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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 16 September 2019

Released to the public on Thursday 19 September 2019



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 20 May 2019 in order to
confirm the commitment of Council to the process of
Reconciliation)**

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

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

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

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



English

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

Arabic

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

Chinese

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

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 16 SEPTEMBER 2019

THE MEETING OPENED AT 6.02PM.

WELCOME

The Chairperson, Mayor Rennie opened the meeting with the following statement:

“Ngarrgma Wurundjeri Woi-wurrung guljin gurringanyinu bik wenerop Darebin dharri. Ngarri yana ngarnga bik, baan ba ngarrgu. Gahgook-al Nanggit Bambuth, Yalingbu ba gama-dji.

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

1. PRESENT

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)
Cr. Susanne Newton (Deputy Mayor)
Cr. Gaetano Greco
Cr. Tim Laurence
Cr. Kim Le Cerf
Cr. Trent McCarthy (arrived 6.07pm)
Cr. Lina Messina
Cr. Julie Williams

Council Officers

Sue Wilkinson - Chief Executive Officer
Rachel Ollivier - General Manager City Sustainability and Strategy
Steven Sagona - Acting General Manager Governance and Engagement
Sam Hewett - General Manager Operations and Capital
Stephen Mahon - Acting Coordinator Governance, Council Business and Civic Services
Karlee Ferrante - Council Business Officer
Chaden Berbari - IT Service Desk Officer
David Lee - IT Service Desk Officer

2. APOLOGIES

An apology was lodged for the absence of Cr. Amir.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. L Messina
SECONDED: Cr. J Williams

That the Minutes of the Planning Committee Meeting held on 19 August 2019 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR A PLANNING PERMIT D/786/2018
164 ST GEORGES ROAD NORTHCOTE**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Petridis Architects	Intelligent Business Corporation Pty Ltd 271 Queens Parade CLIFTON HILL VIC 3068	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The proposed conditions address materials, window operation and shading devices.
- The application is recommended for approval because it achieves compliance with the provisions of the Mixed Use Zone and Design and Development Overlay which apply to the site.
- The St Georges Road corridor has State and Local planning policy support for multi-level residential development. The Municipal Strategic Statement identifies St Georges Road for substantial housing change. The site is supported for increased residential densities under the Design and Development Overlay including development of up to 5-storeys (17 metres).
- The proposal involves first and second floor alterations and additions to an existing two (2) storey dwelling (total of three (3) storeys).
- The site is located within the Mixed Use Zone (Schedule 1) and is covered by a Design and Development Overlay (Schedule 16).
- A Planning Permit is not required to use or develop the land for a one dwelling in the Mixed Use Zone. A Planning Permit is required for buildings and works on land covered by DDO16 as the development exceeds the rear setback requirement.
- There is no restrictive covenant on the title for the subject land.
- Three (3) objections were received against the application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters to surrounding land owners and occupiers.
- The application was referred internally to the Assets and Capital Delivery Unit and the Transport Management and Planning Unit.

The following people addressed the meeting in relation to Item 5.1 Application for Planning Permit D/786/2018 164 St Georges Road, Northcote and were thanked for their presentations by the Chairperson, Mayor Rennie:

- (1) Stephen Koenig (on behalf of the Applicant)
- (2) Lisa Eglesos (Objector)

Cr. McCarthy entered the meeting at 6.07pm.

Committee Decision

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

That Planning Permit Application D/786/2018 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: TPA01, TPA02, TPA03 and TPA04, dated 14 March 2019 and prepared by Petridis Architects) but modified to show:
 - (a) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (b) External operable sun shading devices (excluding roller shutters) 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.
 - (c) 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.
 - (d) 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. Casement, louver, sliding or sash windows should be utilised to maximise ventilation.
 - (e) 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.
 - (f) All water tanks relocated within the building.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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 5. The land must be drained to the satisfaction of the Responsible Authority.
 6. 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.
 7. 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.
 8. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans; and
 - (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.

