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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 8 May 2017

Released to the public on Thursday 11 May 2017

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE, 350 HIGH STREET PRESTON ON MONDAY 8 MAY 2017

THE MEETING OPENED AT 6.00PM

WELCOME

The Chairperson, Cr. Le Cerf opened the meeting with the following statement:

"I would like to acknowledge the traditional owners and custodians of the land on which we stand here today, the Wurundjeri people, and pay my respects to their Elders, past and present, as well as to Elders from other communities who may be with us today."

1. PRESENT

Councillors

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Council Officers

Phil Shanahan - Acting Chief Executive Officer

Steve Hamilton - Director City Futures and Assets

Jacinta Stevens - Director Civic Governance and Compliance

Darren Rudd - Manager Planning and Building (6.04pm)

Peter Rollis – Coordinator Statutory Planning

Paul Miziewicz – Acting Coordinator Statutory Planning

Katia Croce - Coordinator Council Business

2. APOLOGIES

Cr. Laurence is on an approved leave of absence.

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

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 20 April 2017 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/772/2016 37 McCracken Avenue, Northcote

Author: Statutory Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Rosebear Developments Pty Ltd	Rosebear Developments Pty Ltd	N/A

SUMMARY

- The proposal is for the construction of three (3) double storey dwellings. Each dwelling has four (4) bedrooms, is provided with two (2) car spaces and private open space in excess of 40 square metres. Vehicle access is via a laneway to the east of the site. Dwelling 1 includes a roof terrace with an area of 10.38 square metres.
- The site is zoned General Residential Zone 2.
- There is no restrictive covenant on the title for the subject land.
- Seven objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- *Natasha Placencio, Applicant*
- *Ann Sanson, Objector*
- *Thesus McLean, Objector*

Committee Decision

MOVED: Cr. S Newton
SECONDED: Cr. S Amir

That Planning Permit Application on D/772/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as sheet 3, 4, 5 and the materials and finishes schedule prepared by SKT Building Designs received by Council on 5 December 2016) but modified to show:
 - a) Dwelling 1's roof terrace and associated stairwell removed.
 - b) Floor to ceiling heights clearly noted on elevations for all dwellings. Floor to ceiling heights must be no greater than 2.7 metres.
 - c) Compliance with Standard B17 at Clause 55.04–2 of the Darebin Planning Scheme for the ground floor level of Dwelling's 1 and 2.
 - d) Compliance with Standard B19 at Clause 55.04–3 of the Darebin Planning Scheme for Dwelling 1's ground floor wall on boundary.
 - e) Dwelling 3's ground floor setback a minimum of 2 metres from the western side boundary. No other setbacks may be reduced to accommodate this.
 - f) Dwelling 3's first floor retreat and bedroom 3 setback a minimum of 3 metres from the western side boundary. No other setbacks may be reduced to accommodate this.
 - g) Obscured windows are *fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.*
 - h) Dwelling 2's first floor south facing stairwell and south facing retreat window as fire rated windows.
 - i) Internal elevations including the northern elevation of Dwellings 1 and 2 and southern elevation of Dwellings 2 and 3. Windows must be screened as required in accordance with the requirements of Standard B–22 at Clause 55.04–6 of the Darebin Planning Scheme.
 - j) All habitable room windows are to be operable of double hung, sliding or casement design. This does not apply to any part of a window which is noted on the plans/elevations as fixed obscure glazing, or is required to be fire rated. Any window screened or designed to limit overlooking must be operable above 1.7 metres from finished floor level.
 - k) The west facing first floor retreat window of Dwelling 2 reduced in size.
 - l) Dwelling 1's clothes line relocated for adequate solar access.
 - m) A window to the first floor southern facing walk-in-robe of Dwelling 1. No setbacks may be altered to achieve this.

- n) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the driveways to Right of Way located on the eastern site boundary. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height. No setbacks may be reduced to achieve this.
- o) The internal garage/carport dimensions must be a minimum of 6.0 metres length x 3.5 metres width.
- p) No fencing or other obstruction between the Dwelling 2 and Dwelling 3 car spaces.
- q) A swept path assessment demonstrating ingress and egress from all car spaces demonstrating that B85th percentile vehicles can enter and exit the spaces in accordance with the requirements of AS2890.1:2004, to the satisfaction of the Responsible Authority.
- r) The location, dimensions and design layout of site services, including letter boxes, metres, air conditioning units, hot water systems, hydrants and pumps as required. Utility metres and services must not be located within the front garden of Dwelling 1 and must be minimally visible from the streetscape and adjoining properties.
- s) A Landscape Plan in accordance with Condition No.4 of this Permit including the provision of at least one (1) medium size canopy tree and three (3) small canopy trees.
- t) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 6.8 metres (measured from the outside edge of the trunk) for tree 2 *Melaleuca linariifolia* located in the nature strip in accordance with the requirements of Condition 7 of this Permit.

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

- u) Tree 1 *Pyrus sp.* on the adjoining property to the east must be retained with a Tree Protection Zone (TPZ) at a radius of 3.6 metres (measured from the outside edge of the trunk) in accordance with the requirements of Condition 8 of this Permit.

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

- v) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

- (3) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 6.8 metres (measured from the outside edge of the trunk) for tree 2 *Melaleuca linariifolia* located in the nature strip in accordance with the requirements of Condition 7 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - b) Tree 1 *Pyrus sp.* on the adjoining property to the east must be retained with a Tree Protection Zone (TPZ) at a radius of 3.6 metres (measured from the outside edge of the trunk) in accordance with the requirements of Condition 8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - c) The provision of at least one (1) medium size canopy tree and three (3) small canopy trees.
 - d) Any canopy trees on the northern side of north-facing habitable room windows are to be deciduous.
 - e) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified.
 - f) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants.
 - g) Details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as asphalt, concrete, brick or gravel) demonstrating a minimum site permeability of 20%.
 - h) Street trees within the nature strip/s adjacent to the property.
 - i) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
 - j) Edge treatment between grass (lawn) and garden beds.
 - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
 - l) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers.
 - n) A scale, North Point and appropriate legend.
- The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before buildings and works (including demolition) start, a tree protection fence with a radius of 6.8 metres (measured from the outside edge of the trunk) must be erected around Tree 2 *Melaleuca linariifolia* located on the nature strip to define a 'Tree Protection Zone'.

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until construction is completed.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.

The proposed front fence of Dwelling 1 must not be constructed with strip footing.

Where within the TPZ of Tree 2, the Private Open Space must remain at or above existing grade.

Tree protection measures must be in accordance with the Arborist Report recommendations included in the Arboricultural Impact Assessment prepared by TreeEcology dated 24 October 2016.

