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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 22 February 2016

Released to the public on Thursday 25 February 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 22 FEBRUARY 2016**

THE MEETING COMMENCED AT 7:01 PM

1. PRESENT

Councillors

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

Council Officers

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

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

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

THAT the Minutes of the Planning Committee meeting held on 8 February 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/839/2015
 752 High Street, Thornbury

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Clarke Planning	Harris Charalambous	Clarke Planning

SUMMARY:

- Demolition of the existing building.
- Development of a five (5) storey building comprising 15 dwellings (of mixed bedroom configurations) and one (1) shop.
- 13 car spaces are provided (this represents a car parking reduction).
- A Commercial 1 Zone applies.
- A Heritage Overlay, Design and Development Overlay and Environmental Audit Overlay apply.
- A restrictive covenant does not apply.
- 36 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.05 and 22.06 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

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

Recommendation

THAT Planning Permit Application D/839/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use and 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.09, TP.10, TP.11, T.12, TP.13, TP.15, TP.16, TP.17, TP.18, TP.19 and TP.20, received 13 October 2015 prepared by Gardiner Architects, Job No. 141211) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) The canopy over the public footpath set back 0.75 metres from the kerb (not including the crossover to High Street) and to have a minimum clearance height of 3 metres above the level of the public footpath. The kerb setback and clearance height are to be dimensioned on the plans.
 - c) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - d) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - e) The location of 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. The detail must include location, size, contribution and installation angle of all solar hot water panels and photo voltaic panels.

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

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

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

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

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

The SMP must address the 10 key Sustainable Building Categories:

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

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

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

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

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

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

5. Waste storage and collection must be undertaken in accordance with the approved management plan identified as Waste Management Plan, prepared by LID dated 19 August 2015 and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
6. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.

The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

7. The amenity of the area must not be adversely affected by the use or development of the ground floor retail premises as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.and/or in any other way, to the satisfaction of the Responsible Authority.
8. Noise from the ground floor retail 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.
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 the dwellings, access to the car parking area 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 the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act 1970*, before the land is subdivided, or the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

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

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

17. Before the occupation of the development or the use starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be 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.

- N4 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.
- N5 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

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

- *Andrew Clarke, Applicant*
- *Jenny Harris, Objector*

Motion

MOVED: Cr. S. Tsitas
SECONDED: Cr. V. Fontana

THAT Planning Permit Application D/839/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use and 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.09, TP.10, TP.11, T.12, TP.13, TP.15, TP.16, TP.17, TP.18, TP.19 and TP.20, received 13 October 2015 prepared by Gardiner Architects, Job No. 141211) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) The canopy over the public footpath set back 0.75 metres from the kerb (not including the crossover to High Street) and to have a minimum clearance height of 3 metres above the level of the public footpath. The kerb setback and clearance height are to be dimensioned on the plans.
 - c) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.
Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - d) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - e) The location of 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. The detail must include location, size, contribution and installation angle of all solar hot water panels and photo voltaic panels.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

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

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

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

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

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

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

5. Waste storage and collection must be undertaken in accordance with the approved management plan identified as Waste Management Plan, prepared by LID dated 19 August 2015 and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
6. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.

The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

7. The amenity of the area must not be adversely affected by the use or development of the ground floor retail premises as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

and/or in any other way, to the satisfaction of the Responsible Authority.

8. Noise from the ground floor retail 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.
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 the dwellings, access to the car parking area 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 the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act 1970*, before the land is subdivided, or the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

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

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

17. Before the occupation of the development or the use starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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;to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be 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.
- N4 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.
- N5 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

THE MOTION WAS PUT AND LOST

Alternate Motion

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

That Council refuse application with grounds as follows:

1. The demolition of the existing building is contrary to the objectives of Clause 43.01 (Heritage) of the Darebin Planning Scheme.
2. The height of the development is inconsistent with the height and scale of existing buildings located within the immediate streetscape.
3. Car park reduction is contrary to the standards and objectives of Clause 52.06 (Car parking) of the Darebin Planning Scheme.

THE ALTERNATE MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. G. Greco

That Council refuse application with grounds as follows:

1. The demolition of the existing building is contrary to the objectives of Clause 43.01 (Heritage) of the Darebin Planning Scheme.
2. The height of the development is inconsistent with the height and scale of existing buildings located within the immediate streetscape.
3. Car park reduction is contrary to the standards and objectives of Clause 52.06 (Car parking) of the Darebin Planning Scheme.

CARRIED

Cr. McCarthy called for a Division:

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

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

5.2 APPLICATION FOR PLANNING PERMIT D/900/2015
742-760 High Street, Reservoir

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
MAP Architecture and Design	High Parkview Pty Ltd

SUMMARY:

- Development of 23 dwellings (14 three (3)-storey and nine (9) two (2)-storey dwellings).
- A General Residential Zone applies.
- A restrictive covenant does not apply.
- 19 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

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

Recommendation

THAT Planning Permit Application D/900/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use and 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.103, TP.104, TP.105, TP.106, TP.107, TP.108, TP.109, TP.110, TP.111, TP.112, TP.113, TP.114 and TP.115 Rev A, dated 23 October 2015 prepared by MAP Architecture, Job No. 151386) but modified to show:
 - a) A Landscape plan (Refer to Condition No. 4 of this Permit).
 - b) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 5 of this Permit).
 - c) Daylight tube or skylights to the 2nd floor bathroom serving dwellings 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16 and 17.
 - d) Operable windows to the 1st floor powder rooms of dwellings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 and 17.
 - e) Operable windows to the 1st floor bathrooms and ensuites serving dwellings 5, 6, 12, 18, 19, 20, 21, 22 and 23.
 - f) External horizontal shading devices to all north facing habitable room windows.
 - g) External retractable vertical shading devices to all west facing habitable room windows.
 - h) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.
Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - i) Details of the lighting to be provided to the residential entry, car parking areas, and the rear communal open spaces.
 - j) 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.

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

The SMP must address the ten (10) key Sustainable Building Categories:

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

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

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

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

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

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

6. Waste storage and collection must be undertaken in accordance with the approved management plan identified as Waste Management Plan, prepared by Leigh Design dated 21 October 2015 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.
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. All existing vegetation shown on the endorsed plans 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.

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

11. 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.

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

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

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

14. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

16. Provision must be made on the land for letter boxes and receptacles for newspapers

17. Before the occupation of the development or 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.
- N4 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.
- N5 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

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

- *Mark Stanojevic, Applicant*
- *Frank Damiano, Objector*

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. A. Villella

THAT the application be refused on the following grounds

1. Lack of dwelling diversity with all 23 dwellings containing 2 bedrooms.
2. Inadequate parking provisions.
3. Reverse living arrangements for all dwellings is not justified given lack of immediate proximity to major activity centres.

- 4. Does not meet the following standards of the Darebin Planning Scheme:
 - a) 55.03 B6 Street setback
 - b) 55.03 B7 Building height
 - c) 55.04 B17 Side and rear setback
- 5. The application represents an overdevelopment of the site.

CARRIED

Cr. McCarthy called for a Division:

<u>For</u>	<u>Against</u>
Cr. Bo Li	Cr. Oliver Walsh
Cr. Trent McCarthy	Cr. Tim Lawrence
Cr. Julie Williams	Cr. Vince Fontana
Cr. Steve Tsitas	
Cr. Gaetano Greco	
Cr. Angela Villella	

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

5.3 APPLICATION FOR PLANNING PERMIT D/423/2015
 12 Farnan Street, Northcote

AUTHOR: Senior Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Plumb Developments	Edith Patricia Kelly and Exors Bernard Thomas	Toho Town Planning (planning report).

