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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 September 2017

Released to the public on Thursday 14 September 2017

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

THE MEETING OPENED AT 6.02PM

WELCOME

The Chairperson, 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. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Oliver Vido – Acting Chief Executive Officer

Jacinta Stevens – Director Civic Governance and Compliance

Darren Rudd – Manager Planning and Building

John Limbach – Acting Coordinator Statutory Planning

Katia Croce – Coordinator Council Business

2. APOLOGIES

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

Cr. Lina Messina was noted as an apology.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. T McCarthy

That the Minutes of the Planning Committee Meeting held on 14 August 2017 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION TO AMEND A PLANNING PERMIT D/1019/2012/B 49 Johnson Street, Reservoir

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Johnson View Development Pty Ltd	Cornetta Partners Architects	Glossop Town Planning

SUMMARY

- It is proposed to amend the permit to increase the development from four (4) storeys to six (6) storeys in height, including an increase in the number of dwellings from 51 to 68.
- The changes include a significant increase in the proportion of three (3) bedroom dwellings.
- The site is zoned Mixed Use Zone.
- 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 the relevant policies of the Darebin Planning 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.
- This application was referred externally to VicRoads and Public Transport Victoria. VicTracks are not a Referral Authority, however they were notified of the application.

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. G Greco

That Notice of Decision to Amend Planning Permit D/1019/2012 be issued pursuant to section 75 of the *Planning and Environment Act 1987*.

Amendments proposed to the Permit/Endorsed plans:

- Increase the development from four to six storeys in height and alter the proposal summarised as follows:

Number	Existing	Proposed
Dwellings	51	68
One bedroom	7	12
Two bedroom	44	40
Three bedroom	–	16
Car parking	51	87
Shops	5	5
Shop floor area	415m ²	527m ²
Convenience Restaurant	35 seat	35 seat
Storage	51	68
Bike space	29	40

- Amend condition 1 from:

The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as TPA03 to TPA13 and TPA North and East Elevations, South and West Elevations Revision D, dated 13 August 2013, Job No 12–06 and prepared by Cornetta Partners Architects and Drawing L01 Dated June 2013 prepared by Justin Goon Landscape Architect).

To:

Before the development and 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 identified as TPA03 to TPA12 dated 7/10/16, Job No 15–47 and prepared by Cornetta Partners Architects) but modified to show:

- a) Landscaping generally in accordance with Drawing L01 Dated June 2013 prepared by Justin Goon Landscape Architect.
- b) Balcony and roof areas above bedroom 1 windows of Dwellings 3, 5, 6, 7, 8 13, 15, 16, and 19 deleted.
- c) Balconies to measure a minimum 8 square metres and a minimum 1.6m width (no reduction in wall setbacks) and accessed off main living rooms.
- d) South facing second and third floor habitable room windows sill heights dimensioned at a minimum 1.7 metres above finished floor level (Dwellings 21, 22, 39 and 40).

- e) South facing fourth floor balconies with obscure glazing to 1.7 metres above finished floor level (Dwellings 57 and 58).
- f) South facing fifth floor windows (Dwellings 57 and 58) provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level;
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- Amend Condition 19 from:

Parking allocation is to be as follows:

- One (1) car space per two (2) bedroom dwelling.
- 18 car spaces allocated to the one (1) bedroom dwelling held in common property with a maximum one (1) car space allocated to any dwelling.
- One (1) car space per shop premises.
- Two (2) car spaces for the convenience restaurant.

To:

Parking allocation is to be as follows:

- One car space per each one bedroom and two bedroom dwelling.
- 19 car spaces allocated to the three bedroom dwellings with a maximum two car spaces per three bedroom dwelling.
- One (1) car space per shop premises and the convenience restaurant.

- Include the following conditions:

29. Each dwelling must be allocated a minimum of one storage space.
30. During construction the permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
31. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
32. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
33. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the VicTrack through the email address external.plant@victrack.com.au to obtain any conditions and safety requirements for works on, over or adjacent to underground fibre optic cabling.

34. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
35. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure. or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
36. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
37. The permit holder must not, at any time:
 - a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b) Store or deposit any waste, soil or other materials on the railway land.
38. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
39. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
40. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
41. The approved development, including temporary structures, must maintain all the clearances required from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009* (Vic) and the *Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009* page 75 Table 313 Rows C and D). If the relocation of railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at the cost of the permit holder.

CARRIED

**5.2 APPLICATION FOR PLANNING PERMIT D/907/2016
6 Thackeray Road, Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
The Town Hall Consulting Group	Liana Kestelmen Property Group Pty Ltd	The Silver Arc Pty Ltd

SUMMARY

- It is proposed to construct three (3) double storey dwellings, each containing three (3) bedrooms and two (2) car parking spaces accessible via the rear right-of-way. The dwellings have a maximum overall height of 7.49 metres.
- The site is located in the General Residential Zone – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.
- Seven (7) objections were received against the 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 and a Notice of Decision to Grant a Planning Permit be issued.

CONSULTATION:

- Notice of the application was given by posting a sign on the land and mailing of notices to affected properties.
- A consultative meeting has not been held for the application.
- The application has been referred internally to Council’s Capital Works Unit, Strategic Asset Management Unit and Transport Management & Planning Unit. This application was not required to be referred to external authorities.

John Limbach, Acting Coordinator Statutory Planning advised at the meeting that due to an administrative oversight the following text had been omitted from the report tabled in the Agenda for tonight’s meeting.

The secluded private open spaces of all dwellings and the total private open spaces of Dwellings 2 and 3 are insufficient and do not comply with the requirements of the Standard.

A condition of approval will require the secluded private open spaces of each dwelling to be increased to a minimum of 25 square metres by increasing the west boundary setbacks of the ground floors. It is noted this will also result in the total private open spaces of Dwellings 2 and 3 being increased to a minimum of 40 square metres.

Complies subject to condition

Clause 55.05–6 B30 Storage

Storage areas are provided. A condition of approval will require the storage to have a minimum volume of 6.0 cubic metres.

Complies subject to conditionClause 55.06–1 B31 Design Detail

The design detail of the development generally respects the existing or preferred neighbourhood character through: façade articulation; door proportions; roof form; verandah treatment; eave widths and parapets.

The proposed window fenestration – tall vertical windows – of Dwelling 1 is inconsistent with the window fenestration of dwellings in the area. A condition of approval will require the south facing windows of Dwelling 1 to have a horizontal emphasis to reflect the windows in the streetscape.

Complies subject to conditionClause 55.06–2 B32 Front fences

The proposal includes a 1.2 metre high front fence, set back slightly from the front boundary which allows views of the front garden area and of Dwelling 1. It is noted a portion of the front boundary does not include a fence. A condition of approval will require this portion to be fenced, with the exception of a 1 metre to 1.5 metre gap to allow for pedestrian access.

Complies subject to condition**Clause 52.06 Car Parking**Number of Parking Spaces Required

Two car parking spaces are provided for each dwelling within three (3) double garages. No visitor car parking is required for the proposal.

Design Standards for Car parking

The accessways have appropriate dimension to enable efficient use and management.

The double garage dimensions of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

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

- *Helen Taneskai on behalf of Belinda Taneskai, Objector*
- *Tony Sullivan, Objector*

Recommendation

That Planning Permit Application D/907/2016 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) but modified to show:

- (a) The height of fences on the eastern and western boundaries (except within 7.4 metres of the southern boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- (b) The Dwelling 1 ground floor living/dining area set back 3.61 metres from the west property boundary. The portion of the first floor located above the Dwelling 1 living/dining area must be set back at least 3.61 metres from the west property boundary. This must be achieved without reducing any boundary setbacks.
- (c) The private open space areas of all Dwellings 2 and 3 dimensioned so as to illustrate a total area of 40 square metres with one part of the private open space to consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres. This is to be achieved without reducing any boundary setbacks.
- (d) 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.
- (e) Each dwelling provided with a minimum 6.0 cubic metres of externally accessible storage.
- (f) The south facing windows of Dwelling 1 to have a horizontal emphasis consistent with the south facing windows of the dwellings located on the surrounding properties, as shown on the streetscape elevations (identified as: Dwg No. TP23, Streetscape Elevations, dated 09.05.2017 and prepared by The Silver Arc).
- (g) The provision of fixed external screens, to a height of 1.7 metres above finished floor level, to the following windows:
 - i. Dwelling 1 – Bed 1 – East Facing;
 - ii. Dwelling 1 – Bed 2 – East Facing;
 - iii. Dwelling 2 – Bed 1 – East Facing;
 - iv. Dwelling 2 – Bed 2 – East Facing;
 - v. Dwelling 3 – Bed 1 – East Facing; and
 - vi. Dwelling 3 – Bed 2 – East Facing.

A section diagram must be provided to demonstrate how the screens minimise overlooking of adjoining properties.

- (h) The front fence to extend the entire width of the site. A pedestrian gate or

opening of between 1.0–1.5 metres may be provided at the location of the pedestrian paths.

- (i) The pedestrian paths from Thackeray Road to be fully constructed (not intermittent pavers) with a width of 1.0 metres.
- (j) A landscape plan in accordance with Condition No. 4 of this Permit.
- (k) A notation indicating the extent of the construction of the rear right of way (refer to Condition No. 5 of this Permit).

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if either:
 - 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. 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) A minimum of six (6) small to medium 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.
5. Prior to the occupation of the development:
- (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the northern boundary of the property, commencing from western end of the property and continuing east to Mendip Road, must be submitted to and approved by Council.
 - (b) The right of way abutting the northern boundary of the property, commencing from the western end of the property and continuing east to Mendip Road must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

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 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.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
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 with an all-weather sealcoat; and
 - (d) Drainedto 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 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.

Motion

MOVED: Cr. G Greco
SECONDED: Cr. J Williams

That Planning Permit Application D/907/2016 be refused and a Notice of Refusal be issued subject to the following conditions:

1. Insufficient private open space is provided for the expected recreational and service needs of the occupants of the dwellings.
2. The Dwelling 2 and 3 ground floors are insufficiently set back from the common vehicular access to minimise amenity impacts, arising from vehicular noise, on the occupants of the dwellings.
3. The first floor of Dwelling 3 is not set back from the north property boundary in accordance with Standard B17 of the Darebin Planning Scheme.
4. The height of the wall on the north property boundary does not comply with the requirements of Standard B18 of the Darebin Planning Scheme.
5. The design detail of the development does not respect the character of the area.

THE MOTION WAS PUT AND LOST.

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

Motion

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

That Planning Permit Application D/907/2016 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) but modified to show:
 - (a) The height of fences on the eastern and western boundaries (except within 7.4 metres of the southern boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - (b) The Dwelling 1 ground floor living/dining area set back 3.61 metres from the west property boundary. The portion of the first floor located above the Dwelling 1 living/dining area must be set back at least 3.61 metres from the west property boundary. This must be achieved without reducing any boundary setbacks.

- (c) The private open space areas of all Dwellings 2 and 3 dimensioned so as to illustrate a total area of 40 square metres with one part of the private open space to consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres. This is to be achieved without reducing any boundary setbacks.
- (d) 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.
- (e) Each dwelling provided with a minimum 6.0 cubic metres of externally accessible storage.
- (f) The south facing windows of Dwelling 1 to have a horizontal emphasis consistent with the south facing windows of the dwellings located on the surrounding properties, as shown on the streetscape elevations (identified as: Dwg No. TP23, Streetscape Elevations, dated 09.05.2017 and prepared by The Silver Arc).
- (g) The provision of fixed external screens, to a height of 1.7 metres above finished floor level, to the following windows:
 - i. Dwelling 1 – Bed 1 – East Facing;
 - ii. Dwelling 1 – Bed 2 – East Facing;
 - iii. Dwelling 2 – Bed 1 – East Facing;
 - iv. Dwelling 2 – Bed 2 – East Facing;
 - v. Dwelling 3 – Bed 1 – East Facing; and
 - vi. Dwelling 3 – Bed 2 – East Facing.A section diagram must be provided to demonstrate how the screens minimise overlooking of adjoining properties.
- (h) The front fence to extend the entire width of the site. A pedestrian gate or opening of between 1.0–1.5 metres may be provided at the location of the pedestrian paths.
- (i) The pedestrian paths from Thackeray Road to be fully constructed (not intermittent pavers) with a width of 1.0 metres.
- (j) A landscape plan in accordance with Condition No. 4 of this Permit.
- (k) A notation indicating the extent of the construction of the rear right of way (refer to Condition No. 5 of this Permit).

