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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 July 2016

Released to the public on Thursday 14 July 2016

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

THE MEETING COMMENCED AT 7.00 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Oliver Walsh
Cr Julie Williams

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
Katia Croce – Coordinator Council Business

2. APOLOGIES

Cr. Greco is on an approved leave of absence.

An apology was lodged for Cr. Villella.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. S. Tsitas

THAT the Minutes of the Planning Committee meeting held on 27 June 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/100/2015
81 Cuthbert Road, Reservoir**

AUTHOR: Senior Planner – Johannes Wuebbels

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Architectural Plans And Permits Pty Ltd	Chiara D'Altorio	

SUMMARY:

- It is proposed to construct a medium density development comprising three (3) double storey dwellings. Units 1 and 2 will have three (3) bedrooms and access to two (2) car parking spaces. Unit 3 will have two (2) bedrooms and access to one (1) car parking space. Vehicle access is to be gained via a proposed crossover on Cuthbert Road and two (2) crossovers on Whitelaw Street. Secluded private open space is provided at ground level for each dwelling with areas of between 25 square metres and 43 square metres..
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Fifteen (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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning, Capital Works and Darebin Parks.
- This application was not required to be referred to external authorities.

Committee Decision**MOVED: Cr. J. Williams****SECONDED: Cr. O. Walsh**

That Planning Permit Application D/1000/2015 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 Proposed Ground Floor Plan TP.2, Proposed First Floor Plan TP.3 and Proposed Elevations TP.4, dated 08.02.2016 and prepared by Architectural Plans & Permits) but modified to show:
 - (a) A landscape plan in accordance with Condition No. 4 of this Permit. The plan must include at least one (1) medium sized canopy tree and four (4) suitable small canopy trees to the satisfaction of the Responsible Authority.
 - (b) The garage doors for Units 2 and 3 reversed so they do not open in to the garages.
 - (c) Annotations detailing Tree Protection Zones and associated Tree Protection Fences with radii of 3.0 metres and 5.0 metres (measured from the outside edge of the trunk) for the *Eucaoytus leucoxylon* located on the naturestrip in Cuthbert Road and teh *Melaleuca linariifolia* on the naturestrip in Whitelaw Street respectively accordance with the requirements of Condition 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 and southern boundaries fences a minimum of 1.8 metres.

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).
 - (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.
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7. Before buildings and works (including demolition) start, tree protection fences must be erected around the *Eucaoyptus leucoxyton* located on the naturestrip in Cuthbert Road and the *Melaleuca linariifolia* on the naturestrip in Whitelaw Street at radii of 3.0 metres and 5.0 metres respectively 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. The edge of the crossover on Cuthbert Road must be a minimum of 2.8 metres from the trunk of the naturestrip tree. Any roots discovered during crossover construction must be pruned with sharp sterile hand tools.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

CARRIED

5.2 APPLICATION FOR PLANNING PERMIT D/786/2015
 63 Alston Street, Thornbury

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Architectural Plans & Permits	Katarina Elezovic and Peter Elezovic	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising three (3) double storey dwellings.
- The site is zoned General Residential Zone – Schedule 1 (GRZ1).
- 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.
- 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 and Darebin Parks.

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

Committee Decision

MOVED: Cr. O. Walsh
SECONDED: Cr. T. Laurence

That Planning Permit Application D/786/2015 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. 1, 2 and 4 prepared by Architectural Plans and Permits and dated 09.03.16 REVISION) but modified to show:

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- (a) The front boundary fence, if any, to be noted on the Ground Floor Plan (TP1.0). The fence must not exceed 1.2 metres in height. If no fence is proposed, this must be noted on the plans.
- (b) The southern elevation to be corrected in accordance with Condition 1(a).
- (c) 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.
- (d) The ground floor street (southern) setback of Dwelling 1 increased to a minimum distance of 6.7 metres. This must be achieved without reducing any other boundary setbacks.
- (e) The following windows:

- Dwelling 2: east-facing study and west-facing bedroom 1 and bedroom 2.
- Dwelling 3: west-facing bedroom 1 and bedroom 2.

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.

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

- (f) The height of the fence on the northern boundary 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.

