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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 8 August 2016

Released to the public on Thursday 11 August 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON 8 AUGUST 2016**

THE MEETING COMMENCED AT 7.00 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)

Cr Gaetano Greco

Cr Tim Laurence (7.02 pm)

Cr Bo Li

Cr Trent McCarthy

Cr Angela Vilella

Cr Oliver Walsh

Cr Julie Williams (7.02 pm)

Council Officers

Steve Hamilton – Acting Chief Executive

Darren Rudd – Manager City Development

Julie Smout – Coordinator Statutory Planning

Jacinta Stevens – Executive Manager Corporate Governance and Performance

Katia Croce – Coordinator Council Business

2. APOLOGIES

An apology was lodged for the absence of Cr. Tsitas and the initial absences of Cr. Laurence and Cr. Williams.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Cr. Laurence reported Planning Committee meeting Minutes dated 25 July 2016 need to be amended. In item 5.6 Application for Planning Permit D/731/2015 – 139-141 Normanby Avenue, Thornbury, the conflict of interest declared should read 200 metres of the Application site not 20 metres.

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. G. Greco

THAT the Minutes of the Planning Committee meeting held on 25 July 2016 as amended be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

Cr. Laurence, during discussions disclosed a conflict of interest in the following item classifying the type of interest as an ‘indirect interest’ on the basis of residential amenity.

Cr. Laurence left the meeting during discussions of this item – 7.18 pm.

5.1 APPLICATION FOR PLANNING PERMIT D/400/2015
60 Burbank Drive, Reservoir

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Meraq Building Designers	Nikola Stojanovski and Alyse Stojanovski	Luka Mrkonjic Town Planning Services and Meraq Building Designers

SUMMARY:

- It is proposed to demolish the existing dwelling and construct two (2) single storey and one (1) double storey dwelling on the site. The dwellings will each provide three (3) bedroom accommodation and have a kitchen/meals/living area at ground floor level, with a single garage and tandem car space each. The double storey dwelling (Unit 2) will have two (2) of its bedrooms on the first floor. The private open space areas are to be provided at ground level to the rear (north), with areas of 40.87 square metres (Unit 1), 63.68 square metres (Unit 2) and 41.09 square metres (Unit 3). The overall height is approximately 7.6 metres to the ridge of Unit 2.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 42 objections have been received against this application. This includes one (1) petition with 39 signatures.
- The proposal meets 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 and Darebin Parks.
- This application was not required to be referred to external authorities.

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

- Luka Mrkonjiic, on behalf of Applicant
- Cathryna Canteri, Objector

Recommendation

THAT Planning Permit Application D/400/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheets 03 and 04 dated 29/3/2016 and Sheet 05 dated 15 July 2016 prepared by Meraq Building Design and received by Council on 14 April 2016 and 19 July 2016) but modified to show:
 - a) Drawing Sheet 04 dated 29 March 2016 named correctly as First Floor Plan.
 - b) All finished floor levels including the garages, ground floor and first floor levels nominated on the plans and shown to Australian Height Datum (AHD).
 - c) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the south-western and north-eastern sides of the existing and proposed crossovers to Burbank Drive. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - d) The first floor Bedroom 2 window of Unit 2 on the North elevation 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 (measured from the outside edge of the trunk) for the trees as listed in and in accordance with the requirements of Condition No.7 of this Permit.
- f) A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
- g) The provision of notations to state:
 - That the deck area of Unit 3 be constructed above grade with all post holes within the tree protection zone (TPZ) of Tree No.5 (as identified in the Arboricultural Assessment and Report prepared by Stem Arboriculture dated 5 May 2016) are to be hand excavated and relocated if roots greater than 40mm are encountered.

