



the place
to live

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 26 April 2016

Released to the public on Friday 29 April 2016

Table of Contents

- 1. PRESENT.....1**
- 2. APOLOGIES1**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST1**
- 4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE.....2**
- 5. CONSIDERATION OF REPORTS.....3**
 - 5.1 CORRECTION OF PROCEDURAL ERROR – ITEM 5.2 OF THE PLANNING COMMITTEE MEETING HELD ON 11 APRIL 2016.....3
 - 5.2 APPLICATION FOR PLANNING PERMIT D/746/2015
45 Lewis Street, Thornbury5
 - 5.3 APPLICATION FOR PLANNING PERMIT D/1005/2015
35/3 Matisi Street, Thornbury 12
 - 5.4 APPLICATION FOR PLANNING PERMIT D/56/2015
153 Wood Street, Preston..... 15
 - 5.5 APPLICATION FOR PLANNING PERMIT D/910/2015
65 Dundee Street, Reservoir.....23
 - 5.6 APPLICATION FOR PLANNING PERMIT D/647/2015
12 McNamara Street, Preston.....29
 - 5.7 APPLICATION FOR PLANNING PERMIT D/124/2015
91 Gillies Street, Fairfield34
- 6. OTHER BUSINESS.....41**
 - 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING41
- 7. CLOSE OF MEETING42**

**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 26 APRIL 2016**

THE MEETING COMMENCED AT 7.01 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Gaetano Greco
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas (7.03 pm)
Cr Angela Villella (7.03 pm)
Cr Oliver Walsh
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director Assets and Business Services
Darren Rudd – Manager City Development
Cristen Sullivan – Coordinator Statutory Planning
Jacinta Stevens – Executive Manager Corporate Governance and Performance
Jody Brodribb – Acting Coordinator Council Business

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. McCarthy disclosed a conflict of interest in Item 5.3 – Application for Planning Permit D/1005/2015 – 35/3 Matisi Street, Thornbury.

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. G. Greco
SECONDED: Cr. J. Williams

THAT the Minutes of the Planning Committee meeting held on 11 April 2016 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 CORRECTION OF PROCEDURAL ERROR – ITEM 5.2 OF THE PLANNING COMMITTEE MEETING HELD ON 11 APRIL 2016

Author: Manager City Development

Reviewed By: Director Assets and Business Services

Report Background

- This report seeks to address an administrative error that led to a resident registered to speak to the planning committee meeting of 11 April 2016 being denied the opportunity to be heard.
- The error arose from the objector being incorrectly listed to speak against an agenda item that was considered later in the agenda and after the decision was made on the agenda item that was the subject of their objection.
- The matter concerns planning application D/746/2015 which proposed two dwellings on a lot at 45 Lewis Street, Thornbury, which appeared as Item 5.2 on the Planning Committee agenda of 11 April 2016.

Previous Committee Decision

This report relates to and proposes an amendment to the resolution passed by the Planning Committee meeting of 11 April 2016. The Committee Decisions adopted reads as follows:

That the Planning Committee agree to move Item Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 'en bloc'.

and

That the 'Recommendations' contained in Report Items Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 be adopted 'en bloc'.

It is proposed to remove any reference to Item 5.2 in this resolution with the remaining matters subject of the resolution remaining unaffected and deemed to be now acted on.

Previous Briefing(s)

This matter has not previously been to a Councillor briefing and has however been communicated to all Councillors in writing via email on 13 April 2016.

Council Plan Goal/Endorsed Strategy

- Open and Accountable Democracy

Summary

- This report seeks to address an administrative error that led to a resident who had registered to speak to the planning committee meeting of 11 April 2016 being denied the opportunity to be heard.

- The error arose from the objector being incorrectly listed to speak against an agenda item that was considered later in the agenda and after the decision was made as part of an 'en bloc' motion for the item that was the subject of their objection.
- The matter concerns planning application D746/2015 which proposed two dwellings on a lot at 45 Lewis Street, Thornbury, which appeared as Item 5.2 on the Planning Committee agenda of 11 April 2016.
- The Planning and Environment Act 1987 together with Council's Community Engagement Framework and Good Governance Charter promote the obligation of Council to provide an opportunity for affected person/s to be heard in relation to submission they make to Council.
- This report proposes to amend the resolution of the Planning Committee meeting of 11 April 2016 in respect to Item 5.2 of the agenda and provide an opportunity for the objector to be heard by the planning Committee in relation to the objection
- This report has no impact on the remainder of the items which together with item 5.2 of the agenda on 11 April 2016 were moved and carried an 'en bloc' resulting in a number of planning applications being decided.
- This report ensures the objector has their right to be heard in relation to their submission before Council re-decides planning application D/746/2015.

