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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 23 May 2016

Released to the public on Thursday 26 May 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 23 MAY 2016**

THE MEETING COMMENCED AT 7 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 (7.46 pm)

Council Officers

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

2. APOLOGIES

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee meeting held on 9 May 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/2/2016
72a Station Street, Fairfield

AUTHOR: Principal Planner – Paul Miziewicz

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultants
Nightingale 2.0 Land Holding Pty Ltd	Nightingale 2.0 Land Holding Pty Ltd	Hansen Partnership Six Degrees Architecture Hip v. Hype Arup Traffix Group Michael Taylor Leigh Design Environmental Earths Sciences

SUMMARY:

- Proposal – Part five (5) and part six (6) storey mixed use development comprising 20 dwellings and 313 square metres of ground floor retail space, waiver of loading bay and zero (0) car parking spaces provided on site.
- The site is zoned Commercial 1 and Public Use 4 (partial), the site is within the Development Contribution Plan Overlay and Heritage Overlay (partial).
- There is no restrictive covenant on the title for the subject land. A Section 173 agreement under the Planning and Environment Act 1987 requires the site to be developed in accordance with D/124/2010, as part of this application the Section 173 agreement will be altered.
- 42 objections were received against this application. There were also 202 letters of support.
- The proposal is generally consistent with the objectives and standards of Clause 22.06 and Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers. The original description of the proposal was incorrect and the application was re advertised.

The applicant has submitted a statutory declaration indicating that the correct notification sign was displayed for a minimum of 14 days in accordance with the requirement of the *Planning and Environment Act 1987*.

- This application was referred internally to:
 - Capital Works Unit
 - Economic Development Unit
 - Heritage Advisor
 - Ecological Sustainable Design Officer
 - Strategic Planning Unit
 - Urban Design
 - Transport Management and Planning Unit
 - Waste Management
- This application was not required to be referred to external authorities.

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

- *James Legge, on behalf of Applicant*
- *Con Dinopoulos, Objector*

Recommendation

That Planning Permit Application D/2/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP10 proposed plans level 0-1, TP11 proposed plans level 2-3, TP12 proposed plan level 4 and roof plan, TP22 proposed elevations 01, TP23 proposed elevations 023, TP25 proposed section prepared by Six Degrees) but modified to show:
 - a) The pedestrian and bicycle access path between the ground floor Bike Park/Store and Railway Place increased to a minimum width of 2500mm.
 - b) Provision of retractable shading devices to all west facing glazing.
 - c) Confirm method of operation for windows, to maximise ventilation.
 - d) Ground floor retail tenancies labelled as 'shop'.
 - e) Modifications in accordance with recommendations included within the Arboricultural report (refer to Condition No. 6 of this Permit).
 - f) TP01 notation "Proposed location of 'GOGET' car share space" to "Proposed dedicated car share space".
 - g) Any modifications in accordance with the amended acoustic assessment (Refer to Condition 7 and 30 of this Permit).
 - h) Any modifications in accordance with VicTrack conditions 29 – 50.When approved, the plans will be endorsed and form part of this Permit.
2. The development and uses 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 or the use is not started, 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, an Arboricultural report prepared by a qualified arborist to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. The Arboricultural report must detail existing trees on adjoining properties, the impact the development is likely to have on these trees and tree protection measures, including tree protection zones if required.
 7. Before development starts, the Acoustic Assessment prepared by ARUP, updated to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
 - a) Ground borne noise, reverberation and vibration associated with the rail line and associated infrastructure does not impact adversely on the amenity of the dwellings. The following sources of noise must be attenuated:
 - Ground borne noise
 - Vibration should comply with the requirements of AS2670.2 – 1990.
 - b) Design requirements are in accordance with Condition 35.

Prior to the occupation of the development, a report from the author of the Acoustic Assessment, 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 Acoustic Assessment have been implemented in accordance with the approved Plan and noise and vibration complies with the requirements of the report.

8. Prior to the land being subdivided for any stage of this plan is issued under the *Subdivision Act 1988*, section 173 agreement AJ757439G must be ended to the satisfaction of the Responsible Authority and removed from the Title to the land.

The costs of ending the section 173 Agreement and its removal from the Title must be borne by the owner of the land.

9. Before the development and use start(s), the owner of the land at 72a Station Street, Fairfield 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, which, in addition to the usual machinery provisions, makes provision for the following:
- That prior to the occupancy of any dwelling, the owner must pay a security in the amount of \$35,000 exclusive of GST (Security) to Council in the form of either cash or bond or bank guarantee from an Australian Bank to the satisfaction of Council. The security charge will be adjusted annually in accordance with movements in the Consumer Price Index (Melbourne – All Groups) as prescribed by the Australian Bureau of Statistics. This adjustment will occur automatically on July 1 each year, without amendment of the Planning Permit.
 - Prior to the occupancy of the development the northern side of Railway Place opposite 72a Station Street to have car parking restriction to the satisfaction and agreement of the Responsible Authority at the cost of the owner of 72a Station Street, Fairfield and draw down on the Security to cover the costs of such implementation to the extent of the Security.
 - The Security is to be held by the Responsible Authority and used for the purpose of undertaking a car parking survey of the streets within 500 metres of the land not earlier than 12 months after the occupation of the building to the level of at least 90%. The Survey is to ascertain if any vehicles belonging to or used by any occupant of the land is being parked in nearby residential streets and the prevalence of such.
 - If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security,
 - If the Responsible Authority determines that no permit system / parking restrictions are required, then then the Security is to be returned to the person that paid the Security.
 - The Responsible Authority must repay the Security if it is not drawn down within 36 months from the date of the issue of a Certificate of Occupancy for the land.

Before the development commences, the agreement must be registered on the Title to the land. The costs of the preparation and execution of the Agreement and its registration on Title must be borne by the owner of the land.

10. As part of the consultant team Six Degrees or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
11. The Waste Management Plan prepared by Leigh Design Pty Ltd dated 29 November 2015 will be endorsed to form part of this permit. The recommendations of the plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

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12. The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
 13. The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (identified as *Sustainability Management Plan*, prepared by Hip V Hype and dated November 2015) to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the *Sustainability Management Plan*, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the *Sustainability Management Plan* have been implemented in accordance with the approved Plan.
 14. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
 15. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 16. 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.
 17. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
 18. Before the development is occupied an automatic system of external lighting must be installed on the land to the satisfaction of the Responsible Authority. The lighting system must operate automatically between dusk and dawn and 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.
 19. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 21. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 22. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 23. 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 detailing the proposed 'vertical garden wall' and planting on the ground floor and roof top of the development 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.
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- b) Green roof establishment details such as:
 - i. Weight loading (dead load, live load and transient load).
 - ii. Access.
 - iii. Construction layers including sectional diagrams.
 - iv. Support structures.
 - v. Waterproofing.
 - vi. Irrigation and plant nutrition.
 - vii. Vegetation.
 - viii. Lighting.
 - c) A maintenance planning schedule including:
 - i. Details of who will be responsible for the maintenance of the garden wall and landscaping.
 - ii. Required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation).
 - iii. Access requirements/ agreements.
 - iv. Irrigation and plant nutrition.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) 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.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - i) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
24. 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.
25. Before the development is occupied all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

26. 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.
27. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.
28. The Green Travel Plan prepared by Hip v Hype and received by Council on 5 January 2016 will be endorsed to form part of the permit. At the commencement of occupation of the development, the Green Travel Plan approved as part of this permit must be implemented. Ongoing implementation, management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.

