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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 25 June 2018

Released to the public on Thursday 28 June 2018

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF  
THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH STREET PRESTON ON MONDAY 25 JUNE 2018**

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THE MEETING OPENED AT 6.01PM

## 1. PRESENT

### ***Councillors***

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

### ***Council Officers***

Sue Wilkinson - Chief Executive Officer

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd - Manager Planning and Building

Peter Rollis - Coordinator Statutory Planning

Melinda Viksne - Manager Governance and Performance

Karlee Ferrante - Acting Coordinator Governance, Council Business and Civic Services

Alexis King - Acting Council Business Officer

Gerard Daly - IT Support Engineer

## 2. APOLOGIES

Cr. Gaetano Greco, Cr. Tim Laurence and Cr. Julie Williams are on approved leave of absences.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

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

**SECONDED:** Cr. L Messina

**That** the Minutes of the Planning Committee Meeting held on 14 May 2018 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/956/2017 12-16 Pellew Street, Reservoir

**Author:** Urban Planner

**Reviewed By:** General Manager City Sustainability and Strategy

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Ikonomidis Reid Pty Ltd	Arthur and Sofia Xourafis	Treespace Solutions Keystone Alliance Sustainability Solutions

### SUMMARY

- The application proposes the development of seven double storey dwellings on the site, being 12 and 16 Pellew Street. All existing buildings on site are to be demolished.
- The dwellings will have a maximum height of 7.5 metres above natural ground level. All dwellings are designed in a traditional living format (i.e. living areas at the ground floor).
- Dwelling's 1, 2, 3, 4, 5, and 6 are two bedrooms and provided with a single garage and ground floor open space.
- Dwelling 7 is provided with ground floor Meals/Kitchen/Living areas and an open Study. At the first floor the dwelling features three bedrooms. Bathroom facilities are provided at the ground and first floor. The dwelling is provided with a single garage with tandem space. Private open space is provided at the ground floor.
- Vehicle access to the subject site will be provided via a proposed crossover central to the site and via the existing crossover servicing 12 Pellew Street. The existing crossover to 16 Pellew Street is to be removed. Dwellings 1-6 will gain access via the proposed central crossover, while Dwelling 7 will gain access via the retained crossover at 12 Pellew Street.
- The visitor car parking is proposed to be waived as part of the planning permit application.
- The site is zoned General Residential Zone - Schedule 2 and is affected by the Development Contributions Plan Overlay (expired).
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36.66%.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Seven objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

### CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.

- This application was referred internally to the Arboricultural Planning, Infrastructure and Capital Deliver, Property Management, and Transport Engineering and Strategy units. Council's ESD Officer also provided comment on the application.
- This application was not required to be referred to external authorities.

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

- *Chris McKenzie, on behalf of Applicant*

### Committee Decision

**MOVED: Cr. T McCarthy**

**SECONDED: Cr. L Messina**

**That** Planning Permit Application on D/956/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP04 - TP07, all Revision B, dated 8/02/2018, received by Council 16/03/2018, and prepared by Ikonomidis Reid) but modified to show:
  - a) Compliance with Standard B20 at Clause 55.04-4 (North-facing windows) of the Scheme. The first floor Bedroom 1 and ensuite walls of Dwelling 7 must be setback from the north facing habitable room windows at 10 Pellew Street.
  - b) External operable sun shading devices (excluding roller shutters) to all east and/west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - c) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
  - d) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
  - e) Relocation of Dwelling 5 storage shed out of the primary area of secluded private open space (SPOS). Storage shed to be located in the south-east corner of the private open space, with the proposed clothesline relocated accordingly.
  - f) The first floor east facing Bedroom 2 window of Dwelling 6 provided with a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.

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

- g) Removal of the external screening to the first floor east facing TV Room windows of Dwelling 4. The TV Room must be provided with a sill with a minimum height of 1.7 metres above finished floor level.
- h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

- i) A landscape plan in accordance with Condition No. 5 of this Permit.
- j) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 8 of this Permit.
- k) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 9 of this Permit).
- l) Annotations and modifications in accordance with the requirements of Condition No. 4 of this Permit.
- m) Annotations in accordance with the requirements of Condition No. 10 of this Permit.

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

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

(3) This Permit will expire if either:

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

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

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

(4) Dwelling 4 must remain a two (2) bedroom dwelling. The first floor TV room must remain open to the landing and not be rearranged to be a third bedroom.

(5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- d) At least 2 suitable medium canopy trees and 8 suitable small canopy trees must be shown within the secluded private open space areas of each dwelling and within the front setback of the property.

Where further opportunity exists, an appropriate number and size of additional canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available.

All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers

at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).

- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - g) Hard paved surfaces at all entry points to dwellings.
  - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 7 of this Permit.
- (6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in Preliminary Tree Assessment, dated 16/10/2017, received by Council 20/12/2017, and prepared by Treespace Solutions)</i>	<i>TPZ (radius from the base of the trunk)</i>
Trees 1 & 2 - Council Naturestrip trees ( <i>Eucalyptus leucoxylon</i> )	2.0 metres
Tree 4 - Located within the subject site ( <i>Phoenix canariensis</i> )	See below
Tree 8 - Located within the adjoining property to the South	3.0 metres
Tree 9 - Located within the adjoining property to the North (Hedge)	2.0 metres

Tree protection measures are to be in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

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

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

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

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

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

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

To ensure the viability of Tree 4 the proposed POS should be constructed at or above existing grade within the TPZ.

To ensure the viability of Tree 8 the following impact mitigation measures must be adhered to:

- Removal of existing shed foundations within TPZ must be done by hand.
- Proposed POS within TPZ must be constructed at or above existing grade.

POS adjacent Tree 9 must be constructed at or above existing grade.

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

- (9) The development must incorporate the sustainable design initiatives in accordance with the *Sustainable Design Assessment (SDA)* (identified as *SDA Report, dated March 2018, received by Council 16/03/2018, and prepared by Keystone Alliance*) to the satisfaction of the Responsible Authority.

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

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

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



storage, location of bins for collection and any other relevant matter.

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

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

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

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

- (11) 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.
- (12) 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.
- (13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.  

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (19) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat; and
- d) Drained to the satisfaction of the Responsible Authority.

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

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

### NOTATIONS

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

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

**CARRIED**

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

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

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

**CARRIED**

## 7. URGENT BUSINESS

Nil

## 8. CLOSE OF MEETING

The meeting closed at 6.17pm.