SUMMARY:

- Medium density housing development comprising the construction of five (5) double-storey dwellings. Each dwelling will have three (3) bedrooms and provision for two (2) car spaces comprising a single space garage or carport and tandem car space. Vehicle access for Unit 1 is to be gained via the existing crossover on Farnan Street. Vehicle access to Units 2-5 would be via a road (as shown on title) adjacent to the subject site. A new crossover would be required as is construction of the road.
- Private open space is provided as follows:
 - Unit 1 – 66 square metres including 35sqm of secluded private open space;
 - Unit 2 – 40.1 square metres of secluded private open space;
 - Unit 3 – 42.5 square metres of secluded private open space;
 - Unit 4 – 41.2 square metres of secluded private open space; and
 - Unit 5 - 40.2 square metres of secluded private open space.
- The site is zoned General Residential Zone - Schedule 2.
- The certificate of title submitted with the application indicates that there is no restrictive covenant on the title for the subject land.
- 21 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported subject to conditions.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the ESD Officer, Capital Works Unit, Assets and Properties, Darebin Parks and the Traffic Management and Planning Unit.
- This application was referred externally to Melbourne Water and VicTrack.

Recommendation

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

THAT Planning Permit Application D/423/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Proposed Ground Floor Plan A8, Proposed Level 1 Floor Plans A9 and Proposed Elevations A10, dated 22.01.2016) but modified to show:
 - a) Deletion of bedroom 3 of Unit 5 to provide a greater setback to the south-east and deletion of the tandem car space associated with the unit to provide a more appropriate/unobstructed sense of address for Units 4 and 5. The open study area may be retained.
 - b) Provision of an additional window with a sill height of 1.4m from ground level provided to the dining room of Unit 5.
 - c) Deletion of the bin storage enclosure to the front of the site. Provision of a bin storage enclosure to the rear of the site to the east of the dining area of Unit 5 to provide bin storage in accordance with the requirements of condition 1 d).
 - d) Each unit with storage for a 240 litre recycling bin (bin to be individually stored at each of the dwellings), Units 2-5 to share two (2) 240 litre waste bins to be located within the bin enclosure. Unit 1 to provide storage for an 80 litre waste bin and 240 litre recycling bin.
 - e) The windows of Unit 5 to the east of the dining area shall be deleted or amended to become highlight windows given the proximity to the proposed bin storage enclosure. A new window shall be provided to the east of the entry to the dwelling to improve surveillance.
 - f) A landscape plan in accordance with Condition No. 4 of this Permit. The plan must include two (2) large canopy trees with one (1) placed in the front setback and six (6) medium canopy trees planted throughout the site to the satisfaction of the Responsible Authority.
 - g) Deletion of garden beds shown within the road to the east.
 - h) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 5 of this Permit).
 - i) Modifications in accordance with the Arborist Report (refer to Condition No. 6 of this Permit).
 - j) Modifications in accordance with the required noise attenuation measures (refer to Condition No. 12 of this Permit).
 - k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the east and west sides of the existing crossover and west side of the proposed crossover to Farnan Street. Where within the subject site, any structures or vegetation within these splays must not be more than 1.15 metres in height.

- l) The pedestrian path connecting the site to the frontage road fully constructed and not be intermittent pavers.
- m) 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.
- n) All south-facing upper level windows and west-facing upper level windows provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

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.
 - m) The plan must include two (2) large canopy trees with one (1) placed in the front setback and six (6) medium canopy trees planted throughout the site
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 STEPS report (residential) or Sustainable Design Scorecard (SDS) 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. Before buildings and works start, an Arborist report to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. The Arborist report must be prepared by a suitably qualified person and must incorporate:
- a) an assessment of all the trees on adjacent properties including within the road reserve adjacent to the subject site that have Tree Protection Zones which project into the subject site or proposed crossover;
 - b) specific details of measures which will be used to protect trees on neighbouring properties during construction.

The development of the land must be undertaken in accordance with the requirements of the approved Arborist Report, to the satisfaction of the Responsible Authority.

7. Stormwater drains and other underground services must be diverted around the retained trees' tree protection zones with the only exception being if the services are installed by underground boring, at appropriate depths, with machinery access and entry pits located outside the tree protection zones to the satisfaction of the Responsible Authority.
8. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
9. No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
10. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. The design of habitable rooms of all dwellings adjacent to the railway reserve must limit internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control.
14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

15. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
16. The land must be drained to the satisfaction of the Responsible Authority.
17. Prior to the occupation of the development:
 - a) Plans detailing the construction and surfacing including drainage of the right of way abutting the southern boundary of the property, commencing from the eastern end of the property and continuing west to Farnan Street, must be submitted to and approved by Council.
 - b) The right of way abutting the southern boundary of the property, commencing from the eastern end of the property and continuing west to Farnan Street must be constructed and surfaced in accordance with the approved plans.

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

18. 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.
19. 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.
20. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) 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.

CONDITIONS IMPOSED BY VICTRACK

21. No entry onto railway land is permitted without the written consent of the Rail Operator and is subject to the Rail Operators Site Access Procedures and Conditions.
22. Prior to the commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's agreement conditions and safety requirements for works on, over or adjacent to railway land.
23. Prior to commencement of works, all necessary construction control and indemnity agreements as required by the Rail Operator.
24. No drainage, effluent, waste soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
25. No excavation, filling or construction must take place on the common boundary between the subject land and VicTrack land without the prior approval of VicTrack and the Rail Operator.
26. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.

27. No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
28. Building materials (including glass/window/balcony treatments) along the rail corridor must be non-reflective and avoid red and green colour schemes that may interfere with driver operations.
29. The development, including construction works regarding building clearances to overhead rail power lines, must comply with the *Electrical Safety Act 2009*, the *Electrical Safety Regulations 2009* or any updated regulations.

CONDITIONS IMPOSED BY MELBOURNE WATER

30. Finished floor levels for the dwellings must be no lower than 35.34 metres to Australian Height Datum (AHD).
31. Finished floor levels for the garages must be no lower than 35.19 metres to AHD.
32. Any imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and minimal driveway ramping.
33. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water. Detailed terms and conditions will be forwarded for works to be undertaken upon receipt of a formal application.

MELBOURNE WATER FOOTNOTES

- The applicable flood level for this property that has a probability of occurrence of 1% in anyone year is **35.04** metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's conditions shown above, please contact the Land Development team on 9679 7517 quoting Melbourne Water's Reference **257296**.
- For the purpose of the Building Code of Australia - Building in Floor Hazard Areas, Melbourne Water has determined that during a flood event that has a probability of occurrence of 1% in any one year, the maximum flow rate of flood water (velocity) will be below 1.5 metres per second.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987.

They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

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

- *Tom Howgate, Applicant*
- *Helen Gaynor, Objector*

Alternate Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

That Council refuse the application with the grounds as follows:

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character), including the relevant precinct guidelines (A4) of the Darebin Planning Scheme with specific regard to :
 - The proposal removes all trees from the site and fails to provide sufficient open space adversely impacting the existing and preferred garden character for the area.
 - The extent of development, the height, the bulk and the setbacks to boundaries of the proposed building are not considered to respect the rear garden character of the neighbourhood, would unreasonably affect the amenity of neighbouring properties by way of visual bulk and would not be consistent with the exiting or preferred neighbourhood character.
2. The development fails to provide a visitor car parking space required pursuant to Clause 52.06 of the Darebin Planning Scheme
3. The front setback does not comply with Rescode Standard B6.
4. The development fails to comply with Standard B17 side and rear setbacks.
5. Unacceptable bin storage provided.
6. The entrances to Unit 2-5 would be located to a side road where they would be unreasonably obscured from Farnan Street. It is considered this could create an unsafe place with limited surveillance contrary to Rescode Standard B12 and B26.
7. The proposal is an overdevelopment of the site.

Cr. S. Tsitas proposed to the mover that point (8) be added as follows. This was accepted by Cr. T. McCarthy.

8. The proposal's over reliance on borrowed amenity by way of relying on the right of way to support the yield of 5 units is unacceptable.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

THAT Council refuse the application with the grounds as follows:

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character), including the relevant precinct guidelines (A4) of the Darebin Planning Scheme with specific regard to :
 - The proposal removes all trees from the site and fails to provide sufficient open space adversely impacting the existing and preferred garden character for the area.
 - The extent of development, the height, the bulk and the setbacks to boundaries of the proposed building are not considered to respect the rear garden character of the neighbourhood, would unreasonably affect the amenity of neighbouring properties by way of visual bulk and would not be consistent with the exiting or preferred neighbourhood character.
2. The development fails to provide a visitor car parking space required pursuant to Clause 52.06 of the Darebin Planning Scheme
3. The front setback does not comply with Rescode Standard B6.
4. The development fails to comply with Standard B17 side and rear setbacks.
5. Unacceptable bin storage provided.
6. The entrances to Unit 2-5 would be located to a side road where they would be unreasonably obscured from Farnan Street. It is considered this could create an unsafe place with limited surveillance contrary to Rescode Standard B12 and B26.
7. The proposal is an overdevelopment of the site.
8. The proposal's over reliance on borrowed amenity by way of relying on the right of way to support the yield of 5 units is unacceptable.

