



the place
to live

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 6 February 2017

Released to the public on Thursday 9 February 2017

Table of Contents

- 1. **PRESENT**.....1
- 2. **APOLOGIES**1
- 3. **DISCLOSURES OF CONFLICTS OF INTEREST**1
- 4. **CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE**.....1
- 5. **CONSIDERATION OF REPORTS**.....2
 - 5.1 APPLICATION FOR PLANNING PERMIT D/509/2002B
127 Station Street, Fairfield VIC 30782
 - 5.2 APPLICATION FOR PLANNING PERMIT D/322/2016
536 Bell Street, Preston VIC 30724
 - 5.3 APPLICATION FOR PLANNING PERMIT D/592/2016
260-264 Arthur Street, Fairfield VIC 3078 10
 - 5.4 APPLICATION FOR PLANNING PERMIT D/666/2016
98 Union Street, Northcote VIC25
- 6. **OTHER BUSINESS**.....28
 - 6.1 GENERAL PLANNING INFORMATION: Scheduled VCAT Applications,
Significant Applications And Applications For The Next
Planning Committee Meeting28
- 7. **URGENT BUSINESS**29
- 8. **CLOSE OF MEETING**29

**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 6 FEBRUARY 2017**

THE MEETING COMMENCED AT 6.02 PM

1. PRESENT

Councillors

Cr Kim Le Cerf (Mayor) (Chairperson)
Cr Steph Amir
Cr Gaetano Greco (Deputy Mayor)
Cr Trent McCarthy
Cr Lina Messina
Cr Susanne Newton
Cr Susan Rennie
Cr Julie Williams (6.04 pm)

Council Officers

Steve Hamilton – Acting Chief Executive
Darren Rudd – Manager Planning and Building
Julie Smout – Coordinator Statutory Planning
Ellie Mandritis – Acting Director Civic Governance and Compliance
Blaga Naumoski – Manager Governance and Corporate Information
Katia Croce – Coordinator Council Business

2. APOLOGIES

An apology was lodged for the absence of Cr. Laurence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee meeting held on 19 December 2017 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/509/2002B
 127 Station Street, Fairfield VIC 3078

AUTHOR: Principal Planner – Craig Murphy

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Three Locals	Guiseppe Chimenti

SUMMARY:

- The applicant seeks to amend planning permit D/509/2002 to increase the patron numbers for an existing licensed restaurant from 76 to 108, and increase operating hours to open earlier from 6.30 am (in lieu of 9.30 am).
- As set out in this report, whilst use of the land for the purpose of a licensed restaurant does not require a planning permit, a permit is required because the proposal is unable to provide the requisite car parking on site as required under the planning scheme.
- Consequently, the only relevant issue Council may consider in assessing this application relates to the impacts associated with the reduction of car parking.
- The site is located within the Commercial 1 Zone ('C1Z'), and encumbered by the Development Contributions Plan ('DCPO') and Special Building ('SBO') overlays.
- There is no restrictive covenant on the title for the subject land.
- 16 objections were received against this application.
- The proposal is generally consistent with the decision guidelines of Clause 52.06 of the Darebin Planning Scheme and the objectives of the Commercial 1 Zone.
- It is recommended that the application be supported.

CONSULTATION:

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

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

- Nick Savvas, Applicant
- Paul Dellios, on behalf of Objectors

Committee Decision

MOVED: Cr. S. Rennie
SECONDED: Cr. S. Newton

That Planning Permit Application D/509/2002/B be supported and a Notice of Decision to Amend a Permit be issued subject to the following conditions:

What amendment is being made to the permit?

- Increase the maximum patron numbers by 32 (from 76 to 108).
- Increase the operating hours allow the use to commence at 6.30 am (in lieu of 9.30 am).

To what conditions is the amendment subject?

