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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Thursday 20 April 2017

Released to the public on Wednesday 26 April 2017

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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 THURSDAY 20 APRIL 2017**

THE MEETING OPENED AT 7.02PM

WELCOME

The Chairperson, Cr. Le Cerf, in opening the meeting acknowledged the Wurundjeri people, the traditional owners of the land.

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)
Cr. Steph Amir
Cr. Gaetano Greco (Deputy Mayor)
Cr. Trent McCarthy
Cr. Lina Messina (7.39pm)
Cr. Susanne Newton
Cr. Susan Rennie

Council Officers

Phil Shanahan - Acting Chief Executive
Steve Hamilton - Director City Futures and Assets
Jacinta Stevens - Director Civic Governance and Compliance
Darren Rudd - Manager Planning and Building
Blaga Naumoski - Manager Governance and Corporate Information
Julie Smout - Coordinator Statutory Planning
Katia Croce - Coordinator Council Business
Jody Brodribb - Council Business and Governance Officer

2. APOLOGIES

Cr. Laurence is on an approved leave of absence.

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

An apology was lodged for the initial absence of Cr. Messina.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Newton disclosed a conflict of interest in Item 5.2 – Application for Planning Permit D923/2015 – 25 Gilbert Road, Preston.

Cr. Amir disclosed a conflict of interest in Item 5.2 – Application for Planning Permit D923/2015 – 25 Gilbert Road, Preston.

Cr. McCarthy temporarily left the meeting at 7.03pm and returned at 7.04pm

MOTION

Committee Decision

MOVED: Cr. S Amir
SECONDED: Cr. S Rennie

That Item 5.2 (Application for Planning Permit D/923/2015 – 25 Gilbert Road, Preston) be heard after Item 5.6 (Application for Planning Permit D/456/2015 – 176-180 High Street, Preston).

CARRIED

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. S Amir
SECONDED: Cr. S Rennie

That the Minutes of the Planning Committee Meeting held on 10 April 2017 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/518/2016 607-617 High Street, Thornbury

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Enth Degree Architects Pty Ltd	The Trust Company (Australia) Limited	BSGM Consulting Building Surveyors Ratio Consultants Traffic Assessment

SUMMARY

- It is proposed to increase the number of patrons allowed under the existing liquor licence of the hotel from 725 to 1050 and to construct alterations to the existing building comprising a new double door and ramp to the rear. No additional car parking is proposed to be provided.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- Thirty-three (33) objections were received against this application.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Transport Management and Planning Unit, Council’s Community Safety Officer and Council’s Heritage Advisor.
- This application was referred externally to Victoria Police, Victorian Commission for Gambling and Liquor Regulation and Melbourne Water.

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

- *Jenny Greenham, Objector*
- *Elias Salloum, Objector*

Recommendation

That Planning Permit Application D/518/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as Proposed Floor Plan TP03 Rev A, Existing and Proposed West Elevations and Ground Floor Plan Red Line Plan LC01 Rev A, dated November 2015 and prepared by Enth Degree Architects Pty Ltd).
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. The number of patrons on the premises at any one time must not exceed 1050.
5. The doors on the west elevation of the building must be self-closing.
6. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;and/or in any other way, to the satisfaction of the Responsible Authority.

CONDITION IMPOSED BY MELBOURNE WATER

7. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

MELBOURNE WATER FOOTNOTE:

N1. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 145980.

NOTATIONS

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

- N2. 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.

- N3. 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.
- 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. S Rennie
Seconded: Cr. T McCarthy

That Planning Permit Application on D/518/2016 be refused and a Notice of Refusal be issued subject to the following grounds:

1. The increase in patrons, associated with the sale and consumption of alcohol, will unreasonably impact on amenity of the surrounding area.
2. Insufficient car parking spaces are provided for the increase in patron numbers

CARRIED UNANIMOUSLY

NOTE: The following item was heard after Item 5.6.

Cr. Amir disclosed a conflict of interest in the following item (5.2 Application for Planning Permit D/923/2015 – 25 Gilbert Road, Preston) classifying the type of interest as an indirect interest because of a residential amenity effect as she owns and lives in a house nearby to the Application site.

Cr. Newton disclosed a conflict of interest in the following item (5.2 Application for Planning Permit D/923/2015 – 25 Gilbert Road, Preston) classifying the type of interest as an indirect interest because of a residential amenity effect as she owns and lives in a house nearby to the Application site

Cr Amir and Cr. Newton left the meeting prior to consideration of this item at 8.16pm.

**5.2 APPLICATION FOR PLANNING PERMIT D/923/2015
25 Gilbert Road Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant/s
James Livingston Planning	R Lyons	James Livingston Planning Turner Ginnivan One Mile Grid

SUMMARY

- The application proposes to construct a four (4) storey building for use as a shop and four (4) dwellings. The ground floor level will maintain a shop premises (57.4 square metres) fronting Gilbert Road, with the lower level of Dwelling 1, the shared entry foyer, storage and bin enclosures and car parking also located on the ground floor. Four (4) car parking spaces in the form of stacker platforms will be provided.
- Units 1, 3 and 4 will provide split level duplex style accommodation. Unit 2 will be located over a single level at first floor.
- It is recommended that the four (4) available car parking space on the site are allocated as follows:
 - Unit 1 – 2-bedroom dwelling with one (1) car parking space
 - Unit 2 – 1-bedroom dwelling with car parking waived
 - Unit 3 – 3-bedroom dwelling with one (1) car parking space
 - Unit 4 – 3-bedroom dwelling with two (2) car parking space
 - Shop – car parking waived
- Each dwelling will have access to a balcony with a minimum area of 8 square metres or a roof terrace with a minimum area of 10 square metres.
- The site is zoned Commercial 1 Zone (C1Z)
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.

- 28 objections were received against this application. This includes 1 petition with 38 signatures.
- The proposal is generally consistent with the objectives and standards of relevant planning policy including the applicable requirements Clause 55 of the Darebin Planning Scheme.
- On 11 November 2016 the Victorian Civil Administrative Tribunal informed Council that the permit applicant lodged an application for review under Section 79 of the *Planning and Environment Act 1987* (Failure to Grant a Permit within the Prescribed Time). Therefore Council is required to form a view on the application. It is recommended that Council form the view that the application be supported.