Committee Decision

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

That the Planning Committee:

1. Amends the Committee Decision of 11 April 2016 in respect of Planning Permit Application No. D/746/2015 – 45 Lewis Street Thornbury, by deleting any reference to Item No. 5.2.
2. Reconsiders Item No. 5.2 from the agenda of 11 April 2016 in order to provide the objector the opportunity to be heard in support of her objection, which opportunity was missed as a result of an administrative error at the previous Committee Meeting.
3. Note that officers have provided a formal apology to the applicant and objector in relation to this administrative error.

CARRIED

5.2 APPLICATION FOR PLANNING PERMIT D/746/2015
 45 Lewis Street, Thornbury

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Karseras Investments Pty Ltd	N/A

SUMMARY:

- It is proposed to construct two (2) double storey dwellings with dwelling 1 fronting Lewis Street and dwelling 2 fronting Comas Grove. Each dwelling will have three (3) bedrooms, access to two (2) car spaces (one under cover) and ground level open space (see proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on the Certificate of Title, the proposed development will not breach the terms of the covenant.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following units in Council: Capital Works and Darebin Parks.
- 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:

- Chris Mackenzie, on behalf of the Applicant
- Carmela Sabatino, Objector

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. A. Villella

That Planning Permit Application D/746/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheets TP03 and TP04 Rev B, dated July 2015, Job No. 9291 drawn by Ikonomidis Reid and received by Council on the 29 December 2015) but modified to show:

- a) The notation associated with the pedestrian visibility splays shown on Plan TP03-B confirming that *where within the splay, any structures or vegetation must be not more than 1.15 metres in height.*
- b) The north to south dimension of the secluded private open space (SPOS) of dwelling 1 applying to a minimum area of 25 square metres and complying with Standard B29 of the Darebin Planning Scheme.
- c) Annotations detailing a radial Tree Protection Zone and associated Tree Protection Fence either within the confines of the subject site or nature strip around the following trees:
 - Tree 3 – 2 metres from trunk edge
 - Tree 4 – 2 metres from trunk edge
 - Tree 5 – 2.4 metres from trunk edge
 - Tree 6 – 2.04 metres from trunk edge
 - Tree 7 – 2 metres from trunk edge

The zones must be measured from the outside edge of the trunk in accordance with the requirements of Condition No. 7 of this Permit.

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

- d) The height of the eastern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL).

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

- e) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of four (4) small and two (2) medium sized canopy trees.
- f) External retractable shading devices over all east and west facing habitable room windows.
- g) Fixed external shading devices over all north facing habitable room windows.
- h) A schedule of construction materials, finishes and colours (including colour samples).
- i) The finished first floor levels shown on the plans for each of the dwellings.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, a minimum of four (4) small sized and two (2) medium sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees and measured in a radius from the base of the trunk as detailed in Arboricultural Report, Prepared by Tree Reponse Pty Ltd, dated 30 November 2015 and received by Council on the 29 December 2015:
- Tree 3 – 2 metres from trunk edge
 - Tree 4 – 3 metres from trunk edge
 - Tree 5 – 3.36 metres from trunk edge
 - Tree 6 – 3 metres from trunk edge
 - Tree 7 – 2 metres from trunk edge
 - Tree 8 – 2 metres from trunk edge
- To maintain the viability of Trees 3 and 4 the following must be undertaken:
- New garage foundations not to use a strip foundation within the structural Root Zones (e.g. use piers with above – grade construction).
 - Remove existing concrete driveway by hand.
 - Retain existing soil levels within Structural Root Zones (SRZ).

- Use rumble boards over a 100mm mulch layer until garage construction commences.
- Earthworks within the SRZs (e.g. piers) must only be constructed by hand for the initial 600mm of the soil profile.
- Any roots uncovered must be pruned with a sharp and sterile hand tool.