Amend Condition No. 3 to read:

3. The hours of operation are to be limited to:
 - Sunday to Thursday 6:30 am to 11:00 pm
 - Friday to Saturday 6:30 am to 12:00 midnight

Amend Condition No. 4 to read:

4. The maximum number of seats provided on the premises and adjacent footpath must not exceed 108.

Insert new Condition No. 13 to read:

13. Before the additional patrons approved under Amendment B to this Permit commences, amended plans/documentation 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 amendment application (received by Council 5 October 2016) but modified to show:

- a) Documentation that substantiates legal right of use/abuttal of the road to the rear of the site; or the proposed rear access removed from the plans.

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

Consequential renumbering of Melbourne Water's existing Condition Nos. 13 and 14.

CARRIED

Cr. Williams entered the meeting during discussion of the above item at 6.04 pm.

5.2 APPLICATION FOR PLANNING PERMIT D/322/2016
 536 Bell Street, Preston VIC 3072

AUTHOR: Principal Planner – Ben Porteous

DIRECTOR: City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Beyond Design Group Pty Ltd	Tonghui Gao	TTM Consulting (Vic) Pty Ltd (Traffic Report) All Trees Consulting Services Pty Ltd (Arboriculture Report)

SUMMARY:

- Medium density development comprising five (5) double storey dwellings and a reduction of the visitor car parking space. Each dwelling will have two (2) bedrooms and access to a car space. Vehicle access is to be gained via the constructed right-of-way to the rear of the site. Secluded private open space is provided in the form of balconies for each dwelling with areas of between 8 square metres and 12 square metres. Each dwelling is also provided with a courtyard at ground level.
- The site is zoned General Residential Zone Schedule 2.
- 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 Capital Works, ESD Officer, Transport Management and Planning and Darebin Parks.
- This application was referred externally to VicRoads.

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

- Aurora Tonini, on behalf of Objectors in Leicester Street

Committee Decision

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

That Planning Permit Application D/322/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor and Site Plan Rev A TP1, First Floor and Site Plan Rev A TP2 and Elevations Rev A TP3, dated 18.7.16 and prepared by Beyond Design Group Pty Ltd and The Sustainable Design Statement, Base Project ID: 31624, dated 2016-07-18) but modified to show:
 - a) Annotations detailing Tree Protection Zones and associated Tree Protection Fences with the following radii (measured from the outside edge of the trunk) for the nominated tree in accordance with the requirements of Condition 7 of this Permit.
 - i. 3.6 metres - *Cupressus Sp* (Cypress) at 540 Bell Street, Preston;
 - ii. 3.0 metres - *Prunus Sp* (Prunus) at 540 Bell Street, Preston;
 - iii. 2.4 metres - *Morus Sp* (Mulberry) at 532 Bell Street, Preston;
 - iv. 3.6 metres - *Magnolia Sp* (Magnolia) at 532 Bell Street, Preston;
 - v. 2.0 metres - *Feijoa sellowiana* (Pineapple Guava) at 532 Bell Street, Preston.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation, to the satisfaction of the Responsible Authority.
 - b) A notation detailing that the courtyard of Dwelling 4 is constructed at or above existing grade and the proposed pedestrian path be built at or above existing grade and constructed using permeable materials.
 - c) Details of the method of construction and structures (including fences) located within the tree protection zones identified in Condition 1(a) of this Permit. The construction method must be designed to minimise impacts on the health of the tree.
 - d) An externally fixed, horizontal shading device to the north facing window and glazed door of the Dwelling 5 living area.
 - e) A pedestrian gate to the Dwelling 1 south fence for access to the dwelling's courtyard.
 - f) At least one (1) bicycle parking space/rack per dwelling.
 - g) The width of the Dwelling 1-4 (inclusive) balconies increased to a minimum of 2.0 metres. This must be achieved without reducing any boundary setback(s).
 - h) The deletion of the parapet above the carport structure.

- i) The Dwelling 4 first floor balcony set back a minimum of 3.4 metres from the east property boundary. This must be achieved without reducing any boundary setbacks.
- j) The Dwelling 5 first floor northern most Bed 1 set back a minimum of 5.0 metres from the west property boundary. This must be achieved without reducing any boundary setbacks.
- k) The bin storage area set back a minimum of 6.7 metres from the southern boundary.
- l) The ground floor private open spaces of Dwellings 2-4 (inclusive) accessible from a common area (i.e. a hallway) and not via a bedroom.
- m) A landscape plan in accordance with Condition 4 of this Permit. The plans must include at minimum two (2) medium canopy trees and four (4) small canopy trees.

