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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 20 August 2018

Released to the public on Thursday 23 August 2018

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF
THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH STREET PRESTON ON MONDAY 20 AUGUST 2018**

THE MEETING OPENED AT 5.30PM

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)
Cr. Steph Amir
Cr. Gaetano Greco (5.36pm)
Cr. Trent McCarthy (5.37pm)
Cr. Lina Messina (Deputy Mayor)
Cr. Susanne Newton
Cr. Susan Rennie
Cr. Julie Williams

Council Officers

Sue Wilkinson - Chief Executive Officer
Rachel Ollivier - General Manager City Sustainability and Strategy
Darren Rudd - Manager Planning and Building
John Limbach - Acting Coordinator Statutory Planning
Melinda Viksne - Manager Governance and Performance
Karlee Ferrante - Acting Coordinator Governance, Council Business and Civic Services
Milan Nagda - Service Desk Support Officer

2. APOLOGIES

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 25 June 2018 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/551/2016
37 - 47 McFadzean Avenue, Reservoir**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Fratello Consulting	Global Broadhurst Pty Ltd	Eight Property Investments Watson Environmental Assessment Traffix Group

SUMMARY

- It is proposed to construct a mixed use development comprising a three (3) storey building (Block A) and a two (2) storey building (Block B) containing eight (8) dwellings, four (4) shops and one (1) take away food premises.
- The proposal also seeks a reduction of eight (8) car spaces.
- Block A fronts McFadzean Avenue and contains the shops and take away food premises at ground level and five (5), three (3) bedroom dwellings at the first and second level. This building has an overall height of 9.7 metres.
- Block B is adjacent a right of way and contains three (3) dwellings. Dwelling 6 contains four (4) bedrooms and dwellings 7 and 8 contain three (3) bedrooms. This building has an overall height of 6.9 metres.
- Each dwelling has been provided with a double garage while the shops and take away food premises are each allocated one (1) car space on the land. Vehicle access to the site is via the adjoining laneway.
- The proposed buildings will have a contemporary design with brick walls to the ground floor, a mix of brick and render to the first floors and matrix panelling and render at the second floor. The buildings will have flat roofs.
- The site is zoned Commercial 1 and is located in the McFadzean Avenue - Broadhurst Avenue Local Convenience Centre as defined in the Darebin Economic Land Use Strategy (DELUS). There is no restrictive covenant on the title for the subject land.
- There is no restrictive covenant on the Certificate of Title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is generally consistent with policies contained in the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Urban Designer, ESD Officer, Infrastructure and Capital Delivery Unit, City Works Unit and Transport Engineering and Strategy Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

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

- *Andrew West, on behalf of Applicant*
- *James White, Objector*
- *Dimmity O'Donnell, Objector*

Recommendation

That Planning Permit Application D/551/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use 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 and dimensions and must be generally in accordance with the plans submitted with the application (identified as Plan TP03, TP04, TP05, TP06, TP07, received by Council on the 12 January 2016, drawn by Kara Design and Consulting and received by Council on the 1 March 2018) but modified to show:
 - a) Replacement of the 'café' labels with 'take away food premises'.
 - b) External wall heights and overall heights on all elevations.
 - c) The existing on-street car parking to McFadzean Avenue revised to reflect the recent change to 90 degree car parking spaces, including landscaping, and proposed on-street car parking in accordance with Condition No. 4 of this Permit.
 - d) The location of mailboxes for dwellings 1 to 5.
 - e) Stall risers to the north facing shop fronts of shop 4 and the take away food premises.
 - f) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath. These measurements are to be dimensioned on the plans.
 - g) The inclusion of a sliding vehicle gate along the western property boundary in front of the vehicle drive-way of the site.
 - h) Natural light to garages by way of skylights or windows being included to external vehicle and/or pedestrian doors.
 - i) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - j) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.

Shading must not extend within 1 metre of a property boundary.