VICTRACK CONDITIONS

29. Prior to the commencement of the development, including demolition and bulk excavation, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority in consultation with VicTrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that:
 - a) The development, including temporary structures, maintains all the clearances required to be maintained from all rail infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009 (Vic)* and the *Electrical Safety Regulations (including Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D)*; and
 - b) The development complies with the recommendations of the approved sun glare report.

The development must be constructed to the satisfaction of the Responsible Authority in accordance with the plans approved by the Responsible Authority.
30. Prior to the commencement of the development including excavation works, the common boundary of the subject land with VicTrack land must be set out by a licensed surveyor and an existing conditions report provided to the satisfaction of the Responsible Authority and VicTrack. Upon completion of the development a confirmation survey report must be provided by the licensed surveyor confirming the containment of the development within the subject land to the satisfaction of the Responsible Authority and VicTrack. The report must also show the location of any services to the development which are within VicTrack land.
31. Prior to the commencement of the development, an Acoustic Assessment of the development must be prepared to the satisfaction of 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 the railway does not impact adversely on the amenity of the dwellings;
 - b) Bedrooms must be constructed in such a way to ensure that internal bedroom noise levels will not exceed 65 L(Aeq) or 85 L(Amex) for the day and 60 L (Aeq) or 85 L (Amax) for the night period from 10 pm to 6 am as confirmed by a qualified Acoustic Engineer; and

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- c) Describe any design, attenuation or construction measures necessary to achieve the internal bedroom noise standard.
- The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
32. The permit holder or their agents must not enter any VicTrack land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the VicTrack land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the VicTrack land.
33. Prior to the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the VicTrack land. The developer must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the VicTrack land.
34. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements, which may include an agreement with the Rail Operator, as required by VicTrack.
35. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
36. During the construction of the development, including demolition and bulk excavation, the permit holder must:
- a) Take all reasonable steps to avoid disruptions to rail operations; and
 - b) Comply with:
 - i. The Rail Operator's Safety and Environmental requirements; and
 - ii. The requirements of any construction control and indemnity agreement it has entered into with VicTrack and/or the Rail Operator.
37. The permit holder must, unless otherwise allowed by VicTrack and MTM (Metro Trains Melbourne) the permit holder must at all times ensure that the common boundary with VicTrack land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
38. The permit holder must not, at any time:
- a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the VicTrack land; or
 - b) Store or deposit any waste, soil or other materials on the VicTrack land.
39. Any wall to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be born for by the permit holder and/or the future owners of the land.
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40. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and VicTrack land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
 41. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.
 42. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
 43. Prior to the commencement of the development, excluding demolition and bulk excavation, the permit holder must prepare a sun glare report which confirms that the building materials (including glass/window/balcony treatments) along the rail corridor are of a non-reflective finish and the colour schemes of the development do not interfere with train driver operations. The report must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with VicTrack. The report must address potential sun glare from any potentially reflective surfaces of the development to assess the potential impact of any reflective sun glare on train drivers' sight in the vicinity of the subject land (in particular that any such glare does not interfere with a driver's viewing of signals or the track in either direction). The development must be constructed in accordance with the recommendations of the approved report to the satisfaction of the Responsible Authority.
 44. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto VicTrack land or disturbance to railway operations.
 45. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within VicTrack land.
 46. Before the commencement of the development, excluding demolition and bulk excavation, the permit holder must prepare plans to be submitted to, and approved by, the Responsible Authority in consultation with VicTrack, which show the design features of the development (including appropriate screening to balconies) that will be implemented by the permit holder to ensure that objects cannot be projected into the rail corridor. The development must be constructed in accordance with the plans approved by the Responsible Authority.
 47. Prior to the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or VicTrack land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the VicTrack land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
 48. Any works required to relocate the 22kv transmission feeder lines will be at the cost of the permit holder.
 49. Prior to the commencement of the development, including demolition and any site preparation works, the permit holder must obtain from VicTrack the grant of easement in respect of:
 - a) Access to and use of direct sunlight in favour of those lots forming part of the subject land in which windows and balconies are existing on the western title boundary between the subject land and the railway land as at the date of completion of the developments (lots); and
 - i. In such quantum and quality as is required for the ordinary use of the lots; and
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- ii. Having regard to the quantum and quality of direct sunlight expected to pass over the railway land to the windows and balconies of the lots existing as at the date of completion of the development; and
- b) Access to and use of air in favour of the Lots in which windows and balconies are existing on the western title boundary between the subject land and the railway land as at the date of completion of the development:
 - i. In such quantum as is required for the ordinary use of the lots; and
 - ii. Having regard to the quantum of air expected to pass over the railway land to the windows and balconies of the lots existing as at the date of completion of the development.

(together the **Easements**).

The grant of the Easements is subject to VicTrack obtaining all necessary clearances and approvals, including, but not limited to, clearance for the grant of the Easements from the Department of Economic Development, Jobs, Transport and Resources, the approval of the Government Land Monitor to the proposed grant (including the price payable for the grant), the approval of the Minister for Public Transport pursuant to section 125(1)(b) of the *Transport Integration Act 2010* (Vic), and the approval of the Treasurer pursuant to section 125(1)(b) of the *Transport Integration Act 2010* (Vic). If the developer is unable to comply with this condition, the developer must submit amended plans of the development to the Responsible Authority showing setbacks or design modifications satisfactory to VicTrack from the western title boundary.

50. Before occupation of the development:

- a) The permit holder must submit plans to the Responsible Authority for approval by the Responsible Authority in consultation with VicTrack detailing the platform awning to be constructed by the permit holder on rail land; and
- b) The permit holder must construct the platform awning in accordance with the plans approved by the Responsible Authority in consultation with VicTrack.

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

Motion

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Tsitas

That the ‘Recommendation’ as presented in the Agenda (to support the Planning Permit Application), be adopted

Cr. Laurence proposed to the mover (Cr. McCarthy) and seconder (Cr. Tsitas) that dot point 6 of Condition 9. be amended to read as follows. This was accepted by Cr. McCarthy and Cr. Tsitas.

