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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 14 August 2023

Released to the public on 15 August 2023



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये योजना समिति की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਪੇਜਨਾਰਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

Table of Contents

Item Number	Page Number
1. PRESENT	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	2
5. CONSIDERATION OF REPORTS	3
5.1 APPLICATION FOR PLANNING PERMIT D/442/2022	3
23 JAMES STREET PRESTON	3
5.2 APPLICATION FOR PLANNING PERMIT D/559/2022	13
26 Jenkins Street, Northcote	13
6. OTHER BUSINESS	24
6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE	24
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	25
8. CLOSE OF MEETING.....	25

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF
THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON MONDAY 14 AUGUST 2023**

THE MEETING OPENED AT 6.35PM

WELCOME

The Chairperson, Mayor Julie Williams opened the meeting with the following statement:

“I acknowledge the Wurundjeri Woi-wurrung people who are the Traditional Owners of the land. I recognise their continuing connection to the land, water and culture. I pay my respects to Elders past, present and emerging.”

1. PRESENT

Councillors

Cr. Julie Williams (Mayor)
Cr. Susanne Newton (Deputy Mayor)
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Susan Rennie

Council Officers

Vanessa Petrie - General Manager City Sustainability and Strategy
Kathryn Pound – Manager City Development
Matthew Cullen - Coordinator Statutory Planning
Jacquie Payne – Principal Planner
Paul Moriarty – Senior Statutory Planner

2. APOLOGIES

Apologies were made for Cr. Emily Dimitriadis and Cr. Tim Laurence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MINUTE NO. 23-064

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

That the Minutes of the Planning Committee Meeting held on 10 July 2023 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/442/2022 23 JAMES STREET PRESTON

Author: Principal Planner

Reviewed By: Acting General Manager City Sustainability and Strategy

Submissions

The following person addressed the meeting in relation to Item 5.1 Consideration of Planning Permit Application D/442/2022, 23 James Street, Preston

1. Matthew Burke

Applicant	Owner	Consultant
S Colakidis	S Hammoud	Composite Design and Drafting Eb Traffic Solutions Glenn Waters Arboriculture Luka MR Konjic Town Planning Services

SUMMARY

Property:	23 James Street, Preston
Proposal:	The application is for the development of two (2) double storey dwellings, each with three (3) bedrooms and a double garage with an upstairs loft.
Car parking:	The required rate of car parking (2 spaces) is provided for each proposed dwelling. Each dwelling would have access to a double garage adjacent the rear right of way.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • General Residential Zone – Schedule 2 (GRZ2) • Development Contribution Plan Overlay (DCPO)
Is a Developer Contribution required?	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme. A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
Consultation:	<ul style="list-style-type: none"> • A public notice consisting of a sign to the front of the property. • Letters sent to surrounding owners and occupiers.

<p>Objections:</p>	<ul style="list-style-type: none"> • Six (6) objections were received against this application. • The key objection grounds include: <ul style="list-style-type: none"> ○ Visual bulk, overshadowing and use associated with the lofts. ○ Use of and impacts on the right of way. ○ Character and limited space for tree planting
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • Consistent with Darebin’s Strategic Housing Framework policy; improves housing diversity and achieves the outcomes sought for Incremental Change Areas, with one additional dwelling. • Vehicle access from the rear right of way responds to the existing James Street pop-up park and vehicle pinch point to the front of the site, supporting Council’s ‘Streets for People’ program which seeks to convert some roads into shared streets where green space, walking and cycling take priority. • The design and layout of the development achieves a good response to Council’s Good Design Guide and is supported by Council’s City Designer. • The proposal provides additional housing outcomes in an area suitable to families, couples or singles, aligns with Council’s Neighbourhood Character policy and responds well to Clause 55 (ResCode) of the Darebin Planning Scheme. • The site is proximate to public transport and the Preston Market Precinct. • The proposal achieves sustainable design outcomes commensurate with a two (2) dwelling development. • There would be no unreasonable off-site amenity impacts, subject to generally limited conditions.

