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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 27 June 2016

Released to the public on Thursday 30 June 2016

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**MINUTES OF THE MEETING OF THE PLANNING  
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT  
DAREBIN CIVIC CENTRE ON 27 JUNE 2016**

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**THE MEETING COMMENCED AT 7.05 PM**

**1. PRESENT**

***Councillors***

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

***Council Officers***

Rasiah Dev – Chief Executive  
Steve Hamilton – Director Assets and Business Services  
Darren Rudd – Manager City Development  
Julie Smout – Coordinator Statutory Planning  
Jacinta Stevens – Executive Manager Corporate Governance and Performance  
Katia Croce – Coordinator Council Business

**PROCEDURAL MOTION – 7.05 PM.**

<b>Committee Decision</b>
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**MOVED: Cr. B. Li**  
**SECONDED: Cr. J. Williams**

**THAT** the Planning Committee Meeting be temporarily adjourned to allow for the 2016/2017 budget meeting to be finalised.

**CARRIED**

PROCEDURAL MOTION – 7.30 PM.

**Committee Decision**

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

**THAT** the Planning Committee Meeting be resumed.

**2. APOLOGIES**

Cr. Villella temporarily absent.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr. Fontana disclosed a conflict of interest in Item 5.4 – Application for Planning Permit D/654/2015 – 204 Victoria Road, Northcote.

**4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE**

**Committee Decision**

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

**That** the Minutes of the Planning Committee meeting held on 14 June 2016 be confirmed as a correct record of business transacted.

**CARRIED**

**5. CONSIDERATION OF REPORTS**

**5.1 APPLICATIONS FOR AMENDING PLANNING PERMIT AND ENDING S173 AGREEMENT D/915/2001/C AND CON/560/2015**  
 1-9/99 Helen Street, Northcote

**AUTHOR: Principal Planner – Gavin Crawford**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Builtmore Investments Pty Ltd	Harberry Pty Ltd	Glossap Town Planning

**SUMMARY:**

- It is proposed to amend the existing planning permit to alter the use of the 9 offices to 9 dwellings.
- Application CON/560/2015 is a proposal to end the existing section 173 Agreement which prohibits the use of the offices as dwellings.
- The site is zoned Mixed Use Zone as a result of Amendment C138 and since October 2015 the use of land for the purpose of a dwelling has been as of right under the zone.
- There is no restrictive covenant on the title for the subject land.
- 21 objections were received against application D/915/2001/C.
- No objections were received against application CON/560/2015.
- The proposals are consistent with the objectives of the Darebin Planning Scheme.
- It is recommended that the applications be supported.

**CONSULTATION:**

- Public notice was given for via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

<b>Recommendation</b>
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**That** application D/915/2001/C to amend Planning Permit D/915/2001 be supported and a Notice of Decision to Amend a Permit be issued as follows:

**WHAT AMENDMENT IS BEING MADE TO THE PERMIT?**

**Amend the Planning Permit description from:**

- Development and use of nine (9) offices with workrooms and garages in accordance with the endorsed plans.

**To:**

- Development of nine (9) dwellings and a reduction in the standard car parking requirement in accordance with the endorsed plans.

**Delete condition 3**

- 3) The use must not adversely affect the amenity of the neighbourhood, including through the:
- Transport of materials, goods or commodities to or from the land;
  - Appearance of any stored goods or materials;
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**Delete condition 4**

- 4) The hours of operation are to be 8.00 AM to 8.00 PM Monday to Saturday unless consent in writing is first obtained from the Responsible Authority.

**Delete condition 5**

- 5) In respect of commerce, industry and trade development and/or use, noise emissions from the subject land must comply with State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1.

**Delete condition 6**

- 6) In all other cases noise emissions from the subject land must comply with Environmental Protection (Residential Noise) Regulations 1997 and/or Environmental Protection Authority Noise Control Guidelines TG 302/92, which ever is deemed to be appropriate by the Responsible Authority.

**Amend condition 1 from:**

- 1) Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and shall then form part of the permit. The plans must be drawn to scale with dimensions shown. Three copies must be provided. The plans must be generally in accordance with plans titled 'Amended Plans Floor Plans and Elevations VCAT Issue' and dated 2 December 2010 but modified to show:
- a) Elevations and plans specifying natural ground level, finished ground level, finished floor level and total building heights relative to a level taken from a defined point on the footpath at the frontage of the site or in relation to Australian Height Datum (AHD);

- b) A detailed schedule of materials, finishes and colours;
- c) Details of the treatment of the area between the northern edge of the right of way to the building line;
- d) The loading bay area shown as one parking space;
- e) Screening of all windows and balconies on the southern elevation to a height of 1.7 metres above finished floor level;
- f) The overhang of the exposed stormwater downpipes on the south elevation over the laneway be limited to a maximum of 200mm for drainage pipes and rainwater heads.

**To:**

- 1) Before the occupancy of the dwellings commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and shall then form part of the permit. The plans must be drawn to scale with dimensions shown. Three copies must be provided. The plans must be generally in accordance with plans 1 of 3 and 3 of 3 endorsed by Council on 18.3.11 and Drawing No TP01 Job No 201 dated 18.11.15 but modified to show:
  - a) Provision of any acoustic treatments to the proposed dwellings, as may be recommended in the acoustic engineers report referred to in Condition 17 of this permit.

**Amend condition 14 from:**

- 14) Before the development and/or use starts, the owner of the land at 99 Helen Street, Northcote must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that, without the consent of the Responsible Authority:
  - No form of dwelling or caretakers house shall be permitted on the land.

A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on the Title are to be paid by the owner.

**To:**

- 14) Before the occupancy of the dwellings commences, the owner of the land at 99 Helen Street, Northcote must amend the existing Agreement with the Responsible Authority under Section 178 to the satisfaction of the Responsible Authority to the effect that:
  - The owner must not allow the first floor northern most room (identified as store) on lots 2, 3, 4, 5, 6, 7, and 8 to be used for the purpose of a habitable room (bedroom, living room, study or similar).
  - The owner must implement acoustic measures in accordance with condition 17 and the endorsed plans prior to occupancy of the dwellings.

A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on the Title are to be paid by the owner.

**Include condition 17**

- 17) Before the dwelling use starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- Noise emissions associated with the operation of surrounding and nearby non-residential uses do not impact adversely on the amenity of the dwellings.
- The design of habitable rooms of all dwellings limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels, State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No N-1 and the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.)
- All dwellings that share dividing walls and floors are treated to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

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

**THAT** application CON/560/2015 be generally supported pursuant to Section 178E 3)c) of the Planning and Environment Act 1987 and the agreement amended as follows:

Amend Clause 3 Specific obligations of the owner from:

- The Owner covenants and agrees that the Owner must not allow the Subject Land to be used or developed for the purpose of either:
  - a Dwelling; or
  - a Caretaker's House.

**To:**

- The Owner covenants and agrees that the Owner must not allow the first floor northern most room (identified as store) on lots 2, 3, 4, 5, 6, 7, and 8 to be used for the purpose of a habitable room (bedroom, living room, study or similar).

<b>Committee Decision</b>
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**MOVED: Cr. S. Tsitas**  
**SECONDED: Cr. T. McCarthy**

**That** Council will not support the application.

**CARRIED**

*Cr. Villella returned to the meeting during discussion of the above item at 7.38 pm.*



**5.2 APPLICATION FOR PLANNING PERMIT D/1102/2008**  
71 Miller street, Thornbury

**AUTHOR:** Principal Statutory Planner – John Limbach

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant/s
Time Architects	Darren Black	<ul style="list-style-type: none"> <li>• PSY Arboricultural Consultants</li> <li>• Time Architects</li> <li>• P2 Urban Planning and Design</li> <li>• TTM Consulting (Vic)</li> </ul>

**SUMMARY:**

- It is proposed to demolish the existing dwelling and construct six (6) double storey dwellings.
- Vehicle access will be via a registered Council road provided along Bracken Avenue to the western boundary.
- The overall height is to be 8.421 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts quarrying or brickmaking operations as well as the carrying away or removal of marl stone, earth, clay, gravel, or sand from the land. It is considered that the proposed development will not breach the terms of the covenant.
- 29 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 by way of posting a sign on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Darebin Parks, Transport Management and Planning Unit, ESD Officer, Assets and Property Unit and Capital Works Unit.
- This application was referred externally to Melbourne Water.