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

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

THAT Council refuse the application with the grounds as follows:

1. The proposal fails to comply with Clause 22.04 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character), including the relevant precinct guidelines (A4) of the Darebin Planning Scheme with specific regard to :
 - The proposal removes all trees from the site and fails to provide sufficient open space adversely impacting the existing and preferred garden character for the area.
 - The extent of development, the height, the bulk and the setbacks to boundaries of the proposed building are not considered to respect the rear garden character of the neighbourhood, would unreasonably affect the amenity of neighbouring properties by way of visual bulk and would not be consistent with the exiting or preferred neighbourhood character.
2. The development fails to provide a visitor car parking space required pursuant to Clause 52.06 of the Darebin Planning Scheme
3. The front setback does not comply with Rescode Standard B6.
4. The development fails to comply with Standard B17 side and rear setbacks.
5. Unacceptable bin storage provided.
6. The entrances to Unit 2-5 would be located to a side road where they would be unreasonably obscured from Farnan Street. It is considered this could create an unsafe place with limited surveillance contrary to Rescode Standard B12 and B26.
7. The proposal is an overdevelopment of the site.
8. The proposal's over reliance on borrowed amenity by way of relying on the right of way to support the yield of 5 units is unacceptable.

CARRIED UNANIMOUSLY

Cr. Tsitas temporarily left the meeting during discussion of the above item at 7.53 pm and returned at 7.56 pm.

Cr. Tsitas and Cr. Walsh temporarily left the meeting at the conclusion of the above item – 8.15 pm

5.4 APPLICATION FOR PLANNING PERMIT D/692/2015
 80 Alston Court, Thornbury

AUTHOR: Senior Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant Architectural Plans and Permits	Owner Scott Ryan and Lisa Anne Ryan
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SUMMARY:

- Medium density development comprising three (3) double storey dwellings. Each dwelling would have three (3) bedrooms and access to two (2) car parking spaces with at least one space undercover within a garage or carport. Vehicle access is to be gained via two existing crossovers to Alston Court.
- Private open space is provided as follows:
 - Unit 1 – 85 square metres including 41.95 square metres of secluded private open space;
 - Unit 2 – 80.82 square metres of secluded private open space;
 - Unit 3 – 76 square metres of secluded private open space.
- The site is within the General Residential Zone Schedule 1.
- The title submitted with the application does not appear to be affected by a covenant.
- 11 objections were received against this application. It is noted that all the objections are identical form letters raising the same issues. The objection with the closest address to the subject site is from Thornbury (1.1km from the site). Nine (9) objections are from addresses in Preston and one objection is from an address in North Balwyn. No objections have been received from landowners or occupiers immediately surrounding the subject site.
- 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 subject to conditions.

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 Capital Works Unit and Transport Management and Planning Unit.

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. O. Walsh

THAT Planning Permit Application D/57/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TP.1, First Floor Plan TP.2 and Elevation Plan TP.3, date stamped as received by Council on 18 November 2015 and prepared by Architectural Plans and Permits) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit. The landscape plan shall provide for at least 2 medium sized canopy trees within the front setback, one to the driveway to the western boundary and 2 within the secluded private open space area for each of the dwellings.
 - b) Sectional elevation plans showing the west elevations of Units 2 and 3 and the east elevation of Unit 1.
 - c) The secluded private open space for Unit 1 shall be increased in width to a minimum dimension of 3.5 metres to provide a minimum area of 40 square metres with a minimum dimension of 3.5 metres. This shall be achieved without reducing any boundary setback and shall be achieved by reducing the footprint of the dwellings.
 - d) The following new windows shall be provided:
 - Provision of a window to bedroom two (2) of Unit 1, facing the street.
 - Provision of a window to bedroom one (1) of Unit 1, facing the street.
 - Provision of a window to bedroom one (1) of Unit 2.
 - Provision of a north facing window to the meals area of Unit 3.The windows shall generally match the proportions of the other proposed windows.
 - e) The height of the boundary fence on the south boundary to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - f) Bedroom 2 and 3 of Unit 1, bedroom 3 of Unit 2 and the windows to bedroom 2 and south facing windows to the retreat of Unit 3 windows are to be provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,

- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level

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

- g) Western boundary wall (garage for Unit 3) to be reduced to an average height of 3.2 metres from ground level with no part exceeding 3.6 metres from ground level.
- h) Glazed doors or additional windows shall be provided to the entry's of Units 2 and 3 to improve surveillance of the entries of the dwellings.
- i) Install fixed, external, horizontal shading to the all north facing windows and glazed doors. Draw and label on the plans Install adjustable external shading to the east and west glazed doors. Draw and label clearly on the plans.
- j) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
- k) 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.
- l) Plans notated to confirm that the carport for unit I has a removable roof.
- m) The following first floor elevations shall be finished with a complimentary cladding finish and not render:
 - North and west walls of bedroom 2 of Unit 1.
 - West and south elevations of bedroom 3 of Unit 1.
 - West and south elevations of bedroom 2 to Unit 2.
 - West and south elevations of bedroom 2 to Unit 3.

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

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

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

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

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

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

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

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

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

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

NOTATIONS

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

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

CARRIED UNANIMOUSLY

Cr. Walsh returned to the meeting during discussion of the above item – 8:17pm

Cr. Tsitas returned to the meeting at the conclusion of the above item – 8:20 pm.

5.5 APPLICATION FOR PLANNING PERMIT D/930/2015
 33 Newcastle Street, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Professional Planning Pty Ltd	Jamarok Property Group Pty Ltd	-

SUMMARY:

- Development of four (4) double storey dwellings of two (2) bedrooms each.
- A General Residential Zone (Schedule 1) applies.
- Eleven (11) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts the removal of bricks and clay except for the purpose of excavating the site in connection with the construction of any buildings. The covenant also restricts the manufacture of bricks. The proposed development does not breach the terms of the covenant.
- Recommendation – Notice of Decision to Grant a Planning Permit subject to Conditions.

CONSULTATION:

- Notice of the application was given by posting a sign on the land and mailing of notices to affected properties.
- The application has been referred internally and to the Property Unit, Capital Works Unit and Transport Management and Planning Unit.

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

- Vito Ceniti, Applicant

Committee Decision

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

THAT Planning Permit Application D/930/2015 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 B, TP02 B and TP03 B, prepared by Professional Planning, dated 23 October 2015, Job no. 15-002) but modified to show:

- a) A landscape plan in accordance with Condition No. 4 of this Permit.
- b) A comprehensive schedule of construction materials, external finishes and colours.

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.
6. No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the *Building Regulations 2006*. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

Cr. Laurence called for a Division:

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

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

Cr. Villella temporarily left the meeting during discussion of the above item – 8:26pm

5.6 APPLICATION FOR PLANNING PERMIT D/931/2015
 35 Newcastle Street, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Professional Planning Pty Ltd	Jamarok Property Group Pty Ltd	-

SUMMARY:

- Development of four (4) double storey dwellings of two (2) bedrooms each.
- A General Residential Zone (Schedule 1) applies.
- Eleven (11) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts the removal of bricks and clay except for the purpose of excavating the site in connection with the construction of any buildings. The covenant also restricts the manufacture of bricks. The proposed development does not breach the terms of the covenant.
- Recommendation – Notice of Decision to Grant a Planning Permit subject to Conditions.

CONSULTATION:

- Notice of the application was given by posting a sign on the land and mailing of notices to affected properties.
- The application has been referred internally and to the Property Unit, Capital Works Unit and Transport Management and Planning Unit.