- k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
- l) A north facing, operable clerestory window with an eave to bedroom 2 of dwelling 6.
- m) A notation stating that the two (2) redundant crossovers in McFadzean Avenue and the one (1) redundant crossover in Broadhurst Avenue are to be removed and the kerb, channel and nature strip reinstated in accordance with Condition No. 26 of this Permit.
- n) A minimum of 6 cubic metres of storage space for dwellings 1 -5, which can be split into different locations, but must not be located within the area set out in Diagram 1 – Clearance to car parking spaces at Clause 52.06-9 of the Darebin Planning Scheme.
- o) The first floor west facing bedroom 1 windows of dwellings 6, 7 and 8 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 finishes floor level.

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

- p) The inclusion of four (4) visitor bicycle parking spaces within the boundaries of the subject site and easily visible and accessible from the public realm.
- q) The measurements on the Area Analysis for the balconies on plan TP03 modified to reflect the dimensions that have been shown on the balconies
- r) The location of all plant and equipment (including air conditions 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 buildings.
- s) The use of render at the first and second floors reduced in favour of durable and high quality materials to the satisfaction of the Responsible Authority.
- t) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- u) A landscape plan in accordance with Condition No. 7 of this Permit. Landscaping proposed along the western boundary to the west of Dwellings 6 to 8 shall be specifically designed with screen plants to help soften the development.
- v) Increased landscaping adjacent to the vehicle access-way and in particular around entry-ways. This must be achieved without compromising vehicle manoeuvrability.
- w) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 11 of this Permit.
- x) Any modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 12 of this Permit).

- y) A waste management plan in accordance with Condition No. 13 of this permit.
- z) Deletion of the 'proposed garbage collection point' to Broadhurst Avenue.

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

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

As relevant, the Responsible Authority may extend the time 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 concept on-street car parking layout plan must be submitted to and approved in writing by the Responsible Authority. The concept on-street car parking layout plan shall include, but not be limited, to the following details:
 - Details of the removal of redundant vehicle crossovers on McFadzean Avenue and Broadhurst Avenue and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
 - Detail of new 90 degree car parking on McFadzean Avenue, generally in accordance with drawing TP03 issue 8 by Kara Design and Consulting Pty Ltd.
 - Any increase in landscaping where appropriate.
 5. Prior to the occupation of the permitted development, works as shown on the approved concept on-street car parking plan must be carried out by the developer/owner at cost to the developer/owner to the satisfaction of the Responsible Authority.
 6. Before any buildings or works commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Associated (Victoria) Inc, or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environment condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Provision of a minimum of one (1) suitable medium sized canopy trees within the front setback of Dwelling 6.
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
8. 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.
9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. Before the development is occupied, screening vegetation must be planted in the locations indicated on the endorsed plans, to the satisfaction of the Responsible Authority.
- The planting must screen views of the adjoining property/properties to the satisfaction of the Responsible Authority.
- The planting must be maintained to the satisfaction of the Responsible Authority.
11. Before buildings and works (including demolition) start, tree protection fencing must be erected around the street tree in Broadhurst Avenue.
- Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
- The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
-

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

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

12. 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.

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

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

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

14. Before the use starts, visitor bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
15. 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.
16. 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.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
19. 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.
20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 21. With the exception of guttering, rain heads 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.
 22. 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.
 23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
 24. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans; and
 - c) Drained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 25. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
 26. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant 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 No. 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 Section 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 and without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require 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 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.
- N6 No buildings or works may be built over any easement on the land except with the written consent of the relevant authority.

Motion

MOVED: Cr. G Greco
SECONDED: Cr. S Newton

That Planning Permit Application D/55/2016 be refused and a Notice of Refusal be issues with grounds as follows:

1. The proposed development does not meet the purpose of the Commercial 1 Zone, nor the intent of Clause 21.04 (Economic Development) of the Darebin Planning Scheme proposing an unequal distribution of uses favouring residential over commercial.
2. The proposal has not been designed in accordance with Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme, in terms of sustainability and design and materials.
3. The number of car parking spaces provided is not in accordance with the requirements of Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
4. The height, visual bulk and form of the development across the site is incompatible with the prevailing single storey and open rear yard character of dwellings in Broadhurst Avenue.

THE AMENDED WAS PUT AND LOST.

Motion

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

That the 'Recommendation' as presented in the agenda (to approve the Planning Application subject to conditions), be adopted.

Cr. Greco proposed to the mover and seconder an amendment to the motion as follows:

1.aa) deletion of the second floor of Dwellings 1 to 5.

