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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 13 May 2019

Released to the public on Monday 20 May 2019

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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 13 MAY 2019**

THE MEETING OPENED AT 6.02pm

1. PRESENT

Councillors

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

Council Officers

Sue Wilkinson – Chief Executive Officer
Rachel Ollivier – General Manager City Sustainability and Strategy
Chris Lelliot – Principal Planner
Robert Phillips – Legal Counsel, Town Planning
Avi Maharaj – Coordinator Governance, Council Business and Civic Services
Karlee Ferrante – Council Business Officer
David Lee – Service Desk Support Officer

2. APOLOGIES

An apology was lodged for the absence of Cr. Tim Laurence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

The Chairperson, Mayor Rennie disclosed a conflict of interest in Item 8.1 – VCAT Decision Darebin RSL.

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

MOVED: Cr. T McCarthy
SECONDED: Cr. K Le Cerf

That the Minutes of the Planning Committee Meeting held on 15 April 2019 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/648/2018 345 Bell Street Preston

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ackka Investments Pty Ltd	A Ali	Cactus Architects Traffix Group Sustainable Development Consultants

SUMMARY

- The application proposes construction of a six (6) storey (plus basement and partially covered communal roof terrace) mixed use development, a reduction in the car parking requirement associated with 24 dwellings and 2 shops and alteration of access to a Road Zone-Category 1.
- The 24 dwellings provide the following accommodation:
 - 10 x 1 bedroom apartments
 - 14 x 2 bedroom apartments
- The dwellings have access to secluded private open space in the form of balconies, with additional communal private open space provided in the form of a roof terrace, which includes gardens, barbeque facilities and seating.
- The ground floor shops have floor areas of 58.5 square metres and 158 square metres.
- Vehicle access is provided to the site by the right of way (ROW) to the rear. 20 car parking spaces are proposed within a car stacker.
- 3 visitor/customer bicycle parking spaces and 24 bicycle parking spaces are provided for residents.
- The maximum height of the proposal is approximately 20 metres measured to the top of the parapet and approximately 22 metres to the top of the roof terrace.
- The site is zoned Priority Development Zone and is affected by the Development Contributions Plan Overlay which is no longer operating to collect funds.
- There is no restrictive covenant on the title for the subject land.
- Two (2) objections were received against this application. One (1) of the objections is a petition that includes five (5) additional signatories.
- The proposal is generally consistent with the objectives and standards of the Preston Central Incorporated Plan (PCIP) and Clause 58 of the Darebin Planning Scheme (the Scheme).

- Previous application D/566/2016 for a six (6) storey building (plus basement and roof terrace) with 30 dwellings, two (2) retail units and reduction in the car parking requirement was not supported by Council. Council's decision was affirmed by the Victorian Civil and Administrative Tribunal (the Tribunal) in its order dated 27 March 2018.
- It is recommended that the application be supported and a Notice of Decision to Grant a Permit subject to Condition be issued.

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 City Works Unit, ESD Officer, Infrastructure and Capital Delivery Unit and Transport Engineering and Strategy Unit.
- This application was referred externally to VicRoads.

The following persons verbally addressed the meeting and were thanked for their presentations by the Chairperson, Mayor Rennie:

- *Peter Gray, Applicant*
- *Aneta Pobkalicka, Objector*

Committee Decision

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

That Planning Permit Application D/648/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers TP11, TP12, TP13, TP14, TP15, TP16, TP17, TP20, TP21, TP22 and TP30, Revision B, prepared by Cactus Architects and dated 21.01.2019) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 8 of this Permit).
 - b) Any modifications and notations in accordance with recommendations set out in the Acoustic Report (Refer to Condition No. 9 of this Permit).
 - c) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 7 of this Permit).
 - d) Car parking allocation notations in accordance with Condition No. 21 of this Permit.
 - e) Bicycle parking designed and dimensioned in accordance with the requirements at Clause 52.034-6 of the Darebin Planning Scheme.
 - f) Stall risers to both shopfronts.
 - g) A pedestrian awning above the footpath to Bell Street extending the width of the façade with a minimum clearance of 3 metres above the footpath and with a minimum setback of 750mm from the kerb.

