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# MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 10 July 2017

Released to the public on Thursday 13 July 2017

# Table of Contents

Item Number	Page Number
1. PRESENT .....	1
2. APOLOGIES .....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST .....	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE .....	2
5. CONSIDERATION OF REPORTS .....	3
5.1 APPLICATION FOR PLANNING PERMIT D/877/2016 8 Ballantyne Street, Thornbury .....	3
5.2 APPLICATION TO AMEND PLANNING PERMIT D/899/2015/A 59 Howard Street, Reservoir .....	9
5.3 APPLICATION FOR PLANNING PERMIT D/884/2016 140 Regent Street, Preston .....	11
5.4 APPLICATION FOR PLANNING PERMIT D/459/2016 32-40 Station Street, Fairfield .....	18
6. OTHER BUSINESS .....	32
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING .....	32
7. CLOSE OF MEETING .....	33

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF  
THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,  
350 HIGH STREET PRESTON ON MONDAY 10 JULY 2017**

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**THE MEETING OPENED AT 6.06PM**

**WELCOME**

The Chairperson, Cr. Greco opened the meeting with the following statement:

*“I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today.”*

**1. PRESENT**

***Councillors***

Cr. Gaetano Greco (Deputy Mayor)(Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

***Council Officers***

Phil Shanahan – Acting Chief Executive Officer

Steve Hamilton – Director City Futures and Assets

Jacinta Stevens – Director Civic Governance and Compliance

Joanna Cuscaden – Manager City Design and Strategic Planning

Julie Smout – Coordinator Statutory Planning

Jody Brodribb – Council Business and Governance Officer

**2. APOLOGIES**

Cr. Laurence is on an approved leave of absence.

An apology was lodged for the absences of Cr. Messina and Cr. Le Cerf.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil

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

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

**That** the Minutes of the Planning Committee Meeting held on 13 June 2017 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/877/2016 8 Ballantyne Street, Thornbury

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

Applicant	Owner	Consultant
LSD Investments	Ballantyne Street Holdings P/L	Clause 1 P/L Ecotecture Design Group The Garden Planners

### SUMMARY

- It is proposed to construct a medium density housing development comprising six (6) double storey dwellings over basement car parking. The dwellings comprise a mix of two- and three-bedrooms.
- The site is within the General Residential Zone – Schedule 2 ('GRZ2').
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

### CONSULTATION:

- Public notice was given pursuant to section 52(1) of the *Planning and Environment Act* ('Act') via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following Council departments for review:
  - Public Places;
  - Transport;
  - Capital Works;
  - Planning Arborist; and
  - ESD Officer.
- This application was not required to be referred to external authorities pursuant to section 55 of the Act.

The following person verbally addressed the meeting and was thanked for his presentation by the Chairperson, Cr. Greco:

- David Bayley, Applicant

<b>Committee Decision</b>
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**MOVED:** Cr. S Newton  
**SECONDED:** Cr. S Amir

**That** Planning Permit Application on D/877/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Project No. 2016-0022, Drawing Nos. TP02B, TP03B, TP04B and TP05B prepared by *Ecotecture Design Group*) but modified to show:
  - a. A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - b. The fence secluding the private open space of Dwelling 2 set back at the front building line.
  - c. The fencing secluding the private open space of Dwellings 1 and 2 to be of a dressed/capped (or equivalent) style.
  - d. Operable external shading devices to all east- and west-facing habitable room windows and glazed doors (where not overhung by an eave or the floor above). Details of the operability are to be provided on the plans.
  - e. Fixed external shading devices to all north-facing habitable room windows and glazed doors.
  - f. Unless required to be fixed in accordance with Clause 55.04-6 – Standard B22, all windows are to be operable.
  - g. All operable windows to be a sliding, casement, double hung, louver or equivalent style (not awning).
  - h. The following rooms/areas provided with skylights, daylight tubes or equivalent:
    - Dwellings 1 and 2: Master Bed ensuite; and
    - Dwellings 3 – 5: First floor bathroom.
  - i. A detail/section and notation of the north-facing clerestory windows including means of operability.
  - j. The height of fences on the east, north and west boundaries (except within 5.47 metres of the south boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

k. The following windows:

- Dwelling 2 – Master Bed;
- Dwelling 3 – Bed 2;
- Dwelling 4 – Bed 2; and
- Dwelling 5 – Bed 2.

provided with either:

- A sill with a minimum height of 1.7 metres above finished floor level,
- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- l. The balcony screening detail updated to provide a visual barrier to a minimum height of 1.7 metres and the depth of the slats/louvers dimensioned to demonstrate that no downward views are available in accordance with the requirements of Clause 55.04-6 – Standard B22.
- m. The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- n. Details of the screening to bins and meters.
- o. Water tanks located underground and/or consolidated within the basement level.
- p. Basement columns be setback a minimum of 250mm and not project more than 1250mm from the vehicle accessway.
- q. An amended landscape plan in accordance with Condition No. 4 of this Permit.
- r. Notations in relation to the removal of the Council nature strip tree (refer to Condition No. 7 of this Permit).
- s. Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 8 of this Permit).

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

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

(3) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed within five (5) years of the date of this Permit.

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

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

- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a. Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified.
  - b. A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants.
  - c. Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel).
  - d. Street trees within the nature strip/s adjacent to the property.
  - e. All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
  - f. Edge treatment between grass (lawn) and garden beds.
  - g. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
  - h. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - i. Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers.
  - j. A scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

- (7) Before the development starts, a fee of 463.00 must be paid to the Responsible Authority to off-set the amenity value relating to the loss of the existing street tree/s within the nature strip adjacent to the frontage of the land. {where the site has more than one street frontage you may need to be more specific}

The existing street tree/s must be removed by the developer/permit holder at their own cost to the satisfaction of the responsible authority.

The removal works must be undertaken by a suitably qualified professional.



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

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

- (9) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'Waste Management Plan' dated 6 March 2017 prepared by *Clause 1 P/L*) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- (10) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (11) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (12) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

to the satisfaction of the Responsible Authority.

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

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

#### **NOTATIONS**

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

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

**CARRIED UNANIMOUSLY**

*Councillor McCarthy left the meeting during discussion of the above item at 6.12pm and returned at 6.13pm.*

**5.2 APPLICATION TO AMEND PLANNING PERMIT D/899/2015/A  
59 Howard Street, Reservoir**

**Author:** Senior Planner

**Reviewed By:** Director City Futures and Assets

<b>Applicant</b>	<b>Owner</b>
Jodani Homes Pty Ltd	Michael David Gunn and Richard Leon Green

**SUMMARY:**

- It is proposed to amend the approved landscape plan by replacing the paving, lawn, and gravel with concrete in the rear yard of each dwelling. This application is for retrospective approval as the works have already been undertaken by the applicant (see Introduction and Background in the body of the report for further information).
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal fails to meet the applicable Neighbourhood Character Study Guidelines.
- It is recommended that the application be refused.

**CONSULTATION:**

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

*The following person verbally addressed the meeting and was thanked for his presentation by the Chairperson, Cr. Greco*

- *Travis Mason on behalf of Nick Katsikis, Applicant*

**Committee Decision**

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

**That** Planning Permit Application D/899/2015/A to amend Planning Permit D/899/2015 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposal does not meet Clause 22.02 (Neighbourhood Character). In particular, the proposal includes large areas of impervious surfaces and lacks landscaping and substantial vegetation.

- (2) The proposal does not meet the objectives of Clause 55 of the Darebin Planning Scheme, more particularly:
- a) Neighbourhood character – The proposal is inappropriate in terms of inadequate provision of landscaping.
  - b) Landscaping – The proposal is not consistent with the established landscape character of the area.

**CARRIED UNANIMOUSLY**

**5.3 APPLICATION FOR PLANNING PERMIT D/884/2016  
140 Regent Street, Preston**

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Atheve c/o Cornetta Partners Architects	Atheve Pty Ltd	Cornetta Partners Architects Calvin F Rayen Licensed Surveyor Traffix Group Glossop Town Planning Frater Consulting Services

**SUMMARY**

- The proposal includes the construction a four storey mixed use building for use as an office and 12 dwellings, with a car parking area located at the rear. The ground floor level will have an office of 113 square metres to the front, with bin store, storage for the dwellings and bicycle racks, lift and stair access to the upper floors. There is a mechanical parking area to the rear, accommodating twelve (12) car spaces, accessed from the rear Right of Way. The first and second floors are to each have five (5) studio/bedsit dwellings. The third floor is to have two (2) x 1 bedroom dwellings. All private open space areas are provided in the form of balconies.
- The building will have a contemporary design with rendered masonry and lightweight cladding. The overall height is to be 13.53 metres to the parapet.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- 13 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Strategic Asset Management (Property Officer), ESD officer, Capital Works Unit and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was referred externally to Public Transport Victoria.