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) A minimum two (2) medium canopy trees and four (4) small canopy trees.
 - 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.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected on the subject site around the following trees at a nominated radii from the base of the trunk to define a 'tree protection zone' -
- a) 3.6 metres - Cupressus Sp (Cypress) at 540 Bell Street, Preston;
 - b) 3.0 metres - Prunus Sp (Prunus) at 540 Bell Street, Preston;
 - c) 2.4 metres - Morus Sp (Mulberry) at 532 Bell Street, Preston;
 - d) 3.6 metres - Magnolia Sp (Magnolia) at 532 Bell Street, Preston;
 - e) 2.0 metres - Feijoa sellowiana (Pineapple Guava) at 532 Bell Street, Preston.
-

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

The tree protection fences must remain in place until construction is completed, with the exception of where access is required to allow construction within the tree protection zone in accordance with the endorsed plans.

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

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

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

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

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

to the satisfaction of the Responsible Authority.

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

VICROADS CONDITION

17. The redundant vehicle crossing 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 commencement of the occupation hereby approved.

VICROADS NOTE:

- N1. 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.

NOTATIONS

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

- N2. 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.
- N3. 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.
- N4. 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.

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

CARRIED

Cr. Williams temporarily left the meeting at the conclusion of the above item at 6.42 pm.

5.3 APPLICATION FOR PLANNING PERMIT D/592/2016
 260-264 Arthur Street, Fairfield VIC 3078

AUTHOR: Principal Planner – John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant/s
T3 Architecture	Dr Mark Demian	<ul style="list-style-type: none"> • T3 Architecture • Glossop Town Planning • Marshall Day Acoustics • Eco Results • Leigh Design • Dare Designs

SUMMARY:

- It is proposed to demolish the existing dwellings on the site and construct a double storey building, for use as a childcare centre with 26 car parking spaces. The childcare centre is to cater for 112 children in six (6) rooms.
- The ground floor is to have reception/waiting area and office to the front, with laundry, kitchen, toilets and sleeping areas. Two (2) children's rooms are located to the rear, for 16 and 20 children respectively. Play areas are located to the northern and western common boundaries. A parking area is provided to the south, with space for 26 car parking spaces (10 in a tandem arrangement for staff). Vehicle access is via a crossover adjacent to the southern part of the site.
- The first floor is to have four (4) children's areas with external play areas in a terrace to the outside of the buildings.
- The maximum height of the building is to be 8.921 metres.
- The hours of operation are 7.00 am to 7.00 pm, Monday to Friday, and a total of 22 staff are proposed.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the relevant planning policy within the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers.

- This application was referred internally to Council's Transport Management and Planning Unit, Public Realm Unit, Capital Works Unit, Children, Families and Community Unit, Public Realm Unit, Strategic Planning Unit, ESD Officer, and Darebin Parks.
- This application was not required to be referred to external authorities.

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

- Sue Zhang, Applicant
- Liz Stickland, Objector
- Suzana Pridhan, Objector
- Ian McKendrick, Objector

Recommendation

That Planning Permit Application D/592/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP004, TP005, TP006 and TP007, dated 19 September 2016, project no. 000102016 and prepared by T3 Architecture) but modified to show:
 - a) Details of the waste storage area(s), including a bin wash area, to be appropriately enclosed, set back from the common boundaries and screened from public view. The waste storage area is to be designed to be generally in accordance with the approved Waste Management Plan (refer to Condition No.13 of this Permit).
 - b) The redundant vehicle crossovers removed and the kerb and channel reinstated in accordance with Condition No. 26 of this Permit.
 - c) Details of low level lighting to the car parking area in accordance with Condition No.20.
 - d) Details of the garage door, which is to be visually permeable.
 - e) Details of column location, showing compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-8 of the Scheme.
 - f) The width of car parking spaces 12 and 22 are to be increased to a minimum of 2.9 metres.
 - g) The disabled space and shared zone to be revised in accordance with Australian Standard AS2890.1:2004.
 - h) Details of the 1.8 metre high acoustic fence on the northern, western and southern property boundaries in accordance with the approved acoustic assessment (refer to Condition No. 15 of this Permit).
 - i) Notations detailing all acoustic measures, as required by the approved acoustic assessment (refer to Condition No. 15 of this Permit).