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

- *Vito Ceniti, Applicant*

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. O. Walsh

THAT Planning Permit Application D/931/2015 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 B, TP02 B and TP03 B, prepared by Professional Planning, dated 23 October 2015, Job no. 15-002) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours.

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

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

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

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

- d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

Cr. Laurence called for a Division:

<u>For</u>	<u>Against</u>
Cr. Tim Lawrence	Cr. Gaetano Greco
Cr. Julie Williams	Cr. Angela Vilella
Cr. Steve Tsatis	
Cr Vince Fontana	
Cr. Tim Lawrence	
Cr. Oliver Walsh	

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

Cr. McCarthy temporarily left the meeting during discussion of the above item at 8:28pm and returned at 8:31 pm, after the vote had been taken

Cr. Vilella returned to the meeting during discussion of the above item – 8:29pm

5.7 APPLICATION FOR PLANNING PERMIT D/1164/2014
 29 and 31 Railway Place, Fairfield Vic 3078

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

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

SUMMARY:

- The proposal is for a four (4) storey mixed use development comprised of basement car parking, a shop at ground floor and 26 dwellings spread across ground floor and upper floors. The development offers a mix of accommodation including 15 x two (2) bedroom dwellings and 11 x one (1) bedroom dwellings. Each dwelling is to be provided with one (1) car parking space; the shop is allocated one (1) car parking space and visitors are allocated five (5) car parking spaces within the basement. The dwellings will have private open space in the form of courtyards at ground floor and balconies at the upper floors.
- The site is zoned Commercial 1 Zone
- There is no restrictive covenant on the title for the subject land.
- Five (5) objections were received against this application. Two (2) of these objections are from the same household.
- The proposal is generally consistent with the relevant objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

Recommendation

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

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

- j) The dimensions shown to balconies in the development to be taken from the inside of any structure/balustrade to reflect internal dimensions. The minimum internal dimension of a balcony must not fall below 1.6 metres.
- k) The provision of canopy extensions over the balcony areas of Units 401, 402, 403 and 405 to provide weather protection. The canopies are to include adjustable louvers over window areas for solar access.
- l) The provision and allocation of 6 cubic metres of external storage for each dwelling, including dimensions to confirm capacity. The storage areas must have functional dimensions to allow access into deep storage areas. Storage areas must be clear of any structures. The three (3) towel rail bike holds in the basement level may be removed to increase storage capacity.
- m) The location of a Sustainable Transport Display area, in accordance with Condition No 13 of this Permit.
- n) Annotations to show allocation of the car parking spaces on the site to each of the 26 dwellings, the Shop and visitors, in accordance with Condition No.9 of this Permit.
- o) Modifications to the waste storage areas, as required, in accordance with Condition No 11 of this Permit. Waste storage area/s must be of sufficient dimensions to enable the required number of bins to be stored and conveniently accessed.
- p) Modifications in accordance with the Acoustic Report (refer to Condition No 12 of this Permit).
- q) A landscape plan in accordance with Condition No.5 of this Permit.
- r) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No 10 of this Permit).
- s) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). The schedule must include details of:

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

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

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

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

4. Before the development is occupied, privacy screens must be installed to habitable room windows and balconies identified below. Screens are to be designed to maintain optimum internal amenity to the development including natural daylight and ventilation i.e. must not be fixed obscure glazing or fixed obscure glazing to a height of 1.7 metres above finished floor level unless the window is a secondary window to the room. Privacy screening should be designed as integrated and visually cohesive elements of the building, and can include:
- a) Wall and balustrade design and building setbacks that utilise the building edge below to block downward views;
 - b) Allow for windows to include operable sections for ventilation purposes;
 - c) External screening that obscures direct downward views but allows distance views where applicable (e.g. deep horizontal fixed louvers or similar); and
 - d) Fixed planter boxes with higher outer and/or side edges.

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

- The eastern wall: first floor, second floor and third floor habitable room windows and balconies (unless windows or glazed doors are located behind balcony screens);
 - Southern wall: first floor, second floor and third floor habitable room windows and balconies (unless windows or glazed doors are located behind balcony screens), including balconies of Unit 404 and 405.
5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Where the opportunity exists, the provision of external clotheslines for dwellings
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - n) Method of irrigation and management plan for maintenance for landscaping on the site
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
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. Before the development commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer. The site assessment must include:
- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
 - Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
 - Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the *development* commences, either:

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

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

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

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

10. Upon registration of any plan of subdivision of the land under the *Subdivision Act 1988*, the title(s) must show:
 - a) Each one (1) and two (2) bedroom dwelling provided with one (1) car parking space;
 - b) The Shop provided with one (1) car parking space;
 - c) Five (5) car parking spaces (not within car lifts) set aside for residential visitors.
 - d) The title to each dwelling lot must incorporate one (1) storage space.
11. 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.

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, and limit collection to not more than two (2) times per week for each waste stream.

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

13. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

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

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

14. Before the development is occupied a sustainable transport display must be provided in a visually prominent location near the front entrance to the Shop and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.
15. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
16. Before the development is occupied bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.
17. 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.
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. Before the dwellings are occupied, an automatic lighting system capable of illuminating the entry to the building, access to the basement, basement car parking areas and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
21. Any external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
22. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
23. The land must be drained to the satisfaction of the Responsible Authority.
24. 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.
25. 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.
26. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
27. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority

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

NOTATIONS

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

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

- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 In relation to the requirements of Condition No 13 of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).
- N7 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

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

- *Travis Ratio, Applicant*
- *Christine Killingsworth, Objector*

Committee Decision

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

THAT the application be deferred to enable the applicant to seek written confirmation from the power company that the power pole outside the subject site can be reinstated and outside that site and out the front of the adjacent property being 33 Railway Place

CARRIED

5.8 APPLICATION FOR PLANNING PERMIT D/232/2015
 16 Leamington Street, Reservoir

AUTHOR: Senior Planner – Benjamin Lucas

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

<p>Applicant Ikonomidis Reid</p>	<p>Owner Mr Ilija Stojanovski and Zargarka Stojanovski</p>
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SUMMARY:

- The applicant has proposed the construction of a dwelling to the rear of the existing dwelling. The dwelling will be single storey and have three bedrooms. The existing dwelling and the proposed dwelling will each have a double garage and over 40 square metres of Private Open Space.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2).
- There is no restrictive covenant on the title for the subject land.
- 5 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers. The application was amended under Section 57(A) and the surrounding owners and occupiers were subsequently notified of this via letters.
- The application was referred internally to the Capital Works Unit and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

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

- *Chris McKenzie, Applicant*

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. A. Villella

THAT Planning Permit Application D/232/2014 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Ground Floor Plan, Area Analysis and Elevations TP-04; Revision B; prepared by Ikonomidis Reid and dated July 2015) but modified to show:
 - a) The removal of the iron picket fence located in front of the dwelling and parallel to the eastern driveway.
 - b) 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 both crossovers to Leamington Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - c) The proposed western boundary fence reduced to a height of 1.15 metres, where within 2.5 metres of the front property boundary.
 - d) The existing eastern boundary fence reduced to a height of 1.15 metres, where within 2.5 metres of the front property boundary.
 - e) A front fence elevation showing the height reduced to a maximum of 1.15 metres where within the pedestrian visibility splays and a gate that is visually permeable to the satisfaction of Council. Alternately, Council will accept the removal of the front fence.
 - f) A storage area with a volume of at least 6 cubic metres provided to the existing dwelling (Unit 1).
 - g) A width of the eastern crossover, the width must be increased if less than 3.0 metres.
 - h) The depth of the secluded private open space to the existing dwelling (Unit 1) to meet the requirements of Standard B29. This can be achieved by reducing the maximum wall height of the garage wall (located to the north) or by increasing the width of the SPOS area (resulting in a loss of floor area to Unit 2).
 - i) A dimension showing the maximum building height.
 - j) A landscape plan in accordance with Condition 6 of this permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. The land must be drained to the satisfaction of the Responsible Authority.
 5. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
 6. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) 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.
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- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
 8. No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
 9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
 10. 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.
 11. 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. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat;
- d) Drained;
- e) Line-marked to indicate each car space and all access 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.

CARRIED UNANIMOUSLY

Cr. Steven Tsitas temporarily left the meeting during discussion of the above item at 8:55pm and returned at 9:02pm, after the vote had been taken.