9. Before the development and use start(s), the owner of the land at 72a Station Street, Fairfield 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, which, in addition to the usual machinery provisions, makes provision for the following:
- That prior to the occupancy of any dwelling, the owner must pay a security in the amount of \$35,000 exclusive of GST (Security) to Council in the form of either cash or bond or bank guarantee from an Australian Bank to the satisfaction of Council. The security charge will be adjusted annually in accordance with movements in the Consumer Price Index (Melbourne – All Groups) as prescribed by the Australian Bureau of Statistics. This adjustment will occur automatically on July 1 each year, without amendment of the Planning Permit.
 - Prior to the occupancy of the development the northern side of Railway Place opposite 72a Station Street to have car parking restriction to the satisfaction and agreement of the Responsible Authority at the cost of the owner of 72a Station Street, Fairfield and draw down on the Security to cover the costs of such implementation to the extent of the Security.
 - The Security is to be held by the Responsible Authority and used for the purpose of undertaking a car parking survey of the streets within 500 metres of the land not earlier than 12 months after the occupation of the building to the level of at least 90%. The Survey is to ascertain if any vehicles belonging to or used by any occupant of the land is being parked in nearby residential streets and the prevalence of such.

- If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security,
- If the Responsible Authority determines that no permit system / parking restrictions are required, then then the Security is to be returned to the person that paid the Security.
- The Responsible Authority must repay the Security if it is not drawn down within ~~36~~ **72** months from the date of the issue of a Certificate of Occupancy for the land.

Before the development commences, the agreement must be registered on the Title to the land. The costs of the preparation and execution of the Agreement and its registration on Title must be borne by the owner of the land.

THE AMENDED MOTION THEN READ AS FOLLOWS:

AMENDED MOTION

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

That Planning Permit Application D/2/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

Conditions 1 - 8: As per Officers Recommendation above.

9. Before the development and use start(s), the owner of the land at 72a Station Street, Fairfield 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, which, in addition to the usual machinery provisions, makes provision for the following:
 - That prior to the occupancy of any dwelling, the owner must pay a security in the amount of \$35,000 exclusive of GST (Security) to Council in the form of either cash or bond or bank guarantee from an Australian Bank to the satisfaction of Council. The security charge will be adjusted annually in accordance with movements in the Consumer Price Index (Melbourne – All Groups) as prescribed by the Australian Bureau of Statistics. This adjustment will occur automatically on July 1 each year, without amendment of the Planning Permit.
 - Prior to the occupancy of the development the northern side of Railway Place opposite 72a Station Street to have car parking restriction to the satisfaction and agreement of the Responsible Authority at the cost of the owner of 72a Station Street, Fairfield and draw down on the Security to cover the costs of such implementation to the extent of the Security.
 - The Security is to be held by the Responsible Authority and used for the purpose of undertaking a car parking survey of the streets within 500 metres of the land not earlier than 12 months after the occupation of the building to the level of at least 90%. The Survey is to ascertain if any vehicles belonging to or used by any occupant of the land is being parked in nearby residential streets and the prevalence of such.

- If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security,
- If the Responsible Authority determines that no permit system / parking restrictions are required, then then the Security is to be returned to the person that paid the Security.
- The Responsible Authority must repay the Security if it is not drawn down within 72 months from the date of the issue of a Certificate of Occupancy for the land.

Before the development commences, the agreement must be registered on the Title to the land. The costs of the preparation and execution of the Agreement and its registration on Title must be borne by the owner of the land.

Conditions 10. – 50.: As per Officers Recommendation above.

NOTATIONS – As per Officers Recommendation above.

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 Planning Permit Application D/2/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP10 proposed plans level 0-1, TP11 proposed plans level 2-3, TP12 proposed plan level 4 and roof plan, TP22 proposed elevations 01, TP23 proposed elevations 023, TP25 proposed section prepared by Six Degrees) but modified to show:
 - a) The pedestrian and bicycle access path between the ground floor Bike Park/Store and Railway Place increased to a minimum width of 2500mm.
 - b) Provision of retractable shading devices to all west facing glazing.
 - c) Confirm method of operation for windows, to maximise ventilation.
 - d) Ground floor retail tenancies labelled as 'shop'.
 - e) Modifications in accordance with recommendations included within the Arboricultural report (refer to Condition No. 6 of this Permit).
 - f) TP01 notation "Proposed location of 'GOGET' car share space" to "Proposed dedicated car share space".
 - g) Any modifications in accordance with the amended acoustic assessment (Refer to Condition 7 and 30 of this Permit).
 - h) Any modifications in accordance with VicTrack conditions 29 – 50.

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

2. The development and uses 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 or the use is not started, 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, an Arboricultural report prepared by a qualified arborist to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. The Arboricultural report must detail existing trees on adjoining properties, the impact the development is likely to have on these trees and tree protection measures, including tree protection zones if required.
 7. Before development starts, the Acoustic Assessment prepared by ARUP, updated to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
 - a) Ground borne noise, reverberation and vibration associated with the rail line and associated infrastructure does not impact adversely on the amenity of the dwellings. The following sources of noise must be attenuated:
 - Ground borne noise
 - Vibration should comply with the requirements of AS2670.2 – 1990.
 - b) Design requirements are in accordance with Condition 35.

Prior to the occupation of the development, a report from the author of the Acoustic Assessment, 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 Acoustic Assessment have been implemented in accordance with the approved Plan and noise and vibration complies with the requirements of the report.

8. Prior to the land being subdivided for any stage of this plan is issued under the *Subdivision Act 1988*, section 173 agreement AJ757439G must be ended to the satisfaction of the Responsible Authority and removed from the Title to the land.

The costs of ending the section 173 Agreement and its removal from the Title must be borne by the owner of the land.

9. Before the development and use start(s), the owner of the land at 72a Station Street, Fairfield 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, which, in addition to the usual machinery provisions, makes provision for the following:

- That prior to the occupancy of any dwelling, the owner must pay a security in the amount of \$35,000 exclusive of GST (Security) to Council in the form of either cash or bond or bank guarantee from an Australian Bank to the satisfaction of Council. The security charge will be adjusted annually in accordance with movements in the Consumer Price Index (Melbourne – All Groups) as prescribed by the Australian Bureau of Statistics. This adjustment will occur automatically on July 1 each year, without amendment of the Planning Permit.
- Prior to the occupancy of the development the northern side of Railway Place opposite 72a Station Street to have car parking restriction to the satisfaction and agreement of the Responsible Authority at the cost of the owner of 72a Station Street, Fairfield and draw down on the Security to cover the costs of such implementation to the extent of the Security.
- The Security is to be held by the Responsible Authority and used for the purpose of undertaking a car parking survey of the streets within 500 metres of the land not earlier than 12 months after the occupation of the building to the level of at least 90%. The Survey is to ascertain if any vehicles belonging to or used by any occupant of the land is being parked in nearby residential streets and the prevalence of such.
- If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security,
- If the Responsible Authority determines that no permit system / parking restrictions are required, then then the Security is to be returned to the person that paid the Security.
- The Responsible Authority must repay the Security if it is not drawn down within 72 months from the date of the issue of a Certificate of Occupancy for the land.