- h) Removal of the permeable paving to the vehicle accessway.
- i) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
- j) A single communal antenna for the building. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- k) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- l) The ground floor retail units labelled as shops.
- m) Screens or walls to a minimum height of 1.7 metres above finished floor level between all adjoining balconies within the development.
- n) A minimum of 8.46 cubic meters and 14.84 cubic metres of internal storage shown for each of the 1 and 2 bedroom dwellings respectively.

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) The land must be drained to the satisfaction of the Responsible Authority.
- (5) 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.
- (6) At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
- (7) Before the development starts, a revised waste management plan, generally in accordance with the document identified as Waste Management Plan, prepared by

Sustainable Development Consultants and dated January 2018, demonstrating the operation of the garbage and recyclables storage area must be submitted to and approved in writing by the Responsible Authority. The document is to be amended as follows:

- a) Recycling is to be collected weekly.
- b) Bins are not to be stored in the right of way for collection. Bins are to be taken out by the building manager or waste collection company at or near the time of collection.

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

- (8) Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainability Management Plan, prepared by Sustainable Development Consultants and dated January 2019 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:

- a) Further detail of how the roof will flow to the water tank, including flood prevention.
- b) Further detail of how the site drains to the legal point of discharge.
- c) STORM – further detail of how the water tank will provide water for flushing of all toilets.

The development must be constructed in accordance with the requirements/recommendations of the SMP 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 and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses, the train line and road traffic do not impact adversely on the amenity of the dwellings.
- b) Dwellings are to be designed to achieve the following noise levels:
 - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

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

- c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car stacker) 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.

- (10) 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) Any modifications as required at Condition No. 1 of this Permit.
 - b) Modifications in accordance with the SMP relating to landscape, water sensitive urban design or urban ecology, in accordance with Condition No. 8 of this permit.
 - 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) 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 and structures including softscape and hardscape elements (pavers, brick, asphalt and concrete). Materials and construction methods must be provided (including cross sections where appropriate).
 - 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.
 - j) Landscape Specification Notes including general establishment and maintenance requirements.
- (11) 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.
- (12) 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.
- (13) Before the development is occupied an automatic system of external lighting must be installed on the land to the satisfaction of the Responsible Authority. The lighting system must operate automatically between dusk and dawn and 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) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (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) The plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- (18) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (19) 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; and

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) The car stacker must be constructed, maintained and managed in good working order to the satisfaction of the Responsible Authority.
- (21) Before the development is occupied a minimum of 20 car parking spaces, must be provided on the land to the satisfaction of the Responsible Authority. The car parking spaces are to be allocated in the following manner:
- a) 1 bedroom dwellings: 0.6 spaces to each one (1) bedroom dwelling; and
 - b) 2 bedroom dwellings: One (1) car parking space to each dwelling.
- (22) 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.
- (23) Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
- (24) Before the development is occupied, streetscape improvement works in the Bell Street road reserve adjacent to the subject site must be carried out by the developer at cost to the developer. The streetscape improvements are to be generally in accordance with the *Preston Central Structure Plan – September 2006 (version 2)* and the *Green Streets Strategy 2013*.

Prior to the commencement of streetscape improvement works, a Streetscape Improvement Agreement must be submitted and approved in writing by the Responsible Authority and VicRoads. The details of the Streetscape Improvement Agreement must include:

- a) A description of any works to be carried out, and of the land on which the works are to be carried out.
- b) A description of streetscape assets to be transferred on completion of works.

- c) The due date by which the agreement or any stage of the agreement is to be performed.
- d) The agreed value of any assets to be transferred and/or works to be carried out.
- e) The method of calculating the value of works if they are only partly carried out.
- f) Dispute resolution procedures.
- g) Any other appropriate matters.
- h) A Streetscape Improvement Plan, where appropriate.