- (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 existing crossover to Alston Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- (h) The setback between the Kitchen and Lounge windows of Unit 2 and the shared accessway must be increased to 1.5m. Alternatively, a fence at least 1.5m high or window sills are at 1.4m above the accessway must be provided where this setback is reduced to 1.0 in accordance with Clause 55.03-10 Design Standard B15 of the Planning Scheme.
- (i) To improve manoeuvrability from Unit 1 garage the proposed landscaping along the sites western boundary be reduced by 5.5m from where it starts.
- (j) The minimum headroom to be provided above a car parking space is 2.2m as per the AS2890.1:2004.
- (k) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence in accordance with Condition 7.

- (l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (m) Except for the wall on boundary of Dwelling 3, the East Elevation amended to delete notations referring to walls on boundaries.
 - (n) A landscape plan in accordance with Condition 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.

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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 in accordance with the Arborist Report accompanying the application (defined as Preliminary Arboricultural Report, prepared by Justin Simmonds and dated 11.11.2015) from the base of the truck 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. 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 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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 buildings and works may be built over any easement on the land except with the written consent of the relevant authority.

CARRIED

5.3 APPLICATION FOR PLANNING PERMIT D/802/2015
 90 Spring Street, Preston

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Planning And Design	Thanh Kelvin Luu	N/A

SUMMARY:

- This application proposes three (3) double storey dwellings including two (2) containing two (2) bedrooms each and one (1) three (3) bedroom dwelling.
- The site is zoned General Residential (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 two (2) signs posted on site and letters sent to the owners and occupiers of surrounding properties.
- This application was referred internally to the Darebin Parks Unit and the Capital Works 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:

- *Chris MacKenzie, on behalf of Applicant.*

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. J. Williams

That Planning Permit Application D/802/2015 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 Project No. 5064, Drawings TP01 and TP02, Revision B, dated 24 November 2015 and prepared by Planning and Design) but modified to show:

- (a) A landscape plan in accordance with Condition No. 7 of this Permit.
- (b) Porches to all dwellings to have a maximum height of 3.6 metres when measured from the natural ground level to the top of the parapet.
- (c) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 4 of this Permit).
- (d) Annotations detailing Tree Protection Zones and associated Tree Protection Fences around the trees located in the Parker Street nature strip, with radii as follows:
 - 6.0 metres (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip facing Parker Street, opposite Dwelling 2; and
 - 5.88 metres (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip facing Parker Street, opposite Dwelling 1.

A notation must be added to state that tree protection fencing must be installed around the naturestrip tree prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: **Protection of trees on development sites**. In this instance the Tree Protection Fencing can be moved in to accommodate the new crossover construction. Once the crossover is completed the fencing will need to be re-instated to original measurements for the remainder of the construction process.

- (e) Annotations detailing Tree Protection Zones on the adjoining properties with radii as follows:
 - 3.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the north, opposite the private open space of Dwelling 3;
 - 3.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the east, opposite the garage of Dwelling 3; and
 - 2.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the east, opposite the driveway of Dwelling 3.

A notation must be added to state that:

- All demolition and construction works within TPZs must be supervised by a suitably qualified arborist
 - Any roots uncovered must be pruned with sharp and sterile hand tools
 - TPZs between the building footprint and property boundaries must remain at existing grade.
 - Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundary following demolition and remain in place for the duration of major construction activities, in lieu of standard tree protection fencing.
- (f) The height of fence on the eastern boundary (except within nominated pedestrian visibility splays) 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.

- (g) Windows to the upper storey bedrooms of Dwelling 3 to be shown on the floor plans in a location consistent with the advertised elevation plans.
- (h) The southern boundary of the secluded private open space of Dwelling 2 to be set back from the wall of the dwelling to the north to comply with the numerical standard contained in Standard B29 of the Darebin Planning Scheme. No other building setback may be reduced as a result of this alteration.
- (i) Notations to indicate the extent (if any) to which the existing front fence is to be retained. If the fence is to be demolished, a replacement front fence must be shown on plans. The fence is to be constructed along the Spring Street and Parker Street frontages and attain a maximum height of 1,150mm from the natural ground level.

