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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 April 2021

Released to the public on Thursday 15 April 2021



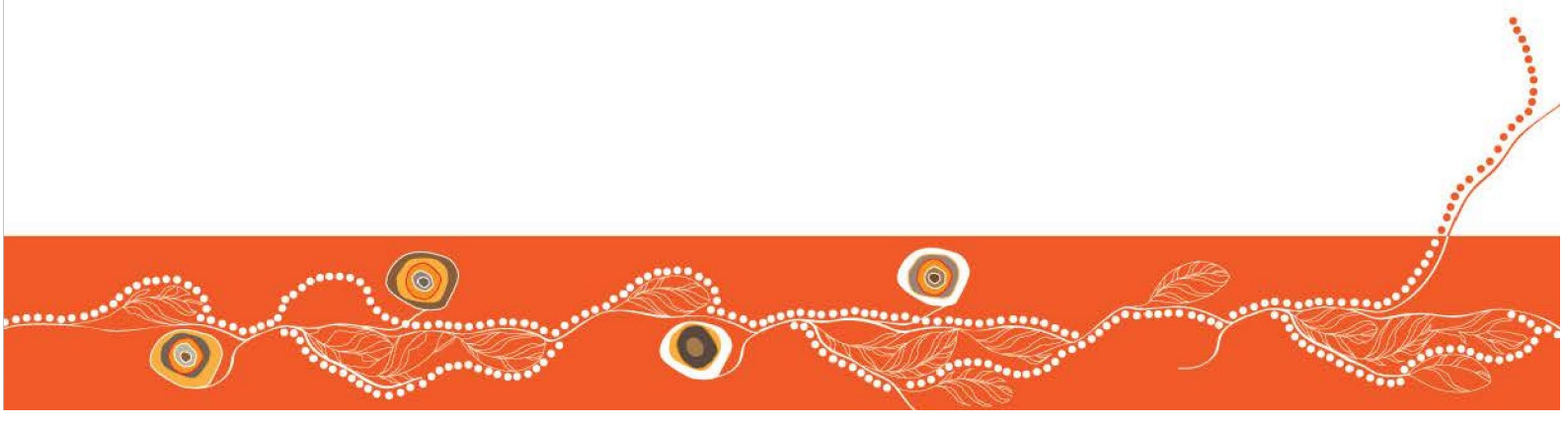
ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये योजना समिति की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਯੋਜਨਾ ਸਮਿਤੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF
THE DAREBIN CITY COUNCIL HELD AT PRESTON TOWN HALL,
284 GOWER STREET PRESTON ON MONDAY 12 APRIL 2021**

THE MEETING OPENED AT 6.34PM

WELCOME

The Chairperson, Deputy Mayor Gaetano Greco opened the meeting with the following statement:

“I acknowledge the Wurundjeri Woi-wurrung people who are the Traditional Owners of the land. I recognise their continuing connection to the land, water and culture. I pay my respects to Elders past, present and emerging.”

1. PRESENT

Councillors

Cr. Gaetano Greco (Deputy Mayor)

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Julie Williams

Council Officers

Rachel Ollivier - General Manager City Sustainability and Strategy

Jodie Watson - General Manager Governance and Engagement

Karen Leeder – Manager City Development

Peter Rollis – Coordinator Statutory Planning

Stephen Mahon - Coordinator Council Business

Karlee Ferrante - Council Business Officer

2. APOLOGIES

Apologies were received for Cr. Lina Messina, Cr. Emily Dimitriadis, Cr. Tom Hannan and Cr. Susan Rennie

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Officer Recommendation

That the Minutes of the Planning Committee Meeting held on 9 March 2021 be confirmed as a correct record of business transacted.

Committee Decision

MOVED: Cr. T McCarthy
SECONDED: Cr. T Laurence

That the Minutes of the Planning Committee Meeting held on 9 March 2021 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/664/2020 765-769 Gilbert Road Reservoir

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Khoury & Sons Funerals	Mitcar Nominees	Mister Plan Man Site Matters

