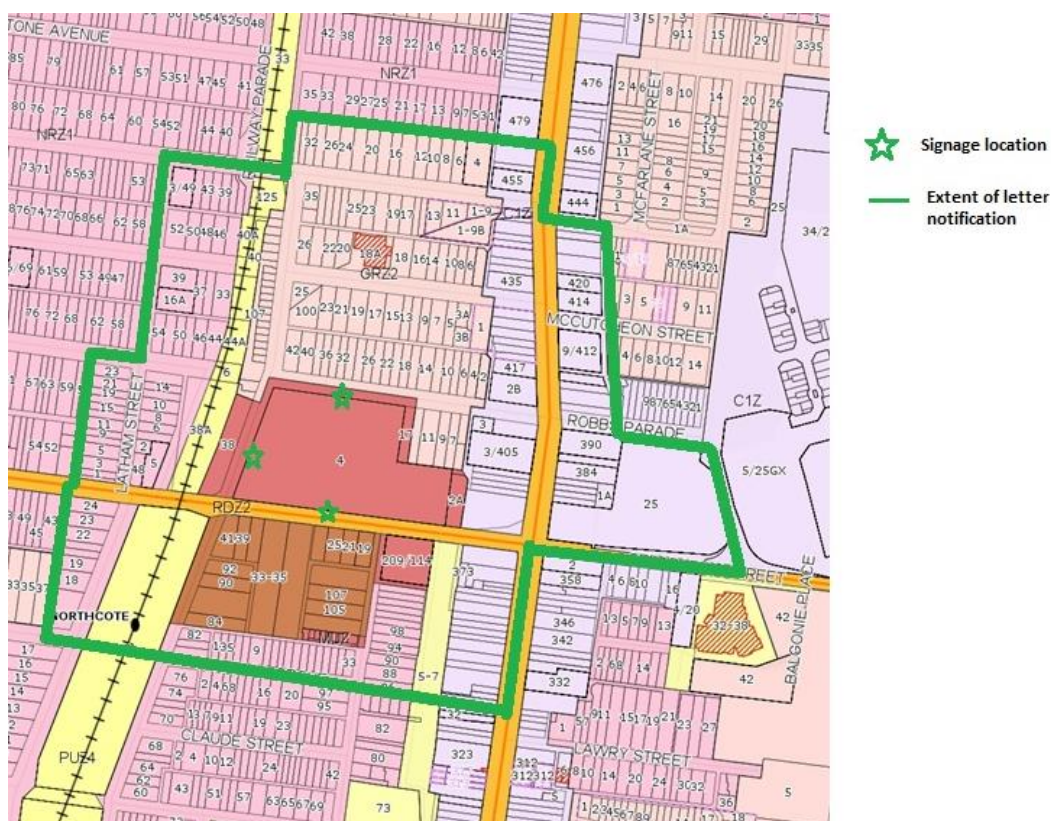
The Arthurton Row Development Plan 2011 was approved on 2 May 2012 (referred to as the '2011 Development Plan'). Development of the portion to the site to the south of Arthurton Road has been undertaken in accordance with the 2011 Development Plan, subject to planning permit D/783/2013.

The Arthurton Row Development Plan 2013 'A Retail Strategy' was approved by Council on 17 February 2014 subject to conditions, the conditions were never satisfied and the applicant indicates that the supermarket is no longer being pursued for the site.

- The site is zoned Mixed Use Zone (Schedule 1).
- 37 submissions were received at the time of this report. This includes one (1) petition with 13 signatures.
- The proposal is generally consistent with the Darebin Planning Scheme.
- It is recommended that the application be supported.

## **CONSULTATION:**

- Public notice. Formal notification of amendments to development plans is not a requirement under the *Planning and Environmental Act 1987* (as amended); however the community has been sent notification of the proposal. This was given via the erection and display of three (3) signs posted on site (Arthurton Road frontage, Herbert Street and Elm Street and letters sent to surrounding owners and occupiers see image below.
- It is important to note that additional notification has occurred prior to the receipt of the revised Development Plan, during both the C92 Planning Scheme Amendment that led to the changes in zoning and the Development Plan Overlay – Schedule 10 and during the processing of the approved Development Plan and Amendment to the Development Plan.



**Figure 1. Notification Extent**

- This application was referred internally to Capital Works Unit, Economic Development Unit, Environmentally Sustainable Design Officer, Public Realm Unit, Strategic Asset Management Unit, Strategic Planning Unit, Transport Management Unit and Urban Designer.
- This application was referred externally to VicRoads, Melbourne Water and Public Transport Victoria.

*The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *Michael Ballock and Natasha Liddell, on behalf of Applicant*
- *Michael Christodoulou, Objector*
- *Jill Dixon, Objector*
- *Egle Findlay, Objector*
- *Laurice Asmar, Objector*

**Recommendation**

**That** Council approve the development plan subject to the following conditions:

- (1) Submission of an updated acoustic report, generally in accordance with ‘Arthurton ROW Development Plan Acoustic Report, dated 20 June 2011 and prepared by Renzo Tonin and Associates.
- (2) Submission of an updated Sustainability Management Plan, generally in accordance with the ‘Sustainability Management Plan’, dated August 2011 and prepared by Built Ecology, including background documentation (Preliminary Green Star Study and Sustainable Design Scorecard Assessment Report).

- (3) Submission of an updated Construction Management Plan, generally in accordance with the 'approved Construction Management Plan' that forms part of the Arthurton ROW Development Plan document approved on 2 May 2012, with further details of construction management measures to be put in place restricting usage and impact of local road network to the satisfaction of the Responsible Authority.
- (4) Submission of an updated Waste Management Plan, generally in accordance with the 'Waste Management Plan' dated 17 August 2011 and prepared by Leigh Design.
- (5) Further details of the developer contributions towards construction and installation of any VicRoads approved Pedestrian Operated Signals in the vicinity of the Herbert Street/Arthurton Road intersection, to the satisfaction of the responsible authority.
- (6) Compliance with VicRoads referral response requirements and conditions dated 4 August 2017 with particular reference to the following requirements:
  - a) Before the development starts, the applicant must submit a Transport and Traffic Management Plan for VicRoads approval. The plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.
  - b) The works by the Transport and Traffic Management Plan must be completed prior to commencement of use and at no cost to the Roads Corporation (VicRoads).
- (7) Details of any required traffic management measures to be put in place restricting usage of local road network at the cost of the owner / developer to the satisfaction of the Responsible Authority.
- (8) Tree Planting and Deep Soil Zones to remove the numerical and percentage value.
- (9) Vehicle access from the existing Right of Way located adjacent the eastern boundary of the development to be for loading / unloading for Building F.

