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MINUTES OF THE COUNCIL MEETING

Held on Monday 27 February 2017

Released to the public on Thursday 2 March 2017



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 1 July 2013 in order
to confirm the commitment of Council to the process of
Reconciliation)**

Darebin City Council acknowledges the Wurundjeri people and the Kulin Nations as the traditional landowners and the historical and contemporary custodians of the land on which the City of Darebin and surrounding municipalities are located.

Council recognises, and pays tribute to, the diversity of Darebin's Aboriginal and Torres Strait Islander community, valuing the unique and important role Aboriginal and Torres Strait Islander community members play in progressing reconciliation, respect and the building of mutual understanding across the City, amongst its people, and in the achievement of shared aspirations. Council recognises and pays tribute to, and celebrates, Darebin's long standing Aboriginal and Torres Strait Islander culture and heritage.



Italian

Questo è il verbale della riunione del Consiglio Comunale di Darebin tenutasi nella data riportata sulla prima pagina di questo documento. Se desiderate informazioni sul verbale in lingua italiana, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτά είναι τα πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου Darebin, που έγινε την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με αυτά τα πρακτικά, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會的會議記錄，其開會日期顯示於此文件之封面。如果您欲索取有關此會議記錄的中文資料，敬請致電8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو المحضر الرسمي لوقائع اجتماع مجلس بلدية داربيبن الذي عقد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على معلومات في اللغة العربية حول هذا المحضر فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات 8470 8888.

Macedonian

Ова е записникот за состанокот на Општината на Градот Даребин, одржан на датумот покажан на предната корица од овој документ. Ако Ви се сакаат некои информации, на Македонски јазик, за записников, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là biên bản buổi họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bì tài liệu này. Muốn có thông tin về biên bản buổi họp này bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je zapisnik sa sastanka Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o ovom zapisniku na bosanskom jeziku, molimo nazovite općinsku višejezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je zapisnik sa sastanka održanog u Darebin City Council dana koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o ovom zapisniku na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višejezičnu telefonsku liniju) na 8470 8888.

Portuguese

Estas são as anotações sobre a reunião da Câmara Municipal de Darebin, realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre estas anotações, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је записник са састанка Darebin City Council-а (Градско веће Darebin) који је одржан дана наведеног на насловној страни овог документа. Ако желите информације на српском о овом записнику, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodabadii lagaga Hadley shirkii Degaanka Degmada Darebin oo la qabtay taariikhda ku xusan boga ugu sareeya ee qoraalkan. Haddii aad doonysid inaad heshid qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

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**MINUTES OF THE ORDINARY MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON MONDAY 27 FEBRUARY 2017**

THE MEETING OPENED AT 6.04 PM

WELCOME

The Chairperson, Cr. Le Cerf, in opening the meeting acknowledged the Wurundjeri people, the traditional owners of the land.

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Tim Laurence (6.21 pm)

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Phil Shanahan - Acting Chief Executive

Steve Hamilton - Director City Futures and Assets

Katrina Knox - Director Community Development

Andrew McLeod - Director Corporate Services

Jacinta Stevens - Director Civic Governance and Compliance

Oliver Vido - Director Operations and Environment

Allan Cochrane - Chief Financial Officer

Darren Rudd - Manager Planning and Building (6.36 pm)

Blaga Naumoski - Manager Governance and Corporate Information

Katia Croce - Coordinator Council Business

Jody Brodribb - Council Business and Governance Officer

Dave Bell - Senior Media Advisor

Jolyon Boyle - Principal Planner (7.14 pm)

2. APOLOGIES

An apology was lodged for the initial absence of Cr. Laurence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MINUTE NO. 17-085

MOVED: Cr. J Williams
SECONDED: Cr. L Messina

That the Minutes of the Special Meeting held on 13 February 2017 and the Ordinary Meeting of Council held on 13 February 2017 be confirmed as a correct record of business transacted.

CARRIED

5. PUBLIC QUESTION TIME

The Chairperson, Cr Le Cerf, responded to the following questions submitted for Public Question Time.

- **Charis White submitted the following question:**

"I am writing about a major concern with the traffic lights at St. Georges road and Arthurton road. Below is my email which I wrote to Vic Roads. I have previously written to Darebin City Council, Vic Roads and Melbourne Water. The response I received quite an unimpressive response from Vic roads (see below). With the lights the way they are I am afraid a pedestrian will be killed there, a Santa Maria student was hit by a car right before Christmas. Why is this not being taken more seriously?"

*I have since have a meeting with Esther from the M40 water project, who was amazing, but of course the decision is not up to them. It is a Vic Roads and Darebin council issue. Since doing a little more investigating it has come to my attention with Darebin Council and Vic Roads are in talks to permanently close all of the crossings, for cars, which are now closed do to the M40 water project. This will have a catastrophic impact of the traffic in this area. Also the back streets, which are already congested such as **Leinster Grove**. So basically I now have two issues, the traffic lights and the road closures. It is my understanding that they will vote on this soon, and the community have not been made aware of the situation. So what are you doing about the issue at the lights? And how are you making the community aware about the proposal to close the cross overs? When will this vote happen?"*

Below is my initial email to Vic roads, and then their response to me.

(email to Vic Roads)Hello,

I have written before (to no avail) and I really feel as though this situation need attention. The lights at St. Georges and Arthurton road, lights 4668--need to be carefully looked at. There are major road works going on (melbourne water) there and there is not enough space for pedestrians to walk across carefully. The green man needs to be extended in both directions so pedestrians can cross in one light. At any given light in the am, there are more than 30 bikes crossing, as well as trams and pedestrians. IT IS VERY DANGEROUS. A child was hit right before christmas and I am afraid someone will be killed there if you do not look into this matter. There were people there is am looking into the speed cameras, I am sure that revenue is not more important than peoples lives?Due to the major road works all of the pedestrian crossing have been closed and all the traffic has been funnelled into this intersection. I urge you to please come and review the matter asap.

(below is Vic Roads response to me)

From: VicRoads.Enquiry_Tracker@roads.vic.gov.au

<VicRoads.Enquiry_Tracker@roads.vic.gov.au>

Sent: Thursday, 9 February 2017 4:22 PM

Subject: ETS Enquiry #501061629 (St Georges Road M40 Works)

Dear Ms White,

Thanks for your email below.

VicRoads has no plans at this stage to alter the traffic signal timing along St Georges Road, as a result of Melbourne Water's M40 water main works.

As you may be aware, Melbourne Water are Project Managers for these works, and I suggest you contact them direct on m40@melbournewater.com.au or 1800 754 077 to raise your concerns.

Thank you for your interest in this matter.

Kind regards,

Andrew Andreotti

Traffic and Planning Engineer

VicRoads - Metro North West Region

- **Felicity Johnson of Northcote submitted the following question:**

"I have heard that there is a proposal to make the temporary car crossings on St Georges Road between Arthurton Street and Normanby Road permanent. Is this the case, and can you assure me that, before any decision is made, there will be adequate time allowed for proper consultation with all those affected? Can you also assure me that part of the process will include an audit of increased traffic on minor roads caused by these 'temporary' closures?"

The Chairperson, Cr. Le Cerf provided the following response to the questions from Charis White and Felicity Johnson:

"Council has written to VicRoads in response to community concerns about the impact the temporary closure of the vehicle crossovers is having on the local community and businesses. The letter seeks assurance from VicRoads that they will undertake significant public consultation to determine the best solution. Our own community engagement on this matter has shown us the community has a range of concerns and ideas that should be considered. These may involve the introduction of signalisation, rather than total removal of key crossing points as well as the upgrade of existing signalised intersections.

26 casualty accidents have occurred at these openings over the past five years, so Council fully supports treating these openings in a way that improves safety for vehicles, pedestrians and cyclists. Our objective is to secure a solution that improves safety, keeps traffic flowing and reduces traffic on local roads while balancing the needs of all stakeholders."

- **David Schulze of Reservoir submitted the following question:**

“I would like to ask a question on the proposed building at Preston market

I am not against the building of more apartments, and realise this is required in growing city

What I would like to know is what is Darebin council going to do to alleviate the traffic congestion and overcrowding on public transport

It is easy for council to approve all these new developments (my cynical hat says it has to do with increase rate revenue but that wouldn't be the case would it ?) , but what about traffic and transport

The roads are already over-crowded, try driving on High street on a Saturday afternoon, and the trains are full when they reach Preston in peak hour, yet local councils continue to approve new developments without any regard to these amenities

All new housing should be put on hold until such time as major improvement is made in public transport, as I for one am sick and tired of getting stuck in ever increasing traffic or having to stand on a crowded train with someone armpit in my face.”

The Chairperson, Cr. Le Cerf provided the following response:

“With Melbourne’s population forecast to increase by 1.4m people and a constrained road network, it is not possible to alleviate congestion within Darebin. However in line with the Darebin Transport Strategy, Council take the approach of encouraging development near public transport and services to reduce the need for private vehicle trips. We also provide quality active transport links to offer a real alternative for those taking short trips and accessing public transport and continue to advocate to the State Government for improvements to public transport services in and around Darebin.”

- **Larissa Nichills of Preston submitted the following question:**

“In just 3 days, almost 200 St Georges Rd path users have signed a petition to protect the safety of St Georges Rd path users. The number of worried residents is growing fast. Will Darebin council put resident safety and active transport first by strongly advocating to VicRoads to keep the unsignalled minor vehicle crossovers on St Georges Rd closed after completion of the water pipeline works?”

The Chairperson, Cr. Le Cerf provided the following response :

“Council has written to VicRoads in response to community concerns regarding the impact the temporary closure of the vehicle crossovers is having on the local community and businesses. The letter seeks assurance from VicRoads that they will undertake significant public consultation to determine the best solution. Our own community engagement on this matter has shown that the community has a range of concerns and ideas that should be considered. These may involve the introduction of signalisation, rather than total removal of key crossing points as well as the upgrade of existing signalised intersections.

26 casualty accidents have occurred at these openings over the past five years. Council fully supports treating these openings in a way that improves safety for vehicles, pedestrians and cyclists, and our objective is to secure a solution that improves safety, keeps traffic flowing and reduces traffic on local roads while balancing the needs of all stakeholders.”

- **Madeleine Brennan of Reservoir submitted the following question:**

“What will the council or relevant authorities be doing to ensure a pollution incident similar to what occurred at Edwards Lake in Reservoir recently doesn't happen again? Will the persons/company responsible be charged with an offence?”

The Chairperson, Cr. Le Cerf provided the following response :

“Council has requested a debrief with Melbourne Water and the EPA to discuss this incident that occurred at Edwards Lake.

The debrief will consider the clean-up response from all parties and what measures can be put in place to minimise the effects of a similar event should it occur in the future.

Prosecution of the polluter rests with the EPA however, Council will be strongly advocating for the appropriate action to be taken.”

- **John Nugent of Epping submitted the following question:**

“Madam Mayor has council investigated of having Chinese New year day festival?”

Madam Mayor with a large Chinese population and Businesses working in the Preston area I believe the Chinese community and Businesses would support a project like this if approached by council staff.”

The Chairperson, Cr. Le Cerf provided the following response:

“Darebin’s vibrant festival landscape builds on our reputation as a destination to visit which is enjoyed by our residents and tourists from all over Melbourne. The suite of annual offerings builds our social and cultural capital, as well as promotes economic benefits to our business community, who contribute to our City’s thriving culture.

In 2017-18, the Creative Culture and Events department is conducting a review of community festivals in Darebin and will scope the current suite of festivals and events on offer in the City of Darebin. The feasibility and viability of a Chinese New Year Festival in Darebin can be incorporated within the scope of the review. The review will be designed to:

- *Map the current calendar of festivals and events occurring in Darebin.*
- *Engage with key stakeholders including local residents, businesses and collaborators on the role and benefits and therefore the investment in local festivals in Darebin.*
- *Make recommendations to Council on future levels of investment, delivery and partnerships into the future.*

The outcomes of the review will be presented to Council within the financial year 2017-18 and make recommendations that will align with budget planning processes for the financial year 2018-19.

A further detailed response will be sent to Mr. Nugent.”

- **Craig Walters of Preston submitted the following questions:**

Question 1:

“Are Councillors aware that the exemption in Schedule 1 to the Priority Development Zone of the Darebin Planning Scheme for the Preston Market “Exemption from notice and review” does not remove the right of Darebin residents to lodge a formal objection to Stage 1B of Preston Market (as per Clause 57 of Planning and Environment Act 1987), nor the right to make verbal submissions to it. I.e. (exemption is only from being advertised, does not require objectors to be notified of the Council’s decision on the planning permit and does not allow objectors to take the Council’s decision to VCAT?”

The Chairperson, Cr. Le Cerf provided the following response:

“Council’s starting point with processing Stage 1B was to obtain legal advice on this exemption and this confirms that Council has no legal ability to consider objections from third parties in relation to stage 1B. This is set out in clause 4 of the Schedule to the Priority Development Zone for the Preston Market.”

Question 2:

“When were Councillors first notified that Darebin Council’s planning department was aware that the developer of Preston Market has development plans for Stages 2, 3A, 3B 4A, 4B and 5 comprising 1500-1600 residential dwellings, 15-17,000 sqm retail and 3,000 sqm commercial space.”

The Chairperson, Cr. Le Cerf provided the following response:

“Council is not in receipt of development plans showing the owners intentions beyond stage 1b and 1c, the applicant did however show a future staging plan in the urban design report that when questioned was found to be relating to a 2014 plan that was refused by Council. The urban design report has since been amended to correct what the applicant states was an error.”

- **Michale Pivetta of Preston submitted the following question:**

“Has Council and the Planning Department considered seeking the advice of the Office of the Victorian Government Architect for the development of the Preston Market site and the 2 towers? This body can provide expert advice to both local and state governments – will council or the planning department seek this body’s independent advice?”

The Chairperson, Cr. Le Cerf provided the following response:

“The Preston Market had engaged with the Office of Victorian Architect in 2014 and have used their general comments to inform the schemes being considered by Council tonight.”

- **Maria Poletti of Preston submitted the following question**

“I have read the planning officers report on planning proposal 1B for the Preston Market. Item 6.1 page 16 outlines the reasons why this proposal was exempt from notice and review as; ‘The proposed Stage 1b works are generally in accordance with the objectives, design principles and plans of the Preston Market Incorporated Plan 2007’

*If the proposal is **generally** in accordance why are there more than 30 conditions listed to be met by the developer should, as the officer recommends, the permit is granted and; why does the Darebin Council continue to accept and advertise incomplete planning proposals that lack key reports and details and which in effect, are not available to either the community or Councillors as part of the advertising and review process?”*

The Chairperson, Cr. Le Cerf provided the following response :

“1b Being generally in accordance – The number of conditions has no bearing on whether a planning application is generally consistent with the Incorporated Plan. The writer is encouraged to contact our officers and they would be pleased to provide case law interpretations and an explanation of how the principle of deemed to be generally in accordance is applied under the Planning and Environment Act (1987).

The planning application for stage 1c was assessed and provided adequate details and information for formal public notice to be given in accordance with Section 52 of the Planning and Environment Act (1987).”

- **Chris Erlandsen of Preston submitted the following question**

“Have there been any further plans or reports submitted to Council, post advertising proposals 1B and 1C? If so, explain what ones?”

The Chairperson, Cr. Le Cerf provided the following response:

“Yes in relation to Stage 1b but not stage 1c. This was as a result of discussions between two separate owners within the market site and resulted in the upper levels of the lofts apartment being repositioned by 1.2 metres to the north.

Officers have also advised there was an image in the urban design plans that was raised as a concern in objections that has been confirmed as an error and this has been corrected since the advertising materials were circulated. (This referred to staging plan and vision for the site that formed part of proposal refused by Council 2014. No other changes have been made to the formal plans.”

- **Lori-anne Sharp of Preston submitted the following question**

“The Apartment Types Schedule for Stage 1 of the Preston Market development lists three apartments at only 43.7 square metres. This is around the size of a double garage.

Do Councillors believe this poor level of amenity is appropriate for anybody to live in and are you aware that some of the major banks will no longer lend to borrowers for apartments this small?”

The Chairperson, Cr. Le Cerf provided the following response:

“The State provisions and recently released Better Apartment Guidelines do not provide a minimum size for apartments opting in favour of specifying qualitative minimum standards. In responding to this concern being raised in the community and in contrast concerns being raised by the affordable housing sector the State Government has opted not to apply minimum sizes in favour of encouraging a diversity and mix of affordable living options.

The rules on apartment sizes and standards are State and not Local Government controls, Council’s as shown recently in Moreland cannot bring their own standards into the planning scheme even if they wanted to. (Noting the Minister for Planning refused Moreland’s Apartment Design Guidelines)

The actions of decisions of lending authorities sits outside what Council can factor into its planning decisions.”

- **Michale Pivetta of Preston submitted the following question:**

“Drivers, public transport commuters and pedestrians already report congestion and unsafe conditions around the Preston Market precinct. The current transport infrastructure is under strain without the addition of 300 plus new apartment dwellings on the site. Can Darebin Council assure the community that the infrastructure provisions around the market development will improve traffic, public transport and the pedestrian experience and not add to the congestion and danger already present?”

The Chairperson, Cr. Le Cerf provided the following response:

“With Melbourne’s population forecast to increase by 1.4M people and a constrained road network, it is not possible to alleviate congestion within Darebin. However in line with the Darebin Transport Strategy, Council take the approach of encouraging development near public transport and services to reduce the need for private vehicle trips. We also provide quality active transport links to offer a real alternative for those taking short trips and accessing public transport and continue to advocate to the State Government for improvements to public transport services in and around Darebin.”

- **Anne Laver of Northcote submitted the following question:**

“To the Acting CEO and Mayor

Further to Martin Grogan’s question before Council on 13 February 17.

The Darebin Council stated that their premise to have Councillor Coral Ross as the MAV representative was for equal gender reasons. How can that be the reason as there are already three women on the current MAV board?

Councillor Susan Rennie was already Darebin Council’s nominated representative.

Councillor Ross is not even from Darebin Council.

The Council has now lost the appeal and will likely have costs awarded against which will be approximately \$20k.

This matter is very puzzling for the community.”

The Chairperson, Cr. Le Cerf provided the following response:

“Darebin Council appointed Ross to be our delegate because she was not afforded the opportunity to run. She intended to run as President, she was the interim President of the MAV. She was not given the access to run for President because Boroondara did not make her the delegate. We decided as a show of leadership and support for gender representation in the Local Government sector that we would give her that opportunity and let her stand for President.

At the time at which we appointed her there were no females standing for the board for President, in terms of nominating for the President for the MAV. But this was not about any women standing; it was giving her the opportunity because she is a highly competent and viable candidate and was seen to be the favourite to win the presidency.”

- **Rec Mazzie Nominees P/L submitted the following question:**

“On Friday I contacted VicRoads when you put the Agenda on the internet and I was told that there would be a management plan for approval. I rang Darebin Council and I was told to come down. I came down on public transport, I am not very confident at the moment to be told that the planner responsible was not there, I kind of knew that. There were no councillors there on Friday to respond and Mr Darren Rudd was not available. So I went home and everything was closed up at 5 o'clock.

Today I want to know why I was advised by Melbourne Water that they are still waiting for more information to be provided by the Council before they give their approval for this development and VicRoads provided me with copies of their traffic management response to Council, so they did approve it. So my concerns are being that the proposed approvals have been obtained by stealth and do not cover the completed development. The traffic management plan has to be for the completed development to allow the exit of cars from the market site and all the associated development apartments into Murray Road, by means of a turning arrow when you have got traffic lights at both ends of the block.

If this stuff up and the cars can't get out and you've got cars trying to exit the market and they've got stopped where they are and they can't move because you have got people who want to get into there to go and shop at the market, there is going to be arguments. So I want to know why VicRoads aren't asked to approve the final development.”

The Chairperson, Cr. Le Cerf provided the following response :

“In terms of approvals from Melbourne Water, I am going to have to pass this on.”

Phil Shanahan, Acting Chief Executive provided the following response :

“My understanding is that some of the prerequisites are as a referral authority and if we haven't got their response we are in awful trouble. I suspect that we have their response and I wouldn't understand how we could deal with this without having their response because they are a compulsory referral authority.

The simple response is this, as the development plan may or may not be implemented on that site, traffic management concerns change.”

