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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 15 March 2016

Released to the public on Thursday 17 March 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 15 MARCH 2016**

THE MEETING COMMENCED AT 7.00 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)

Cr Gaetano Greco (7.02 pm)

Cr Tim Laurence

Cr Bo Li

Cr Trent McCarthy

Cr Steven Tsitas

Cr Oliver Walsh (Deputy Mayor)

Cr Julie Williams (7.47 pm)

Council Officers

Katrina Knox – Director Community Development

Darren Rudd – Manager City Development

Cristen Sullivan – Coordinator Statutory Planning

Jody Brodribb – Acting Coordinator Council Business

2. APOLOGIES

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

An apology was lodged for the absence of Cr Angela Villella.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

THAT the Minutes of the Planning Committee meeting held on 22 February 2016 be confirmed as a correct record of business transacted.

CARRIED

SUSPENSION OF STANDING ORDERS

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. McCarthy

That Standing Orders be suspended to include a carryover item from the Planning Committee meeting held on 22 February 2015 (Application for Planning Permit D/1164/2014 - 29 and 31 Railway Place, Fairfield) in tonight's agenda.

CARRIED

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. McCarthy

That Application for Planning Permit D/1164/2014 - 29 and 31 Railway Place, Fairfield be included in tonight's agenda as Item 5.9 and heard immediately.

CARRIED

(Refer to Item 5.9 in these minutes for the Committee Decision in relation to Planning Permit D/1164/2014 - 29 and 31 Railway Place, Fairfield)

RESUMPTION OF STANDING ORDERS

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. T. McCarthy

That Standing Orders be resumed.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/629/2015 66- 68 Waterloo Road, Northcote

AUTHOR: Principal Planner – Craig Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner/s	Consultant/s
Chahid Kairouz Architects	<ul style="list-style-type: none">Samir and Mona Pty LtdParadym Holdings Pty LtdSilent Sparrow Pty LtdOptimbuild Investments Pty LtdExors M Murdocca	<ul style="list-style-type: none">Chahid Kairouz ArchitectsMelbourne Planning SolutionsOpen Space Management

SUMMARY:

- It is proposed to construct a medium density housing development comprising the extension of 10 existing dwellings and construction of seven (7) new dwellings over a common basement car parking area.
- The site is located within the General Residential Zone – Schedule 2 (GRZ2).
- There is no restrictive covenant on the title for the subject land.
- 22 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 Council's Capital Work, Transport Management and Planning and Parks units.
- This application was not required to be referred to external authorities.

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

- Chris MacKenzie – Applicant*
- Nunzio Marturano - Objector*

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. S. Tsitas

THAT Planning Permit Application D/629/2015 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 Job No. CKA15-026, Drawing Nos. A06, A07, A08, A09, A10, A11 and A14 (all Rev. TP08) prepared by C. *Kairouz Architects*) but modified to show:
 - a) A front fence elevation/detail to a maximum height of 1.2 metres.
 - b) A south facing window to the living area of Dwelling 1.17.
 - c) Provision of a north-facing, operable clerestory window(s) to the living area of Dwelling 1.17.
 - d) Internal rearrangement of the walk in robe and bathroom of Dwelling 1.16 and provision of an operable window to the bathroom.
 - e) External fixed shading to all north-facing windows and glazed doors (where not already provided with an eave, awning or the like).
 - f) External operable shading to all east- and west-facing windows and glazed doors.
 - g) The provision of a partially permeable vehicle gate to provide natural light and ventilation to the basement.
 - h) Unless required to be fixed under Clause 55.04-6 – Standard B22, all windows are to be operable.
 - i) All habitable rooms windows are to be of casement, sliding, louver, double hung or equivalent style (not awning) to maximise ventilation.
 - j) Bathrooms of Dwellings 1.16 and 1.17 provided with skylights, daylight tubes or equivalent.
 - k) All lower ground, ground and first floor wall heights (above natural ground level) dimensioned on the elevations.
 - l) Levels for all parapets and ridges noted on the elevations.
 - m) The height of fences on the southern boundary (except within 6.01 metres of the western 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.
 - n) The height of fences on the northern boundary (where adjacent to the ground level terraces of Dwellings G7 – G10) 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.

- o) The height of fence on the northern boundary (where adjacent to Dwelling G6) to be a minimum height of 1.8 metres as measured above finished floor 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.

- p) The following windows and/or balconies:

- Dwelling G5 – Courtyard (east-facing);
- Dwelling G7 – Bedroom 2 and balcony (north-facing);
- Dwelling G8 – Bedroom 2 and balcony (north-facing);
- Dwelling G9 – Bedroom 3 and balcony (north-facing);
- Dwelling G10 – Bedroom 2 and balcony (north-facing);
- Dwelling 1.15 – Kitchen (east-facing) and balcony (south- and east-facing);
- Dwelling 1.16 – Balcony, lounge, bedroom 1 and bedroom 2 (north-facing); and
- Dwelling 1.17 – Bedroom 1 (east-facing to limit views to 70 Waterloo Road).

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.

