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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 14 August 2017

Released to the public on Thursday 17 August 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 14 AUGUST 2017**

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**THE MEETING OPENED AT 6.01PM**

**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. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

***Council Officers***

Phil Shanahan – Acting Chief Executive Officer

Steve Hamilton – Director City Futures and Assets

Jacinta Stevens – Director Civic Governance and Compliance

Darren Rudd – Manager Planning and Building

Peter Rollis – Coordinator Statutory Planning

Katia Croce – Coordinator Council Business

**2. APOLOGIES**

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

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

**That** the Minutes of the Planning Committee Meeting held on 10 July 2017 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/47/2017 15 Herbert Street, Northcote

**Author:** Senior Planner

**Reviewed By:** Director City Futures and Assets

Applicant	Owner
William Stewart	William Stewart

#### SUMMARY

- The applicant is proposing to demolish the existing dwelling and construct a new double storey dwelling on a site with a heritage overlay – schedule 162.
- The site is zoned Neighbourhood Residential Zone 1 and is greater than 300 square metres.
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is not required to be assessed against Clause 55 of the Darebin Planning Scheme.
- The proposal is generally consistent with the objectives of the Heritage Overlay (HO 162 – Rucker’s Hill)
- 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 Heritage Advisor.
- 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, Cr. Le Cerf:*

- *William and David Fisher, Applicant*
- *Michael Camilleri – on behalf of David Connolly and Anne McCaig, Objectors*

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

**That** Planning Permit Application on D/47/2017 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: Existing Conditions Site Plan, Ground Floor and Upper Ground Floor Plan, First Floor and Upper First Floor Plan, Rooftop Terrace Plan, and Elevations; TP01–05; Project No. 1602; prepared by df design and drafting and dated 13 December 2016) but modified to show:
  - (a) The existing dwelling identified as to be demolished on the Existing Conditions Site Plan.
  - (b) Dimensioned setbacks from the site boundaries to the dwelling at each floor.
  - (c) Overall building height to Australian Height Datum (AHD).
  - (d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples), to the satisfaction of Council's Heritage Adviser.

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) The land must be drained to the satisfaction of the Responsible Authority.
  - 5) 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.
  - 6) 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.

**NOTATIONS**

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

- 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.
- 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.

- 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.
- 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.
- This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.

**CARRIED**

**5.2 APPLICATION FOR PLANNING PERMIT D/987/2016  
71–73 Station Street, Fairfield**

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Terrain Consulting Group	Osten and Chrome Pty Ltd	Terrain Consulting Group

**SUMMARY**

- Development of a four (4) storey building (plus basement) comprising 17 apartments (four (4) single bedroom, nine (9) 2–bedroom and four (4) 3–bedroom apartments).
- The proposal provides 18 car parking spaces, and is therefore seeking a total waiver of six (6) car spaces, including three (3) visitor spaces.
- The development provides a contemporary form with modulated box–like forms presenting to the street finished in angled vertical cladding, exposed concrete and glazed balustrades.
- The building provides a height of 12.6 metres.
- The site is zoned General Residential Zone Schedule 2.
- A Design and Development Overlay (Schedule 20) applies.
- There is no restrictive covenant on the title for the subject land.
- Three (3) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 22.06, 43.02, 52.06 and 55 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, the Transport Planning and Management Unit, the Urban Design and ESD officers.
- This application was referred externally to VicRoads.

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

- *Lorenzo Rigoni, on behalf of Applicant*

**Recommendation**

**That** Planning Permit Application on D/987/2016 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: TP00, TP10, TP11, TP12, TP13, TP14, TP15 and TP16, Rev 1 dated 28 October 2016, prepared by Eugene Cheah Architecture) but modified to show:
  - a) A landscape plan in accordance with Condition No. 5 of this Permit.
  - b) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 6 of this Permit).
  - c) Modifications in accordance with the Waste Management Plans (refer to Condition No. 7 of this Permit).
  - d) Modifications in accordance with VicRoads requirements (refer to Conditions No. 20 and 21 of this Permit).
  - e) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - f) The colour, texture or finish of the exposed sections of the elevation designed to provide visual interest.
  - g) Exposed concrete to be Grade 2 quality.
  - h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - i) 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.
  - j) 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.
  - k) Finished floor levels to Australian Height Datum.
  - l) All balconies to provide a minimum dimension of 1.6 metres.
  - m) Apartments allocated at least one (1) car parking space each.
  - n) The 1<sup>st</sup> and 2<sup>nd</sup> floor east facing windows and balconies 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.

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 Eugene Cheah Architecture or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
  5. Before buildings and works 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 apartment 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 apartments.
-

- 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. 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.

7. 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.

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

11. All 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.

12. 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.

13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

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

15. 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.

16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

18. 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.

19. Before the development is occupied, the vehicular crossing must be constructed to align with approved driveway to the satisfaction of the Responsible Authority.

**VicRoads Conditions (No. 20 and 21):**

20. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.
21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

**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.

**VicRoads Notations:**

- With regards to condition 19, the proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- Should you have any enquiries regarding this matter, please contact Ellen Davies on 03 9313 1124 on [Ellen.Davies@roads.vic.gov.au](mailto:Ellen.Davies@roads.vic.gov.au)

**Motion**

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

**That** Planning Permit Application D/987/2016 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The internal amenity of selected apartments provides a poor outcome arising from deep living spaces, battle-axe bedrooms and poor access to daylight.
- (2) No visitor car parking is provided contrary to Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
- (3) Non-compliance with standard B6 – street setback.
- (4) Non-compliance with standard B17 – side setbacks.
- (5) Non-compliance with standard B18 – walls on boundaries.
- (6) Non-compliance with standard B28 – inadequate open space.