Before the development commences, the agreement must be registered on the Title to the land. The costs of the preparation and execution of the Agreement and its registration on Title must be borne by the owner of the land.

10. As part of the consultant team Six Degrees or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
11. The Waste Management Plan prepared by Leigh Design Pty Ltd dated 29 November 2015 will be endorsed to form part of this permit. The recommendations of the plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

12. The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
13. The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (identified as *Sustainability Management Plan*, prepared by Hip V Hype and dated November 2015) to the satisfaction of the Responsible Authority.

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

14. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
15. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
16. 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.
17. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
18. Before the development is occupied an automatic system of external lighting must be installed on the land to the satisfaction of the Responsible Authority. The lighting system must operate automatically between dusk and dawn and 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.
19. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
21. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
22. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
23. 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 detailing the proposed 'vertical garden wall' and planting on the ground floor and roof top of the development 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) Green roof establishment details such as:
 - i. Weight loading (dead load, live load and transient load).
 - ii. Access.
 - iii. Construction layers including sectional diagrams.
 - iv. Support structures.
 - v. Waterproofing.
 - vi. Irrigation and plant nutrition.
 - vii. Vegetation.
 - viii. Lighting.
 - c) A maintenance planning schedule including:
 - i. Details of who will be responsible for the maintenance of the garden wall and landscaping.
 - ii. Required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation).
 - iii. Access requirements/ agreements.
 - iv. Irrigation and plant nutrition.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) 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.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - i) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
24. 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.

25. Before the development is occupied all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
26. 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.
27. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.
28. The Green Travel Plan prepared by Hip v Hype and received by Council on 5 January 2016 will be endorsed to form part of the permit. At the commencement of occupation of the development, the Green Travel Plan approved as part of this permit must be implemented. Ongoing implementation, management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.

VICTRACK CONDITIONS

29. Prior to the commencement of the development, including demolition and bulk excavation, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority in consultation with VicTrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that:
 - a) The development, including temporary structures, maintains all the clearances required to be maintained from all rail infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009 (Vic)* and the *Electrical Safety Regulations (including Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D)*; and
 - b) The development complies with the recommendations of the approved sun glare report.

The development must be constructed to the satisfaction of the Responsible Authority in accordance with the plans approved by the Responsible Authority.

30. Prior to the commencement of the development including excavation works, the common boundary of the subject land with VicTrack land must be set out by a licensed surveyor and an existing conditions report provided to the satisfaction of the Responsible Authority and VicTrack. Upon completion of the development a confirmation survey report must be provided by the licensed surveyor confirming the containment of the development within the subject land to the satisfaction of the Responsible Authority and VicTrack. The report must also show the location of any services to the development which are within VicTrack land.
31. Prior to the commencement of the development, an Acoustic Assessment of the development must be prepared to the satisfaction of 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 the railway does not impact adversely on the amenity of the dwellings;

- b) Bedrooms must be constructed in such a way to ensure that internal bedroom noise levels will not exceed 65 L(Aeq) or 85 L(Amax) for the day and 60 L (Aeq) or 85 L (Amax) for the night period from 10 pm to 6 am as confirmed by a qualified Acoustic Engineer; and
- c) Describe any design, attenuation or construction measures necessary to achieve the internal bedroom noise standard.

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

- 32. The permit holder or their agents must not enter any VicTrack land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the VicTrack land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the VicTrack land.
- 33. Prior to the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the VicTrack land. The developer must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the VicTrack land.
- 34. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements, which may include an agreement with the Rail Operator, as required by VicTrack.
- 35. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure. or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
- 36. During the construction of the development, including demolition and bulk excavation, the permit holder must:
 - a) Take all reasonable steps to avoid disruptions to rail operations; and
 - b) Comply with:
 - i. The Rail Operator's Safety and Environmental requirements; and
 - ii. The requirements of any construction control and indemnity agreement it has entered into with VicTrack and/or the Rail Operator.
- 37. The permit holder must, unless otherwise allowed by VicTrack and MTM (Metro Trains Melbourne) the permit holder must at all times ensure that the common boundary with VicTrack land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
- 38. The permit holder must not, at any time:
 - a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the VicTrack land; or
 - b) Store or deposit any waste, soil or other materials on the VicTrack land.

39. Any wall to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be born for by the permit holder and/or the future owners of the land.
40. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and VicTrack land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
41. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.
42. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
43. Prior to the commencement of the development, excluding demolition and bulk excavation, the permit holder must prepare a sun glare report which confirms that the building materials (including glass/window/balcony treatments) along the rail corridor are of a non-reflective finish and the colour schemes of the development do not interfere with train driver operations. The report must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with VicTrack. The report must address potential sun glare from any potentially reflective surfaces of the development to assess the potential impact of any reflective sun glare on train drivers' sight in the vicinity of the subject land (in particular that any such glare does not interfere with a driver's viewing of signals or the track in either direction). The development must be constructed in accordance with the recommendations of the approved report to the satisfaction of the Responsible Authority.
44. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto VicTrack land or disturbance to railway operations.
45. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within VicTrack land.
46. Before the commencement of the development, excluding demolition and bulk excavation, the permit holder must prepare plans to be submitted to, and approved by, the Responsible Authority in consultation with VicTrack, which show the design features of the development (including appropriate screening to balconies) that will be implemented by the permit holder to ensure that objects cannot be projected into the rail corridor. The development must be constructed in accordance with the plans approved by the Responsible Authority.
47. Prior to the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or VicTrack land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the VicTrack land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
48. Any works required to relocate the 22kv transmission feeder lines will be at the cost of the permit holder.

49. Prior to the commencement of the development, including demolition and any site preparation works, the permit holder must obtain from VicTrack the grant of easement in respect of:
- a) Access to and use of direct sunlight in favour of those lots forming part of the subject land in which windows and balconies are existing on the western title boundary between the subject land and the railway land as at the date of completion of the developments (lots); and
 - i. In such quantum and quality as is required for the ordinary use of the lots; and
 - ii. Having regard to the quantum and quality of direct sunlight expected to pass over the railway land to the windows and balconies of the lots existing as at the date of completion of the development; and
 - b) Access to and use of air in favour of the Lots in which windows and balconies are existing on the western title boundary between the subject land and the railway land as at the date of completion of the development:
 - i. In such quantum as is required for the ordinary use of the lots; and
 - ii. Having regard to the quantum of air expected to pass over the railway land to the windows and balconies of the lots existing as at the date of completion of the development.

