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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 April 2016

Released to the public on Thursday 14 April 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 11 APRIL 2016**

THE MEETING COMMENCED AT 7.05 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Gaetano Greco
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Angela Villella
Cr Oliver Walsh (Deputy Mayor)
Cr Julie Williams (7.38 pm)

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director Assets and Business Services
Darren Rudd – Manager City Development
Peter Rollis – Coordinator Statutory Planning
Jacinta Stevens – Executive Manager Corporate Governance and Performance
Jody Brodribb – Acting Coordinator Council Business

2. APOLOGIES

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee meeting held on 29 March 2016 be confirmed as a correct record of business transacted.

CARRIED

ADOPTION OF SEVERAL COMMITTEE DECISIONS 'EN BLOC'

Motion

MOVED: Cr. S. Tsitas
SECONDED: Cr. O. Walsh

That the Planning Committee agree to move Item Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 'en bloc'.

THE MOTION WAS PUT TO THE VOTE AND WAS TIED

THE CHAIRPERSON, CR. FONTANA, EXERCISED HIS CASTING VOTE IN FAVOUR OF THE MOTION.

THE MOTION WAS THEREFORE CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That the Planning Committee agree to move Item Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 'en bloc'.

CARRIED

Motion

MOVED: Cr. S. Tsitas
SECONDED: Cr. O. Walsh

That the 'Recommendations' contained in Report Items Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 be adopted 'en bloc'.

THE MOTION WAS PUT TO THE VOTE AND TIED

THE CHAIRPERSON, CR. FONTANA, EXERCISED HIS CASTING VOTE IN FAVOUR OF THE MOTION.

THE MOTION WAS THEREFORE CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That the 'Recommendations' contained in Report Items Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 be adopted 'en bloc'.

CARRIED

Cr. Walsh temporarily left the meeting during en bloc discussions at 7.06pm and returned at 7.07 pm.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/981/2013
 21 Hutton Street, Thornbury

AUTHOR: Principal Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant Architectural Plans & Permits	Owner Dong Lin
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SUMMARY:

- This application was deferred at the Planning Committee Meeting dated 29 of March to allow for a comparison between this application and a previous application for 109 Hutton Street, which was refused by Planning Committee and VCAT, highlighting particular issues with setbacks, overshadowing and neighbourhood character. This assessment is provided below.
- This application is for a medium density development comprising the construction of three (3) double storey dwellings. Each dwelling would have three (3) bedrooms and access to two (2) car parking spaces. Vehicle access is provided via an existing crossover to the west of the site and a proposed crossover to the east of the site. Secluded private open space is provided at ground level for each dwelling with areas of between 41 square metres and 50 square metres.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title relating to quarrying and brick making. The proposed development will not breach the terms of the covenant.
- 32 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 initially given in June 2015 via one (1) sign posted on the site and letters sent to surrounding owners and occupiers.
- The application was readvertised in November 2015 via one (1) sign posted on the site and letters sent to surrounding owners and occupiers. The readvertising was the result of an error on the plans and that the layout of the land of 140 Harold Street changing with the demolition of the dwelling and clearing of the site in preparation for the construction of a new dwelling.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and Darebin Parks.

- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/981/2013 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 Ground Floor Plan TP 2 of 9, First Floor Plan TP 3 of 9 and Elevations TP 4 of 9, dated 17 November 2015 and prepared by Architectural Plans & Permits) but modified to show:
 - a) The garage for Unit 1 setback 0.5 metres from the front facade of the dwelling.
 - b) First floor ensuite to Unit 1 setback and additional 1 metre from the front façade. This shall be achieved by reducing the footprint of the dwelling and not by reducing any other boundary setback.
 - c) The dimension of the secluded private open space to the southern side of the kitchen, meals and powder room of Unit 1 increased from 2.6 metres to 3.0 metres. This shall be achieved by reducing the footprint of the dwelling and not by reducing any other boundary setbacks.
 - d) The dimension of the secluded private open space to the western side of the living and meals areas of Units 2 and 3 increased from 3.0 metres to a minimum of 4.0 metres. This shall be achieved by reducing the footprint of the dwellings and not by reducing and other boundary setback.
 - e) The setback of the first floors of Units 2 and 3 increased to a minimum of 4 metres from the west boundary. This shall be achieved by reducing the footprint of the dwellings and not by reducing any other boundary setback.
 - f) The living room of Unit 3 setback a minimum of 3.0 metres from the rear (south) boundary at ground. This shall be achieved by reducing the footprint of the dwellings and not by reducing any other boundary setback.
 - g) The first floor stairwell of unit 3 shall be setback a minimum of 2.5 metres from the rear (south) boundary.
 - h) Removal of the garage structure for Unit 3 from over the easement along the southern (rear) boundary. A light weight structure with removable roof may be provided over the easement.
 - i) A notation detailing that the north-facing windows of bedrooms 1 and 3 to Unit 2 have a sill height of 1.7 metres above the finished floor level.
 - j) A notation detailing that the north-facing window of bedroom 1 of Unit 3 has a sill height of 1.7 metres above the finished floor level.
 - k) The east, west and south-facing upper storey windows and the north facing upper storey window to bedroom 1 of Unit 3 provided with either:
 - a sill with a minimum height of 1.7 metres above finished floor level,
 - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. This must be clearly noted on the plans.

- l) A landscape plan in accordance with Condition No. 4 of this Permit.
- m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern side of the existing crossover and western side of the proposed crossover to Hutton Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- n) Any changes as required by the Arborist report, including but not limited to the location and extent of any tree protection zones and associated fencing in accordance with Condition No. 5 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:

- 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:

- c) Before this Permit expires;
- d) Within six (6) months after the expiry date; or
- e) 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) 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).

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- 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. Before buildings and works (including demolition) start, an Arborist Report prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The report must identify any impacts to trees on the subject site and adjoining lots as a result of the proposed development and make recommendations to protect any affected trees on the subject site (where appropriate) and to protect trees on adjoining lots.
- The tree protection fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- Any tree protection fence must remain in place until construction is completed.
- During construction (except for the purpose of constructing the driveway), no vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zones.
- If vehicle access is required within the tree protection zones, an 18mm layer form ply board that can withstand construction traffic must be erected within the tree protection zone, to minimise any damage to the root system of trees.
- No storage or dumping of tools, equipment or waste is to occur within the tree protection zones.
- The ground surface of the tree protection zones must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
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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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. 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.

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

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.

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

That the Planning Committee refuse the application with the grounds as follows:

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character), including the relevant precinct guidelines (D2) of the Darebin Planning Scheme with specific regard to:
 - a) The proposal removes all trees from the site and fails to provide sufficient open space adversely impacting the existing and preferred garden character for the area.

- b) The extent of development, the height, the bulk and the setbacks to boundaries of the proposed building are not considered the respect the rear garden character of the neighbourhood, would unreasonably affect the amenity of neighbouring properties by way of visual bulk and would not be consistent with existing or preferred neighbourhood character.
 - c) The dwelling fronting Hutton Street is unacceptable in terms of scale, bulk and insufficient articulation.
2. The setbacks combined with the height and bulk of the development fails to meet the objectives of ResCode Standard B17 resulting in an unreasonable impact on the amenity of adjoining lots.
 3. Garage constructed over the easement to the rear of the site not acceptable.
 4. Unacceptable open space provision for Units 2 and 3 contrary to the objectives of ResCode Standard B28.
 5. The development would result in unacceptable overlooking contrary to ResCode Standard B22.
 6. The proposal is an overdevelopment of the site.

