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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Tuesday 14 June 2016

Released to the public on Friday 16 June 2016

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**MINUTES OF THE MEETING OF THE PLANNING
COMMITTEE OF DAREBIN CITY COUNCIL HELD AT
DAREBIN CIVIC CENTRE ON DAY MONTH YEAR**

THE MEETING COMMENCED 7 PM

1. PRESENT

Councillors

Cr Vince Fontana (Mayor) (Chairperson)

Cr Gaetano Greco

Cr Bo Li

Cr Trent McCarthy

Cr Angela Villella

Cr Oliver Walsh

Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive

Steve Hamilton – Director Assets and Business Services

Joanna Cuscaden – Coordinator Statutory Planning

Cristen Sullivan – Coordinator Statutory Planning

Jody Brodribb – Council Business and Governance Officer

Jolyon Boyle – Principal Planner

2. APOLOGIES

Apologies were lodged for the absences of Cr. Laurence and Cr. Tsitas

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Committee Decision

MOVED: Cr. T. McCarthy
SECONDED: Cr. G. Greco

THAT the Minutes of the Planning Committee meeting held on Day Month Year be confirmed as a correct record of business transacted.

CARRIED

SUSPENSION OF STANDING ORDERS

Committee Decision

MOVED: Cr. A. Villella
SECONDED: Cr. T. McCarthy

THAT Standing Orders be suspended to allow for a minutes silence in honour of victims of Orlando shooting.

CARRIED

A minutes silence was held in honour of the victims of the Orlando shooting.

RESUMPTION OF STANDING ORDERS

Committee Decision

MOVED: Cr. G. Greco
SECONDED: Cr. T. McCarthy

THAT Standing Orders be resumed.

CARRIED

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/980/2015
 160-162 Victoria Road, Northcote

AUTHOR: Principal Planner– John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
McWay Developments	Cameron John Leigh	Acorn Planning LAW Architects Peyton Waite Traffix Group Galbraith and Associates

SUMMARY:

- To use and develop the land for a double storey Child Care Centre providing for 93 children plus a basement level car park for 16 vehicles.
- Vehicle access to the site is to be gained via a proposed double crossover on Victoria Road.
- The building is to have a maximum overall height of 10 metres to the ridge of the roof, with a maximum wall height of 7 metres.
- The proposed hours of operation are 7am-7pm Monday to Friday.
- Two (2) internally illuminated business identification advertising signs are proposed. The signs are circular in shape with one (1) located on each of the northern and western elevations of the boundary fences. The signs will each have a diameter of 1.4 metres and an area of 1.5 square metres.
- The child care centre will provide employment for upwards of eight (8) childcare workers depending upon the required child to worker ratio under the national Quality Framework.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Five (5) objections were received against this application.
- The proposal is generally consistent with relevant policy contained 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 Transport Management and Planning Unit, Darebin Parks, ESD Officer, Waste Services Unit, Capital Works Unit and Health Services Unit.
- This application was referred externally to Melbourne Water.

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

- *Kimon Thermos, Objector*

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That Planning Permit Application D/980/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Proposed Basement Floor Plan TP03-A dated 11.11.2015, Proposed Ground Floor Plan TP04-B, Proposed First Floor Plan TP05-B, Proposed Roof Plan TP06-B and Proposed Elevations TP07-B and TP08-B, dated 19.01.2016 and prepared by Law Architects Pty Ltd) but modified to show:
 - a) The eastern wall of Activity Room 02 drawn correctly on the floor plans.
 - b) A sign directing drivers to the area(s) set aside for car parking. The sign is to be located to the Victoria Road frontage of the property and the area of the sign must not exceed 0.3 square metres.
 - c) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed driveway/crossover. Where within the subject site, any structures (including fences) or vegetation within these splays must be not more than 1.15 metres in height.
 - d) The crossover width reduced to 5.5 metres at the property boundary.
 - e) The location of the garage door to the basement car park (if proposed). The garage door must be located to provide a queue length in accordance with Australian Standard AS2890.1:2004. The applicant is also to demonstrate how parents will access the basement if a garage door is proposed to the satisfaction of the responsible authority.
 - f) The aisle extension adjacent to car space 7 is to be increased to 1 metre in accordance with Australian Standard AS2890.1:2004. Alternatively, a swept path assessment is to be provided demonstrating that a B85th percentile vehicle can enter and exit this space. The assessment is to be completed in accordance with the requirements of Australian Standard AS2890.1:2004 and to the satisfaction of the responsible authority.

-
- g) A bollard is to be located within the shared space in accordance with Australian Standard AS2890.6-2009.
 - h) A cross-section is to be provided which demonstrates sufficient vehicle height clearance above the ramp into the basement level in accordance with Figure 5.3 of Australian Standard AS2890.1:2004.
 - i) A landscape plan in accordance with Condition No.8 of this Permit.
 - j) Removal of all notations that reference the removal of the adjacent street tree (Tree 1) to Victoria Road.
 - k) The location of the adjacent street tree (Tree 1) to Victoria Road.
 - l) Annotations detailing Tree Protection Zones and associated Tree Protection Fences with radii of 2.0 metres and 7.7 metres (measured from the outside edge of the trunk) for Tree 1 - *Lophostemon confertus* located in the naturestrip and Tree 2- *Eucalyptus nicholii* (Narrow-leafed Peppermint Gum) located at 162 Victoria Road respectively in accordance with the requirements of Condition No. 11 of this Permit.

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

- m) Any modifications in accordance with the revised Waste Management Plan (WMP) (Refer to Condition No. 7 of this Permit).
- n) Any modifications in accordance with the Sustainable Design Assessment (SDA) (Refer to Condition No. 12 of this Permit).
- o) External operable shading devices (excluding roller shutters) to all west facing windows/ glazed doors. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
- p) Window operation for all windows is to be notated on the plans. Awning windows are to be avoided wherever possible.
- q) Solar panels are to be re-located onto the north facing roof of the building.
- r) Three (3) additional bicycle parking spaces (for a total of five (5) bicycle parking spaces) are to be shown in the basement and/ or the ground floor of the development. The bicycle parking spaces are to be designed and located in accordance with Clause 52.34-4 of the Darebin Planning Scheme.
- s) Fixed external sun shading devices to all north facing windows. The shading is to extend out from the window at least the distance given below:
 - i) 450mm where window height is 900–1,200mm.
 - ii) 600mm for a window height of 1,200–1,350mm.
 - iii) 900mm for a window height of 1,350–2,100mm.
 - iv) 1000mm for a window height of 2,100–2,700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.