(together the **Easements**).

The grant of the Easements is subject to VicTrack obtaining all necessary clearances and approvals, including, but not limited to, clearance for the grant of the Easements from the Department of Economic Development, Jobs, Transport and Resources, the approval of the Government Land Monitor to the proposed grant (including the price payable for the grant), the approval of the Minister for Public Transport pursuant to section 125(1)(b) of the *Transport Integration Act 2010* (Vic), and the approval of the Treasurer pursuant to section 125(1)(b) of the *Transport Integration Act 2010* (Vic). If the developer is unable to comply with this condition, the developer must submit amended plans of the development to the Responsible Authority showing setbacks or design modifications satisfactory to VicTrack from the western title boundary.

50. Before occupation of the development:
- a) The permit holder must submit plans to the Responsible Authority for approval by the Responsible Authority in consultation with VicTrack detailing the platform awning to be constructed by the permit holder on rail land; and
 - b) The permit holder must construct the platform awning in accordance with the plans approved by the Responsible Authority in consultation with VicTrack.

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.

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

CARRIED

Cr. Vilella called for a Division:

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

The Chairperson, Cr. Fontana exercised his casting vote in favour of the Committee Decision.

The Chairperson declared the Committee Decision be carried.

Cr. Walsh entered the meeting during discussion of the above item at 7.46 pm.

5.2 APPLICATION FOR PLANNING PERMIT D/911/2015
 30 McMahon Road, Reservoir

AUTHOR: Senior Planner – Katharine Brodie

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ikonomidis Reid Pty Ltd	Helen Margaret Amor and Amy Frances Gledden

SUMMARY:

- This application seeks approval to develop three (3) double storey dwellings.
 - Unit 1 is a three bedroom dwelling with a double garage, Units 2 and 3 are two bedroom dwellings with single garages,
 - Unit 1 has 48.3sqm of secluded private open space, Unit 2 has 52.6sqm, Unit 3 has 34.89sqm.
 - Maximum height of 7.446 metres,
- The site is zoned General Residential Zone Schedule 1.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be supported.

CONSULTATION:

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

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

- Chris MacKenzie, on behalf of Applicant.

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. T. Laurence

That Planning Permit Application D/911/2015 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 TP04, TP05, TP06, Revision A, Dated October 2015; Ikonomidis Reid) but modified to show:
 - a) The stairs to Unit 3 are to remain open to the TV room, to prevent the TV room from being utilised as a bedroom.
 - b) The north wall of Unit 3 family/meals area modified to provide a minimum 40 square metres of secluded private open space. No side setbacks are to be reduced in order to achieve this requirement.
 - c) The pedestrian path connecting the Unit 1 to the site frontage must be fully constructed and not intermittent pavers.
 - d) The horizontal cladding proposed for the first floor to be replaced with a weatherboard style cladding.
 - e) A 1.0 metre by 1.0 metre minimum dimension to be provided for all dwelling front entrance landings.
 - f) No pedestrian doors opening into parking areas. Doors shown must be reversed so as to not open into the garages.
 - g) The common driveway within the tree protection zones (TPSz) of Trees 5 and 6, as detailed in Arboricultural Report submitted to Council by Tree Response, and dated February 2, 2016, shown as permeable.
 - h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - i) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the *eastern* and *western* sides of the *existing* crossover to *McMahon Road*. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - 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.

- k) Annotations detailing a Tree Protection Zone with a radius of 4.2 metres (measured from the outside edge of the trunk) for Tree 4 (*Fraxinus angustifolia*), 2.0 metres for Tree 5 (*Laurus nobilis*), and 3.0 metres for Tree 6 (*Ficus carica*) located in adjoining properties, in accordance with the requirements of Arboricultural Report submitted to Council by Tree Response, and dated February 2, 2016.
- l) Annotations detailing Ground protection (mulch overlaid with rumble boards) for the Trees 4, 5 and 6 (*Fraxinus angustifolia*, *Laurus nobilis*, *Ficus carica*) to be installed prior to any works on-site.
- Ground protection can only be removed following major construction for final landscaping and driveway construction.
- m) A notation stating that all excavation for footings of Unit 3 within the TPZ of Tree 4 must be supervised by a suitably qualified Arborist. Any roots uncovered must be pruned with sharp and sterile hand tools.
- n) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 6.96 metres (measured from the outside edge of the trunk) for Tree 7 (*Melaleuca stypheloides*) located in the naturestrip of 30 McMahon Road, in accordance with the requirements of Arboricultural Report submitted to Council by Tree Response, and dated February 2, 2016, and Condition 9 of this Permit.
- The fencing must remain in place for the duration of major works and can only be removed for final landscaping. The fencing can only be removed in consultation with a suitably qualified arborist to the satisfaction of the local authority.
- A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
- o) A notation stating the Tree Protection Zone (TPZ) of Tree 4 (outside the footprint of Unit 3) must remain at existing grade and be permeable (no hard surfaces).
- p) A notation stating the common driveway within the Tree Protection Zones (TPZs) of Trees 5 and 6 must be constructed at grade.
- q) A notation stating all new boundary fences within Tree Protection Zones (TPZs) will be of light timber construction with manually excavated stump holes (no strip footing).
- r) A notation stating all clearance pruning for Trees 4 and 6 will be carried out in accordance with the Australian Standard AS4373 – 2007: **Pruning of Amenity Trees**.
- s) A landscape plan, in accordance with Condition 6 of this Permit. The landscape plan must include at least two (2) medium canopy trees within the front setback, and four (4) small canopy trees within the secluded private open space areas.
- All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (height x Width): small canopy (4-6 metres x 4 metres), medium canopy (6x8m x 6m), large canopy (8x12 metres x 10 metres).
- When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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

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

Before this Permit expires:

- Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. The land must be drained to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
6. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) At least two (2) medium canopy trees within the front setback, and four (4) small canopy trees within the secluded private open space areas.

