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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 13 March 2018

Released to the public on Friday 16 March 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 TUESDAY 13 MARCH 2018**

THE MEETING OPENED AT 6.02PM

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Council Officers

Sue Wilkinson - Chief Executive Officer

Vito Albicini - General Manager Operations and Capital

Allan Cochrane - Acting Director Corporate Services

Vicky Guglielmo - Acting Director Community Development

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd - Manager Planning and Building

Peter Rollis - Coordinator Statutory Planning

Katia Croce - Coordinator Council Business

2. APOLOGIES

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

Cr. Trent McCarthy and Cr. Julie Williams were noted as apologies.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

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 12 February 2018 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/492/2017
70-82 HIGH STREET PRESTON**

Author: Principal Planner

Reviewed By: Manager Planning and Building

Applicant	Owner	Consultant
Ration Consultants C/- Tract Consultants	Tuna Guclu John Alexander Vlasspolous Yota Vlasspolous	Tract Consultants

SUMMARY

- A 12-storey building (plus basement) comprising 98 apartments and four (4) retail tenancies.
- 108 car parking spaces are provided. This represents a reduction in car parking.
- 82 bicycle parking spaces are provided.
- The site is zoned Commercial 1 and is affected by the Design and Development Overlay (Schedule 3) and an Environmental Audit Overlay.
- There is no restrictive covenant on the title for the subject land.
- 10 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 22.06, 43.02, 52.06, 52.34 and 58 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via signs on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, ESD officer and Urban Design officer.
- This application was not required to be referred to other Council units.
- This application was referred externally to Transport for Victoria.

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

- *Daniel Souffan, on behalf of Applicant*

Committee Decision**MOVED: Cr. S Rennie****SECONDED: Cr. S Amir**

That Planning Permit Application on D/492/2017 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 plans submitted with the application (identified as: TP200, TP201, TP202, TP203, TP204, TP205, TP206, TP207, TP208, TP209, TP210, TP211, TP212, TP213, TP214, TP215, TP300, TP301, TP302, TP303, TP307, TP308, TP309 and TP310, advertised date 27 November 2017 and prepared by DKO Architects) but modified to show:
 - (a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 7 of this Permit).
 - (b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 8 of this Permit).
 - (c) A Landscape plan in accordance with Condition No. 9 of this Permit.
 - (d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (e) External operable sun shading devices (excluding roller shutters) to all east and 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.
 - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.
 - (g) Window type and opening mechanism on all elevation plans. Window mechanism must not increase overlooking of secluded private open space and/ or habitable room windows. Awning style windows are discouraged.
 - (h) One (1) bicycle parking space per dwelling.
 - (i) The vehicle access at the bottom of ramp from Ground Floor to Basement Level 1 designed to accommodate simultaneous two way vehicle movements. The end of the ramp must be designed to accommodate a B99 and B85 vehicle movements.
 - (j) A single communal antenna for the development (refer also to Condition No. 19 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.
 - (k) 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.
 - (l) Indicative location of signage.
 - (m) A canopy over the public footpath to High Street and Raglan Street set back 0.75 metres from the kerb and a minimum clearance height of 3 metres above the level of the public footpath.

- (n) A textured finish to the south elevation boundary wall (western section above the adjacent building).
- (o) Fully dimensioned compliance with Standard D17 (Accessibility) of Clause 58 of the Darebin Planning Scheme.
- (p) Relocation of the rear door of Retail 1 eastward to directly access the services corridor leading to the bin room.
- (q) Services cupboard to Raglan Street (in front of Retail 1) to be concealed.
- (r) A north facing operable window to Retail 1 (above the services cupboard).
- (s) Details of the operation of the five (5) electric car charging stations.

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) As part of the consultant team DKO 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.
 - 5) Before the development is occupied, a contribution toward streetscape improvements in the road reserve adjacent to the subject site must be paid to Darebin City Council. The contribution is to a value of \$50,000 (indexed). These works may include a raised pedestrian crossing (north-south crossing of Raglan Street), new kerb outstand to the Raglan Street frontage including Water Sensitive Urban Design and paving, street furniture and landscaping to the Raglan Street frontage. The streetscape improvements are to be generally in accordance with *'The Junction Urban Master Plan 2014 and the Green Streets Strategy 2013*.

