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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 19 November 2018

Released to the public on Thursday 22 November 2018

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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 19 NOVEMBER 2018**

THE MEETING OPENED AT 6.03PM

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susan Rennie

Council Officers

Sue Wilkinson - Chief Executive Officer

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd - Manager Planning and Building

Ben Porteous – Acting Coordinator Statutory Planning

Karlee Ferrante - Council Business Officer

Ram Sekharan - Service Desk Support Officer

2. APOLOGIES

Cr. Gaetano Greco, Cr. Tim Laurence and Cr. Susanne Newton are on an approved leave of absence.

An apology was lodged for the absence of Cr. Julie Williams.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. L Messina

SECONDED: Cr. S Rennie

That the Minutes of the Planning Committee Meeting held on 20 August 2018 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/225/2018
33 Joffre Street, Reservoir**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

<p>Applicant Ikonomidis Reid</p>	<p>Owner Anthony John Nuzzo</p>	<p>Consultant Keystone Alliance Treespace Solutions</p>
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SUMMARY

- Proposal:
 - Four (4) double storey dwellings and two (2) single storey dwellings.
 - Height: 9.106 metres.
 - Vehicular access is via two (2) crossovers from Joffre Street.
 - 10 car parking spaces are provided on-site within three (3) double garages and two (2) single garages.
- The site is zoned General Residential Zone and is affected by the Development Contributions Plan Overlay.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.14%.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 14 objections were 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 one sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit and Transport Engineering and Strategy Unit.
- This application was not required to be referred to other Council units.

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

- Chris McKenzie, on behalf of Applicant
- Sean Connolly, Objector

Committee Decision

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

That Planning Permit Application D/225/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP-03, Ground Floor Plan; TP-04, Ground Floor Plan; TP-05, Elevations; and TP-06, Elevations; all Revision B, dated 31.07.18 and prepared by Ikonomidis Reid) but modified to show:
 - a) Plan TP-04 correctly labelled as 'First Floor Plan'.
 - b) The first floor of Unit 2, correctly labelled as 'Unit 2'.
 - c) Compliance with Standard B21 of the Darebin Planning Scheme with regard to the private open space of the west adjoining property (known as 34 Foch Street, Reservoir) taking into account the extension to the dwelling located on the property. This must be achieved without reducing any boundary setbacks.
 - d) The removal of the visitor car space from the driveway of Unit 1.
 - e) The Dwelling 2 first floor set back from the northern boundary in accordance with Standard B17 of the Darebin Planning Scheme. This may be achieved by reducing the height and/or increasing the setback. This must be achieved without reducing any boundary setbacks.
 - f) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - g) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
 - h) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows. The use of casement, sliding and sash windows must be utilised to maximise ventilation.
 - i) Ventilation grills and/ or garage doors with openings to the car park.
 - j) The volumes of the rain water tanks in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
 - k) The front fence altered to satisfy the requirements of the pedestrian visibility splay to the south of the Unit 1 driveway.
 - l) Finished floor levels of each dwelling (where relevant) shown on the First Floor Plan.

- m) Remove outline of Gazebo on Dwelling 4 on the First Floor Plan.
- n) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
- o) All environmentally sustainable design features referred to within the Sustainable Design Assessment (SDA) listed in table form (refer to Condition No. 4 of this Permit).
- p) A landscape plan in accordance with Condition No. 5 of this Permit.
- q) Annotations detailing any Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 8 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) The development must incorporate the sustainable design initiatives in accordance with the Sustainable Design Assessment (SDA) (identified as SDA Report, Ref No. 14332, dated May 2018 and prepared by Keystone Alliance Sustainability Solutions Pty Ltd) to the satisfaction of the Responsible Authority.