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

- *Tony Mileto, Objector*
- *Anthony, Town Planner, on behalf of the Applicant*

<b>Recommendation</b>
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**That** Planning Permit Application D/1102/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP-1, TP-2, TP-3, Revision 2, dated 3 March 2016, job no. T-0314 and prepared by Time Architects) but modified to show:
  - a) All dwellings are to be provided with a minimum volume of 6 cubic metres of accessible secure storage that is not within the car parking area of garages.
  - b) Provision of height and setback details to the east boundary for bedroom 1 of Dwelling 2 and to the south boundary for bedroom of Dwelling 6, illustrating compliance with Standard B17 of Clause 55.04-1 of the Planning Scheme.
  - c) Pedestrian doors are not to open inwards to the garages.
  - d) The ground floor, south facing habitable room windows of Dwelling 6 and all first floor south and east facing habitable room windows provided with either:
    - A sill with a minimum height of 1.7 metres above finished floor level,
    - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
    - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
  - e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence around the trees in the reserve to the east and Tree 6 (as identified in the submitted Arborist report identified as Arboricultural Report, prepared by PSY Inv Pty Ltd and dated 9 March 2016) to the south in accordance with the requirements of Condition No. 8 of this Permit. Notations must be added to state that:
    - i. Any works in the Tree Protection Zone (TPZ) must be carried out without excavation.
    - ii. Vegetation removal within the TPZ of Tree 6 must be undertaken manually and not removed with an excavator, to prevent root damage.
    - iii. The TPZ area of Tree 6 between the property boundary and Dwelling 6 building footprint must remain at existing grade.
    - iv. The Dwelling 5 and 6 driveway must be constructed at existing grade and designed to be porous (paving, 'no fines' concrete etc).
    - v. The new 'council' roadway must be constructed above existing grade (strictly no excavation), using a permeable material (asphalt, paving etc).
    - vi. The existing concrete kerb (along the unmade road) must be retained in place.
    - vii. Any new boundary fencing within TPZs must be of light timber construction with manually excavated stump holes (i.e. no strip footing).

- viii. Any pruning required for the development must be undertaken with prior consultation with the Responsible Authority. The trees must not be pruned/lopped by applicant/builders etc.
  - ix. The Tree Protection Zone and the method of tree protection must be clearly notated on all plans.
  - f) A notation indicating the extent of the construction of the road to the west (Refer to Condition 12 of this Permit).
  - g) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern side of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - h) One (1) on-site visitor bicycle parking space near the main pedestrian entrance.
  - i) The landscape strips adjacent to the driveways of Dwellings 1-4 reduced so as to sit outside the 'red-line' wheel path of vehicle swept path diagrams.
  - j) Landscaping is to be no more than 200mm in height where located adjacent to the internal driveways.
  - 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) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - m) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - n) Window operation notated on all operable windows. Awning windows are to be avoided where possible in favour of casement and louvre windows.
  - o) A daylight tube to the first floor bathroom of Dwelling 4.
  - p) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit).
  - q) A Landscape Plan in accordance with Condition No.5 of this Permit.
  - r) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 10 of this Permit).
  - s) Any modifications in accordance with the Acoustic Report (Refer to Condition No. 11 of this Permit).
  - t) Any modifications in accordance with Melbourne Water Condition Nos. 23-32.
- When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. This Permit will expire if either:
    - The development does not start within three (3) years from the date of this Permit; or
    - The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

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

- m) Tree protection details and notations in accordance with Condition Nos. 1e) and 8 of this Permit.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before buildings and works (including demolition) start, a tree protection fence must be erected around the trees in the adjacent reserve and Tree 6 as specified in condition 1e) to define a 'Tree Protection Zone'.

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

The Tree Protection Fence must remain in place until construction is completed.

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

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

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

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

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

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of bins for collection and any other relevant matter. The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

Waste storage and collection must be undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the

amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

11. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
  - a) Noise emissions associated with the operation of the nearby road (Miller Street) and tram line do not impact adversely on the amenity of the dwellings.
  - b) The design of habitable rooms of all dwellings limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control.

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

12. Prior to the occupation of the development:
  - a) Plans detailing the construction and surfacing including drainage of the road abutting the western boundary of the property, commencing from the northern end of the property and continuing to the southern extent of the road (approximately 28.93 metres), must be submitted to and approved by Council.
  - b) The right of way abutting the western boundary of the property, commencing from the northern end of the property and continuing to the southern extent of the road (approximately 28.93 metres), must be constructed and surfaced in accordance with the approved plans.

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

13. 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.
14. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
15. 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.

16. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
20. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
21. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced;
  - 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.
22. 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.

**Melbourne Water conditions:**

23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
24. Finished floor levels of the dwellings must be constructed no lower than 49.70 metres to Australian Height Datum (AHD).
25. Finished floor levels of the garages and storages areas must be constructed no lower than 49.55 metres to AHD.
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.
27. A minimum three (3) metre setback measured from the western boundary and maintained at natural surface levels is required for the conveyance of overland flow. Imported fill required to achieve ramping to the garages must begin outside this setback.
28. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
29. Any new internal fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
30. The works area must not encroach into the designated Reserve adjacent to 71 Miller Street without Melbourne Water approval. Construction materials, spoil, stockpiles and/or waste must not be placed within the Reserve. No construction vehicles are to traverse over the Reserve containing Melbourne Water's Preston Main Drain.
31. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
32. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**Melbourne Water footnotes:**

- The applicable flood level is 49.40 metres to Australian Height Datum (AHD).
- For the purpose of the Building Code of Australia - Building in Flood Hazard Areas, Melbourne Water has determined that during a flood event that has a probability of occurrence of 1% in any one year, the maximum flow rate of flood water (velocity) will be below 1.5 metres per second.
- Please note that flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Melbourne Water does not have any information in relation to flow velocities associated with the local Council drainage system.
- 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 264157.

**NOTATIONS**

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

**Motion**

**MOVED: Cr. J. Williams**



**SECONDED: Cr. B. Li**

**That** the Council refuse the application with grounds as follows:

1. The proposal does not respect the neighbourhood character of the area.
2. The development does not comply with the following standards at Clause 55 of the Darebin Planning Scheme:
  - a) Standard B1 (neighbourhood character)
  - b) Standard B6 (street setbacks)
  - c) Standard B17 (side and rear setbacks)
  - d) Standard B24 (noise impacts)
3. A waiver of one (1) car parking space, as required by Clause 52.06 of the Darebin Planning Scheme, is not supported.
4. The proposal is an overdevelopment.

*Cr. Li proposed to the mover (Cr. Williams) that an additional point 5. be included. This was accepted by Cr. Williams.*

5. The proposed development will have an unreasonable adverse impact on property to the east (69 Miller Street).

THE AMENDED MOTION THEN READ AS FOLLOWS:

**Amended Motion**

**MOVED: Cr. J. Williams**  
**SECONDED: Cr. B. Li**

**That** the Council refuse the application with grounds as follows:

1. The proposal does not respect the neighbourhood character of the area.
2. The development does not comply with the following standards at Clause 55 of the Darebin Planning Scheme:
  - a) Standard B1 (neighbourhood character)
  - b) Standard B6 (street setbacks)
  - c) Standard B17 (side and rear setbacks)
  - d) Standard B24 (noise impacts)
3. A waiver of one (1) car parking space, as required by Clause 52.06 of the Darebin Planning Scheme, is not supported.
4. The proposal is an overdevelopment.
5. The proposed development will have an unreasonable adverse impact on property to the east (69 Miller Street).