- (8) Tree 1 *Pyrus* sp. on the adjoining property to the east must be retained with a Tree Protection Zone (TPZ) at a radius of 3.6 metres (measured from the outside edge of the trunk).

Tree protection measures must be in accordance with the Arborist Report recommendations included in the Arboricultural Impact Assessment prepared by TreeEcology dated 24 October 2016.

- (9) Before the development is occupied, Lot 1 and 2 on Title Plan 636912U and Lot 1 on Title Plan 598028A must be either:

- Consolidated under the *Subdivision Act 1988*; or
- Subdivided under the *Subdivision Act 1988*, in accordance with the plans endorsed as part of this Permit.

This must be done to the satisfaction of the Responsible Authority.

- (10) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- (11) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (12) 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.
- (13) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (14) The land must be drained to the satisfaction of the Responsible Authority.
- (15) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (16) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (17) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (18) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways
- to the satisfaction of the Responsible Authority.
- (19) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (20) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

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

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

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

CARRIED

Darren Rudd, Manager Planning and Building, entered the meeting during discussions of the above item at 6.04pm.

**5.2 APPLICATION FOR PLANNING PERMIT D/949/2016
376 Plenty Road, Preston VIC 3072**

Author: Principal Planner

Reviewed By: Manager City Design and Strategic Planning

Applicant	Owner	Consultant
MAP Architecture and Design P/L	Vincent Hedger	MAP Architecture and Design P/L TTM Consulting Frater Consulting Services

SUMMARY

- It is proposed to construct a medium density housing development comprising five (5) three storey dwellings, reduce the requisite (visitor) car parking to zero and alter access to a Road Zone – Category 1.
- The site is located within the General Residential Zone – Schedule 3 ('GRZ3') and encumbered by the Development Contributions Plan Overlay ('DCPO').
- Under Amendment C137, the land is to be rezoned to the Residential Growth Zone – Schedule 1 ('proposed RGZ1') and a new Design and Development Overlay – Schedule 17 ('proposed DDO17') applied.
- There is no restrictive covenant on the title for the subject land.
- One objection was received against this application. The sole reason for the application being reported to the Planning Committee for determination is the proposal's failure to comply with the discretionary rear setback of the proposed DDO17.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme and the overarching objectives of Amendment C137 and the proposed DDO17.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given pursuant to Section 52(1) of the *Planning and Environment Act 1987* ('Act') via one sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's City Plan and Transformation Unit, Capital Works Unit, Transport and Public Spaces Unit and ESD Officer for review.
- This application was referred externally to Vicroads (determining authority) pursuant to section 55 of the Act.

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

- Gianni Mancuso, Applicant

Committee Decision

MOVED: Cr. S Rennie
SECONDED: Cr. S Newton

That Planning Permit Application on D/949/2016 be supported and a Planning 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 known as Project Number 161467 – TP.01, TP.02, TP.03, TP.04, and TP.05 (revision A), prepared by MAP Architecture and Design, but modified to show:
 - a) The timber privacy screen treatment to the balconies of each dwelling (Material 'G') providing a maximum transparency of 25%.
 - b) An operable window provided to the ground floor bathroom of Dwelling 5.
 - c) Fixed external shading to be provided to all north-facing habitable room windows / glazed doors.
 - d) The vehicle accessway reduced to 3.0 metres between the front boundary of the site and vehicle turn-in area of Dwelling 1.
 - e) Nominal garden areas provided along the northern side of the vehicle accessway between garage door openings.
 - f) A rainwater tank provided within the rear private open space of Dwelling 5.
 - g) The accessway modified to provide a minimum apron width of 4.8 metres and a minimum garage door opening width of 3.2 metres in accordance with Clause 52.06–8 of the Darebin Planning Scheme.
 - 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) A landscape plan in accordance with the requirements of Condition No. 4 of this Permit.
 - j) Any modifications required in accordance with the amended Sustainable Design Assessment (refer to Condition No. 7 of this Permit).
 - k) Any modifications required in accordance with the amended Waste Management Plan (refer to Condition No. 8 of this Permit).
 - l) Any modifications required in accordance with the Acoustic Assessment (refer to Condition No. 9 of this Permit).

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

(3) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed within five (5) years of the date of this Permit.

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

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

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

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- c) A diversity of plant species and forms, with a minimum of 50% indigenous/native plants used. The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.
- d) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- e) Appropriately annotated site-specific construction details of water sensitive urban design (WSUD) features (including raingardens) where used. Such features may also require the provision of an appropriate engineering certification (prepared by a suitably qualified person) to the satisfaction of the responsible authority.
- f) Appropriately annotated site-specific construction details of green walls/vertical gardens and green roof features where used. Such features may also require the provision of an appropriate engineering certification (prepared by a suitably qualified person) to the satisfaction of the responsible authority.
- g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- h) Hard paved surfaces at all entry points to dwellings.
- i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

- k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The height and outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
 - l) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before the development starts, an amended 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 be generally in accordance with the SDA submitted with the application (identified as BESS Report, Project No. 6228) but modified to detail:
- Incorporation of any design modifications required by Condition No. 1 of this Permit;
 - Details and specifications of raingarden areas; and
 - Any reports provided in 'Published' status.

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.

- (8) Before the development starts, an amended Waste Management Plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to and approved by the Responsible Authority.

The plan/documentation must be generally in accordance with the waste management plan submitted with the application (identified as 'Waste Management Plan' (Version 1) prepared by *Frater Consulting Services* and dated 30 January 2017) but modified to detail:

- Provision of two (2) 240-litre general waste bins for the development; and
- All waste bins located within the communal waste store area.

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

- (9) Before the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
 - Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park / car lifts) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

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

- (10) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (11) 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.
- (12) 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.
- (13) The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

(19) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

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

to the satisfaction of the Responsible Authority.

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

(20) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

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

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

N4 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

CARRIED

Jacinta Stevens, Director Civic Governance and Compliance, temporarily left the meeting during discussion of the above item at 6.22pm and returned at 6.26pm.

**5.3 APPLICATION FOR PLANNING PERMIT D/993/2016
2 Clark Street Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner
Ikonomidis Reid	NCG Homes

SUMMARY

- It is proposed to construct two side by side double storey three bedroom dwellings.
- Two covered tandem car spaces are provided per dwelling.
- The secluded private open space is located to the rear with an area of approximately 80 square metres per dwelling.
- The site is zoned General Residential Zone (Schedule 2).
- There is a restrictive covenant on the title however the proposal is not contrary to the covenant (it relates to quarrying).
- Eight objections were received against this application.
- The proposal meets the objectives and standards of Clause 55 and Clause 22.02 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application is supported.