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

- (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) A minimum of two (2) medium sized canopy trees within the street setback and six (6) small sized canopy trees within the secluded private opens spaces (1 per dwelling), 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) Canopy trees to be located outside the drainage easement on the Ground Floor Plan;
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) 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.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) 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.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before buildings and works (including demolition) start, an arboricultural assessment, prepared by a suitably qualified person, detailing all trees on and adjacent to the site that are affected by the proposed development to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The report must list all species names and recommend either removal or retention with protection measures necessary for those retained.
- Before buildings and works (including demolition) start any tree protection fencing must be erected in accordance with the approved arboricultural assessment and endorsed plans.
- Tree protection measures are to be in accordance with Australian Standard AS4970 –
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2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

- (9) No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant 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 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.
 - (12) 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.
 - (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.
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- (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, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

CARRIED

**5.2 AMENDMENT OF A DEVELOPMENT PLAN
198 BEAVERS ROAD NORTHCOTE****Author:** Principal Planner**Reviewed By:** General Manager City Sustainability and Strategy

SUMMARY

Council approved a Development Plan at the Planning Committee Meeting of 16 April 2018. The approved Development Plan allows the development of 3 and 4 storey residential development comprising 95 dwellings and one (1) commercial tenancy, together with car parking and pedestrian access through the site.

This report seeks approval to amend the Development Plan. The Development Plan includes a condition 1 (h) which limits the number of dwellings forming part of any related planning application to no more than 95. The amendment seeks to remove this requirement increasing the maximum dwelling yield to 140 in addition to providing greater dwelling diversity, reducing the visual dominance of garages and increasing the landscaping opportunities on the site. No changes are proposed to the height of the development or the setback of the built form from adjacent boundaries. The changes also result in traffic impacts assessed as well within the tolerances identified in the proponents' traffic impact assessment.

CONSULTATION:

- Public notice was given via signs on site and letters sent to surrounding owners and occupiers.
- Three (3) submissions were received.
- The application was previously referred internally to the Capital Works Unit, Transport Management and Planning Unit, ESD officer and Urban Design officer.
- The application was previously referred externally to Melbourne Water, Transport for Victoria, SP Powernet and the EPA.

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

- *Blanche Manuel, on behalf of Applicant*

Committee Decision

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

That Council adopt the amended Development Plan POD/1/2017 subject to the following alterations/requirements. The following conditions are consistent with the approved Development Plan, except for condition 11 h) which has been deleted.

The approved documentation is to comprise plans: TP1.1 Rev D, TP1.2 Rev D, TP1.3A Rev D, TP1.3 Rev D, TP1.4 Rev D, TP1.5 Rev D, TP1.6 Rev D, TP1.7 Rev D, TP1.8 Rev D, TP1.9 Rev D, TP1.10 Rev D, TP1.11 Rev D, TP1.12 Rev D and TP1.13 Rev D, modified as follows:

- (1) Provision of a minimum 3 m wide paved *Disability Discrimination Act 1992* compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
- (2) Building envelope set back a minimum of 9 metres at level 2, 3 and 4 from directly interfacing windows and balconies associated with the dwellings located at 200 Beavers Road.
- (3) The building envelope setback of a minimum of 3 metres from the east boundary at level 1, 2 and 3 and setback 4 metres at level 4.
- (4) The building envelope setback a minimum 3 metres from Beavers Road at levels 1, 2 and 3.
- (5) The building envelope setback an adequate distance to create a separation between the lower and upper parts of a building at level 4 from Beavers Road.
- (6) Passive surveillance provided to the west over the Northcote Golf Course.
- (7) No garages are to front or side onto Beavers Road.
- (8) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- (9) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
- (10) The development plan to show any proposed super lots (maximum of 5) and staging.
- (11) A basement level car park plan detailing the following:
 - Access;
 - Setback from boundaries;
 - Interface treatment to the entry and an exposed section;
 - Capacity of the basement to accommodate a minimum of 40 car parking spaces, including a minimum of 10 resident car parking spaces, bike parking, storage and services.