CARRIED UNANIMOUSLY

5.2 APPLICATION FOR PLANNING PERMIT D/746/2015
 45 Lewis Street, Thornbury

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Karseras Investments Pty Ltd	N/A

SUMMARY:

- It is proposed to construct two (2) double storey dwellings with dwelling 1 fronting Lewis Street and dwelling 2 fronting Comas Grove. Each dwelling will have three (3) bedrooms, access to two (2) car spaces (one under cover) and ground level open space (see proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on the Certificate of Title, the proposed development will not breach the terms of the covenant.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Capital Works and Darebin Parks.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/746/2015 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 Sheets TP03 and TP04 Rev B, dated July 2015, Job No. 9291 drawn by Ikonomidis Reid and received by Council on the 29 December 2015) but modified to show:
 - a) The notation associated with the pedestrian visibility splays shown on Plan TP03-B confirming that *where within the splay, any structures or vegetation must be not more than 1.15 metres in height.*
 - b) The north to south dimension of the secluded private open space (SPOS) of dwelling 1 applying to a minimum area of 25 square metres and complying with Standard B29 of the Darebin Planning Scheme.
 - c) Annotations detailing a radial Tree Protection Zone and associated Tree Protection Fence either within the confines of the subject site or nature strip around the following trees:
 - Tree 3 – 2 metres from trunk edge
 - Tree 4 – 2 metres from trunk edge
 - Tree 5 – 2.4 metres from trunk edge
 - Tree 6 – 2.04 metres from trunk edge
 - Tree 7 – 2 metres from trunk edgeThe zones must be measured from the outside edge of the trunk in accordance with the requirements of Condition No. 7 of this Permit.
A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - d) The height of the eastern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL).
Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - e) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of four (4) small and two (2) medium sized canopy trees.
 - f) External retractable shading devices over all east and west facing habitable room windows.
 - g) Fixed external shading devices over all north facing habitable room windows.

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- h) A schedule of construction materials, finishes and colours (including colour samples).
 - i) The finished first floor levels shown on the plans for each of the dwellings.

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) Where the opportunity exists, a minimum of four (4) small sized and two (2) 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.
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- 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 buildings and works (including demolition) start, a tree protection fence must be erected around the following trees and measured in a radius from the base of the trunk as detailed in Arboricultural Report, Prepared by Tree Reponse Pty Ltd, dated 30 November 2015 and received by Council on the 29 December 2015:
- Tree 3 – 2 metres from trunk edge
 - Tree 4 – 3 metres from trunk edge
 - Tree 5 – 3.36 metres from trunk edge
 - Tree 6 – 3 metres from trunk edge
 - Tree 7 – 2 metres from trunk edge
 - Tree 8 – 2 metres from trunk edge

To maintain the viability of Trees 3 and 4 the following must be undertaken:

- New garage foundations not to use a strip foundation within the structural Root Zones (e.g. use piers with above – grade construction).
- Remove existing concrete driveway by hand.
- Retain existing soil levels within Structural Root Zones (SRZ).
- Use rumble boards over a 100mm mulch layer until garage construction commences.
- Earthworks within the SRZs (e.g. piers) must only be constructed by hand for the initial 600mm of the soil profile.
- Any roots uncovered must be pruned with a sharp and sterile hand tool.

All demolition and construction works within the TPZs must be supervised by a suitably qualified arborist.

This fence 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.

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

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

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

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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 12. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. 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.

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of the 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.

CARRIED EN BLOC

5.3 APPLICATION FOR PLANNING PERMIT D/716/2015
 255 Darebin Road, Thornbury

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Drawn To Scale	Charles Frederick R McGrath	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising the construction of three (3) double storey dwellings. Dwellings 1 and 2 facing Rathmines Street are reverse living, each with two (2) bedrooms, while dwelling 3 facing Darebin Road has a traditional configuration with ground level secluded private open space and three (3) bedrooms at the first floor (see proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Fourteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Capital Works; Transport Management and Planning and Darebin Parks.
- This application was not required to be referred to external authorities.

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

- Dominic, on behalf of Applicant
- Joseph Sedony, Objector

Recommendation

That Planning Permit Application D/716/2015 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 Sheets 3 of 5, 4 of 5, dated 8.8.15, Job No. 1530 drawn by Drawn to Scale and received by Council on the 10 December 2015) but modified to show:

- a) The north facing terrace roof and northern wall of the meals area of Dwelling 1 setback 1.78 metres from the northern boundary. This must be achieved by reducing the building floor footprint, without reducing any other upper level setbacks from the property boundaries or adjoining dwellings.
- b) The eastern boundary wall reduced to a maximum height of 3.2 metres above natural ground level (NGL).
- c) The pedestrian paths connecting the site to the road frontage must be fully constructed and not intermittent pavers.
- d) The provision of pedestrian visibility splays measuring 2 metres (width across the frontage) by 2.5 metres depth into the site), to the northern and southern sides of the proposed and existing crossovers to Rathmines Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- e) The vehicle crossing of Dwelling 1 aligning with the driveway in accordance with Condition No. 19 of this Permit.
- f) The vehicle crossing to Dwellings 2 and 3 reduced to a maximum width of 6 metres.
- g) The northern balustrade of the terrace of dwelling 1 increased to 1.7 metres high above finished floor level (FFL). The balustrade must have either:
 - Fixed screens with a maximum permeability of 25% to a minimum height of 1.7 metres above FFL or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above FFL.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- h) The height of the northern boundary fence for that part of the fence to the east of the garage increased to a minimum height of 1.8 metres as measured above NGL.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- i) Annotations detailing a radial Tree Protection Zone (TPZ) and associated Tree Protection Fence within the confines of the nature strip around the following trees:
- Tree 1 – 2 metres from trunk edge.
 - Tree 3 – 6.7 metres from trunk edge.
 - Tree 4 – 4.1 metres from trunk edge.
 - Tree 5 – 7.6 metres from trunk edge.

The zones must be measured from the outside edge of the trunk in accordance with the requirements of Condition No. 9 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.

- j) A landscape plan in accordance with Condition No. 6 of this Permit and with the inclusion of a minimum of six (6) small canopy trees.
- k) External retractable shading devices over all east and west facing habitable room windows.
- l) Fixed external shading devices over all north facing habitable room windows.
- m) A 2000 litre water tank for dwelling 3.
- n) A schedule of construction materials, finishes and colours (including colour samples) that matches materials depicted on the elevations plan.
- o) The external storage shed for dwelling 3 relocated to the secluded private open space and shown with useable dimensions.
- p) The finished first floor levels shown on the plans for each of the dwellings.

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

2. Before the development starts, a fee of \$450 must be paid to the Responsible Authority for the planting of replacement street trees within the nature strip for the removal of Council nature strip tree *Acacia Implexa* (Tree 2 in Arborist Report, prepared by All Trees Consulting Services Pty Ltd, dated 26 November 2015).
3. Council Nature strip tree *Acacia Implexa* must be removed by the development/permit holder at their own cost, to the satisfaction of the Responsible Authority.
4. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
5. 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.

-
6. 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) Where the opportunity exists, a minimum of six (6) small 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.
7. 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.

8. 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.
9. Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees (as detailed in Arboricultural Report, by All Trees Consulting Services Pty Ltd, dated 26 November 2015) and measured in a radius and from the base of the trunk :
 - Tree 1 – 2 metres from trunk edge
 - Tree 3 – 6.7 metres from trunk edge
 - Tree 4 – 4.1 metres from trunk edge
 - Tree 5 – 7.6 metres from trunk edge

All works within the TPZs must be supervised by a suitably qualified arborist.

This fence 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, with the exception of Tree 3, whereby the fence can be altered whilst crossover construction is undertaken. The tree protection fencing must be fully reinstated once crossover is complete.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

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

10. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
11. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
12. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

14. The land must be drained to the satisfaction of the Responsible Authority.
15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
19. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of the 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.

Motion

MOVED: Cr. B. Li
SECONDED: Cr. S. Tsitas

That the Planning Committee refuse the application with grounds as follows:

1. Fails to meet the following standards of the Darebin Planning Scheme:
 - a) 55.03-1 B6: Street setback
 - b) 55.04-1 B17: Side and rear setback
 - c) 55.04-2 B18: Wall on boundaries
 - d) 55.04-6 B22: Overlooking

Cr. Tsitas proposed to the mover that an additional point 2. be added as follows. This was accepted by Cr. Li.

2. Over reliance on reverse living average fails to respond to preferred Neighbourhood Character of the area as it is outside a designated major activity centre.