- t) Any modifications in accordance with an Acoustic Assessment (refer to Condition No. 13 of this Permit).
- u) Acoustic fences to the southern and eastern property boundaries in accordance with the Acoustic Assessment (refer to Condition No. 13 of this Permit).
- v) The first floor south facing window of Activity Room 04 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.
- 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.

- w) 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.

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

2. This Permit will expire if either:

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

3. The number of children on the premises at any one time must not exceed 93.
4. The use may operate only between the hours of 7:00 am - 7:00 pm Monday to Friday.
5. The amenity of the area must not be adversely affected by the use or development as a result of the:
- i) Transport of materials, goods or commodities to or from the land; and/or
 - ii) Appearance of any building, works, stored goods or materials; and/or
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

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

6. The land must be drained to the satisfaction of the Responsible Authority.
7. Before the development starts, a revised waste management plan generally in accordance with the report identified as 'Waste Management Plan for Childcare Centre at 160-162 Victoria Street Northcote' and date stamped as received by Council on 27 November 2015, must be submitted to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

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

The plan must require that collection be undertaken by a private contractor and that the pick-up of bins occurs within the basement of the building.

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 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.

9. 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.

10. 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.

11. Before buildings and works (including demolition) start, tree protection fences must be erected around the naturestrip tree (*Lophostemon confertus*) and the *Eucalyptus nicholii* (Narrow-leafed Peppermint Gum) located at 162 Victoria Road at radii of 2.0 metres and 7.7 metres respectively from the base of the trunk to define a 'tree protection zone' as per the approved arborist letter (identified as '160-162 Victoria Street Northcote', prepared by Galbraith and Associates Tree Consultants and Contractors and dated 13 November 2015).

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

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

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

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

The ground surface of the tree protection zones 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.

12. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

13. Before development starts, an Acoustic Assessment of the development and use, 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 use (including the operation of plant, transmission of noise from internal and external play areas and the use of the car park) do not impact adversely on the amenity of neighbouring residential properties.
- b) Details illustrating the effectiveness of the acoustic fencing to the southern and eastern boundaries in reducing the impact of noise generated by the use on the amenity of 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.

14. The use as a childcare centre must be undertaken generally in accordance with the approved management plan (identified as 'Plan of Management' prepared by McWay Developments and dated 11 November 2015) and must be conducted in such a manner as not to affect the amenity of the surrounding area.
15. No external sound amplification equipment or loudspeakers are to be used on the land.
16. All outdoor 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.
17. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
18. Before the use starts five (5) bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.
19. Before use starts areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

20. A sign, to the satisfaction of the Responsible Authority, must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of the sign must not exceed 0.3 square metres.
21. Before the use starts the vehicular crossing 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. Before the use starts the car parking spaces shown for staff parking on the endorsed plans must be clearly marked for use by staff only to the satisfaction of the Responsible Authority.
23. The advertising signs must not contain any flashing, intermittent or changing colour light.
24. External advertising sign lighting must be designed, baffled and/or located to the satisfaction of the Responsible Authority.
25. The advertising sign must not contain any moving parts or be animated in any manner.
26. The advertising sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.

27. The advertising sign(s) must be located wholly within the boundary of the land.
28. All signs must not be reflective, dynamic, flashing or animated and illuminated signs must be installed and maintained to ensure there is no glare towards motorists.
29. The approval for signage expires 15 years from the date of issue of the Permit.

MELBOURNE WATER CONDITION

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

MELBOURNE WATER FOOTNOTE:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 257660.

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 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.
- N4 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.

CARRIED

5.2 APPLICATION FOR PLANNING PERMIT D/879/2015
 9 Cash Street, Kingsbury

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Michael Miskas - Ms Designer Living	Macedon Homes Pty Ltd	Wilfor Group (Planning Consultant)

SUMMARY:

- This application proposes to construct a medium density development comprising four (4) double storey dwellings as follows:
 - Unit 1 will have three (3) bedrooms and access to two (2) car parking spaces.
 - Comprising a single space garage and tandem car space.
 - Units 2 and 3 will have two (2) bedrooms and access to a single space garage.
 - Unit 4 will have three (3) bedrooms and access to a single space carport and tandem car space.
 - Vehicle access is to be gained via an existing crossover at the south-eastern edge of the site and a proposed crossover at the north-western edge of the site.
 - Secluded private open space is provided to the rear of each dwelling with areas of between 25.4 square metre and 41.4 square metre.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Fourteen (14) 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 Transport Management and Planning Unit; Darebin Parks Unit; and the Capital Works Unit. There were no objections to the proposal subject to conditions forming part of the recommendation.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. J. Williams
SECONDED: Cr. T. McCarthy

That Planning Permit Application D/879/2015 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 Proposed Ground Floor Plans TP1/4 Revision C, Proposed First Floor Plans TP2/4 Revision C and Proposed Elevations TP3/4 Revision C, dated 15 December 2015 and prepared by MS Designer Living Architectural Design) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) The southern wall of the living room and associated landscaped bed of Dwelling 2 to be set back from the southern title boundary by an additional 300mm.
 - c) The proposed landscaping along the southern boundary of the site to have a mature height not exceeding 200mm to allow for vehicle overhang when vehicles exit garages.
 - d) Annotations detailing the following:
 - i. A Tree Protection Zone and associated Tree Protection Fence with a radius of 2.0 metres (measured from the outside edge of the trunk) for the *Lophostemon confertus* located in the nature strip opposite the subject site;
 - ii. A Tree Protection Zone and associated Tree Protection Fence with a radius of 6.5 metres (measured from the outside edge of the trunk) for the *Corymbia maculata* located in the adjoining property to the north; and
 - iii. A Tree Protection Zone and associated Tree Protection Fence with a radius of 3.6 metres (measured from the outside edge of the trunk) for the *Pittosporum undulatum* located in the adjoining property to the north.in accordance with the requirements of Condition 4 of this Permit. A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
 - e) The south-east facing windows of Bedroom 2 for each of Units 2 and 3 be notated as "fixed obscure" to 1.7 metres above the finished floor level.
 - f) The south-west facing Bedroom 2 window of Unit 4 deleted from the elevations.
 - g) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north-western and south-eastern sides of the existing and proposed crossovers to Cash Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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:

- a) The development does not start within three (3) years from the date of this Permit; or
- b) 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:

- c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or
 - e) 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 (including demolition) start, a tree protection fence must be erected around the following trees to define a 'tree protection zone'.
- a) A Tree Protection Zone and associated Tree Protection Fence with a radius of 2.0 metres (measured from the outside edge of the trunk) for the *Lophostemon confertus* located in the nature strip opposite the subject site;
 - b) A Tree Protection Zone and associated Tree Protection Fence with a radius of 6.5 metres (measured from the outside edge of the trunk) for the *Corymbia maculata* located in the adjoining property to the north; and
 - c) A Tree Protection Zone and associated Tree Protection Fence with a radius of 3.6 metres (measured from the outside edge of the trunk) for the *Pittosporum undulatum* located in the adjoining property to the north.

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.

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) Tree protection zones and notations indicating tree protection measures in accordance with Condition No. 4 of this Permit.
 - b) A minimum of six (6) small canopy trees distributed throughout 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 a minimum width of 4 metres at maturity.
 - c) 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.

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- d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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.
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.
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10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before 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.

17. 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.
18. 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.

CARRIED

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.24 pm and returned at 7.27 pm.

5.3 APPLICATION FOR PLANNING PERMIT D/1011/2015
 14 Birdwood Street Reservoir

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Archsign Pty Ltd	Exors Francis Leo Weir and Marie Jean Weir	N/A

- It is proposed to construct a medium density development comprising four (4) double storey dwellings.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2).
- There is a restrictive covenant on title. The covenant restricts the excavation, removal or carrying away of earth, clay, gravel etc. save for the purpose of building foundations. The proposed development will not breach the terms of the covenant.
- Sixteen (16) 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 one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Darebin Parks and Council’s Capital Works and Transport Management and Planning Units.
- 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. Fontana:

- *Daniel DeFazio, on behalf of Applicant*

Committee Decision**MOVED: Cr. B. Li****SECONDED: Cr. J. Williams**

That Planning Permit Application D/1011/2015 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. TP1.0, TP2.0 and TP3.0, Job No. 15257, prepared by Archsign and dated November 2015) but modified to show:
 - a) The front boundary fence, if any, to be noted on the Ground Floor Plan (TP1.0). The fence must not exceed 1.2 metres in height. If no fence is proposed, this must be noted on the plans.
 - b) 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.
 - c) The ground floor street (western) setback of Dwelling 1 increased to a minimum distance of 8 metres. This must be achieved without reducing any other boundary setbacks.
 - d) The window sill height of the living rooms of Dwelling 2 and Dwelling 3 are to be 1.4 metres above the accessway in accordance with Clause 55.03-10 (Standard B15) of the Scheme.
 - e) The northern boundary first floor setback of Dwelling 2 and Dwelling 3 increased to a minimum of 3 metres. This must be achieved without altering setbacks to any other boundaries.
 - f) The En-suite and Walk-in-robe of Dwelling 4 to be deleted. This must be achieved without altering the boundary setbacks of Bedroom 1 of Dwelling 4.
 - g) The southern boundary setbacks increased or the building height reduced, or a combination of both, so that the development does not cast shadows on the areas of secluded private open space to the south beyond the existing overshadowing of the southern boundary fence.
 - h) A roof plan depicting the location of solar hot water panels.
 - i) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 4.7 metres (measured from the outside edge of the trunk) for the *Melaleuca styphelioides* located in the nature strip in front of the subject site within the confines the nature strip in accordance with the requirements of Condition 7 of this Permit.
 - j) Any modifications as identified by the Arborist Report required by Condition No. 8 of this permit.
 - k) A landscape plan in accordance with Condition No. 4 of this Permit.
 - l) The canopy trees along the internal accessway to be deleted.
 - m) The garage wall of Dwelling 1, located on the northern boundary to be reduced in height or set back to comply with Clause 55.04-3 (Standard B19) of the Scheme.

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- n) The provision of at least 6 cubic metres of externally accessible storage to Dwelling 4.
 - o) The following windows:
 - Dwelling 3: south-facing Bedroom 1 and Bedroom 2.
 - Dwelling 4: south-facing Bedroom 3.

These windows may 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.

- 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) Any tree protection measures required by Condition 1(i) and condition 1(j).
- 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).

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- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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.
- 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 must be erected around the tree located in the nature strip of No. 14 Birdwood Street at a radius of 4.7 metres from the base 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 report prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority.
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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. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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; 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.

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

CARRIED

Cr. Walsh temporarily left the meeting during discussion of the above item at 7.38 pm.

5.4 APPLICATION FOR PLANNING PERMIT D/1011/2012
195-209 St Georges Road, Northcote

Item 5.4 Application for Planning Permit D/1011/2012 – 195-209 St Georges Road, Northcote was withdrawn prior to the commencement of the Planning Committee meeting.

5.5 APPLICATION FOR PLANNING PERMIT D/600/2015
 2 Loddon Avenue, Reservoir

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
J Catanzariti c/- Ikonomidis Reid	Descending Provider Pty Ltd	Lachlan Williams , Tree Response p/l.