SUMMARY

- The application is for use as a funeral parlour and associated buildings and works comprising construction of a single storey extension. The use does not include a crematorium.
- The single storey extension consists of a garage and storage area with a maximum height of 3.7 metres.
- Proposed hours of operation are Monday to Friday 9.00am to 6.00pm with appointment only to 9.00pm.
- The use will have a maximum occupancy of 45 patrons and four staff at any one time.
- Access to 22 car parking spaces and three bicycle parking spaces is proposed via existing crossovers to Gilbert Road and Henty Street.
- The site is zoned Commercial 1 Zone and is affected by the Development Contribution Plan Overlay. Gilbert Road is within the Road Zone – Category 2.
- There is no restrictive covenant on the title for the subject land.
- 59 objections were received against this application.
- The use and minor extent of development are considered acceptable in an activity centre setting and are generally in accordance with the relevant purpose of the Commercial 1 Zone of the Darebin Planning Scheme (the Scheme) to create mixed use commercial centres for retail, office, business, entertainment and community uses.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Assets and Capital Delivery Unit, Property Services Unit, Strategic Planning Unit and Climate Emergency and Sustainable Transport Unit.
- This application was not required to be referred to external authorities.

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/664/2020:

- 1) Peter Cvetkovski (Applicant)
- 2) George Saad (Objector)

Officer Recommendation

That Planning Permit Application D/664/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *drawing numbers 01220/01 Rev B, 01220/02 Rev A, 01220/01 Rev A, 01220/04 Rev A, prepared by Mister Plan Man and dated 9 October 2020*) but modified to show:
 - (a) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18-5 of the Darebin Planning Scheme. Refer to Condition No. 15 of this Permit.
 - (b) The provision of a Stormwater Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 16 of this Permit.

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

2. The development and layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The use may operate only between the hours of 9.00am to 6.00pm with appointment only to 9.00pm on Monday to Friday.
4. No more than 45 patrons may be present on the premises at any one time.
5. Provision must be made for the storage and collection of waste, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection waste must be kept in a storage area on the site and screened from the street to the satisfaction of the Responsible Authority.

The waste area and bins must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. The use/development must not adversely affect the amenity of the area, including through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; andand/or in any other way, to the satisfaction of the Responsible Authority.

8. Noise levels from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and industry accepted sleep disturbance criteria.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
10. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
 - (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development, to the satisfaction of the Responsible Authority.
11. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
12. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
13. No buildings, structures or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the easement.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. Before plans are endorsed under Condition No. 1 of this Permit, a revised Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
 - (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
 - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

16. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide (2002)* and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
18. Before the use starts the redundant portion of the crossover to Gilbert Road must be removed and the area reinstated with footpath, naturestrip and kerb and channel in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.
19. Before the use starts three (3) ground mounted bicycle parking spaces shown on the endorsed plans must be provided on the site to the satisfaction of the Responsible Authority.
20. 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 or the use is not started within five (5) years of the date of this Permit.

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

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

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.

- N3 Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.

Motion

MOVED: Cr. S Newton
SECONDED: Cr. J Williams

That Planning Permit Application not be supported on the following grounds:

- 1) Use as a funeral parlour is not in accordance with the relevant purpose of the Commercial 1 Zone as follows:
 - To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

The motion was put and carried unanimously.

Committee Decision

MOVED: Cr. S Newton
SECONDED: Cr. J Williams

That Planning Permit Application not be supported on the following grounds:

- 1) Use as a funeral parlour is not in accordance with the relevant purpose of the Commercial 1 Zone as follows:
 - To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

CARRIED UNANIMOUSLY

Prior to consideration of the following item, Peter Rollis, Coordinator Statutory Planning advised the Planning Committee that one of the objectors had formally withdrawn their objection bringing to total number of objections received to 32.

**5.2 APPLICATION FOR PLANNING PERMIT D/93/2020
1 UNION STREET PRESTON VIC 3072**

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Taouk Architects	A T Taouk	Aspect Planning Services Gum & Maple Consulting Frater Consulting Services

SUMMARY

- The development proposes five double storey dwellings, as detailed:
 - Dwellings 1-4: Traditional dwelling arrangement with living, dining, kitchen areas and secluded private open space (25sqm – 32sqm) at ground level, two bedrooms with en-suite at the first-floor level and additional 4.15sqm balcony/terrace areas for Dwellings 2-4.
 - Dwelling 5: Reverse living arrangement with ground floor entrance accessed via shared walkway and kitchen/dining/living areas and two bedrooms at the first-floor level. Balcony private open space with a total area of 12.89 square metres is provided.
 - One car parking space, accessed via the rear right of way (ROW), is provided for each dwelling in accordance with standard requirements.
- The development is not required to provide a visitor car parking space as the site is located within the Principle Public Transport Network (PPTN) area.
- A contemporary built form is proposed, which incorporates a gable roof, face brickwork (recycled red brick) at the ground floor level and horizontal cladding (axon cladding – grey & timber composite cladding) at the first-floor level. The fenestration is consistent across the development, provides an outlook to the street and is consistent with the character of the street.
- The dwellings will have a maximum building height of 8.29 metres.
- The mandatory garden area requirement is 30%. The proposal achieves a garden area of 35.31%.
- The site is zoned General Residential Zone (Schedule 2) and is affected by the Development Contributions Plan Overlay (expired).
- There is no restrictive covenant on the title for the subject land.
- Thirty-three (33) objections were received against the application.

- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- A Section 57A amendment to the application was lodged post advertising in order to incorporate design changes. The application was subsequently re-advertised.
- This application was referred internally to Council's:
 - Arboricultural Planning Unit;
 - Infrastructure and Capital Delivery Unit;
 - Climate Emergency and Sustainable Transport Unit;
 - Property Officer;
 - ESD officer; and
 - WSUD officer.
- This application was not required to be referred to external authorities.

The following people addressed the meeting in relation to Item 5.2 Application for Planning Permit D/93/2020:

- 1) Patricia McGregor (Objector)
- 2) Cathy Caruso (Objector)

Officer Recommendation

That Planning Permit Application on D/93/2020 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application, identified as plans TP03 – TP04 (inclusive), Rev. A, dated 6 May 2020, drawn by Taouk Architects, but modified to show:
 - (a) The height of the fence along the western property boundary to be a minimum height of 1.8 metres as measured above natural ground level.
 - (b) The height of the fences separating each dwelling's secluded private open space to have a minimum height of 1.8 metres as measured above natural ground level.
 - (c) The 2.2m high boundary fence adjacent to the laneway (east elevation) must be splayed down to a maximum height of 900mm for a length of 2.5m into the subject site.
 - (d) All obscure glazing to first floor habitable room windows at the southern and western elevation noted as being fixed obscure glazing, not more than 25% transparent and not film.

- (e) The Dwelling 5 balcony (south elevation) provided with a permanently fixed screen to a height of 1.7 metres above floor level and not more than 25 per cent transparent. The screen is to be designed and coloured to blend in with the development and section diagram provided, which demonstrates effectiveness.
- (f) A notation on ground floor plan confirming the ROW to the rear of the site is to be constructed to the satisfaction of the Responsible Authority. The ROW must be constructed along the entire length of the rear and extend to the west for a length which meets the property boundary of No. 2 and No. 4 McNamara Street.
- (g) Fixed external sun shading devices to all north facing habitable room windows/glazed doors where not located directly under an eave or overhang. Where sun shading devices are used a dimensioned section diagram or photograph must be provided. Shading must not extend within 1 metre of a property boundary.
- (h) External operable sun shading devices (excluding roller shutters to windows that face the street, laneway or common areas at Ground Floor) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
- (i) A daylight tube provided to the first floor en-suites of Bedroom 1 associated with Dwellings 2, 3, 4 and a window provided to the bathroom of Dwelling 5.
- (j) A shared waste store provided to the south of the gas and water meters. The waste store is to be designed and screened to blend with the development and allow capacity for 3 x 120L FOGO bins.
- (k) The eastern boundary fence reduced to a maximum height of 1.5 metres from Natural Ground Level (NGL) and be designed in a style consistent with the development.
- (l) A Landscape Plan in accordance with Condition No. 4 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 of this Permit.
- (n) Any modifications and annotation in accordance with the Sustainable Design Assessment (SDA) referred to in Condition No. 8 of this Permit.
- (o) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 9 of this Permit.
- (p) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 10 of this Permit.

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

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

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

- (c) Before this Permit expires;

-
- (d) Within six (6) months after the expiry date; or
- (e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Tree protection measures in accordance with Condition No. 5 this Permit.
- (b) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 8 of this Permit)
- (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 9 of this Permit)
- (d) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
- (e) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- (f) A diversity of plant species and forms.
- (g) 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.

This must include a minimum:

- Two (2) medium canopy trees within the front setback; and
- Four (4) small 'upright' trees within rear SPOS of units 1-4.

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).