- The deck planks of the deck area of Unit 3 are to have sufficient spacing, nominally 6mm, to allow rainfall to penetrate to the ground below.
- h) Full construction details for the construction of the garage of Unit 3, employing alternative building method to ensure the health and viability of Tree No.6 (as identified in the Arboricultural Assessment and Report prepared by Stem Arboriculture dated 5 May 2016), in accordance with Condition No.7 of this Permit.
- i) The provision of a notation to state the accessway to Unit 3, where within the tree protection zone of trees No.8 and 9 5 (as identified in the Arboricultural Assessment and Report prepared by Stem Arboriculture dated 5 May 2016) is to be constructed at or above grade using permeable materials.
- j) A landscape plan in accordance with Condition No.4 of this Permit.
- When approved, the plans will be endorsed and form part of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Full details and notations relating to tree protection measures in accordance with Condition No.7 of this Permit.
- b) At least two (2) suitable medium canopy trees and four (4) suitable small canopy trees included in the new development. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).
- c) 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.
- d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.

- f) 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).
- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) 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.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
- l) 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.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the trees listed below (and as identified in the Arboricultural Assessment and Report prepared by Stem Arboriculture dated 5 May 2016) at the specified radius from the base of the trunk to define a 'tree protection zone'.
- Tree 3 - (TPZ 2.0 metres from the trunk edge)
 - Tree 4 - (TPZ 2.0 metres from the trunk edge)

- Tree 11 - (TPZ 2.0 metres from the trunk edge)
- Tree 12 - (TPZ 2.4 metres from the trunk edge)
- Group 1 - (TPZ 2.0 metres from the trunk edge)
- Tree 2 - (TPZ 2.4 metres from the trunk edge)
- Tree 7 - (TPZ 2.6 metres from the trunk edge)
- Tree 10 - (TPZ 4.2 metres from the trunk edge)
- Tree 13 - (TPZ 9.1 metres from the trunk edge)
- Tree 5 - (TPZ 2.9 metres from the trunk edge) - the deck area of Unit 3 must be constructed above grade with all post holes within the tree protection zone (TPZ) of this tree hand excavated and relocated if roots greater than 40mm are encountered. The deck planks must have sufficient space, nominally 6mm, to allow rainfall to penetrate to the ground below.
- Tree 6 - (TPZ 2.0 metres from the trunk edge). The garage of Unit 3 must be constructed with a lightweight wall to the northern boundary. The garage floor level must be raised so that the slab can be constructed at or above grade. The slab must avoid a strip footing/edge beam on the northern boundary or within the TPZ.
- Tree 8 - (TPZ 2.0 metres) – the driveway of Unit 3 must be constructed above grade using permeable materials.
- Tree 9 - (TPZ 2.7 metres) - the driveway of Unit 3 must be constructed above grade using permeable materials.
- Tree 15 - (TPZ 9.4 metres from the trunk edge)
- Tree 16 - (TPZ 7.0 metres from the trunk edge)

The tree protection 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.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone unless otherwise specified in this condition.

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

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

8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

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

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

11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. Before the development is occupied, vehicular crossing(s) must be constructed or relocated 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.

Committee Decision

MOVED: Cr. G. Greco
SECONDED: Cr. A. Villella

That Planning Permit Application D/400/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The development is contrary to the Darebin Housing Strategy 2013 (Revised 2015) in which the subject site is identified in a Minimal Change Area in the Housing Change Framework.
2. The development does not comply with Clause 55 of the Darebin Planning Scheme as follows:
 - a) Clause 55.03-1 Standard B6 – the development is not set back sufficiently from the front boundary of the site and is contrary to the character of the area.
3. The dwelling constitutes an overdevelopment of the site.

CARRIED UNANIMOUSLY

Cr. Laurence entered the meeting during discussions of the above item at 7.02 pm.

Cr. Williams entered the meeting during discussions of the above item at 7.02 pm.

Cr. Laurence returned to the meeting at the conclusion of the above item at 7.25 pm.

5.2 APPLICATION FOR PLANNING PERMIT D/934/2015
 254-256 Murray Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
C Kairouz Architects	David Lin

SUMMARY:

- Development of a three (3) storey building comprising seven (7) dwellings. Five (5) three (3) bedroom and two (2) two (2) bedroom dwellings are proposed. All dwellings have access to a balcony and courtyard.
- 12 resident car parking spaces are provided at basement level. No visitor car parking is provided where the Planning Scheme recommends one (1) space.
- The site is zoned General Residential Zone (Schedule 2) and is located in Precinct O where there is strategic support for development of this scale and intensity.
- Seven (7) objections were received against this application.
- The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

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

- Chris MacKenzie, on behalf of Applicant
- Alexandra Cooke, Objector

Recommendation

That Planning Permit Application D/934/2015 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: A07, A08, A09, A10, A11, A12, A13, A14, A15 and A16, dated 12 May 2016, Job No CKA14-022, prepared by C. Kairouz Architects) but modified to show:

- a) Any modifications in accordance with the Sustainable Design Statement (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.
- 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.

