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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 9 October 2017

Released to the public on Thursday 12 October 2017

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## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 9 OCTOBER 2017

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### THE MEETING OPENED AT 6.01PM

#### WELCOME

The Chairperson, Mayor, Cr. Le Cerf opened the meeting with the following statement:

*"I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today."*

#### 1. PRESENT

##### **Councillors**

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

##### **Council Officers**

Sue Wilkinson - Chief Executive Officer

Andrew McLeod - Director Corporate Services

Jacinta Stevens - Director Civic Governance and Compliance

Darren Rudd - Manager Planning and Building

Julie Smout - Coordinator Statutory Planning

Katia Croce - Coordinator Council Business

#### 2. APOLOGIES

Cr. Tim Laurence and Cr. Steph Amir are on an approved leave of absence.

Cr. Trent McCarthy was noted as an apology.

#### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Le Cerf disclosed a conflict of interest in Item 6.1 General Planning Information: Scheduled VCAT Applications and Significant Applications.

#### 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

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

**That** the Minutes of the Planning Committee Meeting held on 11 September 2017 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/480/2017 12 Inverness Street Reservoir

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

Applicant	Owner	Consultant
S Ilievski Beyond Design Group 667 Plenty Road RESERVOIR VIC 3073	S Ilievski 73 King William Street RESERVOIR VIC 3073	Beyond Design Group 667 Plenty Road RESERVOIR VIC 3073

- Development of three (3) double storey dwellings.
- Six (6) car parking spaces (two spaces to each dwelling) are provided.
- The site is zoned General Residential Zone (schedule 1).
- There is no restrictive covenant on the title for the subject land.
- Seven (7) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

#### CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit.
- This application was not required to be referred to external authorities.

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

- *Patrick Cauchi, on behalf of Applicant*
- *Frank Stringis, Objector*

**Committee Decision**

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

**That** Planning Permit Application D/480/2017 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: TP1, TP2 and TP3, dated 2 May 2017, Job No. 17-1471 prepared by Ikonomidis Reid) but modified to show:
  - a) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 4 of this Permit).
  - b) A landscape plan in accordance with Condition No. 5 of this Permit.
  - c) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
  - d) 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 extend within 1 metre of a property boundary.
  - e) External operable sun shading devices (excluding roller shutters) to all 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.
  - f) The location of all plant and equipment (including air conditioners, solar panels, solar hot water system and services). These are to be screened to be minimally visible from the public and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Solar hot water tanks are to be flush mounted on the roof and not elevated on stands.
  - g) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to either side of the proposed driveway. 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 the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.
- (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) Plants that are drought tolerant and indigenous to the area.
  - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls and decking.
  - g) Construction details of container planting beds including drainage, irrigation, soil profiles and planting notes.
  - h) 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.
  - i) Hard paved surfaces at all entry points to dwellings.
  - j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

- l) 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.
  - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - o) A maintenance schedule.
- (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 or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006.
- This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (9) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (13) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (15) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;



- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat;
- 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.

#### **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.

**CARRIED**

**5.2 APPLICATION FOR PLANNING PERMIT D/132/2016  
63 O'Connor Street, Reservoir**

**Author:** Principal Planner

**Reviewed By:** Director Corporate Services

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
By Projects Architecture	Vas Dais Property Pty Ltd	Venant Solutions Traffix Group

**SUMMARY**

- Proposal:
  - Construct eight (8) double storey dwellings including two (2) dwellings with three (3) bedrooms each and six (6) dwellings with two (2) bedrooms each.
  - 10 car parking spaces are provided on the site, all within garages.
  - The dwellings have an overall height of 8.415 metres.
  - Provide private open spaces in the form of ground floor private open spaces or a combination of balconies and ground floor service yards.
  - Reduce the one (1) visitor car parking requirement.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seven (7) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Management and Planning Unit, Capital Works Unit and Environmental Sustainable Design Officer.
- This application was referred externally to Melbourne Water.

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

- *Barbara Yerondais, on behalf of Applicant*
- *Chris Freeman, Objector*
- *Margaret White, Objector*

<b>Recommendation</b>
-----------------------

**That** Planning Permit Application D/132/2016 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: TP05C, Proposed – Ground Floor Plan; TP07C, Proposed – First Floor Plan; TP08C, Proposed – Roof Plan; TP09C, Proposed – Elevations & Materials Schedule; all dated July 2017 and prepared by BY Projects Architecture) but modified to show:
  - a) The modifications to the passing area and Dwelling 1 in accordance with the plans identified as: Proposed Part Ground Floor; Proposed Part First Floor; and Proposed North East Elevation; dated Sept 2017, Job No. BY147 and prepared by *BY Projects Architecture*.
  - b) The pedestrian path the entrance of Dwelling 1 must be at least 1.0m wide and must be fully constructed and not be intermittent pavers.
  - c) The stairwells of Dwellings 3 and 5 to be open to the respective dwelling's first floor rumpus rooms.
  - d) A screen to the southern edge of the Dwelling 8 deck with a height of 1.7 metres, as measured above the finished floor level of the deck. The screen must have a maximum permeability of 25%.
  - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to eastern and western sides of the crossover to O'Connor Street. Where within the subject site, the area must be at least 50% clear of obstructions and any structures or vegetation within these splays must be not more than 900mm in height.
  - f) Any modifications in accordance with Conditions 19-23 (inclusive) of this Permit (Melbourne Water Conditions).
  - g) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 7 of this Permit).
  - h) A landscape plan in accordance with Condition No. 4 of this Permit.