Cr. McCarthy proposed to the mover (Cr. Li) and seconder (Cr. Tsitas) that point 2. be amended to read as follows. This was not accepted by Cr. Li and Cr. Tsitas

2. Reverse living does not form part of the Neighbourhood Character.

Cr. Greco proposed a further amendment to the motion that a point 3. be added as follows. This was accepted by the mover (Cr. Li) and seconder (Cr. Tsitas).

3. Represents and overdevelopment of the site.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. B. Li

SECONDED: Cr. S. Tsitas

THAT the Planning Committee refuse the application with grounds as follows:

1. Fails to meet the following standards of the Darebin Planning Scheme:
 - a) 55.03-1 B6: Street setback.
 - b) 55.04-1 B17: Side and rear setback.
 - c) 55.04-2 B18: Wall on boundaries.
 - d) 55.04-6 B22: Overlooking.
2. Over reliance on reverse living average fails to respond to preferred Neighbourhood Character of the area as it is outside a designated major activity centre.
3. Represents and overdevelopment of the site.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. S. Tsitas

That the Planning Committee refuse the application with grounds as follows:

1. Fails to meet the following standards of the Darebin Planning Scheme:
 - a) 55.03-1 B6: Street setback.
 - b) 55.04-1 B17: Side and rear setback.
 - c) 55.04-2 B18: Wall on boundaries.
 - d) 55.04-6 B22: Overlooking.
2. Over reliance on reverse living average fails to respond to preferred Neighbourhood Character of the area as it is outside a designated major activity centre.
3. Represents and overdevelopment of the site.

CARRIED

Cr Williams entered the meeting during discussion of the above item at 7.38 pm.

Cr. Tsitas temporarily left the meeting at the conclusion of the above item at 7.48 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/483/2015
75 Gooch Street, Thornbury

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
K Lunardi c/- Cornetta Partners Architects	75 Gooch Street Pty Ltd

SUMMARY:

- The applicant seeks to construct four (4) double storey dwellings. Each dwelling is to have two (2) bedrooms at ground floor and an open plan living, kitchen and meals area at first floor. Dwellings 2 and 3 will also have a study at first floor level. A single garage is provided for each dwelling and private open space is in the form of balconies at first floor.
- The site is located in the General Residential Zone (schedule 2).
- There is no restrictive covenant on the title for the subject land.
- A total of eight (8) objections, from five (5) different households, were received.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Darebin Parks Unit, Transport Management and Planning Unit and the Capital Works Unit.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/483/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal fails to comply with the desired future character of the area through the absence of meaningful landscaping opportunities throughout the site and a dominance of car storage facilities. The policy objectives of Clause 22.02 of the Darebin Planning Scheme are not met.

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2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - a) Clause 55.02-1 (Neighbourhood Character) – See ground 1 above.
 - b) Clause 55.02-2 (Residential Policy) – the development intensity is not in keeping with neighbourhood character and local conditions.
 - c) Clause 55.03-3 (Site Coverage) – Site coverage is excessive and does not provide an appropriate balance of building footprint to open space ratio commensurate with surrounding land.
 - d) Clause 55.03-8 (Landscaping) – Insufficient open areas are available on the site for the purpose of planting canopy trees.
 - e) Clause 55.03-9 (Access) – The number and design of the proposed four (4) vehicles crossovers fails to respect the preferred neighbourhood character.
 - f) Clause 55.04-1 (Side and Rear Setbacks) – The development’s setbacks from the side and rear boundaries and continuous built form will create visual bulk impacts on the adjoining properties.
 - g) Clause 55.04-3 (Daylight to Existing Windows) – The development fails to provide adequate daylight to existing habitable room windows.
 - h) Clause 55.05-2 (Dwelling Entry) – The entries fail to provide an adequate sense of address.
 - i) Clause 55.05-4 (Private Open Space) – The secluded private open space proposed fails to provide for the reasonable recreation needs of residents.
 - j) Clause 55.05-6 (Storage) – Storage areas are inadequate for user needs.
 3. The proposal fails to comply with Clause 52.06 (Car Parking) of the Darebin Planning Scheme and does not provide the request number of car spaces under Clause 52.06-5 (number of car parking space required under Table 1).

CARRIED EN BLOC

5.5 APPLICATION FOR PLANNING PERMIT D/944/2015
704-706 Gilbert Road, Reservoir

AUTHOR: Ben Porteous

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Gilbert Rd Investment Pty Ltd	Gilbert Rd Investment Pty Ltd	SJB Planning Interext Design Group Australia Pty Ltd Faulkner and Chapman Landscape design Lid Consulting

SUMMARY:

- It is proposed to demolish the existing dwellings and construct 10 dwellings (eight (8) double storey and two (2) single storey).
- Dwellings 1 to 8 are to have two (2) bedrooms at ground level and kitchen/meals/living areas to the first floor, with balconies of 8 square metres to 10.4 square metres. Dwellings 9 and 10 will have one (1) bedroom each, with ground level secluded private open space of approximately 25 square metres.
- Dwellings 9 and 10 (to the rear) are single storey and the remaining dwellings are double storey.
- Dwellings 1 to 4 and 9 and 10 will each have a single garage and the remaining dwellings will have open car spaces to the rear.
- Vehicle access is via the right of way to the south and a carriageway easement to the north.
- The dwellings will have a contemporary design with largely brick walls to the ground level and lightweight cladding to the first floor and pitched and skillion roofs.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- Seventeen objections were received.
- This application was referred internally to Council's Capital Works Unit, Transport Management and Planning Unit, Public Realm Unit, and the Environmental Sustainable Design (ESD) Officer.

- This application was not required to be referred to external authorities.

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

- *Elizabeth Stojanova, Objector*

Recommendation

That Planning Permit Application D/944/2015 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 drawing nos TP1/4, TP2/4, TP3/4 and TP4/4, dated 24 September 2015, job no. 2014868 and prepared by Intertext Design Group Australia Pty Ltd; and Landscape Plan, dated 06/11/2015 and prepared by Faulkner and Chapman Landscape Design) but modified to show:
 - a) A maximum site coverage of 60%.
 - b) Details of all permeable areas on the site, showing a minimum of 20% of the site area to consist of permeable surfaces.
 - c) Details of the buffer strip between Dwelling 8 and the car spaces to the east, including measures to ensure excess water runoff from the car parking spaces does not destabilise the foundations/footings of Dwelling 8.
 - d) A front fence with a maximum height of 1.0 metre as measured above natural ground level.
 - e) Dwelling 9 provided with a minimum of 25 square metres of secluded private open space, with a minimum dimension of 3.0 metres. This must be achieved without reducing any boundary setbacks.
 - f) The waste and recycling bins of Dwelling 9 relocated into the dwelling's secluded private open space.
 - g) The deletion of the Dwelling 9 south facing kitchen window.
 - h) The deletion of the pedestrian doors within the southern walls of the garages of Dwellings 9 and 10.
 - i) The ground floor service yard of Dwelling 8 extended to abut the southern wall of Dwelling 9.
 - j) The ground floor service yard of Dwelling 9, which adjoins the dwelling's garage, consolidated with the service yard of Dwelling 6 and reallocated to Dwelling 6.
 - k) The ground floor service yard of Dwelling 10, which adjoins the dwelling's garage, consolidated with the service yard of Dwelling 5 and reallocated to Dwelling 5.
 - l) The provision of a door from Dwelling 9 to the Dwelling's private open space located to the south of Bed 1 and the Bath.
 - m) A notation indicating the extent of the construction of the rear right of way in accordance with Condition No. 8 of this Permit.
 - n) The internal dimensions of all garages to be a minimum of 6.0 metres length x 3.5 metres width, clear of all obstructions and a minimum vertical clearance of 2.1 metres above the finished surface level.