The contribution is to be held by Darebin City Council and used for the purpose of streetscape improvements adjacent to the subject site. Council will undertake the works within 6 months of the occupation of the development.

- 6) Before the construction or carrying out of buildings and works in association with the use commences, either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land 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:

- All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the 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.

- 7) Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- (a) Management
- (b) Energy
- (c) Water
- (d) Stormwater
- (e) Indoor Environmental Quality (IEQ)
- (f) Transport
- (g) Waste
- (h) Urban Ecology
- (i) Innovation
- (j) Materials

It is recommended that a Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.

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

- 8) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority. The collection of waste must be limited to no more than four (4) collections per week across all waste streams.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

- 9) 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) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - (c) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (d) 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). 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.
 - (e) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (f) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (g) 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.
 - (h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (i) 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 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.

- 10) 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.
- 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 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.

- 12) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 13) Before the apartments are occupied, an automatic external lighting system capable of illuminating the residential entry, access to the basement and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 15) The land must be drained to the satisfaction of the Responsible Authority.
- 16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 19) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- 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) Drainedto the satisfaction of the Responsible Authority.
Car spaces and access lanes shown on the endorsed plans must not be used for any other purpose.
- 21) 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/orand/or in any other way, to the satisfaction of the Responsible Authority.

Council Notations:

- 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 Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 Numbering on plans should be allocated in a logical clockwise sequence with existing street numbers, clearly identifying the number of dwellings on the property. Please contact Council’s Valuations Services Unit on 8470 8429 for any further information or assistance.

CARRIED

**5.2 APPLICATION FOR PLANNING PERMIT D/179/2017
43 Station Street Fairfield**

Author: Town Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
Unison Housing Ltd - c/ - Urbis	Yarra Community Housing Ltd	Urbis Stoll Long Architects Ark Resources Traffix Group C & R Ryder Consulting P/L Leigh Design Bryce Raworth Pty Ltd

SUMMARY

- It is proposed to refurbish the existing two (2) storey building and construct a four (4) storey addition to the side for the purpose of social housing. Some storage, office and communal areas will be provided on the ground floor.
- A total of 37 dwellings are provided comprising six (6) studios and 31 single bedroom dwellings.
- A total of three (3) car parking spaces will be provided within the front setback and accessible via a crossover from Station Street.
- A total of 20 bicycle spaces are proposed towards the rear of the site and accessible from the footpath to Station Street.
- The site is zoned Residential Growth Zone - Schedule 4 and is affected by the Development Contributions Plan Overlay, Design and Development Plan Overlay - Schedule 20 and the Heritage Overlay.
- No mandatory garden area requirements apply.
- There is no restrictive covenant on the title for the subject land.
- Two (2) 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 one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Darebin Parks, Transport Management and Planning, Capital Works and Public Realm units and to Council's Urban Designer, Council's ESD Officer and Council's Heritage Advisor.
- This application was referred externally to VicRoads.

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

- *Stuart McGurn, on behalf of Applicant*

Recommendation

That Planning Permit Application on D/179/2017 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 plans submitted with the application (identified as drawings TP02 and TP03 Rev. 0 dated 9.6.2017, TP04 Rev. 1 dated 4.7.2017, TP05, TP06, TP07, TP08 Rev. 1 dated 26.5.2017, TP09 Rev. 1 dated 1.6.2017 and TP10 Rev. 0 dated 1.6.2017 and prepared by Stoll Long Architecture) but modified to show:

- (a) The front fence height to units G01 and G02 reduced to a maximum of 1.5 metres with any fencing over 1.2m in height to be semi-transparent.
- (b) The bin enclosure to be relocated as per TP04D Revision 3 and dated 18.10.2017.
- (c) Any modifications in accordance with the Sustainable Design Assessment/ Sustainable Management Plan (Refer to Condition 5).
- (d) External operable sun shading devices (excluding roller shutters) to the east-facing glazing of Units 207, 303 and 304 and to all west facing habitable room windows and glazed doors.