<b>Committee Decision</b>
---------------------------

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. S Amir

**That** Council approve the development plan subject to the following conditions:

- (1) Submission of an updated acoustic report, generally in accordance with 'Arthurton ROW Development Plan Acoustic Report, dated 20 June 2011 and prepared by Renzo Tonin and Associates.
- (2) Submission of an updated Sustainability Management Plan, generally in accordance with the 'Sustainability Management Plan', dated August 2011 and prepared by Built Ecology, including background documentation (Preliminary Green Star Study and Sustainable Design Scorecard Assessment Report).
- (3) Submission of an updated Construction Management Plan, generally in accordance with the 'approved Construction Management Plan' that forms part of the Arthurton ROW Development Plan document approved on 2 May 2012, with further details of construction management measures to be put in place restricting usage and impact of local road network to the satisfaction of the Responsible Authority.
- (4) Submission of an updated Waste Management Plan, generally in accordance with the 'Waste Management Plan' dated 17 August 2011 and prepared by Leigh Design.
- (5) Further details of the developer contributions towards construction and installation of any VicRoads approved Pedestrian Operated Signals in the vicinity of the Herbert



Street/Arthurton Road intersection, to the satisfaction of the responsible authority.

- (6) Compliance with VicRoads referral response requirements and conditions dated 4 August 2017 with particular reference to the following requirements:
  - a) Before the development starts, the applicant must submit a Transport and Traffic Management Plan for VicRoads approval. The plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.
  - b) The works by the Transport and Traffic Management Plan must be completed prior to commencement of use and at no cost to the Roads Corporation (VicRoads).
- (7) Details of any required traffic management measures to be put in place restricting usage of local road network at the cost of the owner / developer to the satisfaction of the Responsible Authority.
- (8) Tree Planting and Deep Soil Zones to remove the numerical and percentage value.
- (9) Vehicle access from the existing Right of Way located adjacent the eastern boundary of the development to be for loading / unloading for Building F.
- (10) that the planning application/s when received be referred to the Victorian Design Review Panel (auspiced by the Office of the Victorian government Architect) to ensure exemplary design.

**CARRIED**

**5.2 APPLICATION FOR PLANNING PERMIT D/347/2017  
26-28 Pearl Street, Northcote**

**Author:** Statutory Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Kalliopi Vakras Architects	Bastepe Group Victoria Heywood	Kalliopi Vakras Architects Ask Planning Services Low Impact Development Consulting Glenn Waters Arboriculture Quantum Traffic Acoustical Design Pty. Ltd. Leigh Design

**SUMMARY**

- It is proposed to demolish the existing dwellings on the site and construct a three (3) storey building above a basement car park, for use of the land as a childcare centre with 26 car parking spaces. The childcare centre is to cater for 130 children in eight (8) children’s rooms.
- The ground floor is to have a reception area and office to the front, with laundry, kitchen and toilets. Five (5) children’s rooms are located on this level, with play areas located primarily to the north and east of the building. Bicycle parking is provided to the front setback.
- The first floor is to have staff areas, toilets and two (2) children’s rooms. Play areas on this level extend to the north and east of the building.
- The second floor is to have a parents retreat, staff area, toilets and one (1) children’s room. A play area is situated to the north and east of the buildings.
- Car parking is provided in form of a basement and is accessible from Pearl Street via a new double crossover, located at the southern end of the site frontage. The car park provides 26 spaces (including 9 tandem spaces for staff), bicycle parking and a pram storage area.
- The maximum height of the building is to be 9.810 metres above natural ground level (NGL).
- The hours of operation are 6:30am to 6:30pm, Monday to Friday.
- The site is zoned General Residential Zone - Schedule 2.
- There are no restrictive covenants on the titles for the subject land.
- 24 objections were received against this application.
- The proposal is generally consistent with the relevant planning policy within the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Management and Planning Unit, Public Realm Unit, Council's Heritage Advisor, Capital Works Unit, Families, Diversity and Community Unit, ESD Officer, City Works Unit and Darebin Parks.
- This application was not required to be referred to external authorities.

*The following person verbally addressed the meeting and was thanked for his presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *James Stuart-Menteth, on behalf of Applicant*

<b>Recommendation</b>
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**That** Planning Permit Application D/347/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos. TP.02.1 TP.02.02, TP.02.03, TP.02.04, TP.02.05, TP.04.01, TP.04.02, TP.04.03, dated March 2017, project no. 1620 and prepared by Kalliopi Vakras Architects) but modified to show:
  - (a) Details of low level lighting to external areas in accordance with Condition No. 19 of this Permit.
  - (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - (c) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
  - (e) References on the Southern Elevation (Drawing No. TP.04.02) to translucent balustrading to prevent overlooking replaced with obscured balustrading.
  - (f) Modifications and notations in accordance with the approved acoustic assessment (refer to Condition No. 14 of this Permit).
  - (g) The provision of convex mirror installed on the southern wall of basement car park to improve sight lines between vehicles descending the ramp and vehicles exiting the parking aisle.
  - (h) The width of the crossover and access ramp reduced to 5.5 metres along the western (front) boundary.
  - (i) A Landscape Plan in accordance with Condition No.7 of this Permit.

- (j) Any modifications in accordance with the revised ESD Report (refer to Condition No. 11 of this Permit).
- (k) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/glazed doors:
- Ground Floor Reception;
  - Ground Floor Children's Room 01;
  - First Floor Children's Room 06;
  - Second Floor Children's Room 08;
  - Second Floor Parent's Retreat; and,
  - Second Floor Staff Room.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (l) Fixed external sun shading devices to all second floor north facing windows that are not located underneath upper floor overhangs.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) The use may operate only between the hours of 6:30am to 6:30pm, Monday to Friday.
  - 6) The number of children on the premises at any one time must not exceed 130.
  - 7) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
    - (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

- (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
  - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (g) Hard paved surfaces at all entry points to dwellings.
  - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
  - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - (m) Provision of a minimum of 10 suitable small canopy trees.
- 8) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 10) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

- 11) Before the development starts, a revised ESD Report generally in accordance the document identified as LID Consulting ESD Report: 26-28 Pearl Street, Northcote, prepared by Low Impact Development Consulting and dated 31/07/2017 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised as follows:

- (a) Details of proposed skylights to rooms which are deficient in daylight requirements;
- (b) Details of proposed water filtration system to be detailed on plans;
- (c) Details of Low VOC and formaldehyde products to be detailed on plans.

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

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

- 12) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 31 July 2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 13) Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

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

- 14) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment (identified as 'Project: 26-28 Pearl Street Northcote' prepared by Acoustical Design Pty Ltd. and dated 31.7.17) to the satisfaction of the Responsible Authority.

- 15) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 16) The car parking area is to be adequately secured after operating hours.

- 17) The amenity of the area must not be adversely affected by the use or development as a result of the:

- (a) Transport of materials, goods or commodities to or from the land; and/or
- (b) Appearance of any building, works, stored goods or materials; and/or
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or

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

- 18) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 19) All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
- 20) The land must be drained to the satisfaction of the Responsible Authority.
- 21) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 22) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 23) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 24) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all weather sealcoat;
  - (d) Drained;
  - (e) Line-marked to indicate each car space and all access lanes; and
  - (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

## NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

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

### Motion

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Amir

As per Officers Recommendation.

*Cr. McCarthy proposed to the mover and seconder that point 7(c) of the motion be amended as follows. This was accepted by Cr. Williams and Cr. Amir.*

- 7(c) A diversity of plant species and forms, **including species that support the retention of the tawny frogmouth in the area.** All proposed planting must be to the satisfaction of the responsible authority.