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if either:
 - 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. 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) A minimum of six (6) small to medium 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.
5. Prior to the occupation of the development:
- (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the northern boundary of the property, commencing from western end of the property and continuing east to Mendip Road, must be submitted to and approved by Council.

- (b) The right of way abutting the northern boundary of the property, commencing from the western end of the property and continuing east to Mendip Road must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

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 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.

9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

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 with an all-weather sealcoat; and
- (d) Drained

to the satisfaction of the Responsible Authority.

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

17. Before the development is occupied 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.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. S Rennie

SECONDED: Cr. S Amir

That Planning Permit Application D/907/2016 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) but modified to show:
 - (a) The height of fences on the eastern and western boundaries (except within 7.4 metres of the southern boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- (b) The Dwelling 1 ground floor living/dining area set back 3.61 metres from the west property boundary. The portion of the first floor located above the Dwelling 1 living/dining area must be set back at least 3.61 metres from the west property boundary. This must be achieved without reducing any boundary setbacks.
- (c) The private open space areas of all Dwellings 2 and 3 dimensioned so as to illustrate a total area of 40 square metres with one part of the private open space to consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres. This is to be achieved without reducing any boundary setbacks.
- (d) 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.
- (e) Each dwelling provided with a minimum 6.0 cubic metres of externally accessible storage.
- (f) The south facing windows of Dwelling 1 to have a horizontal emphasis consistent with the south facing windows of the dwellings located on the surrounding properties, as shown on the streetscape elevations (identified as: Dwg No. TP23, Streetscape Elevations, dated 09.05.2017 and prepared by The Silver Arc).
- (g) The provision of fixed external screens, to a height of 1.7 metres above finished floor level, to the following windows:
 - i. Dwelling 1 – Bed 1 – East Facing;
 - ii. Dwelling 1 – Bed 2 – East Facing;
 - iii. Dwelling 2 – Bed 1 – East Facing;
 - iv. Dwelling 2 – Bed 2 – East Facing;
 - v. Dwelling 3 – Bed 1 – East Facing; and
 - vi. Dwelling 3 – Bed 2 – East Facing.

A section diagram must be provided to demonstrate how the screens minimise overlooking of adjoining properties.

- (h) The front fence to extend the entire width of the site. A pedestrian gate or opening of between 1.0–1.5 metres may be provided at the location of the pedestrian paths.
- (i) The pedestrian paths from Thackeray Road to be fully constructed (not intermittent pavers) with a width of 1.0 metres.
- (j) A landscape plan in accordance with Condition No. 4 of this Permit.
- (k) A notation indicating the extent of the construction of the rear right of way (refer to Condition No. 5 of this Permit).

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

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

3. This Permit will expire if either:
- 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. 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) A minimum of six (6) small to medium canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided
 - (g) Hard paved surfaces at all entry points to dwellings.
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 - (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.
5. Prior to the occupation of the development:
- (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the northern boundary of the property, commencing from western end of the property and continuing east to Mendip Road, must be submitted to and approved by Council.
 - (b) The right of way abutting the northern boundary of the property, commencing from the western end of the property and continuing east to Mendip Road must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

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

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Committee Decision

MOVED: Cr. T McCarthy
SECONDED: Cr. G Greco

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

CARRIED

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 6.37pm.