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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 12 February 2018

Released to the public on Thursday 15 February 2018

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF
THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON MONDAY 12 FEBRUARY 2018**

THE MEETING OPENED AT 6.00PM

WELCOME

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

Council Officers

Sue Wilkinson - Chief Executive Officer
Vito Albicini - General Manager Operations and Capital
Allan Cochrane - Acting Director Corporate Services
John Hicks - Acting Director Civic Governance and Compliance
Darren Rudd - Manager Planning and Building
Jody Brodribb – Acting Coordinator Council Business

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Susan Rennie disclosed a conflict of interest in Item 5.2 – Planning Permit Application D/924/2017 396-402 Bell Street & 1-7 Arthur Street, Preston

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. G Greco

That the Minutes of the Planning Committee Meeting held on 11 December 2017 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 PLANNING PERMIT APPLICATION NO. D/228/2017 69-72 SOUTH CRESCENT, NORTHCOTE

Author: Principal Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
South Crescent Pty Ltd South Crescent Development Pty	M T Jolly C Meo	Ratio Consultants Keep House Lid Consulting Felicetti Pty Ltd

SUMMARY

- It is proposed to develop the land for seven (7) dwelling (four (4) two-storey and three (3) three-storey) with a reduction of the visitor car parking requirement.
- The dwellings each adopt a townhouse typology with a traditional ground floor living configuration.
- Five (5) dwellings will front South Crescent while two (2) dwellings will front Wastall Street.
- All Dwellings are either three or four bedrooms.
- The land comprises four (4) separately disposable lots.
- The site is within the General Residential Zone - Schedule 2 ('GRZ2') and is affected by the Development Contributions Plan Overlay ('DCPO').
- The mandatory garden area requirement of 25% is applicable to the 69 South Crescent land (being the only lot exceeding 400 square metres). The proposal achieves a garden area of 58% for this lot.
- There is no restrictive covenant on the titles for the subject land.
- 15 objections were received against this application. This includes one (1) petition of 26 signatures.
- The proposal is generally consistent with the objectives, standards and decision guidelines 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 1987* ('Act') via three (3) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to:
 - Transport Management and Planning;
 - Public Realm;
 - Parks; and
 - Capital Works.

- This application was not required to be referred to external authorities.

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

- *Sam D'Amico, on behalf of Applicant*
- *Tom Nay, Objector*
- *Cameron Hodkinson, Objector*

Recommendation

That Planning Permit Application D/228/2017 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 substituted plans (identified as Project 1023, Drawing Nos. A101-A105, A107 and A109 (all Rev. A) prepared by *Keep House*) but modified to show:
 - a) Details of the roof top terrace access of Dwellings 1 and 2.
 - b) The setback of Dwellings 6 and 7 from Wastall Street increased at by a minimum of 671mm at ground and first floor.
 - c) The north-facing highlight windows to Dwellings 1 and 2 - Master Bedroom and Dwellings 3 - 5 - Upper Living and Ensuite shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - d) The south-facing highlight windows of Dwelling 6 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - e) The north-facing highlight windows of Dwelling 7 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - f) Inboard bathrooms/ensuites of Dwellings 1 - 7 not otherwise provided with an external window to be provided with skylights, daylight tubes or equivalent.
 - g) Where not already provided with an eave and/or cantilevered by the level above, external operable sun shading devices (excluding roller shutters) provided to all west-facing habitable room windows/glazed doors.

Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness. Such devices must be aesthetically compatible with the overall design of the development.
 - h) Where not already provided with an eave and/or cantilevered by the level above, external fixed sun shading devices (excluding roller shutters) provided to all west-facing habitable room windows/glazed doors.

Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness. Such devices must be aesthetically compatible with the overall design of the development.