THE AMENDED MOTION THEN READ AS FOLLOWS:

### Amended Motion

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Amir

**That** Planning Permit Application D/347/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos. TP.02.1 TP.02.02, TP.02.03, TP.02.04, TP.02.05, TP.04.01, TP.04.02, TP.04.03, dated March 2017, project no. 1620 and prepared by Kalliopi Vakras Architects) but modified to show:
  - (a) Details of low level lighting to external areas in accordance with Condition No. 19 of this Permit.
  - (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - (c) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.



- (d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
- (e) References on the Southern Elevation (Drawing No. TP.04.02) to translucent balustrading to prevent overlooking replaced with obscured balustrading.
- (f) Modifications and notations in accordance with the approved acoustic assessment (refer to Condition No. 14 of this Permit).
- (g) The provision of convex mirror installed on the southern wall of basement car park to improve sight lines between vehicles descending the ramp and vehicles exiting the parking aisle.
- (h) The width of the crossover and access ramp reduced to 5.5 metres along the western (front) boundary.
- (i) A Landscape Plan in accordance with Condition No.7 of this Permit.
- (j) Any modifications in accordance with the revised ESD Report (refer to Condition No. 11 of this Permit).
- (k) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/glazed doors:
  - Ground Floor Reception;
  - Ground Floor Children's Room 01;
  - First Floor Children's Room 06;
  - Second Floor Children's Room 08;
  - Second Floor Parent's Retreat; and,
  - Second Floor Staff Room.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (l) Fixed external sun shading devices to all second floor north facing windows that are not located underneath upper floor overhangs.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

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

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

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

- Before this Permit expires;

- Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) The use may operate only between the hours of 6:30am to 6:30pm, Monday to Friday.
  - 6) The number of children on the premises at any one time must not exceed 130.
  - 7) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
    - (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
    - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
    - (c) A diversity of plant species and forms, including species that support the retention of the tawny frogmouth in the area. All proposed planting must be to the satisfaction of the responsible authority.
    - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
    - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
    - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
    - (g) Hard paved surfaces at all entry points to dwellings.
    - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
    - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
    - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
    - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
    - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
-

- (m) Provision of a minimum of 10 suitable small canopy trees.
- 8) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 10) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.
- 11) Before the development starts, a revised ESD Report generally in accordance the document identified as LID Consulting ESD Report: 26-28 Pearl Street, Northcote, prepared by Low Impact Development Consulting and dated 31/07/2017 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised as follows:
- (a) Details of proposed skylights to rooms which are deficient in daylight requirements;
  - (b) Details of proposed water filtration system to be detailed on plans;
  - (c) Details of Low VOC and formaldehyde products to be detailed on plans.
- The development must be constructed in accordance with the requirements/recommendations of the ESD Report to the satisfaction of the Responsible Authority.
- Prior to the occupation of the development, a report from the author of the ESD Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved Plan.
- 12) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 31 July 2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- 13) Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.
- The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
- 14) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment (identified as 'Project: 26-28 Pearl Street Northcote' prepared by Acoustical Design Pty Ltd. and dated 31.7.17) to the satisfaction of the Responsible Authority.
- 15) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010.

This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 16) The car parking area is to be adequately secured after operating hours.
- 17) The amenity of the area must not be adversely affected by the use or development as a result of the:
  - (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
- 18) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 19) All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
- 20) The land must be drained to the satisfaction of the Responsible Authority.
- 21) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 22) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 23) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 24) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all weather sealcoat;
  - (d) Drained;
  - (e) Line-marked to indicate each car space and all access lanes; and
  - (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

**NOTATIONS**

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

<b>Committee Decision</b>
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**MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Amir

**That** Planning Permit Application D/347/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos. TP.02.1 TP.02.02, TP.02.03, TP.02.04, TP.02.05, TP.04.01, TP.04.02, TP.04.03, dated March 2017, project no. 1620 and prepared by Kalliopi Vakras Architects) but modified to show:
  - (a) Details of low level lighting to external areas in accordance with Condition No. 19 of this Permit.

- (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- (c) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
- (e) References on the Southern Elevation (Drawing No. TP.04.02) to translucent balustrading to prevent overlooking replaced with obscured balustrading.
- (f) Modifications and notations in accordance with the approved acoustic assessment (refer to Condition No. 14 of this Permit).
- (g) The provision of convex mirror installed on the southern wall of basement car park to improve sight lines between vehicles descending the ramp and vehicles exiting the parking aisle.
- (h) The width of the crossover and access ramp reduced to 5.5 metres along the western (front) boundary.
- (i) A Landscape Plan in accordance with Condition No.7 of this Permit.
- (j) Any modifications in accordance with the revised ESD Report (refer to Condition No. 11 of this Permit).
- (k) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/glazed doors:
  - Ground Floor Reception;
  - Ground Floor Children's Room 01;
  - First Floor Children's Room 06;
  - Second Floor Children's Room 08;
  - Second Floor Parent's Retreat; and,
  - Second Floor Staff Room.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (l) Fixed external sun shading devices to all second floor north facing windows that are not located underneath upper floor overhangs.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

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

- 2) The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 4) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed within five (5) years of the date of this Permit.

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) The use may operate only between the hours of 6:30am to 6:30pm, Monday to Friday.
- 6) The number of children on the premises at any one time must not exceed 130.
- 7) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (c) A diversity of plant species and forms, including species that support the retention of the tawny frogmouth in the area. All proposed planting must be to the satisfaction of the responsible authority.
  - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (g) Hard paved surfaces at all entry points to dwellings.
  - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).

- (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - (m) Provision of a minimum of 10 suitable small canopy trees.
- 8) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 10) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.
- 11) Before the development starts, a revised ESD Report generally in accordance the document identified as LID Consulting ESD Report: 26-28 Pearl Street, Northcote, prepared by Low Impact Development Consulting and dated 31/07/2017 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised as follows:
- (a) Details of proposed skylights to rooms which are deficient in daylight requirements;
  - (b) Details of proposed water filtration system to be detailed on plans;
  - (c) Details of Low VOC and formaldehyde products to be detailed on plans.
- The development must be constructed in accordance with the requirements/recommendations of the ESD Report to the satisfaction of the Responsible Authority.
- Prior to the occupation of the development, a report from the author of the ESD Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved Plan.
- 12) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 31 July 2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- 13) Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.
- The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.



- 14) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment (identified as 'Project: 26-28 Pearl Street Northcote' prepared by Acoustical Design Pty Ltd. and dated 31.7.17) to the satisfaction of the Responsible Authority.
- 15) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 16) The car parking area is to be adequately secured after operating hours.
- 17) The amenity of the area must not be adversely affected by the use or development as a result of the:
  - (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
- 18) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 19) All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
- 20) The land must be drained to the satisfaction of the Responsible Authority.
- 21) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 22) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 23) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 24) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all weather sealcoat;
  - (d) Drained;
  - (e) Line-marked to indicate each car space and all access lanes; and
  - (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

#### NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

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

**CARRIED**

**5.3 APPLICATION FOR PLANNING PERMIT D/251/2017  
152 Smith Street, Thornbury**

**Author:** Statutory Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Petridis Architects	Antonio and Filomena Di Fabio	Petridis Architects Prior and Kelly Pty Ltd

Officers submitted to following Addendum to the Planning Committee:

***ADDENDUM***

*Objections*

*Two (2) additional objections have been received against the application since the agenda was published bringing the total number of objections to 24. The issues raised in these objections have been addressed in the agenda.*