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

**5.2 APPLICATION FOR PLANNING PERMIT
192 Edwardes Street Reservoir**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Planning and Design 31 Enfield Avenue PRESTON VIC 3070	George & Helen Grammatoglu 192 Edwardes Street RESERVOIR 3073	n/a

SUMMARY

It is recommended that the application be supported subject to the included conditions:

- Development of nine (9) attached double storey dwellings.
- All dwellings provide a similar layout comprising two (2) bedrooms with first floor living spaces and balconies overlooking Best Street or Edwardes Street.
- One (1) car parking space is provided to each dwelling.
- No visitor car parking is provided. This represents a reduction of one (1) space.
- The site is zoned Residential Growth Zone (Schedule 4) and is affected by the Design and Development Overlay (Schedule 18). The Zone allows for a maximum building height of four (4) storeys (13.5 metres).
- The two storey development is considered acceptable given the site context, as the neighbouring lots are unlikely to be consolidated given they are already development for medium density housing.
- Garden Area requirements do not apply within the Residential Growth Zone.
- There is no restrictive covenant on the title for the subject land.
- Twelve objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 43.02 and 55 of the Darebin Planning Scheme.

CONSULTATION:

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

The following persons verbally addressed the meeting and were thanked for their presentations by the Chairperson, Mayor Rennie:

- *Nick Crawford, Applicant*
- *Luisa Cacciotti on behalf of Luisa and Antonio Cacciotti, Objector*

Committee Decision

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

That Planning Permit Application D/832/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP01, TP02 and TP03, dated 30.10.2018 and prepared by Planning & Design) but modified to show:
 - a) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
 - b) A landscape plan in accordance with Condition No. 5 of this Permit.
 - c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.
 - d) Replace smooth render finish (SR1) to the framing elements of the balconies serving dwellings 1, 2, 3, 6 and 7 with zinc cladding (ZC) - single lock standing seam vertical and finished in white.
 - e) Replace smooth render finish (SR2) with zinc cladding (ZC) - single lock standing seam vertical (finished in the same grey colour as shown on plan).
 - f) Remove the render finish (SR1) to the roof and apply the zinc (ZC) roofing material to the entire roof.
 - g) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - h) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - i) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
 - j) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows. Casement, sliding, sash and or louver windows must be provided to maximise ventilation.

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

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

Permit; or

- The development is not completed within five (5) years of the date of this Permit.

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

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

- (4) Before the development starts, a 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.

- (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).
 - 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 (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (9) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (11) 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 plans 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 crossings must be constructed to align with approved driveway to the satisfaction of the Responsible Authority. The redundant crossing to Best Street 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.

CARRIED

**5.3 APPLICATION FOR PLANNING PERMIT
479 ST GEORGES ROAD THORNBURY**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Velcotron Pty Ltd	Velcotron Pty Ltd	Urbis Pty Ltd (Planning) Arkham (Architecture) LID Consulting (Waste/SDA) Apex Engineers (Traffic)

SUMMARY

- It is recommended that the application be supported. The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme, subject to conditions.
- The application proposes a five storey mixed use development comprising office space at ground floor and six dwellings at the upper levels as follows:
 - Office: 65 square metres
 - Unit 1 (First Floor): three-bedroom dwelling
 - Unit 2 (First Floor): two bedroom dwelling
 - Unit 3 (Second Floor): three bedroom dwelling
 - Unit 4 (Second Floor): two bedroom dwelling
 - Unit 5 (Third Floor): three bedroom dwelling
 - Unit 6 (Fourth Floor): two bedroom dwelling
- Car parking is to be provided in the form of mechanical stackers at the rear of the site, providing eight (8) spaces. These are proposed to be allocated to the dwellings.
- A car parking reduction of one (1) space is sought for the Office and one (1) space is sought for one of the three-bedroom dwellings.
- The ground floor will accommodate office space and a residential entry foyer at the St Georges Road frontage of the building, with waste storage, mechanical stackers, storage units and bicycle parking at the rear of the building. The Ground Floor is split level with a 0.6 metre difference between the front and rear sections of the floor.
- To enable vehicle manoeuvrability the laneway will be widened by 2.0 metres at the rear of the site via a set back of the western Ground Floor wall.
- The development will have a contemporary design and comprises the use of horizontal textured concrete, composite panel cladding, painted concrete, perforated metal screens and aluminium window frames.
- The building will have a maximum overall height of 16.6 metres and 17.265 metres to rooftop plant and equipment.
- 12 objections were received against this application.

