



MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 21 November 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 21 NOVEMBER 2016**

THE MEETING COMMENCED AT 6.01 PM

1. PRESENT

Councillors

Cr Kim Le Cerf (Mayor) (Chairperson)
Cr Steph Amir (6.02 pm)
Cr Gaetano Greco (Deputy Mayor)
Cr Tim Laurence
Cr Trent McCarthy
Cr Susanne Newton
Cr Susan Rennie
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director City Future and Assets
Darren Rudd – Manager Planning and Building
Peter Rollis – Coordinator Statutory Planning
Jacinta Stevens – Director Civic Governance and Compliance
Angelo Luczek – Acting Manager Governance and Corporate Information
Katia Croce – Coordinator Council Business

2. APOLOGIES

Cr. Messina is on an approved leave of absence.

Cr. Amir entered the meeting at 6.02 pm

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Le Cerf disclosed a conflict of interest in Item 5.8 – Application for Planning Permit D/1039/2015 – 658-664 High Street, Thornbury Vic 3071

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. G. Greco

THAT the Minutes of the Planning Committee meeting held on 12 September 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

PROCEDURAL MOTION

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

That Item 5.1 be considered after Item 5.3 to allow applicant and objector to speak to the application.

CARRIED

Agenda Items 5.2 and 5.3 were dealt with prior to the following item.

5.1 APPLICATION FOR PLANNING PERMIT D/548/2014A
 708-710 High Street, Reservoir Vic 3073

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Steve Todorovski and Debbie Joy Todorovski	TTM Consulting Pty Ltd Keystone Alliance – Sustainability Solutions Pty Ltd

SUMMARY:

- The proposal seeks approval to amend Planning Permit D/548/2014 and endorsed plans (in accordance with section 72 of the *Planning and Environment Act 1987*) to allow two (2) additional dwellings, an increase in height and a parking reduction.
- The existing permit was issued on 6 March 2015 and is still valid, as condition 4 allows three (3) years from the date of the Permit for commencement (i.e. 6 March 2018).
- The existing permit allows construction of a one (1) and two (2) storey building accommodating a café and four (4) dwellings. The existing proposal includes five (5) car spaces are located to the rear, accessed via an existing crossover, with each of the dwellings and the café having one (1) car space.
- The proposal maintains the café to the front, with 30 square metres and 24 patrons.
- The amendment will include an additional level (resulting in a three (3) storey building) and an additional two (2) dwellings, resulting in a six (6) dwelling development and a café. Dwellings 1, 2, 3 and 4 are located to the rear of the café and will front Mason Street. They are to be three (3) storeys and have a similar layout and level of accommodation, with the ground floor levels having a bedroom and home office, with

service yards of 12.08 to 17.55 square metres. The first floors are each to have an open plan kitchen/meals/family area and balconies of 8.2 to 8.72 square metres. The upper floors are to have a bedroom, en-suite and WIR.

- Dwelling 5 is located to the rear and will be at first floor level (above the parking area). It is to have two (2) bedrooms and an open plan kitchen/meals/living area, with a north facing balcony of 11.44 square metres. The ground floor is to have an entry from Mason Street, with a service yard of 3.7 square metres.
- Dwelling 6 is located to the front and will be at first floor level (above the café). It is to have one (1) bedroom and an open plan kitchen/meals/family area, with a north facing balcony of 9.5 square metres. The ground floor is to have an entry from Mason Street.
- Five (5) car spaces are located to the rear, accessed via the existing crossover. Dwellings 1-4 and the café are to have one (1) car space. A common pedestrian accessway is provided along the northern common boundary.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Twenty-three (23) 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 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. Le Cerf:

- Pauline Malzis, on behalf of the Applicant
- Scott Farrar, Objector

Recommendation

That a Notice of Decision to Amend Planning Permit D/548/2014 be issued pursuant to section 75 of the *Planning and Environment Act 1987* subject to the following:

The planning permit (D/548/2014) is to be amended to allow:

1. Construct a mixed use development comprising of a cafe and six (6) dwellings;
2. Use the site for the purpose of restaurant; and
3. Reduce the car parking requirement associated with the café, (1) dwelling and the visitor car parking space;

Condition 1 modified to read:

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. TP03, TP04, TP05, Revision F, dated Feb 2016, job no. 010096 and prepared by Ikonomidis Reid) but modified to show:
 - a) Full details of the proposed screens to first floor windows showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - b) ***** deleted
 - c) ***** deleted
 - d) Increase the length of the pedestrian walkway located along the northern boundary of the site by 1.0 metre to the east.
 - e) Fixed external shading to the north facing habitable room windows of Dwelling 4.
 - f) The first floor horizontal and vertical cladding and screening is to be a light colour.
 - g) A minimum of three (3) suitable small canopy trees (trees with a 4-6 metre height and 4 metres width at maturity) and one (1) suitable medium canopy tree (trees with a 6-8 metre height and 6 metre width and maturity) on site.
 - h) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence for the following trees:
 - * Tree 1 with a radius of 3.5 metres;
 - * Tree 2 with a radius of 2.9 metres;
 - * Tree 3 with a radius of 3.9 metres; and
 - * Tree 4 with a radius of 1.5 metres.

All radius measured are to be from the trunk edge. See condition 11 for details.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - i) A visitor bicycle space located near the main entrance of the restaurant.
 - j) Details of waste storage for the café, to be screened from public view.
 - k) Plans are to clearly show a maximum of 24 patrons for the restaurant use.
 - l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the existing crossover to the street frontage. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - n) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to as 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 No.8 of this Permit.
- p) Modifications in accordance with the Sustainable Design Statement as required under condition 12 of this Permit.

But further modified to show -

- q) A notation placed on plan indicating that the ground level ‘home office’ areas of Dwellings 1-4 are to remain open to the entry, stairs and corridor to bedroom 2 and must not be used as bedrooms.
- r) A minimum of 6 cubic metres of externally accessible secure storage is to be provided for all dwellings.
- s) The first floor north-facing kitchen window of Dwelling 5 provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- t) The over-bonnet bicycle parking is to be deleted and provided within the dwellings (where possible).
- u) The car spaces clearly allocated to Dwellings 1-5 and all references to a space for the café deleted.
- v) Two (2) visitor bicycle parking spaces near the main entrance to the development. If these are unable to be provided on site please contact Councils Sustainable Transport Officer.
- w) Fixed external shading to the north facing habitable room windows of Dwellings 5 and 6.
- x) An updated landscape plan in accordance with Condition 8 of this Permit.
- y) An updated Sustainable Design Statement in accordance with Condition 12 of this Permit.

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

MOTION

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

That the ‘Recommendation’ as presented in the agenda (to Amend Planning Permit D/584/2014 be issued pursuant to section 57 of the *Planning Environment Act 1987* subject to conditions), be adopted.

THE MOTION WAS PUT AND LOST

Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr. T. McCarthy	Cr. T. Laurence	Cr. S. Amir
Cr. S. Newton	Cr. G. Greco	
	Cr. J. Williams	
	Cr. K. Le Cerf	
	Cr. S. Rennie	

The Chairperson, Cr. Le Cerf declared the motion to be lost.

Alternate Motion

MOVED: Cr. T. McCarthy
SECONDED: Cr. G. Greco

That this item (Item 5.1 – Planning Application D/5482014A) be deferred to enable further consultation between the applicant and objectors and for the matter to come back to a future Planning Committee meeting.

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

Committee Decision

MOVED: Cr. T. McCarthy
SECONDED: Cr. G. Greco

That this item (Item 5.1 – Planning Application D/5482014A) be deferred to enable further consultation between the applicant and objectors and for the matter to come back to a future Planning Committee meeting.

