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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 9 March 2021

Released to the public on Friday 12 March 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 'ਪੇਜਨਾਰਬੰਦੀ 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 TUESDAY 9 MARCH 2021

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### THE MEETING OPENED AT 6.30PM

#### WELCOME

The Chairperson, Deputy Mayor Cr. 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. Emily Dimitriadis  
Cr. Tom Hannan  
Cr. Tim Laurence  
Cr. Trent McCarthy  
Cr. Susanne Newton  
Cr. Susan Rennie  
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  
Jolyon Boyle – Coordinator Statutory Planning  
Stephen Mahon - Coordinator Council Business  
Karlee Ferrante - Council Business Officer

#### 2. APOLOGIES

Cr. Lina Messina (Mayor)

#### 3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Susanne Newton declared a general conflict of interest in Item 5.3 Application for Planning Permit D/352/2020 31 Albert Street Preston which concerns the extension of hours to an existing liquor licence for the Olympic Hotel in Preston due to her employment by La Trobe University in the Centre for Alcohol Policy Research. .

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

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

**That** the Minutes of the Planning Committee Meeting held on 8 February 2021 be confirmed as a correct record of business transacted.

**CARRIED UNANIMOUSLY**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT 24A - 26 Harbury Street, Reservoir

**Author:** Principal Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
2181 Planning	Exors Nicola Deleo and Exors Petronila Deleo	Ikonomidis Design Studio EB Traffic Solutions Leigh Design Keystone Alliance Melbourne Arborist Reports

### SUMMARY

- The application seeks approval to construct ten (10) double storey dwellings across two (2) allotments.
- The application also seeks approval for a reduction in two (2) visitor car parking spaces.
- The development will provide the following accommodation:
  - Two (2) x 3-bedroom dwellings (Units 1 & 6)
  - Eight (8) x 2-bedroom dwellings (Units 2, 3, 4, 5, 7, 8, 9 & 10)
- With the exception of Units 1 & 10, the dwellings will have traditional living arrangements with open plan living/dining/kitchen and secluded open space at ground floor level and bedrooms at the first floor level.
- Units 1 & 10 will provide reverse living arrangements with bedrooms and service yards at ground floor; and open plan living/kitchen/dining and balcony areas at the first floor level.
- The dwellings are to be arranged in two rows on either side of a central vehicle accessway. A second crossover and vehicle access from Harbury Street is proposed for Unit 1, whilst the existing crossover on the southern side of the frontage will be removed and replaced with a nature strip.
- The development will have a maximum overall height of 7.995 metres.
- The site is zoned General Residential Zone Schedule 2 and is affected by the Development Contributions Plan Overlay (currently expired).
- The site is located outside the identified precinct boundaries within the Reservoir Structure Plan (2012).
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.9%.
- There is no restrictive covenant on the title for the subject 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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- 69 objections were received against this application.
- The application was referred internally to Assets and Capital Delivery Unit, City Designer, City Design Unit, Climate Emergency and Sustainable Transport Unit, ESD Officer and Tree Management 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/103/2020:

- 1) Zoran Sajinovic (Applicant)
- 2) Gina Mercuri (Objector)
- 3) John Mercuri (Objector)

<b>Recommendation</b>
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**That** Planning Permit Application on D/103/2020 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 *TP04 Rev R, TP05 Rev R, TP06 Rev R, TP07 Rev R*, dated *Sept 2020* prepared by *Ikonomidis Design Studio; Landscape Plan* dated *28/09/2020* prepared by *Keystone Alliance Pty Ltd*) but modified to show:
  - (a) Confirmation of the height of the front fence as being 0.9 metres or less above the level of the footpath.
  - (b) The secluded private open space fencing of Unit 1 and Unit 10 (visible from the street) to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
  - (c) Details of the fence on the southern boundary of the land (except within the front setback of Unit 10) in accordance with Condition No.12 of this Permit.
  - (d) Any fencing including secluded private open space fencing that is visible from the street (other than fencing along common boundaries shared with an adjoining site) to be of a design, colour and quality of material (not timber palings) that match the character of the development.
  - (e) Replacement of the glass balustrade to the balcony of Units 1 & 10 with metal slats to match the front fence.