The sun shading devices to the heritage building need to be to the satisfaction of the Responsible Authority.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (e) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where possible, the device is to extend over glazing sections of the window and past the framed window sides the distance shown below:
 - 450mm where window height is 900-1,200mm.
 - 600mm for a window height of 1,200-1,350mm.
 - 900mm for a window height of 1,350-2,100mm.
 - 1,000mm for a window height of 2,100-2,700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

- (f) The level of glazing to the living spaces and bedrooms on the northern and southern edges of the building reduced for better insulation by replacing bottom sections of the obscured windows with render or brick to the satisfaction of the responsible authority.
- (g) Additional operable windows to the south facing stairwell for more passive ventilation.
- (h) The bicycle enclosure to the rear of the property increased to accommodate 28

bicycle spaces, provided under cover and the gates to the enclosure a minimum of 1.2 metres in width as per TP04D Revision 3 and dated 18.10.2017.

- (i) The provision of communal clotheslines as per TP04D Revision 3 and dated 18.10.2017 and an external retractable clothesline to each unit.
- (j) The carpark surfaces drained into surrounding gardens.
- (k) Roof plant and all other plant and equipment shown, located and screened to be minimally visible from adjacent properties and the public realm. Solar hot water tanks are to be flush mounted on pitched roofs / not elevated on stands or located in secluded private open spaces at ground level. Screening is not to affect the operation of solar panels.
- (l) A landscape plan including at least 2 suitable medium canopy trees and 8 suitable small canopy trees in conjunction with condition 6.
- (m) Annotations detailing Tree Protection Zone(s) (TPZ), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 10 of this Permit and in accordance with the following:
 - The proposed private open space within the TPZ for Tree 1 to be constructed at or above existing grade.
 - Existing asphalt within the TPZ for Tree 14 to be removed by hand
 - Proposed driveway to be constructed at or above existing grade
 - Proposed driveway to be constructed using permeable materials on a porous sub-base.
 - The bike enclosure within the TPZs of Trees 27 and 29 to be built at or above existing grade and constructed using permeable materials.
- (n) A waste management plan in conjunction with the requirements of Condition 13 of this permit.
- (o) The setback of the northern second storey wall and eastern first and second storey walls compliant with the requirements of Standard B17 and Schedule 20 to the Design and Development Overlay.
- (p) The height of fences on the northern, eastern and southern property boundaries 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.

- (q) A section diagram for the screening to the second floor balcony screening of Units 203 to 206 demonstrating how the screens minimise overlooking of adjoining properties.
- (r) The balcony to Unit 207 screened to avoid overlooking of adjoining properties.
- (s) The east-facing windows of Units 107, 110, 111 and 206 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.

- (t) The stairwell to the east of the existing building removed from the east-elevation as per demolition plan.
- (u) The lift and stairwell overrun reduced to a maximum of 14.7 metres above natural ground level.
- (v) Changes to the first and second storey built form as per TP05D and TP06D Revision 2 and dated 28.09.2017. These changes allow better solar access into the ground floor units.
- (w) Alterations to Units 301 to 304 (inclusive) as per TP07D Revision 1 and dated 6/9/2017.
- (x) The west-facing kitchen windows to Unit 203 oriented vertically to match those of Unit 202 on drawing no. TP06D Revision 2 and dated 28/9/2017.
- (y) The pedestrian path from Station Street to the foyer to have a minimum width of 1.5 metres.
- (z) The brick paving along the southern boundary in accordance with TP04D Revision 3 and dated 18.10./2017 at a minimum width of 1.5 metres and extending from Station Street to the bicycle enclosure.
- (aa) The pedestrian ramp on the ground floor between the riser and communal laundry shown with a maximum gradient of 1:14.
- (bb) Bicycle spaces provided at a rate of a minimum of one (1) space/unit in conjunction with the discussion plan TP04D Revision 3 and dated 18.10./2017.
- (cc) The location and design layout of site services including metres. Plans must demonstrate how these are 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.

The meters must be co-located where possible (this can be hard for applicants as service providers usually provide direction re location)

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before the development and/or use start(s), the owner of the land at 43 Station Street Fairfield 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 property must only be used for the purpose of social housing.

Before completion of the development, 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.

- (5) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Sustainable Design Assessment & Water Sensitive Urban Design Response, prepared by Ark Resources and dated 12 September 2017 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 revised as follows:

a. The energy rating improved so the cooling load is under 22Mj for all apartments.