**Recommendation**

**That** Planning Permit Application D/884/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TPA03, TPA08, Revision B, dated 8 March 2017 and TPA04, TPA05, TPA06, TPA10, Revision A, dated 22 December 2016, job no. 16-36 and prepared by Cornetta Partners Architects) but modified to show:
  - a) The lower parts of the full height glazed windows to the south elevation of Unit 1 and Unit 6 comprised of obscure glazing or a solid material.
  - b) A minimum of one (1) of the window panels to each of the south facing habitable rooms / bedrooms of Unit 1 and Unit 6 as operable.
  - c) The provision of obscure glass balustrades or solid balustrades in lieu of clear glass to the balconies facing Gilbert Road and Regent Street.
  - d) The provision of a notation to state that the development will be contained within the title boundaries of the site, with the exception of the awnings over the footpaths. Any feature elements may project no more than 150mm beyond the boundaries.
  - e) The provision of additional feature elements to visually break up and provide articulation to the louvre screen panels on the west elevation associated with the car stacker areas.
  - f) Any awnings to the street frontages are to be set back 750mm from the kerb and channel and have a minimum height clearance of 3 metres above the level of the footpath.
  - g) Appropriate sun shading devices are to be incorporated to the northern and western windows.
  - h) Allocation of car parking spaces, nominating eight (8) spaces for the dwellings and four (4) car spaces for the office, in accordance with Condition No. 13 of this Permit.
  - i) Full details and specifications of the car stacker system (custom drawn specifications of the Hercules Car Stacker).
  - j) Full details confirming that a minimum headroom clearance of 1.8 metres for a minimum of 25% of the car spaces is available.
  - k) The location and details of a warning signal to the car stacker area to indicate when it is in use.
  - l) The provision of a pedestrian visibility splay measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north-western corner of the site (Right of Way/Gilbert Road interface). Where within the subject site, any structures within these splays must be not more than 1.15 metres in height.
  - m) The provision of a notation to state new bicycle parking and relocation of existing cycling infrastructure on the footpath are to be carried out by the Responsible Authority, at the cost of the owner/developer, in accordance with Condition No.12 of this Permit.

- n) One of the four bicycle parking spaces in the entry foyer is to be provided as a ground mounted space.
- o) A single communal antenna for the development (refer also to Condition No. 16 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- p) Provision of either: appropriate water tanks with sufficient capacity for a tank supply reliability of 100% for the toilet flushing; or, a solar photo voltaic panel array for common area energy.
- q) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- r) Any modifications and / or notations in accordance with the Acoustic Report (Refer to Condition No. 6 of this Permit).
- s) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 5 of this Permit).

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

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

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

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

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

- (6) Before the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

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

- a) Noise emissions from the development (including the use of core stairwells and lifts, operation of plant, car stackers, doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).

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

- (7) Before the development starts, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Frater Consulting Services dated 21 December 2016, but modified to detail:
  - (a) A comingled recyclables generation rate of 80 litres per week for the residential units (page 3 of the report).
  - (b) Specify days and hours of waste collection.
  - (c) A management plan for the removal of bins from the footpath after collection so that the operation and amenity of the footpath and the use of the tram stop are minimally disturbed.

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

- (8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (9) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- (10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

- (11) Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.



- (12) Before the development is occupied a contribution must be made to cycling infrastructure (equivalent to at least one bicycle parking space and the costs associated with the relocation of the two bicycle parking facilities on the Gilbert Road frontage) *within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority.* The location of any cycling infrastructure within the vicinity of the tram stop in front of the site must be to the satisfaction of Public Transport Victoria.
- (13) The car parking available on site within the mechanical stackers must be allocated as follows:
- One (1) car parking space for each of the one-bedroom dwellings.
  - Six (6) car parking spaces to specific bed-sit studio apartments nominated by applicant.
  - Four (4) car parking space for the office use on the ground floor.
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (17) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (18) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (19) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (20) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all weather sealcoat; and
  - d) Drained;
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (21) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, kerb and channel to the satisfaction of the Responsible Authority.