*Additional Condition*

*A site visit has confirmed that the eastern boundary of the site (shared with Turner Reserve) has a low timber paling fence. The plans incorrectly indicate that the existing boundary fence has a height of 1.9 metres and are not clear as to whether this fence is to be retained, or removed in part/whole, in favour of a 400mm high retaining wall. In order to prevent small children from accessing the proposed driveway from the park, allow passive surveillance of the park, ensure compliance with Melbourne Water requirements and to ensure that the plans are clear; the following recommended condition is included:*

*Condition No. 1)(r)*

*A 1.2 metre high open style fence (minimum 50% open to allow the passage of overland flows) to the eastern property boundary between the garage of dwelling 3 and the front boundary, except within the pedestrian visibility splay where the fence is to be 900mm in height.*

**SUMMARY**

- The development consists of three (3) double storey dwellings; each comprised of three (3) bedrooms, rumpus room, and combined kitchen/dining/lounge.
- Each dwelling is provided with a double garage, accessed by a single width crossover located at the Smith Street frontage.
- The proposed development incorporates a traditional built form, and incorporates pitched roofs, recessed portions at the ground and first floors, and a brick and render finish.
- The dwellings have a maximum building height of 7.85 metres.
- The site is zoned General Residential Zone Schedule 2.
- The site is covered by the Special Building Overlay.

- The Certificate of Title indicates that a restrictive covenant applies to the land. Covenant 1199495 states that the proprietor/s will not *'use or permit or allow to be used the land hereby transferred or any part or parts thereof for quarrying or brickmaking operations or dig away or carry away or remove or permit or allow to be dug carried away or removed any marl stone – earth clay gravel or sand'*.

It is considered that the proposed development will not breach the terms of the covenant.

- Notice of the application was provided pursuant to Section 52(a)(b) and (c) of the *Planning and Environment Act 1987* and 22 objections were received.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

### CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, the Transport Management and Planning Unit, Public Realm Unit and Darebin Parks Unit.
- This application was referred externally to Melbourne Water.

*The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *James Livingston, on behalf of Applicant*
- *Marie Geary, Objector*
- *Ian Hunt, Objector*

### Recommendation

**That** Planning Permit Application D/251/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TPA01 – 1 of 6, TPA02 – 2 of 6, TPA02 – 2A of 6 and TPA03 – 3 of 6 drawn by AKW/JC dated 25 July 2017), but modified to show:
  - (a) The first floor bedroom 2 setback of Dwelling 2 to be increased by 1 metre; this is to be achieved by reducing the first floor footprint and must not result in a reduction to any boundary setbacks.
  - (b) The north elevation balustrade of the Dwelling 3 balcony to be obscured glass and be increased to a height of 1.7m in accordance with Standard B22 of the Darebin Planning Scheme.
  - (c) The first floors of all dwellings to incorporate timber or timber cladding elements with a resulting reduction in the extent of render.
  - (d) Natural light to garages of dwellings 2 and 3 by way of skylights or windows being included to external vehicle and/or pedestrian doors.

- (e) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
- (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors not located directly beneath eaves. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
- (g) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- (h) A landscape strip running along the centre of the driveway.
- (i) The front fence with a maximum height of 1.2 metres.
- (j) Street numbers for the rear dwellings to be clearly marked on the front fence elevation.
- (k) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (l) The location of letter boxes and receptacles for newspapers. These must be provided to the satisfaction of the Responsible Authority.
- (m) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
- (n) A Landscape Plan in accordance with Condition No. 9 of this Permit.
- (o) Annotations detailing Tree Protection Zones and associated Tree Protection Fences in accordance with the requirements of Condition No. 12 of this Permit.
- (p) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
- (q) Any modifications in accordance with Melbourne Water's conditions (Refer to Condition Nos. 15 to 26).

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

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

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

- Before this Permit expires;
- Within six (6) months after the expiry date; or
- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

- 4) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 5) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
- 6) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 7) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 8) Boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 9) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - (a) An existing vegetation schedule needs to be provided which corresponds to all existing vegetation on the subject site, neighbouring properties and adjacent reserve.
  - (b) Details of all existing trees to be removed on the subject site. The genus, species, height and spread of all trees must be specified.
  - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

Planting schedule to addresses the issue of screening for adjacent park and neighbouring properties. Preference will be for native vegetation that provides adequate screening particularly for the private open space of Dwelling 3, which will reach a minimum of 3m+ at maturity. All proposed screen plants to be planted at advanced sizes (i.e. minimum 2m height at installation) and planted at adequate density for the proposed species and specified accordingly in plant schedule, for example 2 per lineal metre.

Tree and shrub planting details to be provided separately. Plants must be shown in the schedule at a generally accepted size and reflected in the plan accordingly.
  - (d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - (e) Two (2) small canopy trees capable of reaching a height of 4-6 metres and width of 4 metres at maturity, and have a minimum height of 1.6 metres in 40 litres containers at the time of installation.
  - (f) Two (2) medium canopy trees capable of reaching a height of 6-8 metres and width of 6 metres at maturity, and have a minimum height of 1.6 metres in 40 litre containers at the time of installation. At least one of these to be located within the front setback.

- (g) Cross-sections details of the permeable driveway material in accordance with Condition No. 12 of this Permit.
  - (h) Tree Protection Zones and notations in accordance with Condition No. 12 of this Permit.
  - (i) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (k) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (l) Hard paved surfaces at all entry points to dwellings.
  - (m) All ground level non-vehicle paving should be of a permeable type with provision of material specifications and construction detail in final landscape plan. If natural lawn is not achievable then step pavers set into compacted granitic screenings.
  - (n) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (o) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - (p) An outline of the approved buildings, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (r) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - (s) Landscape plan to provide relative levels for ground floor landscape areas, porch and decks for all entry points into dwellings.
  - (t) The provision of rain gardens along the driveway, where appropriate. Cross-sections of the proposed rain gardens to be provided in the landscape plan.
  - (u) Tree Protection Zone locations and notations in accordance with Condition No. 12 of this Permit.
- 10) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- 11) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 12) Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees to define a 'Tree Protection Zone'.
- A Tree Protection Zone (TPZ) of 7.2 metres from the trunk edge, for Council reserve tree known as Tree 1; *Eucalyptus viminalis* (Manna Gum).
  - A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 4; *Melaleuca hypericifolia* (Hillock Bush).
  - A Tree Protection Zone (TPZ) of 3.4 metres from the trunk edge, for Council reserve tree known as Tree 7; *Acacia dealbata* (Silver Wattle).
  - A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 8; *Callistemon saligna* (Bottlebrush).
  - A Tree Protection Zone (TPZ) of 2.4 metres from the trunk edge, for the neighbouring tree located to the north of the subject site, tree known as Tree 11; *Ligustrum lucidum* (Privet).

These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fences must remain in place until construction is completed, other than for encroachments required in order to construct the development.

No vehicular or pedestrian thoroughfare, trenching or soil excavation is to occur within the Tree Protection Zones.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones.

The ground surface of the Tree Protection Zones must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

The driveway is to be constructed at or above existing grade using permeable materials (eg. Permeable pavers).

All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees, and undertaken by a suitably qualified arborist.