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.

CARRIED

**5.2 APPLICATION TO AMEND A PLANNING PERMIT
29-31 STATION STREET FAIRFIELD VIC 3078; and,
22 ARTHUR STREET FAIRFIELD VIC 3078**

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
KLM Spatial	T Dritsas Carmac Nominees Pty Ltd.	KLM Spatial Greenwood Consulting P/L

SUMMARY

- Planning Permit No. D/1160/2014 was issued by Council on 31 August 2015. The applicant now seeks to amend the planning permit and endorsed plans which generally includes the following:
 - Updating the address of the subject site to include the land at 22 Arthur Street Fairfield.
 - An extension to the existing medical centre comprising the construction of a car park at 22 Arthur Street Fairfield.
- The proposed car park provides an additional 22 spaces to the existing medical centre and will be restricted to staff parking only (via gated access).
- The hours of operation of the proposed car park will be between 8am to 10pm (which is consistent with the operating hours of the medical centre).
- It is proposed to increase the number of staff at the existing medical centre to 20 medical practitioners.
- The subject site is zoned Residential Growth – Schedule 4 and General Residential – Schedule 2 and affected (either partially or entirely) by the Development Contributions Plan Overlay, Design and Development Overlay – Schedule 20 and Heritage Overlay – Schedule 78.
- The mandatory garden area requirement of Clause 32.08-4 does not apply to this application which does not seek to construct or extend a dwelling or residential building.
- There is no restrictive covenant on the titles for the subject land.
- 25 objections have been received against the application.
- The proposal is generally compliant with the relevant considerations of the Darebin Planning Scheme including Clause 15.01 (Built Environment), Clause 21.03 (Housing), Council’s Neighbourhood Character Policy and the General Residential Zone provisions for non-residential uses in residential zones.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via placing two (2) signs on site fronting Station Street and one (1) sign fronting Arthur Street and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Engineering and Strategy Unit and Arboricultural Planning Unit.
- This application was referred externally to VicRoads.

The following people addressed the meeting in relation to Item 5.2 Application to Amend a Planning Permit D/1160/2014 29-31 Station Street, Fairfield and 22 Arthur Street, Fairfield and were thanked for their presentations by the Chairperson, Mayor Rennie:

- (1) Angus Crisp (Objector)
- (2) Peter Chilton (Objector)

Recommendation

That Planning Permit Application on D/1160/2014 be supported and a Notice of Decision to Amend a Permit be issued, with the permit amended as follows:

- Amended the address of the land from:
29-31 Station Street FAIRFIELD VIC 3078
To:
29-31 Station Street FAIRFIELD VIC 3078 and 22 Arthur Street FAIRFIELD VIC 3078
- **Amend what the permit allows from:**
 - *Increase the number of health care providers associated with the existing medical centre to 12;*
 - *Carry out works;*
 - *Construct and display an advertising sign; and*
 - *Reduce the car parking requirement associated with the medical centre;*To:
 - *Increase the number of health care providers associated with the existing medical centre to 20;*
 - *Carry out works;*
 - *Construct and display an advertising sign.*
- Condition No. 6 amended from:
The number of healthcare providers operating from the premises from the premises at any one time must not exceed 12.
To:
The number of medical practitioners operating from the premises from the premises at any one time must not exceed 20.
- Condition No. 9 deleted:
Before number of health care providers increases a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres. If located outside a building, the waste storage/collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

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

- Condition No. 15 amended from:

Before number of health care providers increases 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;*
- drained;*
- line-marked to indicate each car space and all access lanes;*
- clearly marked to show the direction of traffic along the access lanes and driveways*

to the satisfaction of the Responsible Authority.

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

To:

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;*
- drained;*
- line-marked to indicate each car space and all access lanes;*
- clearly marked to show the direction of traffic along the access lanes and driveways*

to the satisfaction of the Responsible Authority.

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

- Condition No. 21 amended from:

This Permit expires 15 years from the date of issue of the Permit.