CONSULTATION:

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

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- *Pauline Maltzis, on behalf of Applicant*
- *Tony Tomarchio, Objector*

Committee Decision

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

That Planning Permit Application D/993/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP04, TP05 and TP06 Revision A Job No 009669 prepared by Ikonmidis Reid) but modified to show:
 - a) Dwelling 1 ground and first floor walls setback from the secluded private open space at 2C Clark Street in compliance with Standard B21 of Clause 55.04 of the Darebin Planning Scheme with shadow diagrams showing existing shadows and proposed shadows at 1 hour intervals on the equinox demonstrating no additional overshadowing of the adjacent secluded private open space.
 - b) Crossovers and driveways reduced to 2.8 metres in width.
 - c) Porches a maximum 3.6 metres in height.
 - d) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows and glazed doors.
 - e) Where not provided with an eave, external fixed shading devices to all north facing habitable room windows and glazed doors.
 - f) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems). These are to be screened to be minimally visible from the public realm (oval and street) and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Solar hot water tanks are to be flush mounted on the roof and not elevated on stands.
 - g) A landscape plan in accordance with Condition No. 4 of this Permit.
When approved, the plans will be endorsed and form part of this Permit.
- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
 - The development does not start within three years from the date of this Permit; or
 - The development is not completed within five 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 months after the expiry date; or
 - Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) 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 seven 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.

- (8) 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.
- (9) 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.

- (10) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) 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.
- (13) 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.
- (14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (15) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) 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.

- (16) 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.

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 sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

CARRIED

Philip Shanahan, Chief Executive Officer, temporarily left the meeting during discussion of the above item at 6.47pm.

**5.4 APPLICATION FOR PLANNING PERMIT D/894/2016
416 St Georges Road Thornbury**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Multiply Town Planning	D and A Rodrigues	Cassisi Architects EcoResults

SUMMARY

- It is proposed to develop the land for a four storey building comprising a shop and nine (9) dwellings, a reduction of the car parking, waiver of loading facilities and alteration of access to a Road Zone Category 1.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- Eight (8) objections were received against this application, all from owners or occupiers within 200 metres of the subject site.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme.
- The mandatory maximum height for this site is 5 storeys.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management, ESD officer and Capital Works Unit.
- This application was referred externally to VicRoads.

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- *Matt Dobson, on behalf of Applicant*
- *Cathy Dodson, Objector*

Committee Decision

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

That Planning Permit Application D/894/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers TP100, TP101, TP102, TP103, TP200, TP201, TP202, TP203, TP300, TP301, TP500 and TP600 prepared by Cassisi Architects dated Dec 2016 Rev A Job No 1504) but modified to show:
 - a) The awning over the public footpath set back 750mm from the kerb and to have a minimum clearance height of 3m above the public footpath.
 - b) The east side of the Dwelling 3, 4 and 7 balconies provided with either:
 - 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) to a minimum height of 1.7 metres above finished floor level.
 - c) If fixed screens are utilised a scaled and dimensioned section diagram provided demonstrating how 25% permeability is achieved having regard to the secluded private open space to the east and north.
 - d) Provision of window / glass blocks to the shop toilet.
 - e) Bike spaces under cover and enclosed by security gate.
 - f) Provision of daylight tubes, skylights or clerestory windows to Dwelling 9 west most bathroom.
 - g) Provision of a 3 kilowatt photovoltaic system to compensate for depth of living areas/poor solar access to the Dwellings 1, 2, 4 and 5 galley kitchens.
 - h) An east facing operable window to the Dwelling 9 east most bathroom.
 - i) A south facing operable window to the bathroom of Dwelling 3.
 - j) Water tanks connected to toilets for flushing with details of extent of connection and are of roof capture.
 - k) Details of ESD measures for common areas (lighting).
 - l) Details of window operation to all windows.
 - m) External adjustable shading to the west facing windows and glazed doors to habitable rooms (the shading can be installed at the edge of each balcony. With sections and details of the type of blinds to be used.
 - n) Details of Material F1 and F2 – to be a durable, low maintenance material (not render).
 - o) Water tank to collect all roof runoff and connected to all toilets for flushing.
 - p) Any modifications in accordance with the Sustainable Design Assessment (SDA) (Refer to Condition No. 4 of this Permit).

- q) Any modifications and/or notations in accordance with the Acoustic Report (Refer to Condition No. 6 of this Permit).
- r) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- s) 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. Full details of all rooftop screening measures with sections and elevation details at 1:50 of screens. Screens are to be a maximum 25% visually permeable.
- t) Details of materials F1 and F2 feature cladding, with these materials to be high quality, low maintenance and not render.
- u) Storage enclosures to have solid doors.

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 or the use is not commenced within five (5) years of the date of this Permit.

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before the development starts, a 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. A Built Environment Sustainability Scorecard (BESS) report achieving a minimum 50% (i.e. a pass) must be 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.

- (5) Except with the written consent of the Responsible Authority waste storage and collection must be undertaken in accordance with the ecoresults Waste Management Plan Management Plan dated 5 December 2016 with no waste stored on street for collection and 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.

- (6) Before the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions from the development (including the operation of plant, car stackers, roller doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
 - b) Details of any car stacker operation controls required to minimise noise impacts off site (refer condition 16) are taken into consideration.
 - c) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).

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

- (7) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection.

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

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

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

- (10) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (11) The land must be drained to the satisfaction of the Responsible Authority.
- (12) 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.
- (13) 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.
- (14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- (15) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced; and
 - d) Drained

to the satisfaction of the Responsible Authority.

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

- (16) One (1) car parking space is to be allocated per dwelling.
- (17) Before the development commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (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 having regard to the petrol station to the south;
- 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 environmental 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 development commences, either:

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

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.

VicRoads

- (18) Instatement of short-term parking controls on the EXISTING on street carpark adjacent the site frontage of the site at 416 St Georges Road, Thornbury, applying a 15 minute restriction to parking duration during the hours 8am to 6pm.

NOTATIONS

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

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

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

CARRIED

Philip Shanahan, Chief Executive Officer, returned to the meeting during discussion of the above item at 6.55pm.