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

**Committee Decision**

**MOVED: Cr. J. Williams**

**SECONDED: Cr. B. Li**

**That** the Council refuse the application with grounds as follows:

1. The proposal does not respect the neighbourhood character of the area.
2. The development does not comply with the following standards at Clause 55 of the Darebin Planning Scheme:
  - a) Standard B1 (neighbourhood character)
  - b) Standard B6 (street setbacks)
  - c) Standard B17 (side and rear setbacks)
  - d) Standard B24 (noise impacts)
3. A waiver of one (1) car parking space, as required by Clause 52.06 of the Darebin Planning Scheme, is not supported.
4. The proposal is an overdevelopment.
5. The proposed development will have an unreasonable adverse impact on property to the east (69 Miller Street).

**CARRIED UNANIMOUSLY**

*Cr. Walsh temporarily left the meeting at the conclusion of the above item at 8.05 pm*

**5.3 APPLICATION FOR PLANNING PERMIT D/502/2015**  
 590 Murray Road, Preston

**AUTHOR: Principal Planner – Paul Miziewicz**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Ikonomidis Reid Pty Ltd	Exors James McGarvey and Mary McGarvey	Landscapes by Design Keystone Alliance

**SUMMARY:**

- It is proposed to construct a medium density housing development comprising five (5) double storey dwellings with two (2) bedrooms and one (1) car space each, the visitor car space is to be waived and one (1) dwelling is to have a balcony for Secluded Private Open Space (SPOS) and the remaining four (4) dwellings have ground level SPOS.
- The site is zoned General Residential 2 Zone.
- There is no restrictive covenant on the title for the subject land.
- 19 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- The application was amended under section 57a of the *Planning and Environment Act 1987 (Act)* and letters were sent out to surrounding owners and occupiers.
- This application was referred internally to Council’s Environmentally Sustainable Development Officer, Capital Works Unit, Transport Management and Planning Unit and Darebin Parks
- This application was referred externally to VicRoads.

<b>Committee Decision</b>
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**MOVED: Cr. J. Williams**  
**SECONDED: Cr. T. Laurence**

**That** Planning Permit Application D/502/2015 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.05 Ground Floor Plan, TP.06 First Floor Plan, and TP.07 Elevations and received by Council on 4 April 2016 and Landscape by Design Tree Report and Bess Report) but modified to show:
  - a) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - b) Dwelling 1's TV area width reduced to a maximum of 1.9 metres, this is to be achieved through a reduction in the floor area.
  - c) Casement windows provided to Dwelling 5's north facing ground floor habitable rooms.
  - d) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius for the following trees:
    - Tree 14 for a distance of 9.6 metres in accordance with condition 11.
  - e) The notation on the elevations referring to OB – Fixed Obscure glazing to 1700 above FFL 25% transparent to include the comment (not film).
  - f) Confirmation of first floor finished floor levels.
  - g) Any modifications in accordance with the Landscape Plan (Refer to Condition 7 of this Permit).
  - h) Any requirement required to comply with VicRoads conditions 20 – 22.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. The land must be drained to the satisfaction of the Responsible Authority.

5. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
6. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
7. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit.

The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- e) A minimum of five (5) canopy trees of varying sizes with two (2) canopy trees located within the front yard to Murray Road, one (1) canopy tree within the yards of Dwelling 2 and Dwelling 3 and Dwelling 4.
- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- h) Hard paved surfaces at all entry points to dwellings.
- i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

- k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
8. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
11. Before buildings and works (including demolition) start, a Tree Protection Zone (TPZ) must be established around:
- Tree 14 for a distance of 9.6 metres.
  - The TPZ must be measured from the base of the trunk of the tree and provide for suitable tree protection barriers to be erected and maintained around the street trees' TPZ. Once established, the TPZ's barriers must be maintained at all times and may only be moved to the amount necessary for approved works to occur within the TPZ's. The movement of the TPZ's barriers to allow such work shall only occur for a period that the works are being undertaken after which time the full extent of the TPZ's barriers must be reinstated.
  - No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
  - The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
  - Be generally in accordance with the recommendations of the Landscape by Design Tree Report but updated to confirm the exact location of tree 14.
12. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

13. The development must incorporate the sustainable design initiatives in accordance with the BESS report (identified as 590 Murray Road, Preston, prepared by Keystone Alliance and dated 20 October 2015) to the satisfaction of the Responsible Authority. Prior to the occupation of the development, a report from the author of Keystone Alliance, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the 590 Murray Road, Preston Bess report have been implemented in accordance with the approved Plan.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat; and
  - d) Drainedto the satisfaction of the Responsible Authority.

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

**VicRoads conditions**

20. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
22. Prior to the occupation of the buildings hereby approved, the access ways, driveways, crossovers and associated works must be provided and available for use and be:
  - i. Formed to such levels and drained so that they can be used in accordance with the plan.
  - ii. Treated with an all-weather seal or some other durable surface

**NOTATIONS**

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 No building or works may be built over any easement on the land except with the written consent of the relevant authority.

**VicRoads Footnotes**

- VR1. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

The proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works

Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the *Planning and Environment Act 1987*.

Should you have any enquiries regarding this matter, please contact Rosario Pacheco on 03 9313 1166 or [Rosario.Pacheco@roads.vic.gov.au](mailto:Rosario.Pacheco@roads.vic.gov.au).

**CARRIED**

*Cr. McCarthy left the meeting during discussions of the above item at 8.06 pm.*

*Cr. Walsh returned to the meeting during discussions of the above item at 8.08 pm.*



*Cr. Fontana disclosed a conflict of interest in the following item (5.4 Application for Planning Permit D-654/2015 – 204 Victoria Road, Northcote) classifying the type of interest as an indirect interest as the applicant is a close friend of his and he has used his services as a motor mechanic.*

*The Chairperson, Cr Fontana, called for nominations for the position of Acting Chairperson.*

*Cr. Tsitas was nominated by Cr. Laurence, seconded by Cr. Villella, and there being no further nominations was declared Acting Chairperson of the meeting.*

*Cr. Fontana left the meeting prior to consideration of this item – 8.09 pm.*

*Cr. Tsitas assumed the Chair.*

**5.4 APPLICATION FOR PLANNING PERMIT D/654/2015**  
 204 Victoria Road, Northcote

**AUTHOR:** Principal Planner – Deniz Yener-Korematsu

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Archsign Pty Ltd	Salvino Orlando	Stem Arboriculture

**SUMMARY:**

- The application proposes three (3) double-storey dwellings. Each dwelling will have two (2) bedrooms and a single garage at ground floor; and living, dining and kitchen areas on the first floor. Private open space is to be provided in the form of first floor balconies and ground floor service courtyards. Unit 1 will additionally have private open space in the form of a front garden.
- The site is zoned General Residential Zone schedule 2 (GRZ2)
- There is no restrictive covenant on the title for the subject land.
- 17 objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

**CONSULTATION:**

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

<b>Committee Decision</b>
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**MOVED: Cr. T. McCarthy**

**SECONDED: Cr. T. Laurence**

**That** Planning Permit Application D/654/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
  - Clause 55.02-1 (Neighbourhood Character) – The development does not comply with the desired design objectives of the Darebin Neighbourhood Character Study and Design Guidelines 2007 (Clause 22.02 of the Darebin Planning Scheme) with regard to Vegetation: failing to provide generous setbacks from side and rear boundaries to accommodate canopy trees and screen planting; the removal of an established street tree, and; Height and Building Form: failing to provide a visually recessive two-storey building form that presents appropriately to the primary street frontage.
  - Clause 55.03-1 (Street Setback) – The street setback of the development does not comply with the standard and objective of the Clause. The proposed setbacks are not commensurate with the prevailing setbacks of the area and will result in building bulk in the streetscape.
  - Clause 55.03-8 (Landscaping) – Insufficient open areas are available on the site for the purpose of planting canopy trees.
  - Clause 55.04-1 (Side and Rear Setbacks) – The development's setbacks from the side and rear boundaries will create unreasonable visual bulk impacts on the adjoining properties.
  - Clause 55.05-4 B28 (Private Open Space) – The location of the secluded private open space area of Unit 1 (balcony to the street overhanging the ground floor façade) is not in keeping with neighbourhood character.
2. The proposal represents as an overdevelopment of the site.
3. The development will have unreasonable amenity impacts on the adjoining property to the south at No.202 Victoria Road, Northcote.