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 buildings and works (including demolition) start, a tree protection fence must be erected around the trees located in the Parker Street nature strip, with radii as follows:
 - 6.0 metres (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip facing Parker Street, opposite Dwelling 2; and
 - 5.88 metres (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip facing Parker Street, opposite Dwelling 1.

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

Tree protection fencing must be installed around the nature strip tree prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites. The Tree Protection Fencing can be moved in to accommodate the new crossover construction. Once the crossover is completed the fencing will need to be re-instated to original measurements for the remainder of the construction process.

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

Any works in the Tree Protection Zone must be carried out without excavation.

The removal of the existing brick fence (footings) within the Tree Protection Zone must be supervised by a qualified arborist.

Any roots uncovered must be pruned with sharp/sterile hand tools.

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

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

6. Before buildings and works (including demolition) start, tree protection zones must be erected around trees on the adjoining properties with radii as follows:
- 3.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the north, opposite the private open space of Dwelling 3;
 - 3.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the east, opposite the garage of Dwelling 3 and
 - 2.0 metres (measured from the outside edge of the trunk) for the tree located in the property directly to the east, opposite the driveway of Dwelling 3.

Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundary following demolition and remain in place for the duration of major construction activities, in lieu of standard tree protection fencing.

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

Any roots uncovered must be pruned with sharp and sterile hand tools.

TPZs between the building footprint and property boundaries must remain at existing grade.

7. 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 one (1) medium canopy tree contained in the rear setbacks of each dwelling; and one (1) small canopy trees contained in the front setback of each dwelling. The 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).
 - (b) Tree protection zones and tree protection measures in accordance with Conditions No. 4, 5, 1(d) and 1(e) of this Permit.
 - (c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (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.
8. 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.
9. 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.
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, rain heads 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 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

Cr. Walsh temporarily left the meeting during discussions of the above item at 7.07 pm and returned at 7.08 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/912/2015
 80 Strathmerton Street, Reservoir

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
HSWL Pty Ltd c/o Beyond Design Group Pty Ltd	HSWL Pty Ltd	N/A

SUMMARY:

- It is proposed to construct a medium density development comprising two (2) double storey and one (1) single storey dwellings.
- The site is zoned General Residential Zone – Schedule 1 (GRZ1).
- There is a restrictive covenant on title. The covenant restricts the excavation, removal or carrying away of earth, clay, gravel etc. save for the purpose of building foundations. 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 was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Darebin Parks and Council's Capital Works and Transport Management and Planning Units.
- 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.

- *Patrick Cauchi, on behalf of the Applicant*

Committee Decision**MOVED: Cr. B. Li****SECONDED: Cr. J. Williams**

That Planning Permit Application D/912/2015 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, TP2 and TP3, Ref No. 15-1283, prepared by Beyond Design Group and dated 29.09.2015) but modified to show:
 - (a) The location of all plant and equipment (including air conditioners, solar hot water panels 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.
 - (b) A corner splay or area at least 50% clear of visual obstructions must be shown on the plans. The splay must extend at least 2.0m along the frontage road from the edge of the exit lane, and 2.5m along the exit lane into the site, to provide a clear view of pedestrians on the footpath of frontage road
 - (c) A notation on Drawing No. TP2 stating that the Retreat of Unit 2 must remain open and will not be used as a third bedroom.
 - (d) The porch of Unit 1 designed with a hipped roof in lieu of a flat roof.
 - (e) A front boundary fence. The fence must not exceed 1.2 metres in height.
 - (f) A front fence elevation.
 - (g) The following window:
 - Dwelling 1: south-east facing study nook.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.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - (h) The window sill height of the south-east facing meals room of Dwelling 2 is to be 1.4 metres above the access way in accordance with Clause 55.03-10 (Standard B15) of the Scheme.
 - (i) The south-eastern boundary setbacks increased or the building height reduced, or a combination of both, so that the development does not cast shadows on the areas of secluded private open space at Dwelling 1 and Dwelling 2 of 78 Strathmerton Street beyond the existing overshadowing of the south-eastern boundary fence and shed.