CONSULTATION:

- Public notice was given via 2 signs posted on site and letters sent to adjoining owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit, Capital Works Unit, Assets and Property, and Strategic Planning.
- This application was not required to be referred to external authorities.

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

- James Livingston, on behalf of the Applicant
- Briony Edwards, Objector
- Neil Baldwin, Objector
- Joanne Edwards, Objector

Recommendation

That Planning Permit Application on D/923/2015 be supported 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 P-06, P-07, P-08, Revision C, dated 18 March 2016 and prepared by Turner Ginnivan) but modified to show:
 - a) The car parking spaces allocated to the dwellings in accordance with Condition No.5 of this Permit.
 - b) The canopy extension over the Gilbert Road and Burgess Street footpath with a minimum setback of 0.75 metres from the kerb edge and a height clearance of 3 metres from the level of the footpath.
 - c) The provision of a minimum of 5 cubic metres of storage for each dwelling.
 - d) Full details of the roller door/s and the northern screens to the car parking stacker areas. Selected materials and finishes are to be of high quality, no more than 25% visually permeable and blend in with the character of the development.
 - e) The provision of external sun-shading devices to all north, east and west facing habitable room windows, in accordance with the requirements of Condition No.6 of this Permit.

- f) The provision a canopy extension to provide weather protection over the deck areas on the Third Floor associated with Unit 3 and Unit 4. The canopy must have a minimum width of 1 metre.
- g) Deck 1 on the first floor is to be allocated to Unit 1. Any access to this deck shown from Unit 2 must be deleted.
- h) A dimension showing a minimum headroom clearance of 2.1 metres to the entry of the garages (stacker platforms).
- i) A single communal antenna for the development (refer also to Condition No. 12 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.
- j) Details of the car stackers showing all platforms of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. The pit depths must be increased accordingly.
- k) The provision of bicycle parking dimensions on the plans in accordance with AS 2890.3:2015.
- l) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No.6 of this Permit).
- m) Any modifications in accordance with the Acoustic Report (Refer to Condition No.7 of this Permit).
- n) The location of all plant and equipment (including air conditioners, gas metres, water metres 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. An alcove with a maximum depth of 600mm may be created for this purpose, as necessary, on the northern wall of the store/bike hold room at ground floor.
- 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. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.

5. The four (4) car parking spaces on the site must be allocated as follows:
- One (1) car parking space for Unit 1
 - One (1) car parking space for Unit 3
 - Two (2) car parking spaces for Unit 4
6. 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.

7. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to “satisfactory” levels as outlined in Table 1 of AS2107.
 - c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the mechanical car parking stackers) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
 - d) Noise, reverberation and vibration associated with the operation and use of the mechanical car parking stackers, lift and staircase cores do not impact adversely on the amenity of the dwellings which share dividing walls with the core. The following sources of noise must be attenuated:
 - Noise and vibration arising from the operation of the mechanical stackers;
 - Ride quality e.g. sound and vibration from the elevator car
 - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls
 - Structure-borne noise in walls e.g. sound radiation to adjacent rooms
 - Cooling fan noise
 - Drive operation noise
 - Relay switching noise
 - Door operation noise
 - Guide shoe sliding noise
 - Treatment to stair treads and landings to minimise airborne noise.

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

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

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

11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. 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.
14. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Before the shop use commences a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

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.

Any waste associated with the shop is to be collected privately. Collection of waste must not cause any disturbance to nearby residential properties and must only occur between the following hours:

- Monday to Saturday (inclusive): 6.30am – 8.00pm
- Sundays and Public Holidays: 9.00am – 8.00pm

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.

18. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

19. 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.

- N6 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Committee Decision

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

That the Planning Committee form the view to oppose the Planning Permit Application D/923/2015 at VCAT on the following grounds:

1. The proposal does not meet the objective of Clause 15.01 Urban Environment of the Darebin Planning Scheme in terms of treatment to the public realm.
2. The proposal does not meet the purpose of Clause 52.06 Car Parking of the Darebin Planning Scheme, more particularly:
 - a) The proposal provides for insufficient car parking on site.
 - b) The proposal does not provide for manageable and convenient vehicle access to and from the site.
3. The proposal does not meet the purpose of Clause 52.07 Loading and Unloading of Vehicles and will have an adverse effect on traffic flow and road safety.
4. The proposal is an overdevelopment.

CARRIED UNANIMOUSLY

**5.3 APPLICATION FOR PLANNING PERMIT D/11/2016
552-556 Plenty Road, Preston VIC 3072**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Ikonomidis Reid	Qing Chen	West Urban Group Keystone Alliance TTM consulting LID Impact Development Consulting

Summary

- Development of a three (3) storey development comprising 10 dwellings with four (4) x three (3) bedroom dwellings and six (6) x two (2) bedroom dwelling. There are 16 car spaces (exceeding the planning scheme requirement of 14 car spaces) and each dwelling has a courtyard or a balcony.
- The site is zoned General Residential Zone (Schedule 3).
- A Development Contributions Plan Overlay applies.
- There is no restrictive covenant on the title for the subject land. An easement for carriage-way is along the southern boundary.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

Consultation

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the capital works unit, planning arborist, transport management and planning unit and the ESD officer.
- This application was referred externally to VicRoads.

Recommendation

That Planning Permit Application D/11/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP02, TP03, TP04 and TP05, Revision B dated May 2016, job no. 010460 and colour schedule received 19 May 2016 prepared by Ikonomidis Reid) but modified to show:

Landscaping

- a) A minimum of two (2) semi mature canopy trees in the rear setback, one (1) within each of the secluded private open space areas of Dwellings 3 and 4 and two (2) semi mature canopy trees in the front setback of the property. 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).

Internal amenity

- b) The first floor balconies of Dwelling 5, 6 7 and 8 setback 5.5 metres from the east boundary with the balconies to measure a minimum 8 square metres and a minimum 1.6 metre dimensions with no reduction in wall or balcony setbacks from any boundary.