- The site is zoned Commercial 1 Zone and is affected by the Design and Development Overlay Schedule 16 and the Development Contributions Plan Overlay Schedule 1 (expired).
- The Certificate of Title indicates that a restrictive covenant applies to the land. The covenant restricts the use of the land for quarrying, brickmaking operations or digging and carrying away or removal of any marlstone earth gravel or sand from the land. It is considered that the proposed development will not breach the intended terms of the covenant.

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 Transport Engineering and Strategy Unit, Infrastructure and Capital Delivery Unit, Public Places and ESD Officer.
- This application was not required to be referred to external authorities.

The following persons verbally addressed the meeting and were thanked for their presentations by the Chairperson, Mayor Rennie:

- *Emily Dixon, Applicant*
- *Les Eastman (on behalf of Penny Katsoulakis), Objector.*

Cr Messina briefly left the meeting at 6.58pm and returned at 6.59pm.

Committee Decision

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

That Planning Permit Application D/360/2018 be supported and a Notice of Decision to Grant a Permit be issued for the construction of a five-storey mixed use development comprising an office and six (6) dwellings; a reduction in the car parking requirement, subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Drawings AO3 Site/Ground Plan, AO4 Plans Sheet 1 of 2, AO5 Plans Sheet 2 of 2, AO6 Detailed Plans Sheet 1 of 2, AO7 Detailed Plans Sheet 2 of 2, AO8 Elevations/Sections, AO9 Sections/Streetscape Diagram, Revision A dated 19/11/2018 and received by Council on 22/11/20018) but modified to show:
 - a) In place of fixed obscure glazing, all north, east and west facing habitable room windows with outlook into the northern light court provided with fixed external screens to a height of 1.7 metres above finished floor level, with a maximum visual permeability of 25%; and the west facing window of Bedroom 1 of Unit A2 and the western window of the living area of Unit 4 provided with external screens comprising fixed louvers to a height of 1.7 metres above finished floor level, angled to ensure there is no overlooking, in accordance with Clause 55.04-6 of the Darebin Planning Scheme