CARRIED UNANIMOUSLY

5.2 APPLICATION FOR PLANNING PERMIT D/1046/2015
 50 Regent Street, Preston Vic 3017

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
R Architecture Pty Ltd	Exors. Bryan Thomas Grant	Sherrin Bishop (The English Gardener)

SUMMARY:

- The applicant seeks to construct a medium density housing development comprising of four (4) double storey dwellings, as follows:
 - Dwelling 1 and 4 will have three (3) bedrooms each and access to a single garage and tandem car space, each provided from separate vehicle crossings from Regent Street and Myrtle Grove respectively;
 - Dwellings 2 and 3 will also have three (3) bedrooms each and access to a car stacker, providing two (2) car spaces each. The car stackers are accessed from a double vehicle crossover to Myrtle Grove.
 - Dwelling 1 has 40 square metres of secluded private open space at ground floor level, with additional non secluded space to the front of the site.
 - Dwellings 2-4 have a reverse living arrangement with a terrace of a minimum of 10 square metres, in addition to a 16-19 square metre service yard.
 - The maximum building height is 8.4 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received against this application. This includes one (1) petition with six (6) signatures.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that a view be formed to oppose the grant of permit and that the application be refused.

CONSULTATION:

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

- Chris McKenzie, on behalf of the Applicant

Committee Decision

MOVED: Cr. T Laurence

SECONDED: Cr. J Williams

That the opinion be formed to not support planning permit application D/1046/2015 on the following grounds:

1. The proposal does not meet the objectives of Council's Neighbourhood Character Study in terms of poor opportunities for appropriate landscaping, inadequate setbacks, inadequate articulation, design detail, dominant car access, as well as excessive height, visual bulk and building form.
2. The proposal will result in excessive visual bulk to the adjoining properties.
3. The proposal does not meet the objectives Clause 55 of the Darebin Planning Scheme, more particularly:
 - a) Neighbourhood character - The proposal is inappropriate in terms of the height/visual bulk, inadequate setbacks, landscape character, inadequate articulation and dominant vehicle access.
 - b) Inadequate front setback.
 - c) Poor opportunities for landscaping and the development does not respect the garden and landscape character of the area.
 - d) The building bulk/height is inconsistent with the neighbourhood character and impacts unreasonably on the amenity of adjoining property.
 - e) Inappropriate design detail.
 - f) Poor access to external storage areas via car stackers.
 - g) Inappropriately located waste/recycle bins.
4. The car parking and access design and layout are inappropriate in that: the vehicle access to Regent Street is inappropriate and dominant; vehicles cannot conveniently enter and exit the Regent Street access point in a forward direction.
5. The proposal is an overdevelopment, poorly conceived and not site responsive.
6. The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.
7. Pursuant to Section 61 (2) of the *Planning and Environment Act 1987*, the Responsible Authority must refuse to grant the permit as Melbourne Water objects to the proposed development on the following grounds:
 - a) The proposed development is contrary to the State Planning Policy and the objectives of the Special Building Overlay (SBO).
 - b) The proposed development is subject to inappropriate flood risk, where the safety of land users may be affected and potential for flood damage is excessive.
 - c) The proposed development does not comply with Melbourne Water's core assessment criteria regarding freeboard and flood flows.

CARRIED

5.3 APPLICATION FOR PLANNING PERMIT D/568/2015
 1/72-74 Chifley Drive, Preston Vic 3072

AUTHOR: Principal Planner – Ben Porteous

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
CMS Architects	Tag Corporation Victoria Pty Ltd	TTM Consulting (Vic) Pty Ltd Peyton Waite

SUMMARY:

- The applicant proposes to use the existing building for the purpose of an indoor recreation facility and a place of worship.
- The premises will be a community facility for the Somali, Darussalam community and will provide support for the Australian-Somali community, new immigrants, youth activities/counselling and education.
- The ground floor will provide an office, reception and bookshop area to the front, with internal male/female change rooms; entertainment/education areas, offices, canteen, lecture room, lecture/prayer room, storage, place of worship/indoor recreation; and gym. There is also to be a first floor area for offices and education areas.
- The application indicates that the prayer component will be secondary activity predominantly occurring during the month of Ramadan between 8.00 pm and 10.00 pm and for Friday congregational prayer. Two other events are held at the end of Ramadan and to celebrate the Haj, between 6.00 am and 8.00 am.
- The maximum number of people on the site are to be 200 and 61 car spaces are provided.
- The site is in an Industrial 3 Zone.
- There is no restrictive covenant on the title for the subject land.
- 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.
- 38 objections were received against this application, from 30 separate properties, including one objection containing eight (8) parties (seven (7) of which also lodged separate objections).
- No consultation was conducted by Council however the applicant arranged a meeting at the subject site for all interested parties, including objectors.
- This application was referred internally to the Transport Management and Planning Units.
- This application was not required to be referred to any external authorities.

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

- Martin Thompson, Applicant
- Stephan Koenig, on behalf of various Objectors

Recommendation

That Planning Permit Application D/568/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use(s) 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 1505SK-04C, 1505SK-05C, 1505SK-06A, Revision dated 30 March 2016 and prepared by CNS Architects) but modified to show:
 - a) A minimum of twenty bicycle parking spaces. The spaces must be provided in accordance with Clause 52.34-4 of the Darebin Planning Scheme.
 - b) Bicycle signage in accordance with Clause 52.34-5 of the Darebin Planning Scheme.
 - c) Full dimensions of car spaces and accessways showing compliance with Clause 52.06-8 (Design standards for car parking) of the Planning Scheme.
 - d) Any alterations required by the Waste Management Plan, in accordance with Condition 5 of this Permit.
 - e) A sign within 2.0 metres of the boundary between the common property and Chifley Drive which directs pedestrian access to be via the central accessway. Details of the sign must be provided.
 - f) Waste storage areas in accordance with Condition 6 of this Permit.

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

2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

4. Before the use starts a minimum of 61 car parking spaces must be available for patrons of the premises in accordance with the endorsed plans.
5. Before the use starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

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

- Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
6. Before the use starts a waste storage/collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres and be located within the building.

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
 7. Before the use starts a minimum of 20 bicycle parking spaces must be provided in accordance with the endorsed plans.
 8. The use may operate only between the hours of 5:00 am and 11:00 pm
 9. The number of people on the premises at any one time must not exceed 200 people.
 10. The occupants of the premises must encourage for all pedestrian access to the site to be via the central access point from Chifley Drive, and not via the delivery vehicle accesses which abut the northern and southern boundaries of the site.
 11. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
 12. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 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. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 15. Before the use 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 use or development commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

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

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

16. Before the use starts 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.

NOTATIONS

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

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

Committee Decision

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

That Planning Permit Application D/568/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use(s) 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 1505SK-04C, 1505SK-05C, 1505SK-06A, Revision dated 30 March 2016 and prepared by CNS Architects) but modified to show:
 - a) A minimum of twenty bicycle parking spaces. The spaces must be provided in accordance with Clause 52.34-4 of the Darebin Planning Scheme.
 - b) Bicycle signage in accordance with Clause 52.34-5 of the Darebin Planning Scheme.

- c) Full dimensions of car spaces and accessways showing compliance with Clause 52.06-8 (Design standards for car parking) of the Planning Scheme.
- d) Any alterations required by the Waste Management Plan, in accordance with Condition 5 of this Permit.
- e) A sign within 2.0 metres of the boundary between the common property and Chifley Drive which directs pedestrian access to be via the central accessway. Details of the sign must be provided.
- f) Waste storage areas in accordance with Condition 6 of this Permit.

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

- 2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

- 4. Before the use starts a minimum of 61 car parking spaces must be available for patrons of the premises in accordance with the endorsed plans.
- 5. Before the use starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

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

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

- 6. Before the use starts a waste storage/collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres and be located within the building.

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

- 7. Before the use starts a minimum of 20 bicycle parking spaces must be provided in accordance with the endorsed plans.
- 8. The use may operate only between the hours of 5:00 am and 11:00 pm
- 9. The number of people on the premises at any one time must not exceed 200 people.
- 10. The occupants of the premises must encourage for all pedestrian access to the site to be via the central access point from Chifley Drive, and not via the delivery vehicle accesses which abut the northern and southern boundaries of the site.

11. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
12. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
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. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
15. An environmental audit should be required unless the proponent can demonstrate to the satisfaction of the responsible authority that the site has never been used for a potentially contaminating activity or that other strategies or programs are in place to effectively manage any contamination.
16. Before the use starts 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 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.

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

5.4 APPLICATION FOR PLANNING PERMIT D/974/2015
28 Union Street, Northcote Vic 3070

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
J Winstanley	James Edward Matthews and Ursula Jean Naughton

SUMMARY:

- Development of four (4) double storey dwellings. Three (3) car parking spaces are provided. This represents a reduction to the car parking requirement.
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- Twenty 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 and the Transport Management and Planning Unit.

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

- James Winstanley, Applicant

Committee Decision**MOVED: Cr. J Williams****SECONDED: Cr. S Amir**

That Planning Permit Application D/974/2015 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: TP01 Rev H, TP02 Rev H, TP03 Rev H, TP04 Rev H and TP05 Rev 5, prepared by Designworx, dated 30 May 2016) but modified to show:
 - a) Modifications in accordance with plan TP01 Rev I, dated 8 September 2016 and prepared by Designworx, including a 3.0 metre setback to the 1st floor of dwelling 4 from the west boundary.
 - b) A landscape plan in accordance with Condition No. 4 of this Permit.
 - c) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 5 of this Permit).
 - d) Fixed horizontal shading devices to all north elevation windows.
 - e) Retractable vertical shading devices to all west elevation windows.
 - f) Relocation of the bins of dwelling 1 inside the garage.
 - 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) Six (6) cubic metres of external storage to each dwelling.
 - i) The west facing first floor living room window of dwelling 3, the east and west facing first floor windows of dwelling 4, 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.

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

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

- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or
 - e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. 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.

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

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

to the satisfaction of the Responsible Authority.

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

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

Cr. Laurence called for a Division:

For

Cr. S. Newton

Cr. J. Williams

Cr. K. Le Cerf

Cr. S. Amir

Cr. T. McCarthy

Against

Cr. T. Laurence

Cr. G. Greco

Cr. S. Rennie

The Chairperson, Cr. Le Cerf declared the motion to be carried.

5.5 APPLICATION FOR PLANNING PERMIT D/989/2012/B
 346-350 Bell Street, Preston Vic 3072

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ellis Group Architects	Huijin Properties Pty Ltd

SUMMARY:

- This report concerns a request to amend a planning permit already considered and approved by Council.
- The matter needs to be reported to the Planning Committee following changes to delegations that require all applications regardless of whether they are minor amendments to permits, where the cost of development exceeds \$10 million. This change to the Planning Committee Charter was made by Council at its meeting on 18 July 2016.
- This application seeks approval to make the following amendments to the current planning permit:
 - Reduce the number of dwellings to 83 to 78 dwellings;
 - Replace 15 x one (1) bedroom dwellings with 10 two (2)-bedroom dwellings;
 - Reduce the number car parking spaces to 66 from 71;
 - Removal of the car stackers;
 - Reduced and modified screening measures to the north elevation.
- The site is zoned Priority Development Zone (Schedule 1)
- There is no restrictive covenant on the title for the subject land.
- 0 objections were received against this application.
- The proposal is generally consistent with the objectives of the Darebin Planning Scheme.
- It is recommended that the changes to the planning permit be supported.

CONSULTATION:

- Public notice was given via letters sent to adjacent 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 people verbally addressed the meeting and were ultimately thanked for their presentation by the Chairperson, Cr. Le Cerf:

- Siobhan Jordan, Objector
- Paula Preshaw, Objector

Recommendation

That Planning Permit Application D/989/2012/B 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-A100 P3, TP-A101 P3, TP-A200 P3, TP-A201 P3, TP-A202 P3, TP-A203 P3, TP-A204 P3, TP-A205 P3, TP-A207 P3, TP-A400 P3, TP-A401 P3, TP-A402 P3, TP-A403 P3, TP-A403 P3, TP-A500 P3, TP-A501 P3, TP-A502 P3, TP-A600 P3 and TP-A601 P3, dated 12 August 2016, prepared by Ellis Group Architects) but modified to show:
 - a) Modifications in accordance with the Sustainable Management Plan (SMP) referred to in Condition No. 10 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples and a set of coloured elevations relating to the schedule of materials, finishes and colours).
 - c) Balconies serving dwellings 5.02 and 5.02 provide a minimum dimension of 1.6 metres.
 - d) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the proposed crossover to Mary Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - e) The provision of a notation on the Ground Floor Plan Sheet TP-A200 P3 and Basement 2 Plan on Sheet A101 Revision P3 to state that at least 50% of the bicycle parking facilities for the development will be Clause 52.34-4 compliant.
 - f) A notation and/or dimensions confirming that the minimum headroom to be provided above a car parking space is 2.2 metres, in accordance with Condition No.15 of this Permit.
 - g) Car parking allocation for the development to be nominated on the plans as follows:
 - i) One (1) car parking space allocated to each two (2) bedroom dwelling.
 - ii) Four (4) car parking spaces allocated to the Shops, comprised of one (1) space for each Shop tenancy.
 - iii) Remaining spaces distributed to the one (1) bedroom dwellings.
 - h) A Parking Management Plan specifying the management and assignment of car parking spaces and bicycle parking spaces in the development (refer Condition No.10 of this Permit).

- i) The provision of a flue for each retail tenancy exhausting at roof level.
When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
- a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

4. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
5. No part of the development, with the exception of the ground floor canopy over the footpath, must project beyond the property boundaries except for architectural features which may project no more than 150mm.
6. The allocation, layout and design of accessways associated with disabled car parking spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
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. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP), 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 Sustainability Management Plan (SMP) have been implemented in accordance with the approved Plan.
10. Before the development starts, a parking management plan must be prepared and submitted to the satisfaction of the Responsible Authority. When approved, the parking management plan will be endorsed and then become part of the Permit. This parking management plan must provide for the allocation and use of the on-site car parking spaces and the on-site bicycle parking spaces to ensure optimum use at all times by residents and visitors, in accordance with the allocation system set out in Condition 1(g) of this Permit.

Purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

The parking management plan may be amended with the written approval of the Responsible Authority.

11. The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
12. 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.

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.

13. Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
14. Before the use of the land commences a sustainable transport display area for the development, near the main entrances to the commercial tenancies must be provided. The display area must include public transport maps, timetables and maps of walking and cycling routes to and from the site, to the satisfaction of the Responsible Authority. This information must be monitored, reviewed and updated as necessary, to the satisfaction of the Responsible Authority.
15. The minimum headroom to be provided above a car parking space must be 2.2 metres as per Figure 5.3 of AS2890.1:2004.
16. The proportion of car parking spaces allocated as disabled; the layout and access ways associated with a disabled car parking space must all be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
17. 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 *use or development* commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the *use or development* commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. 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 to the satisfaction of the Responsible Authority. 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.

18. 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.
19. 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.
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, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
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. Only one (1) communal television antenna may be erected on the building with sufficient capacity to cater to the entire development. Individual antennae for individual dwellings/tenancies must not be erected.
25. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; 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.
26. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority.
27. All redundant crossing on the Bell Street frontage of the site must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority and VicRoads.

Public Transport Victoria Conditions

28. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Bell Street is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to Public Transport Victoria and bus operators one (1) week prior.

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 Please note the Development Contribution Plan levy will be invoiced separately.

N6 Pedestrian access arrangements within the development must comply with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) under the *Commonwealth Disability Discrimination Act 1992* (DDA).

N7 Pedestrian access arrangements within the development must comply with the provisions of AS1428.

N8 In relation to the requirements of Condition No.14 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).

N9 No building or works may be built over any easement on the land except with the written consent of the relevant authority.