1.bb) Modifications in accordance with a car park management plan (Refer to Condition No, 27 of this Permit)

27. To read as follows:

Before the development commences, a Car Park Management Plan covering matters of access and safety and impacts on residential amenity must be prepared to the satisfaction of the Responsible Authority. When approved the Car Park Management Plan will be endorsed and will then form part of this permit.

The car parking area must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Parking Management Plan to the satisfaction of the Responsible Authority.

1.s) The use of render at the first floor reduced in favour of durable and high quality materials to the satisfaction of the Responsible Authority.

Cr. Rennie and Cr. McCarthy accepted 1.bb) and the addition of Condition 27 and amendment of 1.s).

Cr. Rennie did not accept 1.aa).

Motion

MOVED: Cr. G Greco
SECONDED: Cr. S Newton

That Condition 1. be revised to include the following point:

aa) Deletion of the second floor of Dwellings 1 to 5.

THE MOTION WAS PUT AND LOST.

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

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

That Planning Permit Application D/551/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use 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 and dimensions and must be generally in accordance with the plans submitted with the application (identified as Plan TP03, TP04, TP05, TP06, TP07, received by Council on the 12 January 2016, drawn by Kara Design and Consulting and received by Council on the 1 March 2018) but modified to show:
 - a) Replacement of the 'café' labels with 'take away food premises'.
 - b) External wall heights and overall heights on all elevations.
 - c) The existing on-street car parking to McFadzean Avenue revised to reflect the recent change to 90 degree car parking spaces, including landscaping, and proposed on-street car parking in accordance with Condition No. 4 of this Permit.

- d) The location of mailboxes for dwellings 1 to 5.
- e) Stall risers to the north facing shop fronts of shop 4 and the take away food premises.
- f) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath. These measurements are to be dimensioned on the plans.
- g) The inclusion of a sliding vehicle gate along the western property boundary in front of the vehicle drive-way of the site.
- h) Natural light to garages by way of skylights or windows being included to external vehicle and/or pedestrian doors.
- i) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- j) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
- k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
- l) A north facing, operable clerestory window with an eave to bedroom 2 of dwelling 6.
- m) A notation stating that the two (2) redundant crossovers in McFadzean Avenue and the one (1) redundant crossover in Broadhurst Avenue are to be removed and the kerb, channel and nature strip reinstated in accordance with Condition No. 26 of this Permit.
- n) A minimum of 6 cubic metres of storage space for dwellings 1 -5, which can be split into different locations, but must not be located within the area set out in Diagram 1 – Clearance to car parking spaces at Clause 52.06-9 of the Darebin Planning Scheme.
- o) The first floor west facing bedroom 1 windows of dwellings 6, 7 and 8 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 finishes floor level.

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

- p) The inclusion of four (4) visitor bicycle parking spaces within the boundaries of the subject site and easily visible and accessible from the public realm.
- q) The measurements on the Area Analysis for the balconies on plan TP03 modified to reflect the dimensions that have been shown on the balconies
- r) The location of all plant and equipment (including air conditions 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 buildings.
- s) The use of render at the first ~~and second~~ floors reduced in favour of durable and

high quality materials to the satisfaction of the Responsible Authority.

- t) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- u) A landscape plan in accordance with Condition No. 7 of this Permit. Landscaping proposed along the western boundary to the west of Dwellings 6 to 8 shall be specifically designed with screen plants to help soften the development.
- v) Increased landscaping adjacent to the vehicle access-way and in particular around entry-ways. This must be achieved without compromising vehicle manoeuvrability.
- w) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 11 of this Permit.
- x) Any modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 12 of this Permit).
- y) A waste management plan in accordance with Condition No. 13 of this permit.
- z) Deletion of the 'proposed garbage collection point' to Broadhurst Avenue.

aa) *Modifications in accordance with a car park management plan (Refer to Condition No, 27 of this Permit)*

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

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

As relevant, the Responsible Authority may extend the time 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 concept on-street car parking layout plan must be submitted to and approved in writing by the Responsible Authority. The concept on-street car parking layout plan shall include, but not be limited, to the following details:
- Details of the removal of redundant vehicle crossovers on McFadzean Avenue and Broadhurst Avenue and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
 - Detail of new 90 degree car parking on McFadzean Avenue, generally in accordance with drawing TP03 issue 8 by Kara Design and Consulting Pty Ltd.
 - Any increase in landscaping where appropriate.
5. Prior to the occupation of the permitted development, works as shown on the approved

concept on-street car parking plan must be carried out by the developer/owner at cost to the developer/owner to the satisfaction of the Responsible Authority.