- 13) Before the development starts, a Waste Management Plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

If council waste services are proposed to be utilised, a plan is to be submitted illustrating the following:



- (a) The length and width of the footpath/ nature strip directly abutting the site boundary.
- (b) The location of any available on-street car parking, loading zones and/ or bus stops.
- (c) The location of all street furniture, light/ electricity poles, driveways, street trees, bus shelters or similar obstructions.
- (d) The location of the bins, with a minimum gap of 300mm between bins and other obstructions.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

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

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

Melbourne Water Conditions (No's 15 - 26)

- 15) Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
- 16) The dwellings must be constructed with finished floor levels set no lower than 300mm above the applicable flood level. The minimum floor levels of each dwelling are:
  - (a) 46.1 metres to AHD
  - (b) 46.15 metres to AHD
  - (c) 46.2 metres to AHD
- 17) The garages must be constructed with finished floor levels set no lower than 150mm above the applicable flood level. The minimum floor levels for each garage are:
  - (a) Garage 1 and 2 - 45.95 metres to AHD
  - (b) Garage 3 - 46.0 metres to AHD
- 18) Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 19) Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
- 20) The driveway ramps must be minimal and only directly in front on the entrances to allow for storage and conveyance of overland flow.
- 21) The development must maintain a minimum 1.2 metres of open space between the western property boundary set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from timber paling fencing.
- 22) The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.

- 23) Any new fence must be of an open style of construction (minimum 50% open or timber paling) to allow for the passage of overland flows.
- 24) The building/structure including footings, eaves etc must be set a minimum 1.5 metres laterally clear of the outside edge of the main drain.
- 25) The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.
- 26) Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Permit Notes:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

Modifications of a more significant nature may require a new permit application.

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

Melbourne Water Notes:

- The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 45.9 metres to Australian Height Datum (AHD).
- Upon submission of amended plans, Melbourne Water undertook more detailed hydraulic assessment. This has enabled us to set minimum floor levels for each dwelling and reduce the amount of fill within the driveway, reflecting the change in conditions to our letter dated 20 March 2017 to the applicant.

**Committee Decision**

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

**That** Planning Permit Application D/251/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TPA01 – 1 of 6, TPA02 – 2 of 6, TPA02 – 2A of 6 and TPA03 – 3 of 6 drawn by AKW/JC dated 25 July 2017), but modified to show:
  - (a) The first floor front bedroom setback of Dwelling 1 to be increased by 1 metre; this is to be achieved by reducing the first floor footprint and must not result in a reduction to any boundary setbacks.
  - (b) The north elevation balustrade of the Dwelling 3 balcony to be obscured glass and be increased to a height of 1.7m in accordance with Standard B22 of the Darebin Planning Scheme.
  - (c) The first floors of all dwellings to incorporate timber or timber cladding elements with a resulting reduction in the extent of render.
  - (d) Natural light to garages of dwellings 2 and 3 by way of skylights or windows being included to external vehicle and/or pedestrian doors.
  - (e) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
  - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors not located directly beneath eaves. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
  - (g) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - (h) A landscape strip running along the centre of the driveway.
  - (i) The front fence with a maximum height of 1.2 metres.
  - (j) Street numbers for the rear dwellings to be clearly marked on the front fence elevation.
  - (k) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (l) The location of letter boxes and receptacles for newspapers. These must be provided to the satisfaction of the Responsible Authority.
  - (m) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
  - (n) A Landscape Plan in accordance with Condition No. 9 of this Permit.

- (o) Annotations detailing Tree Protection Zones and associated Tree Protection Fences in accordance with the requirements of Condition No. 12 of this Permit.
- (p) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
- (q) Any modifications in accordance with Melbourne Water's conditions (Refer to Condition Nos. 15 to 26).
- (r) A 1.2 metre high open style fence (minimum 50% open to allow the passage of overland flows) to the eastern property boundary between the garage of Dwelling 3 and the front boundary, except within the pedestrian visibility splay where the fence is to be 900mm in height.

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed, within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 5) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
- 6) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 7) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 8) Boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 9) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- (a) An existing vegetation schedule needs to be provided which corresponds to all existing vegetation on the subject site, neighbouring properties and adjacent reserve.
- (b) Details of all existing trees to be removed on the subject site. The genus, species, height and spread of all trees must be specified.
- (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

Planting schedule to addresses the issue of screening for adjacent park and neighbouring properties. Preference will be for native vegetation that provides adequate screening particularly for the private open space of Dwelling 3, which will reach a minimum of 3m+ at maturity. All proposed screen plants to be planted at advanced sizes (i.e. minimum 2m height at installation) and planted at adequate density for the proposed species and specified accordingly in plant schedule, for example 2 per lineal metre.

Tree and shrub planting details to be provided separately. Plants must be shown in the schedule at a generally accepted size and reflected in the plan accordingly.

- (d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- (e) Two (2) small canopy trees capable of reaching a height of 4-6 metres and width of 4 metres at maturity, and have a minimum height of 1.6 metres in 40 litres containers at the time of installation.
- (f) Two (2) medium canopy trees capable of reaching a height of 6-8 metres and width of 6 metres at maturity, and have a minimum height of 1.6 metres in 40 litre containers at the time of installation. At least one of these to be located within the front setback.
- (g) Cross-sections details of the permeable driveway material in accordance with Condition No. 12 of this Permit.
- (h) Tree Protection Zones and notations in accordance with Condition No. 12 of this Permit.
- (i) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) All ground level non-vehicle paving should be of a permeable type with provision of material specifications and construction detail in final landscape plan. If natural lawn is not achievable then step pavers set into compacted granitic screenings.

- (n) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (o) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - (p) An outline of the approved buildings, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (r) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - (s) Landscape plan to provide relative levels for ground floor landscape areas, porch and decks for all entry points into dwellings.
  - (t) The provision of rain gardens along the driveway, where appropriate. Cross-sections of the proposed rain gardens to be provided in the landscape plan.
  - (u) Tree Protection Zone locations and notations in accordance with Condition No. 12 of this Permit.
- 10) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- 11) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 12) Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees to define a 'Tree Protection Zone'.

- A Tree Protection Zone (TPZ) of 7.2 metres from the trunk edge, for Council reserve tree known as Tree 1; *Eucalyptus viminalis* (Manna Gum).
- A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 4; *Melaleuca hypericifolia* (Hillock Bush).
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- A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 8; *Callistemon saligna* (Bottlebrush).
- A Tree Protection Zone (TPZ) of 2.4 metres from the trunk edge, for the neighbouring tree located to the north of the subject site, tree known as Tree 11; *Ligustrum lucidum* (Privet).

These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fences must remain in place until construction is completed, other than for encroachments required in order to construct the development.

No vehicular or pedestrian thoroughfare, trenching or soil excavation is to occur within the Tree Protection Zones.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones.

The ground surface of the Tree Protection Zones must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

The driveway is to be constructed at or above existing grade using permeable materials (eg. Permeable pavers).

All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees, and undertaken by a suitably qualified arborist.