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

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

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

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

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

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

8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

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

- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the *Sale of the Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED

Cr. McCarthy disclosed a conflict of interest in the following item (5.3 Application for Planning Permit D/1005/2015 – 35/3 Matisi Street, Thornbury) classifying the type of interest as an indirect interest due to a conflicting duty as he previously made representation on behalf of a neighbouring objector in a similar planning matter.

Cr. McCarthy left the meeting prior to consideration of this item – 7.17 pm.

5.3 APPLICATION FOR PLANNING PERMIT D/1005/2015
 35/3 Matisi Street, Thornbury

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Stuart Ringholt Art	Stuart Ringholt Art	N/A

SUMMARY:

- It is proposed to use the land as an art and craft centre and reduce the statutory car parking requirement.
- The site is zoned Industrial 3 (INZ3).
- There is no restrictive covenant on the title for the subject land.
- Forty eight (48) objections were received against this application; eight (8) letters were received in support of this application.
- 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 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:

- *Stewart Ringholt, on behalf of the Applicant*
- *Sonia Horbelt, Objector*
- *Mark Tigden, Objector*

Committee Decision

MOVED: Cr. S. Tsitas
SECONDED: Cr. A. Villella

That Planning Permit Application D/1005/2015 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 Stuart Ringholt Art, received by Council 15 January 2016) but modified to show:
 - (a) Deletion of the external loading bay.When approved, the plans will be endorsed and form part of this Permit.
- 2 The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

This Permit will expire if the use is not started within three (3) years from the date of this Permit.
- 3 The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.
- 4 The land must not be used for any purpose listed in Clause 52.10 of the Darebin Planning Scheme.
- 5 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.
- 6 The number of people on the premises at any one time must not exceed three (3).
- 7 The use may operate only between the hours of 8am and 6pm, 7 days a week.
- 8 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 9 All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
- 10 The land must be drained to the satisfaction of the Responsible Authority.

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 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.
- N4 Where the *Disability Discrimination Act* requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N5 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.

CARRIED

Cr. Tsitas temporarily left the meeting at the conclusion of the above item at 7.45 pm.

Cr. McCarthy returned to the meeting at the conclusion of the above item at 7.46 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/56/2015
 153 Wood Street, Preston

AUTHOR: Principal Planner – John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Hardat Developments Pty Ltd c/o Beyond Design Group	Exors Vito Carone and Exors Rosa Carone	Beyond Design Group

SUMMARY:

- On 14 September 2015, the Planning Committee refused an application to construct a medium density housing development comprising five (5) double storey dwellings and reduce the associated visitor car parking requirement. A review of Council’s decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is for a medium density housing development comprising the construction of three (3) double storey dwellings and one (1) single storey dwelling.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant registered on the Certificate of Title.
- Eighteen (18) objections were originally received against this application.
- One (1) objector has lodged a statement of grounds prior to the circulation of the amended plans and intends to be a party to the appeal.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

CONSULTATION:

- The applicant has advised that the amended application and plans have been circulated to all parties to the proceeding in accordance with Practice Note PNPE9.
- The substituted plans were not referred to any internal departments for comment.
- The substituted plans were not required to be circulated to any external referral authorities.

Recommendation

That Council advise the Tribunal it has considered the substituted plans (identified as drawing numbers DR1,TP1, TP2, TP3 and SH1, prepared by Beyond Design Group and dated 12.12.2014) and supports the proposal subject to the conditions set out below.

That Council request the Tribunal make orders with the consent of the parties to this effect.

This Permit Allows:

A medium density housing development comprising the construction of three (3) double storey dwellings and one (1) single storey dwelling.

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 numbers,TP1, TP2 and TP3 prepared by Beyond Design Group and dated 12.12.2014) but modified to show:
 - a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - c) The study to Unit 1 to have a maximum dimension in one (1) direction of 1.90 metres. This is to be achieved by reducing the floor area of the dwelling and without reducing any boundary setbacks.
 - d) A cantilevered canopy to the entry porch of Unit 3 that increases the visibility of the dwelling entry and sense of address from within the driveway.
 - e) External, operable sun shading devices to all east and west facing habitable room windows.
 - f) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.
 - g) Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.
 - h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the east and sides of the crossover to Wood Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - 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) The first floor, east facing study window of Unit 3 provided with either:
 - a sill with a minimum height of 1.7 metres above finished floor level,
 - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or

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

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

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

- g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
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. The land must be drained to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010.
- This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. 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.
10. 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.
11. 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;
 - 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.