6. Before any buildings or works commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Associated (Victoria) Inc, or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environment condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Provision of a minimum of one (1) suitable medium sized canopy trees within the front setback of Dwelling 6.
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
 - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
8. 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.
9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. Before the development is occupied, screening vegetation must be planted in the locations indicated on the endorsed plans, to the satisfaction of the Responsible
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Authority.

The planting must screen views of the adjoining property/properties to the satisfaction of the Responsible Authority.

The planting must be maintained to the satisfaction of the Responsible Authority.

11. Before buildings and works (including demolition) start, tree protection fencing must be erected around the street tree in Broadhurst Avenue.

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

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

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

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

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

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

12. 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.

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

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

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

14. Before the use starts, visitor bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

15. 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.
16. 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.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
19. 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.

20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
21. With the exception of guttering, rain heads 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.
22. 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.
23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
24. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans; and
 - c) Drained to the satisfaction of the Responsible Authority.

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

25. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
26. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.

27. **Before the development commences, a Car Park Management Plan covering matters of access and safety and impacts on residential amenity must be prepared to the satisfaction of the Responsible Authority. When approved the Car Park Management Plan will be endorsed and will then form part of this permit.**

The car parking area must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Parking Management Plan 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 No. 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 Section 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 and without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require 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 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.
- N6 No buildings or works may be built over any easement on the land except with the written consent of the relevant authority.

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

Committee Decision

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

That Planning Permit Application D/551/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use 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 and dimensions and must be generally in accordance with the plans submitted with the application (identified as Plan TP03, TP04, TP05, TP06, TP07, received by Council on the 12 January 2016, drawn by Kara Design and Consulting and received by Council on the 1 March 2018) but modified to show:
 - a) Replacement of the 'café' labels with 'take away food premises'.
 - b) External wall heights and overall heights on all elevations.
 - c) The existing on-street car parking to McFadzean Avenue revised to reflect the recent change to 90 degree car parking spaces, including landscaping, and proposed on-street car parking in accordance with Condition No. 4 of this Permit.
 - d) The location of mailboxes for dwellings 1 to 5.
 - e) Stall risers to the north facing shop fronts of shop 4 and the take away food premises.
 - f) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath. These measurements are to be dimensioned on the plans.
 - g) The inclusion of a sliding vehicle gate along the western property boundary in front of the vehicle drive-way of the site.
 - h) Natural light to garages by way of skylights or windows being included to external vehicle and/or pedestrian doors.
 - i) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - j) Fixed external sun shading devices to all north facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
 - k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
 - l) A north facing, operable clerestory window with an eave to bedroom 2 of dwelling 6.
 - m) A notation stating that the two (2) redundant crossovers in McFadzean Avenue and the one (1) redundant crossover in Broadhurst Avenue are to be removed and the kerb, channel and nature strip reinstated in accordance with Condition No. 26 of this Permit.
 - n) A minimum of 6 cubic metres of storage space for dwellings 1 -5, which can be split into different locations, but must not be located within the area set out in Diagram 1

- Clearance to car parking spaces at Clause 52.06-9 of the Darebin Planning Scheme.
- o) The first floor west facing bedroom 1 windows of dwellings 6, 7 and 8 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 finishes floor level.