- o) Each dwelling provided within a minimum of 6.0 cubic metres of externally accessible storage.
- p) The Dwelling 2 balcony with a minimum area of 8 square metres with a minimum dimension of 1.6 metres. This must be achieved without reducing any boundary setback and without extending the balcony to the south.
- q) Provision of baffled lighting (such as bollard lighting) along the pedestrian path adjacent to the right of way.
- r) The north boundary wall of Dwelling 10 with a maximum average height of 3.2 metres, as measured above natural ground level.
- s) The height of the fence on the northern boundary between the eastern boundary and Dwelling 10 to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- t) All first floor south-facing kitchen windows Dwellings 5 to 8 provided with a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above the relevant finished floor level. The screen must be designed to allow outwards views but restrict downward views.
- u) The ground floor south facing bedroom windows of Dwelling 5 and 8 with minimum sill heights of 1.4 metres above the finished surface level of the right of way.
- v) The Dwelling 1, Bed 2 set back a minimum of 1.0 metre from the vehicular accessway. This must be achieved without reducing any boundary setbacks.
- w) The north facing Dwelling 1, Bed 2 window with a sill height of 1.4 metres above the finished surface level of the vehicular accessway.
- x) Vertical operable shading devices to all west facing habitable room windows.
- y) The provision of an external clothes line within the private open space or service yard of each dwelling.
- z) All habitable room windows and bathroom windows to be operable. The method of operability must be sliding, louvre or casement.
- aa) The provision of either a skylight or window to the first floor powder-rooms of Dwellings 1-8 (inclusive) and 10.
- bb) The garage doors with clear glazing inserts (or similar transparent material) to allow daylight to the garages.
- cc) The provision of operable shading devices to the east facing ground floor windows and glazed doors of Dwellings 9 and 10.
- dd) The Landscape Plan in accordance with Condition No.4 of this Permit. The landscape plan must include a minimum of six (6) small-medium sized canopy trees.

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

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

3. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) A minimum of six (6) small-medium sized canopy trees
 - 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.
 - 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. All proposed planting must be to the satisfaction of the Responsible Authority.
 - 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, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan.

The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

- l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. Prior to the occupation of the development:
- a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the paved section of the right of way to the rear (east), must be submitted to and approved by Council.
 - b) The right of way abutting the southern boundary of the property, commencing from the western end of the property and continuing east to the paved section of the Right of Way to the rear (east), must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority.

9. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.

13. All water-sensitive urban design (WSUD) features shown on the endorsed plans (such as raingardens, water tanks and buffer strips) must be included on the any approved drainage plans for the development.
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;
 - d) Drained:
 - e) Line-marked to indicate the car spaces of Dwellings 5-8 (inclusive);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.

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.

Committee Decision

MOVED: Cr. A. Villella
SECONDED: Cr. T. Laurence

That the Planning Committee refuses the application on the following grounds:

1. The proposal does not respect the existing or preferred Neighbourhood Character and is not consistent with Clause 22.04 of the Darebin Planning Scheme with regard to:
 - a) Insufficient street setbacks are provided to allow a meaningful front garden space.
 - b) Insufficient landscaping is provided to maintain and enhance the landscape character of the area.
 - c) Dominance of upper levels does not respect the single storey residential built form of the area.
 - d) Rhythm of spacing between dwellings.
2. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Does not respect the existing or preferred Neighbourhood Character.
 - b) Insufficient street setback.
 - c) Insufficient landscaping opportunities are provided.
 - d) Insufficient private open space is provided for the expected recreational and service needs of the occupants of the dwellings.
 - e) The proximity of the accessways to ground floor habitable room windows result in poor internal amenity due to vehicular noises.
3. The proposal is inconsistent with the requirements of Clause 52.06 of the Darebin Planning Scheme as no visitor car parking spaces are provided.

CARRIED UNANIMOUSLY

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.49 pm and returned at 7.50 pm.

Cr. Villella temporarily left the meeting during discussion of the above item at 7.53 pm and returned at 7.54 pm.

5.6 APPLICATION FOR PLANNING PERMIT D/382/2015
 126 Albert Street, Preston

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Gift Stop Pty Ltd	N/A

SUMMARY:

- It is proposed to construct a medium density development comprising three (3) double storey dwellings at the site. Each dwelling will have two (2) bedrooms and access to one (1) car parking space comprising a space in a double carport for Units 1 and 2 and a single car space for Unit 3. Vehicle access is to be gained via a proposed crossover at the southern edge of the site. A balcony of between 8sqm and 10sqm is provided for each of Units 1 and 2. An area of 40 square metres of secluded private open space is provided at ground level for Unit 3
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Fourteen (14) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Capital Works Unit, Council’s Strategic Planning Unit and Council’s Transport Management and Planning Unit. This application was not required to be referred to other Council units.
- This application was referred externally to Vic Roads.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. Laurence

That Planning Permit Application D/382/2015 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 Ground and First Floor Plan TP-04B and Elevations TP-05B, dated October 2015 and prepared by Ikonomidis Reid) but modified to show:
 - a) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the proposed crossover to Albert Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - b) A 1.0 metre wide pedestrian path provided between the front door of Dwelling 1 and the Albert Street footpath. The pedestrian path connecting the site must be fully constructed and no intermittent pavers.
 - c) A landscape plan in accordance with Condition No. 4 of this Permit. The plan must include at least one (1) semi-mature tree within both front and rear setbacks.
 - d) The setback of the upper level of Unit 3 from the northern boundary increased to a minimum of 5.5 metres.
 - e) The height of fence on the boundary between the western and eastern walls of Bedroom 2 of Unit 1 to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

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.

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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) 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).
 - 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. 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.
9. 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.

10. Boundary walls facing 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. 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; 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.

16. 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.

CONDITIONS IMPOSED BY VIC ROADS

17. The crossover and driveway is to be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the completion of the works hereby approved.
18. The disused and redundant vehicle crossing must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

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.

VIC ROADS NOTE:

- The proposed development requires the construction of a crossover as well as the reinstatement of a disused crossover to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

CARRIED EN BLOC

5.7 APPLICATION FOR PLANNING PERMIT D/1059/2015
 36 Holly Street. Preston

AUTHOR: Urban planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Design Cad Service Pty Ltd	Exors Ronald Joseph Hull and Exors Betty Joan Hull and Pauline Anne Hull	N/A

SUMMARY:

- The application proposes includes development of the land for the purpose of three (3) double storey dwellings with two (2) bedrooms. Plans include provision for single garages for Dwelling 1 and 2 accessible to each dwelling and a demountable carport for Dwelling 3. Sufficient parcels of private open space, accessible from living areas are provided for all dwellings.
- The site is zoned General Residential Zone – Schedule 2
- There is no restrictive covenant on the title for the subject land.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally:
 - Capital Works Unit indicated no objection subject to Condition 10 ‘The land must be drained to the satisfaction of the Responsible Authority’
 - Public Realm did not approve the provided Landscape Plan.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/1059/2015 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 DWG No 2, 3 and 4 prepared by Design CAD service dated 17 December 2015) but modified to show:
 - a) A notation included for all first floor windows (except south facing first floor windows of Dwelling 1) that states 'fixed obscured glazing (not film) to 1.7 metres above finished floor levels';
 - b) Where not fixed, all dwellings first floor habitable windows must be noted as openable on the elevation plans;
 - c) Adjustable external shading to the west facing first floor glazed windows of all dwellings;
 - d) Solar hot water system or a minimum 2000 litre water tank connected to a minimum 50 square metres of roof and all toilets. The location of any tanks or panels must be detailed and dimensioned on plans, with any water tanks located close to the point of use and panels facing north;
 - e) The proposed driveway dimensioned as a minimum of 3 metres in width;
 - f) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed crossover to Holly Street.

A notation should be added stating where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height;
 - g) A landscape plan in accordance with Condition No. 4 of this Permit;
 - h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples);

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) 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).
 - 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. 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.

9. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
10. The land must be drained to the satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. 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.