- (h) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (i) 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.
- (j) Hard paved surfaces at all entry points to dwellings.
- (k) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
-

- (l) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (m) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (n) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (p) Scale, north point and appropriate legend.
- (q) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

5. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)	Additional tree protection measures
Tree 1 – <i>Lophostemon confertus</i> (Brush Box)	Naturestrip	5.2 metres	<ul style="list-style-type: none"> • The front fence is constructed root sensitively as outlined in the arborist report or be of light timber construction with manually excavated stump holes. • All works within TPZs must be supervised by a qualified arborist. • Any roots uncovered must be pruned with sharp/sterile tools. • Any service installation within TPZs must be bored to a minimum depth of 0.6m below

			<p>existing grade. There must strictly be no 'open trench' excavation within TPZs.</p> <ul style="list-style-type: none"> • There must be no landscape plantings within Structural Root Zones (SRZs).
Tree 7 - <i>Citrus limon</i> (Lemon)	Adjoining property (west)	2.2 metres	<ul style="list-style-type: none"> • Notation confirming TPZ of Tree 7 is to remain permeable within the SPOS of Dwelling 4. • The ROW (including associated drainage) within the TPZ of Trees 8 & 9 must be fully constructed above grade. • The common 'driveway' area in front of the garages must be constructed above grade using a permeable material. • Strictly all works within TPZs must be supervised by a qualified arborist. <ul style="list-style-type: none"> ○ Any roots uncovered must be pruned with sharp/sterile tools. • Any fencing within TPZs must be of light timber construction with manually excavated stump holes. • Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs. • Any pruning works must be carried out by a qualified arborist in accordance with AS4373-2007. • There must be no landscape plantings within Structural Root Zones (SRZs)
Tree 8 - <i>Corymbia ficifolia</i> (Red-flowering Gum)	Adjoining property (south)	3.6 metres	
Tree 9 - <i>Pinus radiata</i> (Monterey Pine)	Adjoining property (south)	10.8 metres	
<p>*as defined in the Arborist Report - Development Impact Assessment, Ref No. LJK20-04-23-1Union, dated 23 April 2020, prepared by Gum and Maple Consulting.</p>			

Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans.

6. The following tree protection measures must be implemented for trees identified in the table to Condition 5 of this Permit:

- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing 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 or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ must be provided with 100mm layer of coarse mulch.
 - (iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
7. Any pruning that is required to be done to the canopy of any trees retained on-site and on adjoining sites is to be undertaken by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia to the satisfaction of the Responsible Authority.
- Any pruning of the root system of any existing tree to be retained is to be undertaken by hand by a suitably qualified person to the satisfaction of the Responsible Authority.
8. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as the Sustainable Design Assessment, dated 14 May 2020, prepared by Frater Frater Consulting Services, but modified to show:
- (a) NatHERS ratings to be a minimum 6.5 stars for Class 1 dwellings.
-

- (b) A revised STORM assessment with number of bedrooms corrected to be in accordance with the development plans.
- (c) Maintenance details to be provided for the rainwater tanks including tasks, timeframes and responsibilities.
- (d) BESS item Urban Ecology 2.1 Vegetation amended to exclude paths, paved outdoor areas, decking and all other areas not associated with garden beds.

A minimum 100% STORM Rating, minimum BESS score of 50% and pass in Water, Energy, Stormwater and IEQ must be maintained. The requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:

- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must describe how the site will be managed prior to and during the construction period, including requirements for:

- (a) Erosion and sediment.
- (b) Stormwater.
- (c) Litter, concrete and other construction wastes.
- (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

11. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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.
12. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
13. Before the development is occupied, all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).
16. Before the development is 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
17. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
 - (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,to the satisfaction of the Responsible Authority.
18. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.
19. The walls on the boundary of the adjoining properties must be cleaned and finished 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)

- Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, it must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Motion

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

That Planning Permit Application not be supported on the following grounds:

1. The proposal is not in accordance with the objectives at Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme as the development has not been designed in accordance with the design guidelines within the Darebin Neighbourhood Character Study in terms of existing buildings, height and built form (visual bulk), and materials and design detail.
2. The proposal is not in accordance with the following standards and/or objectives at Clause 55 (Two or more Dwellings on a lot) of the Darebin Planning Scheme:
 - a) Clause 55.02-1 (Standard B1) Neighbourhood Character – The proposal is not in accordance with the existing character of the area.
 - b) Clause 55.03-1 (Standard B6) Street Setback – The proposal does not comply with the setback requirement of the standard.
 - c) Clause 55.04-2 (Standard B18) Walls on Boundary – The proposal does not comply with the maximum and average wall on boundary heights (east elevation).
 - d) Clause 55.05-4 (Standard B28) Private Open Space – The proposal does not comply with the minimum total private open space requirement of the standard.
 - e) Clause 55.06-1 (Standard B31) Design Detail – The design detail is not in accordance with the existing neighbourhood character.

The motion was put and carried unanimously.