- q) Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- r) All internal fencing between the southern courtyards of Dwellings G2 – G5 and northern courtyards of Dwellings G6 – G10 to be a minimum height of 1.8 metres.
- s) Fencing to the courtyards of Dwellings G1 – G5 and the western side of Dwelling G6 (i.e. areas visible to the public realm and internal common area) are to be treated as detailed on Sheet No. A11.
- t) A fixed 1.7 metre screen along the eastern side of the balcony of Dwelling 1.12 and western side of the balcony to Dwelling 1.13.
- u) Direct access provided between the balconies and adjacent living areas of Dwellings 1.11 – 1.15.
- v) Reconfiguration of the eastern section of basement storage (with or without consequential changes/shifting of the bicycle parking and western section of storage) so that cages G7, G8 and 1.5 do not open adjacent to car space 20.
- w) 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.

- x) Allocation of car parking spaces generally in accordance with the following requirements:
 - Car spaces 11 and 20 allocated to Dwelling 1.16;
 - Car spaces 13 and 14 allocated to Dwelling G9; and
 - One (1) space allocated to each of the remaining dwellings.
- y) A minimum of two (2) ground level bicycle parking spaces for visitors provided near the Waterloo Road entry to the site.
- z) Details of access control to the basement for visitors (e.g. intercom or the like);
- aa) Bollards provided to the basement lift core to prevent vehicle encroachment;
- bb) Wheel stops provided to spaces 6 – 11, 20 and Visitor in accordance with Section 2.4.5 of AS2890.1:2004;
- cc) A minimum critical headroom clearance of 2.2 metre provided at the basement entry point;
- dd) The blind aisle beyond spaces 1 and 19 must be a minimum of 1.0 metre.
- ee) A minimum 1.0 metre pedestrian path provided on the eastern side of space 13. This must be achieved without reducing the width of any car parking spaces (i.e. by extending the basement to the west).
- ff) The basement ramp modified to provide a maximum grade of 1:10 (in lieu of 1:8).
- gg) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the basement entry to Quarrion Lane. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- hh) 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.

The schedule must not contain notations of a discretionary nature (e.g. 'or equivalent' or 'to owners selection').

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
- ii) A landscape plan in accordance with Condition No. 5 of this Permit.

The plan must contain a minimum of two (2) medium canopy trees and 10 small canopy trees.
- jj) Any modifications in accordance with the Sustainable Design Assessment (refer Condition No. 6 of this Permit).
- kk) Tree protection measures in accordance with Condition No. 9 of this Permit.
- ll) The street tree adjacent to the reinstated Waterloo Road crossover noted as removed in accordance with the requirements of Condition No. 10 of this Permit.
- mm) Any modifications in accordance with the Waste Management Plan (refer Condition No. 11 of this Permit).

- nn) A single communal antenna for each of the buildings (refer also to Condition No. 20 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

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 is occupied, Lots 1 - 16 of Strata Plan 022046Y and Lot 1 of Title Plan 696276H and must be either:
 - a) Consolidated under the *Subdivision Act 1988*; or
 - b) Subdivided under the *Subdivision Act 1988*, in accordance with the plans endorsed as part of this Permit.

Upon registration of any plan of subdivision of the land under the *Subdivision Act 1988*, the title(s) must show:

- c) Each one (1) and two (2) bedroom dwelling provided with one (1) car parking space;
- d) The three (3) bedroom dwelling provided with two (2) car parking spaces;
- e) One (1) car parking space set aside for residential visitors.
- f) The title to each dwelling lot must incorporate one (1) storage space.

This must be done to the satisfaction of the Responsible Authority.

5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority.

When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Tree protection measures in accordance with Condition No. 9 of this Permit.
- b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- 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.
6. 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.

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

Prior to the occupation of the development, a report from the author of the Environmentally Sustainable Design Management Plan document approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the document have been implemented in accordance with the approved Plan.

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

7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. Before buildings and works (including demolition) start, a tree protection fence must be erected in accordance with the following requirements to define a 'tree protection zone' (TPZ).

Tree (as defined in Preliminary Tree Assessment prepared by Open Space Management (28.06.2015))	TPZ (radius)
Tree 4 – Laurus nobilis	2.0 metres
Tree 5 – Group of fruit trees	2.0 metres
Tree 12 – Chamecyparis laswoniana	2.0 metres
Tree 17 – Fraxinus oxycarpa	4.2 metres

Tree protection zones must be shown and tree protection measures notated on all relevant plans to be endorsed as a part of this planning permit.

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

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

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

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

Any demolition work within a defined TPZ must be supervised by a qualified arborist and any roots uncovered pruned with a sharp/sterile hand tool(s).

The tree protection fence must remain in place until construction is completed. The TPZ may only be reduced, as applicable, to construct buildings and works as approved under this Permit.

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

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

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

10. The existing *Fraxinus oxycarpa* street tree (Tree 1) must be removed by the developer/permit holder at their own cost to the satisfaction of the responsible authority.

The removal works must be undertaken by a suitably qualified professional.

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail (but not limited to):

- a) The provision of a minimum of 18x 240-litre bins (being six (6) general waste collected weekly and 12 recycle collected fortnightly).
- b) Details and management of kerb-side collection including duties to be undertaken by a site manager, owners corporation or equivalent.
- c) Collection of waste by Council in lieu of private contractor.
- d) Suitable location and/or screening of on-site bin storage areas.
- e) Indicative kerb-side location(s) for collection.

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.

12. 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.
13. 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.

14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each building, access to the basement car parking 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.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
20. 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.
21. 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 Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

CARRIED

Cr. Laurence called for a Division:

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

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

Cr. Greco temporarily left the meeting at the end of the above item – 7.30 pm.