The Chairperson, Cr. Le Cerf further provided the following response :

“At each stage when a planning application comes in we will do a new assessment.”

- **Manny Spiteria on behalf of Preston Market Traders submitted the following:**

“I have been asking Jane Lundkin for the last year about the traffic management plan. I asked a supplementary question do I ask, you are going to approve a set of plans with only partial development without a master plan. Have a look at what has happened in Burnley Street with Victoria Gardens. It starts off as a development, as a shopping centre and then you get the circle of cubby houses. How can you in all honesty as custodians for the future of the Preston Market and that precinct allow such a development without a traffic management plan and if you say that the people are not going to need it because the public transport you’re going to get the train all way up to Mernda and probably all the way up to Whittlesea.

You’re custodians of the future of the Preston precinct. How can you approve this plan without a proper traffic management plan when they are going to put between 1,200 and 1,500 apartments with .66 parking not 100% but .66.

The Chairperson, Cr. Le Cerf provided the following response :

“I will take that as a statement because it is the same question asked again and the same answer applies.”

- **Manny Spiteria on behalf of Preston Market Traders submitted the following:**

“On behalf of the traders when you do take away all the parking for the residents and others. How are the traders going to survive with so little parking and access and egress in and out of the Preston Market?”

The Chairperson, Cr. Le Cerf provided the following response :

“That is something that Councillors need to factor into their decision tonight, so again I will take that as a statement as we haven’t made a decision on this yet.”

Responses to Public Questions taken on notice at the Council meeting on 5 December 2016

At the Council meeting held on 5 December 2016, the following questions were taken on notice by the Chairperson.

- **Anne Laver of Northcote asked the following question:**

“(2) Please advise whether indeed Parking Overlay 52.06 is in place within Darebin Council and whether the Council accepts a financial contribution from developers for the waiver of parking spaces on development applications as allowed under clause 45.09 and if the answer is yes, is the figure \$8,000 + GST per space it received?”

The Director City Futures and Assets, Steve Hamilton has provided a written response to Ms Laver as follows:

“There are currently no parking overlays in place within the Darebin Planning Scheme. Council does not currently collect a financial contribution for the waiver of car parking spaces. Instead, we have utilised a broader Development Contribution Plan that is aligned with the intensity of development and captures the true impact of the development on Darebin’s infrastructure. The current DCP has now lapsed and Council is currently investigating the most appropriate mechanism to offset the impact of new developments on the Municipality.”

- **Brian Fairman of Preston submitted the following questions:**

“We the petitioners to Council, applaud the Council’s action to improve the amenities in the Reserve.

However, we feel that a couple of issues are still to be addressed.

Firstly, we petitioned Council to provide adequate lighting, and the proposed ‘upgrade’ to Adams reserve, does not address this concern. Could Council consider this important safety and security issue in the ‘upgrade’?

Secondly, the ‘Upgrade’ includes naming the Reserve, ‘Florence Adams’ which is commendable however; What information could Council supply about ‘Florence Adams’ and her contribution to the City of Darebin? Could a ‘plaque’ in her honour be considered as part of the ‘upgrade’?

Thirdly, Could Council consider the traffic management issues that abound around this Reserve, by extending the ‘No Stopping’ parking restriction to include the southern side of Adams Reserve. This improves accessibility and safety for those entering the Reserve”

The Director City Futures and Assets, Steve Hamilton has provided a written response to Mr Fairman as follows:

“Council does not generally light public open spaces at night with the exception of active sporting events where the lights are turned on as needed and some pedestrian or public transport nodes in regional or district parks.

The reason for this is that lighting in public open spaces has the unintended side effects of light spilling into private open space such as backyards and bedrooms, disrupting the habits of nocturnal wildlife, drawing individuals to the park after hours who may engage in antisocial behaviours.

Council has a Monuments and Memorials Policy that will direct how Florence Adams can be commemorated. Council officers will refer to this policy and will discuss how Ms Adams can be included in the next round of consultation.

In regards to traffic management around the park, Council officers will need to further investigate this and will be in touch with you directly to discuss you concerns.”

Cr. Laurence entered the meeting during the above item at 6.21 pm.

PROCEDURAL MOTION**Council Resolution****MINUTE NO. 17-086**

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

That Council reorder the agenda to hear Item 9 (Urgent Business) first, followed by Item 11 (Petitions) and then revert to the original order of the agenda.

CARRIED

Darren Rudd, Manager Planning and Building, entered the meeting at 6.36 pm.

9. URGENT BUSINESS**ADMISSION OF URGENT BUSINESS****Council Resolution****MINUTE NO. 17-087**

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

That an Urgent Business item relating to 'Redesign of St Georges Road Community Engagement Process' be admitted to the agenda and heard at Item 9.1.

CARRIED**9.1 REDESIGN OF ST GEORGES ROAD COMMUNITY
ENGAGEMENT PROCESS****Council Resolution****MINUTE NO. 17-088**

MOVED: Cr. T McCarthy
SECONDED: Cr. T Laurence

That:

- (1) The Mayor writes to the Minister for Roads and Road Safety, copied to local State and Federal Members of Parliament, requesting a comprehensive and inclusive community engagement process be undertaken for the redesign of St. Georges Road to ensure safety and accessibility for cyclists, pedestrians, public transport users, motorists, local residents and traders.
- (2) A copy of such letter and a previous letter sent by the Mayor to VicRoads be distributed to local residents and traders along the St Georges Road corridor between Merri Creek, High Street, Arthurton Road and Miller Street.

CARRIED UNANIMOUSLY

ADMISSION OF URGENT BUSINESS

Council Resolution

MINUTE NO. 17-089

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

That an Urgent Business item relating to 'Application for Planning Permit D/900/2016 29-35 Stokes Street and 16-20 Stokes Street and 15-19 Penola Street, Preston' be admitted to the agenda and heard at Item 9.2.

CARRIED

**9.2 APPLICATION FOR PLANNING PERMIT D/900/2016
 29-35 STOKES STREET AND 16-20 STOKES STREET AND
 15-19 PENOLA STREET, PRESTON**

Author: Manager Planning and Building

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Planning and Property Partners Pty Ltd	Department of Health and Human Services	Planning and Property Partners Pty Ltd

SUMMARY

- This matter was deferred by Council at its meeting on 13 February 2017 as per the following resolution:

That:

- Council defer consideration of the application until its meeting of 27 February 2017 and in the mean while that discussions be held with the Applicant to ascertain whether the Applicant is prepared to place the application on hold in order to reconsider important aspects of the development, to effectively engage with the neighbourhood and to undertake the early commencement of a site Masterplan.*
 - Councillors and residents be supplied with alternate models for transition across the site.*
- Further advice has been received from DHHS in relation to this resolution requesting that Council make a decision on the application. DHHS have declined the invitation to withdraw the application or re-design the proposal. There has however been a commitment given to commence engagement with the community on a masterplan for the balance of the site.
 - The application comprises two separate parcels of land which are identified as 29-35 Stokes Street, Preston and 16-20 Stokes Street and 15-19 Penola Street, Preston. The application seeks to develop each of the sites with low rise public housing apartments.
 - 29-35 Stokes Street, Preston:
The construction of a three (3) storey building, comprising 22 units of sixteen (16) one

(1) bedroom and six (6) two (2) bedroom). Nine (9) at grade car parking spaces are provided on the site.

- 16-20 Stokes Street and 15-19 Penola Street, Preston:

The construction of a four (4) storey building and additional basement comprising 46 units - thirty (30) one (1) bedroom and sixteen (16) two (2) bedroom). Twenty one (21) car parking spaces are provided within the basement and one (1) car parking space is provided at grade.

- Private open space is provided via ground level courtyards or balconies.
- A reduction in the standard car parking requirement as detailed in the Darebin Planning Scheme is sought.
- Planning Controls:
 - 29-35 Stokes Street Preston is located within the General Residential Zone Schedule 2 and is covered by a Special Building Overlay and the Development Contributions Plan Overlay.
 - 16-20 Stokes Street and 15-19 Penola Street Preston is located within the Residential Growth Zone Schedule 1 and is covered by Development Plan Overlay Schedule 11, Special Building Overlay and the Development Contributions Plan Overlay.
- The lots are subject to restrictive covenants however the covenants only restrict quarrying and/or removal of soil and would not impact the proposed development.
- 34 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme as detailed in the assessment below.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via six (6) signs posted on land and letters sent to surrounding owners and occupiers over a notice period of 4 weeks.
- This application was referred internally to Capital Works, Transport Management and Planning, Strategic Planning, Urban Design Officer, City Works and Council Environmentally Sustainable Design Officer.
- This application was referred externally to Public Transport Victoria and Melbourne Water.

Recommendation

THAT Planning Permit Application D/900/2016 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 29-35 Stokes Street, Level Ground, Levels 1 and 2 and Level Roof, Elevations and 18-20 Stokes Street / 17-19 Penola Street, Level Ground, Level 1 and 2, Level 3, Roof, Elevation North and West and elevation South and East, prepared by Billard Leece Partnership dated 21/12/2016) but modified to show:
 - a) A comprehensive schedule of external materials, colours and finishes (including product / colour names and specifications). External materials and finishes (including glazing) are to be of a low reflectivity level.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - b) A Landscape Plan in accordance with Condition No. 4 of this Permit. The landscape plan must include details of appropriate tree protection prepared by a suitably qualified Arborist for all street trees to the front of the sites in accordance with condition No. 5 of this Permit. The plans shall include screen planting and the provision of medium sized canopy trees to the north, west and south boundaries of 29-35 Stokes Street and to the north and south boundaries of 16-20 Stokes Street and 15-19 Penola Street to help soften the development when viewed from neighbouring lots. This treatment shall be informed by the landscape architect as part of any landscape plan prepared.
 - c) Notation confirming the development will be undertaken in accordance with the Sustainability Management Plan (SMP) and a list or table detailing all environmentally sustainable design features as set out in the SMP.
 - d) Unit L1.06 and L2.06 of 29-35 Stokes Street to have balconies with a minimum area of 8 square metres this shall be as achieved by reducing the footprint of the unit and not be reducing any boundary setback.
 - e) Units L2.04 and L2.05 of 29-35 Stokes Street setback from the west boundary in accordance with Rescode Standard B17.
 - f) All balconies and habitable room windows at first floor level and above to the north and west elevations of 29-35 Stokes Street and the north elevation of 16-20 Stokes Street and 15-19 Penola Street 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. This detail must be appropriately detailed and notated on the plans (floor plans and elevations).

- g) 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.
- h) A single communal antenna for the each building. The location of the antenna must be shown on the roof plan and elevations. The antenna shall be located to minimise any view from the public realm. The height of the antenna must be nominated.
- i) Details of side and rear boundary fencing (not fencing to Stokes or Penola Streets). Boundary fencing shall be a minimum height of 1.8 metres from ground level and designed so that ground level overlooking is appropriately screened in accordance with Rescode Standard B22.
- j) Details of window operation for all windows. Awning windows are to be avoided where possible, with preference given to casement or louvre windows that allow for superior ventilation. Window operation must be in compliance with Standard B22 (overlooking).
- k) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows and glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- l) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors.
- m) A storage cage/cupboard for each dwelling with a minimum volume of 3 cubic metres. Each storage cage/ cupboard is to include a notation allocating it to a specific dwelling. Over bonnet storage shall not be utilised. Storage shall be logically and conveniently arranged for all units.
- n) Compliance with Melbourne Water permit conditions (Condition numbers 17-22) including compliance with required finished levels. Any minor level changes to the development to be absorbed within the existing building height where possible.
- o) In accordance with AS2890.1:2004 the width of the basement ramp must be widened to be at least 6.1 metres in width.
- p) Secure bicycle parking provision in accordance with Clause 52.34 (minimum of 4 spaces for 16-20 Stokes Street and 9 spaces for 16-20 Stokes Street and 15-19 Penola Street) secure bicycle parking may exceed minimum requirements.
- q) Details of how car parking would be allocated on each site.
- r) All pedestrian ramps must be designed in accordance with the requirements of Australian Standard 1428.1:2009, noting a gradient of 1:14.
- s) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into each site), for all vehicle crossovers. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. 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) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - c) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - d) 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). 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.
 - e) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - f) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - g) 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.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - i) 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 buildings and works (including demolition) start, tree protection must be erected around the street trees to the front of the site in accordance with AS 4970 – 2009 *Protection of trees on development sites*.
- Tree protection fencing must be installed around the naturestrip trees to the front of the site prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: *Protection of trees on development sites*.
- Temporary fencing is to be installed around the street trees to the extent which allows for the practical completion of the proposed dwellings and the continued use of the footpath and roadway, as per AS 4970 – 2009 *Protection of trees on development sites*.
-

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fencing must remain in place until construction is completed.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

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. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plans submitted with the application, prepared by Leigh Design and dated 24 and 25 October 2016 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. The plan requires that collection be undertaken by a private contractor.

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

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

11. Before the dwellings are occupied, an automatic lighting system capable of illuminating the residential entries, car parking and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

Any 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.

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. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

16. Before the development is occupied, the bicycle storage shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority.
17. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Melbourne Water Conditions

18. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
19. The ground floor at 29-35 Stokes Street must be constructed with finished floor levels set no lower than 54.5 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 54.2 m to AHD.
20. The ground floor at 18-20 Stokes Street must be constructed with finished floor levels set no lower than 54.3 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 54.0 m to AHD.
21. The ground floor at 17-19 Penola Street must be constructed with finished floor levels set no lower than 54.69 metres to AHD, which is 300mm above the applicable flood level of 54.39 m to AHD.
22. The entry / exit driveway of the basement carpark must incorporate a flood proof apex finished no lower than 54.6 metres to AHD which is 300mm above the applicable flood level of 54.3 metres to AHD.
23. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level at any point of the site.

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.
- N4 This planning permit should be attached to any tenancy agreement or other agreement under the Residential Tenancies Act, 1997, for all purchasers, tenants and residents of any dwelling shown on the planning permit, and all prospective purchasers tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Parking Permit Scheme.

Melbourne Water Notation:

- N5 If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 283185.

Council Resolution

MINUTE NO. 17-090

MOVED: Cr. S Rennie
SECONDED: Cr. L Messina

That Council not to support the application, on the grounds as follows:

29-35 Stokes Street

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character). Specifically:
 - The extent of development, and its height and bulk, is not considered to respect the garden character of the neighbourhood and would unreasonably impact the amenity of neighbouring properties by way of visual bulk, contrary to the existing and/or preferred neighbourhood character.
 - The northern elevation of the development is not sufficiently moderated and articulated to limit the impact of the bulk and scale of the proposed buildings on the existing low scale neighbourhood.
 - The front setbacks fail to provide sufficient space for landscaping to support the existing and preferred neighbourhood character.
 - The proposed landscaping fails to accord with the predominant garden character of the area and provides limited opportunities to soften/screen the extent of development.
2. It is considered that the bulk/scale of the building would be unreasonably excessive contrary to the objectives of Clause 22.06, to the detriment of neighbouring dwellings and their secluded private open spaces.
3. The height of the building exceeds 9m and is considered unreasonably excessive to the detriment to the streetscape and the amenity of neighbouring properties, contrary to the objectives of Rescode Standard B7 and Clause 22.06 of the Darebin Planning Scheme. The development fails to provide an appropriate transition from the existing adjoining low-scale residential development.

4. The proposed front setback fails to comply with Rescode Standard B6 (front Setback).
5. The proposed south side setback is insufficient to comply with Rescode Standard B17. An insufficient setback from this boundary may prejudice future development of the adjoining property in terms of solar access.
6. Secluded private open space within the front setback of 29-35 Stokes Street is an inappropriate design response and provides limited amenity for residents.
7. The proposal provides inadequate landscaping opportunities on site boundaries to help soften the development when viewed from neighbouring properties, contrary to the objectives of Rescode Standard B13.
8. The development is not orientated or designed to maximise energy efficiency. Most balconies are fully screened, and the depth and single aspect for many of the units provides for a poor level of internal amenity due to limited daylight. There is no provision for passive ventilation and no opportunity for passive solar gain. The development would not accord with sustainability objectives of Clause 22.06 and Rescode Standard B10 of the Darebin Planning Scheme.
9. The development does not provide the number of on-site car parks required by Clause 52.06 of the Darebin Planning Scheme. Further, sufficient information has not been submitted with the application to demonstrate that vehicle access and manoeuvrability within the development is acceptable, contrary to the design standards of Clause 52.06 of the Darebin Planning Scheme.

16-20 Stokes and 15-19 Penola Street

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character). Specifically, the extent and bulk of the development (massed across four lots with two street frontages and no modulation or articulation at the centre), is not considered to respect the garden character of the neighbourhood and would unreasonably impact the amenity of neighbouring properties by way of visual bulk, contrary to the existing and/or preferred neighbourhood character.
2. The proposed south side setback is insufficient to comply with Rescode Standard B17. An insufficient setback from this boundary may prejudice future development of the adjoining property in terms of solar access, provision of private open space, and overlooking.
3. The lack of any rear setbacks at all fails to comply with Rescode Standard B17.
4. The development is not orientated or designed to maximise energy efficiency. Most balconies are fully screened, and the depth and single aspect for many of the units provides for a poor level of internal amenity due to limited daylight. There is no provision for passive ventilation and no opportunity for passive solar gain. The development would not accord with sustainability objectives of Clause 22.06 and Rescode Standard B10 of the Darebin Planning Scheme.
5. The development does not provide the number of resident and visitor on-site car parks required by Clause 52.06 of the Darebin Planning Scheme. Further, sufficient information has not been submitted with the application to demonstrate that vehicle access and manoeuvrability within the development is acceptable, contrary to the design standards of Clause 52.06 of the Darebin Planning Scheme.
6. There are four wheelchair accessible units provided and only one accessible carpark.
7. There is not capacity for landscape planting on the north-east corner of the site, due to the underground carpark.
8. The DPO for the sub-precinct establishes the four lots that constitute the subject site as the point of transition from low to medium density. It is considered that the mass and

density of the proposed development are excessive and inconsistent with the objective of transition back to the single and double storey scale in adjacent residential properties.

9. The applicant has not demonstrated that the proposed development is not prejudicial to future development of the area.
10. It is considered that it is inappropriate to develop the site without due attention to development of the rest of the land owned by the applicant, most notably the six-storey land immediately adjacent to the proposed development.
11. This proposal can reasonably be expected to provide the context for all future development in the sub-precinct, and a high level of design integrity and compliance with Rescode clauses and standards is required.

CARRIED

Cr Laurence called for a Division:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr. Kim Le Cerf	Cr. Tim Laurence	
Cr. Steph Amir		
Cr. Gaetano Greco		
Cr. Trent McCarthy		
Cr. Lina Messina		
Cr. Susanne Newton		
Cr. Susan Rennie		
Cr. Julie Williams		

The Chairperson, Cr. Kim Le Cerf, declared the motion to be carried.

Cr. McCarthy requested that it be noted in the minutes his concern at the use of a Division, as Councillors had expressed a desire previously to cease use of that particular 'tactic'.

Motion

MOVED: Cr. S Rennie

SECONDED: Cr. S Amir

That Council notes that, despite written assurances to the contrary and the urgings of councillors and council staff, the applicant has not consulted with the local community in any way with regards to development on either site. Council encourages the applicant to take a more respectful and inclusive approach towards the local community from hereon, recognising the strong interest local residents have in both their neighbourhood amenity and the successful provision of public housing.

Cr. Amir proposed to the mover that the motion be amended as follows. This was accepted by Cr. Rennie.

That Council notes that, despite written assurances to the contrary and the urgings of councillors and council staff, the applicant has not consulted **adequately** with the local community in any way with regards to development on either site. Council encourages the applicant to take a more respectful and inclusive approach towards the local community from hereon, recognising the strong interest local residents have in both their neighbourhood amenity and the successful provision of public housing.

Cr. Laurence further proposed to the mover and seconder that the motion be amended as follows. This was accepted by Cr. Rennie and Cr. Amir.