**Public Transport Victoria**

- (22) Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The removal of the tram shelter under the canopy veranda, replaced with seating and related infrastructure, compliant with the *Disability Discrimination Act — Disability Standards for Accessible Public Transport 2002*.
- (23) Before the practical completion of the development, the alterations to the tram stop on Gilbert Road, as shown on the endorsed plans, must be constructed with the cost born by the permit holder to the satisfaction of Public Transport Victoria and compliant with the *Disability Discrimination Act — Disability Standards for Accessible Public Transport 2002*.
- (24) The permit holder must take all reasonable steps to ensure that disruption to tram operation along Gilbert Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. The permit holder must ensure that any track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

**NOTATIONS**

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

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

- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 This planning permit must be attached to the "statement of matters affecting land being sold", under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N7 In relation to the requirements of Condition No.12 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (T): 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.

*Julie Smout, Coordinator Statutory Planning, advised the Planning Committee that in the time since the Agenda had been finalised for this meeting, the Applicant had lodged failure appeal with VCAT as Council had failed to make a decision within 60 days.*

*The result of this is that the Planning Committee must now form an opinion to support, or not support, the Application at VCAT.*

### Committee Decision

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

**That** the Planning Committee form the opinion not to support Planning Permit Application D/884/2016 on following grounds:

- (1) The proposal does not meet the objectives of Clause 22.02 of the Darebin Planning Scheme, in particular 22.06-3.4 relating to dwelling diversity. The development does not provide a sufficient range of dwelling size and type, including lack of three (3) bedroom dwellings.
- (2) The extent of studio/bedsit dwellings is inappropriate, with an excessive number of dwellings having reduced amenity to living areas / bedrooms.
- (3) The type of accommodation proposed by the development is not suited to the out-of-centre location of the subject site. The subject site is not located in a first order activity centre, or proximate to a transport corridor or tertiary institutions.
- (4) The type of accommodation proposed is not consistent with current or projected community needs in this location and contrary to Housing objectives in Clause 21.01-4 of the Darebin Planning Scheme.
- (5) The development constitutes an overdevelopment of the site taking into account the number of dwellings proposed within a limited site area.

**CARRIED UNANIMOUSLY**

**5.4 APPLICATION FOR PLANNING PERMIT D/459/2016  
32-40 Station Street, Fairfield**

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

Applicant	Owner	Consultant
Contour Consultants P/L	Findella P/L	<ul style="list-style-type: none"> <li>• Bestec</li> <li>• Bruce Henderson Architects</li> <li>• Bryce Rayworth</li> <li>• Ratio</li> <li>• Galbraith and Associates</li> </ul>

**SUMMARY**

It is proposed to:

- Undertake demolition works including relocation and then retention of the existing heritage building outside of heritage overlay;
- Construct building and works including a four storey plus two basement apartment building with 59 dwellings, comprising 18 single bedroom with study dwellings and 41 double bedroom dwellings and a childcare centre;
- Use the land as a child care centre with 100 children operating 6:30 am to 7 pm;
- Display business identification signage;
- Reduce the standard car parking requirement with 70 car spaces provided; and
- Alter access road in a Road Zone Category 1.

The site is zoned Residential Growth Zone RGZ3 (Garden Apartment Areas - 40 Station Street) and RGZ4 (Substantial Housing Change Areas - 32-38 Station Street) and within the Heritage Overlay HO79 (36 Station Street), Design and Development Overlay DDO20 and the Development Contributions Plan Overlay.

There is no restrictive covenant on the title for the subject land.

There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.

21 objections were received against this application.

The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.

It is recommended that the application be supported.

**CONSULTATION:**

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

This application was referred internally to Capital Works, Council's Heritage Architect, Transport Management and Planning, and Council's Sustainability units.

This application was referred to Council's Sustainability units.

This application was referred externally to VicRoads.

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

- *Vaughan Connor, Applicant*
- *Alistair Crozier, Objector*
- *Han Ter, Objector*

<b>Recommendation</b>
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**That** Planning Permit Application on D/459/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers prepared by dated) but modified to show:

Heritage

- a) The location of an interpretive sign for the relocated heritage building (Refer to Condition No. 21 of this Permit).

Fencing

- b) Fencing within the front setback to be a maximum 1.4 metres high (dwellings G.06 to G.10 balconies).

Street address

- c) Dwellings G.06 to G.10 provided with pedestrian access and front doors to Station Street.