- (f) Provision of a tail rail type bicycle hold on the side walls of the garages of Units 1-10 in place of the Mona Lisa bicycle racks.
- (g) An increase to the area of the porch landing areas of Units 2, 3, 4, 7 & 8.
- (h) Provision of increased weather-protection and improved definition of the entrances to Units 2, 3, 4, 7, 8 & 9 through the provision of entry porch roof/canopies or other similar overhead structures.
- (i) The following changes to first floor window design to improve outlook and ventilation to habitable areas:
  - (i) Unit 6 Bedroom 3 - south elevation
  - (ii) Units 2, 3, 4 & 5 TV Area - north elevation

The above windows are to be modified so that the fixed obscure glazing to a height of 1.7 metres shown for these windows is replaced with clear glazing and fixed external screens to a height of 1.7 metres, similar to the internal elevation upper floor habitable room window treatments.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.

- (j) The provision of double-glazing to the living room windows adjacent to the shared accessway of Units 2, 3, 4, 7, 8 & 9.
- (k) A reduction in the extent of rendered surfaces to the elevations and the use of metal cladding instead.
- (l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (m) The provision of a notation to confirm that the TV Area on the first floor of Unit 5 must remain open to the hallway and circulation areas at all times and must not be used as a bedroom at any time.
- (n) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
  - (i) co-located where possible;
  - (ii) located or screened to be minimally visible from the public realm;
  - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
  - (iv) integrated into the design of the building.
- (o) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4, 5 and 6 of this Permit.
- (q) Any modifications required as a result of the approved Tree Management Plan required by Condition No. 6 of this Permit
- (r) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 8 of this Permit.
- (s) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No.11 of this Permit. The layout and design of the

waste storage area near entrance of Units 5 & 6 and the layout of bins on the naturestrip for collection must be in accordance with the Reference Plan received by Council on 09/02/2021.

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 generally in accordance with the *Landscape Plan prepared by Keystone Alliance Pty Ltd dated Sep 2020* but modified to show:
  - (a) Tree protection measures in accordance with Condition No. 4, 5, 6 & 7 of this Permit.
  - (b) Rainwater tank capacities on the plans to match the capacities identified in the WSUD, STORM and SDA reports prepared by Keystone Alliance received by Council on 29/09/2020.
  - (c) Increase in the level of vegetation along the shared accessway/common areas through the inclusion of green wall and climbers.
  - (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) The provision of at least two (2) medium canopy trees in the front setback of Unit 10; one (1) medium and one (1) small canopy tree in the front setback of Unit 1; one (1) medium canopy tree within the landscape bed at the eastern end of the accessway; eight (8) small canopy trees within the secluded private open space areas of the dwellings, one in each of Units 2-9. 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).
  - (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.

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 – Street Tree	Naturestrip (in front of 24A Harbury Street)	2.9 metres
Trees 3 – Leyland Cypress	Adjoining property (south)	5.4 metres
Tree 4 – Leyland Cypress	Adjoining property (south)	4.8 metres
Tree 5 - Photinia	Adjoining property (south)	3.4 metres
Tree 6 - Crepe Myrtle	Adjoining property (south)	3.0 metres
Tree 7 - Desert Ash	Adjoining property (south)	6.6 metres
Tree 9 – Southern Mahogany Gum	Adjoining property (south)	4.6 metres
Tree 12 – Prunus armeniaca	Adjoining property (north)	2.0 metres
Tree 13 - Prunus armeniaca	Adjoining property (north)	2.0 metres
Tree 14 – Coprosma repens	Adjoining property (north)	2.0 metres
*as defined in the <i>Arboricultural Report Development Impact Assessment</i> prepared by <i>Melbourne Arborist Reports</i> dated 23/09/20 Version 4		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Ground and tree protection must be installed within tree protection zones (TPZs) immediately following demolitions works. Ground protection must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites and to the satisfaction of the Responsible Authority.
  - (b) 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.
  - (c) All works within TPZs must be supervised by a qualified arborist. Any roots uncovered must be pruned with sharp/sterile tools.
  - (d) TPZs outside building footprints must remain at grade and permeable.
  - (e) Storage sheds and rainwater tanks must be founded above grade where within TPZs.
  - (f) Paving within TPZs must be laid above grade.
  - (g) 'Toppings' within TPZs must be a crushed rock that contain 'no fines'
  - (h) Any fencing within TPZs must be of light timber construction with manually excavated stump holes.
  - (i) Any service installation within TPZs must be bored to a minimum depth of 0.6 metres below existing grade. There must strictly be no 'open trench' excavation within TPZs.
  - (j) Any clearance pruning to Tree 1 (naturestrip tree in front of 24A Harbury Street) must be undertaken by the Responsible Authority.
  - (k) Any clearance pruning to protected trees as identified in Condition No.4 of this Permit must be undertaken by a qualified arborist in accordance with AS4373-2007 and be to the satisfaction of the Responsible Authority. Pruning must not exceed 15% of the total canopy.
  - (l) 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 of *protected trees identified in Condition No.4 of this Permit* 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.
  - (m) 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.
  - (n) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