SUMMARY:

- It is proposed to demolish the existing dwelling and construct four (4) double storey two (2) bedroom dwellings with a single garage each. 40 square metres of secluded private open space is provided for the three (3) rear dwellings while 25 square metres is provided for the front dwelling.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Fifteen 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 a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works, Transport Management and Planning Unit, and the Darebin Parks 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. Fontana:

- *Chris McKenzie, on behalf of Applicant*

Committee Decision**MOVED: Cr. J. Williams****SECONDED: Cr. O. Walsh**

That Planning Permit Application D600/2015 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 Proposed Ground Floor and First Floor Plans TP03 Revision C and Proposed Elevations TP04 Revision C, received by Council on 20 January 2016 and prepared by Ikonomidis Reid) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - b) Annotations detailing Tree Protection Zones and associated Tree Protection Fences for Trees 1, 4, 5, 6 and 7 in accordance with the recommendations contained in the Arboricultural Report approved under Condition No. 5 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 pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north-western and south-eastern sides of the existing and proposed crossovers to Cash Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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:

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- a) The provision of a minimum of one (1) medium canopy tree and five (5) small canopy trees distributed throughout the subject site. 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) and medium canopy (6 metres).
 - b) Dimensioned Tree Protection Zones and notations specifying tree protection measures in accordance with Condition No. 5 of this Permit.
 - c) 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.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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. All works undertaken on site are to be in accordance with the recommendations contained in the Arboricultural Report, dated December 4 2015, prepared by Tree Response. All works within nominated Tree Protection Zones must be carried out without excavation.
 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.

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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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 12. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before 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.
 15. 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.
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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

Cr. Walsh returned to the meeting during discussion of the above item at 7.40 pm.

5.6 APPLICATION FOR PLANNING PERMIT D/1067/2015
 24 Lucille Avenue, Reservoir

AUTHOR: Urban Planner – Caroline Dixon

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Archsign Pty Ltd	Shadi Khalil	N/A

SUMMARY:

- The proposed development application is for three (3) double storey dwellings. Dwelling 1 has three (3) bedrooms and a single covered car port, with a tandem car space. Dwelling 2 and 3 each have two (2) bedrooms and one (1) covered car space. Each dwelling has been provided with sufficient private open space accessible from living areas and with a northern orientation.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Eleven 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 Capital Works Unit. Councils Transport Management Unit provided verbal comment.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

That Planning Permit Application D/1067/2015 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 TP-04, TP05 and TP-06 Revision B, prepared by Ikonmidis Reid received by Council on 22 January 2016) but modified to show:
 - a) The fixed obscure glazing on the first floor must be noted as having a maximum 25% transparency.
 - b) The private open space of Dwelling 2 increased to a minimum of 40 square metres. This must be achieved by reducing the building footprint, no setbacks can be reduced.
 - c) The location and design layout of site services, including metres, hydrants and pumps as required.
 - 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).

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.
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.
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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 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. 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.

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

10. The land must be drained to the satisfaction of the Responsible Authority.

11. 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.

12. 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.

13. 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.

14. 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

5.7 APPLICATION FOR PLANNING PERMIT D/838/2015
 25 Loddon Avenue, Reservoir

AUTHOR: Principal Planner– Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Eldina Pty Ltd and Elio D'Ercole	

SUMMARY:

- It is proposed to construct a medium density housing development comprising four (4) double storey dwellings. Each dwelling has two (2) bedrooms and access to a single space garage. Vehicle access is to be gained via an existing crossover at the south-eastern edge of the site. Secluded private open space is provided to the rear of each dwelling with areas of between 28 square metres and 44.6 square metres.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on the Certificate of Title. The proposed development will not breach the terms of the covenant which prohibits the excavation and removal of earth clay gravel or sand from the land except for the excavation for the foundations of a building. The proposed development will not breach the terms of the covenant.
- Eleven 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 the following units in Council: Capital Works; Transport Management and Planning and Darebin Parks.
- 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. Fontana:

- *Chris McKenzie, on behalf of Applicant*

Recommendation

That Planning Permit Application D/838/2015 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 Ground Floor Plan TP04C, First Floor Plan TO05C and Elevations TP06C, dated March 2016, Job No. 8696, prepared by Ikonomidis Reid and received by Council on the 22 March 2016) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit. The plan must include at least two (2) suitable medium sized canopy trees within the front setback to Loddon Avenue and four (4) suitable small sized canopy trees planted within the secluded private open space (SPOS) areas of each dwelling.
 - b) The south-east facing kitchen window of Dwelling 1 treated with either double glazing or glazing that is a minimum of 6mm thick.
 - c) A schedule of construction materials, finishes and colours (including colour samples).
 - d) External retractable shading devices over the ground floor south-west facing kitchen and bedroom 1 windows of Dwelling 4.
 - e) The open pergola alfresco areas of Dwellings 2, 3 and 4 shown as partially roofed for a minimum depth of 1 metre for that part of the roof which abuts the dwelling and extends over the doorway.
 - f) A swept path assessment demonstrating that B85th percentile vehicles can enter and exit garage 4 in accordance with the requirements of AS2890.1:2004 to the satisfaction of the responsible authority. This may involve the reduction of floor space of dwelling 4 without reducing any setbacks to the property boundaries.
 - g) The height of the south-eastern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL) for that part where it is only 1.7 metres high above NGL.

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.

- h) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites (measured from the outside edge of the trunk) for the nature strip tree in accordance with the requirements of Condition of this Permit.

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

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) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites (measured from the outside edge of the trunk) for the nature strip tree in accordance with the requirements of Condition 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) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
- c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- d) a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- e) Two (2) medium sized canopy trees to be shown within the front setback to Loddon Avenue and four (4) small sized canopy trees to be shown, one (1) each to be located in the SPOS of all dwellings commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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.

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- 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.
- 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 must be erected around the naturestrip tree at a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites from the base 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. 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.
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The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
16. Before 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.

NOTATIONS

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

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

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of the 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.

Alternate Motion

MOVED: Cr. G. Greco

SECONDED: Cr. -

That Council refuse the application with grounds as follows:

1. The proposal will result in an adverse visual bulk impacts upon the adjacent properties.
2. Vehicular access for the garage associated with Dwelling 4 is constrained and does not appear to facilitate adequate access and egress to the site in accordance with Clause 52.06 of the Darebin Planning Scheme.
3. The proposal is an overdevelopment of the site.