To:

The permission to display signage expires 15 years from the date of issue of the Permit.

- Condition No. 23 added to the permit as follows:

Before the buildings and works at 22 Arthur Street commence, 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 TP02 (Rev. A), prepared by KLM Spatial, Job No. 6688 and dated 11.04.2019) but modified to show:

- a) *Modification to the Landscape Plan in accordance with Condition 25 of the Permit.*
 - b) *Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 27 of this Permit.*
 - c) *An acoustic fence located along the northern, southern and western in accordance with Condition 28 of this Permit.*
 - d) *A swept path assessment prepared by a qualified traffic engineer demonstrating that vehicles are able to enter and exit the site at 22 Arthur Street in a forward direction.*
 - e) *Waste storage areas in accordance with Condition 29 of the Permit.*
- *Condition No. 24 added to the permit as follows:*

Permission to use and develop the land at 22 Arthur Street will expire if either:

- *The works do not commence within three (3) years from the date of this Permit; or*
- *The works are not completed or the use does not commence 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 the specific permission of this condition 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 works.*
- *Condition No. 25 added to the permit as follows:*
- Before buildings and works at 22 Arthur Street start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:*
- a) *details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.*
 - b) *a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.*
 - c) *a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.*
 - d) *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).

- e) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- f) 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.
- g) hard paved surfaces at all entry points to dwellings.
- h) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- i) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- j) 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.
- k) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- l) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- m) tree protection notations in accordance with Condition No. 27 of this Permit.
- n) at least eight (8) suitable small canopy trees.
- o) All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).

- Condition No. 26 added to the permit as follows:

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.

- Condition No. 27 added to the permit as follows:

Before works (including demolition of the existing dwelling) at 22 Arthur Street commence, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree (as defined in Arboricultural Construction Impact Assessment, prepared by Greenwood Consulting and dated 1 April 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
<i>Council nature strip tree (Melaleuca styphelioidies)</i>	<i>9.6 metres</i>

Where located within the TPZ, the proposed car park must not exceed an excavation depth of 100mm.

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.

- Condition No. 28 added to the permit as follows:

Before the use of the land at 22 Arthur Street commences, an acoustic fence must be erected along the northern, southern and western boundaries of the land to a minimum height of 1.8 metres above natural ground level.

The design of the fence must be prepared in consultation with an acoustic engineer qualified to the satisfaction of the Responsible Authority.

Before the fence is constructed, details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.

- Condition No. 29 added to the permit as follows:

Provision must be made for the storage and collection of solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.

- Condition No. 30 added to the permit as follows:

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.

- Condition No. 31 added to the permit as follows:

The car parking area is to be adequately secured after operating hours to the satisfaction of the responsible authority.

- Condition No. 32 added to the permit as follows:

The car park at 22 Arthur Street must be used by staff only.

- Condition No. 33 added to the permit as follows:

Staff access to the car park at 22 Arthur Street is to be adequately secured (i.e. swipe card or similar) to the satisfaction of the Responsible Authority.

Committee Decision**MOVED: Cr. T McCarthy****SECONDED: Cr. T Laurence**

That the Planning Committee refuse Planning Permit Application D/1160/2014 with the grounds as follows:

- (1) The use of the land at 22 Arthur Street would have a negative effect on the character of the area contrary to the provisions of Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme.
- (2) The proposed use of the land at 22 Arthur Street would result in a loss of residential amenity by way of noise and disturbance.
- (3) Use of the site for a non-residential use is considered incompatible with the existing residential uses contrary to the decision guidelines at Clause 32.08-13 of the General Residential Zone Schedule 2.
- (4) The proposal is poorly conceived and not site responsive.
- (5) The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

CARRIED

**5.3 APPLICATION FOR PLANNING PERMIT
813 High Street Reservoir**

Author: Principal Statutory Planner

Reviewed By: Principal Planner

Applicant	Owner	Consultant
ADGB Pty Ltd	ADGB Pty Ltd	Mecone Herniman+Group Traffix Group Di Mase Berry Eco Results