That Council:

- (1) Notes that, despite written assurances to the contrary and the urgings of councillors and council staff, the applicant has not consulted adequately with the local community in any way with regards to development on either site. Council encourages the applicant to take a more respectful and inclusive approach towards the local community from hereon, recognising the strong interest local residents have in both their neighbourhood amenity and the successful provision of public housing.
- (2) Invites the DHHS to consult with Darebin Council to ensure that 110 social and public housing units are built in Darebin each year as per the Darebin Council Housing Policy.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Council:

- (1) Notes that, despite written assurances to the contrary and the urgings of councillors and council staff, the applicant has not consulted adequately with the local community in any way with regards to development on either site. Council encourages the applicant to take a more respectful and inclusive approach towards the local community from hereon, recognising the strong interest local residents have in both their neighbourhood amenity and the successful provision of public housing.
- (2) Invites the DHHS to consult with Darebin Council to ensure that 110 social and public housing units are built in Darebin each year as per the Darebin Council Housing Policy.

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

Council Resolution

MINUTE NO. 17-091

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

That Council:

- (1) Notes that, despite written assurances to the contrary and the urgings of councillors and council staff, the applicant has not consulted adequately with the local community in any way with regards to development on either site. Council encourages the applicant to take a more respectful and inclusive approach towards the local community from hereon, recognising the strong interest local residents have in both their neighbourhood amenity and the successful provision of public housing.
- (2) Invites the DHHS to consult with Darebin Council to ensure that 110 social and public housing units are built in Darebin each year as per the Darebin Council Housing Policy.

CARRIED UNANIMOUSLY

Introduction and Background

There is no relevant planning history for the site.

The subject sites are both government owned (Director of Housing) and previously contained part of the Huttonham public housing estate. The former public housing properties were demolished in 2011 with the sites being vacant since this time.

Issues and Discussion

Subject site and surrounding area

- The development site comprises land at 29-35 Stokes Street, 16-20 Stokes Street and 15-19 Penola Street, Preston.
- 29-35 Stokes Street:
 - The subject site is located on the western side of Stokes Street and consists of four (4) regular rectangular shaped lots oriented in an east-west direction.
 - The site would have an eastern frontage to Stokes Street of 46.68 metres, northern width of 30.48 metres, southern boundary of 30.48 metres and western boundary of 46.71 metres. The site will have a total site area of 1440 square metres. The site is generally flat and has a 1.83 metre wide easement running across the rear of the site and a 1.83 metre wide drainage and sewerage easement along the northern boundary of 31 Stokes Street.
 - The site has four (4) vehicle crossovers.
 - The site is vacant with some non-significant vegetation.
 - The land to the west of 29-35 Stokes Street comprises the rear gardens of single and double storey dwellings fronting Stott Street.
- 16-20 Stokes Street and 15-19 Penola Street:
 - The subject site has a frontage to Stokes and Penola Street and consists of four (4) rectangular shaped lots oriented in an east-west direction.
 - The site has an eastern frontage to Stokes Street of 25.7 metres, northern boundary of 60.96 metres, southern boundary of 30.48 metres and western boundary of 25.9 metres. The site has a total site of 1954 square metres.
 - The site is generally flat and has been vacant for several years.
 - The site has four (4) vehicle crossovers.
 - The land to the north, east and west of the subject sites is residential land located within the General Residential 2 Zone. The land is a mixture of single storey residential dwellings and vacant land.
 - The land to the south of 15 Penola Street and 16 and 29 Stokes Street is currently vacant and located within the Residential Growth Zone and subject to the provision of Development Plan Overlay Schedule 11. The overlay anticipates residential development in the order of six (6) to eight (8) storeys in height.
- On street car parking is not restricted in proximity to the subject site.
- The area is well serviced by public transport including route 11 tram (West Preston to Victoria Harbour Docklands) approximately 600 metres south of the site and Bell Railway Station approximately 500 metres northeast. Additionally, Bus Routes 513 and 903 operate along the nearby Bell Street. All of these services connect to the broader metropolitan network and provide regular and efficient access to nearby Activity Centres and the Melbourne CBD.

The subject site is well serviced by nearby public open space including Ray Bramham Gardens, east of the site on St Georges Road and Sir Douglas Nicholas Sporting Complex and Henderson Park, south east of the site also on St Georges Road.

The site is also approximately 1.3 kilometres west of the Merri Creek, walking and cycling track.

Proposal

- 29-35 Stokes Street, Preston:
 - Medium density housing development comprising the construction of a three (3) storey building comprising 22 Units (16, one (1) bedroom and six (6), two (2) bedroom). Nine (9) at grade car parking spaces are provided on the site.
- 16-20 Stokes Street and 15-19 Penola Street, Preston:
 - Housing development comprising the construction of a four (4) storey building and additional underground basement comprising 46 units - (30) one (1) bedroom and 16 two (2) bedroom). Twenty one car parking spaces are provided within the basement and one (1) car parking space is provided at grade.
- Both subject properties will be developed for the purpose of public housing.
- The buildings take the form of a small to medium sized, contemporary styled apartment buildings orientated towards the street. Materials include a variety of integral coloured cement sheet and brick.
- Secluded private open space is provided via either ground level courtyards of between 22 – 49 square metres or balconies of between 7 – 36 square metres.
- Pursuant to Clause 52.06 a reduction in the car parking requirement is sought.
 - The required car parking provision for 16-20 Stokes Street and 15-19 Penola Street is 55 car parking spaces. 23 car parks are provided on the site.
 - The required car parking provision for 29-35 Stokes Street, Preston is 26 car parking spaces. Nine (9) car parks are provided on the site.

Objections

- 34 objections have been received to the application. 26 of the objections are from landowners or occupiers within 200 metres of the site.

Objections summarised

- Reduction in heritage buildings.
- Impact of development on streetscape/neighbourhood character.
- Front setback not appropriate.
- Impact on car parking, safety and increased traffic congestion.
- Basement car park only serves one side of the development.
- Pedestrian link does not form part of the application.
- Excessive bulk and scale.
- Overshadowing.
- Reduced privacy/Overlooking.
- Energy efficiency.
- Infrastructure.

- Increased pollution.
- Devaluation of property.
- Flooding/drainage issues.
- Bin storage.
- The proposed accommodation would not provide for family accommodation.
- Overdevelopment.
- Clustering of social housing inappropriate.
- Negative social impact on surrounding community.
- A Development Plan has not been prepared for the site contrary to policy.

Officer comment on summarised objections

Reduction in heritage buildings

The subject sites are currently vacant. The proposals would not result in a loss of any building.

Impact of development on streetscape/neighbourhood character

The detailed assessment in this report considers the proposed development in regards to the neighbourhood character considerations given the site context and relevant planning policy framework. On balance the assessment considers that the development would be acceptable.

Front setback not appropriate

Front setbacks are considered in the detailed assessment below and are considered acceptable.

Impact on car parking, safety and increased traffic congestion

Although there would be an increase in traffic associated with the development the proposed accommodation would be for public housing, owned and operated by the Department of Health and Human Services. The case studies for similar developments outlined in the Traffic Report submitted with the application indicate that social housing would have a lower level of car ownership than private housing.

Given the conclusions of car parking assessment below, it is considered that the development would not result in any unreasonable impacts on car parking, congestion or traffic safety issues.

Basement car park only serves one side of the development

Stairs within the basement allow each side of the building to have access.

Pedestrian link does not form part of the application

Land is appropriately reserved for a future pedestrian link if required by the Development Plan. This issue is assessed in detail in the assessment below.

Excessive bulk and scale

Issues surrounding the bulk and scale of the development are assessed in detail below in the planning assessment for each of the buildings.

Council must assess the proposal on its merits, pursuant to the relevant planning policy framework and in regards to the site context.

It is noted that there are single and double storey buildings in the immediate neighbourhood and that it is a generally held planning principle that a gradual increase in height is acceptable (i.e. a 1-3 storey mix is generally acceptable within the General Residential Zone). The assessment below including against Rescode provides additional detail on setbacks and building heights.

It is noted that the building proposed at 16-20 Stokes Street and 15-19 Penola Street is located within a Residential Growth Zone and Development Plan Overlay where buildings of 4-6 storeys is sought.

See detailed assessment below.

Overshadowing

The assessment below details that the development would comply with the relevant Rescode standard in regards to overshadowing.

Reduced privacy/Overlooking

It would be necessary that windows and balconies with an interface to neighbouring residential properties would require screening in accordance with Rescode Standard B22.

Energy Efficiency

The application has been accompanied by a Sustainable Management Plan and a number of energy efficient features are incorporated into the design. The buildings are considered to be acceptably energy efficient. This is assessed in detailed below.

Infrastructure

It is considered that the site have access to adequate infrastructure. The plans appropriately detail services required on the site.

Increased pollution

The proposed use is residential and would have noise/pollution impacts consistent with those normal to a residential zone. In this respect the proposal is acceptable for planning purposes.

Devaluation of property

Fluctuations in property prices are a not relevant consideration in assessing medium density development under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

Flooding/drainage issues

The application has been referred to Melbourne Water and Councils Capital Works Unit in regards to overland flow and drainage. The development is acceptable subject to the conditions in the recommendation. Permeability meets the 20% requirement for each site in accordance with Rescode Standard B9.

Bin storage

Waste management plans have been submitted with the application. It is considered that bin storage and collection is acceptable. See detailed assessment below.

Increase crime

The proposed development would be for residential uses on residentially zoned land which is currently vacant. The selection of residents who may be housed in the units would be beyond the scope of the planning scheme and would need to be considered by the Department of Health and Human Services.

Building maintenance

The owner of the building (Department of Health and Human Services) would be responsible for maintaining the buildings. The proposed materials and finishes have been selected to ensure the buildings would require minimal maintenance.

The proposed accommodation would not provide for family accommodation

Whilst no three bedroom dwellings are provided the development is 100% public housing and would allow accommodation for a range of household sizes (including smaller families).

Clustering of social housing inappropriate

The social housing would be constructed on land previously used for social housing continuing the existing use. It is not considered that the development would result in a cluster given there are diverse range housing typologies in the area. The buildings would be of a high quality and would have appropriate layouts. Common hallways and entrances would allow for some interaction between residents.

Overdevelopment

Given the assessment detailed below, on balance it is considered that the proposed development would meet the relevant planning policy framework and as such support is recommended.

Negative social impact on surrounding community

It is necessary for a development to meet the State and Local planning policy objectives and it is considered that the proposed development generally meets these objectives. The proposal contributes to State and local policy objectives to consolidate housing in well located, established residential areas. The type and form of housing also responds to demographic changes and housing needs in the municipality.

Combined with the reasonable level of compliance (subject to conditions) with relevant planning policy as detailed in the assessment below, the proposal will provide a housing benefit for people in need.

A Development Plan has not been prepared for the site contrary to policy

It is noted that part of the development site is subject to a Development Plan Overlay and a Development Plan has not been prepared for the wider area. As such the permit application must demonstrate the proposal would not prejudice the long-term future use and development of the land in accordance with the development plan requirements specified in this schedule.

It is considered that the proposed use of the site and built form are in keeping with the envisaged use and built form requirements of the subject site and would not prejudice the long term future use of the area. Moreover as the site is on the edge of the precinct it provides for a transitional buffer between the low scale residential area to the north and the expected higher density development to the south.

This issue is assessed in further detail against the requirements of the Development Plan Overlay below.

PLANNING ASSESSMENT

Whilst the overarching State and Local Planning Policy Framework for the two sites is consistent, the buildings proposed in this application are located on land with different zoning and overlay controls. This report considers controls that apply to both parcels providing separate assessments where necessary.

Clause 16.01-5 Housing Affordability

An objective of the Darebin Planning Scheme is to deliver more affordable housing closer to jobs, transport and services.

The Strategies to achieve this are:

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes. Increase the supply of well-located affordable housing by:
- Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

This application is entirely for social housing provided by the Department of Health and Human Services. The housing provided would replace land previously used for this purpose but would provide for new, better appointed accommodation that is much needed within Darebin.

Planning Assessment 29-35 Stokes Street, Preston:**Neighbourhood Character Precinct Guideline Assessment - Precinct F3****Existing Buildings**

The subject site is currently vacant.

Not applicable.**Vegetation**

Existing trees on the site would be removed. The proposal would not result in the loss of any significant vegetation.

A condition of any approval would require the retention and protection of the street trees to the front of the site.

The application was accompanied by a landscape concept plan which demonstrates that the proposed development would provide good opportunities for landscaping (including the provision of medium sized canopy trees) to the perimeter of the site to help soften the development when viewed from neighbouring residential properties.

Complies**Siting**

The proposal provides for a front garden that is sufficient for planting of vegetation to enable the continuation of the garden setting in this area.

The proposed building is setback from the side boundaries in keeping with the detached and semi-detached character of the neighbourhood and to provide opportunities for landscaping. The majority of the car parking facilities are located to the rear of the site although one car parking space is located within the front setback. On balance this is not considered unreasonable given that the number of crossovers and hard surfacing has been minimised across the four (4) lots.

Complies**Height and building form**

The area presently comprises a mix of single and two storey dwellings. The site is located immediately to the north of land located in the Residential Growth Zone forming part of an urban renewal precinct which is subject to a Development Plan. Development heights of between six (6) and eight (8) storeys are anticipated to the south.

The application seeks to consolidate four (4) lots which would present an opportunity for an increased density given the extent of land available.

The building height and form at three storeys is marginally higher than the one and two storey detached built form in the streetscape to the north. The height however is still considered transitional and would be in keeping with the future development of the precinct that will occur to the vacant land south of the proposal. Building heights of between 1-3 stories is not uncommon in metropolitan Melbourne.

Whilst the upper level is not substantially setback from the lower levels, the architectural response for the building is appropriate with a defined base middle and recessive top level which is achieved through articulation, use of materials, finishes and building form. It is considered that the residential building is appropriately balanced between the existing character and the emerging character to the south of the site.

Complies

Materials and design detail

The character study seeks cultural expression through colour, building details and architectural reinterpretation and to articulate the form and façade through the use of different colours and building form. As detailed above, the proposed building is appropriately articulated through the building form and materials.

Materials include a variety of integral coloured cement sheet and brick that is considered appropriate for the proposed residential building and the neighbourhood.

Complies

Front boundary treatment

A 1.1 metre high brick front fence is proposed. This low fence height is appropriate and maintains the openness of the front garden.

Complies

Rescode Clause 55 Assessment

The following sections provide an assessment against Clause 55 including variations of standards and matters informing conditions of the recommendation above.

Clause 55.03-1 B6 Street Setback

- The front setback of the adjoining dwelling to the north is approximately 7.5 metres although a carport is constructed in front of the dwelling which is setback approximately one (1) metre from the property boundary.
- There is no building to the south of the site.
- The standard therefore requires a setback of 7.5 metres.
- The setback of the proposed new development ranges from 5.2 - to 6.0 metres and would not comply with the standard.

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

The proposed front setback is considered acceptable due to the following:

- The neighbouring property to the north has a carport constructed within the front garden within 1 metre of the front setback and high solid front fencing.
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping to the front of the site.
- The Neighbourhood Character Study notes that '*Buildings are set back 5 - 7 metres from the front*'. The proposed setback is around this range.
- The proposed building is appropriately articulated through form and materials.
- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks.

Complies with objective

Clause 55.03-4 B7 Building Height

- The building would have a maximum height of approximately 10.38 metres to the top of the centrally located lift overrun. The height of the parapet to the street would be approximately 9.45 metres.

The development exceeds the (non-mandatory) 9m height limit for the General Residential Zone.

Before deciding on an application, the responsible authority must consider the relevant decision guidelines:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

The proposed building height is considered appropriate due to the following:

- As detailed above the proposal is considered to be generally consistent with the character of the neighbourhood.
- The development provides substantial setbacks from property boundaries particularly to the north and west where there are residential interfaces.
- Adequate opportunities for landscaping are provided to the site boundaries to help soften the development.
- The parapet of the building only marginally exceeds the 9 metre height limit.
- The centrally located lift overrun would not be readily visible from the public realm.

- Building heights in proximity to the site range from one (1) to two (2) storeys with the land to the south of the site designated for heights of 4-8 storeys and as such the proposed building would be appropriately transitional.

Complies with objectiveClause 55.03-5 B10 Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space, living areas and bedrooms all have access to direct daylight light.
- Space for outdoor clothes drying facilities (on balconies or within courtyards).

The proposal includes a commitment to environmentally Sustainable Design (ESD) through the submission of a Sustainable Management Plan including a BESS assessment and STORM report.

The key sustainable initiatives incorporated in the proposal are as follows:

- Rainwater harvesting for irrigation and toilet flushing.
- Rooftop photovoltaic system.
- High performance glazing and energy efficient building services, appliances and fixtures.
- Environmentally preferable internal finishes.

It is noted that the façade design, internal layouts and incorporation of operable windows will promote natural cross-flow ventilation, while maximising daylight to living areas. This passive design features are intended to limit reliance on mechanical heating and cooling throughout the year. High performance glazing to windows will ensure a reduction in thermal loads, which will be assisted by appropriate ratios of glazing fenestration to façade areas on the exterior of the building.

Sustainable transport modes such as walking and cycling will be promoted through the appropriate provision of lock-up bicycle spaces, while car use will be discouraged through the proposed waiver of car parking requirements. The site's proximity to services and amenities will assist building users in choosing active transport modes.

Energy efficiency will further be promoted where possible through the use of appropriate construction materials and ESD measures. Combined, the above mentioned design features will result in a building which displays a high level of ESD performance which is intended to be a feature of the completed development; enhancing user comfort levels and reducing living costs over the lifetime of the building. A condition of the recommendation requires that the development is undertaken in accordance with the Sustainable Management Plan.

Complies subject to conditionClause 55.03-8 B13 Landscaping

- The surrounding landscape character is generally semi mature and informal with small to medium sized open spaces and setbacks.

- The application was accompanied by a landscape concept plan which demonstrates that the proposed development would provide good opportunities for landscaping (including the provision of medium sized canopy trees) to the perimeter of the site to help soften the development when viewed from neighbouring residential properties.
- The application seeks removal of the existing trees on the site. The trees are not significant and removal is acceptable.
- The open spaces and setbacks are sufficient to support landscaping and canopy planting which would respect the preferred and existing neighbourhood character.
- A condition of the recommendation would require the retention and protection of the mature street trees to the front of the site which form a consistent avenue of street trees in Stokes Street and would assist in softening the development when viewed from the street.

A comprehensive landscape plan would be required as a condition of approval.

Complies

Clause 55.04-1 B17 Side and rear setbacks

Ground Floor

Boundary	Wall height	Required Setback	Proposed setback
North – LG.05	3.25 metres	1.00 metres	5.95 metres
West – LG.03 and 04	4.00 metres	1.12 metres	4.7 metres
South – LG.02	4.00 metres	1.12 metres	4.7 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
North – L1.07	6.50 metres	1.87 metres	5.95 metres
North – L1.06	6.50 metres	1.87 metres	5.95 metres
West – L1.06	7.27 metres	2.36 metres	6.32 metres
West – L1.04 and L1.05	7.27 metres	2.36 metres	4.73-5.24 metres
West – L1/2.03	7.27 metres	2.36 metres	6.32 metres
South – L1/2.03	7.27 metres	2.36 metres	8.03 metres
South – L1/2.02	7.27 metres	2.36 metres	5.91 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
North – L2.07	9.65 metres	4.74 metres	5.95 metres
North – L2.06	9.65 metres	4.74 metres	5.95 metres
West – L2.6	10.04 metres	5.13 metres	6.32 metres
West – L2.04 and L2.05	10.04 metres	5.13 metres	4.73-5.24 metres

West – L2.03	10.04 metres	5.13 metres	6.32 metres
South – L2.03	10.04 metres	5.13 metres	8.03 metres
South – L2.02	10.04 metres	5.13 metres	5.91 metres

The setback to the west boundary at the uppermost level (Units L2.04 and L2.05) marginally exceeds the standard by approximately 400mm. The setback does not comply with the standard to the west boundary and as such the responsible authority must consider the decision guidelines before deciding on an application.

The decision guidelines include: The design response and the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

In this respect, the only area of minor non-compliance relates to two west facing bedrooms walls at the upper most level. As demonstrated in the table above the majority of the western elevation meets the standard.

In this instance it is considered appropriate to impose a condition requiring the building to meet the setback requirements of the standard.

Complies subject to condition

Clause 55.04-6 B21 Overshadowing Open Space

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the west by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9 am and 3 pm on 22 September.

