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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 12 March 2019

Released to the public on Friday 15 March 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 TUESDAY 12 MARCH 2019

THE MEETING OPENED AT 6.01PM

1. WELCOME

THE CHAIRPERSON, MAYOR RENNIE OPENED THE MEETING WITH THE FOLLOWING STATEMENT:

“NGARRGMA WURUNDJERI KULIN MIRAMBEEKAL BIK WENEROP DAREBIN BAGUNGBUL ARWEET DHARRO BA GANGOOKAL NANGGIT BAMBUTH BA YALINGBU.

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.”

2. PRESENT

Councillors

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton (Deputy Mayor)

Council Officers

Sue Wilkinson - Chief Executive Officer

Rachel Ollivier - General Manager City Sustainability and Strategy

Darren Rudd - Manager City Development

Peter Rollis – Coordinator Statutory Planning

Avi Maharaj - Coordinator Governance, Council Business and Civic Services

Karlee Ferrante - Council Business Officer

Nirmal Koroth - Service Desk Support Officer

2. APOLOGIES

Cr. Williams is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Committee Decision

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

That the Minutes of the Planning Committee Meeting held on 17 December 2019 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

**5.1 PLANNING COMMITTEE REPORT
58 Johnson Street Thornbury D/375/2018**

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Kidis Design	Kav Nominees Pty Ltd	Kidis Design TTM Consulting Pty Ltd NRG efficient homes Justin Hutchison Landscape Design

SUMMARY

- The proposal is for a medium density housing development comprising the construction of four (4) double storey dwellings, with three (3) of these dwellings having roof terraces.
- The dwellings are all two (2) bedroom dwellings, with bedrooms located on ground floors and living spaces to the first floors.
- Unit 1 is provided with private open space in the form of a balcony, a front garden and a ground floor service yard. Units 2-4 are provided with private open space in the form of balconies, roof terraces and ground floor service yards.
- The maximum height of the proposal is 9.4 metres measured to the ridge of the roof over the terrace access stairs.
- Each dwelling includes a single garage with vehicle access proposed by way of an existing right of way (ROW). The ROW is constructed and maintained and is on Council’s road register.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The mandatory garden area requirement is 25%. The proposal achieves a garden area of 27%.
- There is no restrictive covenant on the title for the subject land.
- 12 objections and one (1) letter of support were received.
- The proposal is generally consistent with the objectives and standards of Clause 55 and the Strategic Housing Framework Plan at Clause 21.03 of the Darebin Planning Scheme (the 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 Infrastructure and Capital Delivery, Arboricultural Planning, Public Places, Property Management and Transport Engineering and Strategy Units and Council's ESD officer.

- This application was not required to be referred to external authorities.

The following person verbally addressed the meeting and was thanked for his presentation by the Chairperson, Mayor Rennie:

- *Alex Tsakmakidis, Applicant*

Recommendation

That Planning Permit Application D/375/2018 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 P06, P07 and P08, Revision C, prepared by DGD and dated 7 November 2018) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 7 of this Permit.
 - c) The height of the southern boundary fence increased to a minimum of 1.8 metres, except within 6.44 metres of the front (western) boundary of the site.
 - d) 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.
 - e) 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.
 - f) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
 - g) Any modifications in accordance with the Sustainable Design Assessment (SDA) (Refer to Condition No. 8 of this Permit).
 - h) Modifications in accordance with the Waste Management Plan (WMP) (Refer to Condition No. 9 of this Permit).
 - i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - j) A dimensioned elevation of the 900mm high front fence.
 - k) The north facing, bedroom 1 windows of Units 2, 3 and 4 to be notated as being fitted with double glazing.

- l) The first floor south facing dining/sitting room windows of Units 3 and 4 provided with sill heights a minimum of 1.7 metres above finished floor level.

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) At least two (2) medium canopy tree in the front setback and additional canopy trees in each secluded private open space.
 - b) Vegetation screening along the southern boundary to be planted in semi-mature sizes and reach 5m+ height at time of maturity.
 - c) Any modifications as required at Condition 1 of this Permit.
 - d) Tree Protection measures in accordance with condition No. 7 of this Permit.
 - e) SDA Modifications related to the landscape, WSUD or urban ecology, in accordance with Condition No. 8 of this Permit.
 - f) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
 - g) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - h) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - i) 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).
 - j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed

and decking.