**5.5 APPLICATION FOR PLANNING PERMIT D/634/2016
95-99 Plenty Road, Preston**

Author: Principal Statutory Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Nandan Building Group c/o Ask Planning Services	Frank James Gill	Ask Planning Services Ardent Architects Traffix Group Leigh Design Sustainable Development Consultants

SUMMARY:

- The proposal is for:
 - Demolition of existing buildings on site;
 - Buildings and works comprising the construction of a mixed use, six storey (plus additional basement level) building;
 - Use of the land for dwellings;
 - A reduction in the car parking requirement; and
 - Waiver of the loading/ unloading requirements associated with a shop use
 on land affected by a Heritage Overlay – Schedule 305 (HO305).
- Ten of the 15 dwellings are two bedrooms, with the remaining five dwellings having three or more bedrooms.
- Two shop premises that can be converted into one large shop are proposed on the ground floor, fronting Plenty Road.
- Pedestrian access to the shops and dwellings is from the Plenty Road street frontage, with vehicle access available from the right of way to the rear.
- The maximum height of the development is 19.68 metres from natural ground level.
- The land is located within the Commercial 1 Zone and is affected by the Environmental Audit Overlay, Heritage Overlay – Schedule 305 and the Development Contributions Overlay – Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- Ten objections were received against this application.
- The proposal is generally consistent with the objectives and standards of relevant policy within 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 Heritage Advisor, Capital Works Unit, Strategic Asset Management Unit, Strategic Planning Unit, ESD Officer, City Works Unit and Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

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

- *Mark Stanojevic, on behalf of Applicant*

Recommendation

That Planning Permit Application D/634/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as sheet numbers 210, 211, 212, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 225, 280 and 282, Rev 4 prepared by Ardent Architects Pty. Ltd and dated 26 July 2016) but modified to show:
 - a) A comprehensive schedule of external materials, colours and finishes (including a physical material / colour sample board with product / colour names and specifications). Construction materials are to be low maintenance and graffiti resistant/deterrent where accessible from street level at Plenty Road and the right of way. 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.
 - b) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - c) A revised pedestrian canopy that provides continuous weather protection to the footpath across the entire frontage of the site.
 - d) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
 - e) Modifications and notations in accordance with recommendations set out in the Acoustic Assessment (Refer to Condition No. 9 of this Permit).
 - f) Other than apartment 1.4, the first floor is to be set back a minimum of 5.5 metres from the eastern boundary of the residential property to the west. This is to be achieved by reducing the floor area of the building. No light courts or other boundary setbacks are to be reduced as a result of this alteration. West facing balconies are to be no less than 8 square metres in area, with a minimum dimension of 2 metres.
 - g) The balconies to the west facing apartments on the first, second and third floors provided with either:

- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

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 years from the date of this Permit; or
 - The development is not completed within five 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 months after the expiry date; or
 - Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - c) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - d) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - e) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - f) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
-

- i) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (SMP (identified as Sustainability Management Plan, prepared by Sustainable Development Consultants and dated November 2016) to the satisfaction of the Responsible Authority.

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

- (8) Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan (identified as 'Waste Management Plan' prepared by Leigh Design and dated 1 December 2016) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- (9) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
 - Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and nearby residential properties.

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

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

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act 1970*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

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

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

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

Any external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (18) Provision must be made on the land for letter boxes to the satisfaction of the Responsible Authority.
- (19) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;

- c) Surfaced with an all weather sealcoat;
- d) Drained;
- e) Line–marked to indicate each car space and all access lanes; and
- f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

- (20) Car parking spaces are to be allocated as follows:
 - a) A minimum of two to each of the three bedroom dwellings.
 - b) A minimum of one to each of the one and two bedroom dwellings.
 - c) A minimum of one to each of the shops.
- (21) Before the development is occupied, the bicycle racks shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority.
- (22) Before the development is occupied a contribution must be made (equivalent to one bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority.
- (23) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- (24) 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 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 In relation to the requirements of Condition No. 22 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.

Committee Decision

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

That Planning Permit Application D/634/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as sheet numbers 210, 211, 212, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 225, 280 and 282, Rev 4 prepared by Ardent Architects Pty. Ltd and dated 26 July 2016) but modified to show:
- a) A comprehensive schedule of external materials, colours and finishes (including a physical material / colour sample board with product / colour names and specifications). Construction materials are to be low maintenance and graffiti resistant/deterrent where accessible from street level at Plenty Road and the right of way. 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.
 - b) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - c) A revised pedestrian canopy that provides continuous weather protection to the footpath across the entire frontage of the site.
 - d) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
 - e) Modifications and notations in accordance with recommendations set out in the Acoustic Assessment (Refer to Condition No. 9 of this Permit).
 - f) Other than apartment 1.4, the first floor is to be set back a minimum of 5.5 metres from the eastern boundary of the residential property to the west. This is to be achieved by reducing the floor area of the building. No light courts or other boundary setbacks are to be reduced as a result of this alteration. West facing balconies are to be no less than 8 square metres in area, with a minimum dimension of 2 metres.

- g) The balconies to the west facing apartments on the first, second and third floors provided with either:
- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

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

- h) The reconstruction of the rear laneway to the satisfaction of the responsible authority at the cost of the developer from the southern point of the subject land through to Junction Street.
- (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 years from the date of this Permit; or
 - The development is not completed within five 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 months after the expiry date; or
 - Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - c) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - d) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - e) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - f) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
-

- g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - h) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - i) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (SMP (identified as Sustainability Management Plan, prepared by Sustainable Development Consultants and dated November 2016) to the satisfaction of the Responsible Authority.

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

- (8) Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan (identified as 'Waste Management Plan' prepared by Leigh Design and dated 1 December 2016) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- (9) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
 - c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and nearby residential properties.

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

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

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act 1970*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

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

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

- (11) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (13) Before the dwellings are occupied, an automatic lighting system capable of illuminating the residential entry, car parking and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- Any external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (15) The land must be drained to the satisfaction of the Responsible Authority.
- (16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
-

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

to the satisfaction of the Responsible Authority.

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

- (20) Car parking spaces are to be allocated as follows:
- a) A minimum of two to each of the three bedroom dwellings.
 - b) A minimum of one to each of the one and two bedroom dwellings.
 - c) A minimum of one to each of the shops.
- (21) Before the development is occupied, the bicycle racks shown on the endorsed plans must be provided on the land to the satisfaction of the Responsible Authority.
- (22) Before the development is occupied a contribution must be made (equivalent to one bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority.
- (23) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- (24) 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.
- (25) That the developer prepare plans and fund the full cost of the reconstruction of the rear laneway to the satisfaction of the responsible authority, with the works extending from the southern end of the property northward to the access point with the Junction Street, such works are to completed prior to the development being occupied and finished to the written satisfaction of the responsible authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 In relation to the requirements of Condition No. 22 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

CARRIED

Philip Shanahan, Chief Executive Officer, temporarily left the meeting during discussion of the above item at 7.15pm and returned at 7.17pm.

Cr. Messina temporarily left the meeting during discussion of the above item at 7.23pm and returned at 7.27pm.

Paul Miziewicz, Acting Coordinator Statutory Planning, left the meeting at 7.24pm.