**CARRIED UNANIMOUSLY**

*Cr. McCarthy returned to the meeting at the commencement of the above item at 8.08 pm.*

*Cr. Tsitas temporarily left the meeting at the conclusion of the above item at 8.12 pm.*

*Cr. Fontana returned to the meeting at the conclusion of the above item at 8.12 pm.*

*The Chairperson, Cr. Fontana, assumed the chair.*

**5.5 APPLICATION FOR PLANNING PERMIT D/797/2015**  
672 Plenty Road, Preston

**AUTHOR:** Principal Planner – Chris Lelliott

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner
C Kairouz Architects	Highcroft Group Pty Ltd

**SUMMARY:**

- It is proposed to construct a three (3) to four (4) storey building (presenting a three (3) storey height to Plenty Road) comprising a shop and three (3) dwellings. Open space for each dwelling is in the form of a balcony. Three (3) car spaces are provided on site – one (1) for each of the one-bedroom or two-bedroom dwellings. A waiver of car parking for the shop and loading/unloading requirements is sought for the development.
- There is no restrictive covenant on the title for the subject land.
- Council has adopted Amendment C137 – Plenty Road Land Use and Urban Design although the amendment has yet to be approved by the Minister for Planning. As such the provisions of the amendment, including the maximum heights and protection afforded by the setback and design requirements would be seriously considered but cannot be applied with certainty. Details are set out in this report.
- The proposal is generally consistent with the strategic objectives for the Plenty Road corridor and the relevant policy within the Darebin Planning Scheme including the Municipal Strategic Statement. These include the provisions of Clause 22.06 (Multi-residential and mixed use development) and the car parking design requirements in accordance with Clause 52.06.
- A total of 14 objections were received against this application.
- It is recommended that the application be supported subject to conditions.

**CONSULTATION:**

- Public notice was given under section 52(1) of the *Planning and Environment Act 1987* ('Act') via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the following units:
  - Transport Management and Planning; and
  - Capital Works;
- The 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
- George Zissis, Objector

<b>Recommendation</b>
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**That** Planning Permit Application D/797/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Job No. CKA14-014, Drawing Nos. A8, A9, A10, A11 and A12 (all Rev. TP05) prepared by C. Kairouz Architects) but modified to show:
  - a) The side elevations provided with a feature treatment (e.g. textured concrete panels, rebates etc.).
  - b) The awning to Plenty Road modified extending the width of the façade and provided with a minimum clearance of 3.0 metres above the footpath and setback a minimum of 750mm from the kerb.
  - c) The screen to the balcony of apartment G.1 shall be a maximum of 25% transparent to limit overlooking to the north, south and east from the balcony.
  - d) Any modifications in accordance with the revised Waste Management Plan (Refer to Condition 5 of this Permit).
  - e) Finished floor levels shown on the floor plans and elevation plans Australian Height Datum (AHD).

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, an amended waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area for the shop and residential units must be submitted to the Responsible Authority.

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

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

5. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act* 1993 and the Building Regulations 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.
6. As part of the consultant team C. Kairouz Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
7. 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.
8. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
9. The land must be drained to the satisfaction of the Responsible Authority.
10. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
11. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
13. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
14. Before the development starts a contribution must be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, 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.

## 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.

### Alternate Motion

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

**That** Council refuse the application with the grounds as follows:

1. The proposed height is excessive in the context of the site and will present as overwhelming to the Plenty Road streetscape.
2. The siting of the building will unreasonably impact the amenity of the neighbouring residential properties through the presentation of excessive height, visual bulk, loss of privacy and overshadowing.
3. The proposed development does not comply with the car parking requirements of Clause 52.06 Car Parking.
4. Adverse impact on neighbourhood character.
5. The proposal is an overdevelopment of the site.

THE ALTERNATE MOTION WAS PUT AND LOST.

The Chairperson, Cr. Fontana declared the Alternate Motion to be lost.

**Motion**

**MOVED: Cr. T. Laurence**

**SECONDED: Cr. A. Villella**

**That** the 'Recommendation' as presented in the agenda (to support the Planning Permit Application subject to conditions), be supported.

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

**Committee Decision**

**MOVED: Cr. T. Laurence**

**SECONDED: Cr. A. Villella**

**That** Planning Permit Application D/797/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Job No. CKA14-014, Drawing Nos. A8, A9, A10, A11 and A12 (all Rev. TP05) prepared by C. Kairouz Architects) but modified to show:
  - a) The side elevations provided with a feature treatment (e.g. textured concrete panels, rebates etc.).
  - b) The awning to Plenty Road modified extending the width of the façade and provided with a minimum clearance of 3.0 metres above the footpath and setback a minimum of 750mm from the kerb.
  - c) The screen to the balcony of apartment G.1 shall be a maximum of 25% transparent to limit overlooking to the north, south and east from the balcony.
  - d) Any modifications in accordance with the revised Waste Management Plan (Refer to Condition 5 of this Permit).
  - e) Finished floor levels shown on the floor plans and elevation plans Australian Height Datum (AHD).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, an amended waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area for the shop and residential units must be submitted to the Responsible Authority.

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

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

5. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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.
6. As part of the consultant team C. Kairouz Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
7. 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.
8. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
9. The land must be drained to the satisfaction of the Responsible Authority.
10. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
11. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
13. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.



14. Before the development starts a contribution must be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority.
15. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat; and
  - d) Drainedto the satisfaction of the Responsible Authority.

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

### 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.

*Cr. Tsitas returned to the meeting during discussions of the above item at 8.16 pm.*

**5.6 APPLICATION FOR PLANNING PERMIT D/971/2015**  
 108-110 Wood Street, Preston

**AUTHOR:** Principal Planner – Jolyon Boyle

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>
RPC Architects P/L c/o Devcon Planning Services	Aleksandar Milenkovic and Dragan David Milenkovic

**SUMMARY:**

- Development of a three (3) and four (4) storey development comprising 25 dwellings and a medical centre.
- Each dwelling provides access to a ground level courtyard or a balcony. The medical centre comprises four (4) practitioners.
- Forty three car parking spaces are provided. This represents a reduction to the car parking requirement.
- The site is zoned Residential Growth Zone (Schedule 2).
- A Design and Development Overlay (Schedule 19) applies.
- There is no restrictive covenant on the title for the subject land.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the capital works, transport management and planning units and the ESD and Urban Design officers.
- This application was not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

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

- *Nikki Taylor, on behalf of the Applicant*

<b>Committee Decision</b>
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**MOVED: Cr. O. Walsh**  
**SECONDED: Cr. T. Laurence**