(12) Include the following notations:

- a) Buildings fronting Beavers Road to be designed to minimise noise and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application as appropriate.
- b) Landscaping and canopy trees are to be provided along the perimeter of the site adjacent to:
 - The entire west boundary;
 - The rear yards of dwellings fronting Beaconsfield Parade;
 - Croxton Special Education School; and
 - Beavers Road.

Details of indicative landscaping and canopy trees to be provided.

- c) Subdivision to create super lots only will be allowed once development is approved and common areas constructed. Subdivision of individual residential allotments to occur only once the development of the land / individual super lot is substantially completed.
- d) Pedestrian access to dwelling entries from the internal communal access way to maximise landscaping opportunities in the shared internal access way.
- e) Crossovers to the street 5.5 metres wide with visibility splays.
- f) Car parking provided on site in accordance with Clause 52.06 for dwelling residents.
- g) Car parking to be provided for residents within a garage or within the basement.
- h) The maximum number of dwellings allowed on site is 140.
- i) Collection of waste by a private contractor.
- j) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
- k) Earthy muted tones and non-reflective or low reflectivity materials to be used.
- l) Garages and driveways will not dominate the ground level facades to the internal communal access way.
- m) Two car space garages will generally be in a tandem / car stacker layout unless architecturally treated in a manner where passive surveillance and activation of the ground floor of dwellings can be clearly demonstrated.
- n) No fencing provided in the Beavers Road front setback or between dwellings and the communal shared access way.
- o) Boundary fencing adjacent to the Northcote Golf Course to be durable high quality design and a minimum 25% visually permeable.
- p) Architectural treatments to accentuate dwelling entries and to integrate garage doors into the design of the development potentially incorporating windows / glazed panels and materials not typically associated with garage doors.
- q) Building envelopes do not imply a right to build over the entire envelope.
- r) Setbacks from boundaries and / or internally between buildings to ensure equitable development opportunities and / or appropriate amenity of future neighbours and to protect the amenity of the public realm.
- s) Buildings are to be setback sufficiently to allow adequate solar access to dwellings within the site.

- t) Environmental Audit process and building design to address gas migration issues.
- u) Internal road paving to reinforce pedestrian / shared access requirements (not asphalted).
- v) Fencing on the north boundary as existing or a maximum 2 metres in height.
- w) SIDRA analysis must be undertaken as part of the Town Planning Application.
- x) All outdoor lighting to 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.
- y) The design of the built form towards any access ways is to reflect the fine grain pattern of nearby streets, floors to be distinguishable from each other through punctured facades (eg. balconies, windows, façade articulation) and located to provide a comfortable pedestrian scale.
- z) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- aa) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
- bb) A minimum of one (1) bicycle parking space to be provided to each dwelling.
- cc) A Site Environmental Management Plan (SEMP) or equivalent to be developed and implemented to ensure that waterway values are protected during the construction process. This will include sediment controls to avoid direct or indirect sediment discharge to any waterways.
- dd) Privacy screening designed so it is integrated into the buildings. Screening should allow for distant views whilst preventing overlooking and allow for a high level of direct daylight access such as built in planter boxes with higher outer edges or horizontal louvres.
- ee) Level 4 setback from Beavers Road to be at an adequate distance to create a separation between the lower and upper parts of a building.
- ff) Minimal use of render to external walls.
- gg) Use of brick or similar to the external walls of the development in combination with other secondary materials.
- hh) Facilitate a high quality street edge that relates to the public realm.
- ii) Facades of new development should be modulated by porticos, balconies, verandahs, sun shade devices and the like and not be overly reliant on a mix of materials and colours and overt levels of articulation.
- jj) Design and building materials used should be low maintenance, durable and of high quality.

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. S Rennie
SECONDED: Cr. S Amir

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

CARRIED

7. URGENT BUSINESS

Nil.

8. CLOSE OF MEETING

The meeting closed at 6.48pm.