- i) Unless required to be fixed in accordance with Clause 55.04-6 - Standard B22, all windows are to be operable.
- j) All operable windows are to be of a casement, sliding, single/double hung, louver or equivalent style (not awning) to maximise ventilation.
- k) Outdoor clotheslines provided to each dwelling.
- l) Garage doors provided with a glazed or open/vented component to allow for natural light.
- m) The setback of the central bedroom of Dwelling 7 setback from the northern property boundary in accordance with Clause 55.04-1 - Standard B17.
- n) The length of the wall on boundary of Dwelling 1 dimensioned on the ground floor plan.
- o) The heights of the walls abutting the northern and western boundaries with a maximum average of 3.2 metres.
- p) The first floor wall of Dwelling 1 modified (either by setback, height or a combination thereof) to comply with the requirements of Clause 55.04-3 - Standard B19.
- q) The height of fences on the western boundary (except within 5.8 metres of the southern 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.

- r) The following windows/balconies/terraces:
 - Dwelling 1 - Master Bedroom (north- and west-facing);
 - Dwelling 1 - Roof top terrace (western side); and
 - Dwelling 7 - North-facing first floor windows.

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.

- s) A blade screen on the northern side of the Dwelling 7 - Master Bedroom terrace to a minimum height of 1.7 metres above the finished floor level and not greater than 25% transparent.
- t) All dwelling separated by a fence with a minimum height of 1.8 metres.
- u) Each dwelling provided with a minimum of 6 cubic metres of externally accessible storage. Where provided within garages, the storage area is not to encroach the requisite parking area.

- v) 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.
- w) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the each of the proposed crossovers to South Crescent and Wastall Street. Where within the subject site, the splays must be at least 50 per cent clear of visual obstructions. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- x) An amended landscape plan in accordance with Condition No. 4 of this Permit.
- y) Tree Protection Zones in accordance with the requirements of Condition No. 7 of this Permit.
- z) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 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, an amended 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 generally in accordance with the plan submitted with the application (identified as Job No. 17-0960, Drawing No. L-TP01 prepared by *John Patrick Landscape Architects P/L* and dated November 2017) but modified to show:
 - a) Any built form modifications resulting from Condition No. 1 of this Permit.
 - b) Any Tree Protection Zones in accordance with Condition No. 7 of this Permit.
 - c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.

- f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

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 buildings and works (including demolition) start, a tree protection fence must be erected in accordance with the following requirements to define a 'Tree Protection Zone' (TPZ).

<i>Tree</i>	<i>TPZ (radius)</i>
Street tree - Wastall Street (north)	2.4 metres
Street tree - Wastall Steet (south)	2.4 metres
Street tree - South Crescent	3.4 metres
Neighbouring tree - 71 South Crescent (front setback)	4.0 metres
Neighbouring tree - 71 South Crescent (rear setback)	3.0 metres
Neighbouring trees - 1 Wastall Street (rear setback)	3.0 metres

Tree Protection Zones must be shown and tree protection measures notated on all relevant plans to be endorsed as a part of this planning permit.

Tree protection measures are to be in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites or as otherwise approved by the Responsible Authority.

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. The TPZ may only be reduce, as applicable, to construct the building footprint as approved under this Permit.

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.

The uncovered tandem space of Dwelling 1 must be constructed at or above existing grade.

The nominated TPZs may only be reduced to allow the construction of buildings and works approved under this permit and then immediately reinstated.

Where applicable to a nature strip tree, the TPZ is confined to the width of the nature strip. The TPZ associated with Street tree - South Crescent may only be reduced to allow the construction of the proposed crossover.

Where applicable to a tree on a neighbouring lot, the TPZ only applies where within the subject site.

- (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. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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

Prior to the occupation of the development, a report from the author of the SDA, 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 SDA have been implemented in accordance with the approved Plan.

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

- (10) 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.

- (11) 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.

- (12) Boundary walls facing adjoining properties must be cleaned and finished 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:

- Constructed;
- Properly formed to such levels that they can be used in accordance with the plans;
- Surfaced with an all-weather sealcoat; and
- 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.