**That** Planning Permit Application D/971/2015 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 TP05 Rev C, TP06 Rev C, TP07 Rev C, TP08 Rev C, TP09 Rev C, TP10 Rev C, TP11 Rev C, TP12 Rev C, TP13 Rev C, TP14 Rev C, dated 17 February 2016, Job No 1890, prepared by RPC Architects) but modified to show:
  - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
  - b) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 5 of this Permit). Waste collections must be limited to two (2) collections per week for the entire development, including both residential and commercial components.
  - c) A landscape plan in accordance with Condition No. 6 of this Permit.
  - d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
  - e) Fixed horizontal shading devices to all north elevation windows.
  - f) Retractable vertical shading devices to all west elevation windows and or balconies.
  - g) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems as outlined in the Sustainable Design Assessment). These are to be screened to be minimally visible from the public and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Solar hot water tanks are to be flush mounted on the roof and not elevated on stands.
  - h) Setback of the west elevation to achieve Standard B19 of Clause 55.
  - i) Parking bays are to be widened by 300mm where they are bounded by a wall or fence (also required under as per 2.4.2(c) of AS2890.1:2004).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority. The SMP must address the 10 key Sustainable Building Categories:
- a) Management
  - b) Energy
  - c) Water
  - d) Stormwater
  - e) IEQ
  - f) Transport
  - g) Waste
  - h) Urban Ecology
  - i) Innovation
  - j) Materials

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

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

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

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

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

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

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the

- nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - g) Hard paved surfaces at all entry points to dwellings.
  - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

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

11. The number of practitioners operating from the premises at any one time must not exceed four (4).
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. The land must be drained to the satisfaction of the Responsible Authority.
17. 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.
18. 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.
19. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
20. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat;
  - d) Line marked and;
  - e) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the development is occupied all redundant crossings, crossing openings or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

VicRoads Conditions (Conditions 22 and 23)

22. Prior to the commencement of the use hereby approved the crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation.
23. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 5.5 metres from the Albert Street road pavement to allow vehicles to stay clear of the road pavement.

### COUNCIL 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.

### VICROADS NOTATIONS:

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**CARRIED**

**5.7 APPLICATION FOR PLANNING PERMIT D/1095/2015**  
60 Browning Street, Kingsbury

**AUTHOR: Principal Planner – Marisia Hammerton**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Ikonomidis Reid	Prataris Investments Pty Ltd	Ikonomidis Reid Treespace Andrew Long and Associates

**SUMMARY:**

- It is proposed to construct three (3) double storey dwellings. Dwelling 1 is to the north-west and will have a bedroom and living areas to the ground level, with two (2) bedrooms to the first floor. Dwelling 2 is to the centre and will have living areas to the ground level and three (3) bedrooms to the first floor. Dwelling 3 will be to the south east and will have a bedroom and living areas to the ground level, with two (2) bedrooms to the first floor. All dwellings will have a single garage and tandem car space, accessed via crossovers from Browning Street. Dwelling 1 will have 103 square metres of secluded private open space to its west side, with the front yard area set aside of private open space. Dwellings 2 and 3 will each have 34 square metres and 43 square metres of secluded private open space respectively, located to the north east (rear). The maximum height is approximately 7.758 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Fifteen (15) objections from 14 different households were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

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



<b>Committee Decision</b>
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**MOVED: Cr. B. Li**

**SECONDED: Cr. J. Williams**

**That** Planning Permit Application D/1095/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, TP06, Revision A, dated December 15, job no. 009809 and prepared by Ikonmidis Reid) but modified to show:
  - a) The proposed crossover to Dwellings 2 and 3 with a maximum width of 5.5 metres.
  - b) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
  - c) Detail of any proposed front boundary fence, or if there is no boundary fence this is to be noted on plan.
  - d) The north west-facing bedroom 3 window of Dwelling 1 relocated to face north east.
  - e) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.  
Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.
  - f) Provision of external retractable shades (not roller shutters) to the north west living room doors.
  - g) Provision of fixed external shades to all north east facing habitable room windows.
  - h) Annotations detailing Tree Protection Zones for the trees to be retained within the site and within council nature strips and any associated specific tree protection or impact mitigation as per Australian Standard AS4970 - 2009: Protection of trees on development sites, in accordance with the requirements of Condition 8 of this Permit.
  - i) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - j) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
  - k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - l) A Landscape Plan in accordance with Condition No.5 of this Permit.
  - m) Finished floor levels to Australian Height Datum (AHD) at first floor level on site layout plans.

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
  5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
    - a) Annotations detailing Tree Protection Zones for the trees to be retained within the site and within council nature strips and any associated specific tree protection or impact mitigation as per Australian Standard AS4970 - 2009: Protection of trees on development sites, in accordance with the requirements of Condition 8 of this Permit.
    - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
    - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
    - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
    - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
    - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
    - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified,

material types and construction methods (including cross sections where appropriate) must be provided.

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before buildings and works (including demolition) start, an arborist report prepared by a suitably qualified arborist (and to the satisfaction of the Responsible Authority) must be submitted. This report must provide specific tree protection or impact mitigation for those trees to be retained with correctly calculated tree protection zones.

The report is to include an amended 'construction impact assessment', tree protection zone encroachment (%) for the trees to be retained within the site and within council nature strips. In addition, appropriate tree protection measures and impact mitigation are required for each stage of the development as per Australian Standard AS4970 - 2009: **Protection of trees on development sites.**

The tree protection zone and the method of tree protection must be clearly notated on all plans.

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. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all

pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

18. 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 The applicant should be informed all Aboriginal cultural heritage is protected under the Aboriginal Heritage Act 2006. If Aboriginal cultural heritage is encountered during development, works must cease in the area and OAAV must be contacted.

**CARRIED**

*Cr. Walsh temporarily left the meeting during discussions of the above item at 8.44 pm.*

**5.8 APPLICATION FOR PLANNING PERMIT D/814/2015**  
 22 Preston Street, Preston

**AUTHOR:** Principal Planner – Gavin Crawford

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Archsign Pty Ltd	Guozhou Tu	Consultant Name

**SUMMARY:**

- It is proposed to construct a three (3) storey building containing six (6) dwellings.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 15 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.09 and 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 Unit 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 his presentation by the Chairperson, Cr. Fontana:*

- Daniel Defazio, Applicant

**Committee Decision**

**MOVED:** Cr. T. Laurence

**SECONDED:** Cr. S. Tsitas

**That** Planning Permit Application D/814/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP1 and TP2 Revision B Job No 15183 dated March 2016 prepared by Archsign) but modified to show:

- a) The south-west corner visibility to measure at least 2.0m along the frontage from the edge of the Right of Way and 2.5m along the Right of Way into the site with not structures more than 1.15m in height.
  - b) Dwelling 4 second floor setbacks from the east boundary in accordance with Standard B17 of Clause 55 of the Darebin Planning Scheme.
  - c) The pedestrian path connecting Dwelling 1 to the frontage road fully constructed with a minimum width of 1.0m.
  - d) The redundant crossover reconstructed with full kerb and channel and the nature strip reinstated to the satisfaction of the responsible authority.
  - e) Driveway levels shown with the gradients in accordance with Clause 52.06-8.
  - f) Dwelling 3 second floor setbacks from the east boundary in accordance with Standard B19 of Clause 55 of the Darebin Planning Scheme.
  - g) Excepting within 4m of the north boundary the east facing Dwellings 5 and 6 first floor balconies with a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
  - h) Material L as fixed obscure glazing (not film) to a minimum height of 1.7 metres above finished floor level.
  - i) A landscape plan in accordance with Condition No. 4 of this Permit.
- When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. This Permit will expire if either:
    - a) The development does not start within three (3) years from the date of this Permit; or
    - b) The development is not completed within five (5) years of the date of this Permit.