Recommendation

RECOMMENDATION PART A

That Planning Permit Application D/442/2022 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of two (2) dwellings on land in the General Residential Zone – Schedule 2 in accordance with the endorsed plans, 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 8 and Sheet 10, dated 30 November 2022, Job No. 22/013, Drawn by Composite Design Drafting and received by Council on the 30 November 2022) but modified to show:

- (a) Design Plans in accordance with Condition No. 22 of this Permit.
- (b) Dwelling 2 complying with the numerical requirements of Clause 55.04-3 – Standard B19 – Daylight to Existing Windows where opposite the eastern most existing habitable room window of 25 James Street Preston.
- (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (d) Annotated coloured elevations and 3D renders accurately representing the proposed materials, colours and finishes in accordance with the approved schedule of construction materials.
- (e) Details of the fence on the northern boundary (except within the front setback) in accordance with Condition No. 10 of this Permit.
- (f) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (g) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;
 - (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (h) Where fixed screens are being utilised for overlooking measures a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.
- (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (l) Any modifications required as a result of the approved Built Environment Sustainability Scorecard (BESS) required by Condition No. 6 of this Permit.
- (m) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (n) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (o) Any modifications required as a result of the waste storage and collection area in

accordance with Condition No. 9 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. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
 - (c) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (e) A diversity of plant species and forms.
 - (f) Within the front setback of each dwelling a small and medium sized canopy tree, 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 must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres).
 - (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (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) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
 - (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.
 - (m) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

- (n) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (o) Scale, north point and appropriate legend.
- (p) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 4 – prunus cerasidera (Cherry Plum)	Adjoining property (north)	2.2 metres
Tree 5 – Camillia Japonica (Chinese Cameilla)	Adjoining property (north)	2.1 metres
Tree 10 – Ulmus Parvifolia (Chinese Elm)	Street tree	2.0 metres
*as defined in Arboricultural Assessment and Report, dated 25 September 2022, prepared by Glenn Water Arboriculture and received by Council on the 19 October 2022		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:

- (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- (e) 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.
- (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
- (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
- (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. The Built Environment Sustainability Scorecard (BESS) to be approved and which will then form part of this Permit is the BESS report submitted with the application (identified as BESS report dated 19 October 2022 prepared by Composite Design Drafting and received by Council on the 19 October 2022).
- The requirements of the approved BESS report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;

- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's Keeping Our Stormwater Clean – A Builder's Guide (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:

- (a) Erosion and sediment.
- (b) Stormwater.
- (c) Litter, concrete and other construction wastes.
- (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a waste storage and collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage and collection area must have dimensions suitable to accommodate and conveniently access:

- (a) 240 litre recycle waste bin/dwelling/tenancy
- (b) 80 litre general waste bin/dwelling/tenancy
- (c) 120 litre FOGO waste bin/dwelling/tenancy
- (d) 120 litre Glass waste bin/dwelling/tenancy

If located outside a building, the waste storage and collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

The waste storage and 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.

*FOGO: Food Organics and Garden Organics

10. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the northern property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on the northern boundary with a height less than 1.8 metres is structurally sound, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

11. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

12. The walls on the boundary of the 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. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
 - (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
16. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
17. A clothesline must be provided to each dwelling.
18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Before the occupation of the development all 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.
21. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
22. Prior to the occupation of the development:
 - (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the western boundary of the property, commencing from the southern end of the right of way connecting to Hope Street and continuing for a minimum of one (1) metre past the north-western edge of the property boundary of 23 James Street Preston must be submitted to and approved by Council.
 - (b) The right of way abutting the western boundary of the property, commencing from Hope Street to the south and continuing one (1) metre past the north-western edge of 23 James Street Preston must be constructed and surfaced in accordance with the approved plans.

All works must be constructed at the cost of the permit holder to the satisfaction of the Responsible Authority.

23. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) 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:

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

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No.1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development it must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N6. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this 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 Residential Parking Permit Scheme.
- N7. Please note the Development Contribution Plan levy will be invoiced separately.
- N8. This planning permit has considered the flood mapping information which came into effect on 12 May 2023. The subject site is not within a potentially flood affected area.

RECOMMENDATION PART B

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

Motion

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

PART A

THAT Council issued a Notice of Refusal with grounds as follows:

1. The proposed double storey garages would be an overdevelopment of the site and could be converted for use as second dwellings.
2. The proposal would cause unreasonable amenity impacts to adjoining dwellings and does not comply with Clause 55.04-3 – Standard B19 – Daylight to Existing Windows for Dwelling 2, where opposite the eastern most existing habitable room window of 25 James Street Preston.

PART B

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

The motion was put and carried and became the Committee Decision as follows:

Committee Decision**MINUTE NO. 23-065**

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

PART A

THAT Council issued a Notice of Refusal with grounds as follows:

1. The proposed double storey garages would be an overdevelopment of the site and could be converted for use as second dwellings.
2. The proposal would cause unreasonable amenity impacts to adjoining dwellings and does not comply with Clause 55.04-3 – Standard B19 – Daylight to Existing Windows for Dwelling 2, where opposite the eastern most existing habitable room window of 25 James Street Preston.

PART B

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

CARRIED

For: Cr's Rennie, Newton, McCarthy, Messina, Greco and Williams (6)

Against: Cr. Hannan (1)

**5.2 APPLICATION FOR PLANNING PERMIT D/559/2022
26 Jenkins Street, Northcote**

Author: Senior Statutory Planner

Reviewed By: Acting General Manager City Sustainability and Strategy

Submissions

The following people addressed the meeting in relation to Item 5.1 Consideration of Planning Permit Application D/559/2022, 26 Jenkins Street, Northcote:

1. David Tennant
2. Katerina Staicos
3. Neil Moorhouse
4. Simon Power
5. Arch Cuthbertson
6. Judy Duncan
7. Janet Howden

Applicant	Owner	Consultant
Sync Architecture	Assad Ibrahim	Sync Architecture

SUMMARY

Property:	26 Jenkins Street, Northcote
Proposal:	The application is for the development of two double-storey dwellings in a side-by-side configuration with basements for car parking.
Car parking:	Three (3) car parking spaces are provided to each dwelling within basements. The required statutory rate of car parking is therefore met for both dwellings.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Neighbourhood Residential Zone – Schedule 1 (NRZ1) • Development Contribution Plan Overlay (DCPO)
Is a Developer Contribution required?	<p>Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.</p> <p>A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.</p>
Consultation:	<ul style="list-style-type: none"> • A public notice sign to the front of the property. • Letters sent to surrounding owners and occupiers.
Objections:	Seventeen (17) objections in total were received against this application.

	<p>The key objection grounds raised include:</p> <ul style="list-style-type: none"> • Proposal is inconsistent with ‘Minimal Housing Change’ designation. • Setbacks, built form (including bedroom numbers) and materiality are discordant and not in accordance with neighbourhood character. • Over-development and dominance of the development within streetscape. • Heritage dwellings proximate to site are not considered. • Overlooking/privacy concerns. • Overshadowing and impact on existing solar panels at No. 28 Jenkins Street. • Limited landscaping opportunities and permeability. • Impact of basement car parking arrangement to on-street parking availability. • Pedestrian safety concerns with vehicles exiting from basements. • Noise impacts from mechanical systems and pool area on amenity of adjoining area. • Additional impact on local infrastructure resulting from the proposed development. • Would set an unwelcome precedent for development in the area.
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • High-quality contemporary design which has a high level of compliance with Clause 55 (ResCode) of the Darebin Planning Scheme and which would have no unreasonable off-site amenity impacts. Car parking would be provided in excess of the planning scheme requirements.
<p>Recommendation:</p>	<p>Notice of Decision to Grant a Planning Permit, with conditions</p>

Recommendation

That Planning Permit Application on D/559/2022 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of two (2) double storey dwellings (with basements) on a lot, in accordance with the endorsed plans at 26 Jenkins Street Northcote, 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. When approved, the plans will be endorsed and will then form part of this Permit. 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 – TP08 prepared by SYNC Architecture, received 01/03/2023*), but modified to show:
 - (a) Double glazing treatment annotated on all habitable room windows and glazed doors.