THE ALTERNATE MOTION LAPSED FOR WANT OF A SECONDER.

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. B. Li

That Planning Permit Application D/838/2015 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 Ground Floor Plan TP04C, First Floor Plan TO05C and Elevations TP06C, dated March 2016, Job No. 8696, prepared by Ikonomidis Reid and received by Council on the 22 March 2016) but modified to show:
 - a) A landscape plan in accordance with Condition No. 4 of this Permit. The plan must include at least two (2) suitable medium sized canopy trees within the front setback to Loddon Avenue and four (4) suitable small sized canopy trees planted within the secluded private open space (SPOS) areas of each dwelling.
 - b) The south–east facing kitchen window of Dwelling 1 treated with either double glazing or glazing that is a minimum of 6mm thick.
 - c) A schedule of construction materials, finishes and colours (including colour samples).

- d) External retractable shading devices over the ground floor south-west facing kitchen and bedroom 1 windows of Dwelling 4.
- e) The open pergola alfresco areas of Dwellings 2, 3 and 4 shown as partially roofed for a minimum depth of 1 metre for that part of the roof which abuts the dwelling and extends over the doorway.
- f) A swept path assessment demonstrating that B85th percentile vehicles can enter and exit garage 4 in accordance with the requirements of AS2890.1:2004 to the satisfaction of the responsible authority. This may involve the reduction of floor space of dwelling 4 without reducing any setbacks to the property boundaries.
- g) The height of the south-eastern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL) for that part where it is only 1.7 metres high above NGL.

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.

- h) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites (measured from the outside edge of the trunk) for the nature strip tree in accordance with the requirements of Condition of this Permit.

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

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.
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) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites (measured from the outside edge of the trunk) for the nature strip tree in accordance with the requirements of Condition 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) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - d) a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Two (2) medium sized canopy trees to be shown within the front setback to Loddon Avenue and four (4) small sized canopy trees to be shown, one (1) each to be located in the SPOS of all dwellings commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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.
17. 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.
18. 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.
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19. Before buildings and works (including demolition) start, a tree protection fence must be erected around the naturestrip tree at a radius in accordance with Australian Standard AS4970 - 2009: Protection of trees on development sites from the base 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.

20. 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.
21. 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.
22. 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.
23. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
24. The land must be drained to the satisfaction of the Responsible Authority.
25. 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.
26. 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.
27. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
28. 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.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of the 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

5.8 APPLICATION FOR PLANNING PERMIT D/724/2015
 27-29 Loddon Avenue, Reservoir

AUTHOR: Principal Statutory Planner – John Limbach

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
C. Kairouz Architects	Jian Xin Chen and Thi Da Wai	C. Kairouz Architects Melbourne Planning Solutions

SUMMARY:

- It is proposed to demolish the existing dwellings and construct seven (7) double storey dwellings.
- It is important to note that the site does not have a true north-south orientation as the elevation labels appear to make out; however the report and recommendation have adopted the applicant’s orientation as labelled for clarity.
- The site is zoned General Residential Zone Schedule 2.
- There is a covenant registered on title that restricts excavation, other than for the purpose of erecting buildings, and the manufacturing and winning of bricks. The proposed development will not breach the terms of the covenant.
- 15 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 (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, ESD Officer and the Capital Works 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. Fontana:

- *Chris McKenzie, on behalf of Applicant*

Committee Decision

MOVED: Cr. J. Williams

SECONDED: Cr. O. Walsh

That Planning Permit Application D/724/2015 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 A8, A9, A10, A11, A12, Revision TP05, dated 15 April 2016, job no. CKA15-054 and prepared by C. Kairouz Architects) but modified to show:
 - a) The height of fences on the northern boundary (except within 7.789 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
 - b) Dimensions illustrating that the garages are to have minimum internal dimensions of 3.5 metres in width and 6 metres in length, clear of any obstructions, such as storage areas (Dwelling 7).
 - c) Minimum tandem car space dimensions of 4.9 metres length x 2.6 metres are to be shown with an additional 0.5 metres in length provided between each tandem space and garage.
 - d) Revised swept path diagrams and any alterations required to illustrate that vehicles are able to conveniently enter and exit garages located to the rear of tandem spaces.
 - e) The crossover reduced to a maximum width of 3.5 metres at the front boundary of the site.
 - f) The driveway, where located adjacent to Dwellings 1 and 7 (including their front garden areas), to be decreased in width to 3 metres by way of increasing the width of the landscaping strips.
 - g) Full details including elevation(s) and materials of the front boundary fence, showing a maximum height of 0.9 metres.
 - h) The south-facing kitchen windows of Dwellings 2 and 3 and the north-facing living room window of Dwelling 6 are to have minimum sill heights of 1.4 metres above the adjacent accessway level.
 - i) Full dimensions of all private open space showing the provision of a minimum of 40 square metres of private open space at the side or rear of the dwelling, with a minimum area of 25 square metres of secluded private open space, a minimum dimension of 3 metres and convenient access from a living room. Any alterations required achieve these areas must not result in reduced setbacks to the property boundaries nor a reduction in landscaping to the common driveway area.

- j) Provision of 6 cubic metres of externally accessible secure storage for Dwellings 4, 6 and 7.
- k) The notations relating to measures to reduce overlooking on the first floor plans altered to reflect the measures shown on the elevation plans.
- l) Dimensions to elevations illustrating that all highlight windows (including to stair ways and landings) have sill heights a minimum of 1.7 metres above finished floor level.
- m) Removal of the words 'or similar' from the 'obscure glazing' notation in the materials schedule.
- n) The garage wall of Dwelling 7 to the southern common boundary is to be shown to comply with Standard B19 of Clause 55.04-3 (Daylight to existing windows) of the Scheme, illustrating an area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky, taking into account the adjoining eaves and ensuring the wall is set back a minimum of 50% of the height of the wall opposite the adjoining existing habitable room windows.
- o) 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.
- p) 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.
- q) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 7 of this Permit).
- r) External, operable sun shading devices to all east and west facing habitable room windows. Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness.
- s) All garage doors are to include windows or openings for natural light access.
- t) A Landscape Plan in accordance with Condition No.4 of this Permit.
- u) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 8 of this Permit).