**5.6 APPLICATION FOR PLANNING PERMIT D/808/2016
19 Raleigh Street, Thornbury**

Author: Senior Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Archsign Pty Ltd	G and M Guzzardi	Traffix Group Pty Ltd Stem Arboriculture Pty Ltd

SUMMARY

- It is proposed to construct five double storey dwellings. All five dwellings are provided with two bedrooms and a car parking space. Dwellings 1 to 4 have a reverse living arrangement with open space provided via a balcony connected to the living area at first floor. Dwelling five has ground floor private open space provision. The maximum height on site is 7.97 metres.
- The site is zoned General Residential Zone Schedule 2 and is covered by the Development Contributions Plan Overlay.
- There is no restrictive covenant on the title for the subject land.
- Twenty–seven objections were received against this application, including one petition with 59 signatures.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the scheme).
- It is recommended that the application be supported.

CONSULTATION:

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

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- *Daniel DeFazio, on behalf of Applicant*
- *Ben Hardwick, Objector*
- *Katherine Garrett, Objector*
- *Peter Gonis, Objector*

Recommendation

That Planning Permit Application D/808/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted (identified as TP1 and TP2 Rev B, Dated Nov 2016, by archsign) but modified to show:
 - a) The height of fences on the northern and eastern boundaries (except within 5.68 metres of the southern boundary of the land) to be a minimum height of 2.2 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - b) The front porch and associated roofing modified and treated to resemble the concept plan received by Council on 4 April 2017.
 - c) A roof plan.
 - d) A landscape plan in accordance with Condition No. 4 of this Permit.
 - e) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - f) All air-conditioning units to be 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.
 - g) The location of all other plant and equipment. These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - h) All tree protection zone (TPZ) areas and protection methods to be clearly notated on plans in accordance with the approved arborist report referred to in condition 8 and in accordance with Conditions 9, 10 and 11 of this permit.
 - i) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 7 of this Permit).

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
 - The development does not start within three years from the date of this Permit; or
 - The development is not completed within five 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 months after the expiry date; or
 - Within twelve months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.

- l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) The development must incorporate the sustainable design initiatives in accordance with the Built Environment Sustainability Scorecard (BESS) (identified as *BESS report 5779* prepared by archsign and dated 15 December 2016) to the satisfaction of the Responsible Authority
- (8) The development must incorporate the Tree Protection Zones and mechanisms in accordance with the approved arborist report (identified as *Arboricultural Assessment and Report – Development Impact* prepared by StemArboriculture and dated 28 March 2017) to the satisfaction of the Responsible Authority
- (9) Before the development commences, a tree protection fence must be erected around the following nature strip trees with the following TPZs;
- The council naturestrip tree in the Raleigh Street frontage in front of 25 Raleigh Street (referred to as Tree 1 in approved arborist report) to have a TPZ of 3.7 metres.
 - The council naturestrip tree in the Raleigh Street frontage in front of 19 Raleigh Street (referred to as Tree 4 in approved arborist report) to have a TPZ of 2 metres.
 - Tree protection fencing must be installed around the naturestrip trees prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: **Protection of trees on development sites**.
- (10) The following trees must have TPZs shown on plans and must have the following protections;
- The tree group located in property to the north (referred to as Tree Group 8 in the approved arborist report) must have a TPZ of 2.6 metres. To ensure the viability of **Group 8**, Darebin Parks requires the proposed private open space to be constructed at or above existing grade within the TPZ.
 - The tree located in the adjoining property to the east (referred to as Tree 10 in approved arborist report) must have a TPZ of 2.1 metres. The proposed concrete driveway represents an encroachment of less than 10% which is permissible under Australian Standard AS4970 – 2009: Protection of trees on development sites. To ensure the viability of Tree 10 Darebin Parks requires the following:
 - Removal of existing concrete within the TPZ to be done by hand
 - New concrete driveway to be built at or above existing grade
 - New driveway to be constructed using permeable materials

Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: **Protection of trees on development sites**

- (11) The tree located within the subject site (referred to as Tree 3 in the approved arborist report) to be removed.
- (12) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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 seven days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (13) 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.
- (14) 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.
- (15) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (16) The land must be drained to the satisfaction of the Responsible Authority.
- (17) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (18) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (19) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (20) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) 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.
- (21) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

Committee Decision

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

That Planning Permit Application D/808/2016 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposal does not meet the objectives of Clause 55 of the Darebin Planning Scheme (*the Scheme*), as follows;
 - a) The proposal does not comply with Clause 55.02-1 of *the Scheme* (Standard B1 – Neighbourhood Character). The proposal does not respect the existing neighbourhood character due to the following;
 - Visual dominance of streetscape;
 - Limited landscaping to side and rear setbacks.
 - b) The proposal does not satisfactorily respect the adjoining public open space at 12 Gooch Street and does not comply with Clause 55.03-6 of *the Scheme* (Standard B11 – Open Space).
 - c) The proposal does not provide satisfactory visual surveillance of the internal accessway and does not comply with Clause 55.03-7 of *the Scheme* (Standard B12 – Safety).

- d) The proposal does not provide landscaping that respects the landscape character of the neighbourhood and does not comply with Clause 55.03-8 of *the Scheme* (Standard B13 – Landscaping).
 - e) The proposal does not provide for the needs of people with limited mobility and does not comply with Clause 55.05-1 of *the Scheme* (Standard B25 – Accessibility).
 - f) The proposal provides unsatisfactory private open space for the reasonable recreation and service needs of residents and a reverse living arrangement is not suitable in the context of the area. The proposal does not comply with Clause 55.05-4 of *the Scheme* (Private open space).
 - g) The proposal does not provide façade articulation and built form that respects the existing neighbourhood character and does not comply with Clause 55.06-1 of *the Scheme* (Standard B31 – Design Detail).
- (2) The proposal does not satisfy neighbourhood character objectives in accordance with Clause 22.02 of *the Scheme*.
- a) The proposal fails to improve the garden settings of dwellings.
 - b) The proposal fails to contribute positively to the Streetscape.
- (3) The proposal represents an overdevelopment of the site.
- (4) The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in *the Scheme*.