Motion

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

That the officers recommendation be supported subject to the modification of condition 1 a) and 1 r) in addition to a new condition 1 a) a) to require the removal of a roof terrace proposed for condition 1 as follows:

Condition 1 a) and 1 r) is modified to remove any reference to the Dwelling 1 – Roof top terrace and a new condition 1 a)a) is added to read “The roof top terrace of Dwelling 1 deleted” and new condition 1 a)b) is added to read “The retention of the current front fence (at South Crescent) or details of a new front fence along south Crescent that respects the traditional character of the area”.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Planning Permit Application D/228/2017 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 substituted plans (identified as Project 1023, Drawing Nos. A101-A105, A107 and A109 (all Rev. A) prepared by *Keep House*) but modified to show:
 - a) Details of the roof top terrace access of Dwelling 2.
 - b) The setback of Dwellings 6 and 7 from Wastall Street increased at by a minimum of 671mm at ground and first floor.
 - c) The north-facing highlight windows to Dwellings 1 and 2 - Master Bedroom and Dwellings 3 - 5 - Upper Living and Ensuite shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
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- k) Outdoor clotheslines provided to each dwelling.
- l) Garage doors provided with a glazed or open/vented component to allow for natural light.
- m) The setback of the central bedroom of Dwelling 7 setback from the northern property boundary in accordance with Clause 55.04-1 - Standard B17.
- n) The length of the wall on boundary of Dwelling 1 dimensioned on the ground floor plan.
- o) The heights of the walls abutting the northern and western boundaries with a maximum average of 3.2 metres.
- p) The first floor wall of Dwelling 1 modified (either by setback, height or a combination thereof) to comply with the requirements of Clause 55.04-3 - Standard B19.
- q) The height of fences on the western boundary (except within 5.8 metres of the southern 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.

- r) The following windows/balconies/terraces:

- Dwelling 1 - Master Bedroom (north- and west-facing); and
- Dwelling 7 - North-facing first floor windows.

provided with either:

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- 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.

- s) A blade screen on the northern side of the Dwelling 7 - Master Bedroom terrace to a minimum height of 1.7 metres above the finished floor level and not greater than 25% transparent.
- t) All dwelling separated by a fence with a minimum height of 1.8 metres.
- u) Each dwelling provided with a minimum of 6 cubic metres of externally accessible storage. Where provided within garages, the storage area is not to encroach the requisite parking area.
- v) 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.
- w) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the each of the proposed crossovers to South Crescent and Wastall Street. Where within the subject site, the splays must be at least 50 per cent clear of visual obstructions. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- x) An amended landscape plan in accordance with Condition No. 4 of this Permit.
- y) Tree Protection Zones in accordance with the requirements of Condition No. 7 of this Permit.
- z) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 8 of this Permit).
- a)a) The roof top terrace of Dwelling 1 deleted.
- a)b) The retention of the current front fence (at South Crescent) or details of a new front fence along south Crescent that respects the traditional character of the area.

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, an amended 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 generally in accordance with the plan submitted with the application (identified as Job No. 17-0960, Drawing No. L-TP01 prepared by *John Patrick Landscape Architects P/L* and dated November 2017) but modified to show:
 - a) Any built form modifications resulting from Condition No. 1 of this Permit.
-

- b) Any Tree Protection Zones in accordance with Condition No. 7 of this Permit.
- c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available.

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

- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

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 buildings and works (including demolition) start, a tree protection fence must be erected in accordance with the following requirements to define a 'Tree Protection Zone' (TPZ).

<i>Tree</i>	<i>TPZ (radius)</i>
Street tree - Wastall Street (north)	2.4 metres
Street tree - Wastall Steet (south)	2.4 metres
Street tree - South Crescent	3.4 metres
Neighbouring tree - 71 South Crescent (front setback)	4.0 metres
Neighbouring tree - 71 South Crescent (rear setback)	3.0 metres
Neighbouring trees - 1 Wastall Street (rear setback)	3.0 metres

Tree Protection Zones must be shown and tree protection measures notated on all relevant plans to be endorsed as a part of this planning permit.

Tree protection measures are to be in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites or as otherwise approved by the Responsible Authority.

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. The TPZ may only be reduce, as applicable, to construct the building footprint as approved under this Permit.

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.

The uncovered tandem space of Dwelling 1 must be constructed at or above existing grade.

The nominated TPZs may only be reduced to allow the construction of buildings and works approved under this permit and then immediately reinstated.

Where applicable to a nature strip tree, the TPZ is confined to the width of the nature strip. The TPZ associated with Street tree - South Crescent may only be reduced to allow the construction of the proposed crossover.