ESD

- c) Sun shading devices on the north façade located 200 mm above window heads.
- d) Skylights / daylight tubes to the Dwelling 9 and 10 second floor ensuites.
- e) External operable shading devices to west facing habitable room windows / balconies.
- f) Details of window opening type shown with awning windows to habitable room windows minimised.
- g) Details of double glazing on west facing windows to limit heat loss / gain and address noise issues associated with Plenty Road.
- h) All ground and first floor sanitary flushing to operate using 12,000L rainwater tank.
- i) Individual metre boxes.
- j) Any modifications in accordance with the approved Sustainable Management Plan SMP (Refer to Condition 4 of this Permit).

Overlooking

- k) Material OG notated as fixed obscure glazing.
- l) The first floor east facing balconies and windows (where no behind balconies) of Dwelling 5, 6 7 and 8 provided with either:
 - i) A sill with a minimum height of 1.7 metres above finished floor level;
 - ii) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii) 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.

Visual amenity

- m) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- n) Height of clothes drying racks shown with heights to minimise visibility from the surrounding properties / public realm.
- o) Internal east elevation.

- p) A comprehensive schedule of construction materials, external finishes and colours (including colour samples) with the extent of render / painted materials at first and second floors reduced. Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.

Internal amenity

- q) Any modifications and / or notations in accordance with the Acoustic Report (Refer to Condition No. 17 of this Permit).

Landscaping

- r) A Landscape Plan in accordance with Condition No. 5 of this Permit.
- s) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the document identified as *ESD Management Plan dated May 2016 prepared by Westurban* 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 to include a full copy of the BESS Assessment.

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 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 SMP have been implemented in accordance with the approved Plan.

5. Before buildings and works start, a revised Landscape Plan generally in accordance the document identified as Sheet A1 Rev B dated May 2016 prepared by Keystone Alliance must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised to show:
 - a) The proposed building accurately.

- b) A minimum of two (2) semi mature canopy trees in the rear open space of Dwelling 2 and 3. 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).
 - c) Replacement of toppings with grass or other soft landscaping.
 - d) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.
6. 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.
7. 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.
8. Before buildings and works (including demolition) start, a Tree Protection Fence must be erected within in the road reserve grassed verge only) around the two tree in the road reserve at a radius of the 2 (measured from the outside edge of the trunk) to define a 'Tree Protection Zone'.
- 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.
9. 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.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.

13. 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.
14. 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.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that the design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Line marked; and
 - e) 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.

VicRoads

18. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation and/or Responsible Authority prior to the occupation of the buildings hereby approved.
19. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

COUNCIL 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.

VicRoads

N5 The proposed development requires the removal and construction of crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Committee Decision

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

That Planning Permit Application on D/11/2016 be refused and a Notice of Refusal be issued subject to the following grounds:

1. Balcony setbacks from the rear boundary are contrary to proposed Amendment C137 and detrimental to the amenity of the east adjacent property.
2. Overlooking impacts from habitable room windows and secluded private open spaces detrimental to the amenity of the surrounding secluded private open spaces and habitable room windows.
3. Access to dwellings is contrary to 55.03-9.
4. Parking location is contrary to 55.03-10.
5. Internal views for dwellings 1, 3 & 4 do not comply with 55.04-7.
6. Dwelling entries do not comply with 55.05-2.
7. Provisions for daylight to windows for units 1, 3 and 4 are non-compliant with 55.03-3.

CARRIED

Philip Shanahan, Chief Executive Officer, temporarily left the meeting during discussion of the above item at 7.16pm and returned at 7.17pm.

**5.4 APPLICATION FOR PLANNING PERMIT D/501/2016
2 Borrie Street, Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Architectural Plans and Permits	T A R Mahmoud	<ul style="list-style-type: none"> • Architectural Plans and Permits • TreeRadar Australia

SUMMARY

- It is proposed to demolish the existing dwelling and construct three (3) double storey dwellings. The dwellings are to have the kitchen/lounge/meals areas at ground level with bedrooms on the first floor. Dwelling 1 will have three (3) bedrooms, with a single garage and tandem car parking space. Dwellings 2 and 3 are to have two (2) bedrooms and a single garage each. Private open space is provided at ground level and ranges from 67 square meters to 98 square metres.
- The site is zoned General Residential Zone Schedule 1
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Five (5) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Darebin Parks and the Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

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

- *Michael Sharkey, Objector*

Recommendation

That Planning Permit Application on D/501/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP.2, TP.3, TP.4, Revisions dated 16 December 2016 and prepared by Architectural Plans and Permits) but modified to show:
 - a) The provision of an eastern (internal) elevation showing Unit 1 & 2.
 - b) The provision of dimensions showing the accessway maintains a minimum width of 3 metres.
 - c) The provision of dimensions showing the combined length of walls on the northern boundary does not exceed 19.7 metres.
 - d) The landscape bed on the site adjacent to the southern boundary opposite Trees 6 (as identified on drawing TP2) increased in width to 1 metre minimum to ensure these trees are protected in accordance with Condition No.8 of this Permit.
 - e) The height of fences on the north, south and east boundaries (except within 6.81 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- f) The first floor east-facing bedroom windows of Dwellings 1 and 2 and the south-facing Bedroom 2 window of Dwelling 3 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.

- g) The East elevation of Dwelling 3 to include the window shown on the first floor plan. This window must be shown as a highlight window with a minimum sill height of 1.7 metres above finished floor level.
- h) The internal dimensions of the garages corrected to show in internal length of 6.0 metres instead of 6.6 metres.
- i) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence in accordance with the requirements of Condition No.8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation. The Tree Protection Zone and the method of tree protection must be clearly notated on all plans.

- j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the crossovers to Borrie Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- k) The provision of pedestrian pathways (not shared with any accessway) with a minimum width of 1 metre leading from the footpath on Borrie Street to each of the entry porches of Dwellings 1 and 2. The pathways must be fully formed and not constructed of intermittent pavers.
- l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- m) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) The provision of a minimum of two (2) medium and four (4) small canopy trees is to be included in the development. 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).