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

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

and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

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

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

**CARRIED**

*Cr. Walsh returned to the meeting during discussions of the above item at 8.47 pm.*

**5.9 APPLICATION FOR PLANNING PERMIT D/1028/2015**  
 293 Station Street. Fairfield

**AUTHOR:** Principal Planner – John Limbach

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Loro Homes Pty Ltd C/- Beyond Design Group	Gail Wheeler C/- Beyond Design Group	

**SUMMARY:**

- Medium density housing development comprising the construction of a double storey building containing five (5) dwellings, a reduction in the car parking requirement (visitor car parking space) and alteration of access to a Road Zone - Category 1.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Fifteen 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 sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit and Transport Management and Planning Unit.
- This application was referred externally to VicRoads.

*Darren Rudd, Manager City Development, informed the Committee that Condition Nos 1 d) and 1. l) have been updated and Condition.1 j) and 17 was inadvertently omitted from the Recommendation and the following Conditions need to be added and renumbered accordingly.*

1. d) *A landscape plan in accordance with Condition No. 17 of this Permit.*
- j) *The dimensions of the secluded private open space for dwelling one be increased in depth to a minimum of 3.9 metres to ensure compliance with standard B29.*
- l) *Modifications in accordance with VicRoads Condition Nos. 18 and 19 of this permit.*

*and*

17. *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.*

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

- David De Giovanni, Applicant
- Shane Collins, Objector

<b>Recommendation</b>
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**That** Planning Permit Application D/1028/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor and Site Plan TP1 Rev A, First Floor and Site Plan TP2 Rev A and Elevations TP3 Rev A, dated 24.02.16 and prepared by Beyond Design Group) but modified to show:

- a) The balconies for Units 2, 3 and 4 to have a minimum dimension of 2.0 metres.
- b) The northern setback of Bedroom 1 to Dwellings 2, 3 and 4 increased to a minimum of 3.0 metres. This must be achieved without reducing any boundary setbacks.
- c) Dwelling 1 set back from the northern boundary by a minimum of 3.9 metres.
- d) A landscape plan in accordance with Condition No. 5 of this Permit.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the existing crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- f) The height of fence(s) on the northern boundary of the land that currently have a height of 1.7 metres (adjacent to Dwellings 3 and 4) to be increased to 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.

- g) Fixed external sun shading devices to all north facing habitable room windows. The shading is to extend both from the window and past the window sides at least the distance given below:
  - i. 450mm where window height is 900–1200mm.
  - ii. 600mm for a window height of 1200–1350mm.
  - iii. 900mm for a window height of 1350–2100mm.
  - iv. 1000mm for a window height of 2100–2700mm.

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

- h) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are

being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- i) Window operation notated on all operable windows. Awning windows are to be avoided where possible in favour of casement and louvre windows.
- j) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
- k) Modifications in accordance with VicRoads Condition Nos. 17 and 18 of this Permit.
- l) Modifications in accordance with an Acoustic Assessment (refer to Condition No. 15 of this Permit).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

5. 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 development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
  - a) Noise emissions associated with the operation of the nearby road (Station Street) does not impact adversely on the amenity of the dwellings.
  - b) The design of habitable rooms of all dwellings limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control.

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

**VIC ROADS CONDITIONS**

17. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel, nature strip and footpath to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
18. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located at minimum of 7.25m inside the property to allow vehicles to store clear of the Station Street pavement and footpath.

**NOTATIONS**

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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



N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

THE MOTION BEFORE THE CHAIR READS AS FOLLOWS:

<b>Motion</b>
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**MOVED: Cr. S. Tsitas**  
**SECONDED: Cr. J. Williams**

**That** Planning Permit Application D/1028/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor and Site Plan TP1 Rev A, First Floor and Site Plan TP2 Rev A and Elevations TP3 Rev A, dated 24.02.16 and prepared by Beyond Design Group) but modified to show:
  - a) The balconies for Units 2, 3 and 4 to have a minimum dimension of 2.0 metres.
  - b) The northern setback of Bedroom 1 to Dwellings 2, 3 and 4 increased to a minimum of 3.0 metres. This must be achieved without reducing any boundary setbacks.
  - c) Dwelling 1 set back from the northern boundary by a minimum of 3.9 metres.
  - d) A landscape plan in accordance with Condition No. 17 of this Permit.
  - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the existing crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - f) The height of fence(s) on the northern boundary of the land that currently have a height of 1.7 metres (adjacent to Dwellings 3 and 4) to be increased to 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.
  - g) Fixed external sun shading devices to all north facing habitable room windows. The shading is to extend both from the window and past the window sides at least the distance given below:
    - i. 450mm where window height is 900–1200mm.
    - ii. 600mm for a window height of 1200–1350mm.
    - iii. 900mm for a window height of 1350–2100mm.
    - iv. 1000mm for a window height of 2100–2700mm.

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

- h) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- i) Window operation notated on all operable windows. Awning windows are to be avoided where possible in favour of casement and louvre windows.
- j) The dimensions of the secluded private open space for dwelling one be increased in depth to a minimum of 3.9 metres to ensure compliance with standard B29.
- k) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
- l) Modifications in accordance with VicRoads Condition Nos. 18 and 19 of this Permit.
- m) Modifications in accordance with an Acoustic Assessment (refer to Condition No. 15 of this Permit).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/ recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
  5. 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 development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
    - a) Noise emissions associated with the operation of the nearby road (Station Street) does not impact adversely on the amenity of the dwellings.
    - b) The design of habitable rooms of all dwellings limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control.The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment 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 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.

### VIC ROADS CONDITIONS

18. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel, nature strip and footpath to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
19. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located at minimum of 7.25m inside the property to allow vehicles to store clear of the Station Street pavement and footpath.

### NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

**Committee Decision**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. J. Williams

**That** Planning Permit Application D/1028/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor and Site Plan TP1 Rev A, First Floor and Site Plan TP2 Rev A and Elevations TP3 Rev A, dated 24.02.16 and prepared by Beyond Design Group) but modified to show:
  - a) The balconies for Units 2, 3 and 4 to have a minimum dimension of 2.0 metres.
  - b) The northern setback of Bedroom 1 to Dwellings 2, 3 and 4 increased to a minimum of 3.0 metres. This must be achieved without reducing any boundary setbacks.
  - c) Dwelling 1 set back from the northern boundary by a minimum of 3.9 metres.
  - d) A landscape plan in accordance with Condition No. 17 of this Permit.
  - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the existing crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - f) The height of fence(s) on the northern boundary of the land that currently have a height of 1.7 metres (adjacent to Dwellings 3 and 4) to be increased to 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.
  - g) Fixed external sun shading devices to all north facing habitable room windows. The shading is to extend both from the window and past the window sides at least the distance given below:
    - v. 450mm where window height is 900–1200mm.
    - vi. 600mm for a window height of 1200–1350mm.
    - vii. 900mm for a window height of 1350–2100mm.
    - viii. 1000mm for a window height of 2100–2700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the window/ glazing.
  - h) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- i) Window operation notated on all operable windows. Awning windows are to be avoided where possible in favour of casement and louvre windows.
- j) The dimensions of the secluded private open space for dwelling one be increased in depth to a minimum of 3.9 metres to ensure compliance with standard B29.
- k) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
- l) Modifications in accordance with VicRoads Condition Nos. 18 and 19 of this Permit.
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When approved, the plans will be endorsed and form part of this Permit.

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  - The development is not completed within five (5) years of the date of this Permit.

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

- 5. 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 development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
  - a) Noise emissions associated with the operation of the nearby road (Station Street) does not impact adversely on the amenity of the dwellings.
  - b) The design of habitable rooms of all dwellings limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control.