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

- p) The inclusion of four (4) visitor bicycle parking spaces within the boundaries of the subject site and easily visible and accessible from the public realm.
- q) The measurements on the Area Analysis for the balconies on plan TP03 modified to reflect the dimensions that have been shown on the balconies
- r) The location of all plant and equipment (including air conditions 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 buildings.
- s) The use of render at the first floor reduced in favour of durable and high quality materials to the satisfaction of the Responsible Authority.
- t) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- u) A landscape plan in accordance with Condition No. 7 of this Permit. Landscaping proposed along the western boundary to the west of Dwellings 6 to 8 shall be specifically designed with screen plants to help soften the development.
- v) Increased landscaping adjacent to the vehicle access-way and in particular around entry-ways. This must be achieved without compromising vehicle manoeuvrability.
- w) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 11 of this Permit.
- x) Any modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 12 of this Permit).
- y) A waste management plan in accordance with Condition No. 13 of this permit.
- z) Deletion of the 'proposed garbage collection point' to Broadhurst Avenue.
- aa) *Modifications in accordance with a car park management plan (Refer to Condition No, 27 of this Permit)*

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

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

3. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed or the use is not started within five (5) years from the date of this Permit.

As relevant, the Responsible Authority may extend the time 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 concept on-street car parking layout plan must be submitted to and approved in writing by the Responsible Authority. The concept on-street car parking layout plan shall include, but not be limited to, the following details:
- Details of the removal of redundant vehicle crossovers on McFadzean Avenue and Broadhurst Avenue and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
 - Detail of new 90 degree car parking on McFadzean Avenue, generally in accordance with drawing TP03 issue 8 by Kara Design and Consulting Pty Ltd.
 - Any increase in landscaping where appropriate.
5. Prior to the occupation of the permitted development, works as shown on the approved concept on-street car parking plan must be carried out by the developer/owner at cost to the developer/owner to the satisfaction of the Responsible Authority.
6. Before any buildings or works commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Associated (Victoria) Inc, or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environment condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

7. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Provision of a minimum of one (1) suitable medium sized canopy trees within the front setback of Dwelling 6.
 - b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - h) Hard paved surfaces at all entry points to dwellings.
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- i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
8. 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.
9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. Before the development is occupied, screening vegetation must be planted in the locations indicated on the endorsed plans, to the satisfaction of the Responsible Authority.
- The planting must screen views of the adjoining property/properties to the satisfaction of the Responsible Authority.
- The planting must be maintained to the satisfaction of the Responsible Authority.
11. Before buildings and works (including demolition) start, tree protection fencing must be erected around the street tree in Broadhurst Avenue.
- Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
- Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.
- The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
- No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
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12. 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.

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

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

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

14. Before the use starts, visitor bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
15. 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.
16. 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.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
19. 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.

20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

21. With the exception of guttering, rain heads 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.
22. 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.
23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
24. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans; and
 - c) Drained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
25. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
26. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
27. Before the development commences, a Car Park Management Plan covering matters of access and safety and impacts on residential amenity must be prepared to the satisfaction of the Responsible Authority. When approved the Car Park Management Plan will be endorsed and will then form part of this permit.

The car parking area must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Parking Management Plan 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 No. 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 Section 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 and without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require 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 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.

N6 No buildings or works may be built over any easement on the land except with the written consent of the relevant authority.

CARRIED

Cr. Greco entered the meeting during discussion of the above item at 5.36pm.

Cr. McCarthy entered the meeting during discussion of the above item at 5.37pm.

Melinda Viksne, Manager Governance and Engagement temporarily left the meeting during discussion of the above item at 5.42pm and returned at 5.43pm.

**5.2 APPLICATION FOR A PLANNING PERMIT D/194/2018
43-47 Simpson Street, Northcote**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Corner Northcote Pty Ltd PO BOX 1363 Central Park VIC 3145	Yvette Marie Kadamani 45 Simpson St NORTHCOTE VIC 3070	Fulcrum Urban Planning PO BOX 1363 Central Park VIC 3145

SUMMARY

- A four (4) storey development (plus basement car park) comprising 19 apartments and two (2) commercial tenancies.
- Maximum height of 12.9 metres.
- A total of 12 x 2-bedroom and 7 x 3-bedroom apartments are proposed, each with a balcony of 8 to 80 square metres in area.
- Thirty car parking spaces, 22 bike parking spaces and 19 storage cages are provided at basement level.
- Vehicle access is provided to the basement via the ROW.
- The commercial spaces provide floor areas of 143.2 square metres and 164.2 square metres (total of 307.4 square metres).
- The proposal provides a contemporary design, incorporating red brick, colorbond cladding, render and steel balustrades.
- There is no restrictive covenant on the title for the subject land.
- Eight (8) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.06, 55.07 and 52.06 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit, Capital Works Unit and Urban Design officer.
- This application was not required to be referred to external authorities.