- (o) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
  - (p) 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.
  - (q) Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans.
6. Before plans are endorsed under Condition No.1 of this Permit, a Tree Management Plan (TMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the TMP will be endorsed and will then form part of this Permit. The TMP must be prepared by a suitably qualified professional and must include the requirements and recommendations of Conditions No.4, 5 and 6 of this Permit as well as make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following, to the satisfaction of the Responsible Authority, ensuring that protected trees remain healthy and viable during construction.
- (a) A tree protection plan to scale is to be submitted along with the tree management plan that is to show:
    - i. All tree protection zones and structural root zones.
    - ii. All tree protection fenced off areas and areas where ground protection systems will be used.
    - iii. The type of footings within the tree protection zone.
    - iv. Any structures, paving, hard surfaces or services including rainwater tanks, storage sheds and the like within the tree protection zone.
    - v. Any fill or excavation within the tree protection zone i.e. any change to existing at grade levels.
    - vi. All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone or bored under the tree protection zone;
    - vii. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
  - (b) Results of exploratory trenching as directed by the responsible authority as a condition of this permit or if there is encroachment (construction or excavation) greater than 10% into the tree protection zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken;
  - (c) Details of appropriate footings within the tree protection zone;
  - (d) Supervision timetable required by the Project Arborist to the satisfaction of the responsible authority;
  - (e) The details of how the root zone within the tree protection zone will be managed throughout the project;
  - (f) All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

7. Before the development (including demolition) starts, a Tree Replacement Fee of \$505.75 must be paid in full to the Responsible Authority for the planting of a *street tree* within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
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 and 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 *Sustainable Design Assessment* prepared by *Keystone Alliance Sustainability Solutions* dated *Aug 2020* but modified to show:
  - (a) Rainwater tank capacities on the development plans to match the capacities proposed in the BESS and STORM reports.
  - (b) BESS Transport: Draw and label the visitor bike hold.

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

9. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Management Plan (SMP) endorsed under Condition No.8 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SMP have been implemented in accordance with the endorsed SMP.
10. Before plans are endorsed under Condition No. 1 of this Permit, a WSUD and Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The WSUD and Site Management Plan must be generally in accordance with the document identified as *WSUD Assessment and Site EMP Rev B* prepared by *Keystone Alliance Sustainability Solutions* dated *Sep 2020*.

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

11. Before plans are endorsed under Condition No. 1 of this Permit, an amended *Waste Management Plan (WMP)* to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended *WMP* will be endorsed and will then form part of this Permit. The amended *WMP* must be generally in accordance with the document identified as *Waste Management Plan* prepared by *Leigh Design* dated *21 September 2020* but modified to show the provision of:
  - (a) Five (5) shared 120 litre FOGO bins within the common waste storage area on the site
  - (b) Three (3) shared 240 litre General Waste bins within the common waste storage area on the site.
  - (c) One (1) 240 litre recycle bin for each dwelling within their respective secluded private open space areas.
  - (d) Specify Council collection for waste.
  - (e) Show how bins will fit on the naturestrip in front of the property with 300mm gap between bins.

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

If located outside a building, the waste storage and collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

\*FOGO: Food Organics and Garden Organics

12. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the southern property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence on the southern boundary with a height less than 1.8 metres is structurally sound, 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.