5.2 APPLICATION FOR PLANNING PERMIT D/846/2015
19 Dorrington Avenue, Reservoir

AUTHOR: Principal Planner – Craig Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Planning And Design	Exors Giuseppe Vivona and Mrs Jane Vivona	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising two (2) single storey dwellings to the rear of the existing dwelling.
- The site is zoned General Residential - Schedule 2 (GRZ2).
- There is no restrictive covenant on the title for the subject land.
- 12 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 not required to be referred to other Council 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:

- Benjamin Carter – Applicant

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. B. Li

THAT Planning Permit Application D/846/2015 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. 4724, Drawing No. TP01 (Rev. B) prepared by *Planning and Design P/L*) but modified to show:
 - a) The front boundary of the site noted not fenced or the existing 1.0 metre fence to be retained.
 - b) A pedestrian gate provided between the car space and secluded private open space of the existing dwelling.

The gate must swing inward into the secluded private open space (with or without consequential changes to the deck stairs) and must not encroach the defined car parking space.
 - c) The western and southern sides of the deck to the rear of the existing dwelling provided with a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.

A section diagram of the fixed screen must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - d) The highlight window of Dwelling 2 – Bedroom 1 provided with double or minimum 6 millimetre glazing.
 - e) The entry door of Dwelling 2 extended 1.0 metre to the west.
 - f) All storage cages, bins and clothes lines relocated outside of the primary secluded private open space areas of the respective dwellings.
 - g) The secluded private open space of Dwelling 2 modified (either through increased depth or reduced average wall height to the north) to comply with Clause 55.05-5 – Standard B29 of the Darebin Planning Scheme.
 - h) A minimum of 6 cubic metres of externally accessible storage provided to the existing dwelling.
 - i) The width of the car parking spaces of the existing dwelling and Dwelling 2 increased to 3.2 metres.

This must be achieved with a reduction of dwelling floor area and not through reducing the secluded private open space of the existing dwelling or the entry path to Dwelling 2.
 - j) 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 crossover to Dorrington Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - k) A landscape plan in accordance with Condition No. 4 of this Permit.

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

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

3. This Permit will expire if either:

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

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

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

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

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- g) Hard paved surfaces at all entry points to dwellings.
- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

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

15. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained
 to the satisfaction of the Responsible Authority.
 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
16. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

CARRIED UNANIMOUSLY

Cr. Greco returned to the meeting during discussions of the above item at 7.32 pm.

Cr. Walsh temporarily left the meeting during discussions of the above item at 7.32 pm and returned at 7.33 pm.

5.3 APPLICATION FOR PLANNING PERMIT D/352/2015
4-6McFadzean Avenue, Reservoir

AUTHOR: Principal Planner– Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Planning And Design Pty Ltd	IQU Investments Pty Ltd	Benchmark Heritage Management (Assessment and Archaeological Survey) Treemap Arboriculture (Arboricultural Assessment and Report)

SUMMARY:

- A medium density development comprising six (6) double storey dwellings is proposed. Unit 2 and 4 will each have two (2) bedrooms and access to one (1) car space comprising a single space garage. Units 1, 3, 5 and 6 will each have three (3) bedrooms and access to two (2) car spaces comprising a single space garage and tandem car space.
- Private open space is provided for each unit at ground level to the side or rear of the units.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 16 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 the ESD officer, Transport Management and Planning Unit, Capital Works Unit and Darebin Parks.
- 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 - Applicant*

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

THAT Planning Permit Application D/352/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TP01 Rev B, First Floor Plan TP02 Rev B and Elevations TP03 Rev B, dated 13.08.2015 prepared by Planning and Design P/L) but modified to show:
 - a) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence (at a radius as measured from the outside edge of the tree trunk) for the following trees identified in the Arboricultural Assessment and Report prepared by Treemap Arboriculture dated August 2015:
 - Tree 1 (naturestrip tree Eucalyptus leucoxylon) – 2.0 metres
 - Tree 2 (naturestrip tree lophostemon confertius) – 5.0 metres
 - Tree 5 (at No.1A Jean Street) – 2.0 metresin accordance with the requirements of Condition No.4 of this Permit.
A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - b) The secluded private open space fences associated with Unit 1 and 6, where visible from public areas, are to be constructed of high quality materials and finishes that blend in with the character of the development. The fences may be no more than 25% transparent and have a height of not less than 1.8 metres as measured above the natural ground level.
 - c) The provision of a 300mm wide landscape bed adjacent to the accessway and to the north side of the secluded private open space fence of Unit 6. This is to be achieved by reducing the width of the secluded private open space of Unit 6 to 3.2 metres.
 - d) The deletion of the storage shed in the secluded private open space area of Unit 6; and the creation of a storage area within the garage of Unit 6, having a minimum capacity of 6 cubic metres. This may be achieved by extending the internal length of the garage by the minimum amount required to achieve the required storage capacity.
 - e) The storage shed of Unit 1 relocated to the eastern side of the secluded private open space area.
 - f) The elevations with upper floor walls utilising a mix of natural timber/timber-like finish and render finish so that render finish does not dominate the upper floor external finishes.
 - g) The sill height of the south facing windows to Unit 1's living area increased to 1.7 metres above the level of the shared accessway.
 - h) The upper floor eastern setback of Unit 3's Bedroom 3 wall increased to 1.63 metres.