Heights and Setbacks

- d) Dwelling 1.03, 1.05, 2.03 and 2.05 balconies adjacent to the north boundary reduced to 8sqm in area to ensure adequate solar access and reciprocal development opportunities.
- e) Wall heights and balcony / screen heights from natural ground level dimensioned at all levels on all plans.
- f) Wall heights and setbacks dimensioned from natural ground level with all heights and setbacks from the west boundary in accordance with figure 1 Clause 43.02 DDO20 with no reduction in setbacks.

Landscaping

- g) Section details at 1:50 of the balcony planter boxes with a minimum soil depth of 400 mm provided.
- h) A tap provided on all balconies with planters and appropriate drainage details.
- i) All paving clear of the basement footprint to be permeable with details of paving provided.
- j) The relocated palm notated as tree 33 as identified in the Galbraith and associates report 10 June 2015.
- k) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence with a radius as per the TPZ in the Galbraith and associates report 10 June 2015 (measured from the outside edge of the trunk) for the Tree 5, 14, 18, 27, 35, 36, 37 and 38 in accordance with the requirements of Condition 28 of this Permit (i.e. the contents of condition 28 included on the plans). The TPZ is to exclude the basement and ground floor building envelope and the public footpath.

Car parking / Access

- l) Child care centre Car Space 7 deleted to provide a turning area.
- m) Line marking in the basement at corners.
- n) A bollard at the east end of the Child care centre Disabled Car Space.
- o) Car parking spaces allocated (Refer to Condition No. 15 of this Permit).
- p) The Child care centre lift to have a minimum 1.8 metre internal dimension.

Balconies

- q) All balconies to have a minimum usable dimension of 1.6m (excluding planters) with no reduction in setbacks or deletion of planters.
- r) All secluded private open spaces a minimum 8 square metres with a minimum 1.6 metre dimension with no reduction in wall setbacks.

Works outside site

- s) Bike parking in the road reserve and all changes to on street parking deleted with all visitor bike facilities located within the subject site.

Waste management

- t) Childcare centre bin storage area located behind the front building line of the heritage building.
- u) Vehicle access to the bin storage area widened to 3 metres.

Overlooking

- v) West facing first floor childcare centre windows:
  - Dwelling 1.01, 1.02, 2.01, 2.17, 3.01 and west, north (within 7.7 metres of the west boundary) and south (within 7.7 metres of the west boundary) facing balconies.
  - Dwelling 1.18 south facing window (within 7.7 metres of the west boundary).
  - Dwelling 2.01, 2.02, 2.16, 2.17 west facing windows.

Provided with either:

- A sill with a minimum height of 1.7 metres above finished floor level (as relevant);
- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

If fixed screens are utilised a scaled and dimensioned section diagram provided demonstrating how 25% permeability is achieved in all horizontal and downward looking planes. For 45 degree viewing arcs for north and south facing windows / balconies architectural fin elements must be fully dimensioned with no increase in the size of these fin elements.

- w) Dwelling 1.17, 1.18 and 3.11 west, north (within 7.7 metres of the west boundary) and south (within 7.7 metres of the west boundary) facing balconies screened with fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

#### ESD

- x) External, horizontal fixed shading to all north facing windows and glazed doors that do not have a balcony above with a section and a dashed line on all plans and elevations to show the depth applying an angle of 63 degrees in section to adequately shade north sun.
- y) External adjustable shading devices to west facing habitable room windows and glazed doors of Dwellings G.01, G.02, G.13, 1.01, 1.02, 1.17, 1.18, 2.01, 2.02, 2.16, 2.17, 3.01, 3.06, 3.11 with a detail of such shading device shown.
- z) Solar hot water or heat pump hot water system backed by solar panels.
- aa) Solar photo voltaic panel system for common area energy.
- bb) Details on how all windows and doors open with sliding doors, bifold doors, louvre windows, fully openable double hung or casement windows predominantly used.
- cc) Operable windows on opposing sides of all corner units for natural ventilation of dwellings:
- 3.01 and 3.11 on the north and south side.
  - 3.04 on the north.
  - 3.08 on the south.
  - 3.09 on the east.
- dd) Note on the plans stating the illumination power density for the residential and childcare centre per the BESS report Energy 3.6 and 3.7.
- ee) Details on the glazing to be used with Visible Light Transmittance (VLT) of 60 per the BESS report IEQ.
- ff) Water use reduction for fire system testing labelled.
- gg) Area and dimensions of rain gardens and area of roof connected to rain gardens.
- hh) Area of roof draining to water each tank.
- ii) Operable window to the ground floor child care centre planning room.
- jj) Details of third floor glazing materials with the use of spandrels and internal concrete panels/ or other high efficiency insulation technique.

kk) Install an operable south facing window ground floor child care centre kitchen.