N10 This permit authorises only the use and/or development of land as described in the preamble of the permit (ie that section which states “This Permit Allows:”). This permit does not authorise the display of any advertising signs.

N11 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.

Committee Decision

MOVED: Cr. S. Rennie

SECONDED: Cr. J. Williams

That Planning Permit Application D/989/2012/B 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-A100 P3, TP-A101 P3, TP-A200 P3, TP-A201 P3, TP-A202 P3, TP-A203 P3, TP-A204 P3, TP-A205 P3, TP-A207 P3, TP-A400 P3, TP-A401 P3, TP-A402 P3, TP-A403 P3, TP-A403 P3, TP-A500 P3, TP-A501 P3, TP-A502 P3, TP-A600 P3 and TP-A601 P3, dated 12 August 2016, prepared by Ellis Group Architects) but modified to show:
 - a) Modifications in accordance with the Sustainable Management Plan (SMP) referred to in Condition No. 10 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples and a set of coloured elevations relating to the schedule of materials, finishes and colours).
 - c) Balconies serving dwellings 5.02 and 5.02 provide a minimum dimension of 1.6 metres.
 - d) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the proposed crossover to Mary Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - e) The provision of a notation on the Ground Floor Plan Sheet TP-A200 P3 and Basement 2 Plan on Sheet A101 Revision P3 to state that at least 50% of the bicycle parking facilities for the development will be Clause 52.34-4 compliant.
 - f) A notation and/or dimensions confirming that the minimum headroom to be provided above a car parking space is 2.2 metres, in accordance with Condition No.15 of this Permit.
 - g) Car parking allocation for the development to be nominated on the plans as follows:
 - i) One (1) car parking space allocated to each two (2) bedroom dwelling.
 - ii) Four (4) car parking spaces allocated to the Shops, comprised of one (1) space for each Shop tenancy.
 - iii) Remaining spaces distributed to the one (1) bedroom dwellings.
 - h) A Parking Management Plan specifying the management and assignment of car parking spaces and bicycle parking spaces in the development (refer Condition No.10 of this Permit).
 - i) The provision of a flue for each retail tenancy exhausting at roof level.
 - j) That the screens to balconies for the north elevation be opaque glass to comply with standard B22.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.
4. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
5. No part of the development, with the exception of the ground floor canopy over the footpath, must project beyond the property boundaries except for architectural features which may project no more than 150mm.
6. The allocation, layout and design of accessways associated with disabled car parking spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
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. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP), 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 Sustainability Management Plan (SMP) have been implemented in accordance with the approved Plan.
10. Before the development starts, a parking management plan must be prepared and submitted to the satisfaction of the Responsible Authority. When approved, the parking management plan will be endorsed and then become part of the Permit. This parking management plan must provide for the allocation and use of the on-site car parking spaces and the on-site bicycle parking spaces to ensure optimum use at all times by residents and visitors, in accordance with the allocation system set out in Condition 1(g) of this Permit.

Purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

The parking management plan may be amended with the written approval of the Responsible Authority.

11. The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
12. 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.

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.

13. Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
14. Before the use of the land commences a sustainable transport display area for the development, near the main entrances to the commercial tenancies must be provided. The display area must include public transport maps, timetables and maps of walking and cycling routes to and from the site, to the satisfaction of the Responsible Authority. This information must be monitored, reviewed and updated as necessary, to the satisfaction of the Responsible Authority.
15. The minimum headroom to be provided above a car parking space must be 2.2 metres as per Figure 5.3 of AS2890.1:2004.
16. The proportion of car parking spaces allocated as disabled; the layout and access ways associated with a disabled car parking space must all be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
17. 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 *use or development* commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the *use or development* commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. 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 to the satisfaction of the Responsible Authority. 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.

18. 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.
19. 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.

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, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
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. Only one (1) communal television antenna may be erected on the building with sufficient capacity to cater to the entire development. Individual antennae for individual dwellings/tenancies must not be erected.
25. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; 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.
26. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority.
27. All redundant crossing on the Bell Street frontage of the site must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority and VicRoads.

Public Transport Victoria Conditions

28. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Bell Street is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to Public Transport Victoria and bus operators one (1) week prior.

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 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 Pedestrian access arrangements within the development must comply with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) under the *Commonwealth Disability Discrimination Act 1992* (DDA).
- N7 Pedestrian access arrangements within the development must comply with the provisions of AS1428.
- N8 In relation to the requirements of Condition No.14 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).
- N9 No building or works may be built over any easement on the land except with the written consent of the relevant authority.
- N10 This permit authorises only the use and/or development of land as described in the preamble of the permit (ie that section which states “This Permit Allows:”). This permit does not authorise the display of any advertising signs.
- N11 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.

CARRIED

Cr. McCarthy temporarily left the meeting during discussions of the above item at 7.29 pm and returned during discussion at 7.31 pm.

5.6 APPLICATION FOR PLANNING PERMIT D/400/2016
 Lot 9, 1056-1140 Plenty Road, Bundoora Vic 3083

AUTHOR: Manager Planning and Building – Darren Rudd

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Deal (Lg) Pty Ltd	Deal (Lg) Pty Ltd	<ul style="list-style-type: none"> • SJB Planning • Sustainable Development Consultants • Leigh Design • Cardno • Ajarboriculture • Lovell Chen

SUMMARY:

- This application is required to be reported to the Planning Committee due to the proposal being defined as a major development as specified in the Planning Committee Charter.
- The application proposes to undertake part demolition works, construct buildings and works for 63 dwellings in townhouses and apartments and to reduce the visitor parking requirement.
- The site is zoned Mixed Use Zone and is within the Development Contributions Plan Overlay, Heritage Overlay HO111, Development Plan Overlay DPO1.
- There is no restrictive covenant on the title for the subject land.
- The Development Plan provides an exemption from public notification and third party appeal rights, meaning no objections can be 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:

- Notice of the application was not required to be given as an application which is generally in accordance with a development plan is exempt from the notice requirements of the *Planning and Environment Act, 1987*.
- This application was referred internally to Council's Heritage Architect, Transport Management and Planning Unit, Capital Works Unit, ESD Officer.
- This application was not required to be referred to external authorities.

Darren Rudd, Manager Planning and Building advised the meeting that condition 1.c) of the Recommendation be deleted from the recommendation.

Recommendation

That the opinion be formed that Planning Permit Application D/400/2016 is in accordance with the approved development plan and that the planning application should be supported with 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 (received by Council 18 August 2016 being identified as TP03p18, TP03.1p5, TP03.2p3, T04p11, TP04.1p5, TP05p9, TP06p7, TP07p4, TP07.1p1, TP08p4, TP09p4, TP011p5, TP012p5, TP013p5, TP14p6, TP15p1, TP24p2, EX01a, EX01.1a EX02b, EX03b, EX04b, EXP01e, EXP02f, EXP03e, EXP04d Job No 1279 prepared by Clarke Hopkins Clarke and L-TP01 Rev A Job No 15-486 prepared by John Patrick Pty/Ltd) but modified to show:
 - a) Olea 'Tolleys Upright' replaced with a suitable native species of 4m spread or greater.
 - b) Outdoor washing lines provided in townhouse courtyards.
 - c) No fencing provided for townhouses in the front setback to Nova Circuit.
 - d) All trees to be retained shown on all ground floor plans with a dimensioned tree protection zone (TPZ) at the canopy line. For all TPZ's all tree protection measures as contained in appendix 4 of the Arboriculture report dated April 2016 must be notated on plans with additional notations that:
 - i) With the exception of the approved building footprint all other buildings and paving works to be constructed at or above grade within the TPZ.
 - ii) All paving in the TPZ to be permeable.
 - iii) No trenching.