All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (height x Width): small canopy (4-6 metres x 4 metres), medium canopy (6x8 metres x 6 metres), large canopy (8x12 metres x 10 metres).
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

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- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. Before buildings and works (including demolition) start, a tree protection fence must be erected around the *Melaleuca stypheloides* tree at a radius of 6.96 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.
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10. Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.
Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.
11. The first floor TV room of Unit 3 is to remain open to the stairs, to ensure the TV room is not utilised as a bedroom.
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. 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.
14. 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. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. 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

5.3 APPLICATION FOR PLANNING PERMIT D/422/2015
534 Plenty Road, Preston

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Roger Bell c/o Beyond Design Group Pty Ltd	Roger Colin Bell and Alan David Porteus	Beyond Design Group, TTM Traffic Consultants, Stem Arboriculture, David De Giovanni Town Planning

SUMMARY:

- It is proposed to demolish the existing building and construct a five (5) unit development on the site comprised of four (4) triple-storey dwellings and one (1) double-storey dwelling.
- Dwellings 1 to 4 are to have two (2) bedrooms and have a similar design and layout. At ground floor level they are each to have a single garage, study and laundry area. The first floor areas are to have an open plan kitchen/meals/living area and a north facing balcony of 9-10 square metres. The second floor areas are to have two (2) bedrooms and a bathroom.
- Dwelling 5 is to have a single garage, an open plan kitchen/meals/living area at ground floor level. The first floor level is to have two (2) bedrooms. This dwelling is to have private open space to the east, with an area of 37 square metres.
- Vehicle access is to be obtained via the single crossover on the northern side of the frontage with the accessway extending along the northern boundary. The existing crossover to the site from Plenty Road is proposed to be widened.
- The dwellings will have a contemporary design, with brick, render and lightweight cladding to the walls. The roofs are to be flat.
- Planning Scheme Amendment C137 which was lodged with the Minister for Planning on 15 December 2015 affects the subject site. This Amendment is proposed to place the site in a Residential Growth Zone Schedule 1 (RGZ1) and a Design and Development Overlay Schedule 17 (DDO17 - Plenty Road Corridor). As the Amendment has been adopted by Council and lodged with the Minister for Planning, it is considered to contain seriously entertained planning policy and will be relied on in this report to assess the development.
- There is no restrictive covenant registered on the title for the subject land.
- 16 objections were received against this application. This includes a petition with ten (10) signatures.
- The proposal meets the design objectives of Schedule 17 to the Design and Development Overlay (Amendment C137) and the relevant standards of Clause 55 of the Darebin Planning Scheme.

- It is recommended that the application be supported.

CONSULTATION:

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

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

- *David De Giovanni, on behalf of Applicant*

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. O. Walsh

That Planning Permit Application D/422/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP1, TP2, TP3 and TP4 Revision A dated 04/08/2015, prepared by Beyond Design Group and received by Council on 26 October 2015) but modified to show:
 - a) Removal of the bicycle parking spaces shown as bonnet storage within the garages of the dwellings.
 - 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 *northern and southern* sides of the crossover to *Plenty Road*. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - c) Unless sectional diagrams are provided demonstrating that no overlooking of adjoining property habitable room windows and secluded private open space area is possible due downwards views being blocked by the lower levels of the development and/or boundary fence, the windows listed below must 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.

Windows to be screened:

- Dwelling 1, 2, 3 and 4: second floor south-facing corridor/landing windows.

- Dwelling 1, 2, 3 and 4: second floor bedroom 1 north-facing windows (and east facing window returns).
- d) The private open space (POS) area of Dwelling 5 increased to 40 square metres minimum by relocating the fence extending between the northern wall of Dwelling 5 and the northern boundary relocated further west. This must not result in any change to the vehicle manoeuvring area.
- e) The 1.8 metre internal width of the balconies of Dwellings 1, 2, 3 and 4 increased to 2.0 metres. This must be carried out without a reduction in the setback of the balconies or any other setback.
- f) The provision of louvres in place of 75% obscure balustrades to the north side of the balconies of Dwellings 1, 2, 3 and 4 to optimise amenity to the balconies. The louvre screen must have an overall height of 1.7 metres above finished floor level and louvres must be angled as necessary to prevent overlooking of adjoining properties in accordance with Clause 55.04-6 of the Darebin Planning Scheme. Details and diagrams must be provided.
- g) The elevations to show a minimum headroom clearance of 2.1 metres to each of the garage entries.
- h) The location and details of all plant and equipment (including gas metres, water metres, 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, especially the front boundary, and integrated into the design of the building.
- i) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence (measured from the outside edge of the trunk) for the *trees on adjoining land and nature-strip as outlined below and included in the Arborist report prepared by Stem Arboriculture dated 6 October 2015*, in accordance with the requirements of Condition No.7 of this Permit.

Trees to be protected:

- Tree 1 nature strip tree (*Platanus x acerifolia*) must be retained with a Tree Protection Zone of 2.6 metres from the trunk edge.
- Tree 2 in the adjoining property to the north (*Malus x domestica*) must not be impacted by the proposed development and have a Tree Protection Zone of 3.3 metres from the trunk edge.
- Tree 3 in the adjoining property to the north (*Prunus armeniaca*) must not be impacted by the proposed development and have a Tree Protection Zone of 2.9 metres from the trunk edge.
- Tree 4 in the adjoining property to the east (*Coprosma repens*) must not be impacted by the proposed development and have a Tree Protection Zone of 2.8 metres from the trunk edge.

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

- j) A landscape plan in accordance with Condition No. 4 of this Permit.
- k) Modifications and specifications in accordance with the Sustainable Design Assessment (refer to Condition No. 8 of this Permit).
- l) Modifications and specifications in accordance with the Acoustic assessment (Refer to Condition No.10 of this Permit).

- m) The height of fences on the boundary (except within 3.0 metres of the western boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- n) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) At least five (5) small canopy trees must be included in the development. 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) Tree protection zones and tree protection measures in accordance with Condition No.1(i) and No.7 of this Permit.
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 trees listed below (and identified *in the Arborist report prepared by Stem Arboriculture dated 6 October 2015*) at a radius measured from the base of the trunk edge to define a 'tree protection zone' (TPZ).
- Tree 1 nature strip tree (*Platanus x acerifolia*) – TPZ of 2.6 metres.
 - Tree 2 in the adjoining property to the north (*Malus x domestica*) – TPZ of 3.3 metres.
 - Tree 3 in the adjoining property to the north (*Prunus armeniaca*) – TPZ of 2.9 metres.
 - Tree 4 in the adjoining property to the east (*Coprosma repens*) – TPZ of 2.8 metres

Storm water drains and other underground services must be diverted around the retained trees TPZ, the only exception would be if the services are installed by underground boring, at appropriate depths, with machinery access and entry pits located outside the TPZ.

Tree protection fencing must be installed around the nature strip tree prior to any works on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites.

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

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

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

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

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

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

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

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

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

- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
- b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise in accordance with "Houses and Apartments Near Major Roads" in Table 1 of AS2107:2000.
- c) 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 neighbouring residential properties.

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

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. 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.
14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. 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.
20. 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.

VicRoads Conditions

21. The crossover and driveway to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.

NOTATIONS

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

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

CARRIED

5.4 APPLICATION FOR PLANNING PERMIT D/1072/2015
 62 Barry Street, Northcote

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
D Stewardson	George Ikosidekas	N/A

SUMMARY:

- It is proposed to construct a double storey extension to the rear of the existing dwelling on land in a Heritage Overlay (see proposal section of this report for further details).
- The site is zoned Neighbourhood Residential Zone Schedule 1 and is affected by Heritage Overlay HO 161.
- There is no restrictive covenant on the Certificate of Title for the subject land.
- 6 objections were received against this application.
- The proposal is generally consistent with the Decision Guidelines of Clause 43.01 – Heritage Overlay of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Darebin Parks; Heritage and Capital Works.
- This application was not required to be referred to external authorities.