- k) 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.
 - l) Hard paved surfaces at all entry points to dwellings.
 - m) Constructed items such as letter boxes, garbage bins, lighting, clotheslines, tanks, storage and bike racks must be located with storage capacity shown where appropriate.
 - n) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - o) 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.
 - p) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - q) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - r) Landscape Specification Notes including general establishment and maintenance requirements.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1 – Council naturestrip tree (lophostemon confertus)	4.6 metres
<i>Tree 2 – located within the adjoining property to the north</i>	3.0 metres
Tree 3 – located within the adjoining property to the south	2.0 metres

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

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

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

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

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

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

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

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

8. Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance with the document identified as Sustainable Design Assessment, prepared by NRG efficient homes and dated 18 September 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 is to be amended as follows:

- a) Details of sun shading to north and west facing glazing.
- b) A roof plan illustrating the proposed catchment area for rain water tanks.
- c) Details in accordance with the waste management plan (refer to Condition No. 9 of this Permit).
- d) Details of external clothes drying.
- e) Revised STORM Assessment and BESS Assessment.

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

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard, paper, plastic and metals recycling or comingled waste, general waste, hard rubbish and organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles, location of on-site bin storage, location of bins for collection and any other relevant matter.

If council waste services are proposed to be utilised, a plan is to be submitted illustrating the following:

- a) The length and width of the footpath/ nature strip directly abutting the site boundary.

- b) The location of any available on-street car parking, loading zones and/ or bus stops.
- c) The location of all street furniture, light/ electricity poles, driveways, street trees, bus shelters or similar obstructions.
- d) The location of the bins, with a minimum gap of 300mm between bins and other obstructions.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

Waste storage and collection must be undertaken in accordance with the approved waste 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.

- 10. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
- 11. 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) 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.

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

NOTATIONS

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

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

Motion

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

That the ‘Recommendation’ (to approve the Planning Permit Application subject to conditions) be adopted.

A VOTE ON THE MOTION WAS TIED

THE COMMITTEE CHAIRPERSON, MAYOR RENNIE EXERCISED HER CASTING VOTE AGAINST THE MOTION

THE MOTION WAS THEREFORE LOST.

AJOURNMENT – 6.30pm

The Chairperson, Mayor Rennie, adjourned the meeting for 5 minutes.

The meeting recommenced at 6.35pm.

Alternate Motion

MOVED: Cr. T Laurence

SECONDED: Cr. K Le Cerf

That Planning Permit Application D/375/2018 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal does not comply with Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme or the Darebin Neighbourhood Character Study in terms of vegetation, siting and height and building form.
2. The proposal does not comply with the following standards and/or objectives at Clause 55 of the Darebin Planning Scheme as follows:
 - a) Clause 55.02-1 (Neighbourhood Character) – the proposal does not respect the existing or preferred neighbourhood character of the area.
 - b) Clause 55.03-1 (Street Setback) – the proposed street setback does not comply with Standard B6.
 - c) Clause 55.04-1 (Side and Rear Setbacks) – the proposed northern side setbacks and eastern (rear) setbacks do not comply with Standard B17.
 - d) Clause 55.04-2 (Walls on Boundaries) – the proposed walls on the northern and eastern (rear) setback do not comply with Standard B18.
3. The proposal is an overdevelopment of the site.

Cr. Greco proposed to the mover and seconder that an additional point 4. be included as follows:

4. The proposal does not provide for an adequate mix of housing on the site.

This was not accepted by the seconder.

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

Committee Decision

MOVED: Cr. T Laurence

SECONDED: Cr. K Le Cerf

That Planning Permit Application D/375/2018 be refused and a Notice of Refusal be issued subject to the following conditions:

1. The proposal does not comply with Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme or the Darebin Neighbourhood Character Study in terms of vegetation, siting, height and building form.

2. The proposal does not comply with the following standards and/or objectives at Clause 55 of the Darebin Planning Scheme as follows:
 - a) Clause 55.02-1 (Neighbourhood Character) – the proposal does not respect the existing or preferred neighbourhood character of the area.
 - b) Clause 55.03-1 (Street Setback) – the proposed street setback does not comply with Standard B6.
 - c) Clause 55.04-1 (Side and Rear Setbacks) – the proposed northern side setbacks and eastern (rear) setbacks do not comply with Standard B17.
 - d) Clause 55.04-2 (Walls on Boundaries) – the proposed walls on the northern and eastern (rear) setback do not comply with Standard B18.
3. The proposal is an overdevelopment of the site.

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. K Le Cerf
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

Nil

10. CLOSE OF MEETING

The meeting closed at 6.44pm.