-
- j) Tree protection notations to Tree Nos. 2, 3, 4 and 5 in accordance with Condition No. 10 of this Permit.
- k) A notation indicating that the playground area in the tree protection zone (TPZ) of Tree 3 (located in the adjoining property to the west) is constructed at or above grade and of permeable materials. Any pruning must be in accordance with Australian Standard AS4373-2007: Pruning of amenity trees.
- l) A notation on plan indicating that the proposed car park in the TPZ of Trees 4 and 5 (located in the adjoining property to the south) is constructed at or above grade and of permeable materials.
- m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the 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.
- n) 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.
- o) 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.
- Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
- p) A notation stating that all timber cladding is certified by the Forest Stewardship Council (FSC) Australia and/or Program for the Endorsement of Forest Certification (PEFC) certified.
- q) All first floor glazed balustrades on the north, south and west elevations as fixed obscure glazing to a minimum of 1.7 metres above finished floor height.
- r) Raingardens located so that they are not within areas easily accessible to children or replaced with other water sensitive urban design elements (sentinel pits, stormwater harvesting systems, tertiary stormwater treatment systems or the like).
- s) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/ glazed doors.
- West facing glazed doors of the ground floor 18 month – 2 year room.
 - East facing windows of the ground floor office.
 - East facing windows of the first floor 4-5 year room.
 - West facing glazed doors and windows of the first floor 2-3 year rooms.
 - West facing windows of the first floor 3-4 year old room.
- Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- t) Fixed external sun shading devices to all first floor north facing glazed doors. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.
-

- u) North facing skylights, with block out blinds for solar control, to both 2-3 year old rooms and the 4-5 year old room.
- v) Any modifications in accordance with the revised Sustainable Management Plan (refer to Condition No. 12 of this Permit).
- w) A Landscape Plan in accordance with Condition No.7 of this Permit.

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

2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. 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.
5. The use may operate only between the hours of 7.00 am to 7.00 pm, Monday to Friday.
 6. The number of children on the premises at any one time must not exceed 112.
 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) 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) Provision of a minimum of three (3) suitable medium canopy trees and six (6) suitable small canopy trees.
 - n) Details of all tree protection zones and tree protection measures (refer to condition nos. 1 and 10 of this permit).
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. Before buildings and works (including demolition) start, a tree protection fence must be erected around Tree 2 in the nature strip, Queensland Brush Box (*Lophostemon confertus*) at a radius of 3.6 metres (not including footpath and kerb); Tree 3, located in the adjoining property to the west; Trees 4 and 5 in the adjoining property to the south at a radius of 2 metres, all taken from the trunk edge 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 access or trenching 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.

11. Tree 1 in the nature strip (*Prunus cerasifera* 'Nigra', Cherry Plum) must be removed by the developer/permit holder at their own cost and by a suitably qualified professional to the satisfaction of the responsible authority.
12. Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the document identified as Sustainability Management Plan for a day care centre, prepared by EcoResults and dated 14 September 2016 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 document is to be revised as follows:
 - a) Inclusion of solar hot water and/ or solar panels for electricity.
 - b) Details of the chosen hot water system, including why it was chosen.
 - c) Inclusion of a larger water tank(s) more suitable for a use/ development of this size and type.
 - d) Details of site permeability.
 - e) Details of water sensitive urban design features that take into account likely flow paths of stormwater in or over outdoor play areas.