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

- *Rebecca Lindsay, Objector*

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. B. Li

That Council advise the Tribunal it has considered the substituted plans (identified as drawing numbers DR1,TP1, TP2, TP3 and SH1, prepared by Beyond Design Group and dated 12.12.2014) and supports the proposal subject to the conditions set out below.

That Council request the Tribunal make orders with the consent of the parties to this effect.

This Permit Allows:

A medium density housing development comprising the construction of three (3) double storey dwellings and one (1) single storey dwelling.

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 numbers,TP1, TP2 and TP3 prepared by Beyond Design Group and dated 12.12.2014) but modified to show:
 - a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - c) The study to Unit 1 to have a maximum dimension in one (1) direction of 1.90 metres. This is to be achieved by reducing the floor area of the dwelling and without reducing any boundary setbacks.
 - d) A cantilevered canopy to the entry porch of Unit 3 that increases the visibility of the dwelling entry and sense of address from within the driveway.
 - e) External, operable sun shading devices to all east and west facing habitable room windows.
 - f) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.
 - g) Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.

-
- h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the east and sides of the crossover to Wood Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - 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) The first floor, east facing study window of Unit 3 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. 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.

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

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

-
- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
4. 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.
5. 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.
6. The land must be drained 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. 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.
-

9. 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.
10. 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;
 - 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.

CARRIED

Jacinta Stevens, Executive Manager Governance and Performance temporarily left the meeting during discussion of the above item at 7.47 pm and returned at 7.48 pm.

Rasiah Dev, Chief Executive temporarily left the meeting during discussion of the above item at 7.51 pm and returned at 7.52 pm.

Cr. Tsitas returned to the meeting during discussion of the above item at 7.53 pm.

5.5 APPLICATION FOR PLANNING PERMIT D/910/2015
65 Dundee Street, Reservoir

AUTHOR: Urban Planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Maureen Florence Hough	N/A

SUMMARY:

- The development application proposed is for the purpose of four (4) double storey townhouses each with two (2) bedrooms and one (1) covered car space. A minimum of 55 square metres private open space has been provided to all dwellings.
- The site is zoned General Residential Zone 1
- There is no restrictive covenant on the title for the subject land.
- 17 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of 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, Transport Management, Darebin Parks and Council Property Units.
- This application was not required to be referred to external authorities.

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

- *Chris Mackenzie, on behalf of the Applicant*
- *Yuan Xu, Objector*

Motion

MOVED: Cr. O. Walsh

SECONDED: Cr. S. Tsitas

That Planning Permit Application D/910/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP-04, TP05 and TP-06 Revision B, prepared by Ikonmidis Reid received by Council on 22 January 2016) but modified to show:
 - a) A notation for all first floor windows (except south facing first floor windows of Dwelling 1 and 4) that states 'fixed obscured glazing (not film) to 1.7 metres above finished floor levels with a minimum of 25% transparency';
 - b) Where not fixed, all habitable windows must be noted as openable for all dwellings on the elevation plans;
 - c) Adjustable external shading to all north and west facing ground and first floor habitable room windows to all dwellings;
 - d) The eastern 'meals room' wall of Dwelling 4 setback a minimum of 0.35 metres from the eastern boundary. This must be achieved without altering any other setbacks;
 - e) A notation stating that the first floor TV rooms of Dwelling 2 and 3 must remain open and not be used as bedrooms;
 - f) Garage doorways with a minimum width of 3.3 metres;
 - g) A minimum headroom within the garages of 2.2 metres;
 - h) A landscape plan in accordance with Condition No. 4 of this Permit including at least two (2) suitable medium canopy trees (within the southern setback) and five (5) small canopy trees within the private open space areas;
 - i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples);

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or

-
- e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a fee of \$463 must be paid to the Responsible Authority for the planting of a street tree within the nature strip adjacent to the frontage of the land.

The existing street tree must be removed by the developer/permit holder at their own cost, to the satisfaction of the responsible authority. The removal works must be undertaken by a suitably qualified arborist.