- (b) Toilets annotated as connected to water-tanks and annotated onto WSUD Plan, in accordance with Condition No. 6 of this Permit.
- (c) Dimensions confirming a minimum 5.4 metre length for the on-street car parking space shown on the plans.
- (d) Air conditioning units relocated to the secluded private open spaces of each dwelling.
- (e) Minimum garage dimensions of 6.0 metres length x 5.5 metres width shown on the plans in accordance with Clause 52.06-9 of the Darebin Planning Scheme.
- (f) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (g) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the crossovers to Jenkins Street. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- (h) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 4, 5 and 6 of this Permit.
- (l) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (m) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

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- (a) Tree protection measures in accordance with Conditions No. 4, 5 and 6 of this Permit.
 - (b) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Three (3) medium sized canopy trees provided within the front setback. These must have a minimum mature height of 8 metres. At the time of planting these trees are to be from 45L size pots and at least 1.5 metres in height.
 - (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (h) Hard paved surfaces at all entry points to dwellings.
 - (i) Suitable planting including climbers to be provided to soften side boundaries.
 - (j) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
 - (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.
 - (m) Scale, north point and appropriate legend.
 - (n) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 – Liquidamber styraciflua (Sweet gum)	Rear south-east corner of site	4.8 metres
Tree 2 – <i>Robinia pseudoacacia</i> (Blacklocust)	Rear south-east corner of site	7.3 metres
Tree 8 – Chinese Elm	Nature-strip	2.0 metres
Tree 9 – <i>Brachychiton populneus</i> (Kurrajong)	Adjoining property (east)	4.8 metres
Tree 10 – <i>Corymbia ficifolia</i> (Red flowering gum)	Adjoining property (east)	2.0 metres
Tree 11 – <i>Agonis flexuosa</i> (Peppermint Willow)	Adjoining property (east)	2.0 metres
Tree 12 – <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	4.8 metres
Tree 13 – <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	5.4 metres
*as defined in Arborist Report by Root Zone dated 07/02/2023.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing. Tree protection is required for neighbouring trees.
 - (c) **All tree protection fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for construction of the approved crossover.**
 - (d) **All excavations for the construction of the proposed crossover are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.**
 - (e) Proposed paving and alfresco areas adjacent Tree 1 TPZ must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of Tree 1. The footing system for the living room must be non-continuous, either bored piers or screw piles. Once the position of

potentially affected roots is known, prior to auguring the affected roots must be cleanly root pruned with secateurs or sharp loppers just beyond the pier between it and the tree.

- (f) No machinery is to be stored in the area between the Dwelling and the eastern property boundary fence. Where this cannot be avoided, track mats or other ground protection must be installed.
 - (g) The use of scaffolding to the east of the Dwelling 2 living room must not unduly interfere with canopy of Tree 1.
 - (h) The use of scaffolding to the west of the living room of Dwelling 2 must not unduly impact adjoining trees. Works along this interface must be supervised by the project arborist, to ensure there is no inadvertent impact to the roots of potentially impacted trees to the west.
 - (i) The proposed paving and alfresco area for Dwelling 2 must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of Tree 2. Excavation within the TPZ of Tree 2 to construct the proposed pool must not encroach more than 1 metre in accordance with the Australian Standards (AS-4970-2009). Works must be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.
 - (j) Excavation within the TPZ of Tree 9 for the construction of the driveway must not encroach more than 0.5 metres in accordance with the Australian Standards (AS-4970-2009). Works must be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of Tree 9.
 - (k) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for Trees 1, 2, and 8-13.
 - (l) All services must be routed outside 'Tree Protection Zones'. If this is not possible, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
 - (m) All tree protection zones must be observed according to Australian Standard AS4970-2009 Protection of trees on development sites. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
 - (n) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 Pruning of Amenity Trees. This work should be supervised or carried out by a qualified arborist.
 - (o) **Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.**
6. Prior to the endorsement of plans, including any related demolition, Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Darebin City Council. This report must be made available to all relevant parties involved with the site.
- (a) The TPMP must include:
 - (i) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
 - (ii) Protection measures to be utilised and at what stage of the development they will be implemented;