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

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

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

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

-
4. Before 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 (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 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.

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

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

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 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. 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;
 - 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.
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.

CARRIED

5.9 APPLICATION FOR PLANNING PERMIT D/1114/2015
 33 Wilson Boulevard, Reservoir

AUTHOR: Statutory Planner - Alexia Paterson

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Tessie Margo	Anthony Scicluna and Giovanna Scicluna	Melbourne legal Chambers

SUMMARY:

- The applicant seeks to vary Covenant A554128 registered on Certificate of Title of 33 Wilson Boulevard, Reservoir (Lot 3 on Plan of Subdivision 052219, Certificate of Title Vol. 08285 Folio 503) to allow for more than one (1) dwelling to be constructed on the land.
- The subject site is zoned General Residential Zone Schedule 1 (GRZ1).
- The subject site has been earmarked under C156 Planning Amendment to be zoned as Neighbourhood Residential (NRZ1).
- Thirteen objections were received against this application.
- No objections were received from the owners of land benefited by the Covenant.
- No development plans have accompanied this application.
- It is recommended that the application be refused.

CONSULTATION:

- In accordance with section 52(1) of the *Planning and Environment Act 1987*, the application was advertised by sending planning notices to the adjoining owners and occupiers of the land as well as the owners and occupiers of the land benefiting from the covenant.
- In accordance with section 52 (1AA) of the *Planning and Environment Act 1987*, a notice on site was also required to be displayed.
- Pursuant to section 52(1AA) of the Act, a notice of the application was required to be published in the Preston leader in two (2) consecutive editions.
- Thirteen objections have been received to date of which none were from an owner of land benefited by the Covenant.
- The application was not required to be referred externally under section 55 of the Act.
- This application was not required to be referred to other Council units

Committee Decision

MOVED: Cr. A. Villella
SECONDED: Cr. J. Williams

That Planning Permit Application D/1114/2015 be refused and Notice of Refusal be issued on the following grounds:

1. Council is not satisfied that the owners of the land benefited by the restriction contained in Certificate of Title Volume 08285 Folio 503 (Instrument No. A554128) will be unlikely to suffer any detriment of any kind as a consequence of the variation of the restriction, in accordance with section 60(5) of the *Planning and Environment Act 1987*.
2. Council is satisfied that 'affected people' in accordance to Clause 52.02 of Darebin Planning Scheme would likely suffer detriment as a consequence of the variation of the restriction.

CARRIED

5.10 APPLICATION FOR PLANNING PERMIT D/690/2015
 45-47 Victoria Road, Northcote

AUTHOR: Senior Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Archsign Pty Ltd	Kav Nominees Pty Ltd

SUMMARY:

- This application seeks approval to construct a (single) double storey dwelling to the rear of two (2) existing dwellings, alterations and additions to the existing dwellings and to reduce the standard car parking requirement by one (1) car space.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 17 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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning and Capital Works 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. Fontana:

- *Daniel DeFazio, on behalf of Applicant*

Committee Decision**MOVED: Cr. B. Li****SECONDED: Cr. G. Greco**

That Planning Permit Application D/690/2015 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 Ground Floor Plan – TP1.0, First Floor Plan – TP2.0 and Elevation Plan – TP3.0, dated November 2015 and prepared by Archsign) but modified to show:

- a) First floor window to bedroom 2 of the proposed dwelling shown on the west elevation deleted.
- b) Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties in accordance with ResCode Standard B22. This must be clearly detailed on the plans.
- c) The height of the fence on the west boundary fences (except within 2 metres of the front (south) boundary of the land (to allow for visibility for vehicles)) to be a minimum height of 1.8 metres as measured above natural ground level. The height of the fence within the front 2 metres shall not exceed a height of 1.15 metres.

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

- d) A landscape plan in accordance with Condition No. 4 of this Permit. The landscape plan must include the provision of at least 1 medium sized canopy trees within the front setback and one medium sized canopy tree within each of the secluded private open space areas for each dwelling.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the east and west 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.
- f) Ground floor living room of Unit 3 setback a minimum of 1.5 metres from the north boundary. This must be achieved by reducing the footprint of the building and not by reducing any other setback.

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.
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. 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.
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. The land must be drained to the satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. 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.

14. 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

5.11 APPLICATION FOR PLANNING PERMIT D/708/2015
56 James Street, Preston

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Archiphor Pty Ltd	Mr Jim Theodoropoulos and Simela Ignatidis	Archiphor, JRL Land Surveyors, Justin Hutchinson Landscape Design

SUMMARY:

- The proposal is for a medium density housing development comprising of three (3) double storey dwellings. The dwellings will each have three (3) bedrooms.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title, prohibiting quarrying and the removal or dirt etc from the land, except for the purpose of laying foundations for dwellings, the proposed development will not breach the terms of the covenant.
- Fourteen objections were received against this application (it is noted that an additional objection was received, which was subsequently withdrawn).
- 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 1 sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit and the Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

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

- *Gary Wissenden, on behalf of Applicant*

Committee Decision

MOVED: Cr. B. Li

SECONDED: Cr. J. Williams

That Planning Permit Application D/708/2015 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 TP04, TP05, TP06, TP07, Revision B, dated April 2016, job no. 1501 and prepared by Archiphor) but modified to show:
 - a) The south facing kitchen window to Dwelling 2 dimensioned to show a minimum sill height of 1,400mm above the accessway.
 - b) 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.
 - c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - d) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

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

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
 11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 12. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before 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 drivewaysto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 17. 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.
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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

Cr. Walsh temporarily left the meeting during discussion of the above item at 8.10 pm

5.12 APPLICATION FOR PLANNING PERMIT D/1065/2015
 9 Smith Street, Reservoir

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
SGAR Group P/L c/o Cornetta Partners Architects	SGAR Group Pty Ltd	Cornetta Partners Architects Glossop Town Planning Tree Response