13. The TV Area on the first floor of Unit 5 must remain open to the hallway and circulation areas at all times and must not be used as a bedroom at any time.

14. 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).

15. 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, waste storage area, common areas 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.

16. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

17. The land must be drained to the satisfaction of the Responsible Authority.

18. 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.

19. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.

20. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.

21. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

22. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat;
  - (d) drained;
- to the satisfaction of the Responsible Authority.
23. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
24. Before the occupation of the development 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.
25. 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 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.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard



(BESS) to assess the developments environmental performance against appropriate standards.

- N6. 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.
- N7. 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. T Laurence****SECONDED: Cr. S Newton**

**That** Planning Permit Application D/103/2020 not be supported on the following grounds:

1. The proposal does not meet the objectives of Clause 21.03 (Housing) of the Darebin Planning Scheme, and in particular the level of housing change anticipated for the site by the Darebin Housing Strategy 2013 (Amended 2015) within an Incremental Housing Change area. The proposal constitutes and overdevelopment of the site.
2. The proposal does not meet the objectives of Council's Neighbourhood Character Study in Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme, in particular the level of landscaping on the site along the edges of the accessway/common areas. There will be a dominance of hard surfaces that are flanked by narrow landscape beds with limited opportunity for meaningful landscaping.
3. The development does not comply with Clause 55 of the Darebin Planning Scheme as follows:
  - a) Clause 55.03-10 B15 (Parking Location): The habitable room windows of the development with outlook to the common accessway areas are not sufficiently protected.
  - b) Clause 55.04-1 B17 (Side and Rear Setbacks): Unit 1's garage wall is not set back sufficiently from the northern boundary of the site and fails to comply with the standard.
  - c) Clause 55.05-2 B26 (Dwelling Entry): The entrances to the dwellings (Units 2, 3, 4, 7, 8 & 9) are poorly designed and will not be able to provide an appropriate sense of address and shelter.
4. The proposed development will present as visually dominant to adjoining properties.
5. The development does not provide sufficient car parking on site for the development and does not comply with Clause 52.06-5 (Car Parking) of the Darebin Planning Scheme.
6. The development does not comply with Design Standard 1 of Clause 52.06-9 (Car Parking) of the Darebin Planning Scheme in that convenient vehicle access and manoeuvrability is not provided for Units 2-10.

The motion was put and carried unanimously.

**Committee Decision****MOVED: Cr. T Laurence****SECONDED: Cr. S Newton**

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

1. The proposal does not meet the objectives of Clause 21.03 (Housing) of the Darebin Planning Scheme, and in particular the level of housing change anticipated for the site by the Darebin Housing Strategy 2013 (Amended 2015) within an Incremental Housing Change area. The proposal constitutes and overdevelopment of the site.
2. The proposal does not meet the objectives of Council's Neighbourhood Character Study in Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme, in particular the level of landscaping on the site along the edges of the

- accessway/common areas. There will be a dominance of hard surfaces that are flanked by narrow landscape beds with limited opportunity for meaningful landscaping.
3. The development does not comply with Clause 55 of the Darebin Planning Scheme as follows:
    - a) Clause 55.03-10 B15 (Parking Location): The habitable room windows of the development with outlook to the common accessway areas are not sufficiently protected.
    - b) Clause 55.04-1 B17 (Side and Rear Setbacks): Unit 1's garage wall is not set back sufficiently from the northern boundary of the site and fails to comply with the standard.
    - c) Clause 55.05-2 B26 (Dwelling Entry): The entrances to the dwellings (Units 2, 3, 4, 7, 8 & 9) are poorly designed and will not be able to provide an appropriate sense of address and shelter.
  4. The proposed development will present as visually dominant to adjoining properties.
  5. The development does not provide sufficient car parking on site for the development and does not comply with Clause 52.06-5 (Car Parking) of the Darebin Planning Scheme.
  6. The development does not comply with Design Standard 1 of Clause 52.06-9 (Car Parking) of the Darebin Planning Scheme in that convenient vehicle access and manoeuvrability is not provided for Units 2-10.