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

- *Michael Bellemo, on behalf of Applicant*
- *Arty Damigos, Objector*

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. B. Li

That Planning Permit Application D/1072/2015 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 plans TP03a, TP04a, TP05a, TP06a and TP07, dated Jan 2016, Job No. Barry01, drawn by Bellemo and Cat and received by Council on the 9th Feb 2016) but modified to show:
 - a) The shape of the upper level north facing windows modified to four (4) separate box shaped windows.
 - b) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of two (2) small sized canopy trees.
 - c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

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

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

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

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- d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Two (2) small sized canopy trees to be shown within the front and secluded private open space area of the dwelling commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
9. The land must be drained to the satisfaction of the Responsible Authority.
10. 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.
11. 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.

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 does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.

CARRIED

5.5 APPLICATION FOR PLANNING PERMIT D/949/2015
7 Highland Street, Kingsbury

AUTHOR: Senior Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
DD Planning	Jose Sanchez and Olvido Simon

SUMMARY:

- It is proposed to demolish the existing dwelling and construct four (4) double storey dwellings. Units 1 to 3 propose two (2) bedrooms and a bathroom at the ground level with the meals/living/kitchen at the first floor (reverse living arrangement). Unit 4 would have the meals/kitchen/living area and a laundry at the ground floor, with two (2) bedrooms, a study and bathroom at the first floor.
- Each unit would have access to a single space within a shared double carport. Vehicle access is via a common driveway along the western boundary of the site.
- The primary secluded private open space for Units 1 to 3 would be in the form of first floor balconies with direct access from the living area. The balconies range in size from 8.06 square metres to 8.87 square metres. Unit 4 has ground level secluded private open space with an area of 53.44 square metres.
- The dwellings will have a contemporary design with brick walls to the ground level with a variety of cladding at the first floor. The roof from would be predominantly flat with a sloped element to the street.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 20 objections were received against this application.
- It is considered that the proposal fails to adequately meet some of the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the opinion be formed not to support the application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit and the Capital Works Unit.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. A. Villella

That the opinion be formed not to support Planning Permit Application D/949/2015 on the following grounds:

1. The proposal does not meet the objectives of Council's Neighbourhood Character Study in terms of inadequate landscaping, inadequate setbacks, inappropriate presentation to Highland Street, height, visual bulk and excessive building form.
2. The proposal does not meet the objectives Clause 55 of the Darebin Planning Scheme, in particular:
 - a) Neighbourhood character - The proposal is inappropriate in terms of the height/visual bulk, inadequate setbacks, presentation to street and landscape character.
 - b) Inadequate setbacks.
 - c) Poor sense of address (unit 3).
 - d) Overlooking.
 - e) Poor opportunities for landscaping and the development does not comply with the garden and landscape character of the area.
 - f) Excessive building bulk/height unreasonably impacts on the amenity of adjoining properties.
3. The proposal is an overdevelopment of the site.
4. The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

CARRIED

5.6 APPLICATION FOR PLANNING PERMIT D/477/2015
 33 Miller Street, Thornbury

AUTHOR: Principal Planner – John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant/s
Hung Huynh	Hung Huynh	Mazark Architects Song Bowden Pty Ltd Millar Merrigan Land Surveyors

SUMMARY:

- It is proposed to construct two (2) double storey dwellings. Unit 1 is to the front of the site and Unit 2 is to the rear. The dwellings will have a similar level of accommodation, with two (2) bedrooms at ground level and living areas to the first floor.
- The dwellings are to have secluded private open space in the form of balconies with areas of 10 square metres each. The dwellings will each have a single garage to the centre of the site, accessed via an accessway along the eastern common boundary.
- The overall height of the development is approximately 6.64 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title which prevents quarrying and brickmaking, the proposed development will not breach the terms of the covenant.
- Five (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 (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit and the Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

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

- Daniel Bowden, on behalf of Applicant
- Geoff Lambourn, Objector

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. S. Tsitas

That Planning Permit Application D/477/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, TP06, TP07 and TP08, Revision A, dated 1 December 2015, prepared by Mazark and Associates Architects Pty Ltd but modified to show:
 - a) Revised first floor plans deleting the east facing stair windows for both Units 1 and 2 (as per the elevation plans).
 - b) The northern edge of the balcony to Unit 2 is to have a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level to limit unreasonable views to adjoining properties (within 45 degrees and a 9 metres distance, in accordance with Standard B22 of Clause 55). A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - c) The two (2) southernmost, west facing, screened first floor windows of Unit 2 to be replaced with highlight windows with a minimum sill height of 1.7 metres above finished floor level.
 - d) Where fixed screens are being utilised they must be notated as being no more than 25% permeable and a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - f) External, operable sun shading devices to all east and west facing habitable room windows. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
 - g) An external, fixed shading device to the north facing window of bedroom 1 to Unit 1. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
 - h) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - i) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

j) A Landscape Plan in accordance with Condition No.4 of this Permit.

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

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

3. This Permit will expire if either:

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

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

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

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

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

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- i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The land must be drained to the satisfaction of the Responsible Authority.
12. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
13. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
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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;

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

Cr. Walsh temporarily left the meeting at the end of the above item at 8.37 pm.

5.7 APPLICATION FOR PLANNING PERMIT D/1037/2015
 38 Mansfield Street, Thornbury

AUTHOR: Principal Planner– John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Taouk Architects	Helen Bisbas	Glossop Town Planning

SUMMARY:

- It is proposed to to construct a medium density housing development comprising the construction of five (5) double storey, attached dwellings.
- Unit 1 will have three (3) bedrooms and access to two (2) car parking spaces comprising a double space garage. Units 2-5 will have two (2) bedrooms and access to a single space garage each. No visitor parking is provided on site.
- Vehicle access is to be gained via an existing crossover at the western edge of the site.
- Secluded private open space is provided at first floor level in the form of balconies for Units 1-4 with areas of between 8.09sqm and 9.26sqm Secluded private open space is provided at ground level for Unit 5 with an area of 25 square metres.
- The maximum height of the development is 6.66 metres above natural ground level.
- The site is zoned General Residential Zone Schedule 2.
- 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.