- i) The first floor habitable room windows on external northern, southern and eastern elevations of the development showing fixed obscure glazing to a height of 1.7 metres above finished floor level (identified as "G3" on the Material Schedule on Sheet TP03) to be changed to operable glazing with fixed external privacy screens, such as fixed deep horizontal louvers or the like, in compliance with the requirements of Clause 55.04-6 of the Darebin Planning Scheme.

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

- j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed crossovers to McFadzean Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- k) The provision of a fully constructed 1.0 metre wide pedestrian pathway providing access to the entry porch of Units 1 and 6 from the footpath on McFadzean Avenue.
- l) An additional 500mm in length provided for the tandem car parking spaces for Units 1, 3, 5 and 6 in accordance with Clause 52.06-8 of the Darebin Planning Scheme.
- m) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 5 of this Permit).
- n) A landscape plan in accordance with Condition No. 6 of this Permit.
- o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). Materials are to be of subdued and earthy tones suited to the creek environs.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:

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

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

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

4. Before buildings and works (including demolition) start, a tree protection fence must be erected around the *trees listed below* (as identified in the *Arboricultural Assessment and Report* prepared by *Treemap Arboriculture* dated August 2015) at a radius as specified in the list below as measured from the base of the trunk to define a 'tree protection zone'.

- Tree 1 (naturestrip tree *Eucalyptus leucoxylon*) – 2.0 metre radius
- Tree 2 (naturestrip tree *lophostemon confertius*) – 5.0 metre radius
- Tree 5 (at No.1A Jean Street) – 2.0 metre radius

This fence must be installed in accordance with *Australian Standard AS4970-2009: Protection of Trees on Development Sites*, to the satisfaction of the Responsible Authority.

A 10% encroachment into the tree protection zones specified above may be allowed in accordance with the requirements of AS4970-2009. Any additional encroachment into the tree protection zones by any building footprint/s will require building engineering to ensure the trees remain viable. Engineering details are to be provided.

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.

5. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development, including but not limited to the following changes to plans:

- a) An area of glazing to all garages either through the roller door or rear/ side doors.
- b) The extent of cover over the alfresco areas of Units 2 and 3 reduced in depth to allow northern solar access to the living/dining areas during the winter months.
- c) The provision of pergolas in front of the north facing ground floor glazed doors and windows of Units 1 and 6.
- d) Maximise the use of louvre and casement windows to optimise levels of ventilation. Awning windows are to be avoided where practical.
- e) Reduce the size of west facing windows to Units 1 and 6 or provide adjustable external shading devices to these windows.

to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that the rating tool BESS or STEPS is used to prepare the SDA.

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

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

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified.
- b) The provision of at least eight (8) small canopy trees in the development.
- c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants.
- d) Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel).

- e) Street trees within the nature strip/s adjacent to the property.
- f) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
- g) Edge treatment between grass (lawn) and garden beds.
- h) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
- i) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- j) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers.
- k) A scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority. Plants are to be selected from the "*Revised List of Merri Creek Local Native Plants, Table A: Local Native Plants*" issued by the Merri Creek Management Committee. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).

7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. 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) 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 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

CARRIED UNANIMOUSLY

Cr. Williams entered the meeting during discussions of the above item at 7.47 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/723/2015
199 Purinuan Road, Reservoir

AUTHOR: Senior Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
APT Architecture	Chandeep Singh

SUMMARY:

- The application seeks to remove the existing house and construct three (3) double storey dwellings on the lot.
- Each of the dwellings would have three (3) bedrooms and access to two (2) car spaces.
- The dwellings would have a contemporary design with brick walls to the ground level and lightweight timber and render to the first floor and pitched metal roofs.
- The maximum height is 8.27 metres to the ridge of dwelling 2.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on the title for the subject land. The covenant relates only to restricting brickmaking and quarrying and would not affect the proposed medium density development.
- 11 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 the Transportation and Planning and Capital Works Units.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. O. Walsh

THAT Planning Permit Application D/723/2015 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 TP05, TP06, TP07, TP08, dated Sept 2015, job no. 15020 and prepared by APT Architecture Pty Ltd) but modified to show:
 - a) The height of fences on the eastern, western and southern common boundaries (except within 7.6 metres of the northern (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.
 - b) The fences separating the secluded private open space areas of the proposed dwellings are to be a minimum height of 1.8 metres as measured above finished ground level
 - c) The boundary walls to the eastern, western and southern common boundaries are to be shown with a maximum average height of 3.2 metres, as measured above natural ground level.
 - d) Dimensions of tandem car spaces showing a minimum of 4.9 metres length x 2.6 metres width, with a setback of 500mm between the tandem car space and garage.
 - e) The first floor east and west facing habitable room windows, the north facing bedroom 3 window and east facing landing window of Dwelling 3 are to have 'fixed' obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level. This must be notated on the plans.
 - f) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the each crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - g) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - i) Provide fixed, external, horizontal shading to all north facing habitable room windows and glazed doors. Provide adjustable, external, horizontal shading to all west facing habitable room windows and glazed doors.

- j) A Landscape Plan in accordance with Condition No.5 of this Permit. The landscape plan shall include at least two (2) medium sized trees within the front setback, at least one (1) medium sized tree within the secluded private open of Dwellings 1, 2 and 3.
- k) Additional garden beds and planting along the east boundary of the accessway opposite the garage for Dwelling 2 where appropriate. This shall not impact the manoeuvrability of vehicles.