- 13) Before the development starts, a Waste Management Plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

If council waste services are proposed to be utilised, a plan is to be submitted illustrating the following:

- (a) The length and width of the footpath/ nature strip directly abutting the site boundary.
- (b) The location of any available on-street car parking, loading zones and/ or bus stops.
- (c) The location of all street furniture, light/ electricity poles, driveways, street trees, bus shelters or similar obstructions.
- (d) The location of the bins, with a minimum gap of 300mm between bins and other obstructions.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

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

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

Melbourne Water Conditions (No's 15 - 26)

- 15) Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

- 16) The dwellings must be constructed with finished floor levels set no lower than 300mm above the applicable flood level. The minimum floor levels of each dwelling are:
  - (a) 46.1 metres to AHD
  - (b) 46.15 metres to AHD
  - (c) 46.2 metres to AHD
- 17) The garages must be constructed with finished floor levels set no lower than 150mm above the applicable flood level. The minimum floor levels for each garage are:
  - (a) Garage 1 and 2 - 45.95 metres to AHD
  - (b) Garage 3 - 46.0 metres to AHD
- 18) Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 19) Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
- 20) The driveway ramps must be minimal and only directly in front on the entrances to allow for storage and conveyance of overland flow.
- 21) The development must maintain a minimum 1.2 metres of open space between the western property boundary set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from timber paling fencing.
- 22) The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
- 23) Any new fence must be of an open style of construction (minimum 50% open or timber paling) to allow for the passage of overland flows.
- 24) The building/structure including footings, eaves etc must be set a minimum 1.5 metres laterally clear of the outside edge of the main drain.
- 25) The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.
- 26) Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Permit Notes:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.



N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

Modifications of a more significant nature may require a new permit application.

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

Melbourne Water Notes:

- The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 45.9 metres to Australian Height Datum (AHD).
- Upon submission of amended plans, Melbourne Water undertook more detailed hydraulic assessment. This has enabled us to set minimum floor levels for each dwelling and reduce the amount of fill within the driveway, reflecting the change in conditions to our letter dated 20 March 2017 to the applicant.

**CARRIED**

**5.4 APPLICATION FOR PLANNING PERMIT D/210/2017  
4 Elliot Street, Reservoir**

**Author:** Urban Planner

**Reviewed By:** Director Corporate Services

Applicant	Owner	Consultant
Frontier Property Developments	Dorina Kailahi	Beyond Design Group
Beyond Design Group		

**SUMMARY**

- The proposal is for the construction of four double storey dwellings, with Dwellings 1 and 2 attached and located to the front, Dwellings 3 and 4 at the rear.
- The site is zoned General Residential Zone – Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- Eight (8) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Transport Management and Planning Unit and Capital Works Unit.
- This application was not required to be referred to external authorities.

*The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *David De Giovanni, on behalf of Applicant*
- *Cathy Arter, Objector*

**Committee Decision**

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

**That** Planning Permit Application on D/210/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP1, TP2, TP3, TP4, Revision A, dated 3 May 2017, ref no. 17-1455 and prepared by Beyond Design Group) but modified to show:
  - (a) The first floor eastern boundary setback of Dwellings 1 and 4 increased in accordance with the plans identified as TP2 and TP3, Revision B, dated 25 October 2017 and prepared by Beyond Design Group.
  - (b) Introduction of a pitched roof form, a front fence, and changes to materials and detailing to Dwellings 1 and 2 in accordance with the plans identified as TP2 and TP3, Revision B, dated 25 October 2017, and prepared by Beyond Design Group.
  - (c) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
  - (d) The setback of the southern boundary of the secluded private open space of Dwelling 2 from the wall of the garage to comply with Standard B29 at Clause 55.05-5 of the Scheme. This must be achieved by way of reducing the height of the garage and/or increasing the setback and without reducing any other boundary setbacks.
  - (e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - (f) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - (g) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors not located directly beneath eaves. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend to within 1 metre of a property boundary.
  - (h) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
  - (i) The location of all plant and equipment (including air conditioners, water/gas/electricity metering and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Water, gas, and electrical metering must not be located within the front setback area of the dwellings fronting Elliot Street.
  - (j) A Landscape Plan in accordance with Condition No.5 of this Permit.

- (k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
- 5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
  - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (g) Hard paved surfaces at all entry points to dwellings.
-

- (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
  - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 9) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 11) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12) The land must be drained to the satisfaction of the Responsible Authority.
- 13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced; and
  - (d) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 17) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

#### NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

**CARRIED**

**5.5 APPLICATION FOR PLANNING PERMIT D/12/2017  
431 Plenty Road, Preston**

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Andrew Clarke Clarke Planning	C Paris 1 Vicarage Way WATSONIA NORTH VIC 3087	Andrew Clarke Clarke Planning

**SUMMARY**

- Development of a five (5) storey building comprising three (3) dwellings and a shop.
- Five (5) car parking spaces are provided on site (within car stackers).
- The site is zoned Commercial 1 and is affected by the Design and Development Overlay (Schedule17).
- The mandatory height requirement is six (6) storeys (20 metres). The proposal achieves the maximum height restriction.
- There is no restrictive covenant on the title for the subject land.
- Five (5) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 43.02 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit, Transport Management and Planning Unit, Urban Design officer and ESD officer.
- This application was not required to be referred to external authorities.

*The following person verbally addressed the meeting and was thanked for his presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *Andrew Clarke, on behalf of Applicant*

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

**That** Planning Permit Application on D/12/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP.101, TP.102, TP.103, TP.104, TP.105, TP.106, TP.107, TP.201, TP.202, TP.203, TP.204 and TP.300 Rev B dated 17 October 2017, prepared by Cera Stribley Architects) but modified to show:
  - (a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 5 of this Permit).
  - (b) Modifications in accordance with the Waste Management Plans (refer to Condition No. 6 of this Permit).
  - (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - (d) The colour, texture or finish of the exposed sections of the north and south elevation designed to provide visual interest.
  - (e) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
  - (f) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (g) Apartments allocated at least one (1) car parking space each.
  - (h) The west facing balcony of dwelling 1 to be no more than 25% open.
  - (i) A canopy over the footpath. The canopy must be set back at least 0.75 metres from the kerb and to have a minimum clearance height of 3m above the level of the public footpath.
  - (j) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - (k) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
  - (l) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.

When approved, the plans will be endorsed and form part of this Permit.
- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:



- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed within five (5) years of the date of this Permit.

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) As part of the consultant team Cera Stribley Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 5) Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

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

It is recommended that a Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.

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

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

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

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

- 7) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 8) The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
- 9) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the apartments are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

to the satisfaction of the Responsible Authority.

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

**Council Notations:**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

**CARRIED**

**5.6 APPLICATION FOR PLANNING PERMIT D/438/2017  
321 Spring Street, Reservoir**

**Author:** Urban Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Niall McGovern – Whiteman Property and Accounting	Predborn Holdings PTY LTD Love Real Estate	Force Management

**SUMMARY**

- The application seeks permission for a licensed premises (packaged liquor license for a bottle shop), as per the requirements of Clause 52.27 of the Darebin Planning Scheme (the Scheme).
- The application proposes to locate the bottle shop adjacent and connected to the existing Coles Supermarket.
- The site is zoned Commercial 1 Zone and is affected by the Development Contributions Plan Overlay (currently expired).
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Four (4) objections were received against this application. This includes two (2) petitions with 11 and 70 signatures respectively. One (1) of the four (4) objections was from within 200 metres of the subject site.
- The proposal is generally consistent with the objectives and standards of Clause 52.27 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was not required to be referred to any internal authorities.
- This application was not required to be referred to external authorities.