Complies

Clause 55.04-6 B22 Overlooking

- The proposed building has finished floor levels less than 0.8 metres above natural ground level at the boundary. Details of boundary fencing are not shown on the plans. As such a condition of the recommendation would require that that boundary fencing is a minimum height of 1.8 metres to the north, west and south boundaries to comply with the standard.
- At the upper levels of the development are designed to limit views into neighbouring secluded private open space and habitable room windows.
- All upper storey windows and balconies are appropriately designed and/or screened to ensure overlooking is appropriately treated in accordance with the standard.
- A condition of the recommendation will require that sill heights and balcony screening is appropriately notated on the plans in compliance with the standard.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

- The standard requires at least 40 square metres of secluded private open space (SPOS) at the side or rear of a dwelling with a minimum area of 25 square metres and minimum dimension of 3 metres with convenient access from a living room or through the provision of a balcony of at least 8 square metres in area with a minimum dimension of 1.6 metres and convenient access from a living room.

- The six (6) units at the ground level would not achieve 40 square metres of private open space however they do provide courtyards (SPOS) with minimum areas of 25 square metres. As such the ground level POS provision would not meet the standard. Furthermore the secluded private open spaces for units LG.03 and LG.04 would not achieve a minimum dimension of 3 metres for the full 25 square metres. However given the majority of the SPOS would exceed the 3 metre dimension and the units comprise only 1 bedroom the SPOS provision is considered acceptable.
- Units LG.01, LG.02, LG.05 and LG.06 would have their secluded private open space located within the front setback. A level of privacy would be achieved by the provision of a landscape buffer, level change and 1.1 metre high front fencing. A section plan of the arrangement has been submitted with the application.
- On balance it is considered that the ground level open space provision is adequate to provide for the reasonable recreation and service needs of residents.
- For the remaining units SPOS would be provided in the form of a balcony.
- Apart from units L1.06 and L2.06 all of the balconies would achieve a minimum area of at least 8 square metres with a minimum width of 1.6 metres.
- The plans show that units L1.06 and L2.06 would have an area of 7 square metres. A condition would require that 8 square metres is achieved and as such would comply with the standard.
- All secluded private open space areas have direct access to a living room and access to direct daylight.

Complies with objective

Planning Assessment 16-20 Stokes Street and 15-19 Penola Street, Preston:

Development Plan Schedule 11

The subject site is covered by Development Plan Overlay Schedule 11. Clause 43.04-1 of the overlays states:

“A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.”

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

Clause 1.0 of the schedule states that:

“A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- *A permit to subdivide, use or develop the land;*
- *A permit to construct or carry out minor works.”*

The permit application must demonstrate that the proposal will not prejudice the long-term future use and development of the land in accordance with the development plan requirements specified in this schedule.

The following assessment is provided against the requirements of the Development Plan Overlay:

- The subject site is located in sub-precinct 1 which is the Penola / Stokes precinct
- **Uses** – To provide for higher residential densities accommodating a range of dwelling sizes and types, including a mix of social/affordable housing.
- **Built form** – To incorporate a medium rise, built form that transitions from the higher built form in the Newman Mixed Use sub-precinct to the adjoining low-rise residential area to the north and west.

The land would be developed for public housing with a range of dwelling sizes and types and at a scale (4 storeys) commensurate with the built form identified in the concept plan in DPO11.

It is considered that the proposed use of the site and built form are in keeping with the envisaged use and built form requirements of the subject site and would not prejudice the long term future use of the site. Moreover as the site is on the edge of the precinct it provides for a transitional buffer between the low scale residential area to the north and the expected higher density development to the south.

Section 3.0 of DPO11 includes the following requirements for a development plan, a response to each requirement follows:

- To create a high amenity urban village through a coordinated and staged redevelopment approach that provides services and amenities for the local area.

The site is located on the periphery of an area identified for future redevelopment (Oakover Village). The site is designated for transitional development between the existing residential area to the north and the more substantial development designated to the south. Given the modest scale of development, in comparison to the scales expected to the south (6-8 storeys), it is considered that the development would not prejudice on the future redevelopment of sites to the south and ensures equitable development opportunities.

The proposed development is considered to be of a suitably high quality and this is assessed in further detail below.

- To ensure that the future use and development leverages the locational advantages of individual sites and the precinct (in particular Bell Train Station, Newman Reserve, Ray Bramham Gardens, schools and Tram Routes).

The proposal is of a modest scale in keeping with the nominated building height. The redevelopment would make use of surrounding physical infrastructure.

- To encourage the use and development of the site for appropriate residential, commercial, retail, service and related uses that will increase the economic and social functions of the centre in accordance with the sub-precinct objectives of this Schedule.

The proposal is for residential development and would be development by the Department of Health and Human Services to provide additional public housing. The proposal is consistent with this objective.

- To take advantage of the strategic position of the site by providing for a mix of residential densities including high density residential development

The site has a four (4) to six (6) storey height limit to provide a gradual transition in height to the core of the precinct and to respect the low-rise residential neighbourhood to the north. The density and scale is acceptable for the site.

- To provide for efficient and logical staging of land use and development change within the site.

The proposed development does not require staging and would not impact the staging of future development.

- To provide for development in a form which achieves a high quality built form and urban environment.

The built form adopts a high quality, contemporary design approach in accordance with the plans. The appropriateness of the design and form is also assessed in detail below in this report.

- To incorporate Environmentally Sustainable Development (ESD) measures to aid in the reduction of energy and water consumption, the generation of waste, greenhouse emissions and achieve ESD best practice.

An ESD report was submitted with this application. This includes a STORM report and a BESS Assessment. ESD is assessed in detailed below.

- To ensure design is site responsive and has regard for the equitable development of adjoining sites including the positive amenity and passive design outcomes for future development.

The proposal is wholly contained within its own boundaries and incorporates good front and side setbacks, particularly given the site's orientation with two street frontages. It is not considered that the proposal would prejudice the future development opportunities on adjoining sites.

- To ensure development provides a transition in height and massing to surrounding lower scale form and within the precinct where appropriate.

As detailed above and through the assessed below, the development is considered appropriately transitional in line with the concept plan map.

- To provide for adequate building separation to maximise daylight, outlook and ventilation for existing and future development and manage overlooking between buildings

The development provides for adequate building separation to maintain daylight, outlook and ventilation for existing and future development and can manage overlooking between buildings.

- To ensure new development achieves an appropriate interface with the public realm and provides outlooks and passive surveillance from common and private areas within the development to the adjacent public realm.

The proposal achieves appropriate interface with the public realm with apartments having two street frontages and entrances with windows and balconies facing the street for passive surveillance.

- To integrate landscape design and public art into new development including opportunities for creation of green roofs and green walls and for retention or planting of trees with spreading crowns.

The site provides sufficient space for ground level landscaping along the sides and frontage.

- To consider and respond to overshadowing effects of new development on Newman Reserve.

The development is not located adjacent Newman Reserve.

- To prioritise pedestrian movement through the precinct and to surrounding key destinations and create a safe, continuous and clearly defined pedestrian environment.

Land is reserved for a future pedestrian link on land owned by the Director of Housing to the south of the site that could provide pedestrian access between Stokes and Penola Streets. Whilst the proposed development would not prejudice any future pedestrian link it is expected that pedestrian thoroughfares across the precinct would be further defined as the development plan comes forward.

- To promote urban legibility, public access and wayfinding to and through the site including clear, legible and safe access to residential development (including residential development at upper levels).

Given this site is on the periphery of the precinct, it is not anticipated that this objective will be compromised. As noted, a pedestrian thoroughfare between Stokes and Penola Streets is expected to form part of a further Development Plan process.

- To manage impacts on safety and efficiency of the surrounding road network.

A traffic assessment is submitted in support of the application. The report considers the impact of the proposal on the road network and finds that the development would not have an unacceptable impact on the safety of the surrounding road network. Traffic and transport impacts are assessed in further detail below.

- To encourage the provision of communal shared infrastructure and joint solutions, including but not limited to drainage, car parking, pedestrian and road access, power and telecommunications.

In this instance given the scale of the development it is not proposed that infrastructure would be shared. The development could connect to the existing drainage system and be suitably accommodated.

- To encourage the consolidation of lots to maximise development flexibility and efficiency.

The proposal consolidates six (6) lots to maximise development opportunities on the land and to allow for off-site impacts to be minimised and/or managed.

- To consider and respond to the impacts of overland flooding and site contamination.

Melbourne Water and Councils Capital Works Unit have reviewed the application and provided guidance/conditions on overland flooding issues (this is assessed in detail below). The site was previously used for a residential purpose and there is no known contamination risk.

Required documents, plans and reportsSite and context information

The application is accompanied by suitable site context information including site context plans and a planning report. The information submitted is acceptable to undertake assessment of the application.

Integrated Transport and Traffic management

The application has been accompanied by a traffic report prepared by a suitably qualified traffic engineer. The report considers the impact of the development on car parking and traffic conditions in the area.

The following is noted in regards to the requirements detailed in the schedule:

- The proposed use is residential only and the scale of the proposed development is of a modest scale in comparison with the wider development plan area.
- Visitor and resident car parking is adequate (see detailed car parking assessment below).
- The traffic assessment submitted with the application considers trip generation and concludes that the development would not unreasonably impact traffic conditions in the area.
- Given the modest scale of the development staging would not be required.
- The application proposes only two crossovers to the street for the six (6) lots. One would be to the basement car park and the other services a single car at grade space. Ingress and access points are acceptable for the site.
- No road works would be necessary to facilitate the development.
- No off site traffic management treatments would be required although any implementation would not be prejudiced by the development.
- No changes to public transport or bicycle infrastructure would be required.
- The level of car parking provision is considered acceptable for the social housing use and this is assessed in the detailed car parking assessment below.
- The traffic report specifically considers car ownership rates associated within public housing development. The evidence shows that car ownership rates amongst public housing tenants are lower than private housing .
- The majority of the car parking is appropriately within the basement.
- Secure bike parking would be required as a condition of approval.
- Sufficient short term bike parking is provided external to the building (24 spaces).
- Any necessary loading and unloading could be undertaken within the basement.

Landscape plan

A landscaping concept plan for the site has been submitted with the application outlining scope for landscaping to the street interfaces and also within the site. A detailed landscape plan would be required as a condition of the recommendation. The landscape plan will require screen planting to the north boundary to help soften the proposed development when viewed from the neighbouring residential properties.

Construction Management Plan

Given the scope, small scale and location of the proposed development it is not considered that a construction management plan would be necessary. The works could be effectively managed by existing building legislation.

Ecologically Sustainable Development (ESD) Strategy

The application has been accompanied by a suitable sustainable management plan.

Housing Diversity Report

The development provides for 100% public housing and provides an appropriate mix of one (1) and two (2) bedroom units. Public housing is considered a housing type that is in high need within the Municipality and would be in accordance with the expectations of the development plan. Housing diversity for the remainder of the precinct will be considered in context of the development of the remainder of the precinct which will be dependent on announcements yet to be made by the Minister for Housing.

Design and Built Form

The following points are noted in regards to built form:

- The maximum height specified for the site is four (4) storeys (14 metres).
- Solar access is provided with a number of the units facing north. All units have good access to natural light and ventilation.
- The architectural quality of the building is considered acceptable. The detailed assessment below further considers the design and appearance.
- Car parking is predominantly provided within a basement which is an appropriate design response.
- Rooftop and plant equipment may exceed the specified height provided it is not visible from the surrounding public realm. Building height is considered in detail below.
- The development has two street frontages with development proposed through the site. There would not be any rear setback and as such the rear setbacks detailed in the schedule would not be applicable.
- The development is scaled at four (4) storeys in accordance with the concept plan where the height for the six lots ranges from 4-6 storeys. This provides a transitional buffer to the low scale residential area to the north in accordance with the provisions of the schedule.
- The impact of the bulk and mass of the development is considered in the detailed assessment below.
- The building provides a three (3) storey street wall, with a more recessive fourth floor in accordance with the guidance of the schedule for the Development Plan Overlay.
- The development would not require staging.

Permeability and Access

The proposed development would not prejudice permeability and access through the precinct. The development plans note that land for a future pedestrian link is reserved to the south of the site should it be required as the detailed development plan comes forward.

Given the above assessment it is considered that the proposal would not prejudice the long term future use and development of the land in accordance with the development plan requirements. As such it is considered that a Planning Permit could be issued.

Rescode Clause 55 Assessment

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards and matters informing conditions of the recommendation above.

Clause 55.02-1 Neighbourhood Character

Clause 21 of the Darebin Planning Scheme includes the Municipal Strategic Statement which provides reference to the Darebin Housing Strategy that identifies area such as the Oakover Village as areas of substantial change. In the context of the Darebin Planning Scheme this means matters relating to the consideration of neighbourhood character are given less weight in favour of achieving an appropriate mix and density of housing.

For this reason matters relating to Darebin Neighbourhood Character Study and related policies within the Darebin Planning Scheme are not required to be considered in this assessment. As such the assessment of this aspect would be limited to the decision guidelines of the standard:

- The design response must be appropriate to the neighbourhood and the site.
- The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

It is considered that the proposed design response is generally in keeping with the existing neighbourhood character for the following reasons:

- The sites are currently vacant and would not require the removal of any building.
- The proposal would not result in the removal of any significant vegetation. A condition of any approval would require that the existing street trees would be appropriately protected. The application was accompanied by a landscape concept plan which demonstrates that the proposed development provides good opportunities for landscaping (including the provision of medium sized canopy trees) to the perimeter of the site to help soften the development when viewed from neighbouring residential properties
- A front setback is provided allowing continuation of the garden setting.
- The proposed building would have frontages and setbacks to both Stokes and Penola Streets and provides for front gardens that are sufficient for planting of vegetation to enable the continuation of the garden setting in this area.
- The proposed building is setback from the side boundaries in keeping with the detached and semi-detached character of the neighbourhood and to provide opportunities for landscaping particularly to the north along the interface with the existing residential properties.

- The majority of the car parking facilities would be located in the basement to avoid dominance of these facilities within the streetscape.
- The area presently comprises a mix of single and two storey dwellings. The subject site is however located in the Residential Growth Zone and forms part of an urban renewal precinct which is subject to a Development Plan. The Development Plan nominates the site for building heights of four (4) storeys for the four lots to the north and six (6) storeys for the two (2) lots to the south. Potential development heights of between six (6) and eight (8) storeys on land further south.
- The building height and form at four (4) storeys is higher than the one (1) and two (2) storey detached built form in the streetscape to the north however the subject site is located in a zone where larger forms are sought. Given the relevant planning policy framework the scale of the building is considered appropriately transitional and would be in keeping with the future development of the precinct.
- The upper level is not substantially setback from the lower levels however the architectural response for the building is appropriate with a street wall not exceeding three levels and recessive top level which is achieved through articulation, use of materials and building form. It is considered that the residential building is appropriately balanced between the existing character and the emerging character of the area.
- Materials and finishes including a variety of integral coloured cement sheet and brick are appropriate for the proposed residential building and the neighbourhood.
- No front fencing is proposed which allows for views of the front gardens from the public realm.

Complies

Clause 55.03-1 B6 Street Setback

- To Stokes Street the front setback of the adjoining dwelling to the north is approximately 8.9 metres.
- To Penola Street the front setback of the adjoining dwelling to the north is approximately 5.1 metres.
- There are no buildings adjoining the site to the south.
- The standard therefore requires a setback of 8.9 metres to Stokes Street and 5.1 metres to Penola Street.
- The setbacks of the proposed new development range from 5.0 - to 5.3 metres and would not comply with the standard.

Before deciding on an application, the responsible authority must consider the decision guidelines:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

The proposed front setback is considered generally acceptable due to the following:

- The site is located in a Residential Growth Zone which includes as an objective to provide housing at increased densities and to encourage a diversity of housing types. Further, the site is located within the Oakover Village precinct which is designated urban renewal precinct where development at increased density is to be given prominence over neighbourhood character consideration.
- The proposed setback results in efficient use of the site in accordance with the objectives of the zone and overlays.
- The proposed building is reasonably articulated through form and materials.
- The proposed new building is well separated from the residential properties to the north providing a transitional setback.
- The existing streetscape is not consistent and provides for varied setbacks.

Complies with objective

Clause 55.03-4 B7 Building Height

- To Stokes Street building would have a maximum height of approximately 13.93 metres to the top of the centrally located lift overrun. The height of the parapet to the street would be approximately 13.40 metres.
- To Penola Street building would have a maximum height of approximately 14.43 metres to the top of the centrally located lift overrun. The height of the parapet to the street would be approximately 13.78 metres.

Design and Development Overlay 11 varies the nine (9) metre height limit specified in Rescode and sets a height limit for four a (4) story building (14 metres) for 18-20 Stokes Street and 17-19 Penola Street and a six (6) store building (20 metres) at 16 Stokes Street and 16 Penola Street. The overlay allows for services to exceed the height limit if not visible from the public realm or neighbouring properties.

The centrally located lift overrun for the building to Penola Street would marginally exceed the height limit by 0.43 metres but would not be visibly prominent from the public realm or neighbouring residential properties.

Whilst part of the building would exceed the heights referred to in the overlay the decisions guidelines must be considered in order to ascertain if the objective is met.

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

The proposed building height is considered appropriate due to the following:

- As detailed in this report the Darebin Planning Scheme places a lower emphasis on neighbourhood character considerations where land is included in a Residential Growth Zone.
- The development provides reasonable setbacks from property boundaries particularly to the north and west where there are residential interfaces.
- The parapet of the building only marginally exceeds the 14 metre height limit.
- The centrally located lift overrun would not be readily visible from the public realm.
- Building heights would be consistent with the scale of the anticipated built environment expected for the area.

Complies with objective

Clause 55.03-5 B10 Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not affect the solar access and energy efficiency of neighbouring dwellings.
- Open space, living areas and bedrooms all have access to direct light.
- Space for outdoor clothes drying facilities.

The proposal includes a commitment to environmentally Sustainable Design (ESD) through the submission of a Sustainable Management Plan including a BESS assessment and STORM report.

The key sustainable initiatives incorporated in the proposal are as follows:

- Rainwater harvesting for irrigation and toilet flushing;
- Rooftop photovoltaic system;
- High performance glazing and energy efficient building services, appliances and fixtures;
- Environmentally preferable internal finishes.

It is noted that the façade design, internal layouts and incorporation of operable windows will promote natural cross-flow ventilation, while maximising daylight to living areas. This passive design features are intended to limit reliance on mechanical heating and cooling throughout the year. High performance glazing to windows will ensure a reduction in thermal loads, which will be assisted by appropriate ratios of glazing fenestration to façade areas on the exterior of the building.

Sustainable transport modes such as walking and cycling will be promoted through the appropriate provision of lock-up bicycle spaces, while car use will be in alignment with lower public housing tenancy ownership levels. The site's proximity to services and amenities will assist building users in choosing active transport modes.

Energy efficiency will further be promoted where possible through the use of appropriate construction materials and ESD measures. Combined, the above mentioned design features will result in a building which displays a high level of ESD performance which is intended to be a feature attraction of the completed development; enhancing user comfort levels and reducing living costs over the lifetime of the building. It is recommended that a condition of approval requires that the development is undertaken in accordance with the Sustainable Management Plan.

Complies

Clause 55.03-8 B13 Landscaping

The surrounding landscape character is generally semi mature and informal with small to medium sized open spaces and setbacks.

The application was accompanied by a landscape concept plan which demonstrates that the proposed development would provide good opportunities for landscaping (including the provision of medium sized canopy trees) to the perimeter of the site to help soften the development when viewed from neighbouring residential properties.

The application seeks removal of the existing trees on the site. The trees are not significant and removal is acceptable. The open spaces and setbacks are sufficient to support landscaping and canopy planting which would respect the preferred and existing neighbourhood character.

A condition of the recommendation would require the retention and protection of the mature street trees to the front of the site which form a consistent avenue of street trees in Stokes and Penola Streets and would assist in softening the development when viewed from the street.

A comprehensive landscape plan would be required as a condition of approval.