CARRIED

**5.7 APPLICATION FOR PLANNING PERMIT D/321/2016
22 Ross Street Northcote**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Cornetta Partners Architects	D Risstrom and J Bain	Cornetta Partners Architects Stem Arboriculture Glossop Town Planning Alpha Archaeology Pty Ltd Frater Consultig Services

SUMMARY

- A three storey building (plus basement) comprising nine dwellings.
- The basement contains 11 car parking spaces (i.e. five car spaces at grade and six spaces in a car stacker), bin store area, 13 bicycle parking spaces, storage for the dwellings and lift/stair access to the upper floors. Vehicle access to the basement is via ramp and an enlarged crossover adjacent to the southern boundary.
- The ground level will comprise five dwellings (incorporating 2 x 1 bedroom and 3 x 2 bedroom dwellings). They are each provided with secluded private open space of between 9.21 square metres and 31.23 square metres.
- The first floor level comprises three dwellings, (each incorporating two bedrooms and 8 square metres to 17.28 square metres of secluded private open space in balconies.
- The second floor level is to have one dwelling, with three bedrooms and a balcony of 12.2 square metres.
- The proposal will have a contemporary design, with walls of pre-cast concrete and lightweight cladding. It is to have a flat roof and a height of approximately 9.418 metres.
- The site is zoned
- There is no restrictive covenant on the title for the subject land.
- 42 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- Michelle Ehlers, Objector
- Lyall Burton, Objector

Recommendation

That Planning Permit Application on D/321/2016 be supported a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TPA03, TPA04 and TPA08, Revision C, dated 21 September 2016 and drawing nos TPA05, TPA06, TPA07, Revision B, dated 27 July 2016, job no. 15-48 and prepared by Cornetta Partners Architects) but modified to show:
 - a) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
 - b) Allocation of car parking to the dwellings, with one (1) car parking space provided for each of the one (1) and two (2) bedroom dwellings and two (2) car parking spaces provided for the three (3) bedroom dwelling, with provision of one (1) visitor car space (not to be located in the car stacker).
 - c) Appropriate swept path diagrams showing vehicles are able to conveniently enter and exit the site in a forward direction.
 - d) Full details of the car stacker, showing the platform widths of the car stacker are to be a minimum width of 2.4 metres.
 - e) A notation to the car stacker indicating that a minimum of 25% of the mechanical parking car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres (as required under design standard 4: Mechanical parking of Clause 52.06-8 of the Planning Scheme).
 - f) Details of column dimensions and setbacks, showing full compliance with Diagram 1 Clearance to car parking spaces of Design standard 2 – Car parking spaces of Clause 52.06-8 Design standards for car parking of the Planning Scheme.
 - g) All ramp gradients are to be shown (including around the inside of the ramp curve, i.e. the shortest/steepest sections) with full compliance with Design standard 3: Gradients of clause 52.06-8 Design standards for car parking of the Planning Scheme.
 - h) The maximum gradient for the pedestrian ramp is to be 1:14 (as per Australian Standard AS1428:2009).
 - i) The south-facing second floor operable awning windows to the meals of Dwelling 9 are to be provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- j) Setback the balconies of Dwellings 7 and 8 1.9 metres from the north boundary.
- k) A solid 1.7 metre balustrade (not glass) to the balcony of Dwelling 8.
- l) The bedrooms of Dwelling 9 to provide a minimum internal dimension of 2.8 metres. No external setbacks must be altered to achieve this outcome.
- m) The following windows (shown as obscure glass to 1,700mm) are to be shown with fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level:
 - i. Dwelling 8: The east-facing first floor windows to bedrooms 1 and 2.
 - ii. Dwellings 6 and 7: The north-facing first floor windows to bedroom 2.
 - iii. Dwelling 9: The north-facing second floor corridor windows.
- n) Removal of the roofed section above the balcony serving Dwelling 5.
- o) The basement setback a minimum of 1.6 metres from the trunk edge of Tree 7, located in the adjoining property to the south.
- p) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of: 3 metres for Tree 1 in the naturestrip tree (*Corymbia calophylla*); 4 metres for Tree 2 in the naturestrip tree (*Allocasuarina verticillate*); and 2.3 metres for Tree 7 located in the adjoining property to the south (measured from the outside edge of the trunk), in accordance with the requirements of Condition No. 7 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
- q) Annotations detailing that stormwater drains and other underground services must be diverted around the TPZ of the retained trees, unless installed by underground boring at appropriate depths, with machinery access and entry pits.
- r) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- s) 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.
- t) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- u) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit).
- v) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.

- l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - m) Provision of a minimum of one (1) suitable medium canopy tree and three (3) suitable small canopy trees.
 - n) The majority of plant species are to be native.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before buildings and works (including demolition) start, a tree protection fence (in accordance with Australian Standard AS4970-2009: Protection of trees on development sites) must be erected around: Tree 1 in the naturestrip tree (*Corymbia calophylla*), with a radius of 3 metres; Tree 2 in the naturestrip tree (*Allocasuarina verticillate*), with a radius of 4 metres; and Tree 7 located in the adjoining property to the south with a radius of 2.3 metres for (measured from the outside edge of the trunk), to define a 'Tree Protection Zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The tree protection fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.
- No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
- The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
- (8) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.
- The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- (10) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (11) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (12) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (13) The land must be drained to the satisfaction of the Responsible Authority.
- (14) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (15) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (16) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (17) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes; and
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

- (18) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 Aboriginal cultural heritage is protected under the *Aboriginal Heritage Act 2006*. If Aboriginal cultural heritage is encountered during development, works must cease in the area and OAAV must be contacted.

Committee Decision

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

That Planning Permit Application D/321/2016 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposal fails to satisfy the objectives of Clause 22.04 (Neighbourhood Character) of the Darebin Planning Scheme and the design objective of the Darebin Neighbourhood Character Study & Precinct Guidelines 2007 in terms of visual bulk, height and lack of landscaping opportunities.
- (2) The proposal does not satisfactorily comply with the standards and objectives of Clause 55 of the Darebin Planning Scheme, in particular:
 - a) Clause 55.02-1: Neighbourhood character - The proposal is inappropriate in terms of the visual bulk, height and lack of landscaping.
 - b) Clause 55.02-2: Residential policy - the proposal is contrary to the preferred character of the area.
 - c) Clause 55.02-5: Integration with street - The height of the front fence provides a poor integration with the street.

- d) Clause 55.03-2: Building height - the height of the development will result in visual bulk to the street and the adjoining properties.
 - e) Clause 55.03-3: Site coverage – the site coverage exceeds 60% of the site area.
 - f) Clause 55.03-8: Landscaping - insufficient opportunities within side and rear setbacks to provided landscaping.
 - g) Clause 55.04-1: Side and rear setbacks - inadequate side setbacks resulting in visual bulk to the neighbouring residential properties.
 - h) Clause 55.04-5: Overshadowing - the development will result in unacceptable overshadowing of neighbouring properties.
 - i) Clause 55.04-6: Overlooking – the screening measures restricts outlook resulting in a poor level of internal amenity to a selection of the the dwellings.
 - j) Clause 55.05-4: Private open space - poor amenity to balconies and insufficient areas of ground level POS resulting in substandard amenity.
 - k) Clause 55.05-5: Solar access open space – Apt. fails to achieve this standard resulting in a poor level of amenity.
 - l) Clause 55.06-1: Design detail - the design of the development will result in visual bulk to the street and neighbouring property.
- 3. The proposal is an overdevelopment of the site.
 - 4. The proposed development will result in poor amenity for the residents and is contrary to proper and orderly planning.