Services and facilities

ll) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

mm) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Full details of all rooftop screening measures with sections and elevation details at 1:50 of screens. Screens are to be a maximum 25% visually permeable.

Other conditions

nn) Any modifications in accordance with the revised ESD report (Refer to Condition No. 5 of this Permit).

oo) Any modifications in accordance with the Acoustic Assessment (Refer to Condition No. 26 of this Permit).

pp) A landscape plan in accordance with Condition 6.

qq) Construction of the proposed crossover to a width of 6.0 metres at the property line, flared 60 degrees, with 3.0 metre radial turnouts at the kerb with 1.0 metre clearance from any fixed object.

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) As part of the consultant team Bruce Henderson Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.

(4) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed or the use is not commenced within five (5) years of the date of this Permit.

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

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

(5) Before the development starts, a revised ESD report generally in accordance the document identified as *BESTEC ESD Report dated 26 May 2016* detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:

- a) Revision of the document to assess the plans referred to in Condition 1.
- b) A revised daylight assessment.



- c) Revised STORM assessment and BESS Assessment having regard to:
- BESS Management 3.3 Metering – the childcare centre cannot claim that all major common areas have been separately metered as it will be operated by one tenant. Remove this from the BESS tool.
  - BESS IEQ – the living areas are deeper than 8m and 5m deep to the south. Select NO at this question.
  - BESS IEQ – the development does not comply with the all of the requirements of the building separation tables. The living rooms facing north and west on the ground floor, first floor and second floor do not comply.
  - BESS – washing machines cannot be selected as the applicant has no control over the WELS star rating an occupant will purchase.
  - BESS IEQ – the living areas of the central units all face a courtyard and other building.
  - BESS Water 4.1 – provide more information on how water use will be reduced for fire system testing.
  - STORM – The STORM report lists a 46sq.m raingarden however there is no raingarden on the plans or landscape plans. Provide more details including design details of the WSUD stormwater treatment measures, including cross sections, materials, plants, area to be drained, maintenance schedule and drainage directions.
  - The STORM report needs more information as it is unclear what area of the roof is draining to which tank, which toilets are connected to the tank, if balconies and other traversable areas are connected (they should not be connected to tanks connected to toilets), etc. A plan of the areas to be drained and to where would be helpful.
  - BESS transport 1.2 – Provide details on where the 15 bike parks for visitors are located.

Except with the written consent of the responsible authority the development must be constructed in accordance with the requirements/ recommendations of the ESD report to the satisfaction of the Responsible Authority.

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

- (6) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
  - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

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- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- d) Paving in the Dwelling G.01, G.02, G.04 and G.13 open spaces dimensioned with a maximum 12 square metres area and a minimum 2 metre dimension.
- e) Details of raingarden / WSUD treatment measures including cross sections, materials, plants, area to be drained, maintenance schedule and drainage directions.
- f) Trees as follows:
- Two (2) deep rooted large canopy trees in the front setback both adjacent to the heritage building (can include tree 18 as identified in the Galbraith and associates report 10 June 2015).
  - Two (2) deep rooted large canopy trees in the rear setback one (1) adjacent to the heritage building and one (1) in the apartment communal terrace (can include tree 33 and 27 as identified in the Galbraith and associates report 10 June 2015).
  - One medium canopy tree in the front setback of dwelling G.06 to G.10 (5 trees).
  - One medium canopy tree in the rear setback of dwellings G.01, G.02 and G.13.
  - One medium canopy tree in the side setback of dwelling G.01 and G.04.
  - Two medium canopy trees in the side setback of the child care centre.

Further 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, within the childcare centre open space areas and within the front setback of the property, commensurate with the size of planting area available.