Where applicable to a tree on a neighbouring lot, the TPZ only applies where within the subject site.

- (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. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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

Prior to the occupation of the development, a report from the author of the SDA, 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 SDA have been implemented in accordance with the approved Plan.

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

- (12) Boundary walls facing adjoining properties must be cleaned and finished 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:
 - Constructed;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat; and
 - 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.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Committee Decision

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

That Planning Permit Application D/228/2017 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 substituted plans (identified as Project 1023, Drawing Nos. A101-A105, A107 and A109 (all Rev. A) prepared by *Keep House*) but modified to show:

- a) Details of the roof top terrace access of Dwelling 2.
- b) The setback of Dwellings 6 and 7 from Wastall Street increased at by a minimum of 671mm at ground and first floor.
- c) The north-facing highlight windows to Dwellings 1 and 2 - Master Bedroom and Dwellings 3 - 5 - Upper Living and Ensuite shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
- d) The south-facing highlight windows of Dwelling 6 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
- e) The north-facing highlight windows of Dwelling 7 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
- f) Inboard bathrooms/ensuites of Dwellings 1 - 7 not otherwise provided with an external window to be provided with skylights, daylight tubes or equivalent.
- g) Where not already provided with an eave and/or cantilevered by the level above, external operable sun shading devices (excluding roller shutters) provided to all west-facing habitable room windows/glazed doors.

Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness. Such devices must be aesthetically compatible with the overall design of the development.

- h) Where not already provided with an eave and/or cantilevered by the level above, external fixed sun shading devices (excluding roller shutters) provided to all west-facing habitable room windows/glazed doors.

Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness. Such devices must be aesthetically compatible with the overall design of the development.

- i) Unless required to be fixed in accordance with Clause 55.04-6 - Standard B22, all windows are to be operable.
- j) All operable windows are to be of a casement, sliding, single/double hung, louver or equivalent style (not awning) to maximise ventilation.
- k) Outdoor clotheslines provided to each dwelling.
- l) Garage doors provided with a glazed or open/vented component to allow for natural light.
- m) The setback of the central bedroom of Dwelling 7 setback from the northern property boundary in accordance with Clause 55.04-1 - Standard B17.
- n) The length of the wall on boundary of Dwelling 1 dimensioned on the ground floor plan.
- o) The heights of the walls abutting the northern and western boundaries with a maximum average of 3.2 metres.
- p) The first floor wall of Dwelling 1 modified (either by setback, height or a combination thereof) to comply with the requirements of Clause 55.04-3 - Standard B19.
- q) The height of fences on the western boundary (except within 5.8 metres of the southern 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.

- r) The following windows/balconies/terraces:
 - Dwelling 1 - Master Bedroom (north- and west-facing); and
 - Dwelling 7 - North-facing first floor windows.

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.

- s) A blade screen on the northern side of the Dwelling 7 - Master Bedroom terrace to a minimum height of 1.7 metres above the finished floor level and not greater than 25% transparent.
- t) All dwelling separated by a fence with a minimum height of 1.8 metres.
- u) Each dwelling provided with a minimum of 6 cubic metres of externally accessible storage. Where provided within garages, the storage area is not to encroach the requisite parking area.

- v) 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.
- w) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the each of the proposed crossovers to South Crescent and Wastall Street. Where within the subject site, the splays must be at least 50 per cent clear of visual obstructions. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- x) An amended landscape plan in accordance with Condition No. 4 of this Permit.
- y) Tree Protection Zones in accordance with the requirements of Condition No. 7 of this Permit.
- z) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 8 of this Permit).
 - a)a) The roof top terrace of Dwelling 1 deleted.
 - a)b) The retention of the current front fence (at South Crescent) or details of a new front fence along south Crescent that respects the traditional character of the area.

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, an amended 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 generally in accordance with the plan submitted with the application (identified as Job No. 17-0960, Drawing No. L-TP01 prepared by *John Patrick Landscape Architects P/L* and dated November 2017) but modified to show:
 - a) Any built form modifications resulting from Condition No. 1 of this Permit.
 - b) Any Tree Protection Zones in accordance with Condition No. 7 of this Permit.
 - c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

- d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- f) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

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 buildings and works (including demolition) start, a tree protection fence must be erected in accordance with the following requirements to define a 'Tree Protection Zone' (TPZ).