Complies

Clause 55.04 -1 B17 Side and rear setbacks

Ground Floor

Boundary	Wall height	Required Setback	Proposed setback
North	3.25 metres (Max)	1.00 metres	5.7 metres
South	3.25 metres	1.00 metres	4.5 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
North	6.50 metres	1.87 metres	4.29 metres – 7.4 metres
South	6.50 metres	1.87 metres	4.50 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
North	9.75 metres	4.84 metres	5.84 – 5.94 metres
South	9.75 metres	4.84 metres	4.56 metres

Third Floor

Boundary	Wall height	Required Setback	Proposed setback
North	13.20 metres	8.29 metres	6.94 – 7.40 metres
South	13.20 metres	8.29 metres	6.19 – 6.92 metres

The setbacks to the south boundary at the second and third floors would not comply with the Standard. The encroachment at the second floor would be 0.34 metres and at the third floor would be 2.10 metres at the parapet.

The setback to the north boundary at the third floor would not comply with the standard. The encroachment would be 1.35 metres. It is noted that the balconies would also encroach on the setbacks to the north and south.

Given the areas of non-compliance the responsible authority must consider the decision guidelines before deciding on an application. The decision guidelines include: The design response and the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

The land to the south is currently undeveloped and as such the encroachments are considered acceptable as the building would not impact any residential amenity. The setbacks are also considered sufficient to ensure that the any future development of the land to the south would not be unreasonably prejudiced and that the amenity of the proposed development would not be unreasonably impacted by development that may come forward in the future in terms of access to light, ventilation and outlook.

To the north, the plans detail that a small part of the balustrade and the semi-transparent privacy screen as well as the wall would encroach on the required setback at the third level.

The design guidelines require consideration of the impact on the amenity of the habitable room windows and secluded private open space of the existing dwellings. Given the orientation of the site to the south of the existing residential area, it is submitted that the amenity impacts are limited. There will be no overshadowing impacts due to the adjoining dwellings being located to the north. Furthermore, overlooking impacts are managed through the incorporation of external screening on windows with a direct outlook facing north. The proposal includes a substantial landscape buffer between the north facing private open space areas and the abutting dwellings which will help soften and screen the proposed building. The visual impacts of the built form would be managed through the use of varied materials and articulation and lower landscaping including the provision of some medium sized trees along the north boundary of the site. It is submitted therefore that a variation the side setbacks along the northern elevation is suitable given amenity impacts are kept to a minimum. Finally, given the Residential Growth Zoning of the site it is submitted that the proposed variation are in context with transitional buffer and with the future development of land within the growth zone.

As such the design response is considered reasonable and would not unreasonably affect secluded private open space or habitable room windows of adjoining dwellings.

Complies with objective

Clause 55.04-6 B22 Overlooking

The proposed building has finished floor levels less than 0.8 metres above natural ground level at the boundary. Details of boundary fencing are not shown on the plans. As such a condition of the recommendation would require that that boundary fencing is a minimum height of 1.8 metres to the north, west and south boundaries to comply with the standard.

At the upper levels the east, west and south facing balconies and windows would not require screening given they would not result in the overlooking of any neighbouring secluded private open spaces or habitable room windows.

Balconies and windows to the north elevation would require screening to limit overlooking of the neighbouring properties to the north. A condition of the recommendation would require that the north facing balconies are screened to a height of 1.7 metres above finished floor level in accordance with the standard.

Complies subject to condition

Clause 55.05-5 B29 Solar Access to Open Space

The standard details that the private open space should be located to the north side of a dwelling or residential building, if appropriate. The majority of the dwellings would be open space orientated towards the north, east and west which is acceptable. Only 16 of the 46 units would have south facing open spaces.

Good setbacks are provided to the southern interface to allow appropriate amenity, usability and daylight.

Complies with objective

Clause 22.06 Multi-Residential and Mixed Use development

In assessing multi-residential and mixed use development, the objectives and decision guidelines at Clause 22.06 of The Scheme are to be taken into account at follows:

Sustainability

- The proposal is accompanied by an SMP, which will require implementation by way of condition.
- All apartments have access to natural light and ventilation and do not rely on borrowed light.

Complies subject to condition

Design and Materials

- The building utilises the two street frontages maintaining a legible pedestrian environment to both Stokes and Penola Streets.
- The form is defined by a three storey street wall with a recessive upper level which is achieved by both materials and articulation of the form.
- The façade is modulated by balconies and is not overly reliant on a mix of materials and colours.
- The contemporary design allows for a high quality finish that is befitting with the future urban renewal precinct and development of the area.
- The building materials proposed are low maintenance and durable.
- Rooftop servicing is located so as not to be visible from nearby residential properties or the public realm.

Complies subject to condition

Building Height

- The building is four (4) storeys and in accordance with the concept plan as detailed in the Schedule to the Development Plan Overlay. The scale is appropriate given the future development expectations for the precinct.
- The building form is defined by a three storey street wall with a recessive upper level which is achieved by both materials and articulation of the form.

CompliesDwelling Diversity

The development provides diversity with both one (1) and two (2) bedroom dwellings proposed. A range of dwelling sizes and layouts are proposed and mix of ground level and balcony private open space options are provided. There are no three (3) bedroom dwellings proposed in this development.

CompliesPublic and Vehicle Access

Vehicle parking and access for cars and bicycles and loading/unloading of vehicles is primarily located in the basement. One at grade car space is provided which is acceptable. This is assessed in detail below, with particular focus upon Clauses 52.06 of the Scheme.

Complies subject to conditionStreet Address – Mixed Use Developments

- The development appropriately fronts both Stokes and Penola Streets to promote safety and surveillance of the adjoining public realm.
- The proposal incorporates good street setbacks from Stokes and Penola Street and will have ample opportunities for landscaping along the street.
- There is no front fence maintaining a feeling of openness to the street.
- Due to the consolidation of the lots and vehicle access points would not dominate the streetscape to enhance and protect pedestrian amenity and minimise conflict with the public realm.

Complies subject to conditionAmenity Impacts, Including Overshadowing and Overlooking

- North facing balconies and windows would require appropriate screening.
- External surfaces are of low reflectivity.
- The shadow diagrams submitted with the application indicate that neighbouring residential properties would not be unreasonably overshadowed.

Complies subject to conditionOn-Site Amenity and Facilities, including Private Open Space

Development should meet the objectives of Clauses 55.05-1 to 55.05-4, 55.05-6 and 55.06-4 of the Scheme.

Clause 55.05-1 B25 Accessibility

- The proposal includes lift access to all floors and so can be accessed by those with limited mobility.

Clause 55.05-4 B28 Private Open Space

- The development generally provides adequate private open space (pos) for the reasonable recreation and service needs of residents.
- All secluded private open space areas have direct access to a living room.

Clause 55.05-6 B30 Storage

Adequate storage facilities are provided for the dwellings.

Clause 55.06-4 B34 Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services.

Waste Management

Space for the storage of garbage is provided within the basement. The collection of garbage is addressed by an appropriate Waste Management Plan that requires private pick up and will be secured by way of a condition of any approval.

Equitable Access

The proposal includes lift access to all floors and so can be accessed by those with limited mobility.

Clause 52.06 Car Parking

Number of Parking Spaces Required

The planning scheme requires one car parking space for each of the one and two bedroom dwellings.

One visitor car parking space is required for every five dwellings.

29-35 Stokes Street, Preston

Use	Rate	Number	Requirement
Dwelling	1 to each 1 and 2 bedroom dwelling	22	22
Dwelling Visitor	1 space to each 5 dwellings	22	4
Total Requirement			26

The application provides nine (9) car parking spaces and is therefore seeking a reduction of 17 car parking spaces.

16-20 Stokes Street and 15-19 Penola Street, Preston:

Use	Rate	Number	Requirement
Dwelling	1 to each 1 and 2 bedroom dwelling	46	46
Dwelling Visitor	1 space to each 5 dwellings	46	9
Total Requirement			55

The development provides for 23 car parking spaces and is therefore seeking a reduction of 32 car parking spaces. Pursuant to Clause 52.06-6 of the Darebin Planning Scheme:

'An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment'.

The applicant has submitted an assessment of the expected car parking demand. On consideration of the decision guidelines contained within Clause 52.06-6 of The Scheme, the proposed car parking waiver the following is noted:

- (1) A transport assessment was submitted in support of the application which has been prepared by a suitably qualified Traffic Engineer.
- (2) The proposal to construct 68 apartments is expected to generate 18vpd (two-way) during the peak hours.
- (3) The traffic generation will be distributed along various routes and analysis indicates it will have no noticeable effect on passing traffic or operating conditions at nearby intersections.
- (4) The development of land holdings to the south of the subject site are subject to the preparation and/or consideration of the development plan requirements and would necessitate applications which would be considered on their merits.
- (5) The traffic report indicates that the development would have a negligible impact on traffic flows in the area and can be considered independently of future development to the south.

The available case study data for other public housing developments indicates a lower car ownership profile amongst public housing residents than that of private housing (in the region of 0.35 spaces per unit). The proposed parking provision is between 0.4 and 0.5 spaces per unit which is lower than the statutory rate of 1 car per dwelling, however, based on the available case study data and the good provision of public transport services in the locality the provision is considered appropriate.

- (6) The visitor parking demand of the development is expected to equate to 9 spaces. The available parking within Stokes Street and Penola Street, including parking along the frontages of the sites can readily accommodate the expected demand.
- (7) The consolidation of a number of lots to from each site permits a number of existing driveways to be removed and kerb and channel and footpath to be reinstated. The reduction in the number of driveways on Stokes Street and Penola Street creates additional on-street parking opportunities.
- (8) The layout, access and manoeuvrability of the proposed car parking spaces is acceptable. The traffic report provides turning circle diagrams.
- (9) Reduced on site car parking provision would encourage the use of alternative and sustainable transport modes.
- (10) The provision of bike parking on the land will serve to encourage cycling as a mode of travel and help reduce the reliance on private cars. A condition would require that bike parking is provided in accordance with Clause 52.34 of the Darebin Planning Scheme.

- (11) The application was referred to Councils Transport Management and Planning Section who have advised there is no objection to the car parking reduction based on the available car ownership data for public housing. The suggested rate of parking is in line with average car ownership rates for public housing within Darebin.
- (12) A condition of approval would ensure residents/visitors would not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Based on these conclusions it is submitted that the traffic and car parking considerations are acceptable. In regard to the waiver of parking it is submitted appropriate given the ability for visitors to park on-street with excellent access to range of public transport.

Design Standards for Car parking

- (13) The car parking spaces, the carports, the garaging and the accessways have appropriate dimension to enable efficient use and management.
- (14) The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- (15) Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

Clause 52.34 Bicycle Facilities

Clause 52.34 of The Scheme requires that bicycle parking is provided at a rate of 1 space per 5 dwellings for residents and 1 space per 10 dwellings for visitors.

Use	Number	Resident	Visitor	Requirement	Provision
29-35 Stokes Street, Preston	22	4	2	6	6
16-20 Stokes Street and 15-19 Penola Street, Preston	46	9	4	13	24

Whilst the number of bicycle parking spaces is achieved it is considered that as a minimum the resident bike parking should be secure. This would form a condition of the recommendation.

Clause 52.36 Integrated Public Transport Planning:

The application was referred to Public Transport Victoria in accordance with Clause 52.36-1 of The Scheme as a residential development comprising 60 or more dwellings. Public Transport Victoria has no objection to the proposal.

Waste Management:

A waste management plan prepared by a suitably qualified consultant has been submitted with the application for each the sites.

Space for the storage of garbage is provided on each of the sites. At 29-36 Stokes Street bins would be provided in storage areas hidden beyond the security gates. Bins could be collected by private contractors from the street to the front of the site or from the accessways on the site.

For the site at 16-20 Stokes Street and 15-19 Penola Street provision for bin storage is made within the basement and bins would be collected by private contractors from the basement.

A condition of the recommendation would require that waste is collected by a private contractor in accordance with the Waste Management Plan.

Melbourne Water:

The development sites are located on land covered by the Special Building Overlay. The application was referred to Melbourne Water who has not objected to the proposal subject to defined finished floor levels. After reviewing Melbourne Water's requirements the following minor alterations would be required:

- (16) Finished floor level and overall building height for 29-35 Stokes Street would need to increase by 110mm.
- (17) Finished floor level and overall building height for 16-20 Stokes Street and 15-19 Penola Street would need to increase by 250mm.

It is considered that the minor height increases would need to be implemented by way of condition.

The condition would also allow the minor level changes to be absorbed within the existing building footprint where possible.

Clause 55 Compliance Summary

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		The development provides an appropriate mix of one (1) and two (2) bedroom units. All of the units are fully accessible and DDA compliant.	Y	Y
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support the new development.	Y	Y
55.02-5	B5	Integration with the street		
		The development fronts Stokes Street and provides adequate vehicle and pedestrian links. The development would maintain local accessibility.	Y	Y
55.03-1	B6	Street setback		
		Please see detailed assessment above.	N	Y
55.03-2	B7	Building height		
		Please see assessment above.	N	Y
55.03-3	B8	Site coverage		
		47%	Y	Y
55.03-4	B9	Permeability		
		20%	Y	Y

55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. See detailed assessment above.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided. Good surveillance is provided to the front of the site from within the units. A condition would require good lighting to outside common areas.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval. See detailed assessment above.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area. Only two (2) crossovers are provided to the four (4) lots with a 46.71 metre frontage.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are located acceptable given the minor number of vehicles utilising the accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		See detailed assessment above.	N	Y
55.04-2	B18	Walls on boundaries		
		No walls are proposed on the site boundaries.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report. Complies subject to condition.	Y	Y
55.04-7	B23	Internal views		
		There are no unreasonable internal views	Y	Y

55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The units would be accessible and DDA compliant.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		See detailed assessment above.	N	Y
55.05-5	B29	Solar access to open space		
		The balconies would have good access to natural daylight in accordance with the objective.	N	Y
55.05-6	B30	Storage		
		Storage is provided however the arrangement is considered to be complex. Given the compact size of the units, a condition of approval is recommended to require that the provision of a minimum of 3 cubic metres of storage is achieved for each of the units in a more logical and convenient arrangement. Complies subject to conditions.	N	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting as covered in the assessment.	Y	Y
55.06-2	B32	Front fences		
		A 1.1 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

16-20 Stokes Street and 15-19 Penola Street, Preston:

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		

		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		The development provides an appropriate mix of one (1) and two (2) bedroom units. All of the units are fully accessible and DDA compliant.	Y	Y
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support the new development.	Y	Y
55.02-5	B5	Integration with the street		
		The development fronts both Stokes and Penola Street and provides for adequate vehicle and pedestrian links. The development would maintain local accessibility.	Y	Y
55.03-1	B6	Street setback		
		Please see detailed assessment above.	N	Y
55.03-2	B7	Building height		
		Please see assessment above.	N	Y
55.03-3	B8	Site coverage		
		57%	Y	Y
55.03-4	B9	Permeability		
		23%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. See detailed assessment above.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided. Good surveillance is provided to the street frontages of the site from within the units.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval. See detailed assessment above.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area. Only two (2) crossovers are provided to the six (6) lots.	Y	Y

55.03-10	B15	Parking location		
		Parking facilities are predominantly located within the basement and proximate to the dwellings they serve. The access is observable and car park secure.	Y	Y
55.04-1	B17	Side and rear setbacks		
		See detailed assessment above.	N	Y
55.04-2	B18	Walls on boundaries		
		No walls are proposed on the site boundaries.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		The shadow diagrams submitted with the application demonstrate that the development would not impact neighbouring secluded private open space or habitable room windows.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report. Complies subject to condition.	Y	Y
55.04-7	B23	Internal views		
		There are no unreasonable internal views.	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The units would be accessible and DDA compliant.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		See detailed assessment above.	N	Y
55.05-5	B29	Solar access to open space		
		The balconies and ground level courtyards would have good access to natural daylight in accordance with the objective.	N	Y

55.05-6	B30	Storage		
		Storage is provided however the arrangement is considered to be complex.. Given the compact size of the units, a condition of approval is recommended to require that the provision of a minimum of 3 cubic metres of storage is achieved for each of the units in a more logical and convenient arrangement. Complies subject to conditions.	N	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting as covered in the assessment.	Y	Y
55.06-2	B32	Front fences		
		No front fence is provided.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

Referral Summary

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Strategic Planning	<ul style="list-style-type: none"> • opportunity to set a positive precedent for the broader precinct, in terms of architectural excellence, landscaping and implementing best practice ESD measures. • Proposed 4 storey built form is consistent with the DPO11 and provide a suitable transition to the adjoining GRZ2. • Street wall should be no more than 3 storeys • Perimeter landscaping should be provided. • Traffic impacts on the broader precinct would need consideration.
Environmentally Sustainable Design Officer	Sustainable Management Plan required.
Urban Design	<ul style="list-style-type: none"> • Scale of building generally consistent with planning policy. • Landscaping to be maximised along site boundaries. • Daylight level for south facing units to be considered. • Three storey street wall with recessive upper levels should be maintained.
Transport Management and Planning	No objection, subject to conditions included in recommendation.

Melbourne Water	No objection, subject to conditions included in recommendation.
Public Transport Victoria	No objection.

Planning Scheme Summary

Darebin Planning Scheme clauses under which a permit is required

29-35 Stokes Street, Preston:

- Clause 32.08-4 – development of the land for two or more dwellings.
- Clause 52.06-3 – reduce the standard car parking requirement.
- Clause 44.05-1 – Buildings and works within a Special Building Overlay.

16-20 Stokes Street and 15-19 Penola Street, Preston:

- Clause 32.07-4 – Construction of two or more dwellings.
- Clause 52.06-3 – reduce the standard car parking requirement.
- Clause 44.05-1 – Buildings and works within a Special Building Overlay.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.08, 32.07
Overlay	43.04, 44.05, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F3

Policy Implications

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

Social Inclusion and Diversity

Nil

Other

Nil

Financial And Resource Implications

There are no financial or resource implications as a result of the determination of this application.

Future Actions

Nil

Related Documents

Darebin Planning Scheme and the Planning and Environment Act 1987 as amended.

Attachments

Aerial Map and Plans (**Appendix A**)

Disclosure of Interests

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

ADMISSION OF URGENT BUSINESS

Council Resolution

MINUTE NO. 17-092

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

That a Confidential Urgent Business item relating to 'Application For Planning Permit 658-664 High Street, Thornbury' be admitted to the agenda and heard at Item 15.1.

CARRIED

11. PETITIONS

11.1 TABLING OF PETITION – TRAFFIC LIGHTS AT ST. GEORGES AND ARTHURTON ROADS

Council Resolution

MINUTE NO. 17-093

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

That the petition:

“We, the undersigned, hereby petition the Federal and State Governments and the Mayor and Councillors of Darebin City Council and Vic Roads about the traffic lights at St. Georges and Arthurton Roads. Due to the M40 Water Project, and all of the pedestrian accesses being closed on St. Georges Road. All of the pedestrian traffic has been pushed down to the intersection of St. Georges and Arthurton Road. The lights are currently very dangerous, with not enough time to cross in one green man. We are proposing the green man be extended to allow pedestrian to cross in one light. A student from a local school was hit prior to Christmas and due to the trams, bikes, and increased pedestrian traffic the current situation is very dangerous.

We ask for a formal review of the traffic lights and we wish for pedestrians to cross in one light”

be tabled and referred to the Chief Executive.

CARRIED UNANIMOUSLY

Councillor Laurence left the meeting during discussion of the above item at 7.10 pm.

11.2 TABLING OF PETITION – CLOSURE OF MINOR CROSSINGS BETWEEN SEPARATION STREET AND NORMANBY AVENUE ON ST. GEORGES ROAD

Council Resolution

MINUTE NO. 17-094

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

That the petition:

“We, the undersigned, hereby petition the Federal and State Governments and the Mayor and Councillors of Darebin City Council against the permanent closures of the minor crossings between Separation Street and Normanby Avenue on St. Georges Road.