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

- *Clinton Bartram, on behalf of Applicant*
- *Sue-Ellan Jones, Objector*
- *Wendy Rew, Objector*

Recommendation

That Planning Permit Application D/194/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TPA02, TPA03, TPA04, TPA05, TPA06, TPA07, TPA08, dated 29 May 2017 and prepared by Petridis Architects) but modified to show:
 - (a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 6 of this Permit).
 - (b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 7 of this Permit).
 - (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - (d) Details of a textured finish to the exposed section of the north boundary wall.
 - (e) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows / glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.
 - (g) Window type and opening mechanism on all elevation plans. Window mechanism must not increase overlooking of secluded private open space and/ or habitable room windows. Awning style windows are discouraged.
 - (h) 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.
 - (i) Indicative location of signage.
 - (j) The canopy over the public footpath set back 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath.
 - (k) Details of the make and model of car stacker system.
 - (l) A swept path assessment in accordance with AS2890.1:2004 for car parking spaces 01/02, 21, 22 and 29/30.
 - (m) Measures to manage potential vehicle conflicts at the top and bottom of the ramp.
 - (n) A swept path assessment in accordance with AS2890.1:2004 demonstrating that a B99 and B85 Design vehicle can satisfactorily pass each other at the top and bottom of the ramp.
 - (o) Car parking spaces allocated as follows:
 - Office: 3 spaces
 - Food and drink premises: 2 spaces

- 12 x 2 bedroom apartments: 12 spaces
 - 7 x 3 bedroom apartments: 13 spaces
- (p) Details of visitor / shopper bicycle parking in accordance with Clause 52.34 of the Darebin Planning Scheme (refer to Notation N6 of this permit).
- (q) All redundant crossovers to Robert Street must be reconstructed with full kerb and channel and nature strip, to the satisfaction of the responsible authority.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) As part of the consultant team Petridis Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- 5) Before the development is occupied, a contribution toward streetscape improvements in the road reserve adjacent to the subject site must be paid to Darebin City Council. The contribution is to a value of \$5,000 (indexed). These works may include new kerb outstand to the street frontages including Water Sensitive Urban Design and paving, street furniture and landscaping.

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

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

The SMP must address the 10 key Sustainable Building Categories:

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

- (i) Innovation
- (j) Materials

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

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

- 7) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority. The collection of waste must be limited to no more than two (2) collections per week across all waste streams.

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

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

- 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 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.
- 9) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the apartments are occupied, an automatic external lighting system capable of illuminating the residential entry, access to the basement and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 11) Boundary walls 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.
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- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16) 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) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces and access lanes shown on the endorsed plans must not be used for any other purpose.
- 17) 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
- and/or in any other way, to the satisfaction of the Responsible Authority.

Council Notations:

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

standards.

- N6 In relation to the requirements of Condition 1 n) of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.

ADJOURNMENT – 6.32PM

Committee Decision

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

That the Planning Committee meeting be adjourned until 6.40pm to enable the commencement of the Hearing of Submissions Committee meeting.

CARRIED

THE MEETING RECOMMENCED AT 6.40PM

Committee Decision

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

That Council refuse the application with grounds as follows:

1. The proposal has not been designed in accordance with Clause 15.01 (Built Environment) of the Darebin Planning Scheme, in terms of urban design and building design.
2. The proposal has not been designed in accordance with Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme, in terms of sustainability and design and materials.
3. Apartments 1, 2 and 3 do not comply with Standard B48 (windows) at Clause 55.07-14 of the Darebin Planning Scheme.
4. The car parking spaces and accessways have not been designed in accordance with the requirements of Clause 52.06 (Car Parking) of the Darebin Planning Scheme.
5. The proposal does not comply with Clause 22.12 (ESD policy).

CARRIED

6. OTHER BUSINESS

Nil

7. URGENT BUSINESS

Nil

8. CLOSE OF MEETING

The meeting closed at 6.49pm.