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 Report, prepared by Keystone Alliance and dated March 2017 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 Report, prepared by Keystone Alliance and dated March 2017 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) A minimum of 2 suitable medium canopy trees and 8 suitable small canopy trees.
 - b) 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.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) 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).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) 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.
 - h) Hard paved surfaces at all entry points to dwellings.
-

- i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) 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.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - n) WSUD.
- (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) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in Construction Impact Assessment prepared by C&R Ryder Consulting and dated 6 July 2017)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1 - Crataegus phaenopyrum (Washington Thorn)	4.2 metres
Tree 3 - Celtis occidentalis (American Hackberry)	2.76 metres
Tree 10 - Syzygium australe (Brush Cherry)	2.88 metres
Tree 11 - Celtis occidentalis (American Hackberry)	7.92 metres
Tree 14 - Schinus Molle (Peppercorn Tree)	15.0 metres
Tree 27 - Morus alba (Mulberry)	4.8 metres
Tree 29 - X Cuprocypris leylandii (Leyland Cypress)	4.8 metres

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

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a

TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

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

- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) 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.
- (13) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

- (14) All outdoor 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.
- (15) 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.
- (16) 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.
- (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) No goods, equipment, or any other material/object must be stored, or left exposed,

outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

NOTATIONS

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

- Any failure to comply with the conditions of this 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.
- 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.
- 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.

- 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.
- This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.

Motion

MOVED: Cr. S Rennie
SECONDED: Cr. L Messina

That Planning Permit Application on D/179/2017 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 plans submitted with the application (identified as drawings TP02 and TP03 Rev. 0 dated 9.6.2017, TP04 Rev. 1 dated 4.7.2017, TP05, TP06, TP07, TP08 Rev. 1 dated 26.5.2017, TP09 Rev. 1 dated 1.6.2017 and TP10 Rev. 0 dated 1.6.2017 and prepared by Stoll Long Architecture) but modified to show:
 - (a) The front fence height to units G01 and G02 reduced to a maximum of 1.5 metres with any fencing over 1.2m in height to be semi-transparent.
 - (b) **A total of six (6) car spaces in tandem within the front setback of the existing building on the site. The Southern car spaces are to be notated as staff car parking and the northern car spaces notated as visitor car parking. The car spaces are to be in accordance with the requirements of Clause 52.06 of the planning scheme. Pedestrian access, bin enclosure and bicycle spaces are to be relocated generally in accordance with plan TP04D Revision 6, dated 8 March 2018 and be to the satisfaction of the responsible authority.**

Conditions (1)(c) - Notations: As per Officers Recommendation above.

*Cr. Amir proposed to the mover Cr. Rennie and seconder Cr. Messina that a further amendment to point (1)(b) to change the word staff car parking to **residential** car parking.*

This was accepted by Cr. Rennie and Cr Messina.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. S Rennie
SECONDED: Cr. L Messina

That Planning Permit Application on D/179/2017 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 plans submitted with the application (identified as drawings TP02 and TP03 Rev. 0 dated 9.6.2017, TP04 Rev. 1 dated 4.7.2017, TP05, TP06, TP07, TP08 Rev. 1 dated 26.5.2017, TP09 Rev. 1 dated 1.6.2017 and TP10 Rev. 0 dated 1.6.2017 and prepared by Stoll Long Architecture) but modified to show:
 - (a) The front fence height to units G01 and G02 reduced to a maximum of 1.5 metres with any fencing over 1.2m in height to be semi-transparent.

- (b) A total of six (6) car spaces in tandem within the front setback of the existing building on the site. The Southern car spaces are to be notated as **residential** car parking and the northern car spaces notated as visitor car parking. The car spaces are to be in accordance with the requirements of Clause 52.06 of the planning scheme. Pedestrian access, bin enclosure and bicycle spaces are to be relocated generally in accordance with plan TP04D Revision 6, dated 8 March 2018 and be to the satisfaction of the responsible authority.

Conditions (1)(c) - Notations: As per Officers Recommendation above.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. L Messina

That Planning Permit Application on D/179/2017 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 plans submitted with the application (identified as drawings TP02 and TP03 Rev. 0 dated 9.6.2017, TP04 Rev. 1 dated 4.7.2017, TP05, TP06, TP07, TP08 Rev. 1 dated 26.5.2017, TP09 Rev. 1 dated 1.6.2017 and TP10 Rev. 0 dated 1.6.2017 and prepared by Stoll Long Architecture) but modified to show:
- (a) The front fence height to units G01 and G02 reduced to a maximum of 1.5 metres with any fencing over 1.2m in height to be semi-transparent.
 - (b) A total of six (6) car spaces in tandem within the front setback of the existing building on the site. The Southern car spaces are to be notated as residential car parking and the northern car spaces notated as visitor car parking. The car spaces are to be in accordance with the requirements of Clause 52.06 of the planning scheme. Pedestrian access, bin enclosure and bicycle spaces are to be relocated generally in accordance with plan TP04D Revision 6, dated 8 March 2018 and be to the satisfaction of the responsible authority.
 - (c) Any modifications in accordance with the Sustainable Design Assessment/ Sustainable Management Plan (Refer to Condition 5).
 - (d) External operable sun shading devices (excluding roller shutters) to the east-facing glazing of Units 207, 303 and 304 and to all west facing habitable room windows and glazed doors.