All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
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- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (7) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- (8) No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (10) Except with the written consent of the Responsible Authority waste storage and collection must be undertaken in accordance with the eco results Waste Management Plan Management Plan dated 5 December 2016. In addition:
- No waste is to be stored on street for collection;
  - Collection is to only occur outside of peak traffic periods (7am to 9am and 4:30pm to 6:30pm) and night periods (10pm to 7am);
  - Trucks are to park in the carriageway easement on site if no on street parking is available;
  - Trucks are not to obstruct traffic; and
  - Waste collection is to be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- (11) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.
- The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- (13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to the dwellings, access to the garage and car parking area and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (14) The land must be drained to the satisfaction of the Responsible Authority and generally be in accordance with the endorsed plans and approved ESD report.
- (15) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
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- (16) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (17) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (18) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced;
  - d) Drained;
  - e) Line-marked to indicate each car space and all access lanes; and
  - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

- (19) One (1) car parking space allocated per dwelling, 22 car spaces allocated to the child care centre and 6 car spaces allocated to dwelling visitors.
- (20) Storage units are to be allocated to the car space in front with a minimum of one (1) storage unit per dwelling.
- (21) Before the demolition or development commences the owner of the land at 32 – 40 Station Street must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
- a) The owner must prepare a Heritage Building Management Plan to the satisfaction of council.
  - b) The owner must pay for a peer review of the engineering report.
  - c) The Heritage Building Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  - d) The heritage building must be reconstructed and maintained in accordance with the approved Heritage Building Management Plan.
  - e) The Heritage Building Management Plan must not be amended without the prior written consent of the Responsible Authority.
  - f) The owner must undertake landscaping works and maintain these in accordance with the endorsed plans.
  - g) The owner must prepare planning scheme amendment documentation to the satisfaction of the responsible authority to facilitate the replacement of the heritage overlay for the relocated heritage building to ensure its ongoing protection.
  - h) The owner must meet the cost of a planning scheme amendment and independent planning panel to apply the heritage overlay to the relocated heritage building.

- i) The owner must provide explanatory and interpretive signage having regard to the heritage significance of the site and the relocation of the heritage building.
- Before development commences, application must be made to the Registrar of Titles to enter a memorandum of the Agreement on Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.
- (22) Before the relocation works or development commences, a professionally prepared and annotated photographic study (of archival quality) of the building must be submitted to the Responsible Authority as a record of the building. The survey must be prepared to the satisfaction of the Responsible Authority and must include:
- a) A hard copy and a digital copy in a lossless file format on USB or DVD;
  - b) Each elevation of the building;
  - c) The interior of the building;
  - d) Architectural design detailing of the building; and
  - e) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.
- (23) The number of children on the childcare premises at any one time must not exceed 100.
- (24) The amenity of the area must not be adversely affected by the use or development as a result of the:
- a) Transport of materials, goods or commodities to or from the land; and/or
  - b) Appearance of any building, works, stored goods or materials; and/or
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
  - d) And/or in any other way, to the satisfaction of the Responsible Authority.
- (25) Noise from the child care centre must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- (26) Before development starts, an Acoustic Assessment of the use and development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Acoustic fences to the north (internal fencing), east and south of the child care centre provide appropriate noise attenuation to protect the amenity of surrounding properties to the south and west, and internal to the site with the proposed fence details reviewed.
  - b) Noise from first floor balconies and windows of the child care centre will not detrimentally impact upon the amenity of surrounding properties to the south and west.
  - c) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
  - d) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).

- e) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- f) Acoustic treatment of habitable room walls adjacent to lifts.

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

- (27) Before relocation works or development commences a Heritage Building Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Heritage Building Management Plan will be endorsed as evidence of their approval and will then form part of the endorsed plans of this permit.

The Heritage Building Management Plan must be prepared by a heritage expert with qualifications and experience to the satisfaction of the Responsible Authority and must address appropriate measures for the relocation and re-establishment of the heritage buildings, including, but not limited to:

- a) A method statement for the building to be prepared in consultation with a structural engineer to ensure the heritage fabric is not disturbed or damaged as a result of the relocation;
  - b) A structural engineers report on the relocation of the building;
  - c) Method of demolition, cleaning and secure storing of all materials for relocation works (including chimneys);
  - d) The relocation works to coincide with any repair or stabilisation works deemed necessary for the conservation of the building; and
  - e) A management plan to bring about a quality restoration of the heritage building and for the future use and any maintenance works to the building to ensure its ongoing maintenance and retention in perpetuity, and to ensure the building plays an appropriate role in the use of the land as a childcare facility.
- (28) Before buildings and works (including demolition) start, a Tree Protection Management Plan (TPMP) must be developed in accordance with AS 4970-2009 and follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction). This must be prepared by a certified project arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience).

The TPMP must detail the means of relocating palm tree (tree 33 as identified in the Galbraith and associates report 10 June 2015) with the relocation works overseen by a qualified arborist.