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

- e) Fixed horizontal external shading devices to all north elevation windows.
- f) Vertical retractable external shading devices to all east and west elevation windows and or balconies.
- g) 6 cubic metres of external storage to each dwelling.
- h) 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.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority.

The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

5. Before 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.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. 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.
11. 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.
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 the basement and car parking spaces and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

Committee Decision

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

That Planning Permit Application D/934/2015 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal will result in an adverse visual bulk impact upon the adjacent properties.
2. The front setback is contrary to Standard B6 of Clause 55 of the Darebin Planning Scheme.
3. The height of the proposal is contrary to Standard B7 of Clause 55 of the Darebin Planning Scheme.
4. The side boundary setback is contrary to Standard B17 of Clause 55 of the Darebin Planning Scheme.
5. The east boundary setback is contrary to Standard B19 of Clause 55 of the Darebin Planning Scheme.
6. The development does not provide a visitor car parking space, contrary to Clause 52.06 of the Darebin Planning Scheme

CARRIED

Cr. Laurence called for a Division:

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

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

5.3 APPLICATION FOR PLANNING PERMIT D/474/2015
63-71 Plenty Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Crystal Matt Developments Pty Ltd	Sixty High Pty Ltd	P2 Urban Planning and Design

SUMMARY:

- The application is subject to an appeal hearing on 22 August 2016.
- On 14 June 2016 the Planning Committee formed the view to refuse planning permission for an 18-storey building comprising 135 dwellings, two (2) shops and reduction to the car parking requirement.
- The grounds of refusal principally related to the height, design, ESD measures and internal amenity of the dwellings. The proposal was also contrary to Amendment C137 to the Darebin Planning Scheme.
- The current plans under consideration are the plans which the applicant will rely upon at the forthcoming hearing. The current plans seek to address the grounds of refusal upon which Council would rely on at the hearing.
- The current proposal involves the development of a 14-storey building comprising 89 dwellings and two (2) shops.
- Seventy five car parking spaces are provided on site. This represents a reduction to the car parking requirement.
- The site is located in the Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- One (1) statement of grounds (objection) has been received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and Amendment C137 (as adopted) of the Darebin Planning Scheme.
- It is recommended that Council form the view to not support the proposal.

CONSULTATION:

- Plans of the current the current 14-storey proposal have been circulated to all parties in accordance with VCAT’s requirements.
- This application was referred internally to Capital Works Unit, the Transport Management and Planning Unit, ESD and Urban Design officers.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. T. Laurence

SECONDED: Cr. J. Williams

THAT Council form the view not to support the proposal based 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) 22.06-3.2 Building height
 - f) 22.06-3.4 Dwelling diversity
 - g) 22.06-3.5 Car Parking and Vehicle Access
 - h) 22.06-3.8 Amenity impacts, including overshadowing and overlooking
 - i) 22.06-3.9 On site amenity and facilities, including private open space
 - j) 22.06-3.10 Waste Management
 - k) 52.06 Car parking
 - l) 52.34 Bicycle parking
2. The development is contrary to the Higher Density Residential Development Guidelines.
3. 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.
4. In absence of full and proper ESD and day-lighting assessment, the development fails to adequately address ESD objectives contained under Clauses 15.01, 15.02 and 21.05 and 22.06 of the Darebin Planning Scheme.
5. The following aspects of the development are contrary to Amendment C137 (DDO3) (as adopted): Building height, setbacks, design, internal amenity and ESD.

CARRIED

6. OTHER BUSINESS**6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING**

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

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

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

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

Committee Decision

MOVED: Cr. T. McCarthy

SECONDED: Cr. B. Li

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

CARRIED

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 7.50 pm.