The sun shading devices to the heritage building need to be to the satisfaction of the Responsible Authority.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - (e) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where possible, the device is to extend over glazing sections of the window and past the framed window sides the distance shown below:
 - 450mm where window height is 900-1,200mm.
 - 600mm for a window height of 1,200-1,350mm.

- 900mm for a window height of 1,350-2,100mm.
- 1,000mm for a window height of 2,100-2,700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

- (f) The level of glazing to the living spaces and bedrooms on the northern and southern edges of the building reduced for better insulation by replacing bottom sections of the obscured windows with render or brick to the satisfaction of the responsible authority.
- (g) Additional operable windows to the south facing stairwell for more passive ventilation.
- (h) The bicycle enclosure to the rear of the property increased to accommodate 28 bicycle spaces, provided under cover and the gates to the enclosure a minimum of 1.2 metres in width as per TP04D Revision 3 and dated 18.10.2017.
- (i) The provision of communal clotheslines as per TP04D Revision 3 and dated 18.10.2017 and an external retractable clothesline to each unit.
- (j) The carpark surfaces drained into surrounding gardens.
- (k) Roof plant and all other plant and equipment shown, located and screened to be minimally visible from adjacent properties and the public realm. Solar hot water tanks are to be flush mounted on pitched roofs / not elevated on stands or located in secluded private open spaces at ground level. Screening is not to affect the operation of solar panels.
- (l) A landscape plan including at least 2 suitable medium canopy trees and 8 suitable small canopy trees in conjunction with condition 6.
- (m) Annotations detailing Tree Protection Zone(s) (TPZ), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 10 of this Permit and in accordance with the following:
 - The proposed private open space within the TPZ for Tree 1 to be constructed at or above existing grade.
 - Existing asphalt within the TPZ for Tree 14 to be removed by hand
 - Proposed driveway to be constructed at or above existing grade
 - Proposed driveway to be constructed using permeable materials on a porous sub-base.
 - The bike enclosure within the TPZs of Trees 27 and 29 to be built at or above existing grade and constructed using permeable materials.
- (n) A waste management plan in conjunction with the requirements of Condition 13 of this permit.
- (o) The setback of the northern second storey wall and eastern first and second storey walls compliant with the requirements of Standard B17 and Schedule 20 to the Design and Development Overlay.
- (p) The height of fences on the northern, eastern and southern property boundaries 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.

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- (q) A section diagram for the screening to the second floor balcony screening of Units 203 to 206 demonstrating how the screens minimise overlooking of adjoining properties.
 - (r) The balcony to Unit 207 screened to avoid overlooking of adjoining properties.
 - (s) The east-facing windows of Units 107, 110, 111 and 206 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.

- (t) The stairwell to the east of the existing building removed from the east-elevation as per demolition plan.
- (u) The lift and stairwell overrun reduced to a maximum of 14.7 metres above natural ground level.
- (v) Changes to the first and second storey built form as per TP05D and TP06D Revision 2 and dated 28.09.2017. These changes allow better solar access into the ground floor units.
- (w) Alterations to Units 301 to 304 (inclusive) as per TP07D Revision 1 and dated 6/9/2017.
- (x) The west-facing kitchen windows to Unit 203 oriented vertically to match those of Unit 202 on drawing no. TP06D Revision 2 and dated 28/9/2017.
- (y) The pedestrian path from Station Street to the foyer to have a minimum width of 1.5 metres.
- (z) The brick paving along the southern boundary in accordance with TP04D Revision 3 and dated 18.10/.2017 at a minimum width of 1.5 metres and extending from Station Street to the bicycle enclosure.
- (aa) The pedestrian ramp on the ground floor between the riser and communal laundry shown with a maximum gradient of 1:14.
- (bb) Bicycle spaces provided at a rate of a minimum of one (1) space/unit in conjunction with the discussion plan TP04D Revision 3 and dated 18.10/.2017.
- (cc) The location and design layout of site services including metres. Plans must demonstrate how these are 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.