- (j) A landscape plan in accordance with Condition 4 of this Permit.
- (k) Tree protection measures in accordance with Condition 7 of this Permit.
- (l) The height of fences on the south-eastern boundary (except within 8 metres of the south-western (front) boundary of the land) 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.

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) Any tree protection measures required by condition 1(k).
 - (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. Before buildings and works (including demolition) start, tree protection fencing must be installed around the street tree prior to any works on-site. Fencing must be installed in accordance with AS4970 – 2009: Protection of trees on development sites.

The fencing must remain in place for the duration of major works and can only be removed for final landscaping. The fencing can only be removed in consultation with a suitably qualified arborist to the satisfaction of the local authority.

The front section of existing driveway (red polygon) must be retained through demolition and major construction. This will act as ground protection and prevent damage to the adjoining trees.

This driveway section can only be removed following major construction for final landscaping / common driveway construction and must be supervised by a suitably qualified arborist

Any roots uncovered must be pruned with sharp and sterile hand tools

The front section of common driveway must be constructed at grade and designed to be porous.

The rear easement (TPZ of tree on rear adjoining property) must remain at existing grade and designed to permeable (no hard surfaces)

Any new boundary fencing within TPZs must be of light timber construction with manually excavated stump holes (i.e. no strip footing).

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, rain heads 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

18. The Open Retreat of Unit 2 must remain open as shown on the endorsed plans and may not be used as a bedroom.

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.
- N6 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

5.5 APPLICATION FOR PLANNING PERMIT D/458/2015
 830 Plenty Road, Reservoir

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ratio Consultants		Ark Resources Leigh Design Architeria John Patrick

SUMMARY:

- It is proposed to construct buildings and works for a mixed used development with 328 dwellings, 1003sqm of office, 231 bicycle spaces and 394 car spaces comprising:
 - 2 studio apartments
 - 88 one bedroom apartments
 - 219 two bedroom apartments
 - 2 three bedroom apartments
 - 17 three bedrooms townhouses with two garage car spaces
 - 360 car spaces in multi-level car park
 - 10 office tenancies with a leasable floor area of 1003 square metres
 - 231 bike space.
- This site has an existing planning permit approved by order of VCAT in October 2012 for a mixed use development comprising of two (2) multi-storey residential buildings of 8 and 12 storeys respectively.
- The site is located within the Commercial 1 Zone and the Development Contributions Plan Overlay applies. Plenty Road is a Road Zone – Category 1.
- There is no restrictive covenant on the title for the subject land.
- 17 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning 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 (the same properties as notified under Planning Permit D/829/2011).
- This application was referred internally to Capital Works; Transport Management and Planning; ESD Officer; and Urban Designer (Strategic Planning).
- This application was referred externally to VicRoads and the Public Transport Development Authority.

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

- Mel Gawi, on behalf of the Applicant

Committee Decision

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

That Planning Permit Application D/458/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use 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 Job No. 1507 Drawing Nos. A2.11 Revision A (dated 28/16/15) A1.01, A1.02, A1.03, A1.04, A1.05, A1.06, A1.07, A1.08, A1.09, A1.10, A1.11, A1.12, A1.13, A1.14, A1.15, A1.31, A2.01, A2.02, A2.03, A2.04, A2.21, Revision B (dated 14/8/15) prepared by Architeria and Job No 15-343 Drawing Nos TP01 and TP02 (dated June 2015) prepared by John Patrick P/L) but modified to show:
 - a. Dwelling TH01 to TH17 first floor (Drawing A1.03 Lower Ground Floor Plan) south facing habitable room windows with fixed obscure glazing to 1.7m above finished floor level.
 - b. Details (allocation, volumes, access etc.) provided for all storage areas with storage cage volumes to be generally equal.
 - c. Plant and equipment details as follows:
 - i. 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.
 - ii. A single communal antenna each for towers A, B, C and D, and for the townhouses (ie. five (5) in total - refer also to Condition No. 11 of this Permit). The location of the antennas must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - d. Full details of bike spaces including dimensions, sections and elevations with 1.5m wide access aisles and bike spaces either
 - i. 1.7m long by 0.7m wide for ground,