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

CARRIED EN BLOC

5.8 APPLICATION FOR PLANNING PERMIT D/739/2011/C
 26 Cool Street, Reservoir

AUTHOR: Urban Planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	White Space Image Design	N/A

SUMMARY:

- This is a routine application to amend an existing Planning Permit D/739/2011 and the endorsed plans to facilitate a different window layout.
- The Planning permit was issued on 19 May 2012 and at the time was the subject of one objection.
- The development approved under this planning permit has substantially commenced.
- The site is zoned General Residential Zone Schedule 2
- There is no restrictive covenant on the title for the subject land.
- 14 pro-forma 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 letters sent to surrounding owners and occupiers.
- This application was not required to be referred to other Council Units.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That the amendment to Planning Permit Application D/739/2011 be supported and a Notice of Decision to Grant a Permit be issued subject to the following condition being changed:

Condition 1 (d) reworded from:

'All upper level habitable room windows with fixed, obscured glazing (not film neither opaque glazing) to a height of 1.7 metres above finished floor with clear notation for each such window'.

To:

'All upper level habitable room windows with fixed, obscured glazing (not film neither opaque glazing) to a minimum height of 1.7 metres above finished floor with clear notation for each such window.'

CARRIED EN BLOC

5.9 APPLICATION FOR PLANNING PERMIT D/1098/2015
 98 Royal Parade, Reservoir

AUTHOR: Urban Planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ikonomidis Reid Pty Ltd	Antonia Thermos and John Thermos

SUMMARY:

- This application proposes development of the land for two (2) double storey dwellings with three (3) bedrooms. Plans include provision for double garages accessible to each dwelling and sufficient parcels of private open space accessible from living areas.
- The site is zoned General Residential - Schedule 2
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally:
 - Capital Works Unit indicated no objection subject to Condition 10 'The land must be drained to the satisfaction of the Responsible Authority'.
 - Council's Traffic Management Unit indicated that the curved landscape strip protruding into the driveway area along the southern boundary should be removed, a 3 metres crossover width to be dimensioned and visibility splays were required for the street crossover
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/1098/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP-04 and TP-05 prepared by Ikonomidis Reid dated December 15) but modified to show:
 - a) Unit 1 south-west facing kitchen window noted as double glazing at least 6.38mm thick;
 - b) The height of boundary fences to the rear (south-east) of Unit 2, (abutting No. 61 Marchant Avenue) to be a minimum height of 1.8 metres as measured above natural ground level. The existing 1.7 metre high paling fence on the south-west boundary increased to 1.8 metres through use of a trellis or extension. Except where within 9 metres of the northern (Royal Parade) boundary.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development;
 - c) The north-east facing doorway to Unit 1 garage reversed to not open into the car space;
 - d) The proposed crossover dimensioned as 3 metres;
 - e) Removal of the curved landscaping area protruding into the driveway along the south-eastern boundary;
 - f) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed crossover to Royal Parade. A notation should be added stating where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - g) A landscape plan in accordance with Condition No. 4 of this Permit.
 - h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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) 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).
 - 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

8. 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.

9. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

10. The land must be drained to the satisfaction of the Responsible Authority.

11. 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.

12. 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.

13. 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.

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

CARRIED EN BLOC

5.10 APPLICATION FOR PLANNING PERMIT D/932/2015
73 Seston Street, Reservoir

AUTHOR: Urban Planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant Design Cad Service Pty Ltd	Owner Anh Loi Trinh
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SUMMARY:

- The proposed development consists of three (3) double storey townhouses. The dwellings include two (2) bedrooms, and single car ports. Each dwelling has a secluded private open space over 40 square metres.
- The site is zoned Residential Growth Zone - Schedule 3
- There is no restrictive covenant on the title for the subject land.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and Standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be supported.

CONSULTATION

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Capital Works Unit and Public Realm Unit.
- This application was not required to be referred to external authorities.

The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr. Fontana:

- *Bruce Munro, Objector*

Committee Decision**MOVED: Cr. T. Laurence****SECONDED: Cr. S. Tsitas**

That Planning Permit Application D/932/2015 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 DWG 2, and 3 dated 17/12/15 prepared by Destination CAD, DWG 4 and 5 prepared by Destination CAD, dated 12/11/2015 and DWG 6 prepared by Greenpiece dated 17/12/2015) but modified to show:
 - a) All north and south facing first floor habitable room windows for all dwellings provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor levelWhere fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties
 - b) The southern internal wall of Dwelling 1 and 2 study which abuts the stairwell to be replaced with balustrading or a half wall. A notation should be included that details studies are to be used as a common area only, not as a bedroom
 - c) An internal fence 1.8 metres in height located between Dwelling 2 and 3 secluded private open space
 - d) South facing ground floor habitable room windows for Dwelling 2 to require double glazing at least 6.38mm thick
 - e) Details of any proposed front fencing
 - f) Unless required to be fixed under Clause 55.04-6, all windows are to be operable
 - g) External, operable shading devices are to be fixed to all north facing habitable room windows and glazed doors
 - h) Each dwelling provided with a solar hot water system. Systems are to be shown on plans
 - i) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the existing crossover to Seston Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height
 - j) A landscape plan in accordance with Condition No. 4 of this Permit.
 - k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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) 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).
 - 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. 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.
9. 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.
10. Boundary walls facing 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. 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; 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.

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

5.11 APPLICATION FOR PLANNING PERMIT D/714/2015
 10 Symons Street Preston

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Na Lin	John Klarica

SUMMARY:

- The proposal is to construct three (3) double storey dwellings, each with two (2) bedrooms and one (1) car space. The ground level private open space areas are to be provided to the side (west) of each dwelling. Each dwelling has access to a minimum of 40 square metres of private open space, of which a minimum of 25 square metres is secluded. A maximum building height of 7.592 metres is proposed.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) 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 and the Capital Works Unit.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/715/2015 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 drawing nos TP-04, TP-05, Revision A, dated August 2015, job no. 009411, and prepared by Ikonomidis Reid) but modified to show:
 - a) The garages are to have minimum internal dimensions of 3.5 metres in width and 6 metres in length.
 - b) The western upper storey wall of Bedroom 2, Dwelling 2 to be set back from the western title boundary by a minimum of 3.0 metres. This may result in a reduction in the eastern boundary setback of Bedroom 2 by a maximum of 400mm.
 - c) The southern entry wall and porch of Dwelling 3 to be set back from the accessway by an additional 500mm. No other building boundary setback is to be reduced as a result of this change.
 - d) Swept path diagrams prepared by a qualified traffic engineer demonstrating that vehicles are able to exit the site in a forwards direction from each garage. The landscaped bed opposite the garage of Dwelling 1 may be altered to achieve compliance with this condition.
 - e) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - f) Adjustable external shading devices to the north, east and west facing habitable room windows of each dwelling.
 - g) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - 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.

Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.

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) 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).
 - 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. 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.
10. Boundary walls facing 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. 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) Drained
- e) Line-marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

CARRIED EN BLOC

5.12 APPLICATION FOR PLANNING PERMIT D/1088/2014
 30 Cuthbert Road, Reservoir

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Jingbo Huang c/o Beyond Design Group Pty Ltd	Jingbo Huang

SUMMARY:

- Three (3) double storey dwellings are proposed. Dwellings 1 and 2 each have three (3) bedrooms with two (2) car spaces. Dwelling 3 has two (2) bedrooms with one (1) car space.
- The site is zoned General Residential Zone Schedule 2.
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts excavation and removal of earth materials from the land with the exception for the purpose of excavation for the foundation of any building. The covenant also restricts the land being used for the purpose of manufacturing and winning of brick tiles or pottery ware. It is considered that the proposed development will not breach the terms of the covenant.
- Twelve objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice of the initial application was given via a sign posted on site and letters sent to surrounding owners and occupiers. The application was amended under Section 57(A) and the surrounding owners and occupiers were subsequently notified of this via letters.
- The application has been referred to Council’s Capital Works and Transport and Management and Planning Units.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/1088/2014 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 Ref No. 14-1164, Drawings TP1, TP2, TP3, dated 26th October 2015, all revision B and prepared by Beyond Design Group) but modified to show:
 - a) A section diagram demonstrating how all balcony screens minimise overlooking of adjoining properties to comply with Standard B22 of the Darebin Planning Scheme.
 - b) The roof of the carport of Dwelling 1 reduced by 1.0 metre so that the roofed area measures 5.0 metres in length. The eastern edge of the carport is to be set back from the eastern title boundary by a minimum distance of 1.0 metre in its entirety. No other setback may be altered as a result of this change.
 - c) Dwelling 1 ground floor west facing kitchen and meals area windows fitted with 6.83 mm thickened glazing.
 - d) A one metre wide pedestrian path between the front door of Dwellings 1 and 2 and the public footpath abutting Cuthbert Road.
 - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossover to Cuthbert Road. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - f) The provision of fixed, adjustable shading devices to the east, west and north-facing habitable room windows of each dwelling.
 - g) 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) 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).
 - 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.
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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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. 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.
9. 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.
10. Boundary walls facing 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. 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; 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.