The meters must be co-located where possible (this can be hard for applicants as service providers usually provide direction re location)

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

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

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

- (4) Before the development and/or use start(s), the owner of the land at 43 Station Street Fairfield 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 property must only be used for the purpose of social housing.

Before completion of the development, 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.

- (5) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Sustainable Design Assessment & Water Sensitive Urban Design Response, prepared by Ark Resources and dated 12 September 2017 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 revised as follows:

- a. The energy rating improved so the cooling load is under 22Mj for all apartments.

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 Report, prepared by Keystone Alliance and dated March 2017 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 Report, prepared by Keystone Alliance and dated March 2017 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) A minimum of 2 suitable medium canopy trees and 8 suitable small canopy trees.
- b) 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.
- c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.

- e) 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).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) 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.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - k) 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.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - n) WSUD.
- (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) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in Construction Impact Assessment prepared by C&R Ryder Consulting and dated 6 July 2017)</i>	<i>TPZ (radius from the base of the trunk)</i>
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Tree 27 - Morus alba (Mulberry)	4.8 metres
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Tree protection measures are to be in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

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

- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) 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.
- (13) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

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

- (14) All outdoor 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.
- (15) 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.
- (16) 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.
- (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) No goods, equipment, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

NOTATIONS

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

- Any failure to comply with the conditions of this 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.
- 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.
- 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.

- 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.
- This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.

CARRIED UNANIMOUSLY

**5.3 APPLICATION FOR PLANNING PERMIT D/335/2017
1 Mendip Road Reservoir**

Author: Principal Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Mendy Pty Ltd	<ul style="list-style-type: none"> - Ikonomidis Reid Pty Ltd - Melbourne Planning Solutions - Treespace

SUMMARY

- The proposal is to demolish the existing single storey dwelling and construct a commercial unit (office/shop) and six (6), two (2) bedroom dwellings.
- The commercial unit is to be located at ground level to the front of the site and would have an area of 41.5 square metres. Kitchen and bathroom facilities are provided. It is to be constructed to the site boundary, with an awning to the façade.
- A pedestrian access path is proposed to the north boundary of the site providing dedicated, secure access to the residential units.
- Dwelling 1 is three (3) storeys and is to be located to the rear and above the commercial premises. At ground level it is to have an entry and single garage. The first floor level is to have a bedroom and kitchen/meals/living area, with balcony to the street frontage of 26 square metres. The second floor is to have a bedroom and bathroom.
- Dwellings 2, 3, 4 and 5 are also three (3) storeys and are located progressively to the rear of the site. The units would have a similar layout and level of accommodation, with the ground floors having a single garage, storage, laundry, sitting room and entry. The first floors each have a kitchen/meals/living area, with north-facing balconies of 8.6 square metres. The second floor levels have two (2) bedrooms a bathroom and ensuite.
- Dwelling 6 is double storey and located to the rear of the site. It would have a bedroom, bathroom, laundry and storage area at ground floor level. The first floor is to have a bedroom, bathroom, toilet and kitchen/meals/living area, with a north-facing balcony of 9.19 square metres.
- All of the dwellings have two (2) bedrooms and a single garage. The commercial unit is not provided with on-site car parking and no-onsite visitor car parking is provided. A reduction of the standard car parking requirement is sought in the order of two (2) car spaces.
- The proposal is to be constructed to the front boundary and would have a contemporary design, with brick walls to the ground floor level, render and lightweight cladding with to the upper floors and flat roofs.
- The site is zoned Commercial 1 and was recently identified to be retained the Commercial 1 Zone through the Darebin Economic Land Use Strategy.
- There is no restrictive covenant on the title for the subject land.

- 31 objections were received against this application. A petition with 29 signatures was also received.

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

- It is recommended that the application be supported subject to conditions.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to Councils Urban Designer, Darebin Parks, Capital Works Unit and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was not required to be referred to any external authorities.