<i>Tree</i>	<i>TPZ (radius)</i>
Street tree - Wastall Street (north)	2.4 metres
Street tree - Wastall Steet (south)	2.4 metres
Street tree - South Crescent	3.4 metres
Neighbouring tree - 71 South Crescent (front setback)	4.0 metres
Neighbouring tree - 71 South Crescent (rear setback)	3.0 metres
Neighbouring trees - 1 Wastall Street (rear setback)	3.0 metres

Tree Protection Zones must be shown and tree protection measures notated on all relevant plans to be endorsed as a part of this planning permit.

Tree protection measures are to be in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites or as otherwise approved by the Responsible Authority.

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. The TPZ may only be reduce, as applicable, to construct the building footprint as approved under this Permit.

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.

The uncovered tandem space of Dwelling 1 must be constructed at or above existing grade.

The nominated TPZs may only be reduced to allow the construction of buildings and works approved under this permit and then immediately reinstated.

Where applicable to a nature strip tree, the TPZ is confined to the width of the nature strip. The TPZ associated with Street tree - South Crescent may only be reduced to allow the construction of the proposed crossover.

Where applicable to a tree on a neighbouring lot, the TPZ only applies where within the subject site.

- (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. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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

Prior to the occupation of the development, a report from the author of the SDA, 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 SDA have been implemented in accordance with the approved Plan.

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

- (10) 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.

- (11) 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.

- (12) Boundary walls facing adjoining properties must be cleaned and finished 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:

- Constructed;
- Properly formed to such levels that they can be used in accordance with the plans;
- Surfaced with an all-weather sealcoat; and
- 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.

CARRIED

Cr. Susan Rennie declared a conflict of interest in the following item describing the conflict as an indirect conflict as a result of a conflicting duty due to her work at the VLGA advising residents in relation to this matter.

Cr. Rennie left the Chamber prior to discussion of the item at 5.41pm.

**5.2 PLANNING APPLICATION D/924/2017
396-402 Bell Street & 1-7 Arthur Street, Preston**

Author: Senior Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
NBA Group	Darebin RSL Sub Branch Inc	Millar Merrigan O'Brien Traffic CRG Acoustics Rubicon Design and Construct WBP Architecture

SUMMARY

- The proposal includes buildings and works to facilitate alterations to both the main RSL building and gymnasium; increase the number of electronic gaming machines from 65 to 80; alterations to the Liquor Licence; alterations to access in a Road Zone Category 1; alterations to the existing internally illuminated business identification signage; and a reduction of 31 car spaces. This will be explained in more detail under the Proposal section of this report.
- The proposal also seeks approval to extend the hours of operation for both the licensed and gaming venue to 2am, 7 days a week.
- The land is zoned predominately Priority Development Zone - Schedule 2 with the northern lot (68 St Georges Road) zoned General Residential Zone - Schedule 2.
- The land is made up of 4 lots.
- There is a restrictive covenant on title relating to maintaining vehicle access over the carriage-way easement. The proposed development will not breach the terms of the covenant.
- Note at the time of writing this report two (2) objections were received against this application. Confirmation of the final number of objections and a response to the objections received will be tabled at the meeting to ensure Council fully considers objections received.
- It is recommended that the application be refused.

CONSULTATION

- Advertising for the planning application was in the form of two (2) notices on site and letters sent to surrounding owners and occupiers and a letter sent to Moreland City Council.
- At the time of writing this report instructions to undertake formal notification of the application in both Preston and Moreland Leaders had not been undertaken. It is noted however that the Preston Leader published a front page story on the application.

- This application was referred internally to the following units in Council: Capital Works; Transport Management and Planning; and Social Inclusion and Diversity.
- This application was referred externally to VicRoads and Melbourne Water.