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- b) Deletion of screening measures to Bedroom 2 and 3 of Unit A5 and Bedroom 2 of Unit A6.
 - c) Details of the visual permeability of the 1.7 metre high screens to the western balcony areas of Unit A2 and Unit A4. Visual permeability must be no greater than 25%.
 - d) To improve natural ventilation, all awning type openable windows shown to habitable rooms replaced with either sliding, double hung or casement type windows.
 - e) To improve natural daylight and energy efficiency of the development, the provision of floor to ceiling glass blocks in place of a solid wall to the western wall of the common staircase adjoining the southern light court.
 - f) The 1:3 ramp shown to the west side of the lift/stair lobby and the double doors opening into the ramp deleted. In place of the ramp, the provision of stairs with a bicycle wheeling channel to the side of the stairs is to be provided.
 - g) The canopy extension over the footpath with a 0.75 metre setback from the kerb edge on St Georges Road, and with a minimum head height clearance of 3 metres above the level of the footpath.
 - h) All roof plant and all other plant and equipment shown, located and screened to be minimally visible from adjacent properties and the public realm. Solar hot water tanks are to be flush mounted on the roof / not elevated on stands. Screening of plant and equipment is not to affect the operation of any solar panels.
 - i) A high quality textured finish (other than paint) such as textured or embossed concrete to the section of the wall constructed on the eastern side of the southern boundary, visible above parapet of the building on 477 St Georges Road.
 - j) The walls to the north side of the east-facing balconies of Units A1, A3 and A5 with a minimum height of 1.7 metres above finished floor level.
 - k) The specification of ground mounted U-racks capable of accommodating seven (7) bicycles in place of the Cora Expo 7510 bicycle parking rails at Ground Floor. The bicycle parking facilities/space must be fully dimensioned and detailed in accordance with Australian Standard AS 2890.3 2015 Parking facilities Part 3: Bicycle parking facilities, in accordance with Condition No.14 of this Permit.
 - l) Provision of dimensions confirming that 50% of the dwellings (Accessible Dwellings) have a main bedroom door opening of at least 850mm in accordance with Clause 58.05-1 of the Darebin Planning Scheme.
 - m) Provision of dimensions demonstrating that 50% of the dwellings (Accessible Dwellings) have accessible bathrooms in accordance with Table D4 of Clause 58.05-1 of the Darebin Planning Scheme. Dimensions of the circulation areas within the bathrooms and the bathroom doorway widths must be specified.
 - n) To improve daylight outcomes, the provision of an operable skylight over the lift lobby area in front of the entrance of Unit A6.
 - o) With reference to Drawings AO6 and AO7 Revision A dated 19.11.2018, correction made to the internal dimensions of the dwellings as follows:
 - Type D Apartment (Unit A5) – Bedroom 1, east-west dimension corrected.
 - Type B Apartment (Unit A2) – Bedroom 1, correction required to east-west dimension and north-south dimension to be made consistent with the dimension line.
 - Type C Apartment (Unit A4) – east-west dimension corrected.
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- p) A single communal antenna for the development (refer also to Condition No. 11 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.
- q) The provision of a Car Stacker Management Plan, in accordance with Condition No. 14 of this Permit.
- r) A landscape plan in accordance with Condition No. 4 and No.12 of this Permit.
- s) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 7 of this Permit).
- t) Modifications and specifications in accordance with the Acoustic Report (refer to Condition No. 8 of this Permit).
- u) A comprehensive schedule of construction materials, external finishes and colours (including colour samples). The schedule must specify non-reflective roofing material.

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) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants within planter beds shown.
 - b) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - c) Details of irrigation
 - d) Provision of a maintenance and landscape management plan, in accordance with Condition No.12 of this Permit
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking
 - f) Hard paved surfaces at all entry points to dwellings
 - g) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc

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- h) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds)
 - i) 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
 - j) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers
 - k) 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, a revised *Sustainable Design Assessment (SDA)* generally in accordance the document identified as *Sustainable Design Assessment prepared by lid Consulting dated 20/04/2018* detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document and associated development plans are to be amended as follows:
- a) Provide adjustable and externally installed sun-shading devices that can fully screen east and west facing windows/glazed doors during the summer.
 - b) Publish the BESS Report
 - c) BESS Water: Remove the star rating of the washing machine.
 - d) BESS: Revise connecting the water tank to irrigation as there is insufficient planting proposed.
 - e) BESS Water: Provide revised assessment of the use the 5000 litre water tank
 - f) BESS Energy: Provide legible copy of Page 7 of 22 of the Report.
 - g) BESS Energy: Install solar PV panels for common area electricity.
 - h) BESS Transport: The number of bicycle parking facilities to be consistent with the development plans.
 - i) BESS Urban Ecology: Draw the floor wastes on each balcony.
 - j) BESS Innovation: Remove from the BESS tool and resubmit.

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

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

- (8) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of tram lines and road traffic do not impact adversely on the amenity of the dwellings.
 - b) Dwellings are to be designed to achieve the following noise levels:
 - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

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

- c) Noise emissions from the development (including the operation of plant & lifts, the operation of the mechanical stacker system, the operation of the roller door to the car park, the use of the car park and the transmission of noise between dwellings) 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.

- (9) Prior to the occupation of the development:
- a) Plans detailing the construction and surfacing of damaged and unmade sections of the Right of Way, including drainage of the right of way, abutting the western boundary of the property, commencing from the northern end of the property and continuing south to Harold Street must be submitted to and approved by Council.
 - b) The right of way abutting the western boundary of the property, commencing from the northern end of the property and continuing south to Harold Street must be repaired, constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of the responsible authority, and at the full cost of the owner/developer.