Committee Decision

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

That Planning Permit Application not be supported on the following grounds:

1. The proposal is not in accordance with the objectives at Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme as the development has not been designed in accordance with the design guidelines within the Darebin Neighbourhood Character Study in terms of existing buildings, height and built form (visual bulk), and materials and design detail.
2. The proposal is not in accordance with the following standards and/or objectives at Clause 55 (Two or more Dwellings on a lot) of the Darebin Planning Scheme:
 - a) Clause 55.02-1 (Standard B1) Neighbourhood Character – The proposal is not in accordance with the existing character of the area.
 - b) Clause 55.03-1 (Standard B6) Street Setback – The proposal does not comply with the setback requirement of the standard.
 - c) Clause 55.04-2 (Standard B18) Walls on Boundary – The proposal does not comply with the maximum and average wall on boundary heights (east elevation).
 - d) Clause 55.05-4 (Standard B28) Private Open Space – The proposal does not comply with the minimum total private open space requirement of the standard.
 - e) Clause 55.06-1 (Standard B31) Design Detail – The design detail is not in accordance with the existing neighbourhood character.

CARRIED UNANIMOUSLY

**5.3 APPLICATION FOR PLANNING PERMIT D/515/2020
41 Kingsley Road Reservoir**

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
A. Osman of BDN Projects	Mahamad El Haouli	BDN Projects Benchmark Land Surveyors McLeod Trees ARX Consulting Engineers

SUMMARY

- The application is for a medium density housing development comprising the construction of two double storey dwellings in a side-by-side configuration.
- The maximum height of the development is 8.25 metres.
- The dwellings have four bedrooms and are provided with two car parking spaces each in the form of single garages with tandem spaces.
- The dwellings are provided with secluded private open space areas in the form of rear yards with areas of 66 square metres and 73 square metres, with additional open space in the form of front garden areas.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Development Contribution Plan Overlay.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36%.
- There is no restrictive covenant on the title for the subject land.
- Nine objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Assets and Capital Delivery Unit, Climate Change and Sustainable Transport Unit, Tree Protection Unit and WSUD Engineer. Comments can be found later in this report.
- This application was not required to be referred to external authorities.

The following people addressed the meeting in relation to Item 5.3 Application for Planning Permit D/515/2020:

- 1) Dean Cahill (Objector)
- 2) Julien Buhagiar (Objector)

Officer Recommendation

That Planning Permit Application on D/515/2020 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers 10PB, 11PB, 112B and 50PB, Rev B, prepared by BDN and dated 26 October 2020 and Exterior Materials and Finishes prepared by BDA and received by Council on 28 October 2020) but modified to show:
 - a) The rainwater tanks are to be relocated within the rear garden area so that they are not located within the easement to the rear of the property.
 - b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to both sides of both driveways. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include adjacent landscaped areas provided the landscaping in those areas is less than 900mm in height.
 - c) Details of the fence on the western property boundary (except within 7.705 metres of the front (northern) boundary of the land) in accordance with Condition No. 9 of this Permit.
 - d) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
 - e) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition Nos. 4 and 5 of this Permit.
 - f) The tree numbers on the floor plans consistent with the tree numbers in the Arborist Report referred to in Condition No. 4 of this Permit.
 - g) The provision of a Stormwater Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
 - h) A consolidated palette of materials/colours for the front facade with no more than three (3) main materials proposed and a reduction in the use of render.

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. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and

will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions.

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

- (a) Tree protection measures in accordance with Condition No. 4 of this Permit.
- (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 6 of this Permit)
- (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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
- (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.
- (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 must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and 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) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (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.
- (m) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (n) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (o) Scale, north point and appropriate legend.
- (p) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 (Lilly Pilly)	Naturestrip	2.1 metres
Tree 5 (Prunus)	Property to south	2.3 metres
Tree 6 James Stirling Pittosporum)	Property to west	2.0 metres
Tree 7 (Crepe Mertyle)	Property to west	2.0 metres
Tree 10 (Fig)	Property to east	2.0 metres
Tree 12 (Olive Tree)	Naturestrip	2.0 metres
*as defined in the Arborist Report identified as 'Arboricultural Assessment and Tree Preservation Strategy V4' prepared by McLeod Trees and dated 19 March 2021.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - b) Tree protection fencing 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 or unless otherwise agreed by the Responsible Authority in writing.
 - c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - d) Except with the written consent of the Responsible Authority:

- i. The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - ii. Construction of the concrete footpath directly adjacent Tree 7 be performed sympathetically to ensure minimal damage to any roots that may have developed in this location. This process must occur under Arboricultural supervision. Preparation of the footpath footprint within the TPZ of Tree 7 must occur sensitivity, by hand to ensure that if any roots are present, they are managed by the Project Arborist appropriately, using sterilized clean, and sharp root pruning tools fit for purpose.
 - iii. No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - iv. No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - f) The construction of the crossover (and any other buildings and works or demolition within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - g) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. The Stormwater Management System Report to be endorsed and which will then form part of this Permit is the Stormwater Management System Report submitted with the application (identified as prepared by ARX Consulting Engineers, date generated 13 October 2020 and received by Council on 28 October 2020.
- The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before plans are endorsed under Condition No. 1 of this Permit, a Stormwater Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide (2002)* and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.
- The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. During the construction phase of the development:
- (a) Only clean rainwater may be discharged to the stormwater drainage system;
 - (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;

- (c) Vehicle borne materials must not accumulate on the roads abutting the site;
 - (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
 - (f) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.
9. The development must not be occupied until a fence to a minimum height of 1.7 metres above ground floor finished floor level of Unit 2 is erected along the western property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

Where above 1.8 metres in height, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

10. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
11. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
- (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.
12. Before the development starts all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
13. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
14. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
15. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or structures 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
17. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

18. No buildings, structures or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the easement.
19. The land must be drained to the satisfaction of the Responsible Authority.
20. 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:
 - (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3 Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Motion

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

That Planning Permit Application not be supported on the following grounds:

1. The proposal is not in accordance with the objectives at Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme as the development has not been designed in accordance with the design guidelines within the Darebin Neighbourhood Character Study in terms of vegetation, siting, height and building form and materials/ design detail.
2. The proposal is not in accordance with the following standards and/ or objectives at Clause 55 (Two or more Dwellings on a lot) of the Darebin Planning Scheme:
 - a) Clause 55.02-1, Standard B1, Neighbourhood Character – the development does not respect the existing or preferred character of the area.
 - b) Clause 55.03-8, Standard B13, Landscaping – inadequate areas are provided to allow for meaningful landscaping to be established on the site.
 - c) Clause 55.06-1, Standard B31, Design Detail – the design detail of the dwellings is not appropriate in the neighbourhood setting.

The motion was put and carried.

Committee Decision

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

That Planning Permit Application not be supported on the following grounds:

1. The proposal is not in accordance with the objectives at Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme as the development has not been designed in accordance with the design guidelines within the Darebin Neighbourhood Character Study in terms of vegetation, siting, height and building form and materials/ design detail.
2. The proposal is not in accordance with the following standards and/ or objectives at Clause 55 (Two or more Dwellings on a lot) of the Darebin Planning Scheme:
 - a) Clause 55.02-1, Standard B1, Neighbourhood Character – the development does not respect the existing or preferred character of the area.
 - b) Clause 55.03-8, Standard B13, Landscaping – inadequate areas are provided to allow for meaningful landscaping to be established on the site.
 - c) Clause 55.06-1, Standard B31, Design Detail – the design detail of the dwellings is not appropriate in the neighbourhood setting.

For: Cr's. Creco, Williams, Newton and McCarthy (4)

Against: Cr's. Laurence (1)

CARRIED

**5.4 APPLICATION FOR PLANNING PERMIT D/696/2020
48 High Street, Northcote**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
48 High Street Northcote Pty Ltd	48 High Street Northcote Pty Ltd	<ul style="list-style-type: none"> • SJB Planning • Simon Howe – Consultant Arborist • Landscape Architecture and Urban Design Studio • Jackson Clements Burrows Architects • Hip V Hype • Traffix Group • Leigh Design Pty Ltd • Webster Survey Group

SUMMARY

- It is proposed to construct a six (6) storey building with a basement, containing 28 dwellings, 27 car spaces and one (1) shop.
- The building will be constructed to Westgarth Street to the north and High Street to the west, for an overall height of 22.7 metres above natural ground level (NGL).
- The proposal will consist of 7 x one (1) bedroom dwellings, 17 x two (2) bedroom dwellings and 4 x three (3) bedroom dwellings.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- The application has not been advertised.
- On the 5 March 2021 Council received an order from the Victorian Civil and Administrative Tribunal (VCAT) that an appeal under Section 79 of the Planning and Environment Act 1987 had been lodged for failure to grant a permit within the prescribed time.
- The proposal fails to meet a number of policy objectives and standards of the Darebin Planning Scheme.
- Recommendation – Advise the Tribunal that Council has formed a position to not support planning application D/696/2020.