**CARRIED UNANIMOUSLY**

**5.2 PLANNING COMMITTEE REPORT - D/420/2020  
38 Oakhill Avenue Reservoir**

**Author:** Urban Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Northstar Homes	Roberta Di Vito Peco Trajanovski	N/A

**SUMMARY**

- The application proposes partial demolition and construction of buildings and works for an extension to existing single storey dwelling in a Heritage Overlay (HO172) and a new double storey detached garage/habitable outbuilding.
- The extension to the existing single storey dwelling will feature three bedrooms, a lounge, combined kitchen/dining/living area and two bathrooms.
- The detached, double storey garage/outbuilding features a double garage at ground floor, with two bedrooms, a bathroom and an open living area at first floor.
- The maximum height of the proposed extension to the existing dwelling is 5.08 metres. The maximum height of the detached garage/outbuilding is 6.8 metres.
- Vehicle access to the subject site is to be relocated, with the existing crossover on Xavier Grove removed and a new crossover provided adjacent the eastern property boundary to align with the new garage. An additional single crossover to Oakhill Avenue is also proposed.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Heritage and Development Contribution Plan Overlays.
- The mandatory garden area requirement is 239 square metres. The proposal achieves a garden area of 282 square metres.
- There is no restrictive covenant on the title for the subject land.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives of Clause 43.01 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via the posting of letters to the surrounding owners and occupiers.
- This application was referred internally to the Heritage Advisor, Infrastructure and Capital Delivery Unit and Tree Management 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/420/2020:

- 1) Roberta DeVito (Applicant)
- 2) Peter DiCiero (Applicant)
- 3) Grant Madden (Objector)
- 4) John Martyn (Objector)
- 5) Jonathon Toye (Objector)

<b>Recommendation</b>
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**That** Planning Permit Application D/420/2020 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 TP.01 – TP.08, dated July 2020, and prepared by Northstar Homes) but modified to show:
  - (a) The proposed vehicle crossover and accessway in the front setback to Oakhill Avenue deleted.
  - (b) Provision of a single width (3.0 metre wide) crossover to Xavier Grove.
  - (c) Detailed fencing elevation plans for the Xavier Grove boundary fence, including detail of the proposed sliding gate design and a detailed colours and materials schedule for the fence/sliding gate.
  - (d) Construction details for the balustrade to the first-floor balcony of the proposed garage outbuilding, with simple timber pickets with capping or similar provided.
  - (e) A comprehensive schedule of construction materials, external finishes and colours (including colour samples) and material boards, including samples of the proposed materials.
  - (f) Annotations in accordance with Condition No. 3 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. The first floor living area of the outbuilding must not be internally rearranged to feature kitchen facilities.
4. The land must be drained to the satisfaction of the Responsible Authority.
5. 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).

6. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

7. 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.
8. 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.
9. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the easement.
10. 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 notations 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 [insert development or use or both] 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 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.

**Motion**

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

**That** Planning Permit Application D/420/2020 not be supported on the following grounds:

1. The proposal does not meet the objectives of Clause 43.01 (Heritage Overlay) and the City of Darebin Heritage Review (2000) in particular:
  - a) The location, bulk and appearance of the two-storey garage / living space is not in keeping with the character and appearance of adjacent buildings.
  - b) The two-storey garage / living space will dominate the streetscape of Xavier Grove.
  - c) The proposal will adversely affect the significance, character and appearance of the heritage place and the existing single storey dwelling.
  - d) The proposed crossover and car parking space off Oakhill Avenue will adversely affect the heritage place.

The motion was put and carried.

**Committee Decision**

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

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

1. The proposal does not meet the objectives of Clause 43.01 (Heritage Overlay) and the City of Darebin Heritage Review (2000) in particular:
  - a) The location, bulk and appearance of the two-storey garage / living space is not in keeping with the character and appearance of adjacent buildings.
  - b) The two-storey garage / living space will dominate the streetscape of Xavier Grove.
  - c) The proposal will adversely affect the significance, character and appearance of the heritage place and the existing single storey dwelling.
  - d) The proposed crossover and car parking space off Oakhill Avenue will adversely affect the heritage place.