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 development must incorporate the sustainable design initiatives in accordance with the Ecologically Sustainable Development (ESD) Management Plan (identified as

- the Sustainability Management Plan, prepared by Sustainable Development consultants and dated April 2016) to the satisfaction of the Responsible Authority
5. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved Plan.
 6. 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.
 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 / common areas 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. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
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16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
18. Before removal of trees or development commences, payment of not less than \$55,658 (adjusted to inflation from 30 June 2017 based on ABS Consumer Price Index) for Tree 164 (as identified in the Arborist Report prepared by Stephen Fitzgerald Arboriculture "Lancaster Precinct Arboricultural Report, June 2007") is to be made to Council as compensation for the removal of the tree less any agreed offsets to the satisfaction of the Responsible Authority.
19. Waste storage and collection must be undertaken by a private contractor and collected within the site in accordance with the Leigh Design waste management plan dated 19 April 2016 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.
20. Before buildings and works (including demolition) start, a tree protection fence must be erected around trees in accordance with the endorsed plans.

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 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 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.
- N7 This permit relies on on-street visitor car parking which cannot be relied upon for other development within the Polaris site (refer part 4.1.7 of development plan approved 7/5/14).
- N8 This planning permit must be provided to all prospective purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit and attached to:
 - a) The "Statement of matters affecting land being sold" under section 32 of the *Sale of Land Act 1962*,
 - b) The "Statement to be given on sale of small business" under section 52 of the *Estate Agents Act 1980*;
 - c) Any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*; or,
 - d) *Lease under the Retail Leases Act 2003*

for all purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit. Such persons are to be advised by the owner that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme and that they will not be eligible for Council bins or waste collection.

Motion

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

That the opinion be formed that Planning Permit Application D/400/2016 is in accordance with the approved development plan and that the planning application should be supported with 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 (received by Council 18 August 2016 being identified as TP03p18, TP03.1p5, TP03.2p3, T04p11, TP04.1p5, TP05p9, TP06p7, TP07p4, TP07.1p1, TP08p4, TP09p4, TP011p5, TP012p5, TP013p5, TP14p6, TP15p1, TP24p2, EX01a, EX01.1a EX02b, EX03b, EX04b, EXP01e, EXP02f,

EXP03e, EXP04d Job No 1279 prepared by Clarke Hopkins Clarke and L-TP01 Rev A Job No 15-486 prepared by John Patrick Pty/Ltd) but modified to show:

- a) Olea 'Tolleys Upright' replaced with a suitable native species of 4m spread or greater.
- b) Outdoor washing lines provided in townhouse courtyards.
- ~~c) No fencing provided for townhouses in the front setback to Nova Circuit.~~
- d) All trees to be retained shown on all ground floor plans with a dimensioned tree protection zone (TPZ) at the canopy line. For all TPZ's all tree protection measures as contained in appendix 4 of the Arboriculture report dated April 2016 must be notated on plans with additional notations that:
 - i) With the exception of the approved building footprint all other buildings and paving works to be constructed at or above grade within the TPZ.
 - ii) All paving in the TPZ to be permeable.
 - iii) No trenching.

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 development must incorporate the sustainable design initiatives in accordance with the Ecologically Sustainable Development (ESD) Management Plan (identified as the Sustainability Management Plan, prepared by Sustainable Development consultants and dated April 2016) to the satisfaction of the Responsible Authority
 5. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved Plan.
 6. 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.
 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.

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- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
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 / common areas 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. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 17. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
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18. Before removal of trees or development commences, payment of not less than \$55,658 (adjusted to inflation from 30 June 2017 based on ABS Consumer Price Index) for Tree 164 (as identified in the Arborist Report prepared by Stephen Fitzgerald Arboriculture "Lancaster Precinct Arboricultural Report, June 2007") is to be made to Council as compensation for the removal of the tree less any agreed offsets to the satisfaction of the Responsible Authority.
19. Waste storage and collection must be undertaken by a private contractor and collected within the site in accordance with the Leigh Design waste management plan dated 19 April 2016 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.
20. Before buildings and works (including demolition) start, a tree protection fence must be erected around trees in accordance with the endorsed plans.

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 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 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.
- N7 This permit relies on on-street visitor car parking which cannot be relied upon for other development within the Polaris site (refer part 4.1.7 of development plan approved 7/5/14).

- N8 This planning permit must be provided to all prospective purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit and attached to:
- a) The “Statement of matters affecting land being sold” under section 32 of the *Sale of Land Act 1962*,
 - b) The “Statement to be given on sale of small business” under section 52 of the *Estate Agents Act 1980*;
 - c) Any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*; or,
 - d) *Lease under the Retail Leases Act 2003*
- for all purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit. Such persons are to be advised by the owner that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme and that they will not be eligible for Council bins or waste collection.

Cr. McCarthy proposed to the mover and seconder that Condition 18. be amended as follows. This was accepted by Cr. Laurence and Cr. Williams.

- 18. *Before removal of trees or development commences, payment of not less than \$55,658 (adjusted to inflation from 30 June 2017 based on ABS Consumer Price Index) for Tree 164 (as identified in the Arborist Report prepared by Stephen Fitzgerald Arboriculture “Lancaster Precinct Arboricultural Report, June 2007”) is to be made to Council as compensation for the removal of the tree ~~less any agreed offsets~~ to the satisfaction of the Responsible Authority.*

Cr. Greco further proposed Condition 21. be included in the motion as follows. This was accepted by Cr. Laurence and Cr. Williams.

- 21. Before development commences details of temporary fencing proposed to secure the construction site are to be submitted and approved by the responsible authority to include fencing that is screened from Gonella Crescent and that is respectful to the neighbourhood.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That the opinion be formed that Planning Permit Application D/400/2016 is in accordance with the approved development plan and that the planning application should be supported with 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 (received by Council 18 August 2016 being identified as TP03p18, TP03.1p5, TP03.2p3, T04p11, TP04.1p5, TP05p9, TP06p7, TP07p4, TP07.1p1, TP08p4, TP09p4, TP011p5, TP012p5, TP013p5, TP14p6, TP15p1, TP24p2, EX01a, EX01.1a EX02b, EX03b, EX04b, EXP01e, EXP02f,

EXP03e, EXP04d Job No 1279 prepared by Clarke Hopkins Clarke and L-TP01 Rev A Job No 15-486 prepared by John Patrick Pty/Ltd) but modified to show:

- a) Olea 'Tolleys Upright' replaced with a suitable native species of 4m spread or greater.
- b) Outdoor washing lines provided in townhouse courtyards.
- c) All trees to be retained shown on all ground floor plans with a dimensioned tree protection zone (TPZ) at the canopy line. For all TPZ's all tree protection measures as contained in appendix 4 of the Arboriculture report dated April 2016 must be notated on plans with additional notations that:
 - i) With the exception of the approved building footprint all other buildings and paving works to be constructed at or above grade within the TPZ.
 - ii) All paving in the TPZ to be permeable.
 - iii) No trenching.

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 development must incorporate the sustainable design initiatives in accordance with the Ecologically Sustainable Development (ESD) Management Plan (identified as the Sustainability Management Plan, prepared by Sustainable Development consultants and dated April 2016) to the satisfaction of the Responsible Authority
 5. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved Plan.
 6. 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.
 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.

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- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
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 / common areas 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. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 17. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
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18. Before removal of trees or development commences, payment of not less than \$55,658 (adjusted to inflation from 30 June 2017 based on ABS Consumer Price Index) for Tree 164 (as identified in the Arborist Report prepared by Stephen Fitzgerald Arboriculture "Lancaster Precinct Arboricultural Report, June 2007") is to be made to Council as compensation for the removal of the tree to the satisfaction of the Responsible Authority.
19. Waste storage and collection must be undertaken by a private contractor and collected within the site in accordance with the Leigh Design waste management plan dated 19 April 2016 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.
20. Before buildings and works (including demolition) start, a tree protection fence must be erected around trees in accordance with the endorsed plans.
21. Before development commences details of temporary fencing proposed to secure the construction site are to be submitted and approved by the responsible authority to include fencing that is screened from Gonella Crescent and that is respectful to the neighbourhood.