5.9 APPLICATION FOR PLANNING PERMIT D/489/2015
7 Wilkinson Street, Reservoir

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Chinh Mai - Planning and Design	Khodar Samie and Ahssef Sleiman	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising the construction of two (2) double storey dwellings. Each dwelling would have two (2) bedrooms and access to a single garage and tandem car space.
- Each dwelling is provided with ground level open space in excess of 40 square metres (see Proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 12 objections were received against this application.
- The proposal is 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 following units in Council: Capital Works; Transport Management and Planning; Darebin Parks
- This application was not required to be referred to external authorities.

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

- *Andrew Gray, Applicant*

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. J. Williams

THAT Planning Permit Application D/489/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheets TP01 and TP02 Rev C, dated May 2015, Job No. 4720 drawn by Planning and Design and received by Council on the 24 November 2015) but modified to show:
 - a) The location and width of the vehicle crossover for dwelling 1 in accordance with condition No. 16 of this Permit.
 - b) The existing crossovers to Dwellings 23A and 23B Home Street.
 - c) The pedestrian visibility splays shown on Plan TP01 labelled accordingly and with a notation confirming that where within the splay, any structures or vegetation must be not more than 1.15 metres in height.
 - d) The pedestrian doors of both garages modified so that they do not open into the parking area of each garage.
 - e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2.3 metres (measured from the outside edge of the trunk) for the naturestrip tree in Wilkinson Street in accordance with the requirements of Condition No. 7 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - f) The height of the western and southern property boundary fences for that part of the fence to the rear of the garages. This fencing is to be a minimum height of 1.8 metres as measured above natural ground level (NGL).

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - g) The upper level west facing bedroom and retreat windows shown with the G3 notation.
 - h) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of three (3) small and three (3) medium canopy trees.
 - i) External retractable shading devices over all east and west facing habitable room windows.
 - j) Fixed external shading devices over all north facing habitable room windows.

- k) A revised schedule of construction materials, finishes and colours (including colour samples).
- l) The Finished first floor levels shown on the plans for each of the dwellings.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, a minimum of three (3) small sized and three (3) medium sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - 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 nature strip tree in Wilkinson Street at a radius of 2.3 metres from the base of the trunk to define a 'tree protection zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The tree protection fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.
- No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
8. 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:
 - m) Constructed; properly formed to such levels that they can be used in accordance with the plans;
 - n) Surfaced with an all-weather sealcoat; and
 - o) Drained

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

CARRIED

6. OTHER BUSINESS

ADOPTION OF SEVERAL COMMITTEE DECISIONS 'EN BLOC'

Committee Decision

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

THAT The Planning Committee agree to consider the adoption of the 'Recommendations' contained in Item Nos. 6.1, 6.2 and 6.3 'en bloc'.

CARRIED UNANIMOUSLY

Committee Decision

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

THAT The 'Recommendations' contained at Item Nos. 6.1, 6.2 and 6.3 be adopted 'en bloc'.

CARRIED

6.1 List Scheduled VCAT Appeals

Following is a list 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'.

Committee Decision

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

THAT the list of Scheduled VCAT Appeals be noted.

CARRIED

Delegate Decisions before VCAT

OCTOBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
7/10/2015	D/991/2014	52 Kellett Street, Northcote Rucker	Construct a medium density housing development comprised of three (3) dwellings (two (2) double storey and one (1) triple storey	Refusal – Applicant Appeal	Council’s decision affirmed. No Permit Granted.	The critical issue for the Tribunal in this case was whether the proposal adequately addressed neighbourhood character. VCAT acknowledged the proposal met the numerical requirements of ResCode, but was of the view the proposal, with its large double form mass (especially at 1st floor) and siting across much of the lot was an unacceptable response to existing and preferred character of the area. The Tribunal was also critical of the lack of landscaping opportunities.
16/10/2015	D/489/2014	1-3 Hartley Street, Northcote Rucker	Construction of a double storey apartment development comprising thirteen (13) dwellings	Refusal – Applicant Appeal	Council’s decision affirmed. No Permit Granted.	The Tribunal agreed with Council that the introduction of an apartment building would be anomalous given the hinterland location and intact character. There was no policy directive that supported such a significant departure. The landscaping which sought to screen the built form rather than provide a garden setting for the development, continuous double storey form were key criticisms of the Tribunal which stated the proposal will present as too prominent and dense in the streetscape.
23/10/2015	D/286/2014	209 Arthur Street, Fairfield Rucker	Two lot subdivision	s87 Cancellation Application	No Decision	The Application was withdrawn by the Applicant.

OCTOBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
23/10/2015	D/873/2014	75 Winter Crescent, Reservoir La Trobe	A medium density development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted	Subject to conditions requiring the moving of a bus stop, the Tribunal was persuaded by the applicant that the development was an appropriate response to neighbourhood character and achieved satisfactory compliance with ResCode.
No Hearing Required – Resolved by Consent Order 26/10/2015	D/870/2014	192 Station Street, Fairfield	Medium density development comprising the construction of one (1) triple storey dwelling and one (1) double storey dwelling and alteration of access to a road in a Road Zone, Category 1	Notice of Decision - Objector Appeal	Council's Decision Varied Permit Granted	This was an objector appeal brought by a neighbour to the subject site. Following negotiations between the permit applicant and the neighbour, 3 additional conditions to limit off-site amenity impacts were agreed upon. These proposed conditions did not result in a poor planning outcome so Council was willing to consent as well.
27/10/2015	D/959/2014	9 Mahoneys Road, Reservoir	Construct a medium density housing development comprised of three (3) double storey dwellings and the variation of the registered restrictive covenant	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	The Tribunal viewed the merits of the proposed development as a straightforward matter however greater consideration was given to the proposed variation of the restrictive covenant. It was concluded that the proximity of the beneficiaries to the subject land and merits of the development proposal were sufficient to warrant the variation of the covenant. In doing so the Tribunal imposed a condition that a Section 173 Agreement be entered into requiring the development of the land in accordance with the development approved.

OCTOBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
29/10/2015	D/1099/2014 Rucker	96 Jenkins Street, Northcote	Construction of four (4) double storey dwellings	Deemed Refusal	Council's Deemed Decision Affirmed – No Permit Granted	The Tribunal identified the site was one where policy sought only modest change due to its distance from shops etc... In addition, the Tribunal noted none of the dwellings proposed met Council's varied private open space standard. Given the distance of the site from Northcote Activity Centre, it was not prepared to justify the non compliance with the varied private open space standard. The Tribunal also took issue with the design response, in particular the lack of landscaping and surveillance opportunities at ground floor. It concluded this type of design had the potential to erode the very specific policy intent of the GRZ1, and as such, affirmed Council's deemed refusal.

NOVEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
10/11/2015 (Compulsory Conference)	D/329/2015	229 Gilbert Road, Preston Cazaly	Development of six (6) dwellings and a reduction to the visitor parking requirement	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted	The critical issue for the parties was the interface of the rear of the proposal to the more traditional residential hinterland. The Permit Applicant was willing to make changes to address parties' concerns, accordingly the mediation was successful.
13/11/2015	D/38/2015	20 Woolton Avenue, Thornbury Rucker	Construction of a medium density development comprising four (4) double storey dwellings	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	The Permit Applicant circulated amended plans which addressed Council and the neighbours' (being the only objector parties) concerns. On this basis, the parties were able to resolve the matter via consent order without the need for a hearing.
17/11/2015	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston	Extension of Time	Refusal - Applicant appeal		Set down for a further hearing day on 10/02/2016.
25/11/2015 (Compulsory Conference)	D/440/2015	30-32 St Georges Road Unit 1-3, 32-34 Oakover Road 36 Oakover Road 40-44 Oakover Road, Preston	Use and development of the land for a supermarket, including a reduction in car parking requirements	Refusal - Applicant appeal	Application withdrawn	At the conclusion of the Compulsory Conference the applicant sought leave to withdraw the application. Hearing set to commence 18 January 2016 has been vacated.
27/11/2015 (Practice Day Hearing)	D/46/2015	235-239 Murray Road, Preston	Use and develop the land for the purpose of a childcare centre; and Make alterations to the access to a road in a Road Zone, Category 1.	Notice of Decision - Objector Appeal	Application struck out	The applicant lodged their review outside of time. The Tribunal ordered that no extension was to be granted and the application was struck out accordingly.

NOVEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
30/11/2015	D226/2008/A	16 Goldsmith Avenue, Preston	Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high 	Refusal – Applicant Appeal		Hearing adjourned and rescheduled for 05/02/2016.
30/11/2015	D226/2008/B	16A Goldsmith Avenue, Preston	Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high 	Refusal – Applicant Appeal		Hearing adjourned and rescheduled for 05/02/2016.

DECEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
1/12/2015	D/452/2014	66 Mitchell Street, Northcote Rucker	Construction of two (2) double storey dwellings	s87A amendment application	Amendment allowed	The Tribunal did not provide written reasons.
9/12/2015	D/168/2009/A	52 Showers Street, Preston	Application to amend the endorsed plans which includes removal of skylights and inclusion of windows to the second floor (to be obscured to 1.7 metres above ffl), existing walls to be demolished due to poor condition, internal alterations, dwellings balconies adjusted which includes an increase in dwelling 9 balcony, alterations to windows and doors	Refusal - Applicant appeal	Application Allowed In Part Amendment to Planning Permit Granted	This amendment sought to demolish the outside walls of the existing building and replace them with concrete walls in the same location. The Tribunal was prepared to accept (for the most part) that the replacement of the wall with a concrete wall in the same location would not alter the impact of the redevelopment on adjoining properties and the neighbourhood visually or in any other way. As such, it allowed this amendment to 3 of the subject site's 4 interfaces. The remaining interface was to a residential property. Being the most sensitive interface the Tribunal required the proposed wall be set back in accordance with ResCode.

DECEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
11/12/2015	D/207/2014	11 Clarendon Street, Thornbury Rucker	Medium density development comprising the construction of four (4) dwellings within a part two storey, part three storey building plus basement car parking and roof terraces	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted	VCAT considered the site was suitable for a modest increase in housing and built form intensification, especially when one considers state and local policy, the absence of built form controls and the site's proximate location to the Thornbury Neighbourhood Centre. In terms of the design response, while contemporary, the Tribunal considered that it interpreted traditional design elements from the area, respected the height of nearby dwellings, allowed room for landscaping and respected the setbacks front and side setbacks of nearby buildings. As such, the Tribunal was satisfied the proposal was acceptable from a neighbourhood character point of view.
14/12/2015 (Compulsory Conference)	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant appeal		Matter did not resolve at the compulsory conference (mediation) – hearing now listed for 4 April 2016

DECEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
15/12/2015	D/731/2014	1-3 Rubicon Street, Reservoir Cazaly	Four (4) double storey dwellings on a lot in the General Residential Zone - Schedule 2	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted	Prior to the hearing of this matter, the Permit Applicant circulated amended plans which achieved Council support. The Tribunal considered that the proposal had a problematic fit in respect of neighbourhood character. Balancing this was the site's eastern interface (towards Plenty Road) which is an area of substantial change and responding to neighbourhood character was less of a policy imperative. The Tribunal was otherwise satisfied in respect to ResCode matters noting that the relevant standards had been met.
16/12/2015	D/467/2015	290 High Street, Preston Cazaly	Construction of a six (6) storey building (plus basement) comprising one (1) shop and nineteen (19) dwellings; a reduction in the car parking requirement associated with the use plus a basement reduction of car parking, a waiver of loading bay requirements and the removal of an easement	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted	Prior to the compulsory conference, the Permit Applicant circulated plans which (amongst other things) reduced the number of dwellings from 19 to 17. The loss of these two dwellings significantly reduced the proposal's visual bulk when viewed from an adjoining residential property. This change, together with additional information provided by the permit applicant meant the parties were able to successfully mediate a resolution of this appeal.

JANUARY 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
7/01/2016	D/875/2014/A	37 Youngman Street, Preston Cazaly	A medium density housing development comprising the construction of 2 double storey dwellings	Conditions Appeal	Council's Decision Varied	The Tribunal did not provide written reasons.
11/01/2016 Compulsory Conference	D/493/2015	8 Scotia Street, Preston Cazaly	The partial demolition and construction of a single storey extension to the existing dwelling	Notice of Decision – Objector Appeal	Council's Decision Varied	The Applicant for Review did not attend the compulsory conference. Accordingly, Council and the Permit Applicant agreed on one additional condition to go onto the permit to address the finish of a wall on boundary, which the Tribunal directed be granted.
19/01/2016 Compulsory Conference	D/519/2015	5A-9 Railway Place, Fairfield Rucker	Proposed mixed use development and dispensation of visitor and retail use parking	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted	Prior to the mediation, the permit applicant circulated amended plans which dealt with a large number of Council concerns in respect of visual bulk, height and massing. Together with increased setbacks to the 4 th and 5 th floors, Council's concerns were mostly addressed. The permit applicant then agreed to provide (amongst other things) additional visitor parking to address resident concerns. As all parties were in agreeance by the end of the day, a permit could issue.
27/01/2016	D/137/2014/A	35 Gillies Street, Fairfield Rucker	An additional apartment to the first floor parameter and the creation of a loft in the ceiling space via change of roof pitch to 30 degrees	Refusal - Applicant appeal		VCAT Decision Pending

JANUARY 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
29/01/2016 Compulsory Conference	D/473/2015	73 Newman Street, Thornbury Cazaly	Alterations to the roof of the existing building (sawtooth roof altered to a flat roof), including an increase to the maximum height of the roof, as shown on the plans accompanying the application.	Notice of Decision - Objector Appeal	Hearing Confirmed	The matter did not settle as the Permit Applicant did not attend the Compulsory Conference.

FEBRUARY 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
1/02/2016	D/757/2014	18 Swift Street, Northcote Rucker	Construction of 2 dwellings	Conditions Appeal		VCAT Decision Pending
3/02/2016	D/1052/2014	116 Oakover Road, Preston Cazaly	A medium density housing development comprising the construction of one (1) double storey dwelling to the rear of the existing dwelling	Notice of Decision – Objector Appeal		
5/02/2016	D226/2008/B	16A Goldsmith Avenue, Preston Cazaly	Retrospective application to retain existing crossover, construct concrete hardstand areas, construct a front fence	Refusal – Applicant Appeal		
5/02/2016	D226/2008/B	16 Goldsmith Avenue, Preston Cazaly				
10/02/2016	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston Cazaly	Extension of Time	Refusal – Applicant Appeal		
12/02/2016	D/41/2015	37 Barry Street, Northcote Rucker	Buildings and works comprising the construction of a new double storey dwelling on land in a Neighbourhood Residential Zone and Heritage Overlay (HO161) and waiver of one car space	Conditions Appeal		

FEBRUARY 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
12/02/2016	D/294/2015	116 Separation Street, Northcote Rucker	Medium density development comprising the construction of three (3), three (3) storey dwellings.	Refusal – Applicant Appeal	No Permit Granted	The Permit Applicant withdrew their application for review.
16/02/2016	D/1036/2013/A	19 Patterson Street, Preston	Amendment to planning permit to seek a waiver of one car space and construction a "dual occupancy unit" behind the existing house	Failure Appeal		
19/02/2016 Compulsory Conference	D/617/2015	117-121 Edwardes Street, Reservoir La Trobe	Use of the existing building as a childcare centre (up to 136 children) including 29 car parking spaces (no car parking reduction sought) and buildings and works including a new front facade and new openings to the south and east elevation of the building, as shown on the plans accompanying the application.	Notice of Decision – Objector Appeal	Permit Granted	The Applicant for Review withdrew their application to the Tribunal, meaning a permit could grant.
22/02/2016	D/897/2014	54 Southernhay Street, Reservoir Cazaly	A medium density housing development comprising the construction of a double storey dwelling to the rear of the existing dwelling			

FEBRUARY 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
29/02/2016	D/318/2015	Rear 19 and 17 Railway Place, Fairfield Rucker	Removal of easement			

MARCH 2016						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
30/03/2016	D/619/2014	168-170 Elizabeth Street, Coburg Cazaly	Medium density development comprising the construction of seven (7) dwellings (five (5) double storey and two (2) single storey) and reduction of the standard car parking requirement	Refusal – Applicant Appeal		

Planning Committee Decisions before VCAT

SEPTEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
11/09/2015	D/1067/2014	9 Bedford Street, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Committee Refusal (contrary to officer recommendation)	Council's decision affirmed – No Permit Granted	There was no dispute between the parties that the site was suited to a more intensive form of housing. The key issues for the Tribunal was the extent of policy support for the proposal, and the proposal's response to neighbourhood character. In respect of policy support, notwithstanding the presence of the Residential Growth Zone on the north side of the street (i.e. opposite the site), the controls and policy which applied to the south side contain a tempered development expectation. This, combined with what the Tribunal considered was a poor design response through too much visual bulk led to the Tribunal affirming Council's refusal.

OCTOBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
5/10/2015	D/577/2014	9 Rosenthal Crescent, Reservoir La Trobe	A medium density housing development comprised of the construction of four (4) double storey dwellings.	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted	Following the lodgement of amended plans that addressed Council's concerns, Council changed its position from one of refusal to one of support. The Tribunal agreed with Council's decision, noting that the type of change brought about by this application is occurring in many middle ring suburbs developed in the 1960s and is encouraged by the planning scheme.
7/10/2015	D/148/2014	659-661 High Street, Thornbury Rucker	Buildings and works and above-verandah signage as shown on the plans accompanying the application and reduction of the car parking requirement in association with the use of the site as a restaurant.	Conditions Appeal (of Committee Decision)	Council's Decision Varied Permit Granted	The main dispute centred around patron and seat limits for the site. Council sought a limit of 60, the Applicant sought a limit of 100. Another dispute centred around a condition requiring demolition of certain works and construction of car parking at the rear of the site. Notwithstanding the Permit Applicant's expert witnesses, the Tribunal was not persuaded by the Permit Applicant that it had made its case out for a car parking reduction associated with 100 persons/seats. As to the car parking condition, the Tribunal was not persuaded the Permit Applicant had adequately considered staff car parking, which has a different type of demand (i.e. long term) to short term parking from a customer. Accordingly, it did not delete Council's car parking condition.

OCTOBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
7/10/2015 (Compulsory Conference – formerly known as mediation)	D/49/2013	88-92 Cramer Street, Preston Cazaly	Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement.	Committee Refusal (contrary to officer recommendation) - Council subsequently resolved to support the proposal		Did not settle at resumed mediation. Matter is now to proceed to a hearing on 28 October 2015.
23/10/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space.	Committee Refusal (contrary to officer recommendation)		Did not finish hearing – adjourned to 24 November 2015.
28/10/2015 (Hearing)	D/49/2013	88-92 Cramer Street, Preston	Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement.	Committee (contrary to officer recommendation) - second resolution was to switch back to support	Council's Decision Set Aside Permit Granted	The Tribunal (correctly) confined their considerations to the proposed buildings and works with the site benefitting from existing use rights. The Tribunal did not accept submissions that the proposed buildings and works would unreasonably intensify the existing use on the basis of conditions imposed. The amenity impacts from the proposal were considered acceptable as it was not open to the Tribunal to review the totality of impact; rather just the impacts that would result from the buildings and works that were the subject of the application.

NOVEMBER 2015						
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
24/11/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted	The Tribunal considered the site was suitable for new housing given its proximity to the High Street retail centre, Thornbury train station and buses along Dundas Street. As to neighbourhood character, The Tribunal considered Mansfield Street to have a "somewhat varied" character and it also noted the area was experiencing considerable change. As such, notwithstanding the Street Setback standard was not met, the Tribunal considered the proposal an acceptable response that left room for landscaping given the varied setbacks in the street. The Tribunal did not find off site amenity impacts, parking and internal amenity unacceptable.
25/11/2015 (Compulsory Conference)	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure appeal - going to Committee - Council subsequently resolved to oppose in line with Officer Recommendation		Not resolved at Compulsory Conference Referred to hearing on 21/03/2016 for 3 days.

DECEMBER 2015

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
4/12/2015 – Practice Day Hearing (but may be determined on this day per VCAT advice)	Amendment C136	137 St Georges Road, Northcote Rucker	Alleged defect in procedure regarding the adoption of Amendment C136	Section 39 Appeal		Matter is to be heard on 2 May 2016.

JANUARY 2016

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
No Committee Matters Scheduled for January 2016						

FEBRUARY 2016

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
2/02/2016	D/20/2015	37 Madeline Street, Preston Cazaly	The construction of a medium density housing development comprising two (2) double storey dwellings	Committee (in line with Officer's Recommendation)		
22/02/2016	D/55/2015	55 David Street, Preston Cazaly	A medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal – Committee subsequently resolved to oppose application in line with Officer Recommendation		

MARCH 2016

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision	Result
2/03/2016	D/485/2014	531 St Georges Road, Thornbury Cazaly	Buildings and works associated with a multi-level apartment building and basement level car parking	Failure Appeal		
7/03/2016	D/300/2013	136-138 Plenty Road, Preston Cazaly	Mixed use development comprising the construction of two (2) buildings (three (3) storeys fronting Flett Street and five (5) storeys fronting Plenty Road) reduction of car parking associated with a shop and waiver of loading bay facilities.	Refusal (contrary to Officer Recommendation) – Applicant Appeal		
21/03/2016	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure Appeal – Council Subsequently Resolved to Oppose		

Matters completed and to be heard to 31/03/2016

6.2 Significant Applications Update

Below is a list of applications with a cost of construction of at least \$3,000,000 currently under consideration.

Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 830 Plenty Road, Reservoir • Cazaly • D/458/2015 • Mixed use development – 10 offices and 326 dwellings • 29 June 2015 • Advertising completed
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 518-528 High Street, Preston • Cazaly • D/297/2015 • Mixed use development – ground floor retail and 96 dwellings • 5 May 2015 • Refusal issued
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 63-71 Plenty Road, Preston • Cazaly • D/474/2015 • Mixed use development – 2 shops and 135 dwellings • 30 June 2015 • Initial assessment
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 36-46 High Street, Preston • Cazaly • D/465/2015 • Mixed use development – 2 commercial tenancies and 90 dwellings • 30 June 2015 • Further information received
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 1/176-180 High Street, Preston • Cazaly • D/456/2015 • Mixed use development – 74 dwellings plus commercial tenancies • 29 June 2015 • Request for further information sent
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 74-80 Bruce Street, Preston • Cazaly • D/466/2015 • Residential aged care facility • 30 June 2015 • Advertising completed • Report in process

<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 6-34 High Street, Preston • Cazaly • D/1007/2012 • Construction of a mixed use development containing 209 dwellings, seven (7) retail tenancies and gymnasium contained within a 16 level building plus basement car parking. • 20 December 2012 • Advertising completed
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 195-209 St Georges Road, Northcote • Rucker • D/1011/2012 • Mixed use development – 102 dwellings and supermarket within a six (6) storey building. • 20 December 2012 • Application being assessed
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 531 St Georges Road, Thornbury • Cazaly • D/485/2014 • Residential development – 33 dwellings within a six (6) storey building. • 17 June 2014 • Further information requested
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 716 High Street, Thornbury • Rucker • D/474/2013 • Mixed use development – 41 dwellings and four (4) retail tenancies within a five (5) storey building. • 3 July 2013 • Refused
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 2 Mc Cutcheon Street, Northcote • Rucker • D/814/2014 • Residential development – 30 dwellings within a four (4) storey building. • 8 September 2014 • Initial assessment commenced
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 208-216 High Street, Preston • Cazaly • D/865/2014 • Mixed use development – 76 dwellings and four (4) shops. • 23 September 2014 • Application has lapsed

Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 223 Gower Street, Preston • Cazaly • D/1110/2014 • Construction of 20 dwellings – three (3) storey development. • 9 December 2014 • Further information requested
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 29 Railway Place, Fairfield • Rucker • D/1164/2014 • Mixed use development – 30 dwellings and one (1) shop. • 29 December 2014 • Advertising completed
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 80 Tyler Street, Reservoir • Cazaly • D/43/2015 • Construction of 107 dwellings comprising 63 townhouses and a four (4) storey apartment building containing 44 dwellings. • 29 January 2015 • Planning permit issued
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 10 Langwells Parade, Northcote • Rucker • D/109/2015 • Construction of eight (8) dwellings contained within a four (4) storey building. • 3 March 2015 • Planning Permit issued
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 332-334 Gooch Street Thornbury • Rucker • D/146/2015 • Construction of 20 dwellings. • 17 March 2015 • Planning permit issued
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 305 Plenty Road, Preston • Cazaly • D/187/2015 • Construction of 19 dwellings contained within a five (5) storey building. • 27 March 2015 • Advertising completed

<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 30 Cramer Street, Preston • Cazaly • D/285/2015 • Construction of 115 dwellings, two (2) shops and one (1) office – nine (9) storey building • 1 May 2015 • Further information received
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 1056-1070 Plenty Road, Bundoora • LaTrobe • D/331/2015 • Residential development – 24 dwellings • 14 May 2015 • Planning permit issued
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 27 McColl Street, Reservoir • LaTrobe • D/426/2015 • Construction of a four (4) storey building containing 24 dwellings • 16 June 2015 • Notice of Decision issued
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 30 St Georges Road, Preston • Cazaly • D/440/2015 • Use and development of the land for a supermarket including a reduction in car parking requirements • 18 June 2015 • Refused – VCAT appeal received
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 27 Murphy Grove, Preston • Cazaly • D/461/2015 • Medium density development – 14 dwellings • 23 June 2015 • Refusal issued
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 70 Dundas Street, Thornbury • Rucker • D/542/2015 • Construction of a three (3) storey building containing 10 dwellings • 30 June 2015 • Further information received
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 384 St Georges Road, Thornbury • Cazaly • D/742/2015 • Construction of a four (4) storey mixed use building containing 26 dwellings and a shop • 16 September 2015 • Refusal issued

<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 167 Station Street, Fairfield • Rucker • D/748/2015 • Construction of a three (3) storey building containing 20 dwellings • 16 September 2015 • On advertising
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 1 Ralph Street, Reservoir • LaTrobe • D/804/2015 • Mixed use development over 5 levels – 22 dwellings and 1 commercial tenancy • 6 October 2015 • Further information requested
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 501 Plenty Road, Preston • Cazaly • D/762/2015 • Construction of a six (6) storey building containing 48 dwellings and four (4) commercial units • 18 September 2015 • Advertising completed
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 752 High Street Thornbury • Rucker • D/839/2015 • Demolition of the existing building and the construction of a five (5) storey building (plus roof terrace) containing 19 dwellings • Planning Committee – 22 February 2016
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 283-291 Gilbert Road, Preston • Cazaly • D820/2015 • Construction of a three (3) and four (4) storey mixed use building containing 23 dwellings • 14 October 2015 • On advertising
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 55 Tyler Street Preston • Cazaly • D897/2015 • Construction of a gymnasium complex with swimming pool extension associated with an existing school. • 4 November 2015 • Application cancelled

Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 742-760 High Street, Reservoir • Cazaly • D/900/2015 • Construction of 14 three (3) storey dwellings and nine (9) double storey dwellings. • 5 November 2015 • Planning Committee – 22 February 2016
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 314 St Georges Road, Thornbury • Rucker • D939/2015 • Construction of an eight (8) storey building comprising ground floor shops and 77 dwellings above. • 12 November 2015 • Request for further information sent
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 2A Austral Avenue, Preston • Cazaly • D/979/2015 • Medium density development • 27 November 2015 • To be allocated
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 108 Wood Street, Preston • Cazaly • D/971/2015 • Mixed use development • 25 November 2015 • Initial assessment commenced
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • Rear of 3B Newlands Road, Reservoir • LaTrobe • D/1009/2015 • Warehouse • 3 December 2015 • Further information requested
Address Ward Application No Proposal Description Date Received Status	<ul style="list-style-type: none"> • 200 Beavers Road, Northcote • Rucker • D/1048/2015 • Proposed construction of 20 three storey townhouses, a four storey apartment building comprising 23 dwellings and a waiver of the visitor car parking requirement • 18 December 2015 • Initial assessment commenced

<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 281 Spring Street, Reservoir • Latrobe • D/1026/2015 • Seven (7) level building plus three (3) basement levels of car parking comprising four (4) commercial tenancies and 50 dwellings • 10 December 2015 • Initial assessment commenced
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 72A Station Street, Fairfield • Rucker • D/2/2016 • Construction of a five storey building comprising 20 dwellings, three (3) retail premises and waiver of loading requirements and reduction in car parking to zero (0) • 5 January 2016 • Initial assessment commenced
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 40 Showers Street, Preston • Cazaly • D/30/2016 • Construction of 39 dwellings and a reduction in the visitor car parking requirement • 21 January 2016 • Allocated to officer
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 658 High Street, Thornbury • Rucker • D/1039/2015 • Six (6) storey building comprising ground floor commercial tenancies and 28 dwellings; a reduction in the car parking requirement; a waiver of the loading bay requirement • 16 December 2015 • Further information requested
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 1 Matisi Street Thornbury • Rucker • D/1040/2015 • 25 warehouses • 16 December 2015 • Further information requested
<p>Address Ward Application No Proposal Description Date Received Status</p>	<ul style="list-style-type: none"> • 16 Clarendon Street, Thornbury • Rucker • D/10/2016 • Three (3) storey apartment building • 11 January 2016 • Initial assessment commenced

<p>Address</p> <p>Ward</p> <p>Application No</p> <p>Proposal Description</p> <p>Date Received</p> <p>Status</p>	<ul style="list-style-type: none"> • 1/23 Bell Street, Preston • Cazaly • D/1086/2015 • Use and development part of the site for a restricted retail premises • 23 December 2015 • Further information requested
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Committee Decision

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

THAT the Significant Applications Update be noted.

CARRIED

6.3 List of Applications for next Planning Committee Meeting

Below is a list of applications for the upcoming Planning Committee Meeting. Please note that this 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.

Address Ward Application no. Proposal No. of objections	73 Seston Street, Reservoir Cazaly D/932/2015 Development of 3 dwellings 14
Address Ward Application no. Proposal No. of objections	66-68 Waterloo Road, Northcote Rucker D/629/2015 Extension to existing building comprising 10 dwellings and construction of new building with 7 dwellings 22
Address Ward Application no. Proposal No. of objections	19 Dorrington Avenue, Reservoir Cazaly D/846/2015 Construction of 2 new dwellings to the rear of an existing dwelling 12
Address Ward Application no. Proposal No. of objections	27 Hutton Street, Thornbury Cazaly D/749/2015 Development of 3 dwellings to the rear of an existing café 15
Address Ward Application no. Proposal No. of objections	11 Hurlstone Avenue, Preston Cazaly D/626/2015 Development of 2 dwellings 13
Address Ward Application no. Proposal No. of objections	9 Smith Street, Thornbury Rucker D/1055/2014 Development of 6 dwellings 6
Address Ward Application no. Proposal No. of objections	4-6 McFadzean Avenue, Reservoir La Trobe D/352/2015 Development of 6 dwellings 16
Address Ward Application no. Proposal No. of objections	105 Wood Street, Preston Cazaly D/590/2015 Development of 4 dwellings 11

Address Ward Application no. Proposal No. of objections	306 Victoria Street, Thornbury Rucker D/557/2015 Development of 3 dwellings 15
Address Ward Application no. Proposal No. of objections	199 Purinuan Road, Reservoir La Trobe D/723/2015 Development of 3 dwellings 9
Address Ward Application no. Proposal No. of objections	168-174 Leamington Street, Reservoir La Trobe D/640/2015 Development of 5 dwellings 15
Address Ward Application no. Proposal No. of objections	121 Hutton Street, Thornbury Cazaly D/981/2013 Development of 3 dwellings 7

Committee Decision

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

THAT the List of Applications for the next Planning Committee meeting be noted.

CARRIED

7. CLOSE OF MEETING

The meeting closed at 9:08pm.