CONSULTATION:

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

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

- Sue Zhang, on behalf of Applicant
- Judy Benney, Objector

Recommendation

That Planning Permit Application D/1037/2015 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 TPA02 of 5, First Floor Plan TPA03 of 5, Elevations TPA04 of 5 and Landscape Plan Ground Level LCD-001, dated 30 November 2015 and prepared by Taouk Architects) but modified to show:
 - a) Swept path diagrams and any alterations required to illustrate effective and efficient vehicle manoeuvrability to all garages to the satisfaction of the responsible authority. If alterations are required, no building setbacks to property boundaries are to be decreased.
 - b) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 4 of this Permit).
 - c) Delete skylights to all dwellings.
 - d) Include north facing, operable clerestory windows to the kitchen/meals/sitting rooms of Units 2, 3 and 4.
 - e) Fixed external sun shading devices to all north facing habitable room windows and glazed doors. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
 - f) Operable external sun shading devices (not roller shutters) to all first floor east and west facing habitable room windows and glazed doors and the ground floor, west facing glazed doors of Unit 5. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
 - g) The first floor, south, east and west facing habitable room windows (excluding the bedroom 3 window of Unit 1) provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
 - h) The storage to the garage of Unit 5 relocated to the secluded private open space area of that dwelling.
 - i) The balconies for Units 2, 3 and 4 to have a minimum dimension of 2.0 metres.
 - j) The retreat to Unit 5 with a maximum dimension of 1.9 metre in one (1) direction.

k) A landscape plan in accordance with Condition No. 5 of this Permit.

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

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

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

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

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).

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- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006.
- This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
-

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

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

to the satisfaction of the Responsible Authority.

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

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.

Motion

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

That Planning Permit Application D/1037/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal does not respect the neighbourhood character of the area.
2. The development does not comply with the following standards and/or objectives at Clause 55 of the Darebin Planning Scheme:
 - a) Standard B1 (Neighbourhood Character)
 - b) Standard 10 (Energy Efficiency)
 - c) Standard B13 (Landscaping)
 - d) Standard B14 (Access)
 - e) Standard B17 (Side and Rear Setbacks)
 - f) Standard B28 (Private Open Space)
 - g) Standards B29 (Solar Access to Open Space).
3. The minimal first floor setbacks of the development to the secluded private open space of the adjoining properties to the south, east and west could cause the development to have a detrimental impact on the amenity of those properties.
4. The amenity (outlook and access to sunlight) of the balconies to Units 2, 3 and 4 is poor due to the high adjoining residential properties.
5. The proposal is an overdevelopment.

Cr. Greco proposed to the mover (Cr. McCarthy) and seconder (Cr. Villella) that an additional point 6.be included. This was accepted by Cr. McCarthy and Cr. Villella.

6. Does not meet parking requirements as it has insufficient visitor car parking.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Planning Permit Application D/1037/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal does not respect the neighbourhood character of the area.

2. The development does not comply with the following standards and/or objectives at Clause 55 of the Darebin Planning Scheme:
 - a) Standard B1 (Neighbourhood Character)
 - b) Standard 10 (Energy Efficiency)
 - c) Standard B13 (Landscaping))
 - d) Standard B14 (Access)
 - e) Standard B17 (Side and Rear Setbacks)
 - f) Standard B28 (Private Open Space)
 - g) Standards B29 (Solar Access to Open Space).
3. The minimal first floor setbacks of the development to the secluded private open space of the adjoining properties to the south, east and west could cause the development to have a detrimental impact on the amenity of those properties.
4. The amenity (outlook and access to sunlight) of the balconies to Units 2, 3 and 4 is poor due to the high adjoining residential properties.
5. The proposal is an overdevelopment.
6. Does not meet parking requirements as it has insufficient visitor car parking.

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

Committee Decision

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

That Planning Permit Application D/1037/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal does not respect the neighbourhood character of the area.
2. The development does not comply with the following standards and/or objectives at Clause 55 of the Darebin Planning Scheme:
 - a) Standard B1 (Neighbourhood Character)
 - b) Standard 10 (Energy Efficiency)
 - c) Standard B13 (Landscaping))
 - d) Standard B14 (Access)
 - e) Standard B17 (Side and Rear Setbacks)
 - f) Standard B28 (Private Open Space)
 - g) Standards B29 (Solar Access to Open Space).
3. The minimal first floor setbacks of the development to the secluded private open space of the adjoining properties to the south, east and west could cause the development to have a detrimental impact on the amenity of those properties.
4. The amenity (outlook and access to sunlight) of the balconies to Units 2, 3 and 4 is poor due to the high adjoining residential properties.
5. The proposal is an overdevelopment.

6. Does not meet parking requirements as it has insufficient visitor car parking.

CARRIED

Cr. Walsh returned to the meeting during discussion of the above item at 8.39 pm.

5.8 APPLICATION FOR PLANNING PERMIT D/667/2015
 4 Strettle Street, Thornbury

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Property Collectives C/O Engcorp P/L	Edward Francis Tormey	N/A

SUMMARY:

- It is proposed to develop six (6) double storey dwellings (plus roof terrace). Each dwelling comprises a ground level living space and access to a ground level garden. Each dwelling provides three (3) bedrooms and two (2) car parking spaces.
- The site is zoned General Residential (Schedule 2).
- There is a restrictive covenant on title, however the proposed development will not breach the terms of the covenant.
- 13 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 a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and the ESD officer.
- 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:

- *Tim Riley, on behalf of Applicant*

Committee Decision**MOVED: Cr. T. McCarthy****SECONDED: Cr. T. Laurence**

That Planning Permit Application D/667/2015 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: AP03 Rev C, AP04 Rev C and AP05 Rev C, prepared by Pillar and Post, dated 29 March 2016) but modified to show:

- a) A landscape plan in accordance with Condition No. 5 of this Permit.
- b) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 6 of this Permit).
- c) A 3-dimensional diagram/plan of the front elevation details and expressing the use of the relief brick work and the perforated brick work.
- d) Details of the pedestrian entry to dwelling 1.
- e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 4.0 metres (measured from the outside edge of the trunk) for the Phoenix canariensis (tree 18) located within the front setback in accordance with the requirements of Condition No. 6 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) Fixed horizontal shading devices to all north elevation windows.
- g) Retractable vertical shading devices to all west elevation windows and or balconies.
- h) The first floor north and south facing habitable room 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. As part of the consultant team Pillar and Post or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

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- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. 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.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the Phoenix caneriensis (tree 18) tree at a radius of 4.0 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. 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. The development must be constructed in relief and perforated brickwork, as shown on the endorsed plans, to the satisfaction of the Responsible Authority.
12. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the *Building Regulations 2006*. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
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13. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
14. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. 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.
20. 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 UNANIMOUSLY

Cr. Walsh left the meeting during discussion of the above item at 8.57 pm and returned at 8.59 pm.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: Scheduled VCAT Applications, Significant Applications and Applications For The Next Planning Committee Meeting

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

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

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

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

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. G. Greco

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

CARRIED

7. CLOSE OF MEETING

The meeting closed at 9.13 pm.