CARRIED

Cr. Messina left the meeting during discussion of the above item at 7.56pm.

**5.8 APPLICATION FOR PLANNING PERMIT D/265/2016
38 Jensen Road Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Madisson Developments Pty Ltd	Madisson Developments Pty Ltd	Petridis Architects

SUMMARY

- The proposal is for the construction of a four storey building comprising ten dwellings. The ground level is to have a dwelling and 12 car spaces (10 for the dwellings and two for visitors) to the rear, accessed via a crossover from Hannah Street. The ground floor also includes the apartment entry foyer from Hannah Street and storage unit enclosure off the foyer. The first floor is to have four dwellings. The second floor is to have three dwellings. The third floor is to have two dwellings. Overall there are to be seven x two bedroom dwellings and three x one bedroom dwellings.
- The development will have a contemporary design, with a flat roof. The materials are to be brick, alucobond metal and textured concrete panels.
- The site is zoned Residential Growth Zone Schedule 5 (RGZ5).
- There is no restrictive covenant on the title for the subject land.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme as varied by Schedule 5 to the Residential Growth Zone.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Environmentally Sustainable Development Officer (ESD Officer), Capital Works, Transport Management and Planning Unit and the Urban Designer.
- This application was not required to be referred to external authorities.

The following people verbally addressed the meeting and where thanked for their presentations by the Chairperson, Cr. Le Cerf:

- *James Livingston, on behalf of Applicant*
- *Antonia Gallicchio, Objector*

Committee Decision

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

That Planning Permit Application D/265/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TPA01, TPA02, TPA03, TPA04, TPA05, Revision dated 23 January 2017, job no. 16-25 and prepared by Petridis Architects and received by Council on 2 March 2017) but modified to show:
 - a) The provision of acoustic fencing with a minimum height of 1.8 metres above natural ground level, along the northern and western boundaries of the ground floor car park, in accordance with Condition No.9 of this Permit.
 - b) The northern and western facades incorporating a similar mix of materials and finishes to the eastern and southern facades.
 - c) The provision of external shading devices to the habitable room windows on the northern, eastern and western elevations, in accordance with Condition No.8 of this Permit.
 - d) Specification of the operating mechanism of all windows on the elevations.
 - e) Deletion of the notation "home office" at ground floor Unit 1.
 - f) Letterboxes for Units 2-10 located conveniently within the entry foyer; a letter box located for Unit 1 on the Jensen Road frontage. The external enclosure shown for letterboxes on the Hannah Street frontage may be utilised to located other services such as gas metres etc.in an organised an discreet manner (refer to Condition 1(g) of this Permit).
 - g) A single communal antenna for the development (refer also to Condition No.10 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - h) The Waste Management Plan dated April 2017 prepared by Keystone Alliance is to allow 80 litres of general waste storage for each dwelling and recyclable waste storage at a rate of 60 litres for each of the one bedroom dwellings and 80 litres for each of the two bedroom dwellings (refer to Condition No.11 of this Permit).
 - i) Full details of the timber screen fencing to the car park facing Hannah Street and the secluded private open space fence of Unit 1 facing Jensen Road. These fences are to be designed and detailed to blend in with the character of the development and constructed of high quality materials. The Unit 1 fence must have a height of 1.8 metres minimum and a maximum visual permeability of 25%.
 - j) A setback dimension between the proposed crossover and the existing power pole on the nature strip on Hannah Street in front of the site. This setback must be to the satisfaction of the relevant electricity authority, in accordance with Condition No. 22 of this Permit.
 - k) The pedestrian path from Unit 1 to the public footpath modified to achieve a maximum gradient of 1:14.
 - l) Deletion of the bicycle parking rails along the northern wall of the foyer. The two bicycle rails accommodating four bicycles adjacent to the lift wall must be installed in accordance with Australian Standard 2890.3:2015.

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- m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover to Hannah Street. Where within the subject site, any structures within these splays must be not more than 1.15 metres in height, including the structural columns; and vegetation within the splays must not be more than 900mm in height.
- n) A minimum head height clearance of 2.2 metres into the car parking area on site.
- o) The windows and balcony balustrades listed below provided with either:
- A sill with a minimum height of 1.7 metres above finished floor level;
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

To the North:

- Dwelling 2 Bedroom window
- Dwelling 3 Balcony balustrade
- Dwelling 3 Bedroom window
- Dwelling 4 Bedroom 2 window
- Dwelling 6 Balcony balustrade
- Dwelling 7 Bedroom window

To the West:

- Dwelling 2 North-facing kitchen window
- Dwelling 6 Bedroom window and balcony balustrade
- Dwelling 8 Balcony balustrade
- Dwelling 9 Bedroom window

To the South:

- Dwelling 2 Balcony balustrade

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

- p) The balcony depth of Unit 2 increased to 2 metres, without a reduction in the internal floor area of the dwelling.
- q) The location of all plant and equipment (including air gas metres, water metres, boosters, 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.
- r) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- s) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No.8 of this Permit).
- t) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

(3) This Permit will expire if either:

- The development does not start within three years from the date of this Permit; or
- The development is not completed within five 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 months after the expiry date; or
- Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.

(4) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.

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

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

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

- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before 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 plans/elevations and SDA report must specify:

- i) External fixed, horizontal shading devices to the north facing windows.
- ii) Adjustable shading devices to all east and west glazing associated with a habitable room.
- iii) Install solar hot water, heat pump hot water and/or solar photo voltaic panels for common area electricity.
- iv) Provide details on how 100% will be achieved on the Melbourne Water STORM tool.

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

- (9) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses (Northland Shopping Centre) and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to the non-residential use limits internal noise levels to a maximum of 35 dB(a) for bedrooms and 40dB(a) for living rooms in accordance with relevant Australian Standards for acoustic control.

- c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the ground floor car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties. An acoustic fence must be constructed along the northern and western boundaries of the car parking.

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

- (10) Only one communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (11) Waste storage and collection must be undertaken in accordance with the approved waste management plan prepared by Keystone Alliance dated April 2017 (as amended) 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. Waste collection must be undertaken by a private contractor.
- (12) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (13) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (14) 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.