Recommendation

That Planning Permit Application D/924/2017 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located given the local community is already well served by accessible gambling facilities
- (2) There will be no community benefit in installing more electronic gaming machines and the social and economic well-being of the community in the City of Darebin may be affected.
- (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage.
- (4) An increase in the number of electronic gaming machines in the City of Darebin is unnecessary and unreasonable.
- (5) An increase in the hours of operation for the gaming venue is unnecessary and fails to deliver any social and economic benefit to the community.
- (6) The children's lounge will have direct views into the gaming lounge which is inappropriate.
- (7) The layout of the new car park and reduction of 31 car spaces is not fully resolved and fails to provide a satisfactory accessibility and supply of car parking.
- (8) The applicant has failed to provide satisfactory completion of public notification as required under section 52 of the *Planning and Environment Act (1987)*

Motion

MOVED: Cr. L Messina
SECONDED: Cr. T McCarthy

That Planning Permit Application D/924/2017 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located given the local community is already well served by accessible gambling facilities
- (2) There will be no community benefit in installing more electronic gaming machines and the social and economic well-being of the community in the City of Darebin may be affected.
- (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage.

- (4) An increase in the number of electronic gaming machines in the City of Darebin is unnecessary and unreasonable.
- (5) An increase in the hours of operation for the gaming venue is unnecessary and fails to deliver any social and economic benefit to the community.
- (6) The children's lounge will have direct views into the gaming lounge which is inappropriate.
- (7) The layout of the new car park and reduction of 31 car spaces is not fully resolved and fails to provide a satisfactory accessibility and supply of car parking.
- (8) The applicant has failed to provide satisfactory completion of public notification as required under section 52 of the *Planning and Environment Act (1987)*

Cr. McCarthy proposed to the mover that point 3 of the motion be amended as follows. This was accepted by Cr. Messina.

- (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage. The site also provides impacts beyond this area due to the fact that the site is also close to the Bell Street Railway Station and is highly accessible to increased foot traffic exposing the venue to vulnerable communities beyond the 2.5kms radius.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. L Messina
SECONDED: Cr. T McCarthy

That Planning Permit Application D/924/2017 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located given the local community is already well served by accessible gambling facilities
- (2) There will be no community benefit in installing more electronic gaming machines and the social and economic well-being of the community in the City of Darebin may be affected.
- (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage. The site also provides impacts beyond this area due to the fact that the site is also close to the Bell Street Railway Station and is highly accessible to increased foot traffic exposing the venue to vulnerable communities beyond the 2.5kms radius.
- (4) An increase in the number of electronic gaming machines in the City of Darebin is unnecessary and unreasonable.
- (5) An increase in the hours of operation for the gaming venue is unnecessary and fails to deliver any social and economic benefit to the community.
- (6) The children's lounge will have direct views into the gaming lounge which is inappropriate.

- (7) The layout of the new car park and reduction of 31 car spaces is not fully resolved and fails to provide a satisfactory accessibility and supply of car parking.
- (8) The applicant has failed to provide satisfactory completion of public notification as required under section 52 of the *Planning and Environment Act (1987)*

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. T McCarthy

That Planning Permit Application D/924/2017 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located given the local community is already well served by accessible gambling facilities
- (2) There will be no community benefit in installing more electronic gaming machines and the social and economic well-being of the community in the City of Darebin may be affected.
- (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage. The site also provides impacts beyond this area due to the fact that the site is also close to the Bell Street Railway Station and is highly accessible to increased foot traffic exposing the venue to vulnerable communities beyond the 2.5kms radius.
- (4) An increase in the number of electronic gaming machines in the City of Darebin is unnecessary and unreasonable.
- (5) An increase in the hours of operation for the gaming venue is unnecessary and fails to deliver any social and economic benefit to the community.
- (6) The children's lounge will have direct views into the gaming lounge which is inappropriate.
- (7) The layout of the new car park and reduction of 31 car spaces is not fully resolved and fails to provide a satisfactory accessibility and supply of car parking.
- (8) The applicant has failed to provide satisfactory completion of public notification as required under section 52 of the *Planning and Environment Act (1987)*

CARRIED

Cr. Rennie returned to the meeting at the conclusion of the above item at 6.45pm.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Committee Decision

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

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

CARRIED

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 6.46pm.