*The following people verbally addressed the meeting and were thanked for their presentation by the Chairperson, Mayor, Cr. Le Cerf:*

- *Amol Maken, Objector*
- *Harsh Singh, Objector*

**Recommendation**

**That** Planning Permit Application on D/438/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as Adjoining Buildings and Area Plan 17013-P2, dated 18/06/2017 and received by Council 19/09/2017, prepared by Force Management Consulting Engineers, and 'Red Line Plan' RESE-01, dated April 2017 and received by Council 19/09/2017, and prepared by Liquorland).
- 2) The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

- 4) The use may operate only between the hours of:
  - Monday – Saturday: 9.00am – 11.00pm
  - Sunday: 10.00am – 11.00pm
  - ANZAC Day: 12.00pm – 11.00pm
  - Good Friday and Christmas Day: No trade.
- 5) The amenity of the area must not be adversely affected by the use or development as a result of the:
  - Transport of materials, goods or commodities to or from the land; and/or
  - Appearance of any building, works, stored goods or materials; and/or
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.

**Committee Decision**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. S Amir

**That** Planning Permit Application D/438/2017 be refused and a Notice of Refusal be issued for the following reasons:

The proposal does not comply with the decision guidelines at Clause 52.27 of the Darebin Planning Scheme with regard to:

- i. Clause 11 (Settlement) which states that planning is to recognise the need for health and safety.
- ii. Clause 21.01-5 (Strategic Vision) which sets out to promote a physical, social and economic environment that supports and enhances community health and wellbeing and a safe community.
- iii. The cumulative impact of existing packaged liquor licenced premises on the amenity of the surrounding area.

**CARRIED**

**5.7 APPLICATION FOR PLANNING PERMIT D/88/2017  
271-273 St Georges Road, Northcote**

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

Applicant	Owner	Consultant
A A Paolini	Jing Xiao and Rong Cui Zheng	<ul style="list-style-type: none"> <li>• Ratio Consultants</li> <li>• Sustainable Development Consultants</li> </ul>

**SUMMARY**

- The proposal is to construct a four (4) storey mixed use development across two adjoining sites. It is proposed to locate a shop with an area of 78 square metres, car parking and service areas at ground floor with 10 dwellings over the remaining three levels above. First and second floor levels will accommodate four dwellings each with the upper-most level accommodating two dwellings. The development will provide a mix of one and two bedroom dwellings. Private open space is to be in the form of balconies for each dwelling. A total of 11 car parking spaces are proposed on site, with 10 located in car parking stackers and one at grade parking space for the shop. The development is to have an overall height of 13.8 metres.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- Two objections were received against this application.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Property Officer (Strategic Asset Management), Urban Designer, Environmentally Sustainable Developments Officer, Officer, Capital Works Unit, Waste Services (Environmental Operations) and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

*The following people verbally addressed the meeting and were thanked for their presentations by the Chairperson, Mayor, Cr. Le Cerf:*

- *Leon Kustra, Objector*
- *Mr Saltis, Objector*

<b>Recommendation</b>
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**That** Planning Permit Application D/88/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheet No. 2 to 12 dated 21 June 2017 and 9 April 2017 prepared by A. Paolini Architect and received by Council on 21/6/2017) but modified to show:
  - (a) Provision of four (4) residential and one (1) visitor bicycle parking spaces on the land, in proximity to the main entrance to the development, in accordance with Condition No. 10 of this Permit.
  - (b) The following changes to improve natural daylight access and ventilation to the development:
    - Introduction of operable highlight windows to the ground floor western wall of the car park.
    - Installation of operable windows to the Shop for passive ventilation.
    - Introduction of a highlight window to Unit 3's southern kitchen wall and Unit 4's northern kitchen wall.
  - (c) The provision of and details of the shopfront canopy over the public footpath on the floor plans, with a setback of 0.75 metres from the kerbside on St Georges Road and a minimum head-height clearance of 3 metres above the footpath.
  - (d) The provision of glazing to the north wall of the apartment entry area to improve visibility and safety along the footpath. The mailboxes may be relocated further west on the dividing wall between the shop and apartment entry lobby to accommodate this change.
  - (e) The exposed southern walls of the development visible over the adjoining southern building treated (e.g. textured concrete) to improve the presentation of the development as seen over the adjoining building.
  - (f) The design of the front façade (St Georges Road façade) at first and second floor levels broken down horizontally to express the floor levels and articulated further to provide a high quality finish and finer grain detailing.
  - (g) The location of all plant, equipment and metres (including air conditioners, gas metres, hydrants, boosters and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (h) The pedestrian ramp providing access to the apartment lobby graded no steeper than 1:14 in accordance with AS1428.1:2009.
  - (i) The storage units shown on the ground floor plan allocated to each of the dwellings.
  - (j) Weather protection incorporated to the main private open space (balcony) areas of Dwellings 3, 4, 5, 6, 7, 8, 9 and 10. Full details must be provided.

- (k) Correction to the North and South Elevations to remove dotted lines under the northern windows to the living area of Dwelling 8 and the southern windows of the living area of Dwelling 7.
- (l) The removal of the planter boxes on the western balconies of Dwellings 3, 4, 7, 8 and 10 to increase the depths of these balconies by the same increment.
- (m) The removal of the 1.7 metre high screen to the western edge of the balcony of Dwelling 10.
- (n) The balconies and windows listed below provided with a fixed louver screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level (as detailed on Sheet No.12), as follows:
  - The northern habitable room windows of Dwellings 9 and 10.
  - The south side of Unit 3's balcony insofar as to prevent overlooking of the secluded private open space area of the dwelling at No.59 Emmaline Street. The views are to be measured from the southern side of the balcony within a 9 metre radius at 45 degrees.
  - The western kitchen windows of Unit 7 and Unit 8
  - The southern side of Unit 7's balcony.
- (o) Full dimensions of the balcony of each dwelling.
- (p) Internal layout and servicing for the shop (e.g. WC, storage, kitchenette etc.)
- (q) A single communal antenna for the development (refer also to Condition No. 8 of this Permit). The location and height of the antenna must be shown on the roof plan and elevations.
- (r) Any modifications in accordance with the Acoustic Report (Refer to Condition 7 of this Permit).
- (s) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 5 of this Permit).
- (t) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.



- 5) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

- 6) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 7) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
  - (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to levels as outlined in Table 1 of AS2107:2000.
  - (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
  - (d) Noise, reverberation and vibration associated with the operation and use of the lift shaft, mechanical car parking stackers and staircase core do not impact adversely on the amenity of the dwellings which share dividing walls with the core and/or are located on the first floor level above the car parking stackers. The following sources of noise must be attenuated:
    - Ride quality e.g. sound and vibration
    - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls
    - Structure-borne noise in walls e.g. sound radiation to adjacent rooms
    - Cooling fan noise
    - Drive operation noise
    - Relay switching noise
    - Door operation noise
    - Guide shoe sliding noise
    - Treatment to stair treads and landings to minimise airborne noise

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

- 8) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- 9) Waste storage and collection must be undertaken in accordance with the approved management plan (prepared by Ratio Consultants dated 13/4/2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- 10) Before the development is occupied bicycle racks must be provided on the land in accordance with Australian Standard 2890.3:2015. Four (4) residential bicycle parking spaces and one (1) visitor bicycle space must be provided on site. Where any of the specified bicycle parking cannot be accommodated on the site, an equivalent contribution must be made *to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality at a rate of \$360/bicycle rail.*
- 11) Before the development commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the development commences, either:

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

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

- 12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

- 14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 15) The land must be drained to the satisfaction of the Responsible Authority.
- 16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 19) The 11 car parking spaces available on site must be allocated to the dwellings and the Shop tenancy as follows:
  - One (1) car parking space allocated to each dwelling.
  - One (1) car parking space allocated to the Shop.