- (15) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (16) The land must be drained to the satisfaction of the Responsible Authority.
- (17) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (18) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (19) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (20) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;

- c) Surfaced with an all weather sealcoat;
- d) Drained;
- e) Line-marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

- (21) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- (22) Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED

**5.9 APPLICATION FOR PLANNING PERMIT D/611/2016
21 Joffre Street Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Element Architects Pty Ltd	Ashish Khanna and Abhishek Khanna and Sarabdeep Khanna	Treecology Site matters Northern Environmental Design

SUMMARY

- It is proposed to construct a medium density development comprising three (3) double storey dwellings.
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts the quarrying of bricks or brick making operations, as well as the excavation, carrying away or removal of marl, stone, earth, clay, gravel, or sand from the land except for the excavation of foundations for any building. It is considered that the proposed development will not breach the terms of the covenant.
- The site is zoned General Residential Zone Schedule 2 (GRZ2).
- Five (5) objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

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

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

- *Natasha Placencio, on behalf of Applicant*

Committee Decision**MOVED: Cr. T McCarthy****SECONDED: Cr. S Amir**

That Planning Permit Application D/611/2016 be refused and a Notice of Refusal be issued on the following grounds:

- (1) The proposal does not comply with Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme and the Design Guidelines of the Darebin Neighbourhood Character Study Precinct.
- (2) The proposal does not comply with Standard B1 of Clause 55 of the Darebin Planning Scheme. The proposal does not respect the existing and preferred Neighbourhood Character.
- (3) The proposal does not comply with Standard B2 of Clause 55 of the Darebin Planning Scheme. The proposal is not in accordance with the Local Planning Policy Framework under the Darebin Planning Scheme.
- (4) The proposal does not comply with Standard B13 of Clause 55 of the Darebin Planning Scheme. The development does not comply with the garden and landscape character of the area and does not provide sufficient opportunity for the inclusion of substantial vegetation (canopy trees) within the side and rear setbacks of the site. The objective of the standard is not considered to be met
- (5) The proposal does not comply with Standard B28 of Clause 55 of the Darebin Planning Scheme. The secluded private open space provided for dwelling 3 does not meet the 40 square metre requirements.
- (6) The proposal does not comply with Standard B31 of Clause 55 of the Darebin Planning Scheme. The design detail does not respect the existing or preferred neighbourhood character.
- (7) The proposal does not comply with Clause 52.06 of the Darebin Planning Scheme. The dimensions of the garage for dwelling 1 are not compliant with the inclusion of the internal storage provision.
- (8) The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and Municipal Strategic Statement as contained in the Darebin Planning Scheme.
- (9) The proposal fails to comply with Clause 21.03-1 Strategic Housing Framework and the Darebin Housing Strategy in relation to strategic directions for development in areas identified for minimal change.

CARRIED

**5.10 APPLICATION FOR PLANNING PERMIT D/1014/2015
6 Roseberry Avenue, Preston**

Author: Statutory Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Murban Designs 2/7 John Street East Brunswick Vic 3057	Mei Yun Lin 57 Dennis Street Northcote Vic 3070	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising four double-storey dwellings. Units 1 and 4 have a direct frontage to Roseberry Avenue with Units 2 and 3 located to the rear of the site with pedestrian access from Roseberry Avenue and vehicle access from the rear right of way. All of the units have three bedrooms and two car parking spaces with at least one space within a garage. Vehicle access to Units 1 and 4 is provided via an existing and proposed crossover to Roseberry Avenue whilst vehicle access for Units 2 and 3 is via the right of way to the rear. All of the units have ground level secluded private open space with an areas of between 35.5 and 45 square metres.
- The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.
- Ten objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the environmentally Sustainable Design Officer, Capital Works, and Transport Management and Planning.
- The application was not required to be referred externally.

Committee Decision

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

That Planning Permit Application on D/1014/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Drawing Nos. 3 of 9, 4 of 9, 5 of 9 and 6 of 9, prepared by Murban Design and dated July 2016) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) The front porches to Units 1 and 4 reduced to a maximum height of 3.6 metres.
 - c) Any modifications as identified by the Arborist Report required by Condition No. 7 of this permit.
 - d) Tree Protection Zones as identified by the Arborist Report required by Condition No. 7 of this permit.
 - e) The location of all plant and equipment (including air conditioners, solar hot water panels and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - f) The provision of pedestrian visibility splays measuring 2 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossovers to Roseberry Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - g) The porch and entrance of Unit 2 relocated 1 metre to the west by reducing the size of the Unit 2 study. A 1 metre wide landscaping bed must be provided between the relocated porch and the bin storage area of Units 2 and 3.

This must be achieved without reducing any boundary setbacks.

The fence between Unit 1 and Unit 2 (associated with the secluded private open space of Unit 1) must be relocated to align with the relocated porch of Unit 2.
 - h) The porch and entrance of Unit 3 relocated 1 metre to the east by reducing the size of the Unit 3 study. A 1 metre wide landscaping bed must be provided between the relocated porch and the bin storage area of Units 2 and 3.

This must be achieved without reducing any boundary setbacks.

The fence between Unit 3 and Unit 4 (associated with the secluded private open space of Unit 4) must be relocated to align with the relocated porch of Unit 3.
 - i) The sill height of the ground floor east-facing kitchen windows of Unit 1 to be a minimum height of 1.7 metres above natural ground level.
 - j) The sill height of the ground floor west-facing kitchen windows of Unit 4 to be a minimum height of 1.7 metres above natural ground level.
 - k) The internal walls enclosing the studies of Unit 2 and Unit 3 deleted. This area must form part of the open plan kitchen/meals and living area to each of these dwellings.

- l) The following windows:
- Unit 1: Bedroom 3 north-facing window; and,
 - Unit 4: Bedroom 3 north-facing window.

These windows provided with either:

- A sill with a minimum height of 1.7 metres above finished floor level,
- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- (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 years from the date of this Permit; or
- The development is not completed within five 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 months after the expiry date; or
- Within 12 months after the expiry date if the request relates to the completion of the development or a stage of the development.

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

- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) Any tree protection measures required by Condition 1(c) and 1(d).
 - 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.
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- g) type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%.
- Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- h) hard paved surfaces at all entry points to dwellings.
- i) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- j) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- k) an outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- l) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- m) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- (6) No later than seven days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before the development starts, a report prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority.
- The report must assess all significant vegetation on adjoining properties which may be affected by the proposed works and provide recommendations which ensure the health and structure of any affected vegetation is protected.
- Any recommendations contained within the report relating to the protection of vegetation or modifications to the proposed works must be shown on any plans endorsed as part of this permit.
- The development must be constructed in accordance with the requirements/recommendations of the approved Arborist report to the satisfaction of the Responsible Authority.
- (9) Before buildings and works (including demolition) start, a tree protection fence must be erected around any tree identified by Condition No. 7 of this permit at a distance from the trunk, defined by the 'Tree Protection Zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The tree protection fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.
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No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

- (10) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than seven days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (11) 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.
- (12) 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.

- (13) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (14) The land must be drained to the satisfaction of the Responsible Authority.
- (15) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (16) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (17) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (18) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

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

- (19) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 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 sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

CARRIED

6. OTHER BUSINESS

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

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

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

Committee Decision

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

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

CARRIED

7. CLOSE OF MEETING

The meeting closed at 8.36pm.