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 Please note the Development Contribution Plan levy will be invoiced separately.

- N6 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.
- N7 This permit relies on on-street visitor car parking which cannot be relied upon for other development within the Polaris site (refer part 4.1.7 of development plan approved 7/5/14).
- N8 This planning permit must be provided to all prospective purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit and attached to:
- a) The "Statement of matters affecting land being sold" under section 32 of the *Sale of Land Act 1962*,
 - b) The "Statement to be given on sale of small business" under section 52 of the *Estate Agents Act 1980*;
 - c) Any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*; or,
 - d) *Lease under the Retail Leases Act 2003*

for all purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit. Such persons are to be advised by the owner that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme and that they will not be eligible for Council bins or waste collection.

CARRIED

Rasiah Dev, Chief Executive temporarily left the meeting during discussion of the above item at 7.35 pm and returned 7.37 pm.

The Chairperson, Cr. Le Cerf made the following statement prior to the following Item being heard:

‘Councillors, I wish to state that whilst I have previously made a statement/s about my then position on this matter, I now speak as a Councillor, and as such, recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Darebin community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote.’

Cr. Rennie also made the following statement prior to the following Item being heard:

‘Madam Mayor, I wish to state that whilst I have previously made a statement/s about my then position on this matter, I now speak as a Councillor, and as such, recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Darebin community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote.’

5.7 APPLICATION FOR PLANNING PERMIT EOT/65/2016
 429 Heidelberg Road, Fairfield Vic 3078

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Bazzani Scully Priddle Lawyers	Elfah Pty Ltd

SUMMARY:

- This report relates to a request to extend the commencement date of the Planning Permit.
- This matter has been ‘called up’ for a decision by the Planning Committee.
- The site is zoned Industrial 3 zone.
- There is no restrictive covenant on the title for the subject land.
- The legislation intends for consideration of these matters to be procedural and does not enable any notice to be provided.
- It is recommended that the request be supported.

CONSULTATION:

- Notice was not required to be given as there are no notification or third party appeal rights under the *Planning And Environment Act*.
- This application was referred internally to Council’s Strategic Planning Unit.
- This application was not required to be referred to external authorities.

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

- Dennis McNiece, Applicant

Recommendation

That Planning Application EOT/65/2016 be supported and the extension of time be granted for a further 12 months.

Motion

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

That Planning Committee defer this application to be heard at a future Council meeting to enable receipt of legal advice and other advice in relation to Councils options, given current policy positions and other relevant factors.

Cr. Laurence proposed the motion be amended as follows. *This was accepted by Cr. McCarthy and Cr. Rennie.*

That Planning Committee defer this application to be heard at a future Council meeting **as soon as practicable** to enable receipt of legal advice and other advice in relation to Councils options, given current policy positions and other relevant factors.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Planning Committee defer this application to be heard at a future Council meeting as soon as practicable to enable receipt of legal advice and other advice in relation to Councils options, given current policy positions and other relevant factors.

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

Committee Decision

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

That Planning Committee defer this application to be heard at a future Council meeting as soon as practicable to enable receipt of legal advice and other advice in relation to Councils options, given current policy positions and other relevant factors.

CARRIED UNANIMOUSLY

The Chairperson, *Cr. Le Cerf* disclosed a conflict of interest in the following item (5.8 Application for Planning Permit D/1039/2015 – 658-664 High Street Thornbury) classifying the type of interest as an indirect interest as she is purchasing property in close proximity to the property under application.

Cr. Le Cerf left the meeting prior to consideration of this item at 8.01 pm.

The Deputy Mayor, *Cr. Greco* assumed the Chair.

5.8 APPLICATION FOR PLANNING PERMIT D/1039/2015
658-664 High Street, Thornbury Vic 3071

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Elmost Pty Ltd c/o Contour Consultants Pty Ltd	<ul style="list-style-type: none"> • NAB Leasehold Management Pty Ltd • Cofam Nominees Pty Ltd 	Contour Consultants Pty Ltd

SUMMARY:

- The site is comprised of two (2) adjoining lots. The existing buildings on the site, with the exception of the ground floor component on the corner block (the bank) are to be demolished and a six (6) storey mixed use development is proposed. At the ground level, the existing commercial premises will be retained and will continue to be occupied by NAB Bank. A new commercial premises is also proposed on the adjoining lot. Car parking facilities in the form of stacker systems is proposed at first floor and 28 dwellings are to occupy the remaining four (4) levels above. Vehicle access to the site is proposed via the right of way to the eastern side of the site.
- The site is zoned Commercial 1 Zone (C1Z).
- There is no restrictive covenant on the title for the subject land.
- Eighteen objections have been received against this application.
- The proposal is generally consistent with the objectives and standards of relevant policies in the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, Property Unit and ESD Officer.

- 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. Greco:

- Vaughan Connor, on behalf of Applicant.

Recommendation

That the opinion be formed to support Planning Permit Application D/1039/2015 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 P101 to P117 Revision 1 prepared by ELC Architecture Interior Design, and received by Council on 31 May 2016) but modified to show:
 - a) Modifications to the south elevation drawing P114 Rev 1 and Level 1 plan P107 Rev 1 in accordance with the changes shown to the southern first floor wall (car park wall) on the perspective drawings received by Council on 9 September 2016 and the first floor plan Drawing P107 Revision 2 received on 12 September 2016.
 - b) The skylights to Level 5 bathrooms reflected on the Roof Plan P112 Rev 1.
 - c) The provision of a notation on the Roof Plan P112 including details of the operation of the louvres over the central atrium, in accordance with Condition No.9 of this Permit.
 - d) The provision of dimensions showing the length and width of the balconies to all dwellings. The area of balconies to these dwellings must not be less than 8 square metres with a minimum dimension of 1.6 metres; the size of void areas adjacent to any southern balconies must not be reduced to achieve this.
 - e) The painted and rendered concrete treatment to the upper levels shown on the northern elevation are to be deleted and replaced with a similar or greater level of articulation in the form of concrete imprinting and/or relief work precast into the concrete.
 - f) The location of all 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 and located so as to be visually discreet.
 - g) The provision of dimensions showing a minimum 0.75 metres setback from the kerbside on High Street and Clarendon Street, to the canopy cover proposed over the footpaths.
 - h) The canopy over the public footpaths set back 0.75 metres from the kerb on High Street and Clarendon Street, and to have a minimum clearance height of 3 metres above the level of the public footpath.
 - i) Modifications to pedestrian access, as required, in accordance with Condition No.7 of this Permit.
 - j) The location of a Sustainable Transport Display area, in accordance with Condition No.8 of this Permit.
 - k) A notation confirming that the balconies are designed to drain to the internal stormwater system.

- l) A single communal antenna for the development (refer also to Condition No.12 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.
- m) At least 20% of the statutorily required resident bicycle parking facilities provided via a ground-mounted hoop or rail.
- n) Access aisle to bicycle parking facilities with a width of 1.5 metres minimum.
- o) The provision of at least one (1) employee bicycle space for the shop use either in a bicycle locker or at a bicycle rail, within in a lockable compound.
- p) Modifications in accordance with the Acoustic Report (refer to Condition No.11 of this Permit).
- q) A landscape plan in accordance with Condition No.4 of this Permit.
- r) Modifications in accordance with the Sustainable Management Plan (refer to Condition No.9 of this Permit).
- s) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

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

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

- c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or
 - e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed, planting support structures to vertical gardens and decking.