*Cr. Greco proposed to the mover Cr. Rennie and seconder Cr. McCarthy that an additional point (7) be added as follows. This was rejected by Cr. McCarthy.*

- (7) *The design and materials used are not constant with the Design and Development Overlay (schedule 20) regarding the preferred built form and character of the site and surrounds.*

*With leave of the Chairperson, Cr. Le Cerf, Cr. Greco withdrew point (7).*

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

**Committee Decision**

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

**That** Planning Permit Application D/987/2016 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The internal amenity of selected apartments provides a poor outcome arising from deep living spaces, battle-axe bedrooms and poor access to daylight.
- (2) No visitor car parking is provided contrary to Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
- (3) Non-compliance with standard B6 – street setback.
- (4) Non-compliance with standard B17 – side setbacks.
- (5) Non-compliance with standard B18 – walls on boundaries.
- (6) Non-compliance with standard B28 – inadequate open space.

**CARRIED**

*Philip Shanahan, Acting Chief Executive Officer, temporarily left the meeting during discussion of the above item at 6.36pm and returned at 6.42pm.*

**5.3 APPLICATION FOR PLANNING PERMIT D/184/2017  
74–76 Cramer Street, Preston**

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Renne Marinaccio The Branson Group PO Box 320 MOONEE PONDS VIC 3039	Fatmir Badali 10 Jessie Street PRESTON VIC 3072	Joseph Indomenico Tract Consultants 195 Lennox Street RICHMOND VIC 3121

**SUMMARY**

- Development of 16 three (3) storey two (2) bedroom dwellings.
- 12.5 – 19.5m<sup>2</sup> balconies provided to each dwelling.
- 16 car parking spaces provided. This represents a reduction of three (3) car parking space provision under Clause 52.06.
- The site is zoned General Residential Zone (Schedule 2).
- 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 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 signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works, Transport Management and Planning units and the ESD officer.
- 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, Cr. Le Cerf:*

- *Joseph Indomenico, Ben Atanasovski and Tamara Dunkley, on behalf of the Applicant*

<b>Recommendation</b>
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**That** Planning Permit Application D/184/2017 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: TP02, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP11, TP12, TP13 and TP14 prepared by AADARC, dated 2 May 2015 Rev 01) but modified to show:
  - (a) A landscape plan in accordance with Condition No. 4 of this Permit.
  - (b) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 5 of this Permit).
  - (c) A comprehensive schedule of construction materials, external finishes and colours.
  - (d) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - (e) A single communal antenna for each building. The location of the antennas must be shown on the roof plan and elevations. The height of the antenna must be nominated.

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) 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.
- 5) Before the development starts, an 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) 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) 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) The land must be drained to the satisfaction of the Responsible Authority.

- 12) 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.

- 13) 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.

- 14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- 15) 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.

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

### NOTATIONS

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

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

**Motion**

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

**That** the 'Recommendation' (to approve the Planning Permit Application subject to conditions) be adopted.

THE MOTION WAS PUT AND LOST.

**Alternative Motion**

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

**That** Planning Permit Application D/184/2017 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposal fails to satisfy the objectives of Clause 22.04 (Neighbourhood Character) of the Darebin Planning Scheme and the design objective of the Darebin Neighbourhood Character Study & Precinct Guidelines 2007 in terms of height and building form, siting and lack of landscaping.
- (2) The proposal does not satisfactorily comply with the standards and objectives of Clause 55 of the Darebin Planning Scheme, in particular:
  - a) Clause 55.02–1: Neighbourhood character – The proposal is inappropriate in terms of the, height and building form, siting and lack of landscaping.
  - b) Clause 55.02–2: Residential policy – the proposal is contrary to the preferred character of the area, being above the prevailing single storey scale of the area.
  - c) Clause 55.03–2: Building height – the height of the development will result in an unreasonable level of visual bulk to the street and adjoining properties and is above the prevailing single storey scale of the area.
  - d) Clause 55.03–8: Landscaping – insufficient opportunities within side and rear setbacks to provided landscaping.
  - e) Clause 55.06–1: Design detail – the design of the development will result in an unreasonable level of visual bulk to the street and neighbouring properties.
- (3) No visitor car parking is provided contrary to Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
- (4) Inadequate provision for accessibility.

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

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

**That** Planning Permit Application D/184/2017 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposal fails to satisfy the objectives of Clause 22.04 (Neighbourhood Character) of the Darebin Planning Scheme and the design objective of the Darebin Neighbourhood Character Study & Precinct Guidelines 2007 in terms of height and building form, siting and lack of landscaping.
- (2) The proposal does not satisfactorily comply with the standards and objectives of Clause 55 of the Darebin Planning Scheme, in particular:
  - a) Clause 55.02–1: Neighbourhood character – The proposal is inappropriate in terms of the, height and building form, siting and lack of landscaping.
  - b) Clause 55.02–2: Residential policy – the proposal is contrary to the preferred character of the area, being above the prevailing single storey scale of the area.
  - c) Clause 55.03–2: Building height – the height of the development will result in an unreasonable level of visual bulk to the street and adjoining properties and is above the prevailing single storey scale of the area.
  - d) Clause 55.03–8: Landscaping – insufficient opportunities within side and rear setbacks to provided landscaping.
  - e) Clause 55.06–1: Design detail – the design of the development will result in an unreasonable level of visual bulk to the street and neighbouring properties.
- (3) No visitor car parking is provided contrary to Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
- (4) Inadequate provision for accessibility.

**CARRIED**

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING

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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. 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 7.03pm.