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

NOTATIONS

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

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

CARRIED EN BLOC

5.13 APPLICATION FOR PLANNING PERMIT D/475/2015
 11 Mihil Street, Preston

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Architectural Plans and Permits	JZZ Corp Pty Ltd	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising two (2) double storey dwelling and one (1) single storey dwelling.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2).
- There is a restrictive covenant on title. The proposed development will not breach the terms of the covenant.
- Seventeen (17) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Capital Works and Transport Management and Planning Units.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/475/2015 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 Drawing Nos. TP.2, TP.3 and TP.4 prepared by Architectural Plans and Permits and dated 19.10.2015) but modified to show:
 - a) If a front boundary fence is proposed, a notation detailing the height and materials provided on the Ground Floor Plan (TP.1).
 - b) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - c) Internal fencing to private open space areas to be a minimum height of 1.8 metres.
 - d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - e) The maximum height within the pedestrian splays to be noted as 1.15 metres.
 - f) A 1 metre wide pedestrian connection to Unit 1 to Mihil Street. The connection must be fully constructed and not be intermittent pavers.
 - g) Bedroom 1 of Unit 2 is to be located 1 metre from the accessway. The window sill is to be 1.4 metres above the accessway in accordance with Clause 55.03-10 Design Standard B15 of the Scheme.
 - h) The garage of Unit 1 to have usable area of 5.5 metres in width and 6 metres in length with no walls or obstructions within this area.
 - i) A minimum height clearance of 2.1 metres above all car parking and trafficable areas in accordance with Design Standard 2 of Clause 52.06-8.
 - j) The proposed RL within the Garage of Unit 3.
 - k) A landscape plan in accordance with Condition No. 4 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) 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).
 - 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.

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- 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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. 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.
9. 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.
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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. 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.

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 No building or works may be built over any easement on the land except with the written consent of the relevant authority.

CARRIED EN BLOC

5.14 APPLICATION FOR PLANNING PERMIT D/925/2015
 10-12 Fordham Road, Reservoir

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Summerhill Drafting Service	Lucia Latina	N/A

SUMMARY:

- It is proposed to construct a medium density development comprising four (4) double storey dwellings and two (2) single storey dwellings and reduce to the statutory car parking requirement associated with visitor car parking.
- The site is zoned General Residential Zone – Schedule 1 (GRZ1).
- There is no restrictive covenant on the title for the subject land.
- Forty eight objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Capital Works and Transport Management and Planning Units, Darebin Parks and Council’s Environmentally Sustainable Developments Officer.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/925/2015 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 Drawing Nos. 2, 3, 6 and 8 prepared by Summerhill Drafting Service and dated 23.10.15) but modified to show:
 - a) The front boundary fence, if any, to be noted on the Proposed Lower Floor and Site Plan (Drawing No. 2). The fence must not exceed 1.2 metres in height.
 - b) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - c) A roof plan depicting the location of solar hot water systems.
 - d) The opening to the central driveway servicing Dwellings 1-5 should not exceed 3 metres in width.
 - e) The eastern boundary setback of Dwelling 5 increased at ground floor level so that this dwelling achieves a minimum area of 55 square metres of secluded private open space.
 - f) The western boundary setback of Dwelling 1 increased at ground floor level so that this dwelling achieves a minimum area of 40 square metres of secluded private open space.
 - 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 eastern and western sides of the crossovers to Fordham Road. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - h) Section diagrams indicating that the following windows meet the requirements of Standard B23 of Clause 55.04-7:
 - Dwelling 1: Retreat south-facing window;
 - Dwelling 2: Retreat south-facing window;
 - Dwelling 5: Bedroom 1 and Bedroom 2 north-facing window and Retreat south-facing window; and,
 - Dwelling 6: Bedroom 2 south-facing window.These windows may be provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

- i) The first floor Bedroom 1 west-facing window of Dwelling 2 and the first floor Bedroom 1 east-facing window of Dwelling 5 provided with either:
- A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- j) Modifications in accordance with the Sustainable Design Assessment (i.e. the location of the solar hot water units. Please refer to Condition No. 8 of this Permit).
- k) A landscape plan in accordance with Condition No. 4 of this Permit.
- l) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 5.4 metres (No. 10 Fordham Road) and 6 metres (No. 12 Fordham Road) (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip in front of the subject site in accordance with the requirements of Condition 7 of this Permit.
- m) A 1 metre pedestrian connection is to be provided for Dwelling 1 and Dwelling 6 to Fordham Road. The pedestrian path must be fully constructed and not be intermittent pavers.
- n) Each 6 metre by 3.5 metre garage is to be kept clear of obstructions including stairs.
- o) The shared accessway is to be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5 metres high or where the window sills are at least 1.4 metres above the accessway.
- p) New vehicle crossings must be designed and constructed in accordance with Council's engineering design standards and specifications.

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) 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).
 - 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 buildings and works (including demolition) start, a tree protection fence must be erected around the tree located in the nature strip at a radius of 5.4 metres (No. 10 Fordham Road) and 6 metres (No. 12 Fordham Road) from the base of the trunk to define a 'Tree Protection Zone'.

This fence 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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

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

8. 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. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction 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 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.

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

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

CARRIED EN BLOC

5.15 APPLICATION FOR PLANNING PERMIT D/626/2015
 11 Hurlstone Avenue, Preston

AUTHOR: Principal Planner – John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultants
Archiscale	David Dennis Mouzakis and Nicole Mouzakis	

SUMMARY:

- The application is for a medium density housing development comprising the construction of two (2) double storey dwellings on a lot.
- The proposed dwellings are semi-detached with each having two (2) bedrooms on the ground floor and living areas on the first floor in a ‘reverse living’ arrangement.
- Car parking is proposed to be accessed from Hurlstone Avenue via two (2) single crossovers, with each of the dwellings having a single garage.
- The maximum height of the proposal is 7.67 metres, measured from natural ground level.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Development Contributions Plan Overlay – Schedule 1.
- There is no restrictive covenant on the title for the subject land; however a Section 173 agreement obligates the owner to the following.

Except with Council's prior written consent, the Owner:

- *May only develop the Subject Land in accordance with the Development Permit and the conditions of the Development Permit; and*
- *Must not, upon completing the development in accordance with the Development Permit, alter or extend or otherwise change the development.*

The Section 173 agreement defines ‘Development Permit’, in the context of the agreement, as meaning Planning Permit D/762/2011, as amended from time to time, issued on 20 March 2012, authorising development of the Subject Land in accordance with plans endorsed by Council.

- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (The Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via signage posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Capital Works Unit.

- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. Laurence

That Planning Permit Application D/626/2015 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 TP05, TP06, TP07 and TP087, prepared by Archiscale and dated Nov 2015) but modified to show:
 - a) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the crossovers to Hurlstone Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - b) All finished floor levels, overall heights and wall heights to Australian Height Datum (AHD).
 - c) A fixed, external shading device to the first floor, north facing living room window of Dwelling 1.
A section diagram must be included to demonstrate how the shading device minimises the impact of direct sun to the window.
 - d) External, operable shading devices to all east and west facing habitable room windows and glazed doors.
A section diagram must be included to demonstrate how the shading device(s) minimises the impact of direct sun to the windows and glazed doors.
 - e) The location of the double garage on the adjoining property to the north, known as 213 Raglan Street, on all floor plans.
 - f) The first floor, northern setback of Dwelling 1 increased to a minimum of 2.09 metres where not located directly opposite the double garage of the property to the north, known as 213 Raglan Street, Preston. This must be achieved by reducing the floor area of the dwelling and without reducing any other boundary setbacks.
 - g) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - h) The height of fences on the boundaries of the rear secluded private open spaces of both dwellings to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- i) The obscure first floor, west facing kitchen windows of both dwellings to be notated as fixed.
- j) A landscape plan in accordance with Condition No. 5 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 the development starts the owner of the land at 11 Hurlstone Avenue, Preston must enter into an Agreement with the Responsible under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
 - a) The owner must develop the subject land only in accordance with Planning Permit D626/15 (as amended), or any other planning permit issued by the Responsible Authority.

Before the development starts, application must be made to the Registrar of Titles to enter a memorandum of the Agreement on Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

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.

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- d) 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).
 - 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.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. 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.
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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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. 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; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

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 EN BLOC

5.16 APPLICATION FOR PLANNING PERMIT D/1115/2015
 466 High Street, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Cornetta Partners Architects	466 High Street Pty Ltd	

SUMMARY:

- The proposed development consists of a five (5) storey building comprising 18 dwelling and three (3) shops. All dwellings provide one (1) or two (2) bedrooms and access to a balcony of between 8.5 to 67.9 square metres in area.
- 14 car parking spaces are provided. This presents a car parking reduction.
- The site is zoned Priority Development – Schedule 2. The Planning Scheme exempts public notice and appeal rights for buildings of 4 storeys or less.
- There is no restrictive covenant on the title for the subject land.
- 20 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme and the strategic direction of the Preston Central Structure Plan.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given due to the proposal exceeding 4 storeys in height, via two (2) signs posted on site and letters sent to surrounding owners and occupiers
- This application was referred internally to the capital Works Unit, Transport Management and Planning Unit and the ESD officer.
- This application was required to be referred to Melbourne Water.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. Laurence

That Planning Permit Application D/1115/2015 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 TPA03, TPA04, TPA05, and TPA06 Job No 14-03 prepared by Cornetta Partners) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 5 of this Permit). Waste collections must be limited to two (2) collections per week for the entire development, including both residential and commercial components.
 - c) Modifications in accordance with Melbourne Water's requirements. Refer to Condition No's 17 to 23 of this Permit.
 - d) A reduction to the area of rendered surfaces and treatments to the north and west elevation.
 - e) Provision of large sections of brick finishes to the north and west elevation.
 - f) 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.
 - g) Fixed horizontal shading devices to all north elevation windows.
 - h) Retractable vertical shading devices to all west elevation windows and or balconies.
 - i) 21 bicycle parking spaces on site. The design of the spaces must accord with Clause 52.34-4 of the Darebin Planning Scheme.
 - j) Bedroom 2 of dwelling 1 and 7 provided with direct access to an external natural light source.
 - k) Bedrooms of Dwellings 2, 5, 8 and 11 provided with a retractable wall to increase penetration of daylight into these spaces.
 - l) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems as outlined in the Sustainable Design Assessment). 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.

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 Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- a) Management.
- b) Energy.
- c) Water.
- d) Stormwater.
- e) IEQ.
- f) Transport.
- g) Waste.
- h) Urban Ecology.
- i) Innovation.
- j) Materials.

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

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

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

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

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

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

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

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

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

8. 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.
9. 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.

10. Boundary walls facing 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. 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.

16. Before the development is occupied all redundant crossings, crossing openings 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 (Conditions 17-23)

17. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
18. The ground floor of the building and retail tenancies, with the exception of the entry area, must be constructed with finished floor levels set no lower than 67.5 metres to Australian Height Datum.
19. The car stackers must be constructed with finished surface levels set no lower than 67.5 metres to Australian Height Datum.
20. 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.
21. 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.
22. Prior to a building permit being issued, a separate Buildover Application must be made directly to Melbourne Water for detailed terms and conditions.
23. Prior to a building permit being issued, the depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification.

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 EN BLOC

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. J. Williams

That Application for Planning Permit D/992/2014 - 425 Plenty Road, Preston be admitted for consideration as 'Urgent Business'.

CARRIED

Committee Decision

MOVED: Cr. J. Williams
SECONDED: Cr. S. Tsitas

That Application for Planning Permit D/992/2014 - 425 Plenty Road, Preston be heard as 'Urgent Business' at Item 5.17.

CARRIED

5.17 APPLICATION FOR PLANNING PERMIT D/992/2014
 425 Plenty Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Dr T Pastore	Tail-Wind Enterprises Pty Ltd	Best Hooper

SUMMARY:

- This is a report requesting that Council forms a view to support the proposal on the basis that amended plans submitted to VCAT (dated 7 February 2016) have addressed the grounds of refusal in Council's previously issued by Council on 21 August 2015.
- The application proposes to develop a six (6) storey building comprising of 25 dwellings and two (2) shops.
- 26 car parking spaces are provided at ground level. This represents a reduction to the car parking requirement of Clause 52.06 of the Planning Scheme.
- The site is zoned Commercial 1.
- There is no restrictive covenant on the title for the subject land.

- 25 Statement of Grounds were received objectors against the amended plans (dated 7 February 2016) currently under consideration. No objections were received against the initial plans were refused on 21 August 2015, as these plans were not subject to public notification.
- The proposal is generally consistent with the objectives and standards of Clauses 22.06 and 52.06 of the Darebin Planning Scheme.
- It is recommended that the application be supported at the forthcoming appeal.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers. Notice was undertaken at the direction of VCAT following the refusal of the application under delegated authority on 21 August 2015.
- The current plans under consideration and advertised by VCAT are dated 7 February 2016 (for VCAT).
- This application was referred internally to the Transport Management and Planning Unit, Capital Works Unit and the ESD officer.

INTRODUCTION AND BACKGROUND

This application was refused planning permission under delegated authority.

The application was refused on the following grounds:

1. The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:
 - a) 15.01 Urban Design
 - b) 16.01 Residential Development
 - c) 22.10-3.1 Sustainability
 - d) 22.10-3.2 Design and Materials
 - e) 22.10-3.4 Setbacks
 - f) 22.10-3.6 Car Parking and Vehicle Access
 - g) 22.10-3-7 Street address
 - h) 22.10-3.8 Amenity impacts
 - i) 22.10-3.9 On site amenity and facilities, including private open space
 - j) 22.10-3.10 Waste Management
 - k) 52.06 Car parking
 - l) 52.34 Bicycle parking
2. The development is contrary to the Higher Density Residential Development Guidelines.
3. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout, restricted outlook, lack of daylight and or screening measures.
4. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 15.01, 15.02 and 21.05 and 22.10 of the Darebin Planning Scheme.

5. The internal amenity of a high proportion of the dwellings, ESD initiatives, the design and interface of the ground level with Plenty Road and the small size of the commercial spaces, are contrary to the requirements and objectives of Amendment C137 to the Darebin Planning Scheme
6. The design and interface of the ground level with Plenty Road is unresolved as it fails to provide details of the provision and location of site services including fire booster and substation and the like, contrary to Clauses 15.01 and 22.10 of the Darebin Planning Scheme and the High Density Residential Guidelines.

STATEMENT OF CHANGES

The applicant has lodged an appeal with the Tribunal and submitted to Council amended plans which are a substantial improvement on the previous proposal that was refused. Council is now required to form a view on whether the amended plans address Council's grounds of refusal.

The amended plans under consideration involve the development of a six (6) storey building comprising of 25 dwellings and two (2) shops and a reduction to the car parking requirement. The car parking allocation is 24 resident spaces and two (2) commercial spaces.

The initial plans which Council refused involved the development of a six (6) storey development comprising 26 dwellings, two (2) shops and reduction to the car parking requirement. The car parking allocation was 26 resident spaces only.