- ii. 1.2m long by 0.7m wide wall hung; or,
- iii. As otherwise demonstrated
- e. Sliding doors provided to bike storage areas.
- f. Details of hard waste area and any charity bins in accordance with Condition 9.
- g. The 30 visitor bicycle spaces located on Basement Level 1 be allocated to residents.
- h. The 48 bicycle spaces located on the lower ground floor in the south east of the site be covered and secure and allocated to residents.
- i. All access to storage spaces and bike spaces a minimum 1.5m wide / clear of car spaces and support structures with bike storage areas not accessed from storage cage areas.
- j. Details of soffit undersides materials, specifications and treatment to prevent water staining.
- k. 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.
- l. Annotated coloured elevations showing the location/application of the materials, colours and finishes.
- m. Wheel stops for car spaces B1.201-B1.204 and B2.101-B2.103 in accordance with AS28980.1:2004.
- n. Line marking and/or signage at the internal intersections on-site, including the top of the ramp adjacent to the site access and in the vicinity of the roundabout specifying how these intersections will operate in terms of priority.
- o. All ramps not providing direct access to car spaces a minimum 5.5m wide with 300mm clearances provided adjacent to walls and obstructions to accord with AS2890.1:2004.
- p. Sections of ramps showing clearances provided including:
 - i. Ramp gradient to basement level 2.
 - ii. Ground clearance diagrams confirming the ground clearance on the ramps (measured perpendicular to the direction of travel) with a minimum height clearance of 2.1m.
- q. Columns in the access aisle adjacent to the visitor car parking in Basement Level 1 and in proximity to grid line A5/B1 treated with reflective material.
- r. Revised swept path for waste collection vehicle showing how a waste collection vehicle can enter and exit the site in a forward direction.
- s. External adjustable shading to all west and north-west facing habitable room windows and glazed doors.
- t. Dwellings with living rooms located on a corner with operable windows on both sides of the corner to allow cross ventilation.
- u. Operable windows to all bathrooms adjacent to an external wall.
- v. Garage doors that allow daylight to enter for the garages of the townhouses.
- w. External clothes lines to all townhouse backyards
- x. Window opening method shown with louvre and casement windows maximised

- y. Any modification required in accordance with the requirements of the Sustainability Management Plan (see Condition No. 9 of this Permit) including solar panels / photovoltaics, STORM measures (including sections, details, tank size).

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. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. 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 or the use is not commenced, 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.
5. As part of the consultant team an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained.
 6. Prior to the endorsement of plans under condition 1 a gas migration assessment prepared by a suitably qualified professional (Contact EPA to determine) must be prepared having regard to the Landfill Best Practice Guideline BPEM (EPA publication 788.1) and Council records which indicate that the land was a former tip site, including details of construction measures and ongoing management of the site to address gas migration issues.
 7. Prior to the endorsement of plans under condition 1 a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use or development 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 sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use or development commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the 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. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

8. Prior to the endorsement of plans under condition 1, 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 be generally in accordance with the Ark Resources Sustainable Management Plan dated 29 June 2015 but modified to show:
 - a. A Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.
 - b. Full energy reports for at least 10% of the units and 2 townhouses in varying locations detailing how 6 stars or higher will be achieved. Higher than the base building code requirements are strongly encouraged.
 - c. Details on the size of the photovoltaic system and what it will be used for.
 - d. Details on how 100% will be achieved on the Melbourne Water STORM tool. A water tank connected to toilets is the easiest method. Filtering of stormwater may be required for the open space areas. Provide full details including sections, details, tank size, etc. on the plans.

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.

9. 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 be generally in accordance with the Leigh Design waste management plan dated 29 June 2015 but modified to detail hard waste collection and any charity bins. 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.

10. As part of the consultant team Architeria Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. Only one (1) communal television antenna may be erected on each building (five (5) in total). Individual antennae for individual dwellings/tenancies must not be erected.
14. 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.

Before occupation of the convenience restaurant (café), the exhausts on the premises must be provided with a filter system to ensure that the emission of cooking odours, fumes and smoke does not cause detriment to the amenity of the locality to the satisfaction of the Responsible Authority.