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

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



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

17. Before 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.

**VIC ROADS CONDITIONS**

18. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel, nature strip and footpath to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
19. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located at minimum of 7.25m inside the property to allow vehicles to store clear of the Station Street pavement and footpath.

**NOTATIONS**

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

**CARRIED**

*Jacinta Stevens, Executive Manager Corporate Governance and Performance, temporarily left the meeting during discussions of the above item at 9.05 pm.*

**5.10 APPLICATION FOR PLANNING PERMIT D/697/2015**  
 31 Gregory Grove, Preston

**AUTHOR: Principal Planner – Chris Lelliott**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>
Time Architects	Bangzhu Li and Xiangying Chen

**SUMMARY:**

- It is proposed to demolish the existing dwelling and construct four (4) dwellings (three (3) double storey dwellings and one (1) single storey dwelling).
- Dwelling 1 is located to the front, Dwellings 2 and 3 are located to the centre of the site and are all double storey. Dwelling 4 is to be located to the rear and is single storey. At ground level Dwellings 1 and 2 are to have a bedroom, with the first floor levels having a bedroom and an open plan kitchen/dining/living area and secluded private open space in the front of balconies of 9.8 square metres and 8 square metres respectively. Dwelling 3 is to have a kitchen/living/meals area at ground level, with two (2) bedrooms to the first floor. Dwelling 4 will have two (2) bedrooms and a kitchen/dining/living area. Both dwellings 3 and 4 have ground level secluded private open space.
- The dwellings will each have a single garage, accessed via the existing crossover to the eastern common boundary.
- The dwellings will have a contemporary design, with brick walls at the ground floor, lightweight and timber cladding to the first floor walls and a combination of skillion and pitched roofs. The overall height is to be 7.294 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 11 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

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

<b>Committee Decision</b>
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**MOVED: Cr. B. Li**

**SECONDED: Cr. J. Williams**

**That** Planning Permit Application D/697/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers TP-1, TP-2, TP-3, Revision 2, dated February 2016, job no. T-0286 and prepared by Time Architects) but modified to show:
  - a) The eastern boundary wall to the garage of Unit 4 is to have a maximum height of 3 metres and must have a minimum clearance of 1 metre from the eaves of the adjoining dwelling. Alternatively the structure may be amended to a carport with a maximum height of 3 metres.
  - b) The front setback of bedroom 2 of Unit 1 setback an additional 1m. This shall reduce the footprint of the building and not reduce any other setback.
  - c) The upper floors east setback of Unit 1 shall be increased by 500 millimetres to a minimum of 4,080 millimetres to reduce the overhang of the first floor. This shall reduce the footprint of the building and not reduce any other setback.
  - d) The private open space of Unit 3 to comply with the requirements of Standard B28. This must be achieved without reducing any building setback.
  - e) The east-facing living room window of Unit 3 is to have minimum sill height of 1.4 metres above the accessway.
  - f) North facing highlight (clerestory) windows to be provided to the living/dining space of Unit 2.
  - g) Unit 3 is to have a minimum of 6 cubic metres of externally accessible storage.
  - h) The first floor west facing habitable room windows of Units 1 and 2 and the balcony of unit 2 provided with either:
    - A sill with a minimum height of 1.7 metres above finished floor level,
    - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
    - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
  - i) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - j) The internal garage dimensions for each dwelling set aside for car parking to be clear and a minimum of 6 metres by 3.5 metres in size.
  - 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) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- m) A Landscape Plan in accordance with condition 5 of this Permit. The landscape plan must include the provision of at least 10 medium sized canopy trees.
- n) Notations detailing tree protection measures as per Arborist report in accordance with condition 8 of this Permit.

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

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

of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before buildings and works (including demolition) start an arborist report prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The report must identify any impacts to street trees and trees on neighbouring sites. The report must further investigate the retention of the trees identified in the Preliminary Tree Assessment, prepared by MBR Tree Care, submitted with the application and dated March 2016. The retention of tree 5 should be sought if possible and Trees 12 and 14 appropriately protected. Full details of tree protection must be provided and the tree protection must meet Australian Standards (AS4970-2009: Protection of tree on development sites).

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

The Tree Protection Fence must remain in place until construction is completed.

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

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

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

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

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

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

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

**NOTATIONS**

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

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

**CARRIED**



**5.11 APPLICATION FOR PLANNING PERMIT D/748/2015**  
 167-173 Station Street, Fairfield

**AUTHOR: Principal Planner – Gavin Crawford**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
J Cornetta - Cornetta Partners Architects	A and I Ieraci	Frater Energy Assessor Glossop TTM Consulting F and G Design

**SUMMARY:**

- It is proposed to construct a three storey plus basement apartment building comprising 20 dwellings, four (4) x one (1) bedroom dwellings and 16 x two (2) bedroom dwellings. Private open space will be provided in the form of balconies on the first floor and Dwellings 1 to 7 will have access to a ground floor courtyard. There are 21 car spaces provided in the basement, each dwelling has one (1) car space with one (1) visitor car space provided. A reduction of one (1) visitor car space is proposed.
- The site is zoned General Residential Zone Schedule 2 and Station Street is a Road Zone Category 1.
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, Capital Works Unit, Council’s Environmental Sustainable Design (ESD) Officer and Darebin Parks.
- This application was referred externally to VicRoads and Melbourne Water.

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

- Nick Robins, Applicant
- Troy Wooltson, Objector
- Andrew Bromley, Objector

<b>Recommendation</b>
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**That** Planning Permit Application D/748/2015 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 TPA04, TPA05, TPA06, Dated 6/5/2016 TPA07, TPA08, Dated 24/5/2016 all Rev B Job No 15-21 prepared by Cornetta Partners Architects) but modified to show:
  - a) No fencing, planter boxes or retaining walls provided within 8.65 metres of the west boundary of the land with the exception of boundary fencing, fencing adjacent to the pedestrian access from the street and the entry foyer and fencing or retaining walls adjacent to the access ramp.
  - b) Louvre screens to have a 35mm separation or replaced with either fixed obscure glazing to 1.7 metres above finished floor level or maximum 25% permeable fixed and durable screen integrated with the design to 1.7m above finished floor level.
  - c) The Dwelling 13 roof reduced on the second floor plans to match the elevations.
  - d) First floor wall heights dimensioned on the plans compliant with Standard B17 of Clause 55.
  - e) Dwellings 11 and 12 balconies to measure a minimum 8 square metres.
  - f) The Dwelling 19 deck setback 5.9 metres from the south boundary.
  - g) With the exception of existing boundary fencing all fencing within 8.65 metres of the front boundary a maximum 1.2 metres in height.
  - h) The height of fences on the north, south and east boundaries (except within 8.65 metres of the west 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.
  - i) With the exception of the access ramp any grade changes in the front setback to be gradual.
  - j) All site levels, open space levels, light court levels and retaining walls clearly shown with access between different site levels in private open space and communal areas for maintenance purposes resolved.
  - k) A pitched hipped roof provided above the dwelling 6 sitting room.
  - l) Details of gates to front yard areas for service access.
  - m) A landscape plan in accordance with Condition No. 4 of this Permit.

- n) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the south side of the crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- o) One (1) additional visitor bicycle parking space provided near the main entrance to the building.
- p) Visitor bicycle parking spaces offset from the porch wall by 400mm.
- q) Columns that abut 2.6m wide parking spaces located outside the 'clearance required' area as specified in Diagram 1 in accordance with Design Standard 2 of Clause 52.06-8 of the Planning Scheme.
- r) External fixed shading to the north facing habitable room windows and glazed doors drawn and labelled on the plans where these are not below an awning or balcony.
- s) External adjustable shading to all west facing habitable room windows and glazed doors drawn and labelled on the plans where these are not below an awning or balcony.
- t) East facing skylights reduced in size and provided with external shading.
- u) Dwelling 17 to 20 bathrooms and ensuites, second floor stairs and second floor communal corridor provided with skylights / light tubes.
- v) Window details shown with awning windows minimised in favour of windows that open fully – eg. casement.
- w) Solar hot water or photo voltaic panels for common area energy.
- x) One (1) secure resident bike space per dwelling.
- y) All timber used in the development FSC or PEFC certified.