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- 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 measures in accordance with Condition No. 8 of this Permit.
6. 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.
7. 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.
8. Before buildings and works (including demolition) start, a Tree Protection Fence must be erected around Trees 2-6 as identified in the arboricultural report prepared by *TreeRadar Australia* dated 23 August 2016 to define a 'Tree Protection Zone'(TPZ) within the subject site. The TPZ is to be measured from the edge of the tree trunk.
- Tree 2 in the front setback of the adjoining property to the north: 2.4 metres.
 - Tree 3 located in the adjoining property to the north: 4.3 metres.
 - Tree 4 located in the adjoining property to the north: 9.8 metres
 - Tree 5 located on the adjoining property to the south: 12.1 metres.
 - Tree 6 on the adjoining property to the south: 2.0 metres. The 500mm garden bed shown inside the property boundary fence must be increased to 1.0 metre.
- 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.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

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.

9. The existing street tree must be removed by the developer/permit holder at their own cost, to the satisfaction of the responsible authority. Tree removal must be carried out by a qualified professional.
10. Before the development starts, a fee of \$463 must be paid to the Responsible Authority for the planting of a street tree within the nature strip adjacent to the frontage of the land.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
12. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
13. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to 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;

- 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.

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.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Committee Decision

MOVED: Cr. S Newton

SECONDED: Cr. G Greco

That Planning Permit Application on D/501/2016 be refused and a Notice of Refusal be issued subject to the following grounds:

1. The proposal does not meet the objectives of Clause 22.02 of the Darebin Planning Scheme, in particular the lack of upper floor setback and dual crossover to the site are not in keeping with the character of the area and are inconsistent with the objectives of the Darebin Neighbourhood Character Study and Precinct Guidelines for Precinct F7.
2. The development does not comply with Clause 55 of the Darebin Planning Scheme as follows:
 - (i) Standard B17 of Clause 55.04-1 relating the side and rear setbacks. The 2.0 metre upper floor setback of Unit 2 and Unit 3 from the northern boundary will impact on the amenity and outlook of adjoining private open space areas.
3. The proposal constitutes an overdevelopment of the site.

CARRIED

Cr. Messina entered the meeting during discussion at 7.39pm.

**5.5 APPLICATION FOR PLANNING PERMIT D/597/2016
20 Acheron Avenue Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Lillian May Beard and Jennifer Lesley Mills	Treespace

SUMMARY

- It is proposed to construct a medium density development comprising four (4) double storey dwellings each containing two bedrooms.
- Each dwelling is provided with private open space at ground level that ranges from 40 square metres to 133 square metres and secluded private open space that ranges from 25 square metres to 40 square metres.
- Dwellings 1 and 4 will have single garages and Dwellings 2 and 3 will have a single carport. Vehicle access is via the existing crossover along the eastern common boundary.
- The site is zoned General Residential Zone - Schedule 2 (GRZ2).
- There is a restrictive covenant on title that restricts the quarrying or excavation of the land except for the purpose of excavating for the foundation of any building to be erected on the land. The proposed development will not breach the terms of the covenant.
- Five (5) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Environmental Sustainable Design Officer, Darebin Parks, the Capital Works Unit and the Transport Management and Planning Unit
- This application was not required to be referred to external authorities.

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

- *Glynne Ridgeway, Objector*

Recommendation

That Planning Permit Application on D/597/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, Revision B, 5 October 2016, job no. 010644 and prepared by Ikonomidis Reid and recommendations included in the Arborist report prepared by Treespace Solutions Pty Ltd and but modified to show:

- a) Details of natural ground levels and finished ground levels, wall heights and setbacks to the dwelling on the adjacent allotment and dwelling to the north, showing the secluded private open space areas of Dwellings 1 and 2 achieving adequate solar access, in compliance with Standard B29 of Clause 55.05-5 of the Planning Scheme. This is to be achieved without the reduction of any setbacks.
- b) Proposed fences separating each dwelling's secluded private open space are to have a minimum height of 1.8 metres.
- c) The height of fences on the northern boundary (except within 9 metres of front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- d) The south-facing first floor bedroom windows of Dwelling 3 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.

- e) Full details of screening to the first floor north-facing windows, showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. The screen offset from the wall must also be shown to restrict downward views to the adjacent allotment to the north and adjacent secluded private open space within the development. A section diagram must be included to demonstrate how the screens minimise overlooking.
- f) The south-facing kitchen windows of Dwellings 2 and 3 are to have sill heights of at least 1.4 metres above the accessway.
- g) Solar access to the secluded private open space (SPOS) of the dwellings to comply with Standard B29. If any southern wall is required to be setback further from the northern boundary to comply with B29 no other boundary setback is to be reduced.

- h) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence for Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 metres from the trunk edge in accordance with the requirements of Condition 8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.

- i) The proposed storage area for Dwelling 4, in the Tree Protection Zone (TPZ) of Tree 4 must be constructed at or above existing grade in the TPZ area, or relocated clear of the TPZ.
- j) The proposed private open space of Dwelling 3 must be constructed at or above existing grade and must be permeable in the TPZ area of Tree 6.
- k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- 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.
- n) Install garage doors that allow for some degree of daylight to enter at the front.
- o) Change the fixed west facing ground floor windows to be operable for cross ventilation.
- p) Reduce the size of the west facing glazing to the Unit 1 living room by raising the sill height. Reduce the size of the west facing bedroom windows by narrowing the width.
- q) Install 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 section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- r) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- s) The method of tree protection must be clearly notated on all ground plans.
- t) Notation that states that the studies are not to be used as bedrooms.
- u) Study of Dwelling 4 to be reduced in size by a minimum of 0.5 metre.

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.
 - 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) Provision of a minimum of two (2) suitable medium canopy trees and four (4) suitable small canopy trees.
5. The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
6. 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.
7. 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.
8. Before buildings and works (including demolition) start, a Tree Protection Fence must be erected around Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 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.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
12. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
-

13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat; and
 - d) 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.
19. Notation added stating that all studies are not be used as bedrooms.

NOTATIONS

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

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

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

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. S Amir

That Planning Permit Application on D/597/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, Revision B, 5 October 2016, job no. 010644 and prepared by Ikonomidis Reid and recommendations included in the Arborist report prepared by Treespace Solutions Pty Ltd and but modified to show:
 - a) Details of natural ground levels and finished ground levels, wall heights and setbacks to the dwelling on the adjacent allotment and dwelling to the north, showing the secluded private open space areas of Dwellings 1 and 2 achieving adequate solar access, in compliance with Standard B29 of Clause 55.05-5 of the Planning Scheme. This is to be achieved without the reduction of any setbacks.
 - b) Proposed fences separating each dwelling's secluded private open space are to have a minimum height of 1.8 metres.
 - c) The height of fences on the northern and southern boundaries (except within 9 metres of front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- d) The south-facing first floor bedroom windows of Dwelling 3 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.