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) At least two (2) suitable medium canopy trees (within the southern setback) and five (5) small canopy trees within the private open space areas.
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

-
- k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. 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. The first floor TV rooms of Dwelling 2 and 3 must remain open and not be used as bedrooms.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
-

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

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

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

THE MOTION WAS PUT TO THE VOTE AND LOST.

Alternate Motion**MOVED: Cr. G. Greco****SECONDED: Cr. A. Villella**

That Planning Permit Application D/910/2015 be refused and a Notice of Refusal be issued on the following grounds:

1. The proposal does not respect the existing or preferred Neighbourhood Character and is not consistent Clause 22.02 of the Darebin Planning Scheme with regard to:
 - a. The double storey element to the rear of the site contributes visual bulk to the adjoining properties
 - b. Dominance of upper levels does not respect the single storey residential built form of the area
2. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a. Clause 55.02-1 Standard B1 – The proposal does not respect the existing or preferred neighbourhood character
 - b. Clause 55.04-3 Standard B19 - Dwelling 4's wall on boundary unreasonably impacts daylight to the existing window on the adjoining property.

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

Committee Decision**MOVED: Cr. G. Greco****SECONDED: Cr. A. Villella**

That Planning Permit Application D/910/2015 be refused and a Notice of Refusal be issued on the following grounds:

1. The proposal does not respect the existing or preferred Neighbourhood Character and is not consistent Clause 22.02 of the Darebin Planning Scheme with regard to:
 - a) The double storey element to the rear of the site contributes visual bulk to the adjoining properties
 - b) Dominance of upper levels does not respect the single storey residential built form of the area
2. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Clause 55.02-1 Standard B1 – The proposal does not respect the existing or preferred neighbourhood character
 - b) Clause 55.04-3 Standard B19 - Dwelling 4's wall on boundary unreasonably impacts daylight to the existing window on the adjoining property.

CARRIED

Cr. Walsh temporarily left the meeting during discussion at 7.57 pm and returned at 7.58 pm.

5.6 APPLICATION FOR PLANNING PERMIT D/647/2015
 12 McNamara Street, Preston

AUTHOR: Principal Planner– Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ikonomidis Reid Pty Ltd	Ray Borg and Elema Borg

SUMMARY:

- This application proposes a medium density development comprising two (2) double storey dwellings. Each dwelling will have three (3) bedrooms and access to two (2) car parking spaces within a double garage.
- Vehicle access is to be gained via a proposed crossover at the eastern edge of the site.
- Secluded private open space is provided at ground level for each dwelling with areas of between 32.50 square metres and 37.2 square metres.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seventeen (17) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

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

- *Chris Mackenzie, on behalf of the Applicant*

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. B. Li

That Planning Permit Application D/647/2015 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 & Elevations TP-03 Rev C and First Floor Plan & Elevations TP-04 Rev C, dated December 2015 and prepared by Ikonomidis Reid) but modified to show:

- a) The east facing windows of Bedrooms 1 and 2 of Unit 1 and Bedroom 2 and the stairwell window of Unit 2 and the south facing bedroom window of Bedroom 3 either:
 - Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or provided with:
 - 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. This must be clearly noted on the plans.

- b) The height of fences on the boundary fences (except within 8 metres of the front (south) 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.

- c) A landscape plan in accordance with Condition No. 4 of this Permit. The landscape plan must include the provision of at least 2 medium sized canopy trees within the front setback and one medium sized canopy tree within each of the secluded private open space areas for each dwelling.
- d) First floor retreat for Unit 2 setback a minimum of 3 metres from the western boundary. This must be achieved by reducing the footprint of the building and not by reducing any other setback.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

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

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

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

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

CARRIED

5.7 APPLICATION FOR PLANNING PERMIT D/124/2015
 91 Gillies Street, Fairfield

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Planning and Property Partners Pty Ltd	Rhodian Brotherhood of Melbourne Victoria "Diagoras' Inc	One Mile Grid Korasanilava

SUMMARY:

- On 26 October 2015, the Planning Committee, in accordance with officer recommendation, refused an application to construct a medium density housing development comprising of six (6) triple storey dwellings and a reduction in the associated visitor car parking requirement. A review of Council’s decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is similarly for a medium density housing development comprising the construction of six (6) triple storey dwellings and a reduction in the associated visitor car parking requirement.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant registered on the Certificate of Title.
- 11 objections were originally received against this application.
- Four (4) objectors have lodged a statement of grounds prior to the circulation of the amended plans and intend to be parties to the appeal.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

CONSULTATION:

- The applicant has advised that the amended application and plans have been circulated to all parties to the proceeding in accordance with Practice Note PNPE9.
- The substituted plans were not referred to any internal departments for comment.