**CARRIED**

**For:** Cr's. Greco, McCarthy, Laurence, Williams Newton and Dimitriadis (6)

**Against:** Cr's. Rennie and Hannan (2)

Declaration of Conflict of Interest

7.23 pm Cr. Newton declared a general conflict of interest in the following Item – Application for Planning Permit D/352/2020 – 31 Albert Street, Preston which concerns the extension of hours to an existing liquor licence for the Olympic Hotel in Preston due to her employment by La Trobe University in the Centre for Alcohol Policy Research. Cr Newton left the Planning Committee Meeting prior to the Committee commencing its consideration and determination of the matter.

**5.3 APPLICATION FOR PLANNING PERMIT - D/352/2020  
31 Albert Street, Preston**

**Author:** Principal Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Kevac Hotels	Draton Pty Ltd	BSP Lawyers

**SUMMARY:**

- The application proposes an extension of hours to the existing liquor licence for the Olympic Hotel in Preston.
- The following amendments to the Licenced Hours are proposed:
  - Existing:
    - Sunday between 10:00am and 3:00am the following morning (17 hours)
    - Good Friday & Anzac Day between 12:00pm and 3:00am the following morning (15 hours)
    - On any other day between 7am and 3am the following morning (20 hours)
  - Proposed:
    - Good Friday & Anzac Day between 12:00pm and 5:00am the following morning (17 hours)
    - On any other day between 9:00am and 5:00am the following morning (20 hours)
- No changes to patron numbers or the area associated with the service of liquor are proposed.
- The site is located in the Industrial 3 Zone and is affected by the Special Building Overlay and Development Contributions Plan Overlay.
- There are restrictive covenants registered on the title for the subject land. These relate to the removal of soil and brick making and do not affect the proposal.
- The Olympic Hotel is a gaming venue. The application does not propose to change the number of gaming machines.
- Whilst this Planning Permit application relates to an amendment to the hours of operation specified on the Liquor Licence this amendment would also increase the hours for which gaming machines could be played. This increase would be into the early hours of the morning (5:00am).



- Concern is raised in regard to the extended hours of the liquor licence in regard to the amenity of the area and the impacts of alcohol and gaming (social and economic).
- The proposal fails to meet a number of objectives and standards of the Darebin Planning Scheme.
- The permit applicant has initiated proceedings with the Victorian Civil and Administrative Tribunal against Council's failure to make a determination within the prescribe time. The hearing has been listed for 26 August 2021.
- It is recommended that the application not be supported.

**CONSULTATION:**

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers.
- No objections have been received.
- This application was referred internally to Community Development and Wellbeing and Strategic Planning.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/352/2020 not be supported on the following grounds:

- 1) The proposal is inconsistent with the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.04-6 (Gaming) of the Darebin Planning Scheme.
- 2) The proposal is inconsistent with the objectives and guidelines of Clause 52.27 (Licensed Premises) of the Darebin Planning Scheme.
- 3) The proposed expansion of the liquor licensing and gaming hours would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.
- 4) The application is contrary to the overarching intent of Councils Darebin Electronic Gaming Machine Policy and Strategic Action Plan.
- 5) The proposal fails to meet the decision guidelines at Clause 65.01 (Approval of an Application or Plan), in that the proposal is not considered proper or orderly planning and would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.

**Committee Decision**

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

**That** Planning Permit Application D/352/2020 not be supported on the following grounds:

- 1) The proposal is inconsistent with the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.04-6 (Gaming) of the Darebin Planning Scheme.
- 2) The proposal is inconsistent with the objectives and guidelines of Clause 52.27 (Licensed Premises) of the Darebin Planning Scheme.

- 3) The proposed expansion of the liquor licensing and gaming hours would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.
- 4) The application is contrary to the overarching intent of Councils Darebin Electronic Gaming Machine Policy and Strategic Action Plan.
- 5) The proposal fails to meet the decision guidelines at Clause 65.01 (Approval of an Application or Plan), in that the proposal is not considered proper or orderly planning and would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.

**CARRIED UNANIMOUSLY**

7.36pm Cr. Newton returned to the meeting.

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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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).

<b>Recommendation</b>
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**That** the General Planning Information attached as **Appendix A** be noted.

<b>Committee Decision</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

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

**CARRIED UNANIMOUSLY**

## 7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

## 8. CLOSE OF MEETING


The meeting closed at 7.37pm.

**CITY OF  
DAREBIN**

274 Gower Street, Preston  
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