- (iii) Appointment of a project arborist detailing their role and responsibilities;
 - (iv) Stages of development at which the project arborist will inspect tree protection measures and;
 - (v) Monitoring and certification by the project arborist of implemented protection measures.
 - (b) Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
 - (c) Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
 - (d) The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
 - (e) The TPMP must:
 - (i) Be legible, accurate and drawn to scale;
 - (ii) Indicate the location of all tree protection measures to be utilised and;
 - (iii) Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
 - (iv) Include a key describing all tree protection measures to be utilised.
 - (f) All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 - (g) Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
 - (h) **Three (3) medium sized canopy trees in the private open space of the proposed development, with a minimum mature height of 8m. At the time of planting these trees are to be from 45L size pots and at least 1.5m in height.**
 - (i) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (j) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
 - (k) Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.
7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines

(Victorian Stormwater Committee, 1999), including;

- (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (vi) Toilets must be detailed as connected to water-tanks and laundry, detailed in the WSUD report and annotated onto the WSUD Plan.
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
10. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The land must be drained to the satisfaction of the Responsible Authority.
12. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
- (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.
13. No plant, equipment, services or structures 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. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
15. A clothesline must be provided to each dwelling.
16. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
17. Before occupation of the development, the 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;to the satisfaction of the Responsible Authority.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
19. Before the occupation of the development all 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.
20. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
21. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) 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:
 - (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the

development, they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.

- N3. This Planning Permit represents the planning approval for the development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N4. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N5. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this 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 Residential Parking Permit Scheme.
- N6. Please note the Development Contribution Plan levy will be invoiced separately.
- N7. This planning permit has considered the flood mapping information which came into effect on 12 May 2023. The subject site is not within a potentially flood affected area.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

Motion

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

PART A:

That Council does not support Planning Application D/559/2022 on the following grounds:

1. The proposal does not adequately respond to the preferred neighbourhood Character of the area under Clause 21.03-4 and as specified in the Neighbourhood Character Guidelines (Precinct A2 Victorian and Edwardian), including:
 - a. The upper level is not set back a substantial distance from the façade and will cause unreasonable visual bulk impacts when viewed from the street and adjoining properties.
2. The proposal would result in unacceptable overshadowing impacts to the neighbouring solar panels to the east.

PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

The motion was put and carried and became the Committee Decision as follows:

Committee Decision

MINUTE NO. 23-066

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

PART A:

That Council does not support Planning Application D/559/2022 on the following grounds:

1. The proposal does not adequately respond to the preferred neighbourhood Character of the area under Clause 21.03-4 and as specified in the Neighbourhood Character Guidelines (Precinct A2 Victorian and Edwardian), including:
 - a. The upper level is not set back a substantial distance from the façade and will cause unreasonable visual bulk impacts when viewed from the street and adjoining properties.
2. The proposal would result in unacceptable overshadowing impacts to the neighbouring solar panels to the east.

PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of VCAT decisions upheld for financial year 2022-2023; and
- A summary of decisions issued since last report to Council (financial year 2022-2023).

The General Planning Information attached at Appendix B contains:

- A summary of decisions upheld by VCAT by financial year 2023-2024, to date; and
- A summary of decisions issued since last report to Council (financial year 2023-2024).

Committee Decision

MINUTE NO. 23-067

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

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

CARRIED UNANIMOUSLY

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

8. CLOSE OF MEETING


The meeting closed at 7.25pm.

**CITY OF
DAREBIN**

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