- e) Full details of screening to the first floor north-facing windows, showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. The screen offset from the wall must also be shown to restrict downward views to the adjacent allotment to the north and adjacent secluded private open space within the development. A section diagram must be included to demonstrate how the screens minimise overlooking.
- f) The south-facing kitchen windows of Dwellings 2 and 3 are to have sill heights of at least 1.4 metres above the accessway.
- g) Solar access to the secluded private open space (SPOS) of the dwellings to comply with Standard B29. If any southern wall is required to be setback further from the northern boundary to comply with B29 no other boundary setback is to be reduced.
- h) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence for Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 metres from the trunk edge in accordance with the requirements of Condition 8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.

- i) The proposed storage area for Dwelling 4, in the Tree Protection Zone (TPZ) of Tree 4 must be constructed at or above existing grade in the TPZ area, or relocated clear of the TPZ.
- j) The proposed private open space of Dwelling 3 must be constructed at or above existing grade and must be permeable in the TPZ area of Tree 6.
- k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- 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.
- n) Install garage doors that allow for some degree of daylight to enter at the front.
- o) Change the fixed west facing ground floor windows to be operable for cross ventilation.
- p) Reduce the size of the west facing glazing to the Unit 1 living room by raising the sill height. Reduce the size of the west facing bedroom windows by narrowing the width.
- q) Install 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 section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- r) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- s) The method of tree protection must be clearly notated on all ground plans.
- t) Notation that states that the studies are not to be used as bedrooms.

u) Study of Dwelling 4 to be reduced in size by a minimum of 0.5 metre.

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.
- 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) Provision of a minimum of two (2) suitable medium canopy trees and four (4) suitable small canopy trees.
5. The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
6. 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.
7. 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.
8. Before buildings and works (including demolition) start, a Tree Protection Fence must be erected around Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 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.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.
-

The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

10. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
12. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat; and
 - d) 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.
19. Notation added stating that all studies are not be used as bedrooms.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

CARRIED

**5.6 APPLICATION FOR PLANNING PERMIT D/456/2015
176-180 High Street Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant/s
Fastnet Consulting	Vabake Pty Ltd	<ul style="list-style-type: none"> • Mel Consultants P/L • O'Brien Traffic • Interlandi Design P/L • Hansen Partnership • Marshall Day Acoustics • Connor Pincus Group • Leigh Design

SUMMARY

- The proposal is for a mixed use development comprising the construction of an eight (8) storey building plus two (2) basements, the use of the land for dwellings, and a reduction in the car parking requirement associated with the use of the land. The building is to contain three (3) ground floor shop premises (69.5 square metres, 159.3 square metres, 325.2 square metres), 73 dwellings (comprising 22 x one (1) bedroom, 45 x two (2) bedroom dwellings and six (6) x three (3) bedroom dwellings), 95 car parking spaces and 64 bicycle parking spaces.
- The site is zoned Priority Development (Schedule 2). The Development Contributions Plan Overlay affects the site.
- The site forms part of the Preston Activity Centre where a new neighbourhood character comprising higher density multi-storey residential and mixed use development is envisaged.
- There is no restrictive covenant on the title for the subject land
- The proposal complies with the Priority Development Zone PDZ2 and Preston Central Incorporated Plan March 2007 (amended 2014) - recommended height limit of eight (8) storeys for identified landmark building sites.
- It is recommended that the application be supported and a planning permit be issued.

CONSULTATION:

- The application was advertised in accordance with the Priority Development Zone PDZ2 provisions which limit notice to a letter to residentially zoned properties within 10 metres of the subject site. No objections were received against this application. There are no third party appeal rights
- This application was referred internally to Council's Strategic Planning Unit (Urban Design), Transport Management and Planning Unit, Capital Works Unit.
- This application was referred externally to Public Transport Victoria and VicRoads.

Recommendation

That Planning Permit Application D/297/2015 be supported and a Planning Permit be issued for the construction of an eight (8) storey building plus basements building and a reduction in the car parking requirement associated with the use of the land, subject to the following conditions:

- 1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers A0.01D, A0.02C A0.03C, A0.04C, A0.05B, A0.006C, A2.01C, A2.02C, A2.03D, A2.04D, A2.05D A2.06D, A2.07D, A2.08D, A2.09D, A2.10D, A2.11D, A3.01C, A3.02C, A3.03C, A3.04D, A4.01D, A4.02C, A5.01C prepared by Interlandi Design) but modified to show:

Wind

- a) Any modifications in accordance with the Wind Assessment (Refer to Condition No. 6 of this Permit).

ESD

- b) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
- c) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 6 of this Permit) having regard to the need to provide 4 bin collections per week.
- d) Details of window opening method shown on plans with louvre, casement, sliding and double hung windows provided in preference over awning windows where possible.
- e) Operable windows provided at the north and south ends of internal corridors at all levels.
- f) External operable shading devices provided to the east and west of balconies adjacent to habitable room windows.
- g) All glazing to be double glazing with no tinting.
- h) The water tank shown on plans with details of connected roof area and connected toilets.
- i) Clotheslines.
- j) Roof plans to show photovoltaic in accordance with the submitted ESD report.
- k) Daylight tubes or skylights to the Dwelling 503 to 505 and 701 to 706 bathrooms and ensuites (where these rooms do not have a window).
- l) Shower and change rooms for shops.
- m) West facing shop window glazing minimised with raised sill heights.
- n) Garbage chutes clearly identified.