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. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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.
9. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. 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 lane
 - f) Clearly marked to show the direction of traffic along the access lanes and drivewaysto the satisfaction of the Responsible Authority.

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

NOTATIONS

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

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

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

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

CARRIED UNANIMOUSLY

5.5 APPLICATION FOR PLANNING PERMIT D/565/2015
24 Leamington Street, Reservoir

AUTHOR: Senior Planner – Benjamin Lucas

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Agosta Constructions c/o Beyond Design Group	Agosta Constructions Pty Ltd

SUMMARY:

- The applicant has proposed a medium density development consisting of five (5) double storey dwellings. Two (2) will be three-bedroom dwellings and three (3) will be two-bedroom dwellings. Each dwelling will have a single car garage with the two (2) three-bedroom dwellings also provided with an additional tandem carparking space. Each dwelling will have over 40 square metres of private open space.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2).
- There is no restrictive covenant on the title for the subject land.
- 10 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.
- The application was referred internally to the ESD Officer, Planning Arborist, Capital Works Unit and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. J. Williams

THAT Planning Permit Application D/565/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority.

The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Ground Floor and Site Plan (TP1), First Floor and Site Plan (TP2), and Elevations (TP3); prepared by Beyond Design Group and dated 19.06.2015) but modified to show:

- a) The first floor setback to Bedroom 1 to Dwelling 2 corrected to reflect the measurable/scalable dimension.
- b) The first floor setback to Bedroom 2 to Dwelling 4 corrected to reflect the measurable/scalable dimension.
- c) The sill height of the west-facing lounge room windows to Dwellings 2 and 3 increased to a minimum height of 1.4 metres above the height of the accessway
- d) The garage doors modified to allow an appropriate level of light to penetrate (e.g. inclusion of clear panels/windows).
- e) The first floor bathrooms to each of Dwellings 2 and 3 provided with daylight tubes.
- f) External adjustable shading devices to:
 - All west-facing windows and glazed doors of Dwellings 1, 2 and 3.
 - All east-facing ground floor windows and glazed doors of dwellings 2, 3 and 4.
 - The north-facing living room windows and glazed doors of dwelling 5.
- g) These devices should be drawn, dimensioned and clearly labelled on the plans.
- h) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 9 of this Permit).
- i) A space of 500mm provided between the garage door and the tandem carparking space for Dwellings 1 and 5.
- j) A swept path assessment confirming that vehicles can access the garages for Dwellings 2, 3, 4, and 5 and exit the site in a forward direction. The swept path assessment is to be completed by a suitably qualified transport professional
- k) 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 and proposed crossovers to Leamington Street. Where within the subject site any structures or vegetation within these splays must be not more than 1.15 metres in height.
- l) The landing to the front door of each Dwelling to be a minimum dimension of 1.0 metre by 1.0 metre.
- m) A minimum height clearance of 2.1m above all car parking spaces.
- n) 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.
- o) A landscape plan in accordance with Condition 6 of this permit.
- p) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius (measured from the outside edge of the trunk) of:
 - 4.4 metres for the *Fraxinus angustifolia* located in the naturestrip
 - 6.8 metres for the *Corymbia citriodora* located in the southeastern corner of the site.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation and in accordance with Condition 8 of this permit.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. 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. The land must be drained to the satisfaction of the Responsible Authority.
 5. 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.
 6. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) At least one (1) medium canopy tree (6-8m spread) and seven (7) small canopy trees (4-6m spread).
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. Before buildings and works start, tree protection fences must be erected around the following trees to define 'tree protection zones' (TPZ):
- Tree 1: *Fraxinus angustifolia* located in the nature strip at a radius of 4.4 metres from the base of the trunk.
 - Tree 2: *Corymbia citriodora* located in the southeastern corner of the site at a radius of 6.8 metres from the base of the trunk.

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

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

The tree protection fence for Tree 1 (the nature strip tree) must remain in place until construction is completed.

The tree protection fence for Tree 2 can be moved to accommodate crossover construction but must be reinstalled immediately after this.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone, with the exception of that required for crossover construction.

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.

To ensure the health of Tree 2 is maintained, the demolition of the existing driveway must be undertaken by hand within the TPZ. The new driveway is to be constructed of a permeable material laid at or above grade.

Any roots discovered during cross over construction need to be pruned with sharp sterile hand tools. This process needs to be supervised by a suitably qualified arborist.

9. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

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

15. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways;to the satisfaction of the Responsible Authority.

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

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

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED

5.6 APPLICATION FOR PLANNING PERMIT D/590/2015
105 Wood Street, Preston

AUTHOR: Principal Planner – Paul Miziewicz

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Tilt Constructions	Lydia Catherine Holden	Beyond Design Group

SUMMARY:

- It is proposed to construct a medium density housing development comprising four (4) double storey dwellings – Dwelling 1 and 2 will front Wood Street and comprise three (3) bedrooms with two (2) car spaces, Dwelling 3 and 4 will front Kathleen Street and have (2) two bedrooms with one (1) car space.
- 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.
- 11 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 Council's Strategic Planning Unit, Capital Works Unit and Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

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

- *Patrick Cauchi – Applicant*
- *Spiro Zavitsanos - Objector*

Committee Decision

MOVED: Cr. J. Williams
SECONDED: Cr. T. Laurence

THAT Planning Permit Application D/590/2015 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 TP1 Ground Floor and Site Plan, TP2 First Floor and Site Plan, TP3 Elevations prepared by *Beyond Design Group* and received by Council on 7 October 2015) but modified to show:

- a) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- b) Bedroom 1 of Dwelling 1 provided with a south facing operable window.
- c) Dimensions of Dwellings 3 and 4 tandem spaces at 2.6 metres wide x 5.4 metres deep.
- d) The proposed crossover to Dwelling 2 and 3 reduced to a maximum width of 5.5 metres.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the following crossovers:
 - The eastern and western sides of the proposed crossover to Wood Street.
 - The southern and northern sides of the proposed crossover to Kathleen Street.
 - The northern side of the modified crossover to Kathleen Street.