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

- *Chris Mackenzie, on behalf of Applicant*
- *Hailey Gray, Objector*
- *Anna Ganz, Objector*

Recommendation

That Planning Permit Application D/335/2017 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 plans submitted with the application (identified as drawing nos TP-04, TP-05, TP-06, TP-07, Revision C, dated November 2017, job no. 011678 and prepared by Ikonomidis Reid) but modified to show:
 - (a) External operable sun shading devices (excluding roller shutters) to all east and 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.
 - (b) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary. All north facing habitable room windows and doors provided with fixed shading devices (not roller shutters). This shall be appropriately detailed on the floor plans and elevations.
 - (c) The height of fence on the northern boundary 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.
 - (d) Location and details of waste storage area for the shop premises, to be screened

from public view.

- (e) A waste management plan in accordance with condition 9 of this permit.
- (f) The balcony to Unit 6 provided with:
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.

A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining to the neighbouring residential property to the west in accordance with Rescode standard B22.

- (g) The balconies of Units 2-5 to be provided with fixed screens with a maximum permeability of 25% to limit direct overlooking down to the habitable room windows to the dwelling at the rear of the neighbouring commercial premises. A section diagram must be included to demonstrate how the screens minimise overlooking of neighbouring habitable room windows.
- (h) The access is to be confirmed to have a minimum of 3 metre width and dimensioned on the plans.
- (i) Floor to ceiling heights of the uppermost level reduced from 2,500mm to 2,400mm.
- (j) Provision of a minimum 2.1 metres headroom beneath overhead obstructions in the garages (including beneath stair encroachments into the garages) detailed on the plans.
- (k) Annotations detailing Tree Protection Zones (TPZ) in accordance with condition 7 of this permit.
- (l) 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.
- (m) A landscape plan in accordance with Condition No. 4 of this Permit. Landscaping proposed to the west and south boundaries shall be specifically designed with screen plants to help soften the development.
- (n) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 8 of this Permit).
- (o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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) Provision of a minimum of one (1) suitable medium canopy trees and five (5) suitable small canopy trees
 - (b) 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.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - (e) 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).
 - (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) 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.
 - (h) Hard paved surfaces at all entry points to dwellings.
 - (i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (k) 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.
 - (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the

use starts or at such later date as is approved by the Responsible Authority in writing.

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

6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the Tree Impact Assessment prepared by Treespace, submitted with the application and dated 22 August 2017. The tree Protection fences must be erected as follows: Tree 1 (located within the adjoining property to the west) at a radius of 4.8 metres, Tree 2 (located within the adjoining property to the south) at a radius of 2.4 metres, Tree 3 (located in the adjoining property to the south-west) at a radius of 3.6 metres and Tree 4 (located in the adjoining property to the west) at a radius of 2.0 metres from the trunk edge to define a 'Tree Protection Zone'.

Tree protection fencing must be installed prior to any works on-site and remain in place for the duration of construction and installed in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.

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.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees, and undertaken by a suitably qualified arborist.

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. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste,

general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter.

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.

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. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
12. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
13. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to 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.
14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans; and
 - c) Drainedto 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.

20. 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.

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. S Rennie

That Planning Permit Application D/335/2017 be refused and a Notice of Refusal be issued subject to the following conditions:

- (1) The siting, extent of development, bulk and scale of the building would unreasonably impact the amenity of the neighbouring residential properties through excessive height, visual bulk, loss of privacy and overshadowing contrary to the provisions of the Darebin Planning Scheme.
- (2) The proposal provides inadequate landscaping opportunities and excessive hard standing to the sensitive southern residential interface. There are insufficient

opportunities to soften the development with landscaping to help mitigate off site amenity impacts to the neighbouring dwellings.

- (3) The extent of development, the height, the bulk and the minimal boundary setbacks of the proposed building is unreasonable given the low scale context of the area and adverse impact on the streetscape contrary to the provisions of the Darebin Planning Scheme.
- (4) The proposed development does not satisfy the car parking requirements set out in Clause 52.06 (Car Parking) to the detriment of on street car parking provision.
- (5) The commercial space to the front of the development is not of a size capable of acceptably contributing to the vitality of the local centre contrary to the provisions of Clause 21.04 (Economic Development) of the Darebin Planning Scheme.
- (6) The proposal is an overdevelopment of the site.
- (7) The proposed development is contrary to proper and orderly planning.
- (8) The proposal is poorly conceived and is not site responsive.

CARRIED

6. OTHER BUSINESS

Nil

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 7.10pm.