SUMMARY:

- It is proposed to demolish the existing dwelling on the site and construct five (5) dwellings comprised of four (4) double storey dwellings and one (1) single storey dwelling. Dwellings 1 and 2 are side-by-side attached dwellings facing Smith Street; Dwellings 3 and 4 are located to the centre of the site and are double storey; Dwelling 5 is to be located to the rear and is single storey. The dwellings provide a mix of two (2) and three (3) bedroom accommodation and provide a mix of reverse and traditional living arrangements.
- Private and secluded open space for the dwellings is provided in the form of ground floor open areas or first floor terraces.
- The dwellings provide car parking on site in the form of single garages for Dwellings 1, 2, 3 and 4 and a single carport for Dwelling 5. Dwelling 1 will have a tandem parking space to the front of its garage.
- The existing crossover to the south side of the site’s frontage is to be retained to provide access to Dwelling 2, 3, 4 and 5’s garage; a new single crossover is proposed to the north side of the frontage to provide access to Dwelling 1’s garage.
- The dwellings will have a contemporary design, with brick walls at the ground floor, render to the first floor walls and pitched Colourbond roofs.
- The overall maximum height of the development is to be 8.315 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2 (GRZ2).
- There is no restrictive covenant registered on the title for the subject land.
- 16 objections have been 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 Darebin Parks, Transport Management and Planning Unit and the Capital Works 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. Fontana:

- Paul Wilson, Objector

Recommendation

That Planning Permit Application D/1065/2015 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 drawings TPA03, TPA04, TPA05, Revision A, dated 12 February 2016, job no. 15-34 and prepared by Cornetta Partners Architects and received by Council on 24 February 2016) but modified to show:
 - a) The proposed crossover with a width of 3 metres at the property boundary.
 - b) Clear delineation of an area in the garages and carport showing minimum internal dimensions of 3.5 metres in width and 6 metres in length, clear of any obstructions, such as door swings, storage and bin areas.
 - c) The provision of 1 x 80 litre and 1 x 240 litre bin for each dwelling. Bin storage areas must be located so that they are not visible from the street and public areas.
 - d) No pedestrian doors opening into parking areas, parking aisles, or circulation roadways.
 - e) The ground floor of Dwelling 2 rearranged to show:
 - Bedroom 2 repositioned to the east adjacent to the staircase wall; and
 - The laundry/bathroom area repositioned to the west adjacent to the Garage 2 wall and the manoeuvring area of the garage.
 - The southern wall of Bedroom 2 setback 1.0 metre from the accessway; the 1.0 metre setback must be used to provide a landscape bed adjacent to this wall.
 - Bedroom 2 provided with a south-facing window that has a sill height at least 1.4 metres above the level of the accessway. A dimension must be provided on the south elevation to confirm this.The above changes are to be carried out without a reduction in any other setback.
 - f) The first floor north and west windows to Bedroom 3 of Dwelling 1 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.
 - g) The first floor south-facing kitchen window of Dwelling 3 and west-facing edge of the terrace of Dwelling 4 (to limit views within 9 metres and a 45 degree angle to the private open space to the north west) 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.

- h) Full details of the proposed screens 1.7 metre high fixed louvre screens to first floor north-facing sitting room windows of Dwellings 2 and 3. A section diagram must be provided to demonstrate how the screens minimise overlooking of adjoining properties.
- i) Full details of the metal screening 'F5' specified in the external materials and finishes schedule on Sheet TPA05 demonstrating that this product/material will achieve a maximum permeability of 25%.
- j) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence (as identified in the Arboricultural Report prepared by *Tree Response* dated 15 December 2014) measured from the outside edge of the tree trunk, in accordance with Condition No.8 of this Permit:
 - i. Tree No.4 (the *Prunus cerasifera* 'nigra' located in the property to the west) with a radius of 3.6 metres
 - ii. Tree No.6 (the *Lophostemon confertus* located in the naturestrip) with a radius of 4.2 metres

A notation must be added to state that any works in the Tree Protection Zone of these trees must be carried out without excavation and that any new boundary fencing within TPZs must be of light timber construction with manually excavated stump holes (i.e. no strip footing). Tree Protection 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.

- k) Provision of notations on the plan to state:
 - i. The Tree Protection Zones (TPZ) for Trees 4, 6 and 8 must remain at existing grade and designed to be permeable.
 - ii. The carport for Dwelling 4 must be constructed above grade, with manually excavated post holes. Excavation works within the TPZs must be supervised by a suitably qualified arborist and any roots uncovered are to be pruned with sharp and sterile hand tools.
- l) 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.
- m) The location of all plant and equipment (including air conditioners, gas metres, water metres, hydrants and the like). The location of each of these services is to be individually identified on the plans. Services 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. Services must not be a visually dominant element in the front setback of the site.
- n) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- o) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 10 of this Permit).
- p) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Provision of a minimum of two (2) suitable medium canopy trees (in the front setback of Dwellings 1 and 2) and a minimum of three (3) suitable small canopy trees (in the rear secluded private open space areas). 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.
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- 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) Specification or tree protection measures in accordance with the requirements of Condition No.8 of this Permit.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees (identified in the Arboricultural Report prepared by *Tree Response* dated 15 December 2014) to define a 'tree protection zone' (TPZ) measured from the outside edge of the tree trunk
- i. Tree No.4 (the *Prunus cerasifera* 'nigra' located in the property to the west) with a radius of 3.6 metres
 - ii. Tree No.6 (the *Lophostemon confertus* located in the naturestrip) with a radius of 4.2 metres

Any works in the Tree Protection Zone of these trees must be carried out without excavation and any new boundary fencing within the TPZs must be of light timber construction with manually excavated stump holes (i.e. no strip footing). Tree Protection 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.

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.

The Tree Protection Zone (TPZ) for Trees 4, 6 and 8 must remain at existing grade and designed to be permeable.