CONSULTATION:

- The application was not advertised.
- This application was referred internally to Asset and Capital Delivery; City Designer; Environmental Sustainability Officer; Heritage Officer; Planning Landscape Architect; Tree Protection Arborist; Climate Emergency and Sustainable Transport & City Works.

- This application was referred externally to CitiPower and VicRoads.

The following people addressed the meeting in relation to Item 5.4 Application for Planning Permit D/696/2020:

- 1) Lisa English (Objector)
- 2) Andrew Goss (Objector)

<p style="text-align: center;">Officer Recommendation</p>
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That Planning Committee advise the Tribunal that it has formed a position to not support planning application D/696/2020 on the following grounds:

1. The proposal fails to provide an appropriate design response to adequately address Objective 1 and 3 of Clause 21.03 - Housing of the Darebin Planning Scheme.
2. The proposal does not comply with the objective of Clause 22.05 High Street Corridor Land Use and Urban Design policy with regards to protecting adjoining residential amenity and retaining a predominately low-rise residential built form.
3. The proposal fails to meet a number of objectives of Clause 22.06 Multi – Residential and Mixed-Use Development with regard to:
 - 22.06-3.3 – Design and Materials
 - The development is out of scale with dwellings on adjoining lots. The building does not adopt an appropriate design response with regard to the predominately single and double storey low-scale residential buildings abutting the site to the east and south.
 - 22.06-3.3 – Building Height
 - The building height is not sympathetic with regard to the adjoining single and double storey dwellings to the south and east. The building does not respond to the relevant local strategic direction for the area.
 - 22.06-3.8 – Amenity Impacts, Including Overshadowing and Overlooking
 - Privacy screening is excessive to the side facing south oriented dwellings on level 1 and 2.
 - 22.06-3.9 On-Site Amenity and Facilities, including Private Open Space
 - Multiple balcony spaces do not comply with the minimum area requirements as detailed under Clause 58 and which are south facing so will receive minimal sunlight.
 - 22.06-3.10 – Waste Management
 - Waste collection is not to the satisfaction of the Responsible Authority as a truck will need to park in the access-way which could lead to traffic operation and safety issues in the ground floor carpark.
4. Clause 22.12 – Environmentally Sustainable Development – The proposed design provides inadequate environmentally sustainable design with regard to the following:
 - There are no fixed external sun shading devices to the top-level north facing habitable room windows;

- South facing side facing dwellings which require screening to both the balcony and habitable room windows.
 - Poor solar access to dwellings as a result of large overhanging balconies that will block out direct sunlight;
5. The proposal does not comply with the following decision guidelines with respect to Clause 43.01 Heritage Overlay of the Darebin Planning Scheme, as follows:
- The location, bulk, form and appearance of the proposed building is not in keeping with the character and appearance of adjacent buildings and the heritage overlay.
 - The proposed works will adversely impact the significance, character and appearance of the heritage place.
6. The proposal does not meet the following objectives of Clause 58 of the Darebin Planning Scheme:
- Standard D1: Urban Context – The design response is inappropriate and fails to adequately respond to the specific attributes of the adjoining lots which are in a heritage overlay and neighbourhood residential zone. The planning controls limit future development to a mandatory height of two storeys.
 - Standard B2: Residential Policy – The proposed design response is inappropriate and therefore non-compliant with residential policy.
 - Standard D14: Building setback - The first floor and part of the second floor, south facing dwellings have not been adequately setback to achieve reasonable daylight access with screening to all windows and balconies. These dwellings will not have reasonable internal amenity as they are not provided a meaningful outlook to the outside environment.
 - Standard D19: Private open space – Multiple balcony spaces do not comply with the minimum area requirements with several balcony spaces less than 8 square metres. Additionally, there are several inconsistencies on the plans with respect to the dimensions of each balcony space and overall area.
 - Standard D20: Storage - It is unclear how the storage cages to the rear of the car-stackers will be accessed when the car spaces are occupied. The car spaces are only measuring 5 metres, with no space provided between the car-stacker and the storage cages.
 - Standard D23 – Waste and recycling - The proposed waste collection from the accessway on the ground floor is not supported as this arrangement could lead to traffic operation and safety issues in the ground floor car park.
7. Clause 52.06-9 – Design Standard 4 – Mechanical Parking - There are inconsistencies between the traffic report and plans with regard to the vehicle length of the car-stacker which is nominated as 5.2 metres in the traffic report, whereas the plans show only 5 metres due to the location of the storage cages. This arrangement could negatively impact vehicle circulation within the ground floor car park and access to the storage cages when the car spaces are occupied.