- e) Type and details of all surfaces including 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.
 - f) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - g) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - h) 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.
 - i) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - j) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - k) Method of irrigation, drainage and management plan for maintenance of all landscaping on the site
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. Pedestrian facilities must comply with the requirements of Australian Standard AS1428.1. A 1.0 metre wide pedestrian path must be provided between the front door/s of any property directly fronting a road and the public footpath at the front of the property.
- Walkways, ramps and landing shall have—
- a) An unobstructed width of not less than 1000 mm; and
 - b) An unobstructed vertical clearance of not less than 2000 mm, and
 - c) The gradients and crossfalls of the surface area within a landing or circulation space shall not exceed 1:40.
8. Before the use commences, a sustainable transport display must be provided in a visually prominent location near the front entrance of each of the commercial tenancies 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

9. Before the development commences, the Sustainable Management Plan (SMP) prepared by Simpson Kotzman Consulting Engineers dated 16 November 2015, and received by Council on 15 December 2015, is to be modified to include:
- (i) Further details on the onsite detention system required for the site.
 - (ii) Further details of the specifications and operation system of the louvres above the central atrium space to achieve a balance between optimum daylight access to the atrium and energy efficiency in the development.

The development must incorporate the sustainable design initiatives in accordance with the approved amended Sustainable Management Plan (SMP) prepared by Simpson Kotzman Consulting Engineers, to the satisfaction of the Responsible Authority

Prior to the occupation of the development, a report from the author of the *SMP* 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 *SMP* have been implemented in accordance with the approved Plan.

10. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan prepared by Leigh Design Pty Ltd dated 19 May 2016 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.
11. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to "satisfactory" levels as outlined in Table 1 of AS2107.
 - c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the mechanical car parking stackers) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
 - d) Noise, reverberation and vibration associated with the operation and use of the mechanical car parking stackers, 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:
 - Noise and vibration arising from the operation of the mechanical stackers;
 - 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.

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

12. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.

13. Before the development commences, a site assessment of Lot 1 on TP691973L, 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;
- An opinion on the likelihood and extent of any cross-contamination or contamination leakage to the adjoining lot at 658 High Street;
- 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 the subject of this Permit and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

14. 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.
15. 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.
16. 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.
17. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each dwelling, common areas, car parking areas, waste storage areas, bicycle parking and 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.

18. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
19. The land must be drained to the satisfaction of the Responsible Authority.
20. 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.
21. 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.

22. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
23. 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:
- Constructed;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all weather sealcoat; and
 - 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.

Car parking spaces as shown on the car parking allocation plan P107 Level 1 Plan must not be used for any other purpose or by any other tenancy in the development, and must be allocated the dwellings at the rates shown on this plan.

Melbourne Water Conditions

24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
25. Finished floor levels of the new building including the apartment entry and lobby, lift, car lift must be constructed no lower than 54.2 metres to Australian Height Datum (AHD).
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.
27. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
28. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Melbourne Water Footnotes

- The applicable flood level is 53.9 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **152650**.

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.
- N6 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Committee Decision

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

That the opinion be formed to not support Planning Permit Application D/1039/2015 subject to the following conditions:

1. The development is inconsistent with the policy objectives of Clause 22.05 (High Street Corridor Land Use and Urban Design) Precinct 5 of the Darebin Planning Scheme:
 - (i) The development exceeds the street wall height of 8-10 metres to High Street and Clarendon Street;
 - (ii) The height of the development at the eastern boundary (laneway) is not graduated from three (3) storeys to a maximum of six (6) storeys toward High Street.

- (iii) The location of car parking on the first floor results in a facade composition and urban design outcomes lacking in surveillance, activation and articulation.
- 2. The proposal is not site-responsive in terms of its height and placement of car parking at the first floor level. The proposal constitutes an overdevelopment of the site.
- 3. The proposal fails to provide adequate internal amenity through a poorly designed light court that fails to allow sufficient natural light penetration to dwellings on the lower floors.
- 4. The proposal does not provide appropriately designed, located and sufficient car parking spaces to meet the parking demand generated by the development and is not compliant with Clause 52.06 of the Darebin Planning Scheme.

CARRIED

Cr. Le Cerf returned to the meeting at the conclusion of the above item at 8.29 pm and assumed the Chair.

5.9 APPLICATION FOR PLANNING PERMIT D/309/2016
 111 Royal Parade, Reservoir Vic 3073

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
V Talevski	Cherie Diane Benjamin	Lachlan Williams Tree Response (Arborist Report)

SUMMARY:

- Medium density housing development comprised of the construction of a double storey dwelling to the side of the existing single storey dwelling. The existing dwelling (Dwelling 1) has two (2) bedrooms and the proposed dwelling will have three (3) bedrooms. Each dwelling has access to two (2) parking spaces comprising a single space garage and tandem car space. Vehicle access is to be gained via an existing double, shared crossover at the south-western edge of the site and a single, relocated crossover positioned centrally across the frontage for the proposed dwelling. Secluded private open space is provided at ground level for each dwelling with areas of between 40 square metres and 50 square metres.
- The site is zoned General Residential Zone Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- Six (6) 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.
- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Darebin Parks, Transport Management and Planning and Capital Works.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. S. Rennie

SECONDED: Cr. S. Amir

That Planning Permit Application D/309/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TPA01, First Floor Plan TPA02, Elevations TPA03, dated 21 June, 2016 and General Notes, Unit 2 - Slab and Footing Layout, Slab and Footing Details - Sheet 1 and Slab and Footing Details Sheet 2 S1-S4, dated 27/08/2016 and prepared by D and A Consulting Group Pty Ltd) but modified to show:
 - a) The first floor hallway windows on the north-east and north-west elevations 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.

- b) A minimum width of 3 metres to the accessways of the dwellings.
- c) Pedestrian pathways from the footpath to each of the dwellings' entry porch with a width of least 1 metre in accordance with AS1428.1:2009, and fully constructed (not formed of intermittent pavers).
- d) A landscape plan in accordance with Condition 4 of this Permit. The plans must include at least two (2) suitable small canopy trees.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossover to Royal Parade. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- f) Annotations detailing Tree Protection Zones and associated Tree Protection Fences with the following radii (measured from the outside edge of the trunk) for the nominated tree in accordance with the requirements of Condition No.7 of this Permit.
 - i. 2.7 metres - *Callistemon salignus* (Willow-leaf Callistemon) on the naturestrip;
 - ii. 2.0 metres - *Corymbia ficifolia* (Flowering Gum) on the naturestrip;
 - iii. 2.88 metres - *Callistemon viminalis* (Common Bottle Brush) on the subject site;
 - iv. 2.16 metres - *Pittosporum crassifolium* (Karo) on the subject site;

- v. 3.96 metres - *X Cupressocyparis leylandii* (Leyland Cypress) on the subject site;
- vi. 7.2 metres - *Fraxinus angustifolia* (Desert Ash) on 109 Royal Parade, Reservoir;
- vii. 3.0 metres - *Prunus armeniaca* (Apricot) on 77 McMahan Road, Reservoir;
- viii. 9.0 metres - *Populus nigra* (Lombardy Poplar) on 75 McMahan Road Reservoir;
- ix. 2.0 metres - *Callistemon viminalis* (Weeping Bottlebrush) on 75 McMahan Road, Reservoir.

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

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees at a nominated radii from the base of the trunk to define a 'tree protection zone' -
- i. 2.7 metres - *Callistemon salignus* (Willow-leaf Callistemon) on the naturestrip;
 - ii. 2.0 metres - *Corymbia ficifolia* (Flowering Gum) on the naturestrip;
 - iii. 2.88 metres - *Callistemon viminalis* (Common Bottle Brush) on the subject site;
 - iv. 2.16 metres - *Pittosporum crassifolium* (Karo) on the subject site;
 - v. 3.96 metres - *X Cupressocyparis leylandii* (Leyland Cypress) on the subject site;
 - vi. 7.2 metres - *Fraxinus angustifolia* (Desert Ash) on 109 Royal Parade, Reservoir;
 - vii. 3.0 metres - *Prunus armeniaca* (Apricot) on 77 McMahan Road, Reservoir;
 - viii. 9.0 metres - *Populus nigra* (Lombardy Poplar) on 75 McMahan Road Reservoir;

- ix. 2.0 metres - *Callistemon viminalis* (Weeping Bottlebrush) on 75 McMahon Road, Reservoir.