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 or the use is not commenced 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) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

- b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - c) 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).
  - d) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - e) 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.
  - f) Hard paved surfaces at all entry points to dwellings.
  - g) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - h) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - i) An outline of the approved building/s, 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.
  - j) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - k) 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. Prior to the occupation of the development, a report from Frater Energy Assessor or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Frater Energy Assessor SMP dated 8 September 2015 have been implemented in accordance with the approved Plan.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
11. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Car parking is to be allocated at the rate of one (1) car space per dwelling.
18. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must be generally in accordance with the Frater Energy Assessor Waste Management Plan dated 8/09/2015 but amended to specify that bins not be stored on street for pickup with the private waste collector to collect and return bins to the basement storage location

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

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

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

**Melbourne Water**

20. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

**VicRoads**

21. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the completion of works hereby approved.
22. All disused or redundant vehicle crossings must be removed and the area reinstated to the kerb to the satisfaction of and at no cost to the Roads Corporation prior to the completion of works hereby approved.

**NOTATIONS**

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.  
  
If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.  
  
It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

**Melbourne Water**

N6 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 254845.

**VicRoads**

N7 The proposed development requires the construction of a crossover as well as the reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

<b>Motion</b>
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**MOVED:** Cr. T. McCarthy  
**SECONDED:** Cr. S. Tsitas

**That** Planning Permit Application D/748/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal is contrary to the character of the area.
2. The proposal is an overdevelopment.
3. The proposal provides insufficient open space for the reasonable recreation needs of residents.
4. The proposal is detrimental to the amenity of the adjacent properties secluded private open spaces.

*Cr. Greco proposed to the mover (Cr. McCarthy) and the seconder (Cr. Tsitas) .that point. 5. be added to the recommendation as follows:*

5. Fails to meet Clause 52.06 Car Parking requirements regarding visitor parking space.

*Cr Laurence further proposed to the mover (Cr. McCarthy) and the seconder (Cr. Tsitas) that point 6. be added to the recommendation as follows:*

6. Council notes internal amenity deficiencies;
  - Dwelling 7's open space is located to the south and has poor solar access.
  - Storage facilities are provided for each dwellings comprising 4.41 cubic metres of above bonnet storage and a 2.27 cubic metre storage cage in a secure area. The additional above bonnet storage is not normally accepted as it is not convenient to access and is a poor design outcome.

THE AMENDED MOTION READ AS FOLLOWS:

**Amended Motion**

**MOVED: Cr. T. McCarthy**

**SECONDED: Cr. S. Tsitas**

**That** Planning Permit Application D/748/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal is contrary to the character of the area.
2. The proposal is an overdevelopment.
3. The proposal provides insufficient open space for the reasonable recreation needs of residents.
4. The proposal is detrimental to the amenity of the adjacent properties secluded private open spaces.
5. Fails to meet Clause 52.06 Car Parking requirements regarding visitor parking space
6. Council notes internal amenity deficiencies;
  - Dwelling 7's open space is located to the south and has poor solar access.
  - Storage facilities are provided for each dwellings comprising 4.41 cubic metres of above bonnet storage and a 2.27 cubic metre storage cage in a secure area. The additional above bonnet storage is not normally accepted as it is not convenient to access and is a poor design outcome.

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

**Committee Decision**

**MOVED: Cr. T. McCarthy**

**SECONDED: Cr. S. Tsitas**

**That** Planning Permit Application D/748/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal is contrary to the character of the area.
2. The proposal is an overdevelopment.
3. The proposal provides insufficient open space for the reasonable recreation needs of residents.
4. The proposal is detrimental to the amenity of the adjacent properties secluded private open spaces.
5. Fails to meet Clause 52.06 Car Parking requirements regarding visitor parking space



6. Council notes internal amenity deficiencies;
- Dwelling 7's open space is located to the south and has poor solar access.
  - Storage facilities are provided for each dwellings comprising 4.41 cubic metres of above bonnet storage and a 2.27 cubic metre storage cage in a secure area. The additional above bonnet storage is not normally accepted as it is not convenient to access and is a poor design outcome.

**CARRIED**

*Jacinta Stevens, Executive Manager Corporate Governance and Performance, returned to the meeting during discussions of the above item at 9.08 pm.*

**5.12 APPLICATION FOR PLANNING PERMIT D/1011/2012**  
 195-209 St Georges Road, Northcote

**AUTHOR: Principal Planner – Jolyon Boyle**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Wortex Pty Ltd	Wortex Pty Ltd	P2 Urban Planning and Design

**SUMMARY:**

- Development of a 10-storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops.
- Fifty two (52) one (1) bedroom and 116 two (2) bedroom dwellings are proposed.
- Two hundred and fifty one car parking spaces are provided across four (4) basement levels. This represents a reduction to the car parking requirement.
- The site is located within the Commercial 1 Zone. A Design and Development Overlay (Schedule 16) and Environmental Audit Overlay apply.
- The Design and Development Overlay applies a preferred height limit of 5 storeys, allowing for a greater height where an exemplary development outcome is demonstrated.
- There is a section 173 agreement on title that attaches a requirement to deliver social housing as part of the development. The proposed development does not breach the terms of the agreement. A covenant is contained on title and the proposed development does not breach the terms of the covenant.
- No objections were received against this application as the application was not advertised.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and 43.02 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

**CONSULTATION:**

- Public notice was not given.
- This application was referred internally to the Capital Works, Transport Management and Planning Unit, ESD officer and Urban Design officer.
- 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:*

- *Rebecca Passlow, on behalf of Objectors*

<b>Committee Decision</b>
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**MOVED: Cr. O. Walsh**  
**SECONDED: Cr. J. Williams**

**That** Planning Permit Application D/1011/2012 be refused and Notice of Refusal be issued on the following grounds:

1. The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:
  - a) 15.01 Urban Design
  - b) 16.01 Residential Development
  - c) 22.06-3.1 Sustainability
  - d) 22.06-3.2 Design and Materials
  - e) 22.06-3.3 Building height
  - f) 22.06-3.4 Dwelling diversity
  - g) 22.06-3.5 Car Parking and Vehicle Access
  - h) 22.06-3.6 Street address
  - i) 22.06-3.8 Amenity impacts including Overshadowing and Overlooking
  - j) 22.06-3.9 On site amenity and facilities, including private open space
  - k) 22.06-3.10 Waste Management
  - l) 52.06 Car parking
  - m) 52.34 Bicycle parking
2. The height, design, setbacks and form of the proposal are contrary to Clause 43.02 (Design and Development Overlay – Schedule 15) of the Darebin Planning Scheme.
3. As required by Clause 43.02 (Design and Development Overlay – Schedule 15) of the Darebin Planning Scheme the development fails to demonstrate and exemplar design in proposing a height greater than five (5) storeys.
4. The development is contrary to the Higher Density Residential Development Guidelines.
5. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout, restricted outlook, lack of daylight and or screening measures.
6. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on borrowed or artificial lighting, contrary to Clauses 15.01, 15.02 and 21.05 and 22.06 of the Darebin Planning Scheme.

**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.

<b>Committee Decision</b>
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**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. T. McCarthy

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

**CARRIED**

**7. URGENT BUSINESS**

Nil

**8. CLOSE OF MEETING**

The meeting closed at 9.46 pm.