Where within the subject site any structures or vegetation within these splays must be not more than 1.15 metres in height.

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

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

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

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

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

5. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
6. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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.

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) 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) A minimum of six (6) canopy trees of varying size.
 - 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.
 9. 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.
 10. 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.
 11. All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
 12. The existing street tree must be removed by the developer/permit holder at their own cost, to the satisfaction of the responsible authority.
 13. Before the development starts, a \$900 tree removal fee must be paid to the Responsible Authority for the planting of a street tree within the nature strip adjacent to the frontage of the land.
 14. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
 15. 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.
 16. 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.
 17. 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.
 18. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 19. 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.
 20. 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.
 21. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be

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

to the satisfaction of the Responsible Authority.

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

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 No building or works may be built over any easement on the land except with the written consent of the relevant authority.

CARRIED

Cr. Li called for a Division:

For

Cr. Trent McCarthy

Cr. Gaetano Greco

Cr. Julie Williams

Cr. Steven Tsitas

Cr. Vince Fontana

Cr. Tim Laurence

Cr. Oliver Walsh

Against

Cr. Bo Li

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

Cr. Walsh temporarily left the meeting during discussions of the above item at 8.01 pm and returned at 8.02 pm.

5.7 APPLICATION FOR PLANNING PERMIT D/557/2015
306 Victoria Road, Thornbury

AUTHOR: Principal Planner – Paul Miziewicz

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
MAP Architecture and Design	Exors Walter Harris Jones and Marjorie Jean Jones	MAP Architecture and Design Glenn Waters Arboriculture

SUMMARY:

- It is proposed to construct a medium density housing development comprising three (3) double storey dwellings- comprising one (1) x three (3) bedroom dwelling with two car spaces and two (2) x two (2) bedroom dwellings with one car space.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit, Transport Management and Planning Unit and Darebin Parks.
- This application was referred externally to Melbourne Water.

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

- Mark Stanojevic - Applicant

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. J. Williams

THAT Planning Permit Application D/557/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP.01 Proposed Ground Floor Plan, TP.02 First Floor Plan, and TP.03 Elevations and received by Council on 24 November 2015 and Arboricultural Assessment and Report 306 Victoria Road, Thornbury prepared by *Glenn Waters Arboriculture*) but modified to show:
 - a) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - b) The storage area for each dwelling to be confirmed as a minimum of 6 cubic metres.
 - c) Dimensions of Dwelling 1's tandem spaces at 2.6 metres wide x 5.4 metres deep.
 - d) A gate provided to the rear of Dwelling 3's car space to provide access into the rear service yard. The gate is to open outwards.
 - e) Dimensions of Dwelling 3's car space at 3.5 metres wide x 6 metres deep.
 - f) The first floor north facing living area walls for Dwelling's 2 and 3 setback a minimum of 4.1 metres from the northern boundary.
 - g) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius for the following trees:
 - Tree 1 for a distance of 4.2 metres
 - Tree 2 for a distance of 3.6 metres (allowing a reduction to 2.7 metres for construction of the proposed vehicle crossover).
 - Tree 3 for a distance of 7.2 metres (allowing a reduction to 6.1 metres for the realigned vehicle crossover)

The TPZ must be measured from the base of the trunk for the Street Trees as identified in the Arboricultural Assessment and Report 306 Victoria Road, Thornbury prepared by *Glenn Waters Arboriculture* and be in accordance with the requirements of Condition 11 of this Permit.

- h) The Dwelling 3: South and east facing kitchen windows and Dwelling 2: south and west facing kitchen windows 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.

- i) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the following crossovers:
 - The eastern and western sides of the proposed double crossover to Raleigh Street.
 - The eastern and western sides of the altered crossover to Raleigh Street

Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. The land must be drained to the satisfaction of the Responsible Authority.
 5. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
 6. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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.
 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) 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) A minimum of five (5) canopy trees of varying sizes with two (2) canopy trees located within the front yard to Victoria Road, one (1) canopy tree within the front yards of Dwelling 2 and Dwelling 3 and one (1) canopy tree located within the service yard between Dwelling 2 and Dwelling 3.
 - 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. All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

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11. Before buildings and works (including demolition) start, a Tree Protection Zone (TPZ) must be established around:
- Tree 1 for a distance of 4.2 metres.
 - Tree 2 for a distance of 3.6 metres (allowing a reduction to 2.7 metres for construction of the proposed vehicle crossover).
 - Tree 3 for a distance of 7.2 metres (allowing a reduction to 6.1 metres for the realigned vehicle crossover).
 - The TPZ must be measured from the base of the trunk of the tree and provide for suitable tree protection barriers to be erected and maintained around the street trees' TPZ. Once established, the TPZ's barriers must be maintained at all times and may only be moved to the amount necessary for approved works to occur within the TPZ's. The movement of the TPZ's barriers to allow such work shall only occur for a period that the works are being undertaken after which time the full extent of the TPZ's barriers must be reinstated.
 - The construction of the crossover (and any other works within the TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - 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.
 - Be generally in accordance with the recommendations of the Arboricultural Assessment and Report 306 Victoria Road, Thornbury prepared by Glenn Waters Arboriculture.
12. 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.
13. 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.
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.
15. 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.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. 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;
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- 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.