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

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

13. Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 7 September 2016) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
14. Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
15. The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment (identified as 'childcare centre acoustic assessment' prepared by Marshall Day Acoustics and dated 20 September 2016) to the satisfaction of the Responsible Authority.

16. 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.
17. The car parking area is to be adequately secured after operating hours.
18. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
19. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
20. All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
21. The land must be drained to the satisfaction of the Responsible Authority.
22. 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.
23. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
24. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
25. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways.

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. J. Williams

That Planning Permit Application D/592/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP004, TP005, TP006 and TP007, dated 19 September 2016, project no. 000102016 and prepared by T3 Architecture) but modified to show:
 - a) Details of the waste storage area(s), including a bin wash area, to be appropriately enclosed, set back from the common boundaries and screened from public view. The waste storage area is to be designed to be generally in accordance with the approved Waste Management Plan (refer to Condition No.13 of this Permit).
 - b) The redundant vehicle crossovers removed and the kerb and channel reinstated in accordance with Condition No. 26 of this Permit.
 - c) Details of low level lighting to the car parking area in accordance with Condition No.20.
 - d) Details of the garage door, which is to be visually permeable to restrict after hours access to the car park.
 - e) Details of column location, showing compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-8 of the Scheme.
 - f) The width of car parking spaces 12 and 22 are to be increased to a minimum of 2.9 metres.
 - g) The disabled space and shared zone to be revised in accordance with Australian Standard AS2890.1:2004.
 - h) Details of the 1.8 metre high acoustic fence on the northern, western and southern property boundaries in accordance with the approved acoustic assessment (refer to Condition No. 15 of this Permit).
 - i) Notations detailing all acoustic measures, as required by the approved acoustic assessment (refer to Condition No. 15 of this Permit).
 - j) Tree protection notations to Tree Nos. 2, 3, 4 and 5 in accordance with Condition No. 10 of this Permit.
 - k) A notation indicating that the playground area in the tree protection zone (TPZ) of Tree 3 (located in the adjoining property to the west) is constructed at or above grade and of permeable materials. Any pruning must be in accordance with Australian Standard AS4373-2007: Pruning of amenity trees.
 - l) A notation on plan indicating that the proposed car park in the TPZ of Trees 4 and 5 (located in the adjoining property to the south) is constructed at or above grade and of permeable materials.

-
- m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the 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.
 - n) 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.
 - o) 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.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- p) A notation stating that all timber cladding is certified by the Forest Stewardship Council (FSC) Australia and/or Program for the Endorsement of Forest Certification (PEFC) certified.
- q) All first floor glazed balustrades on the north, south and west elevations as fixed obscure glazing to a minimum of 1.7 metres above finished floor height.
- r) Raingardens located so that they are not within areas easily accessible to children or replaced with other water sensitive urban design elements (sentinel pits, stormwater harvesting systems, tertiary stormwater treatment systems or the like).
- s) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/ glazed doors.
 - West facing glazed doors of the ground floor 18 month – 2 year room.
 - East facing windows of the ground floor office.
 - East facing windows of the first floor 4-5 year room.
 - West facing glazed doors and windows of the first floor 2-3 year rooms.
 - West facing windows of the first floor 3-4 year old room.

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

- t) Fixed external sun shading devices to all first floor north facing glazed doors. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.
- u) North facing skylights, with block out blinds for solar control, to both 2-3 year old rooms and the 4-5 year old room.
- v) Any modifications in accordance with the revised Sustainable Management Plan (refer to Condition No. 12 of this Permit).
- w) A Landscape Plan in accordance with Condition No.7 of this Permit.