Design

- o) A southern elevation / section showing the façade of Dwellings 103 and 203.
- p) 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 schedule must show:

- i) Annotated coloured elevations showing the location/application of the materials, colours and finishes.
 - ii) The podium level vertical screen and openable awnings with all habitable room
 - iii) Details (1:50 sections / elevations / printing details / operability) of materials GL03, GL04, SC01 and SC03 with sufficient permeability to ensure that the balcony spaces behind these materials are provided adequate ventilation and views of the public realm.
- q) Any future public art content to be in accordance with condition 17 and located within the site boundaries.
 - r) The canopy over the public footpath set back 0.75 metres from the High Street kerb and to have a minimum clearance height of 3 metres above the level of the public footpath to High Street and Bell Street. The kerb setback and clearance height are to be dimensioned on the plans.
 - s) Deletion of ramps in Bell Street outside of the site boundaries.
 - t) The footpath / natural ground level adjacent to the site unaltered and shop entries located where finished floor levels are level with public land.
 - u) Dwelling 504 and 505 walls and balconies setback from the west boundary in accordance with Drawing Number A0.05B and 3.03C.
 - v) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. The detail must include location, size, contribution and installation angle of all solar hot water panels and photo voltaic panels with screening measures to not impact upon the operation of such equipment.
 - w) 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.

Off-site amenity

- x) The south facing Dwelling 203 living room and bedroom windows provided with either:
 - i) A sill with a minimum height of 1.7 metres above finished floor level,
 - ii) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - iii) Fixed obscure glazing (not film) to a minimum height of 1.7 metres above finished floor level.
- y) The east facing Dwelling 204, 205, 206, 302, 303, 304, 402, 403, 404 balconies provided with either
 - i) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - ii) Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Bike facilities

- z) Bike spaces in secure cages.

Internal amenity

- aa) Internal dimensions (length by width) of all living to have a minimum 3.2 metre dimension and bedrooms to have a minimum 3m dimension with dimensions shown.
- bb) All balconies dimensioned and to measure a minimum 8 square metres in area with a minimum 1.6 metre dimension where unscreened and a minimum 2 metre dimension where screened.
- cc) Storage in Ground B car park relocated to a more secure location.
- dd) Obscure glass screens to 1.7 metres above finished floor level between balconies to address internal overlooking.
- ee) With the exception of the canopy over High Street, no part of the building (including fixed external shading devices and balcony framing) extending outside of the site.
- ff) A minimum of 73 storage units, each with a minimum area of three (3) cubic metres with a minimum 1 storage unit allocated per dwelling. No above bonnet storage should be provided unless it is additional to the required three (3) cubic metres. Where storage units are located behind car spaces the car space and storage unit allocated to the same dwelling.
- gg) Dwelling 104 and 204 to be one bedroom with the western bedrooms deleted.
- hh) Dwelling 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605 non saddle back bedrooms provided with large sliding doors, fully obscure glazed internal walls or similar measures as agreed by Council to maximise solar penetration to living areas, with dimensioned details of measures provided.

Public Transport Victoria

- ii) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) As part of the consultant team Interlandi Design P/L Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 4) This Permit will expire if either:
- The development does not start within four (4) years from the date of this Permit; or
 - The development is not completed within six (6) years of the date of this Permit.

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

- Before this Permit expires;
- Within six (6) months after the expiry date; or

- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Connor Pincus Group ESD Report dated 18 December 2015 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) Revised assessment based on the current development proposal in terms of dwelling numbers, layout, no works outside of the site (planters), not tinting, etc.
 - b) Revised STORM assessment and BESS Assessment.

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

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

- 6) 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 generally in accordance with the management plan identified as Waste Management Plan, prepared by Leigh Design and dated 10 December 2015 but amended to refer to the number of dwellings and shops provided. The plan must require that collection be undertaken by a private contractor with bins not stored in the street for collection. Waste and recycling collections must be limited to four time a week (in total inclusive of all uses) with the bin area large enough to accommodate such collections.

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.

- 7) Before the development starts, a wind assessment, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

The plan/documentation must detail measures to protect the amenity of the surrounding area generally in accordance with the Mel Consultants Wind Assessment Review dated 17 June 2016 but not rely upon proposed landscaping measure outside the subject site.

The development must be undertaken in accordance with the approved wind assessment and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 8) The development must be constructed in accordance with the requirements/recommendations of the Marshall Day Traffic Noise Assessment dated 14 October 2015 to the satisfaction of the Responsible Authority.

- 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 sectional detail of balcony planter boxes / raingardens.
 - c) Details of watering method.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - g) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 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 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.
- 11) The amenity of the area must not be adversely affected by the use or development of the ground floor retail premises as a result of the:
- a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any building, works, stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- and/or in any other way, to the satisfaction of the Responsible Authority.
- 12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- 13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to the dwellings, access to the garage and car parking area and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 14) 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) Prior to the commencement of use or occupancy of the development full details of the murals on boundary walls towards the east of the site on the north and south elevation must be provided including detailed content / concept and details of the artist undertaking the mural with samples of their work.
- 20) Car parking is to be allocated at the rate of:
- a) One car space to each one (1) and two (2) bedroom dwelling
 - b) Two (2) car spaces to each three bedroom dwelling
 - c) One (1) car space to shop 1, two (2) car spaces to shop 2 and three (3) car spaces to shop 3.
 - d) 8 visitor car spaces in ground B car park.
- 21) Before the occupation of the development or the use starts, 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;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 22) Before the development is occupied or the use starts, 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.
- External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 23) The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.

- 24) Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
- 25) Before the commencement of the development, a detailed Water Sensitive Urban Design (WSUD) Plan by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must show:
- a) The type of WSUD stormwater treatment measures to be used;
 - b) The location of the WSUD, stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaping areas; and
 - c) Design details of the WSUD stormwater treatment measures, including cross sections, materials, plants and drainage directions.
 - d) A construction and maintenance schedule specifying the following:
 - i) The filter media stockpiled and certified to meet the Facility for Advancing Water Biofiltration (FAWB) specification after delivery on site.
 - ii) The raingarden be completed after all other works.
 - iii) No site rubbish or run-off shall be allowed to enter the raingarden during or after construction.
 - iv) The site will be maintained every 3 months to replace any dead plants and remove any silt that has accumulated at the forebay.
 - v) Information is to be supplied to all residents/ occupants about the maintenance of the raingarden system to prevent any unapproved alterations to the system.