SUMMARY

- The application is recommended for approval subject to conditions.
- Proposed key conditions address materials and finishes, overlooking, accessibility and streetscape improvements.
- The application seeks a Planning Permit for a multi storey, mixed use development comprising the construction of a five (5) storey (plus mezzanine and car stacker pit) building with 11 dwellings and a shop. Reduction of the standard car parking requirement is also sought.
- The site is located within the Mixed Use Zone (Schedule 1) and is covered by the Development Contributions Plan Overlay and Environmental Audit Overlay. The site is located within Precinct 12 of the High Street Corridor Land Use and Urban Design Policy.
- The application is recommended for approval as it achieves a high level of compliance with the provisions of the Mixed Use Zone and there is strong justification for higher density development in this activity centre and strategic corridor location. The level of compliance with Clauses 22.05, 22.06 and Clause 58 indicates that the proposal is acceptable.
- There is no restrictive covenant recorded on the title for the subject land.
- 14 objections were received against the application.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the ESD Officer, Urban design, City Works Unit, Governance and Performance Unit, Heritage Advisor, Infrastructure and Capital Delivery Unit and the Transport Engineering and Strategy Unit.
- This application was not required to be referred externally.

The following people addressed the meeting in relation to Item 5.3 Application for Planning Permit D/951/2018 813 High Street, Reservoir and were thanked for their presentations by the Chairperson, Mayor Rennie:

- (1) Phillip Rygal (on behalf of Applicant)
- (2) Chris Welsby (Objector)
- (3) Nanette Aitken (Objector)

Recommendation

That Planning Permit Application D/951/2018 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. TP1.1, TP 2.0, TP 2.1, TP 2.2, TP 3.0, TP 3.1, TP 4.0, TP 4.1, Revision A, dated 5 July 2018, project no. 2970 and prepared by Herniman+Group) but modified to show:
 - (a) The height of screens/fences separating the balconies of proposed apartments to be a minimum height of 1.7 metres as measured above finished surface levels.
 - (b) The western, northern and southern edges of the balconies of Units 1 and 4 and the west-facing main bedroom and kitchen windows and western, northern and southern edges of the balcony of Unit 5 provided with a fixed screen with a maximum permeability 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.
 - (c) Horizontal bicycle parking with an offset of 1 metre between hoops.
 - (d) A ramp in place of steps between the bin room and the bike room.
 - (e) Access points to lightwells for cleaning and maintenance.
 - (f) Removal of the existing crossover to High Street and reinstatement of the kerb, channel and footpath.
 - (g) 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.
 - (h) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted and rendered surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - (i) The bathrooms to Units 1, 2, 5, 6, 8, 9, 10 and 11 to include hobless (step free) showers.
 - (j) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

- (k) A landscape plan in accordance with Condition No. 4 of this Permit.
- (l) Modifications in accordance with the Sustainability Management Plan (Refer to Condition No. 7 of this Permit).
- (m) Modifications in accordance with the Stormwater Management System Report (Refer to Condition No. 8 of this Permit).
- (n) Modifications and notations in accordance with recommendations contained within the Acoustic Report (Refer to Condition No. 11 of this Permit).
- (o) Modifications in accordance with the Waste Management Plan (Refer to Condition No.12 of this Permit).
- (p) A notation indicating the extent of the construction of the rear ROW (refer to Condition No. 13 of this Permit).

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
 - (b) a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (c) a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (d) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (e) where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (f) an outline of the approved buildings 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.

- (g) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (h) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - (i) Landscape Specification Notes including general establishment and maintenance requirements.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as the Sustainability Management Plan by EcoResults dated 20 December 2018 (revised 27 March 2019) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- a) Recalculation of the STORM assessment noting the following:
 - i. Balconies and the roof as separate drainage lines.
 - ii. Planter boxes are to be consistent with the WSUD report and development plans.
 - iii. Water tank reliability a minimum of 80%.