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

- 2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. 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.
5. The use may operate only between the hours of 7.00 am to 7.00 pm, Monday to Friday.
6. The number of children on the premises at any one time must not exceed 112.
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) 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) Provision of a minimum of three (3) suitable medium canopy trees and six (6) suitable small canopy trees.
 - n) Details of all tree protection zones and tree protection measures (refer to condition nos. 1 and 10 of this permit).
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. Before buildings and works (including demolition) start, a tree protection fence must be erected around Tree 2 in the nature strip, Queensland Brush Box (*Lophostemon confertus*) at a radius of 3.6 metres (not including footpath and kerb); Tree 3, located in the adjoining property to the west; Trees 4 and 5 in the adjoining property to the south at a radius of 2 metres, all taken from the trunk edge 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 access or trenching 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.
11. Tree 1 in the nature strip (*Prunus cerasifera* 'Nigra', Cherry Plum) must be removed by the developer/permit holder at their own cost and by a suitably qualified professional to the satisfaction of the responsible authority.
-

12. Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the document identified as Sustainability Management Plan for a day care centre, prepared by EcoResults and dated 14 September 2016 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 document is to be revised as follows:

- f) Inclusion of solar hot water and/ or solar panels for electricity.
- g) Details of the chosen hot water system, including why it was chosen.
- h) Inclusion of a larger water tank(s) more suitable for a use/ development of this size and type.
- i) Details of site permeability.
- j) Details of water sensitive urban design features that take into account likely flow paths of stormwater in or over outdoor play areas.

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

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

13. Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 7 September 2016) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
14. Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.
- The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
15. The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment (identified as 'childcare centre acoustic assessment' prepared by Marshall Day Acoustics and dated 20 September 2016) to the satisfaction of the Responsible Authority.
16. 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.
17. The car parking area is to be adequately secured after operating hours.
18. The amenity of the area must not be adversely affected by the use or development as a result of the:
- a) Transport of materials, goods or commodities to or from the land; and/or

- b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- and/or in any other way, to the satisfaction of the Responsible Authority.
- 19. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 - 20. All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
 - 21. The land must be drained to the satisfaction of the Responsible Authority.
 - 22. 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.
 - 23. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 - 24. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 - 25. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways.to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 26. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

CARRIED

Cr. Rennie left the meeting during discussion of the above item at 6.43 pm.

Cr. Williams returned to the meeting during discussion of the above item at 6.44 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/666/2016
 98 Union Street, Northcote VIC

AUTHOR: Senior Planner – Katharine Cox

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Clinton Murray Architects	Peter Richmond McCall and Ruth Yvonne McCall

SUMMARY:

- Proposal – alterations and additions to a single dwelling.
- The site is zoned Neighbourhood Residential Zone Schedule 1
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 54 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

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

- Hamish Fitzsimmons, Objector
- Aran Ferguson, Objector

Recommendation

That Planning Permit Application D/666/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as DWG No. A001, A051, A052, A053, A054, A101, A102, A103, A401, A402, A501) but modified to show:
 - a) The screening to the mezzanine level on the southern boundary increased to a minimum height of 1.7 metres above finished floor level.

- b) Improved floor plans and sectional diagrams demonstrating how the steel screens to the east elevation deck and south elevation comply with Standard A15.

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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 5. The land must be drained to the satisfaction of the Responsible Authority.
 6. With the exception of guttering, rainheads and downpipes, all new pipes, fixtures, fittings and vents servicing the dwelling on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

NOTATIONS

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

- 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.
- 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.
- 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.

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

Motion

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

That the Planning Committee defer this item (Item 5.4 – Planning Application D/666/2016) to the next available meeting to receive further information in relation to the proposed sightlines to adjoining properties.

Cr. Amir proposed to the mover the motion be amended as follows. This was accepted by Cr. McCarthy.

That the Planning Committee defer this item (Item 5.4 – Planning Application D/666/2016) to the next available meeting to receive further information in relation to the proposed sightlines to adjoining properties **and options to protect heritage of the site.**

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That the Planning Committee defer this item (Item 5.4 – Planning Application D/666/2016) to the next available meeting to receive further information in relation to the proposed sightlines to adjoining properties and options to protect heritage of the site.

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

Committee Decision

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

That the Planning Committee defer this item (Item 5.4 – Planning Application D/666/2016) to the next available meeting to receive further information in relation to the proposed sightlines to adjoining properties and options to protect heritage of the site.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

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

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

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

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

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

Committee Decision

MOVED: Cr. G. Greco
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 7.32 pm.