15. With the exception of guttering, rain heads 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. The plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
18. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
19. 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.

20. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a. Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings and on the amenity of the communal open space area.
- b. The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- c. Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the hotel car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

21. 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.

22. Car spaces are to be allocated on title as follows:

- a. 1 car space to each one (1) and two (2) bedroom dwelling
- b. 2 car spaces to each three (3) or more bedroom dwelling

All car spaces are to be clearly signed in accordance with their allocation to the satisfaction of the responsible authority.

23. Storage cages are to be allocated on title evenly to all dwellings.

24. The landscaping as shown on the endorsed Landscape Plan, including any landscaping which extends beyond the property boundaries, 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.

25. 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; and
- 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.
26. Before occupation of the development, 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
 27. Before the development is occupied, vehicular crossing(s) from the unnamed public road along the site's western boundary must be constructed to align with the approved internal access road to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
 28. The waste storage / collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
 29. Provision must be made on the land for letter boxes and receptacles for newspapers to each apartment and townhouse to the satisfaction of the Responsible Authority.
 30. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes associated with the commercial tenancies must be kept in a storage area screened from the public realm, to the satisfaction of the Responsible Authority.
 31. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
 32. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a. Transport of materials, goods or commodities to or from the land; and/or
 - b. Appearance of any building, works, stored goods or materials; and/or
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
 - d. and/or in any other way, to the satisfaction of the Responsible Authority.
 33. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

VicRoads

34. Before the development starts, functional layout plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with TIAR (June 2016 Rev 3) Appendix G ratio consultants concept plan ref# 12682-1 A, showing:
 - a. The extension of the right turn lane at Plenty Rd
 - b. Any revised line marking and signage relocations (if required) for the extended right turn lane.
35. Before the use approved by this permit commences the following roadworks on Plenty Road must be completed at no cost to and/or to the satisfaction of the Roads Corporation:
 - a. Right Turn Lane extension

- b. Any revised line marking or signage relocation if required.

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

Cr. Li called for a Division:

<u>For</u>	<u>Against</u>
Cr. Julie Williams	Cr. Bo Li
Cr. Steven Tsitas	Cr. Trent McCarthy
Cr. Vince Fontana	Cr. Tim Laurence
Cr. Oliver Walsh	

The Chairperson, Cr. Fontana declared the Motion to be carried.

5.6 APPLICATION FOR PLANNING PERMIT D/915/2001/C
 1-9/99 Helen Street, Northcote

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Builtmore Investments Pty Ltd	Harberry Pty Ltd	Glossop Town Planning

SUMMARY:

- It is proposed to amend the existing planning permit to alter the use of the 9 offices to 9 dwellings.
- Application CON/560/2015 is a proposal to end the existing section 173 Agreement which prohibits the use of the offices as dwellings.
- The site is zoned Mixed Use Zone as a result of Amendment C138 and since October 2015 the use of land for the purpose of a dwelling has been as of right under the zone.
- There is no restrictive covenant on the title for the subject land.
- 21 objections were received against application D/915/2001/C.
- No objections were received against application CON/560/2015.
- The proposals are consistent with the objectives of the Darebin Planning Scheme.
- It is recommended that the applications be supported.

CONSULTATION:

- Public notice was given for via a sign posted on site and 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. McCarthy

1. Note the Planning Committee's decision of 27 June 2016 to not support the proposal for the application D/915/2001/C to amend Planning Permit D/915/2001, and a Refusal to Amend a Planning Permit be issued and application CON/560/2015 be refused under Section 178E 3)c) of the *Planning and Environment Act 1987*.

2. Include that application D/915/2001/C to amend Planning Permit D/915/2001 not be supported on the following grounds:
 - a. The layout of the building is not appropriate for use as dwellings having inadequate solar access and natural ventilation and inappropriate internal amenity.
 - b. Having regard to the sensitivity of the use the building does not provide sufficient acoustic treatment to minimise noise having regard to the adjacent commercial uses

CARRIED UNANIMOUSLY

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. T. McCarthy
SECONDED: Cr. J. Williams

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

CARRIED

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 7.53 pm.