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

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

8. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
 - i) An assessment using an industry recognised stormwater tool;
 - ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;

- iv) A plan illustrating where all impervious surfaces will be treated and drained;
- v) A construction and maintenance schedule;
- b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The development must be constructed and maintained in accordance with the requirements/ recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

9. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- a) Erosion and sediment.
 - b) Stormwater.
 - c) Litter, concrete and other construction wastes.
 - d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

10. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
11. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby road traffic do not impact adversely on the amenity of the dwellings.
 - b) Dwellings are to be designed to achieve the following noise levels:
 - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park, including the car stacker and turntable) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

Responsible Authority.

12. Before the development starts, a revised waste management plan generally in accordance with the submitted document identified as 'Waste Management Plan, prepared by EcoResults and dated 13 December 2018 (updated 19 March 2019)', 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, recyclables and food waste 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 food 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.

13. Prior to the occupation of the development:
- (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the western boundary of the property, commencing from the intersection with Wild Street and continuing along the rear boundary of 813 High Street must be submitted to and approved by Council.
 - (b) The right of way abutting the western boundary of the property, commencing from the intersection with Wild Street and continuing along the rear boundary of 813 High Street must be constructed and surfaced in accordance with the approved plans at the cost of the developer and at no cost to Council.

All works must be to the satisfaction of the responsible authority.

14. Before the development is occupied, streetscape improvement works in the High Street road reserve adjacent to the subject site must be carried out by the developer at their cost, under supervision, and to the satisfaction of the Responsible Authority. The streetscape improvements must include the following:
- (c) Demolition of the existing footpath pavement, including vehicle crossover, and replacement with new concrete paving with joints. The new concrete is to match the colour of the existing concrete abutting closely as practicable.
 - (d) Install two (2) passively irrigated tree pits with advanced specimen canopy trees.
15. 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 and kerb and channel to the satisfaction of the Responsible Authority.
16. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
17. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to the garage 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.

18. Boundary walls facing adjoining properties must be cleaned and finished to the

satisfaction of the Responsible Authority.

19. The land must be drained to the satisfaction of the Responsible Authority.
20. 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.
21. 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.
22. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
24. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;

to the satisfaction of the Responsible Authority.

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

25. The car stacker must be constructed, maintained and managed in good working order to the satisfaction of the Responsible Authority.
26. The car parking spaces are to be allocated so that each of the dwellings includes a minimum of one (1) car parking space.
27. 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.

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. J Williams
SECONDED: Cr. T Laurence

That the Planning Committee refuse Planning Permit Application D/951/2018 with the grounds as follows:

- (1) The scale, setbacks and visual bulk impacts to High Street and to the rear of the site is contrary to High Street Corridor Land Use and Urban Design Policy and Clauses 15.01 (Urban Design Principles); 22.06 (Multi-Residential and Mixed Use Development) and Clause 58 of the Darebin Planning Scheme to the detriment of the streetscape and the low scale residential properties to the rear.
- (2) A number of the dwellings provide a poor level of internal amenity as a result of their layout and design, room sizes and reliance on light courts, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development); 22.06 (Multi-Residential and Mixed Use Development) and Clause 58 of the Darebin Planning Scheme.

- (3) The provision of mechanical stackers and turntable required for car parking will not provide conveniently accessible car parking for future residents.
- (4) Inadequate car parking provision has been provided for the proposal.
- (5) The proposal is an overdevelopment of the site, it is poorly conceived and not site responsive.
- (6) The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

CARRIED

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).

Please note that Appendix A incorporates all of the information presented and deferred at the Planning Committee on 19 August 2019 and all subsequent VCAT applications.

Committee Decision

MOVED: Cr. K Le Cerf
SECONDED: Cr. G Greco

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

CARRIED

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING

The meeting closed at 7.20pm.

**CITY OF
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