The plans must be accompanied by a report from an industry accepted performance measurement tool such as STORM or MUSIC, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- e) Raingardens are to be in common areas and maintained in line with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999 and Melbourne water guidelines.
- f) Outlet pipes are to be 200mm-300mm above the base of the raingarden.
- g) Raingardens are to be a minimum of 1.5 - 2% in size of the area to be drained.
- h) Raingardens are not to be located on boundaries unless full engineering drawings and calculations are submitted showing that the raingarden will not flood neighbouring properties.
- i) Raingardens are to be lined.
- j) No mulch is to be specified.
- k) No geo-textile fabrics are to be used.
- l) Planting is to be shown at a higher than standard density (6-10 plants per metre, dependant on species).
- m) Filter media to be specified to meet FAWB specification.
- n) A siltation forebay is to be included at the inflow pipe to accumulate any sediments entering the system.

- 26) The WSUD treatments as shown on the endorsed WSUD 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 WSUD treatments, the permit holder must advise Council, in writing, that the WSUD treatments have been completed.

- 27) The WSUD treatments as shown on the endorsed WSUD Plan must be maintained in accordance with the endorsed WSUD Plan to the satisfaction of the Responsible Authority.

Public Transport Victoria

- 28) Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA) compliant.

- 29) The existing bus stop on High Street must continue to operate during construction, however if a temporary stop in an alternative location is required, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

- 30) Prior to the occupation of the development the relocated bus stop / shelter and all associated infrastructure as outlined on the endorsed plans must be completed at the full cost to the permit holder to the satisfaction of Public Transport Victoria.

- 31) A retractable or folding clothesline minimally visible from nearby streets surrounding properties and must be provided to each dwelling.

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.

- N4 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.
- N5 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.
- N6 In relation to the requirements of Condition No. 27 of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. S Amir

That Planning Permit Application D/297/2015 be supported and a Planning Permit be issued for the construction of an eight (8) storey building plus basements building and a reduction in the car parking requirement associated with the use of the land, subject to the following conditions:

- 1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers A0.01D, A0.02C A0.03C, A0.04C, A0.05B, A0.006C, A2.01C, A2.02C, A2.03D, A2.04D, A2.05D A2.06D, A2.07D, A2.08D, A2.09D, A2.10D, A2.11D, A3.01C, A3.02C, A3.03C, A3.04D, A4.01D, A4.02C, A5.01C prepared by Interlandi Design) but modified to show:

Wind

- a) Any modifications in accordance with the Wind Assessment (Refer to Condition No. 6 of this Permit).

ESD

- b) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
- c) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 6 of this Permit) having regard to the need to provide 4 bin collections per week.
- d) Details of window opening method shown on plans with louvre, casement, sliding and double hung windows provided in preference over awning windows.
- e) Operable windows provided at the north and south ends of internal corridors at all levels.
- f) External operable shading devices provided to the east and west of balconies adjacent to habitable room windows.
- g) All glazing to be double glazing with no tinting.

- h) The water tank shown on plans with details of connected roof area and connected toilets.
- i) Clotheslines.
- j) Roof plans to show photovoltaic in accordance with the submitted ESD report.
- k) Daylight tubes or skylights to the Dwelling 503 to 505 and 701 to 706 bathrooms and ensuites (where these rooms do not have a window).
- l) Toilets and change rooms for shops.
- m) West facing shop window glazing minimised with raised sill heights.
- n) Garbage chutes clearly identified.

Design

- o) A southern elevation / section showing the façade of Dwellings 103 and 203.
- p) 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 schedule must show:

- i) Annotated coloured elevations showing the location/application of the materials, colours and finishes.
 - ii) The podium level vertical screen and openable awnings with all habitable room
 - iii) Details (1:50 sections / elevations / printing details / operability) of materials GL03, GL04, SC01 and SC03 with sufficient permeability to ensure that the balcony spaces behind these materials are provided adequate ventilation and views of the public realm.
- q) Any future public art content to be in accordance with condition 17 and located within the site boundaries.
 - r) The canopy over the public footpath set back 0.75 metres from the High Street kerb and to have a minimum clearance height of 3 metres above the level of the public footpath to High Street and Bell Street. The kerb setback and clearance height are to be dimensioned on the plans.
 - s) Deletion of ramps in Bell Street outside of the site boundaries.
 - t) The footpath / natural ground level adjacent to the site unaltered and shop entries located where finished floor levels are level with public land.
 - u) Dwelling 504 and 505 walls and balconies setback from the west boundary in accordance with Drawing Number A0.05B and 3.03C.
 - v) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. The detail must include location, size, contribution and installation angle of all solar hot water panels and photo voltaic panels with screening measures to not impact upon the operation of such equipment.
 - w) 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.

Off-site amenity

- x) The south facing Dwelling 203 living room and bedroom windows provided with either:
 - i) A sill with a minimum height of 1.7 metres above finished floor level,
 - ii) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - iii) Fixed obscure glazing (not film) to a minimum height of 1.7 metres above finished floor level.
- y) The east facing Dwelling 204, 205, 206, 302, 303, 304, 402, 403, 404 balconies provided with either
 - i) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - ii) Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Bike facilities

- z) Bike spaces in secure cages.

Internal amenity

- aa) Internal dimensions (length by width) of all living to have a minimum 3.2 metre dimension and bedrooms to have a minimum 3m dimension with dimensions shown.
- bb) All balconies dimensioned and to measure a minimum 8 square metres in area with a minimum 1.6 metre dimension where unscreened and a minimum 2 metre dimension where screened.
- cc) Storage in Ground B car park relocated to a more secure location.
- dd) Obscure glass screens to 1.7 metres above finished floor level between balconies to address internal overlooking.
- ee) With the exception of the canopy over High Street, no part of the building (including fixed external shading devices and balcony framing) extending outside of the site.
- ff) A minimum of 73 storage units, each with a minimum area of three (3) cubic metres with a minimum 1 storage unit allocated per dwelling. No above bonnet storage should be provided unless it is additional to the required three (3) cubic metres. Where storage units are located behind car spaces the car space and storage unit allocated to the same dwelling.
- gg) Dwelling 104 and 204 to be one bedroom with the western bedrooms deleted.
- hh) Dwelling 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605 non saddle back bedrooms provided with large sliding doors, fully obscure glazed internal walls or similar measures as agreed by Council to maximise solar penetration to living areas, with dimensioned details of measures provided.
- ii) Edge of the dwelling 301 balcony shown on the plans.