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

- *Paul Martin, Objector*
- *Alf Di’Mauro, Objector*

Recommendation

That Council advise the Tribunal it has considered the substituted plans (identified as drawing numbers TP01,TP02, TP03, TP04, TP05, all revision E, prepared by Korasanilava dated 18 February 2016 and 0315-0865-00 MP-01A rev. 01 and 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) and supports the proposal subject to the conditions set out below.

That Council request the Tribunal make orders with the consent of the parties to this effect.

This Permit Allows:

A medium density housing development, comprising the construction of six (6) triple storey dwellings, and a reduction in the associated visitor car parking requirement.

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 numbers TP01,TP02, TP03, TP04, TP05, all revision E, prepared by Korasanilava dated 18 February 2016 and 0315-0865-00 MP-01A rev. 01 and 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) but modified to show:
 - a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - c) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.
 - d) Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.
 - e) Provision of external retractable shades to all west facing habitable room windows.
 - f) Provision of fixed eaves (with a width of at least 600mm) to north facing habitable room windows.
 - g) A notation confirming the convex mirror provided to will allow views of pedestrians along Duncan Street to the driver exiting the garage for Dwelling 6 and allow views of the garage/driveway to any pedestrians along Duncan Street.
 - h) Provision of a clear glazed element to each garage door of Dwellings 1-5.
 - i) Provision of both a north and west facing window to the garage of Dwelling 6.
 - j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the crossover to Gillies Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - k) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

-
- l) The site coverage and permeability percentages correctly nominated.
 - m) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 7 of this Permit).
 - n) A section diagram to demonstrate how the screens to the north facing balconies will minimise overlooking of adjoining properties.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before buildings and works start, a detailed Landscape Plan (generally in accordance with drawing numbers 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

-
- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a STEPS report (residential) or Sustainable Design Scorecard (SDS) is undertaken as part of the SDA.
- The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
8. The land must be drained to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the *Building Regulations 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.

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

to the satisfaction of the Responsible Authority.

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

MELBOURNE WATER CONDITIONS

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
19. Units 1 and 2 must be constructed with finished floor levels set no lower than 33.95 metres to Australian Height Datum (AHD).
20. Unit 3 must be constructed with finished floor levels set no lower than 33.93 metres to AHD.
21. Unit 4 must be constructed with finished floor levels set no lower than 33.88 metres to AHD.
22. Unit 5 and 6 must be constructed with finished floor levels set no lower than 33.82 metres to AHD.

23. The unit 1 and 2 garage must be constructed with finished surface levels set no lower than 33.80 metres to AHD.
24. Unit 3 garage must be constructed with finished surface levels set no lower than 33.78 metres to AHD.
25. Unit 4 garage must be constructed with finished surface levels set no lower than 33.73 metres to AHD.
26. The unit 5 and 6 garage must be constructed with finished surface levels set no lower than 33.67 metres to AHD.
27. The layout of the site, size, design and location of buildings and works must include a setback of a minimum of 1.0 metres from the western boundary of the property to allow for the passage of overland flows.
28. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

MELBOURNE WATER NOTATIONS

- N1 Preliminary land and flood level information available at Melbourne Water indicates that the above property is **subject to flooding** from Melbourne Water's drainage system and the applicable flood level for this property grades from **33.67 metres to Australian Height Datum** at north-west corner down to b at south-east corner for a storm event with a 1 % chance of occurrence in any one year.
- N2 If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **243447**.

NOTATIONS

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

- N3 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.
- N4 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.
- N5 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.

- N6 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.
- N7 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

Committee Decision

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

That the Planning Committee not support the substitute plans and maintains its opposition to the proposal as per its original decision made on 26 October 2015.

CARRIED

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. J. Williams
SECONDED: Cr. O. Walsh

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

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.45 pm.