- *The temporary closure of these crossings has already had a huge impact on traffic congestion at main intersections as drivers are blocking through traffic waiting to make u-turns and increasing the number of cars driving through school and park zones in residential streets.*
- *Increased traffic on Woolhouse St and Leinster Grove is impacting accessibility for school buses and parents to Croxton Special School.*
- *Increased traffic on other minor streets in an attempt to avoid St. Georges Road intersections is a safety issue.*
- *Local businesses are affected.*

6. CONSIDERATION OF REPORTS

6.1 APPLICATION FOR PLANNING PERMIT D/398/2106 PRESTON MARKET

Author: Manager Planning and Building

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Preston Market Developments c/o Urbis Pty Ltd	Preston Market Developments Pty Ltd	Urbis Pty Ltd 12/120 Collins St MELBOURNE VIC 3000

SUMMARY

- This application seeks approval for a mixed use development on the Preston Market site and actively supports the implementation of the Preston Market Incorporated Plan through development that will support securing the long term business sustainability of the fresh food market.
- In 2007, Council actively sought to amend its planning scheme and actively facilitate the redevelopment of Preston Market site through increasing the retail offer and in particular residential accommodation that would be synergistic toward an improved economic performance of the site. This plan was undertaken with the present in mind and its core aim to maintain the fresh market as a positive point of commercial difference for Preston Central.
- The assessment in this report is largely guided by the Preston Central Structure Plan and Preston Market Incorporated plan.
- Stage 1 of the Preston Market redevelopment comprises three (3) planning applications referred to as Stage 1a, 1b and 1c,. This application comprises only Stage 1b of the proposed redevelopment of the Preston Market site and is the most transformative of three applications. Stage 1b involves the development of two (2) 10-storey buildings containing commercial uses and 130 apartments.
- The Loft Building contains 38 apartments and no car parking spaces and an owners corporation structure based on principles of the Nightingale model, which was approved for Station Street Fairfield.
- The Laneway Building contains 92 apartments and 54 car parking spaces.
- In relation to owners and occupiers external to the site, the application is exempt under the Darebin Planning Scheme from the notice and appeal provisions of the Planning and Environment Act 1987.
- The proposal is generally consistent with the objectives and standards of the Preston Market Incorporated Plan (2007) and Clauses 22.06, 52.06, 52.29 and 52.34 of the Darebin Planning Scheme.
- The site is zoned Priority Development Zone (Schedule 1).
- An Environmental Audit Overlay and Special Building Overlay apply
- There is no restrictive covenant on the title for the subject land.

- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 698 submissions were received against this application. The overwhelming majority of the submissions are provided in a pro-form format.
- The proposal is generally consistent with the objectives and standards of the Preston Market Incorporated Plan (2007) and Clauses 22.06, 52.06, 52.29 and 52.34 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Owners and occupiers located within the Market site were formally notified of the application by letter. One (1) objection was received against the application.
- Owners and occupiers external to the site were notified of the application via a courtesy letter informing them of the application and their rights in relation to appeal.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, Urban Design Officer and the ESD officer.
- This application was referred externally to VicRoads, Melbourne Water, PTV and Jemena Electricity.

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

- *Stuart McGurn on behalf of the Applicant*
- *Charles Leonidas on behalf of the Owner*

Recommendation

THAT Planning Permit Application D/398/2016 be supported and a Planning 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: 1b-10, 1b-30, 1b-31, 1b-32, 1b-33, 1b-34, 1b-35, 1b-36, 1b-37, 1b-38, 1b-39, 1b-40, 1b-41, 1b-51, 1b-52, 1b-53, 1b-54, 1b-61, 1b-62, 1b-63, 1b-80, 1b-81 and 1b-81 (all revision 02), dated 30 November 2016, prepared by NH Architecture job no. 150260) and 1b-001, 1b-002, 1b-003, 1b-102, 1b-110, 1b-120, 1b-121, 1b-122, 1b-123, 1b-200, 1b-201, 1b-202, 1b-203, 1b-204, 1b-704, 1b-705, 1b-706, 1b-707, 1b-708, 1b-709, 1b-720, 1b-721, 1b-901, 1b-902 and 1b-903 (all revision P3), dated 7 April 2016, prepared by Aspect Studios, but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 5 of this Permit).
 - b) Any modifications in accordance with the PTV requirements (Refer to Condition 25 to 29 of this Permit).
 - c) Any modifications in accordance with the VicRoads requirements (Refer to Condition 30 to 32 of this Permit).
 - d) A car parking management plan in accordance with Condition No. 6 of this Permit.
 - e) The provision of pedestrian visibility splays in accordance with AS2890.1:2004 to the vehicle access ramp to the basement car park and to the vehicle access ramp to the podium car park.

- f) All disabled car parking spaces designed in accordance with AS2890.6:2006.
- g) All structural columns positioned in accordance with Clause 52.06 of the Darebin Planning Scheme to ensure the useability of the car parking spaces and access lanes.
- h) Provision of change rooms and showers for bicycle commuters in accordance with Clause 52.34-3 of the Darebin Planning Scheme.
- i) Confirm method of operation for windows, to maximise ventilation.
- j) External vertical retractable shading devices to all west facing glazing and / or balconies.
- k) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3m above the level of the public footpath.
- l) Allocation of all car parking spaces.

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 NH Architecture and Breathe 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 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) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

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

Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

6. Before the development starts, a car parking management plan prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority

The management plan must include but not limited to the following information:

- a preamble setting out the background to the preparation of the document,
- a statement of the purposes of the plan;
- a statement of the overarching principles for car parking management;
- a list of actions, more specific car parking management actions whose implementation is specifically encouraged;
- details of car parking management arrangements for future stages of the market re-development;
- car sharing arrangements between various uses;
- management of car parking during construction;
- proposed traffic management and control works on site and on adjoining roads;
- details of how car parking and loading would be managed across all land in the Priority Development Zone Schedule 1 (Preston Market) throughout the development stages including any proposed parking restrictions, hours of operation and security arrangements where relevant;
- how the site will operate, including predicted peak demands, parking restrictions, hours of operation, security arrangements, any off-site parking requirements, etc during potential interim stages and during construction;
- the overall operation of the Preston market car park;
- an assessment of car parking demand taken at the completion of each immediately prior stage of development or the application. The assessment is to enable car parking provision to be monitored as floor areas increase and patronage, travel patterns and the mix of uses change, with a view to minimising parking oversupply at any one stage of development
- regular review of the plan;
- reporting to Council,
- intervention by Council, and
- dispute resolution mechanisms.

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

7. Before the construction or carrying out of buildings and works either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with.

Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

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. The development must be constructed in accordance with the requirements recommendations of the approved Acoustic Assessment prepared by Norman Disney and Young dated 21 April 2016, to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development, a report from the author of the Acoustic Assessment, 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 Acoustic Assessment have been implemented in accordance with the approved Plan and noise and vibration complies with the requirements of the report.
11. The Waste Management Plan prepared by Leigh Design Pty Ltd 5 April 2016 will be endorsed to form part of this permit. The recommendations of the plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

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

13. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved Plan.
 14. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
 15. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
 16. Only one (1) communal television antenna may be erected on each building. Individual antennae for individual dwellings/tenancies must not be erected.
 17. 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.
 18. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the shared entry to each building, access to each basement 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.
 19. The land must be drained to the satisfaction of the Responsible Authority.
 20. 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.
 21. 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.
 22. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 23. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Line marked and;
 - e) 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.
-

24. Before the development is occupied, vehicular crossings 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.

PTV Conditions:

25. The proposed altered vehicle access at the southern end of Station Avenue and integration with the existing car park must be designed and constructed to the satisfaction of Vic Track, Metro Trains Melbourne (MTM) and Public Transport Victoria at the full cost to the permit holder.
26. The permit holder must take all reasonable steps to ensure the relocated vehicle access is communicated to the public and access is retained during construction with appropriate signposting to the satisfaction of Vic Track, MTM and Public Transport Victoria.
27. Access to VicTrack land during construction and for maintenance purposes after completion will require permission from Metro Trains Melbourne and Vic Track and will be subject to both organisation's site access procedures and conditions.
28. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Murray Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
29. The existing bus stop and associated infrastructure on Murray Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder

Vicroads Conditions:

30. Before the development starts, amended plans and surveyed Functional Layout Plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans (NH Architecture Ref: 150260) dated 18/04/2016 and annotated as but modified to show:

For the intersection of Murray Road and Mary Street must show:

- a) Approach and departure lane widths for the east approach of Murray Road at Mary Street (interim layout) to be a minimum of 3.0m.
- b) Eastbound right turn storage lane into Mary Street to provide adequate storage based on SIDRA analysis Ref#16M1366000 and dated 04 July 2016 and submitted to VicRoads on 7 July 2016.

For the intersection (interim layout) of Murray Road and Station Avenue must show:

- a) Traffic island at Station Avenue entry prohibiting eastbound right turn in to Station Avenue.
- b) One way left-in only from Murray Road.

31. Before the use approved by this permit commences or before the buildings are occupied, the following roadworks on Murray Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
- a) New signalised intersection at Mary Street and Murray Road.

- b) Traffic island at Station Avenue entrance on Murray Road.
 - c) Removal of redundant pedestrian operated signals in front of Centrelink (251 Murray Road, Preston).
 - d) Signage and line-marking as required.
32. Should a signalised intersection be required by the Responsible authority at Station Avenue and Cramer Street, those signals must be interlinked with the level crossing signals on Cramer Street.

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

VICROADS NOTATIONS:

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- a) New signalised intersection at Mary Street and Murray Road.
- b) Traffic island at Station Avenue entrance on Murray Road
- c) Removal of redundant pedestrian operated signals in front of Centrelink (251 Murray Road, Preston)
- d) Removal of redundant crossovers from existing Aldi carpark and reinstatement to kerb and channel
- e) Signage and line-marking as required.

Council Resolution**MINUTE NO. 17-096**

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

That Council refuse the application with grounds as follows:

- (1) The development does not meet the requirements of the Darebin Planning Scheme regarding;
 - (a) Provision of adequate car parking spaces, Clause 52.06.
 - (b) The apartment mix does not facilitate a diverse range of housing stock, Clause 22.06

- (c) The proposal fails to respond to the characteristics of the market locality and interface issues resulting in loss of natural sun light access to the open air market caused through a lack of height gradation of taller buildings away from the open air fresh food market.
- (2) The development is contrary to the Preston Market Incorporated Plan 2007 development objectives and design principles regarding;
- (a) The application does not facilitate affordable and social housing opportunities as encouraged by the Preston Market Incorporated Plan 2007.
 - (b) The development proposes a vertical street wall adjacent Murray Road that exceeds the preferred maximum of 4 storeys.
 - (c) Lack of adequate upper level recesses –
 - (d) Above ground car parking is not designed to present a sufficiently attractive building interface
 - (e) Land use composition will severely compromise the fresh food market and its traditional retailing style, openness, informality and ambience
 - (f) The staging compromises the orderly and proper planning of the balance of the Preston Market site as the proposal has not adequately demonstrated that it will not impinge on best future options available for the redevelopment of the balance of the site that ensures the preservation of the fresh food market.
- (3) In accordance with relevant sections of the Planning and Environment Amendment (Recognising Objectors) Act 2015, the extraordinary high number of objections is clearly indicative of the scale of a social effect on the community, the presence of a specific social need in the community and the social significance of the site to the community including Darebin's aged, disadvantaged and multicultural community.

CARRIED UNANIMOUSLY

Councillor Amir temporarily left the meeting during discussion of the above item at 7.13 pm and returned to the meeting at 7.15 pm.

Jolyon Boyle, Principal Planner, entered the meeting during discussion of the above item at 6.14 pm.

6.2 APPLICATION FOR PLANNING PERMIT D/293/2016 Preston Market

Author: Manager Planning and Building

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Preston Market Developments c/o Urbis Pty Ltd	Preston Market Developments Pty Ltd	Urbis Pty Ltd 12/120 Collins St MELBOURNE VIC 3000

SUMMARY

- This application relates to Stage 1c of the proposed redevelopment of the Preston Market site. Stage 1c involves the development of one (1) 14-storey building known as the Station building containing 170 apartments.
- The application is in essence 11 storeys of residential apartments with first three levels being included in planning application D398/2016 for the Stage 1B redevelopment of the Preston market.
- The proposal is generally consistent with the objectives and standards of the Preston Market Incorporated Plan (2007) and Clauses 22.06, 52.06, 52.29 and 52.34 of the Darebin Planning Scheme, differing only on the preferred height limits..
- The site is zoned Priority Development Zone (Schedule 2).
- An Environmental Audit Overlay and Special Building Overlay apply.
- There is no restrictive covenant on the title for the subject land.
- At the time of writing this report 698 objections were received. The vast majority of these objections were provided in a pro-forma format.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site, letters sent to surrounding owners and occupiers and an advertisement in a local newspaper.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, Urban Design Officer and the ESD officer.
- This application was referred externally to VicRoads, Melbourne Water, PTV and Jemena Electricity.

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

- *Stuart McGurn on behalf of the Applicant*
- *Lori-Anne Sharp and Chris Erlandsen - Objectors*

Recommendation

THAT Planning Permit Application D/393/2016 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: 1c-10, 1b-31, 1c-32, 1c-33, 1b-34, 1c-35, 1c-36, 1b-37, 1b-38, 1b-39, 1b-40, 1c-41, 1c-42, 1c-43, 1c-44, 1c-46, 1c-53, 1c-61, 1c-81 and 1c-82 (all revision 02), dated 30 November 2016, prepared by NH Architecture job no. 150260) and 1b-001, 1b-002, 1b-003, 1b-102, 1b-110, 1b-120, 1b-121, 1b-122, 1b-123, 1b-200, 1b-201, 1b-202, 1b-203, 1b-204, 1b-704, 1b-705, 1b-706, 1b-707, 1b-708, 1b-709, 1b-720, 1b-721, 1b-901, 1b-902 and 1b-903 (all revision P3), dated 7 April 2016, prepared by Aspect Studios, but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 5 of this Permit).
 - b) Any modifications in accordance with the PTV requirements (Refer to Conditions 24 to 28 of this Permit).
 - c) Any modifications in accordance with the VicRoads requirements (Refer to Condition 29 to 31 of this Permit).
 - d) The provision of pedestrian visibility splays in accordance with AS2890.1:2004 to the vehicle access ramp to the basement car park and to the vehicle access ramp to the podium car park. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - e) All disabled car parking spaces designed in accordance with AS2890.6:2006.
 - f) All structural columns positioned in accordance with Clause 52.06 of the Darebin Planning Scheme to ensure the useability of the car parking spaces and access lanes.
 - g) Provision of change rooms and showers for bicycle commuters in accordance with Clause 52.34-3 of the Darebin Planning Scheme.
 - h) Confirm method of operation for windows, to maximise ventilation.
 - i) External vertical retractable shading devices to all west facing glazing and / or balconies.
 - j) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3m above the level of the public footpath.

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 NH Architecture and Breathe 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 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. Before the construction or carrying out of buildings and works either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

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

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006.

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

8. The development must be constructed in accordance with the requirements recommendations of the approved Acoustic Assessment prepared by Norman Disney and Young dated 21 April 2016, to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the development, a report from the author of the Acoustic Assessment, 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 Acoustic Assessment have been implemented in accordance with the approved Plan and noise and vibration complies with the requirements of the report.
10. The Waste Management Plan prepared by Leigh Design Pty Ltd dated 5 April 2016 be endorsed to form part of this permit. The recommendations of the plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

11. The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
 12. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets
 13. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved Plan.
 14. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority.
-

All costs associated with any such modifications must be borne by the applicant/developer.

15. Only one (1) communal television antenna may be erected on each building. Individual antennae for individual dwellings/tenancies must not be erected.
16. 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.
17. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the shared entry to each building, access to each basement 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.

18. The land must be drained to the satisfaction of the Responsible Authority.
19. 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.
20. 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.
21. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
22. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Line marked and;
 - e) 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.

23. Before the development is occupied, vehicular crossings 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.

PTV Conditions:

24. The proposed altered vehicle access at the southern end of Station Avenue and integration with the existing car park must be designed and constructed to the satisfaction of Vic Track, Metro Trains Melbourne (MTM) and Public Transport Victoria at the full cost to the permit holder.
25. The permit holder must take all reasonable steps to ensure the relocated vehicle access is communicated to the public and access is retained during construction with appropriate signposting to the satisfaction of Vic Track, MTM and Public Transport Victoria.

26. Access to VicTrack land during construction and for maintenance purposes after completion will require permission from Metro Trains Melbourne and Vic Track and will be subject to both organisation's site access procedures and conditions.
27. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Murray Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
28. The existing bus stop and associated infrastructure on Murray Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads Conditions:

29. Before the development starts, amended plans and surveyed Functional Layout Plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans (NH Architecture Ref: 150260) dated 18/04/2016 and annotated as but modified to show:

For the intersection of Murray Road and Mary Street must show:

- a) Approach and departure lane widths for the east approach of Murray Road at Mary Street (interim layout) to be a minimum of 3.0m.
 - b) Eastbound right turn storage lane into Mary Street to provide adequate storage based on SIDRA analysis Ref#16M1366000 and dated 04 July 2016 and submitted to VicRoads on 7 July 2016.
 - c) For the intersection (interim layout) of Murray Road and Station Avenue must show:
 - d) Traffic island at Station Avenue entry prohibiting eastbound right turn in to Station Avenue
 - e) One way left-in only from Murray Road.
30. Before the use approved by this permit commences or before the buildings are occupied, the following roadworks on Murray Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - a) New signalised intersection at Mary Street and Murray Road.
 - b) Traffic island at Station Avenue entrance on Murray Road.
 - c) Removal of redundant pedestrian operated signals in front of Centrelink (251 Murray Road, Preston).
 - d) Signage and line-marking as required.
 31. Should a signalised intersection be required by the Responsible authority at Station Avenue and Cramer Street, those signals must be interlinked with the level crossing signals on Cramer Street.

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

VICROADS NOTATIONS:

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- a) New signalised intersection at Mary Street and Murray Road.
- b) Traffic island at Station Avenue entrance on Murray Road
- c) Removal of redundant pedestrian operated signals in front of Centrelink (251 Murray Road, Preston)
- d) Signage and line-marking as required.

Council Resolution

MINUTE NO. 17-097

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

That Council refuse the application with grounds as follows:

- (1) The development does not meet the requirements of the Darebin Planning Scheme regarding:
 - (a) Provision of adequate car parking spaces, Clause 52.06.
 - (b) The internal amenity of one bedroom apartments is substandard arising from the limited floor space and small balconies, Clause 22.06.
 - (c) The apartment mix as it does not facilitate a diverse range of housing stock, Clause 22.06.
 - (d) The proposal fails to respond to the characteristics of the market locality and interface issues resulting in loss of natural sun light access to the open air market caused through a lack of height gradation of the taller buildings away from the open air fresh food market.
- (2) The development is contrary to the Preston Market Incorporated Plan 2007 development objectives and design principles regarding:
 - (a) The lack of affordable and social housing opportunities as encouraged by the Preston Market Incorporated Plan 2007.

- (b) Exceeds the 10 storey preferred height limit.
 - (c) The development proposes a vertical street wall adjacent Murray Road that exceeds the preferred maximum of 4 storeys.
 - (d) The location of above ground car parking in adjacent buildings shown in planning application D398/2016 is not designed to present a sufficiently attractive building interface or an acceptable parking arrangement.
 - (e) The staging compromises the orderly and proper planning of the balance of the Preston Market site as the proposal has not adequately demonstrated that it will not impinge on best future options available for the redevelopment of the balance of the site that ensures the preservation of the fresh food market.
- (3) In accordance with relevant sections of the Planning and Environment Amendment (Recognising Objectors) Act 2015, the extraordinary high number of objections is clearly indicative of the scale of a social effect on the community, the presence of a specific social need in the community and the social significance of the site to the community including Darebin's aged, disadvantaged and multicultural community.

CARRIED UNANIMOUSLY

Council Resolution

MINUTE NO. 17-098

MOVED: Cr. G Greco
SECONDED: Cr. L Messina

That Council:

- (1) Immediately writes to the Minister for Planning, Hon. Richard Wynn MP advising him as follows:
- a. Council has on numerous attempts tried to resolve outstanding matters with the owner/ developers regarding the future of the Preston Market.
 - b. Council's decision to refuse the planning application permits D/398/2016 and D/293/2016.
 - c. Council's request for him to use his powers of intervention to call-in planning application permits D/398/2016 and D/293/2016 regarding the Preston Market site under section 97B of the *Planning and Environment Act 1987*.
 - d. In the event the applications are appealed to VCAT that he call-in the above planning applications under clause 58 of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*.
 - e. Council considers he should call in these planning applications because they are of regional significance beyond the immediate locality and raise issues of public interest due to the social significance of the Preston Market.
 - f. He immediately introduces interim planning controls that will safeguard the social significance of Preston Market pending a review of the Preston Market Incorporated Plan by Council.
- (2) Also writes to Local State and Federal MP's seeking letters of support that call on the Planning Minister to use his powers of intervention to call-in the current application regarding the market site and immediately introduces interim planning controls.