Committee Decision

MOVED: Cr. T Laurence
SECONDED: Cr. T McCarthy

That Planning Committee advise the Tribunal that it has formed a position to not support planning application D/696/2020 on the following grounds:

1. The proposal fails to provide an appropriate design response to adequately address Objective 1 and 3 of Clause 21.03 - Housing of the Darebin Planning Scheme.
2. The proposal does not comply with the objective of Clause 22.05 High Street Corridor Land Use and Urban Design policy with regards to protecting adjoining residential amenity and retaining a predominately low-rise residential built form.
3. The proposal fails to meet a number of objectives of Clause 22.06 Multi – Residential and Mixed-Use Development with regard to:
 - 22.06-3.3 – Design and Materials
 - The development is out of scale with dwellings on adjoining lots. The building does not adopt an appropriate design response with regard to the predominately single and double storey low-scale residential buildings abutting the site to the east and south.
 - 22.06-3.3 – Building Height
 - The building height is not sympathetic with regard to the adjoining single and double storey dwellings to the south and east. The building does not respond to the relevant local strategic direction for the area.
 - 22.06-3.8 – Amenity Impacts, Including Overshadowing and Overlooking
 - Privacy screening is excessive to the side facing south oriented dwellings on level 1 and 2.
 - 22.06-3.9 On-Site Amenity and Facilities, including Private Open Space
 - Multiple balcony spaces do not comply with the minimum area requirements as detailed under Clause 58 and which are south facing so will receive minimal sunlight.
 - 22.06-3.10 – Waste Management
 - Waste collection is not to the satisfaction of the Responsible Authority as a truck will need to park in the access-way which could lead to traffic operation and safety issues in the ground floor carpark.
4. Clause 22.12 – Environmentally Sustainable Development – The proposed design provides inadequate environmentally sustainable design with regard to the following:
 - There are no fixed external sun shading devices to the top-level north facing habitable room windows;
 - South facing side facing dwellings which require screening to both the balcony and habitable room windows.
 - Poor solar access to dwellings as a result of large overhanging balconies that will block out direct sunlight;

5. The proposal does not comply with the following decision guidelines with respect to Clause 43.01 Heritage Overlay of the Darebin Planning Scheme, as follows:
 - The location, bulk, form and appearance of the proposed building is not in keeping with the character and appearance of adjacent buildings and the heritage overlay.
 - The proposed works will adversely impact the significance, character and appearance of the heritage place.
6. The proposal does not meet the following objectives of Clause 58 of the Darebin Planning Scheme:
 - Standard D1: Urban Context – The design response is inappropriate and fails to adequately respond to the specific attributes of the adjoining lots which are in a heritage overlay and neighbourhood residential zone. The planning controls limit future development to a mandatory height of two storeys.
 - Standard B2: Residential Policy – The proposed design response is inappropriate and therefore non-compliant with residential policy.
 - Standard D14: Building setback - The first floor and part of the second floor, south facing dwellings have not been adequately setback to achieve reasonable daylight access with screening to all windows and balconies. These dwellings will not have reasonable internal amenity as they are not provided a meaningful outlook to the outside environment.
 - Standard D19: Private open space – Multiple balcony spaces do not comply with the minimum area requirements with several balcony spaces less than 8 square metres. Additionally, there are several inconsistencies on the plans with respect to the dimensions of each balcony space and overall area.
 - Standard D20: Storage - It is unclear how the storage cages to the rear of the car-stackers will be accessed when the car spaces are occupied. The car spaces are only measuring 5 metres, with no space provided between the car-stacker and the storage cages.
 - Standard D23 – Waste and recycling - The proposed waste collection from the accessway on the ground floor is not supported as this arrangement could lead to traffic operation and safety issues in the ground floor car park.
7. Clause 52.06-9 – Design Standard 4 – Mechanical Parking - There are inconsistencies between the traffic report and plans with regard to the vehicle length of the car-stacker which is nominated as 5.2 metres in the traffic report, whereas the plans show only 5 metres due to the location of the storage cages. This arrangement could negatively impact vehicle circulation within the ground floor car park and access to the storage cages when the car spaces are occupied.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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).

Officer Recommendation

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

Committee Decision

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

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

CARRIED

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


Nil

8. CLOSE OF MEETING


The meeting closed at 7.43 pm.

**CITY OF
DAREBIN**

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