Public Transport Victoria

- ii) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) As part of the consultant team Interlandi Design P/L Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 4) This Permit will expire if either:
 - The development does not start within four (4) years from the date of this Permit; or
 - The development is not completed within six (6) years of the date of this Permit.

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Connor Pincus Group ESD Report dated 18 December 2015 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) Revised assessment based on the current development proposal in terms of dwelling numbers, layout, no works outside of the site (planters), not tinting, etc.
 - b) Revised STORM assessment and BESS Assessment.

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

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

- 6) 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 generally in accordance with the management plan identified as Waste Management Plan, prepared by Leigh Design and dated 10 December 2015 but amended to refer to the number of dwellings and shops provided. The plan must require that collection be undertaken by a private contractor with bins not stored in the street for collection. Waste and recycling collections must be limited to four time a week (in total inclusive of all uses) with the bin area large enough to accommodate such collections.

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.

- 7) Before the development starts, a wind assessment, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

The plan/documentation must detail measures to protect the amenity of the surrounding area generally in accordance with the Mel Consultants Wind Assessment Review dated 17 June 2016 but not rely upon proposed landscaping measure outside the subject site.

The development must be undertaken in accordance with the approved wind assessment and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 8) The development must be constructed in accordance with the requirements/recommendations of the Marshall Day Traffic Noise Assessment dated 14 October 2015 to the satisfaction of the Responsible Authority.

- 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 sectional detail of balcony planter boxes / raingardens.
- c) Details of watering method.
- d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- f) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- g) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

- 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 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.

- 11) The amenity of the area must not be adversely affected by the use or development of the ground floor retail premises as a result of the:

- a) Transport of materials, goods or commodities to or from the land; and/or
- b) Appearance of any building, works, stored goods or materials; and/or
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

and/or in any other way, to the satisfaction of the Responsible Authority.

- 12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- 13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to the dwellings, access to the garage and car parking area and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 14) 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) Prior to the commencement of use or occupancy of the development full details of the murals on boundary walls towards the east of the site on the north and south elevation must be provided including detailed content / concept and details of the artist undertaking the mural with samples of their work.
- 20) Car parking is to be allocated at the rate of:
 - a) One car space to each one (1) and two (2) bedroom dwelling
 - b) Two (2) car spaces to each three bedroom dwelling
 - c) One (1) car space to shop 1, two (2) car spaces to shop 2 and three (3) car spaces to shop 3.
 - d) 8 visitor car spaces in ground B car park.
- 21) Before the occupation of the development or the use starts, 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;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and drivewaysto 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.

- 22) Before the development is occupied or the use starts, 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.

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority.

- 23) The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
- 24) Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
- 25) Before the commencement of the development, a detailed Water Sensitive Urban Design (WSUD) Plan by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must show:
- a) The type of WSUD stormwater treatment measures to be used;
 - b) The location of the WSUD, stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaping areas; and
 - c) Design details of the WSUD stormwater treatment measures, including cross sections, materials, plants and drainage directions.
 - d) A construction and maintenance schedule specifying the following:
 - i) The filter media stockpiled and certified to meet the Facility for Advancing Water Biofiltration (FAWB) specification after delivery on site.
 - ii) The raingarden be completed after all other works.
 - iii) No site rubbish or run-off shall be allowed to enter the raingarden during or after construction.
 - iv) The site will be maintained every 3 months to replace any dead plants and remove any silt that has accumulated at the forebay.
 - v) Information is to be supplied to all residents/ occupants about the maintenance of the raingarden system to prevent any unapproved alterations to the system.

The plans must be accompanied by a report from an industry accepted performance measurement tool such as STORM or MUSIC, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- e) Raingardens are to be in common areas and maintained in line with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999 and Melbourne water guidelines.
- f) Outlet pipes are to be 200mm-300mm above the base of the raingarden.
- g) Raingardens are to be a minimum of 1.5 - 2% in size of the area to be drained.

- h) Raingardens are not to be located on boundaries unless full engineering drawings and calculations are submitted showing that the raingarden will not flood neighbouring properties.
 - i) Raingardens are to be lined.
 - j) No mulch is to be specified.
 - k) No geo-textile fabrics are to be used.
 - l) Planting is to be shown at a higher than standard density (6-10 plants per metre, dependant on species).
 - m) Filter media to be specified to meet FAWB specification.
 - n) A siltation forebay is to be included at the inflow pipe to accumulate any sediments entering the system.
- 26) The WSUD treatments as shown on the endorsed WSUD 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 WSUD treatments, the permit holder must advise Council, in writing, that the WSUD treatments have been completed.
- 27) The WSUD treatments as shown on the endorsed WSUD Plan must be maintained in accordance with the endorsed WSUD Plan to the satisfaction of the Responsible Authority.

Public Transport Victoria

- 28) Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA) compliant.
- 29) The existing bus stop on High Street must continue to operate during construction, however if a temporary stop in an alternative location is required, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
- 30) Prior to the occupation of the development the relocated bus stop / shelter and all associated infrastructure as outlined on the endorsed plans must be completed at the full cost to the permit holder to the satisfaction of Public Transport Victoria.
- 31) A retractable or folding clothesline minimally visible from nearby streets surrounding properties and must be provided to each dwelling.

VicRoads

- 32) Prior to the commencement of any buildings and works the developer must acquire land from the Roads Corporate (VicRoads) in accordance with the Victorian Land Transactions Policy and Guidelines for the portion of land generally confined to the balconies affecting part of the north west corner of Lot 1 on Title Plan 434420T, Volume 04554, Folio 697.
- 33) Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bell Street boundary (i.e. the canopies, fixed shading devices, balcony framing), to indemnify the Crown in relation to any claim or liability arising from the projections within the Bell Street road reserve.
- 34) No building structures (including landscape planter boxes, sculptures, advertising signage) and or associated works must extend beyond the title boundary within the Road Zone Category 1.

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.
- N4 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.
- N5 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.

VicRoads

- N6 Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1. Please contact VicRoads prior to commencing any works.

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

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

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text „struck out“.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council’s website the Friday prior to the scheduled meeting.

Committee Decision

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

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

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.42pm.