- (3) Accelerates the finalisation of a Preston Market Heritage Study identifying the historical, social, and cultural significance of the Preston Market and the site in order that such a study can support Council's request for the Minister for Planning to call in planning applications (stages 1B and 1C) and any subsequent planning applications for redevelopment of the Market site until such time that the Minister can introduce further planning controls over the Preston Market site that enhance the long term prospects of the Preston Market continuing its traditional retailing role in Preston.

CARRIED UNANIMOUSLY

Jolyon Boyle, Principal Planner, left the meeting during discussion of the above item at 8.07 pm.

Darren Rudd, Manager Planning and Building, left the meeting at the conclusion of the above item at 8.16 pm.

6.3 DONATH RESERVE AND DOLE RESERVE MASTER PLAN**Author:** Coordinator Public Realm**Reviewed By:** Director City Futures and Assets

Report Background

At its meeting held on 12 December 2016 Council resolved:

'That Council requests officers to bring a report to a Council meeting in February 2017 that Council:

- 1. Explores ways to facilitate funding of the Donath and Dole Reserves Master Plan for consideration as part of the 202017/2018 budget process.*
- 2. Sets terms of reference regarding the establishment of a Donath and Dole Community Reference Group'*

This report responds to that motion.

Previous Council Resolution

At the 5 May 2014 Ordinary Meeting, it was resolved:

'That Council:

- 1. Approve the Draft Donath-Dole Reserves Master Plan for community consultation.*
- 2. Receive a further report in June 2014 considering community feedback.*
- 3. Receive the final Master Plan for approval in July 2014.'*

These items have been completed.

This follows from the 2 December 2013 Ordinary Meeting where Council resolved:

'That:

- 1. Council note progress on Donath/Dole Master Plan.*
- 2. Council receive a report on the Draft Donath/Dole Master Plan prior to its release for public consultation in March 2014.*
- 3. The Draft Report specifically identify recreational activities for youth.'*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Goal 2 - Healthy and Connected Community
- Donath and Dole Reserves Master Plan (2014)
- Open Space Strategy (2007-2017)
- GreenStreets Streetscape Strategy (2012-2020)
- Playspace Strategy (2010-2020)

Summary

- The Donath and Dole Reserves Master Plan was prepared in 2014 to identify and prioritise the actions required to upgrade the reserves. The final Master Plan was adopted by Council in September 2014.
- As part of the creation of the Master Plan, an extensive community consultation process was undertaken and the consultation summary forms part of the Master Plan.
- Each year since its adoption (2014/2015, 2015/2016, 2016/2017), capital works funding has been allocated to the implementation of the Master Plan.
- Additional consultation has occurred before the implementation of each recommendation including site meetings and letters to residences within 500m of the reserves.

Recommendation**That Council:**

- (1) Note that significant consultation has occurred both at the time of the Master Plan development and at each stage of the implementation Master Plan projects.
- (2) Note that council officers will continue to consult with the community for the implementation of all future Master Plan recommendations.
- (3) Consider funding for the ongoing delivery of the Donath Dole Master Plan in the 2017/2018 capital works budget process.
- (4) Note that given the extensive consultation carried out to date and the continued successful implementation of the recommendations listed in the Master Plan, the setting of terms of reference regarding the establishment of a Donath and Dole Community Reference Group is not required.

Council Resolution**MINUTE NO. 17-099**

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

That Council:

- (1) Note that significant consultation has occurred both at the time of the Master Plan development and at each stage of the implementation Master Plan projects.
- (2) Note that council officers will continue to consult with the community for the implementation of all future Master Plan recommendations.
- (3) Consider funding for fast tracking delivery of the Donath Dole Master Plan in the 2017/2018 capital works budget process.
- (4) Note that given the extensive consultation carried out to date and the continued successful implementation of the recommendations listed in the Master Plan, Council should give further consideration to establishing a Donath and Dole Community Reference Group, subject to budget considerations.

CARRIED UNANIMOUSLY

**6.4 APPOINTMENT OF DAREBIN ARTS AMBASSADORS
REFERENCE GROUP MEMBERS****Author:** Manager Creative Culture and Events**Reviewed By:** Director Community Development

Report Background

A renewed Terms of Reference (**Appendix A**) of the Darebin Arts Ambassadors Reference Group and the recruitment of new members to the Group was endorsed by Council resolution on 18 July 2016.

A recruitment process was conducted in late 2016 for community and creative sector membership of the Group.

Previous Council Resolution

At its meeting held on 18 July 2016, Council resolved:

'That Council Endorse and adopt the updated Darebin Arts Ambassadors Reference Group Terms of Reference...

and

Endorse the proposal to recruit new Ambassadors in alignment with the updated Darebin Arts Ambassadors Reference Group Terms of Reference.'

Previous Briefing(s)

Councillor Briefing – This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Goal 4 - Thriving and Creative Culture
- Darebin Arts Strategy 2014-2020

Summary

This report summarises the process to recruit membership of the Darebin Arts Ambassadors Reference Group and recommends ten community and creative sector members to be endorsed as Ambassadors for a 24 month period as per the Terms of Reference for the Group.

Council Resolution

MINUTE NO. 17-100**MOVED:** Cr. S Amir
SECONDED: Cr. G Greco

That Council Appoint April Brenner, Christopher Bell, Hannes Berger, Lindy de Wijn, Lisa Horler, Margaret Anne Learmonth, Mark Tregonning, Melissa O'Donovan, Simon Clarke and Victoria Canning as community representatives of the Darebin Arts Ambassadors Reference Group for a 24 month period in alignment with the Terms of Reference.

CARRIED UNANIMOUSLY

6.5 APPOINTMENT OF DAREBIN WOMEN'S ADVISORY COMMITTEE MEMBERS**Author:** Manager Families, Diversity and Community**Reviewed By:** Director Community Development

Report Background

An Expression of Interest process for new members for the next two year term of the Darebin Women's Advisory Committee has now been completed. Twelve vacancies existed with 55 applications received.

Attached to this report (**Appendix A**) are the updated Darebin Women's Advisory Committee Terms of Reference.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 2 Healthy and Connected Community
Goal 6 Open and Accountable Democracy
Darebin Gender Equity Action Plan 2012-2015 (17)

Summary

This report summarises the 55 Expressions of Interest received from community members for the Darebin Women's Advisory Committee, and recommends endorsement of 12 submissions (for the 12 vacancies on the Committee) based on merit and capacity to fulfil obligations as set out in the updated Terms of Reference.

Council Resolution

MINUTE NO. 17-101**MOVED:** Cr. J Williams**SECONDED:** Cr. S Amir

That Council:

- (1) Appoint Judeline Wadhvani; Briare McElhone; Jenny Pike; Emet Alpay; Phoebe Prosser; Ruth Dearnley; Shanae Murnane; Tamatha Harding and Stephanie Reid as newly appointed community representatives and Elodie Silberstein; Leanne Miller and Reham Abdelmegid as returning community representatives to the Darebin Women's Advisory Committee for a 24 month period in alignment with the Terms of Reference.
- (2) Endorses the updated Terms of Reference.

CARRIED UNANIMOUSLY

Phil Shanahan, Acting Chief Executive, temporarily left the meeting during discussion of the above item at 8.22 pm.

6.6 APPOINTMENT OF DAREBIN ABORIGINAL ADVISORY COMMITTEE MEMBERS

Author: Manager Families, Diversity and Community

Reviewed By: Director Community Development

Report Background

An Expression of Interest process seeking new members for the next two year term of the Darebin Aboriginal Advisory Committee has now been completed. Eleven vacancies existed in addition to standing membership for the **Wurundjeri** Tribe Land and Compensation and Cultural Heritage Council as Traditional Owner representatives on the Committee bringing community membership to twelve.

Attached to this report (**Appendix A**) are the updated Darebin Aboriginal Advisory Committee Draft Terms of Reference (**Appendix B**).

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

- Goal 2 Healthy and Connected Community
- Goal 6 Open and Accountable Democracy
- Darebin Aboriginal Action Plan 2012-2015 (17)

Summary

This report summarises the eight Expressions of Interest received for community membership of the Darebin Aboriginal Advisory Committee and recommends endorsement of all 8 submissions based on merit and capacity to fulfil obligations as set out in the Terms of Reference.

Council Resolution

MINUTE NO. 17-102

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

That Council:

- (1) Appoint Alan Brown; Caine Muir; Carol Harrison; Cheryl Harrison; Ellie Jean Singh; Erica Higgins; Jenaya Kastamonitis and Jo-Ann Proctor as community representatives of the Darebin Aboriginal Advisory Committee for a 24 month period in alignment with the Terms of Reference.
- (2) Endorse co-opting of 3 vacancies onto the Committee as identified and in accordance to Terms of Reference guidelines.
- (3) Endorse the Draft Terms of Reference.

CARRIED UNANIMOUSLY

6.7 PROPOSALS FOR A DAREBIN ENERGY FOUNDATION AND A DAREBIN NATURE TRUST**Author:** Manager Environment and Community Outcomes**Reviewed By:** Director Operations and Environment

Report Background

At the Council meeting held 5 December 2016, Council resolved to establish a working group to develop proposals for a Darebin Energy Foundation and a Darebin Nature Trust. The working group have met four times and this report details the proposed terms of reference for the Foundation and Trust.

Previous Council Resolution

'That Council:

- (1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.*
- (2) Council establishes an Energy and Environment Working Group to further develop Council proposals for a Darebin Energy Foundation and a Darebin Nature Trust, as proposed by four elected Councilors during the recent Council elections. The Working Group will comprise the Mayor and all Councilors who wish to participate and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in February 2017.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 3 – Sustainable and resilient neighbourhoods
- Community Climate Change Action Plan
- Climate Change and Peak Oil Adaptation Plan
- Open Space Strategy

Summary

This report details the proposed development and terms of reference for the Darebin Energy Foundation (Foundation) and the Darebin Nature Trust (Trust) formulated by the Energy and Environment Working Group.

The Foundation and Trust are being formed to ensure bold and ambitious sustainability and liveability goals are achieved by the Darebin Council and community. The proposed first focus for both the Foundation and Trust is to determine the most effective long term governance model for their operations to inform the 2018 -2019 Council budget process. The Foundation will be aligned with the current review of Council's Climate Change Strategies and the Trust will inform the Open Space Strategy Review which is commencing this year.

Recommendation**That Council:**

- (1) Adopt the terms of reference in Appendix C for the Darebin Energy Foundation and appoints the following Councillors as representatives for the Foundation: Councillor.....(Latrobe ward), Councillor.....(Cazaly Ward) and Councillor.....(Rucker Ward).
- (2) Refer \$25,000 for the operation of the Darebin Energy Foundation to the 2017/2018 budget considerations.
- (3) Considers a further report regarding the most effective long term Darebin Energy Foundation governance model by February 2018.
- (4) Adopt the terms of reference in Appendix D and appoints the following Councillors as representatives for the Darebin Nature Trust: Councillor.....(Latrobe ward), Councillor.....(Cazaly Ward) and Councillor.....(Rucker Ward).
- (5) Refer \$25,000 for the operation of the Darebin Nature Trust to the 2017/2018 budget considerations.
- (6) Considers a further report regarding the most effective long term Darebin Nature Trust governance model by February 2018.
- (7) Note the work of the Energy and Environment Working Group to develop these proposals and that the working group has completed its function and will have no further meetings.

Council Resolution**MINUTE NO. 17-103****MOVED: Cr. T McCarthy****SECONDED: Cr. S Amir****That Council:**

- (1) Adopt the terms of reference in Appendix C for the Darebin Energy Foundation and appoints the following Councillors as representatives for the Foundation: Councillor Gaetano Greco (Latrobe Ward), Councillor Lina Messina (Cazaly Ward) and Councillor Susan Rennie (Rucker Ward) and the Mayor.
- (2) Refer \$25,000 for the operation of the Darebin Energy Foundation to the 2017/2018 budget considerations.
- (3) Considers a further report regarding the most effective long term Darebin Energy Foundation governance model by February 2018.
- (4) Adopt the terms of reference in Appendix D and appoints the following Councillors as representatives for the Darebin Nature Trust: Councillor Susanne Newton (Latrobe ward), Councillor Steph Amir (Cazaly Ward) and Councillor Trent McCarthy (Rucker Ward) and the Mayor.
- (5) Refer \$25,000 for the operation of the Darebin Nature Trust to the 2017/2018 budget considerations.
- (6) Considers a further report regarding the most effective long term Darebin Nature Trust governance model by February 2018.
- (7) Note the work of the Energy and Environment Working Group to develop these proposals and that the working group has completed its function and will have no further meetings.

CARRIED UNANIMOUSLY

Phil Shanahan, Acting Chief Executive, returned to the meeting during discussion of the above item at 8.27 pm.

6.8 ELECTRIC CARS IN DAREBIN**Author:** Manager Environment and Community Outcomes**Reviewed By:** Director Operations and Environment

Report Background

At the Council meeting held 12 December 2016, Council resolved to receive a preliminary scoping report by 28 February 2017 regarding possible strategies and options to increase uptake of electric cars in Darebin in the medium term, giving consideration to likely future trends.

Previous Council Resolution

At its meeting held on 12 December 2016 Council resolved:

'That Councillors receive a preliminary scoping report by 28 February 2017 regarding possible strategies and options to increase uptake of electric cars in Darebin in the medium term, giving consideration to likely future trends. Strategies should include but not be limited to:

- *Inclusion of electric cars in the council car fleet, and*
- *Installation of electric carpark rapid-charge stations in high-use locations such as Preston Market, La Trobe University and in Broadway and Edwards Street, Reservoir.*
- *Feasibility of an electric car-share initiative.'*

At a previous Council meeting held on 7 July 2014 it was resolved:

'That Council:

- (1) Encourage Electric Vehicle charging stations (both public and private) in new developments through the existing Statutory Planning process.*
- (2) Continue to monitor the actions of other councils such as the Cities of Port Phillip, Melbourne, Moreland and Yarra to remain aware of their decisions around Electric Vehicles.*
- (3) Monitor activities being undertaken by other national and international councils to ensure that we are aware of best practices.*
- (4) At the conclusion of the Victorian Electric Vehicle Trial, develop an Electric Vehicle Policy to guide how Council implement Electric Vehicle infrastructure in the future.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan Goal 3 – Sustainable and resilient neighbourhoods
- Community Climate Change Action Plan
- Climate Change and Peak Oil Adaptation Plan
- Amendment GC42 – Environmentally Sustainable Development (ESD) Local Planning Policy

Summary

This report provides some key information about electric vehicles (EVs) and potential strategies and options to increase uptake of electric cars. The current costs and availability of EVs in Australia are limiting and it is recommended that a further report be considered by Council when information regarding new models is available in 2018. It is recommended that discussions be commenced with key organisations in Darebin who could advance EV use and that Council advocate to the Federal Government to develop an Electric Vehicle Strategy and vehicle emissions standards.

Recommendation

That:

- (1) Council note this report and receive a further briefing on possible strategies and options to increase uptake of electric cars in Darebin and the Council fleet by February 2018 to inform the 2018/2019 budget process.
- (2) Officers commence discussions with organisations that have potential to house charging stations or provide access to electric vehicles including: Preston Market, Northland, Latrobe University and GoGet.
- (3) Council advocate to the Federal Government to create an Electric Vehicle Strategy and tax incentives or other incentives to encourage Electric Vehicle use.
- (4) Council submit a response to the Federal Government draft Regulatory Impact Statement: Improving the efficiency of new light vehicles recommending the highest proposed vehicle emissions standard of 105gCO₂/km by 2025 be adopted.

Council Resolution

MINUTE NO. 17-104

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

That:

- (1) Council note this report and receive a further briefing on possible strategies and options to increase uptake of electric cars in Darebin and the Council fleet by February 2018 to inform the 2018/2019 budget process.
- (2) With the exception of vehicles required for specific operational needs, purchases made up until the commencement of the 2018/2019 budget, are hybrid or made with a priority consideration for vehicles with the highest possible level of environmental performance that is available.
- (3) Officers commence discussions with organisations that have potential to house charging stations or provide access to electric vehicles including: Preston Market, Northland, Latrobe University and GoGet.
- (4) Council advocate to the Federal Government to create an Electric Vehicle Strategy and tax incentives or other incentives to encourage Electric Vehicle use.
- (5) Council submit a response to the Federal Government draft Regulatory Impact Statement: Improving the efficiency of new light vehicles recommending the highest proposed vehicle emissions standard of 105gCO₂/km by 2025 be adopted.

CARRIED UNANIMOUSLY

6.9 NOTICE OF INTENTION TO CAUSE A GENERAL REVALUATION**Author:** City Valuer**Reviewed By:** Director Corporate Services

Report Background

This report complies with the statutory process pursuant to sections 11 and 13H of the *Valuation of Land Act 1960* and recommends that Council resolve to undertake a General Revaluation to be made of all rateable and Fire Services leviable properties in the City of Darebin at levels of value as at 1 January 2018 in accordance with requirements of the *Valuation of Land Act 1960*.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 5 - Excellent Service

Clause 5.3 - Equitable rates, charges and grants - fund programs and services through the ethical, equitable and transparent collection of rates, charges and grants.

Summary

The General Revaluation is the basis for the distribution of the rates which are levied on each rateable property in the municipality and the Fire Services Property Levy is the basis for the funding of the Metropolitan Fire Brigade and the Country Fire Authority.

This report complies with the statutory process pursuant to sections 11 and 13H of the *Valuation of Land Act 1960* and recommends that Council resolve to undertake a General Revaluation to be made of all rateable and Fire Service leviable property in the City of Darebin at levels of value as at 1 January 2018 in accordance with requirements of the *Valuation of Land Act 1960*.

The 2018 General Revaluation will be returned at levels of value as at 1 January 2018 and will be returned to Council no later than 30 June 2018.

Pursuant to Clause 13DH (2) of the *Valuation of Land Act 1960*, prior to Council returning the valuation, the person appointed to make the valuation must also make a Statutory Declaration that the valuation and return together with Supplementary Valuations will be impartial and true to the best of that person's judgement and will be made by that person or under that person's supervision. The City Valuer, Mr David Archer, has made this declaration (**Appendix A**).

Council Resolution

MINUTE NO. 17-105

MOVED: Cr. S Rennie

SECONDED: Cr. G Greco

That Council:

- (1) Resolves to undertake a General Revaluation of all rateable and Fire Services leviable properties in the City of Darebin at levels of value as at 1 January 2018, pursuant to sections 11 and 13H of the *Valuation of Land Act 1960* with the valuation to be returned no later than 30 June 2018 with Mr David Nicholas Archer, AAPI, of 274 Gower Street Preston to be the appointed valuer.
- (2) Provides notice of this resolution to the Valuer-General Victoria and to every other rating authority interested in the General Revaluation as required by section 6 (1) of the *Valuation of Land Act 1960*.
- (3) Notes that a “Statutory Declaration of Impartiality and Competence” has been made by the valuer appointed by Council for the return of the 2018 General Revaluation and Supplementary Valuations made to the 2018 General Revaluation.

CARRIED UNANIMOUSLY

6.10 FINANCIAL REPORT - 6 MONTHS ENDED 31 DECEMBER 2016**Author:** Financial Accountant**Reviewed By:** Director Corporate Services

Report Background

Under the *Local Government Act 1989*, at least every three months the Chief Executive Officer is required to present to the Council a statement comparing the budgeted with the actual revenues and expenses for the financial year to date.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

Councillor Briefing – 20 February 2017

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy

Summary

A comprehensive mid-year financial review has been undertaken for the six months ended 31 December 2016 to assess the financial performance of Council year-to-date and the forecast financial position as at 30 June 2017. The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$68.89 million, which is \$6.56 million ahead of budget and capital works expenditure of \$11.87 million, which is \$10.66 million behind the budget.

The forecast actual result for the year ending 30 June 2017 is an operating surplus of \$10.12 million and capital works expenditure of \$51.66 million. The forecast underlying result for the year ending 30 June 2017 is a surplus of \$4.79 million. All material variations have been explained in the report.

All material variations have been explained in the report.

Council Resolution

MINUTE NO. 17-106**MOVED:** Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council receives the contents of the “Financial Report for the six months ended 31 December 2016” included as Appendix A to this report and notes the year-to-date and full-year forecast actual and budget operating and capital results.