Melbourne Water conditions

- 19. The dwellings must be constructed with finished floor levels set a minimum of **48.54** metres to AHD. The applicable 1% ARI flood level for the property is **48.24** metres to Australian Height Datum (AHD).
- 20. The garage must be constructed with finished surface levels set a minimum of **48.39** metres to AHD
- 21. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be constructed in accordance with Melbourne Water's requirements.

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.

Melbourne Water Footnotes

- MW1. The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 48.24 metres to Australian Height Datum (AHD).
- MW2. If further information is required in relation to Melbourne Water's conditions shown above, please contact the Land Development team on 9679 7517 quoting Melbourne Water's reference 260072.

CARRIED

5.8 APPLICATION FOR PLANNING PERMIT D/1055/2014
9 Smith Street, Thornbury

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
C Kairouz Architects	G Kolivas	C Kairouz Architects and Open Space Management Fratr Energy Assessor

The Manager City Development informed the Committee that the applicant for Planning Permit Application D/1055/2014 had formally withdrawn the Planning Application listed as item 5.8 on the agenda. On the day of the Planning Committee Meeting the Planning Committee received a formal application to amend this planning application and the Committee was therefore unable to consider item 5.8 in tonight's agenda.

Cr McCarthy noted concerns regarding planning applications that are amended at the last minute.

5.9 APPLICATION FOR PLANNING PERMIT D/1164/2014
29 and 31 Railway Place, Fairfield

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Molkat Investments Nominees Pty Ltd	Molkat Investments Nominees Pty Ltd	Ratio Consultants Pty Ltd

SUMMARY:

- Consideration of this application was deferred by the Planning Committee on 22 February 2016 to enable the applicant to seek written confirmation that assures the adjoining property owner/objector that a power pole will be relocated in front of the subject land.
- The proposal is for a four (4) storey mixed use development comprised of basement car parking, a shop at ground floor and 26 dwellings spread across ground floor and upper floors. The development offers a mix of accommodation including 15 x two (2) bedroom dwellings and 11 x one (1) bedroom dwellings. Each dwelling is to be provided with one (1) car parking space; the shop is allocated one (1) car parking space and visitors are allocated five (5) car parking spaces within the basement. The dwellings will have private open space in the form of courtyards at ground floor and balconies at the upper floors.
- The site is zoned Commercial 1 Zone
- There is no restrictive covenant on the title for the subject land.
- Five (5) objections were received against this application.
- The proposal is generally consistent with the relevant 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 the Transport Management and Planning Unit, Capital Works Unit, Waste Services and ESD officer.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. T. Laurence

THAT Planning Permit Application D/1164/2014 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP01 to TP09 Revision B dated 25/8/2015 prepared by Artisan Architects and received by Council on 25 August 2015) but modified to show:
 - a) The provision of a communal roof garden, located to the north side of the stair well and of adequate dimensions to provide a functional communal recreation area and facilities to occupants. The northern balustrade of the roof garden is to be set back from the northern boundary of the site sufficiently so that the top of any balustrade is not visible from the footpath on opposite side of Railway Place at a height of 1.7 metres on the footpath. Dimensions and design details are to be provided.
 - b) The Basement Level Plan TP01 Revision B prepared by Artisan Architects is to be modified to accord with the Basement Level Plan TPO1 Revision C prepared by Artisan Architects received by Council on 17 November 2015, notwithstanding any amendments required by any other conditions of this Permit.
 - c) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossover to Railway Place. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - d) A single communal antenna for the development (refer also to Condition No.14. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - e) The location of site services, such as utility meters, substations, fire booster and the like. Site services are to be located and designed to minimise visibility from public spaces.
 - f) Comprehensive details and elevations of the proposed acoustic wall, including the length, height, construction, materials, finishes and colours of this wall. The wall must be designed to meet the requirements of Condition No.12 of this Permit.
 - g) The provision of a fence along the eastern boundary (not including the acoustic wall) with a minimum height of 1.8 metres above natural ground level at the boundary.
 - h) Appropriate screening measures in accordance with Standard B22 of Clause 55 to ensure the privacy of adjoining residences are protected in accordance with Condition No. 4 of this Permit.
 - i) Specification of light coloured finish to the external walls of the light well on the western side of the building to ensure maximum reflectivity of available daylight. Specifications are to be included in the Schedule of Materials, Finishes and Colours.