- (10) Waste storage and collection must be undertaken by a private contractor in accordance with the approved management plan identified as Waste Management Plan prepared by lid Consulting dated 30/04/2018 (amended 13/09/2018) 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 bins must not be left on Harold Street for collection or remain on Harold Street after the waste is collected.

- (11) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.

- (12) Before the development starts, a Landscape Management Plan detailing the proposed *balcony landscape* must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. The Landscape Management Plan must be prepared by a suitably qualified person and must incorporate:

- a) Site analysis details such as:
 - i. Climatic factors (wind, rainfall, solar radiation and air temperature)

- ii. Local environment
- b) Green wall (as relevant) establishment details such as:
 - iii. Weight loading
 - iv. Access
 - v. Construction layers including sectional diagrams
 - vi. Support structures
 - vii. Waterproofing
 - viii. Irrigation and plant nutrition
 - ix. Vegetation
 - x. lighting
- c) A maintenance planning schedule including:
 - xi. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - xii. access requirements/ agreements.
 - xiii. irrigation and plant nutrition

(13) 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;
- 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 the 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.

- (14) Before the *development is occupied*, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority. The seven bicycle parking spaces on the site must be allocated as follows:
- i. One space for each dwelling (six spaces)
 - ii. One space for the office

- (15) Before the development commences, a Car Stacker Management Plan covering matters of access and safety (e.g. access to controls, access to stacking mechanism and queuing of cars); residential amenity (including noise and vibration); location of subject premises (including the ambient noise environment and suitability of location); and maintenance of car stackers (including by whom, to what standard and how enforced), etc. must be prepared to the satisfaction of the Responsible Authority. When approved the Car Stacker Management Plan will be endorsed and will then form part of this permit.

The car stacker(s) must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Stacker Management Plan to the satisfaction of the Responsible Authority.

- (16) 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.
- (17) 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.
- (18) 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.
- (19) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
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- (20) The land must be drained to the satisfaction of the Responsible Authority.
- (21) 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.
- (22) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (23) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (24) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - 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.
- (25) Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

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

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

CARRIED

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

Committee Decision

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

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

CARRIED

7. URGENT BUSINESS

Nil

8. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

The Chairperson, Mayor Rennie declared a conflict of interest in the following item, classifying the type of interest as an indirect interest due to a conflicting duty as a result of her employment at the Victorian Local Governance Association (VLGA).

Mayor Rennie left the meeting at 7.04pm.

Cr. Newton assumed the Chair as Deputy Mayor.

CLOSE OF MEETING

Committee Decision

MOVED: Cr. K Le Cerf
SECONDED: Cr. S Amir

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

CARRIED

The meeting was closed to the public at 7.04pm.

ADJOURNMENT OF MEETING

Committee Decision

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

That the meeting be adjourned at 7.25pm, to be reconvened at 8.00pm.

CARRIED

The meeting recommenced at 8.00pm.

8.1 VCAT DECISION DAREBIN RSL**Committee Decision**

MOVED: Cr. T McCarthy
SECONDED: Cr. K Le Cerf

That Council:

- (1) Notes the decision of VCAT to issue a planning permit for the Darebin RSL (Sub Branch) to include an additional 15 electronic gaming machines and express Council's strong opposition and disappointment in this decision.
- (2) Instructs its Lawyers to lodge a statement of grounds for an appeal to the Supreme Court in relation to legal errors contained in the VCAT decision of 23 April 2019 for the Darebin RSL (Sub Branch) planning application D/924/2017.
- (3) Records this resolution in the public minutes and maintains the report as confidential.

CARRIED

RE-OPENING OF MEETING**Committee Decision**

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

That the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to the members of the public at 8.34pm.

Mayor Rennie returned to the meeting and resumed the Chair at 8.34pm.

9. CLOSE OF MEETING

The meeting closed at 8.35pm.