The TPMP must contain:

- a) An assessment of all trees on site, in the road reserve (as previously identified in the Galbraith and associates report 10 June 2015) and on land adjacent to the subject site.
  - b) The general condition and overview of the trees (e.g. Species, Health, Structure, Useful Life Expectancy (ULE), Height, Width (north-south and east-west) Diameter at Breast Height (DBH).
  - c) Any specific damage/faults evident within the trees prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
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- d) An assessment of the potential impacts to the tree during and as a result of demolition and construction.
- e) Details of required setbacks of basements, footings and other construction techniques to protect the root system of trees. Unless removed in agreement with neighboring property owners the trees on adjacent properties must not be impacted upon by the development and building setbacks may need to be increased as a result.
- f) Details of a Tree Protection Zone (TPZ). A tree protection fence must be erected around 5, 14, 18, 27, 35, 36, 37 and 38 at a radius as per the Tree Protection Zone (TPZ) in the Galbraith and associates report 10 June 2015 (measured from the outside edge of the trunk) to define a 'Tree Protection Zone'. The TPZ is to exclude the basement and ground floor building envelope and the public footpath.

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

The tree protection fence must remain in place until construction is completed.

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

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

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

- g) A statement that all roots located on the subject site of greater than 30mm in diameter will be retained.
- h) A statement that the property owner/developer will be liable for any damage caused to the tree during the development process, including damage by privately engaged contractors.
- i) Recommendations to reduce impact to the tree and tree protection guidelines to be followed through all phases of development.
- j) A statement that the project arborist may be required to oversee all works near the tree for the duration of works.
- k) If relevant; gantry/scaffold specifications that ensure trunk and branches are provided with a minimum clearance of 500mm – an engineered solution may be required rather than pre-fabricated systems.

The development must be constructed in accordance with the requirements/recommendations of the TPMP to the satisfaction of the Responsible Authority. The principal contractor will be responsible for the implementation of the TPMP by all contractors and personnel on site.

### **VicRoads**

- (29) Construction of the proposed crossover to a width of 6.0 metres at the property line, flared 60 degrees, with 3.0 metre radial turnouts at the kerb with 1.0 metre clearance from any fixed object.
- (30) The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
- (31) Any security boom, barrier, gate or similar device controlling vehicular ingress to the site must be located a minimum of 6.0 metres inside the property.

- (32) All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

## NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope.

Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 Pursuant to the *Planning And Environment Act* definitions "development" includes the construction or exterior alteration or exterior decoration of a building; and the demolition or removal of a building or works; and the construction or carrying out of works; and the subdivision or consolidation of land, including buildings or airspace; and the placing or relocation of a building or works on land; and the construction or putting up for display of signs or hoardings.
- N6 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.



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

**That** Planning Permit Application D/459/2016 to amend Planning Permit D/899/2015 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed front setbacks from the east boundary are non-compliant with the Residential Growth Zone RGZ3 and RGZ4 and presents undue visual bulk and mass to the street and is contrary to the preferred character of the street.
- (2) The proposed side setbacks from the north boundary are non-compliant with the Residential Growth Zone RGZ3 and RGZ4 and presents undue visual bulk and mass to the street and is contrary to the preferred character of the street.
- (3) The proposal rear setbacks are non-compliant with the DDO20, present unreasonable mass and bulk impacts upon properties to the west having regard to the mass and bulk of the development through the site, side setbacks from the north boundary being non-compliant with the Residential Growth Zone RGZ3.
- (4) The relocation of the heritage building is detrimental to the heritage character of the site and contrary to the objectives of the Heritage Overlay.
- (5) Solar access, internal amenity and sustainability of the design is inappropriate.
- (6) The proposed site coverage is non-compliant with the Residential Growth Zone RGZ4, provides insufficient landscaping opportunities, results in mass and bulk impacts upon its surrounds and is detrimental to the character of the area.
- (7) The location of bins in the front setback of the heritage building is detrimental to the heritage character of the site and the character of the street.
- (8) Overlooking has not been adequately addressed and the proposal will result in overlooking impacts to the west.
- (9) Overshadowing of the secluded private open spaces at 35 Gillies Street is non-compliant with Clause 55 and will be detrimental to the future residents of these dwellings.
- (10) Overdevelopment of the site.

**CARRIED**

## 6. OTHER BUSINESS

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

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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).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

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

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

**CARRIED**

**7. CLOSE OF MEETING**

The meeting closed at 7.15pm.