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

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

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

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

- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - d) A minimum of 11 small-medium sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - g) Hard paved surfaces at all entry points to dwellings.
  - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) 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.

- (6) 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.
- (7) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

The development must be constructed in accordance with the requirements/recommendations of the SDA to the satisfaction of the Responsible Authority.

- (8) The first floor rumpus rooms of Dwellings 3 and 5 must not be altered and/or utilised for the purpose of a bedroom without the written consent of the Responsible Authority.
- (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 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.
- (10) 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.
- (11) 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.

- (12) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (13) The land must be drained to the satisfaction of the Responsible Authority.
- (14) 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.
- (15) 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.
- (16) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (17) 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.

- (18) 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**

- (19) The dwellings must be constructed with finished floor levels set no lower than 300mm above the applicable grading flood levels as calculated by Melbourne Water or Venant Solutions, whichever is higher.
- (20) The garages must be constructed with finished surface levels set no lower than 150mm above the applicable grading flood levels as calculated by Melbourne Water or Venant Solutions, whichever is higher.
- (21) The retaining wall on the southern property boundary adjacent to Dwelling 9 must be maintained and must not be altered without the prior consent of Melbourne Water, for the life of the development.
- (22) Any new fencing must be of an open style of construction to allow for the passage of overland flows.
- (23) The rainwater tanks and storage sheds must be relocated outside the 1.25 metre north western boundary setback.
- (24) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- (25) Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions relating to floor levels. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
- (26) Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- (27) Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.
- (28) Prior to the endorsement of plans, 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).

### **MELBOURNE WATER NOTATIONS**

- N1. The applicable flood level for the property grades from 75.48 metres to Australian Height Datum (AHD) at the northern boundary down to 74.35 metres to AHD at the south west corner.

- N2. 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 **266614**.

**NOTATIONS**

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

- N3. 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.
- N4. 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.
- N5. 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.

- N6. 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.
- N7. 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.

<b>Motion</b>
---------------

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

**That** Planning Permit Application D/132/2016 be refused and a Notice of Refusal be issued subject to the following conditions:

- (1) The proposal does not respect the existing or preferred neighbourhood character.
- (2) The proposal is considered to be an overdevelopment of the site.
- (3) Insufficient car parking spaces are provided for the expected demand of the development.
- (4) Insufficient bicycle facilities are provided for the expected demand of the development.

- (5) Insufficient street setback has been provided.
- (6) Insufficient landscaping opportunities have been provided.

*Cr. Rennie proposed the following addition of point (7) as follows:*

- (7) The proposal delivers inadequate pedestrian safety and amenity in the shared driveway.

This was accepted by Cr. Newton and Cr. Greco.

THE AMENDED MOTION THEN READ AS FOLLOWS:

**Amended Motion**

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

**That** Planning Permit Application D/132/2016 be refused and a Notice of Refusal be issued subject to the following conditions:

- (1) The proposal does not respect the existing or preferred neighbourhood character.
- (2) The proposal is considered to be an overdevelopment of the site.
- (3) Insufficient car parking spaces are provided for the expected demand of the development.
- (4) Insufficient bicycle facilities are provided for the expected demand of the development.
- (5) Insufficient street setback has been provided.
- (6) Insufficient landscaping opportunities have been provided.
- (7) The proposal delivers inadequate pedestrian safety and amenity in the shared driveway.

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

**Committee Decision**

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

**That** Planning Permit Application D/132/2016 be refused and a Notice of Refusal be issued subject to the following conditions:

- (1) The proposal does not respect the existing or preferred neighbourhood character.
- (2) The proposal is considered to be an overdevelopment of the site.
- (3) Insufficient car parking spaces are provided for the expected demand of the development.
- (4) Insufficient bicycle facilities are provided for the expected demand of the development.
- (5) Insufficient street setback has been provided.
- (6) Insufficient landscaping opportunities have been provided.



- (7) The proposal delivers inadequate pedestrian safety and amenity in the shared driveway.

**CARRIED**

*The Chairperson, Mayor, Cr. Le Cerf disclosed a conflict of interest in the following item (6.1 General Planning Information: Scheduled VCAT Applications and Significant Applications) classifying the type of interest as a direct interest because of a purchase of a property listed as a significant application.*

*Cr. Le Cerf left the meeting prior to consideration of this item at 6.38pm.*

*Deputy Mayor, Cr. Greco assumed the chair.*

## **6. OTHER BUSINESS**

### **6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS AND SIGNIFICANT 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).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

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

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

**CARRIED**

*Cr. Le Cerf returned to the meeting at the conclusion of the above item and assumed the chair at 6.39pm.*

**7. URGENT BUSINESS**

Nil

**8. CLOSE OF MEETING**

The meeting closed at 6.40pm.