CARRIED UNANIMOUSLY

7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

7.1 PENDERS PARK MASTER PLAN AND PLAYSPACE UPGRADE

Author: Coordinator Public Realm

Reviewed By: Director City Futures and Assets

Report Background

This report responds to a petition tabled at the Council meeting held on 5 December 2016.

Previous Council Resolution

At its meeting on 5 December 2016, Council resolved.

'That the petition:

"We, the undersigned community, wish to advise Darebin City Council that Penders Park needs a substantial upgrade to ensure it meets the requirements of a Major Neighbourhood Park under the Council's Play Strategy.

Penders Park is so important to Thornbury, South Preston and the broader Darebin community on the east side of High Street, as it is one of few larger parks in the area for people to be able to gather, picnic, walk their dogs, exercise, kids to safely ride their bikes and play. With four primary schools and a number of kindergartens and childcare centres within one kilometre this great space is becoming more critical to all our community as housing densifies and people have less and less private space in their backyards.

We ask that the Darebin City Council invest in a substantial upgrade to Penders Park as it is used so regularly by a wide range of community members and groups. This investment would be to upgrade the play area for all abilities as well as upgrading the amenities. Council needs to be providing for all members of the community it serves, all abilities and ages including the aging and the increased younger family demographic, particularly the children in Darebin who need challenging and interesting nature based playgrounds.

We request that Council formally consider this petition at a Council meeting and to:

- 1) Note the significant support for this project by residents.*
- 2) Resolve to undertake a Master Planning Process for Penders Park in 2016/2017 with the community to upgrade Penders Park as an All-Abilities Major Neighbourhood Park.*
- 3) Commit to deliver the Master Plan for Penders Park under the Capital Work Budget in 2017/2018."*

be tabled and a request for a report in early 2017.'

Previous Briefing(s)

This matter is not the subject of a previous Councillor Briefing.

Council Plan Goal/Endorsed Strategy

- Goal 2 - Healthy and Connected Community
- Darebin Open Space Strategy 2007-2017

- Darebin Play Space Strategy 2010-2020

Summary

Penders Park, located on Penders Street, Thornbury, is classed by the Darebin Open Space 2007-2017 and Play Space Strategy 2010-2020 as “a major neighbourhood park play space”. This classification means that the plays pace is a “medium sized play space with a low to medium level of accessible design to and within the play space”.

Any play space in a park of this size is typically composed of off the shelf play equipment with some custom features if applicable. A Major Neighbourhood Park Play Space has a diverse range of amenities including park furniture, planting and shelter and caters to a number of neighbourhoods within the local area, catering to a community that lives within 2km of the park.

Since its adoption, Council has been using the Play Space Strategy as the basis for an annual capital works program to upgrade the 130 play spaces across the Municipality according to their strategic ranking beginning with A for high priority through to C being a lower priority at the time of writing. In the present financial year play spaces with B or C priority are being upgraded with the A priority play spaces having been finished in previous financial years.

The Darebin Play Space Strategy 2010-2020 identifies Penders Park as a priority play space for upgrade the Thornbury precinct with an A* ranking. This ranking notes that it was a high priority for upgrade and as a result was upgraded in parallel to the strategy being written.

Following extensive community engagement, the play space upgrade was completed in 2008-2009. The typical lifespan of a play space is 10-20+ years and a recent audit of the equipment identified no deficiencies.

Recommendation

That Council:

- (1) Note this report regarding the petition response at Penders Park.
- (2) Continue to implement the Darebin Play space Strategy.

Council Resolution

MINUTE NO. 17-107

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That Council:

- (1) Notes the significant support for this project by residents, including many local families.
- (2) Commits to undertake a Master Planning Process in 2017/2018 in partnership with the community to upgrade Penders Park as a Major Neighbourhood Park, including the provision of a new playspace in 2017/2018 and possible landscaping works in this period and subsequent years.
- (3) Refers expenditure to the 2017/2018 budget process for the playspace and development of a Master Plan for Penders Park.

CARRIED UNANIMOUSLY

7.2 NEIGHBOURHOOD RESIDENTIAL ZONES IN KEON PARK**Author:** Acting Manager City Design and Strategic Planning**Reviewed By:** Director City Futures and Assets

Report Background

This report responds to Notice of Motion No. 327 from the Council meeting held on 12 December 2016.

Given the long and detailed process relating to the implementation of the new residential zones across metropolitan Melbourne since 2014, and in particular the process of implementing the residential zones across Darebin, this report will also provide a general summary of the implementation of the new residential zones, the suite of strategic work undertaken by Council since 2014, and the further work relating to protection of residential neighbourhood character across the Municipality intended to be undertaken by the City Design and Strategic Planning Unit in 2017/2018.

Previous Council Resolution

At its meeting on 12 December 2016, Council resolved:

'That Council requests an officer report at a February 2017 Council meeting to consider options for the protection of the neighbourhood character of Keon Park through reviewing Neighbourhood Residential Zones and/or other planning mechanisms.'

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

- Goal 1 - Vibrant City and Innovative Economy
- Goal 6 - Open and Accountable Democracy

Endorsed Strategies

- Darebin Housing Strategy

Summary***Background and history of the implementation of new residential zones*****Stages 1 and 2 of the Residential Zones Standing Advisory Committee (RZSAC)**

Through amendments C144 and C147, Council participated in Stages 1 and 2 of the Residential Zones Standing Advisory Committee (RZSAC) process in 2014. Both of these amendments were supported 'in principle' by RZSAC and approved with changes by the Department of Environment, Land, Water and Planning (DELWP) in 2015. Whilst Council are disappointed with the outcome of C144, a pragmatic approach to reviewing the residential zones has been allowed for in the 2017/2018 work program and budget.

Amendment C152

Following the approval of NRZ in Yarra and Moreland, Council prepared and submitted Amendment C152 to the Minister for Planning, to apply an additional 24.7% of residential land to the NRZ (totalling 52.3% of residential land in the NRZ). In October 2015 however, Council received notice from the Minister for Planning that Amendment C152 would not be supported.

Amendment C156

A further amendment which sought to clarify the concerns raised by the Minister in his letter of October 2015 was prepared and submitted as Amendment C156. Amendment C156 proposed an additional 20% of residential land to the NRZ (totalling 33.6% of residential land in the NRZ). This Minister again did not support this request and advised Council to wait and review the recommendations made by the *Managing Residential Development Advisory Committee* when it is released and revise the approach to the application of the residential zones.

Managing Residential Development Advisory Committee

The *Managing Residential Development Advisory Committee* was setup by the Minister for Planning in 2015. The purpose of the Committee was to:

- Consider the process by which the new residential zones were implemented.
- Review the current application of the zones that allow for residential development;
- Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.
- Recommend improvements to the residential zones.
- Provide councils, the community and industry with an opportunity to be heard.

Council submitted a written submission and verbally presented to the Committee at a public hearing on Friday 6 May 2016. Council is still waiting on the public release of the recommendations to be made by the committee.

Moving forward

Notwithstanding the above, Council now finds itself in a position where it must look forward and carefully plan how it will best protect the valued residential amenity and character of the Municipality. Achieving an appropriate outcome could be provided through planning controls that are in addition to the NRZ. Application of the NRZ is one tool to control density however there are other planning tools available for Council to investigate, which are intended to better protect the integrity of neighbourhood character.

Council officers intend to investigate the different options available to deliver an appropriate level of protection across the Municipality. City Design and Strategic Planning has allocated funds in its 2017/2018 budget to undertake comprehensive research which will inform a strategy to apply an added level of protection for the valued neighbourhood character across Darebin.

The funds will also allow officers to engage and consult with the community as part of a planning scheme amendment process. A future briefing to Council will be provided to identify the options available to Council to achieve stronger planning controls for residential land.

Recommendation

That Council note this report for information purposes.

Council Resolution

MINUTE NO. 17-108

MOVED: Cr. S Newton

SECONDED: Cr. G Greco

That Council refer this matter to a councillor briefing to receive further information on council's advocacy to the state government.

CARRIED UNANIMOUSLY

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

The following items were dealt with immediately after Public Question Time. Refer to Page 12.

Item 9.1 – Redesign of St Georges Road Community Engagement Process

Item 9.2 – Application for Planning Permit D/900/2016 - 29-35 Stokes Street and 16-20 Stokes Street and 15-19 Penola Street, Preston

10. GENERAL BUSINESS

Nil

11. PETITIONS

The following Petitions were tabled immediately after Urgent Business. Refer to Page 61.

Item 11.1 – Traffic Lights at St. Georges And Arthurton Roads

Item 11.2 – Closure of Minor Crossings between Separation Street and Normanby Avenue on St. Georges Road

Item 11.3 - Closure of Minor Crossings between Separation Street and Normanby Avenue n St. Georges Road

12. REPORTS OF STANDING COMMITTEES

Nil

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Darebin Disability Advisory Committee – 6 February 2017
- Councillors Briefing Session – 6 February 2017
- Active and Healthy Ageing Board – 9 February 2017
- Darebin Interfaith Council Committee Meeting – 9 February 2017
- Councillor Briefing Session Budget 2017/2018 – 9 February 2017
- Darebin Environmental Reference Group (DERG) – 15 February 2017

Council Resolution

MINUTE NO. 17-109

MOVED: Cr. T McCarthy
SECONDED: Cr. L Messina

That the record of the Assembly of Councillors held on 6, 9 and 15 February 2017 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

CARRIED UNANIMOUSLY

14. REPORTS BY MAYOR AND COUNCILLORS

Council Resolution

MINUTE NO. 17-110

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

That Council note the Reports by Mayor and Councillors.

CARRIED UNANIMOUSLY**REPORT OF CR. KIM LE CERF, MAYOR**

Cr. Le Cerf reported on her attendance at the following functions/activities:

- Supreme Court – Injunction Heard before Justice Riordan
- Meeting with ICLEI regarding Global Covenant of Mayors for Climate and Energy
- Briefing with Level Crossing Removal Authority
- Councillor Briefing – Grade Separations
- VLGA Local Government Working Group on Gambling
- Jeannette Pope – Council Plan development
- Opening of Australian Muslim Artists Exhibition, Islamic Museum of Australia
- Supreme Court – trial regarding MAV Delegate
- Councillor Budget Briefing
- Community Workshop – New Preston High School
- Filming – Budget Consultation
- Film Victoria's Local Government Thank You Lunch
- Official Opening of A.E. Atherton and Sons New Manufacturing and Office Facility
- Discussions regarding Climate Change Strategy development
- Visit to the Men's Shed, East Reservoir – Darebin Community Health
- Ethnic Press Briefing
- Regular Meeting with CEO
- Regular Meeting with Communications
- Meeting with Director, Operations and Environment
- Council Briefing
- Meeting with St. Georges Resident Action Group
- Media Training
- Photo Opportunity – Clean Up Australia Day
- Municipal Emergency Management Planning Committee Meeting
- Discussion – Planning Applications for Preston Market
- Discussion – Rivoli Theatre

- Darebin Creek Management Committee Meeting
- Council Planning Weekend
- Citizenship Ceremony
- Briefing for Wurundjeri Land Council Meeting
- Briefing for Carlton Football Club Meeting
- Audit Committee Meeting
- Council Meeting

REPORT OF CR. STEPH AMIR

Cr. Amir reported on her attendance at the following functions/activities:

Report on activities prior to 13 February 2017:

- Special Council Meeting – 30 January 2017
- Energy and Environment Working Group meeting – 30 January 2017
- Budget Briefing – 2 February 2017
- Briefing on Stokes-Penola development – 6 February 2017
- Planning briefing – 6 February 2017
- Special council meeting – 6 February 2017
- Planning meeting – 6 February 2017
- Meeting with consultant Jeanette Pope to view the draft council plan – 9 February 2017
- Meeting with Oliver Vido – 9 February 2017
- Budget briefing – 9 February 2017
- Phone conversations with local residents regarding the Stokes-Penola development
- Phone conversation with a local resident regarding the Rona Street site
- Independent visits of sites of building proposals to prepare for planning committee meetings

Report on activities prior since 13 February 2017:

- Meeting with LXRA Feb 14th
- Special briefing on grade separations Feb 14th
- Melbourne Innovation Centre tour Feb 14th
- MIC Board meeting Feb 14th
- Meeting with residents of Showers Street regarding the zoning of their street Feb 18th
- Council briefing Feb 20th
- Media training Feb 21st
- Meeting with Jeanette Pope about the council plan Feb 21st
- DBAC meeting Feb 21st
- Meeting with representative from the Darebin BUG Feb 21st

- Briefing on the progress of the report on the Rivoli Theatre Feb 22nd
- Meeting with council officers to discuss the Preston Market development Feb 22nd
- Site inspection with resident to view 39 Calbourne Avenue (proposal to come to Planning Committee in March) Feb 22nd
- Council strategic planning days Feb 24-25th

REPORT OF CR. GAETANO GRECO

Cr. Greco reported on his attendance at the following functions/activities:

-

REPORT OF CR. TIM LAURENCE

Cr. Laurence reported on his attendance at the following functions/activities:

Report on activities prior to 13 February 2017:

- Inspect properties in Reservoir
- Strathallan Golf Club
- Inspection of old theatre at Gilbert Road, Preston
- Meeting with the Public Housing department
- Meeting with resident from Leamington Street.

REPORT OF CR. TRENT McCARTHY

Cr. McCarthy reported on his attendance at the following functions/activities:

- Council Planning Weekend at Darebin North-East Community Hub
- Darebin Environmental Reference Group Meeting
- Citizenship Ceremony
- Friends of Mayer Park Open Air Cinema and Community Market
- Film Victoria Local Government Thank You Event
- Opening of new Atherton Manufacturing and Office Facility in Thornbury
- Climate Change Strategy Meeting
- Budget Briefings
- Planning Committee Meeting
- Meetings with residents and traders regarding Preston Market, Windsor Smith, St Georges Road and other local development and infrastructure issues
- Briefing on Grade Separations by LXRA
- Council Briefings
- Meeting with Officers regarding Rivoli Theatre

REPORT OF CR. LINA MESSINA

Cr. Messina reported on her attendance at the following functions/activities:

- Budget Briefings
- Council Planning Weekend a Darebin-East Community Hub
- Meetings with residents and traders regarding the Preston Marking
- Planning Committee
- Meeting with Officers regarding Preston Market
- Preston Market Tomato Festival Event- Guy Grossi
- ILLEN Strategic Planning and Governance Session 2017-02-27 Media Training
- IntoWork Australian Board Meeting
- Healthy and Ageing Board
- Various meetings, telephone conversations and emails with residents and ratepayers

REPORT OF CR. SUSANNE NEWTON

Cr. Newton reported on her attendance at the following functions/activities:

- Briefing on proposed level crossing removals
- Bundoora Homestead Board meeting
- Budget Briefing
- Launch of the Somali Youth Movement
- Sexuality, Sex and Gender Diversity Advisory Committee
- VLGA Board Meeting
- Councillor Planning Weekend

REPORT OF CR. SUSAN RENNIE

Cr. Rennie reported on her attendance at the following functions/activities:

- Anniversary of apology to Stolen Generation event
- Rivoli theatre inspection
- Greenwich celebration of building commencement
- Budget briefing
- Opening of Atherton and Sons new facility
- Briefing on grade separations
- Media training
- Darebin Creek Management Committee
- MAV strategic planning session
- Council Planning Weekend
- Council meeting

REPORT OF CR. JULIE WILLIAMS

Cr. Williams reported on her attendance at the following functions/activities:

-

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

The following Confidential item was admitted to the Agenda via Urgent Business. Refer Page 60.

Cr. Le Cerf disclosed a conflict of interest in the following Confidential item describing the interest as an indirect interest due to a residential amenity effect.

Cr. Le Cerf let the meeting prior to discussion of the item at 8.48 pm.

Cr. Greco assumed the Chair.

CLOSE OF MEETING

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

THAT in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following item which relates to a proposed development:

15.1 Application for Planning Permit – 658-664 High Street, Thornbury

CARRIED

Allan Cochrane, Chief Financial Officer and Dave Bell, Senior Media Advisor, left the meeting prior to discussion of the Confidential item at 8.49 pm.

The meeting was closed to members of the public at 8.49 pm.

The Council considered and resolved on Report Item 15.1 (Application for Planning Permit – 658-664 High Street, Thornbury) which had been circulated to Councillors as an Urgent Business item on 27 February 2017.

RE-OPENING OF MEETING

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

THAT the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to the members of the public at 8.59 pm.

15.1 APPLICATION FOR PLANNING PERMIT - 658-664 HIGH STREET, THORNBURY**Author: Manager Planning and Building****Reviewed By: Director City Futures and Assets****Report Background**

- On 21 November 2016 the Planning Committee formed the view to not support application D/1039/2015 on the following grounds:
 1. *The development is inconsistent with the policy objectives of Clause 22.05 (High Street Corridor Land Use and Urban Design) Precinct 5 of the Darebin Planning Scheme:*
 - (i) *The development exceeds the street wall height of 8-10 metres to High Street and Clarendon Street;*
 - (ii) *the height of the development at the eastern boundary (laneway) is not graduated from three (3) storeys to a maximum of six (6) storeys toward High Street.*
 - (iii) *The location of car parking on the first floor results in a façade composition and urban design outcomes lacking in surveillance, activation and articulation.*
 2. *The proposal is not site-responsive in terms of its height and placement of car parking at the first floor level. The proposal constitutes an overdevelopment of the site.*
 3. *The proposal fails to provide adequate internal amenity through a poorly designed light court that fails to allow sufficient natural light penetration to dwellings on the lower floors.*
 4. *The proposal does not provide appropriately designed, located and sufficient car parking spaces to meet the parking demand generated by the development and is not compliant with Clause 52.06 of the Darebin Planning Scheme.*
- On 24 October 2016 Council was advised that an appeal had been lodged with the Tribunal.
- On 20 February 2017 'without prejudice' amended plans have been provided for Council's consideration in anticipation of the Compulsory Conference scheduled at the Tribunal on 28 February 2017.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

NIL

Summary

- On 21 November 2016 the Planning Committee formed the view to not support an application for use and development of the land for the purpose of office and retail at ground floor, first floor car parking and 28 dwellings within a six (6) storey development; a reduction in the car parking requirement; a waiver of the loading bay requirement, as shown on the plans accompanying the application. A review of Council's decision has been lodged with the Tribunal under Section 79 of the Planning and Environment Act 1987.
- The Tribunal has reserved a Compulsory Conference hearing on 28 February 2017 and a full Hearing on 18 April 2017.
- The Applicant has made further changes to the plans addressing some of Council's Grounds of Refusal and have requested without prejudice consideration of these plans prior to the Compulsory Conference on 28 February 2017.
- Eighteen (18) objections were originally received against this application, most were pro-forma objections. None of these objectors have decided to be a party to the Appeal.
- The site is affected by the Special Building Overlay (SBO). Melbourne Water is a statutory referral authority for the application under the SBO. On 23 November 2016 Melbourne Water advised the parties that it does not object to the proposal subject to conditions and does not intend to attend the hearing on the matter.
- The site is zoned Commercial 1 Zone (C1Z).
- There is no restrictive covenant on the title for the subject land

CONSULTATION:

- The amended plans circulated to Council have been provided 'without prejudice' and do not represent a formal substitution of the original plans. Most of the objections lodged were from a local activist group who tend not pursue their objections at VCAT. The balance of the objectors were local businesses near the site and who focused on the amount of car parking provided.
- With regard to Melbourne Water as an external referral authority, provided Melbourne Water's conditions (as outlined in their letter dated 16 June 2016) remain on any support given to amended plans, Melbourne Water's position as a statutory authority is considered to be protected.
- The amended plans have been referred to Council's Transport Management and Planning Unit for comment as the number of car parking spaces have been further reduced in the amended proposal.

Recommendation

That the Council report and resolution remain confidential.

Council Resolution

MINUTE NO. 17-111

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

That the following Council resolution:

***That** Council advise the Tribunal it has considered the amended plans (refer to attachments) and supports the proposal subject to the conditions set out below.*

***That** Council request the Tribunal make orders with the consent of the parties to this effect.”*

be made public but the report remain confidential.

CARRIED

16. CLOSE OF MEETING

The meeting closed at 9.00 pm.