Car parking spaces for the dwellings are to be numbered to correspond to the same numbers given to the dwellings shown on Drawings Sheet No.3, 4, 5 dated 21/6/017 and received by Council on 21/6/2017.

The car parking space for the Shop must not be used by or made available to customers or the dwellings.

- 20) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;

- (c) Surfaced with an all weather sealcoat;
- (d) Drained;
- (e) Line-marked to indicate each car space and all access lanes;
- (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

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

## NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

- N6 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N7 In relation to the requirements of Condition No.10 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.

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

**That** Planning Permit Application D/88/2017 be refused and a Notice of Refusal be issued for the following reasons:

- 1) The development is contrary to State and Local Planning Policies in the Darebin Planning Scheme, including Clause 15.01-1 and 15.01-2 (Urban Design); Clause 21.03 (Housing); and Clause 22.06 (Multi-Residential and Mixed Use Development).

The development does not provide adequate internal amenity to:

- (i) The dwellings, which have minimal living room and bedroom sizes, poor daylight access from side light courts, lack of outlook due to extent of screening required to windows and balconies, noise transmission due to location of habitable rooms adjacent to the lift/stair core of the building; and narrow balconies with high screens.
- (ii) The Shop tenancy, which is not sufficiently sized to include well-designed staff amenities such as kitchenette, WC, storage and waste storage.
- (iii) The ground floor car park which lacks in the provision of natural daylight access and natural ventilation.

The development will result in poor urban design outcomes with regard to the lack of external treatment of walls on the boundaries; front façade design that lacks high quality detailing and poor use of materials.

The development does not comply with the prescribed rear setback envelope under Schedule 16 of the Design and Development Overlay at Clause 43.02 of the Darebin Planning Scheme, and is considered to constitute an overdevelopment of the site.

Due to minimal light courts dimensions to the north, the development will detrimentally impact on daylight access to adjoining habitable room windows in the apartment building to the north.

**CARRIED**

Prior to discussion of the following item, the Chairperson, Mayor, Cr. Le Cerf made the following statement:

*"I wish to state that whilst I have previously made a statement/s about my then position on this matter, I now speak as a Councillor, and as such, recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Darebin community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote."*

Prior to discussion of the following item, Cr. Rennie made the following statement:

*"Madame Mayor, I wish to state that whilst I have previously made a statement/s about my then position on this matter, I now speak as a Councillor, and as such, recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Darebin community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote."*

Prior to discussion of the following item, Cr. Williams made the following statement:

*"Madame Mayor, I wish to state that whilst I have previously made a statement/s about my then position on this matter, I now speak as a Councillor, and as such, recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Darebin community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote."*

**5.8 APPLICATION FOR PLANNING PERMIT D/1015/2016  
429 Heidelberg Road, Fairfield**

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Travis Finlayson Ratio Consultants	ELfah Pty Ltd	Travis Finlayson Ratio Consultants

**SUMMARY**

- Change of use from a hotel to a restricted place of assembly.
- Change to the type of liquor license from a general license to a club license.
- The site is zoned Industrial 3 (south section) and Residential Growth Zone - 3 (north section) and is affected by the Heritage Overlay, Design and Development Overlay (Schedule 20) and the Public Acquisition Overlay.
- There is no restrictive covenant on the title for the subject land.
- One (1) objection was received against this application.
- The proposal is generally consistent with State and Local planning policy and the relevant zone and overlay provisions.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

*Darren Rudd, Manager City Development read out a statement on behalf of Simon Watkins, Objector.*

<b>Recommendation</b>
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**That** Planning Permit Application on D/1015/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as TP05 Rev B prepared by the TM Design Group dated July 2016).
- 2) The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

- 4) The use may operate only between the hours of 7:00am to 3:00am Monday to Sunday and 7:00am to 11:00pm Sunday.
- 5) The number of patrons on the premises at any one time must not exceed 780.
- 6) A sign or signs must be displayed at the exit/s to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
- 7) At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
  - (a) Patrons leave the premises and its car park in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
  - (b) Patrons do not loiter around the premises or its car park.to the satisfaction of the Responsible Authority.
- 8) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 9) The amenity of the area must not be adversely affected by the use or development as a result of the:
  - (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.

- 10) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 11) Noise from the premises must not exceed the relevant limits prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.

<b>Committee Decision</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That** Planning Permit Application on D/1015/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application identified as TP05 Rev B prepared by the TM Design Group dated July 2016) but modified to show:
    - a) Location of a second sign-in desk at the Station Street entrance to the venue.
    - b) Relocate the door between the bistro and the gaming lounge to the southern end of the gaming lounge with direct access to the sports bar.
    - c) Screening of the northern door to the gaming lounge to ensure no visibility into the lounge by minors.
  - 2) The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  - 3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.
  - 4) Except with the prior written consent of the Responsible Authority, the use of the premises is only permitted between the hours of:
    - a) Monday to Saturday between 9 a.m. and 1 a.m.
    - b) Sunday 9 a.m. and 11 p.m.
  - 5) The number of patrons on the premises at any one time must not exceed 780.
  - 6) A sign or signs must be displayed at the exit/s to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
  - 7) At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
    - a) Patrons leave the premises and its car park in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
    - b) Patrons do not loiter around the premises or its car park.
    - c) Patrons sign in as requested under the rules for a restricted place of assembly. to the satisfaction of the Responsible Authority.
  - 8) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
-



- 9) The amenity of the area must not be adversely affected by the use or development as a result of the:
- (a) Transport of materials, goods or commodities to or from the land; and/or
  - (b) Appearance of any building, works, stored goods or materials; and/or
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- in any other way, to the satisfaction of the Responsible Authority.
- 10) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 11) Noise from the premises must not exceed the relevant limits prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.
- 12) Before the use commences, a membership plan must be submitted to the satisfaction of the Responsible Authority. The plan must outline the membership rules and eligibility and arrangements for the management of signing in by guests and visitors. The membership plan, including the matters specified herein, must not be amended unless with the consent of the Responsible Authority.

**CARRIED**

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS AD SIGNIFICANT APPLICATIONS

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

<b>Committee Decision</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. L Messina

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

**CARRIED**

## 7. URGENT BUSINESS

Nil

### PROCEDURAL MOTION

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

**That** Council notes that Item 4 (Confirmation of the Minutes of Planning committee) of this Agenda should read as follows:

**That** the Minutes of the Planning Committee Meeting held on 30 October 2017 be confirmed as a correct record of business transacted.

**CARRIED**

## 8. CLOSE OF MEETING

The meeting closed at 8.40pm.