- j) The dimensions shown to balconies in the development to be taken from the inside of any structure/balustrade to reflect internal dimensions. The minimum internal dimension of a balcony must not fall below 1.6 metres.
 - k) The provision of canopy extensions over the balcony areas of Unit s 401, 402, 403 & 405 to provide weather protection. The canopies are to include adjustable louvers over window areas for solar access.
 - l) The provision and allocation of 6 cubic metres of external storage for each dwelling, including dimensions to confirm capacity. The storage areas must have functional dimensions to allow access into deep storage areas. Storage areas must be clear of any structures. The three (3) towel rail bike holds in the basement level may be removed to increase storage capacity.
 - m) The location of a Sustainable Transport Display area, in accordance with Condition No.13 of this Permit.
 - n) Annotations to show allocation of the car parking spaces on the site to each of the 26 dwellings, the Shop and visitors, in accordance with Condition No.9 of this Permit.
 - o) Modifications to the waste storage areas, as required, in accordance with Condition No.11 of this Permit. Waste storage area/s must be of sufficient dimensions to enable the required number of bins to be stored and conveniently accessed.
 - p) Modifications in accordance with the Acoustic Report (refer to Condition No.12 of this Permit).
 - q) A landscape plan in accordance with Condition No.5 of this Permit.
 - r) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No.10 of this Permit).
 - s) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). The schedule must include details of:
- 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 is occupied, privacy screens must be installed to habitable room windows and balconies identified below. Screens are to be designed to maintain optimum internal amenity to the development including natural daylight and ventilation i.e. must not be fixed obscure glazing or fixed obscure glazing to a height of 1.7 metres above finished floor level unless the window is a secondary window to the room. Privacy screening should be designed as integrated and visually cohesive elements of the building, and can include:
- a) Wall and balustrade design and building setbacks that utilise the building edge below to block downward views;
 - b) Allow for windows to include operable sections for ventilation purposes;
 - c) External screening that obscures direct downward views but allows distance views where applicable (e.g. deep horizontal fixed louvers or similar); and
 - d) Fixed planter boxes with higher outer and/or side edges.

Full details of materials, finishes and colours must be provided. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

Screening is to be provided to:

- The eastern wall: first floor, second floor and third floor habitable room windows and balconies (unless windows or glazed doors are located behind balcony screens);
 - Southern wall: first floor, second floor and third floor habitable room windows and balconies (unless windows or glazed doors are located behind balcony screens), including balconies of Unit 404 and 405.
5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) 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) Where the opportunity exists, the provision of external clotheslines for dwellings
 - 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). 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.
 - n) Method of irrigation and management plan for maintenance for landscaping on the site.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before the development commences, 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 *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 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.

9. Upon registration of any plan of subdivision of the land under the *Subdivision Act 1988*, the title(s) must show:
 - a) Each one (1) and two (2) bedroom dwelling provided with one (1) car parking space;
 - b) The Shop provided with one (1) car parking space;
 - c) Five (5) car parking spaces (not within car lifts) set aside for residential visitors.
 - d) The title to each dwelling lot must incorporate one (1) storage space.
10. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
11. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

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

frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor, and limit collection to not more than two (2) times per week for each waste stream.

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.

12. 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, railway and traffic do not impact adversely on the amenity of the dwellings.
- b) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
- c) Noise, reverberation and vibration associated with the operation and use of the lift and staircase cores do not impact adversely on the amenity of the dwellings which share dividing walls with the core. The following sources of noise must be attenuated:
 - Ride quality e.g. sound and vibration from the elevator car
 - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls
 - Structure-borne noise in walls e.g. sound radiation to adjacent rooms
 - Cooling fan noise
 - Drive operation noise
 - Relay switching noise
 - Door operation noise
 - Guide shoe sliding noise
 - Treatment to stair treads and landings to minimise airborne noise
- d) Construction and performance details of the acoustic fence along the eastern boundary adjacent to the basement/ground level vehicle access ramp.

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

13. Before the development is occupied a sustainable transport display must be provided in a visually prominent location near the front entrance to the Shop and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.
14. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
15. Before the development is occupied bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.
16. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
17. 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.
18. 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.
19. Before the dwellings are occupied, an automatic lighting system capable of illuminating the entry to the building, access to the basement, basement car parking areas and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

Any 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.
20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
21. The land must be drained to the satisfaction of the Responsible Authority.
22. 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.
23. 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.
24. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
25. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority

26. 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.
27. 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 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.

- N6 In relation to the requirements of Condition No.13 of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).
- N7 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

6. OTHER BUSINESS

ADOPTION OF SEVERAL COMMITTEE DECISIONS 'EN BLOC'

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. J. Williams

THAT The Planning Committee agree to consider the adoption of the 'Recommendations' contained in Item Nos. 6.1 and 6.2 'en bloc'.

CARRIED

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. G. Greco

THAT The 'Recommendations' contained at Item Nos. 6.1, and 6.2 be adopted 'en bloc'.

CARRIED

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

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

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

Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text 'struck out'.

- Applications with a cost of construction of at least \$3,000,000 currently under consideration.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. G. Greco

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

CARRIED

6.2 LIST OF DELEGATE DECISIONS

This is a list of all decisions made under delegation from 1 July 2015 to 31 December 2015 (see **Attachment A**). This list comprises all types of applications including:

- applications for planning permits including VicSmart applications (identified as D/XX/XXX or VS/XX/XXX);
- applications to amend a planning permit (identified as D/XXX/XXX/A or VS/XX/XXXX/A),
- applications to amend endorsed plans under secondary consent (SEC/XX/XXXX),
- applications for extensions of time to commence or complete a permit (EOT/XX/XXXX),
- applications to endorse plans associated with a permit (CON/XX/XXXX).

This report will be provided every six (6) months.

Committee Decision

MOVED: Cr. S. Tsitas

SECONDED: Cr. G. Greco

THAT the List of Delegate Decisions attached as **Appendix A** be noted.

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.33 pm.