The following changes have been made to the proposal since the application was refused planning permission on 21 August 2015:

1. The site context plan has been updated to reflect changes in the surrounding context, including:
 - a) No. 1 Beauchamp Avenue, which is nominated as "under construction"
 - b) Development of 1-5/184 Murray Road is now shown
2. The number of dwellings reduced from 26 to 25.
3. Two (2) commercial car parking spaces provided (previously zero)
4. Bicycle spaces increased to 24 from 19.
5. Disabled car parking space and shared space has been added adjacent to storage lockers.
6. Waste collection area increased in size.
7. 1200mm "blind aisle" extension added to east end of car park.
8. Shops 1 and 2 increased in floor to ceiling height to 3200mm from 2700mm.
9. Waste Management table changed to reflect one collection per week for garbage and recycling.
10. North facing light-well increased to 5800mm width x 3000mm (1st to 5th floor).
11. South facing light-well increased to a depth of 2700mm (1st to 5th floor).
12. Privacy screening to balconies 4, 5 and 6 changed to 1700mm high in respect to prevent overlooking of the adjacent dwellings at No. 1-5/184 Murray Road.
13. First floor west setback decreased to 2050mm from 2500mm.
14. Second floor west setback increased to 3650mm from 3300mm.

15. Third floor west setback increased to 6535mm from 6000mm.
16. Fourth floor west setback increased to 9460mm from 8900mm.
17. Fifth floor west setback increased to 11,800mm from 11,250mm.
18. Perforated steel mesh changed to face brickwork.
19. Overall building height increased by 500mm due to the increase in floor to ceiling height of shops 1 and 2.

Recommendation

That Planning Permit Application D/992/2014 be supported at the forthcoming appeal 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 1, 2, 3, 4, 5, 6, 7, 8, 9 of 13, Job No 13-92 prepared by Petridis Architects, dated 7 February 2016) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 5 of this Permit). Waste collections must be limited to two (2) collections per week for the entire development, including both residential and commercial components.
 - 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 horizontal shading devices to all north elevation windows.
 - e) Retractable vertical shading devices to all east and west elevation windows and or balconies.
 - f) The location of all plant and equipment (including substation, air conditioners, solar panels, solar hot water systems). 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.

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 Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater
- e) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

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

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

6. 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.

7. 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.
8. 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.

9. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
10. The land must be drained to the satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
14. 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.

Objections

- 25 individual submissions have been received by VCAT detailing grounds of objection.

Objections summarised

- Contrary to character of the area
- Too many 1 and 2 bedroom dwellings / no dwelling diversity
- Internal amenity
- Sustainability
- Car parking
- Traffic impacts
- Overdevelopment
- Visual bulk
- No net value to the community
- Overshadowing

- Waste management
- Infrastructure capacity
- Property value
- Noise during construction
- Safety

Contrary to character of the area

The development accord with the current and future direction of the area as set out under the Planning Scheme and Amendment C137.

Too many 1 and 2 bedroom dwellings / no dwelling diversity

The proposal adds further housing diversity to the area and this ground for objection is contrary to the facts and recommendations of the Darebin Housing Strategy.

Internal amenity

The dwellings are provided sufficient width and appropriate depths to ensure sufficient light and outlook are provided to the dwellings.

Sustainability

The proposal has provided an appropriate ESD assessment.

Car parking

The revised car parking allocation including the provision of two (2) commercial car parking spaces and 24 resident spaces satisfies the objectives of Clause 52.06 of the Planning Scheme. A reduction of one (1) resident car parking space, two (2) commercial car parking spaces and five (5) visitor car parking spaces is deemed appropriate having regard to the location of the site adjacent tram services and in proximity of Preston train station.

Traffic impacts

It is considered that the proposal will not generate significant traffic. The local road network and site context adjacent Plenty Road has capacity to accommodate the additional vehicle movements associated with the development.

Overdevelopment

The height and scale of the development is considered to the context of the site.

Height

The six (6) storey height of the development is considered to be appropriate in the context of the site and is supported by the development objectives of the adopted amendment C137 which supports six (6) storeys development for this section of Plenty Road.

Visual bulk

The visual bulk impact of the proposal has been addressed through setbacks and complies with the planning scheme.

No net value to the community

This ground is unsubstantiated. There are no demonstrated dis-benefits associated with the development. The proposal provides dwellings resulting in community benefit. This ground is clearly contrary to the objectives of planning in Victoria.

In *Backman and Company Pty Ltd v Boroondara City Council* the following was noted:

“33. As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(b) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development. Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes.

The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect.

The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal.”

Overshadowing

The level of overshadowing is within the thresholds under Clause 55 and complies with the planning scheme.

Waste management

A waste management plan is requested as a condition of approval, requiring that waste collection is limited to two (2) collections per week, reduced from four (4) collections per week as previously proposed.

Infrastructure capacity

Any improvements required to existing utilities as a result of the development will be the responsibility of the developer. Infrastructure outside the site arising from general population growth be that retail, transport, medical or educational will be for the responsibility of the relevant service providers.

Devaluation of property

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

Noise / disruption during construction

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse an application.

Safety

The development raises no issues in respect to safety. The development provides a visible entrance and balconies overlooking the street to provide passive surveillance.

The current plans under consideration (dated 7 February 2016) represent a marked improvement over the plans that were refused planning permission on 21 August 2015. The key changes to the development include improvements to the internal amenity of the dwellings through the provision of revised layouts, larger light-wells to the north and south elevation and the inclusion of a light-shaft through the centre of the building. These changes increase the functionality, outlook and level of daylight into the dwellings.

From an ESD perspective the increase in daylight into the dwellings and communal areas will lessen the reliance on artificial lighting and reduce the energy demands of the development.

The number and access to bicycle parking has been improved. Bicycle parking has increased from 19 to 24 spaces. Access to the bicycle parking has improved through the provision of lift access to the basement.

The car parking allocation has been improved to include two (2) commercial parking spaces.

The interface of the development with adjacent residential properties located to the west of the site, beyond the right of way has improved through the provision of increased setbacks at the 2nd to 5th floor level.

The façade of the development includes larger areas of face brickwork, which presents an improvement over the rendered treatments that were previously provided.

The size of the waste storage area has been increased to reduce the number of weekly collections, which reduces the frequency of vehicle movements along the right of way.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection, subject to condition included in recommendation.
ESD officer	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01 (Commercial 1 Zone) - Construction of more than one dwelling
- Clause 52.06 (Car Parking) - A reduction to the car parking requirement.
- Clause 52.07 (Loading and Unloading) - A variation to the loading/unloading requirement.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.06
Zone	34.01
Overlay	45.06
Particular provisions	52.06, 52.07, 52.34
General provisions	65.01

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.

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

- Joe Corbett, Objector
- Zora Marko, Objector

Motion

MOVED: Cr. S. Tsitas
SECONDED: Cr. T. Laurence

That Planning Permit Application D/992/2014 be supported at the forthcoming appeal 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 1, 2, 3, 4, 5, 6, 7, 8, 9 of 13, Job No 13-92 prepared by Petridis Architects, dated 7 February 2016) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 5 of this Permit). Waste collections must be limited to two (2) collections per week for the entire development, including both residential and commercial components.
 - 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 horizontal shading devices to all north elevation windows.
 - e) Retractable vertical shading devices to all east and west elevation windows and or balconies.
 - f) The location of all plant and equipment (including substation, air conditioners, solar panels, solar hot water systems). 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.

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 Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater
- e) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

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

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

6. 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.

7. 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.
8. 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.

9. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
10. The land must be drained to the satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
14. 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.

THE MOTION WAS PUT TO THE VOTE AND LOST.

Alternate Motion

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That Planning Committee refuse to support Planning Permit Application D/992/2014 at the forthcoming VCAT appeal.

THE ALTERNATE MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That Planning Committee refuse to support Planning Permit Application D/992/2014 at the forthcoming VCAT appeal.

CARRIED

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING

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.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Committee Decision

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

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

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.47 pm.