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

The tree protection fences must remain in place until construction is completed.

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

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

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

8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;

- c) Surfaced with an all weather sealcoat; and
- d) Drained.

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

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

CARRIED

5.10 APPLICATION FOR PLANNING PERMIT D/255/2016
 24 Claude Street, Northcote Vic 3070

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
DX Architects Pty Ltd	Scott Sze Luk Chien	Ratio Consultants Pty Ltd

SUMMARY:

- It is proposed to construct a medium density development comprising the partial demolition of the existing dwelling and construction of two (2) double storey dwellings on land affected by a Heritage Overlay and a Design and Development Overlay and to reduce the statutory car parking requirement.
- The site is zoned Neighbourhood Residential Zone – Schedule 1 and is affected by Heritage Overlay – Schedule 162, Design and Development Overlay – Schedule 14 and Development Contributions Plan Overlay (noting that the approved plan has expired).
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

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

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

- Daniel Xuereb, on behalf of Applicant
- David Francis, Objector

Committee Decision

MOVED: Cr. T McCarthy

SECONDED: Cr. J Williams

That Planning Permit Application D/255/2016 be refused and that a Notice of Refusal be issued on the following grounds:

1. The proposal does not respect the existing or preferred neighbourhood character of the Northcote Activity Centre Structure Plan Neighbourhood Character Guidelines for Low Change Residential areas (Precinct A10) and is inconsistent with Clause 43.02 of the Darebin Planning Scheme with regard to:
 - a) Inappropriate building height and form resulting in excessive visual bulk;
 - b) The proposed design which includes boundary to boundary development is inappropriate having regard to the site context;
 - c) The proposed design response does not respect the prevailing or preferred streetscape character having regard to the materials, finishes and design detail.
2. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Neighbourhood Character (Standard B1);
 - b) Street setback (Standard B6);
 - c) Site coverage (Standard B8);
 - d) Side and rear setbacks (Standard B17);
 - e) Walls on boundaries (Standard B18);
 - f) Overshadowing (Standard B21);
 - g) Private open space (Standard B28);
 - h) Solar access to open space (Standard B29);
 - i) Storage (Standard B30).
3. The proposal does not comply with the car parking standards of Clause 52.06 of the Darebin Planning Scheme.

CARRIED UNANIMOUSLY

5.11 APPLICATION FOR PLANNING PERMIT D/341/2016
 2 Margaret Grove, Preston Vic 3072

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant Archiscale	Owner Luigi Marcon and Felicia Marcon
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SUMMARY:

- It is proposed to demolish the existing dwellings and construct three (3) double storey dwellings.
- The dwellings will have living areas at ground level, with Dwellings 1 and 3 having three (3) bedrooms with a double garage and Dwelling 2 has two (2) bedrooms with a single garage.
- Vehicle access is via a common access way on the west boundary via the existing crossover. The dwellings will have a contemporary design with brick walls to the ground level and lightweight cladding to the first floor and hipped roofs. It is to have a maximum height of 8.2 metres to the ridge of the roof.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 17 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of 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 the site frontage and letters were sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and ESD Officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/341/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, TP06 revision 1, dated May 2016 and prepared by Archiscale) but modified to show:
 - a) Obscure glass to be fixed.
 - b) Pedestrian doors to garages to not swing into the garage.
 - c) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - d) A Landscape Plan in accordance with Condition No. 5 of this Permit.
 - e) Metre boxes.
 - f) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - g) Fixed external sun shading devices to all north facing habitable room windows. Where possible the devices should extend both from the window and past the window sides at least the distance given below:
 - a) 450mm where window height is 900–1,200mm.
 - b) 600mm for a window height of 1,200–1,350mm.
 - c) 900mm for a window height of 1,350–2,100mm.
 - d) 1000mm for a window height of 2,100–2,700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the window/ glazing.

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.

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- l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 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, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
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- d) Drained;
to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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.

MOTION

MOVED: Cr. S. Amir
SECONDED: Cr. S. Newton

That the 'Recommendation' as presented in the agenda (to approve the Planning Permit Application subject to conditions), be adopted.

THE MOTION WAS PUT AND LOST

Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>
Cr. S. Newton	Cr. T. Laurence
Cr. K. Le Cerf	Cr. G. Greco
Cr. S. Amir	Cr. J. Williams
	Cr. T. McCarthy
	Cr. S. Rennie

The Chairperson, Cr. Le Cerf declared the motion to be lost.

ALTERNATE MOTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. T. Laurence

That the item be deferred to the next Planning Committee meeting.

With leave of the Chairperson, Cr. Le Cerf, both Cr. McCarthy and Cr. Laurence withdrew as mover and seconder.

FURTHER MOTION

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

That Planning Permit Application D/341/2016 be refused and Notice of Refusal be issued on the following grounds:

- It is inconsistent with the policy objectives of the Darebin Planning Scheme.
- It has inadequate setbacks
- It is inconsistent with neighbourhood character, especially garden character in the area.
- It demonstrates an over reliance on 2 storey built form resulting in excessive visual bulk and overshadowing.
- It is an overdevelopment of the site.

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

COMMITTEE DECISION

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

That Planning Permit Application D/341/2016 be refused and Notice of Refusal be issued on the following grounds:

- It is inconsistent with the policy objectives of the Darebin Planning Scheme.
- It has inadequate setbacks
- It is inconsistent with neighbourhood character, especially garden character in the area.
- It demonstrates an over reliance on 2 storey built form resulting in excessive visual bulk and overshadowing.
- It is an overdevelopment of the site.

Cr. Williams called for a Division:

<u>For</u>	<u>Against</u>
Cr. T. Laurence	Cr. K. Le Cerf
Cr. G. Greco	Cr. S. Amir
Cr. S. Newton	
Cr. J. Williams	
Cr. T. McCarthy	
Cr. S. Rennie	

The Chairperson, Cr. Le Cerf declared the motion to be carried.

CARRIED

Cr. Williams temporarily left the meeting during discussion at 8.47 pm and returned at 8.51 pm.

5.12 APPLICATION FOR PLANNING PERMIT D/319/2011/A
 445-453 High Street and 1-13 Beavers Road, Northcote

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Pace Development Group	Lazaros Zikou and John Zikou

SUMMARY:

- The application is subject to an appeal hearing.
- The following amendments are sought to planning permit D/319/2011:
 - Increase to the height of the development from six (6) to eight (8) storeys at the corner of High Street and Beavers Road.
 - Increase the number of apartments from 92 to 114, including five (5) ground level apartments (comprising 38 one (1)-bedroom and 76 two (2)-bedroom apartments).
 - Car parking increased from 108 spaces to 140 spaces.
 - Basement Level 2 extended to the east.
 - Reduced number of shops from five (5) to three (3). (Commercial floor space reduced by 2.5 square metres).
 - Modifications to the façade including a revised materials schedule.
- The site is zoned Commercial 1 Zone and General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- No objections were received against this application as notice was not given.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and 52.06 of the Darebin Planning Scheme.
- It is recommended that the opinion be formed not to support the application.

CONSULTATION:

- At time of writing this report, notice is current being undertaken.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, ESD officer and the Urban Design Officer.
- This application was referred externally to Melbourne Water.

Committee Decision

MOVED: Cr. T McCarthy

SECONDED: Cr. J Williams

That the opinion be formed not to support the amendment to Planning Permit Application D/319/2011 on the following grounds:

The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:

- a) 15.01 Urban Design
- b) 22.06-3.2 Building height
- c) 22.06-3.4 Dwelling diversity
- d) 22.06-3.5 Car Parking and Vehicle Access
- e) 22.06-3.9 On site amenity and facilities
- f) 43.02 Design and development Overlay (Schedule 14)
- g) 52.06 Car parking
- h) 52.34 Bicycle parking

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

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

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

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

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

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

Committee Decision

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

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

CARRIED

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 9.07 pm.