The carport for Dwelling 4 must be constructed above grade, with manually excavated post holes. Excavation works within the TPZs must be supervised by a suitably qualified arborist and any roots uncovered pruned with sharp and sterile hand tools.

9. 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.

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.

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.
20. The area in front of Garage 4 and the carport of Dwelling 5 are to be kept clear at all times for vehicle manoeuvrability. No vehicles may be left parked at any time in the identified manoeuvring areas.

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.

Committee Decision

MOVED: Cr. G. Greco
SECONDED: Cr. A. Villella

That Planning Permit D/1065/2015 be refused and a Notice of Refusal be issued based on the following conditions:

1. The proposal is contrary to neighbourhood character design objectives contained in the Darebin Neighbourhood and Character Study & Precinct Guidelines (reference document in Clause 22.02 of the Darebin Planning Scheme). In particular, the development does not respond appropriately to the following elements:
 - Vegetation: The dwellings do not provide sufficient setbacks to accommodate trees.
 - Siting: The development does not provide sufficient space for a front garden; the development does not retain substantial space for landscaping; Unit 1 built to the side boundary does not respect the prevailing rhythm and spacing of detached dwellings in the area.
 - Height and Building Form: The upper floors of Unit 1 and Unit are not sufficiently offset from the ground floor façade to create a recessive two-storey form in a street where single storey dwellings prevail.
2. The development does not comply with Clause 55.03-1 (Standard B6) of the Darebin Planning Scheme. The development is not set back sufficiently from the front boundary.
3. The development does not comply with Clause 55.03-10 of the Darebin Planning Scheme (Standard B15) in that, the south facing habitable room window of Unit 2 is not set back sufficiently from the shared accessway. The affected room will not have the desired amenity outcomes.
4. The proposal is an overdevelopment of the site.

CARRIED

Cr. Walsh returned to the meeting during discussion of the above item at 8.25 pm.

5.13 APPLICATION FOR PLANNING PERMIT D/699/2015
 34 Don Street, Reservoir

AUTHOR: Principal Planner – Chris Lelliott

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Pj Body Works	Jamil Zomaya

SUMMARY:

- The proposal is to construct three (3) double storey dwellings to the rear of the existing dwelling. The existing dwelling has three (3) bedrooms and a study and will have an undercroft double garage. This dwelling is to have a balcony of 17.5 square metres and a ground level secluded private open space area of 63.6 square metres. The proposed dwellings will have a similar level of accommodation, with the ground floor levels having a kitchen//dining/living area and a single garage or carport (Dwelling 4). The first floors are to have two (2) bedrooms (with Dwellings 2 and 3 also having studies). The proposed dwelling will have secluded private open space of 50.7 square metres, 50 square metres and 61.7 square metres (for Dwellings 2, 3 and 4 respectively). Vehicle access is via the Right of Way to the north. The proposed dwelling will have a traditional design, with brick walls at ground level and rendered walls to the first floor, with pitched and hipped tile roofs.
- The site is zoned General Residential Zone Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- 23 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 Capital Works, Transportation Management and Planning and Assets and Management.
- This application was not required to be referred to external authorities.

The following person verbally addressed the meeting and was ultimately thanked for him presentation by the Chairperson, Cr. Fontana:

- *Paul Farinacci, on behalf of Applicant*

Recommendation

That Planning Permit Application D/699/2015 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 04, 05, 06, Revision B, dated 16 January 2016 and prepared by Paul Farinacci) but modified to show:
 - a) The wall to the east of the first floor studies to Units 2 and 3 shall be a low open wall. A notation must be placed on the plans confirming that the wall shall remain open to the adjoining stairwells and shall not to be used as bedrooms.
 - b) The first floor habitable room windows to the south elevation of Dwellings 2, 3 and 4 are to be provided with fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.
 - c) 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.
 - d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - e) A Landscape Plan in accordance with Condition No.5 of this Permit.
 - f) Notation on plans to confirm that the large gum tree to the north west of the site is to be retained and appropriately protected. Tree Protection Zone to be implemented during construction in accordance with condition No.6 of this permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

-
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) 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. Before buildings and works (including demolition) start, a tree protection fence must be erected around the large gum tree to the north-west of the site tree at a radius of 2 metres from the base 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.

7. 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.

8. 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.
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;
- 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 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Committee Decision

MOVED: Cr. G. Greco
SECONDED: Cr. A. Villella

That Planning Permit D/699/2015 be refused and a Notice of Refusal be issued based on the following conditions:

1. The proposal fails to comply with Clause 22.02 (3Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character) of the Darebin Planning Scheme with specific regard to:
 - a) The proposal removes trees from the site and fails to provide sufficient open space or landscaping opportunities, adversely impacting the existing and preferred garden character for the area (particularly to the rear third of the site).
 - b) The extent of development, the height, the bulk and the setbacks to boundaries of the proposed building are not considered to respect the rear garden character of the neighbourhood, would unreasonably affect the amenity of neighbouring properties by way of visual bulk and would not be consistent with the existing or preferred neighbourhood character.
2. The extent of construction is excessive an overbearing to the detriment of the neighbouring dwellings.
3. The front setbacks to the right of way are considered insufficient to provide sufficient landscaping and amenity contrary to the character of the area.
4. The secluded private open spaces for the proposed dwellings would be unreasonably overshadowed and would provide unacceptable amenity. It is considered that the development fails to accord with the objectives of Clause 55 of the Darebin Planning Scheme - Standard B29 (solar access to open space) and B28 (private open space).
5. The extent of landscaping proposed fails to meet the objectives of Clause 55 of the Darebin Planning Scheme - Standard B13.
6. The proposal is an overdevelopment of the site.

CARRIED

5.14 APPLICATION FOR PLANNING PERMIT D/1006/2015
 41 and 43 Northernhay Street, Reservoir

AUTHOR: Statutory Planner – Daniel Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Beyond Design Group Pty Ltd	Ms Maria Piccolo	N/A

SUMMARY:

- It is proposed to construct a medium density development comprising four (4) double storey dwellings and two (2) single storey dwellings and reduce to the statutory car parking requirement associated with visitor car parking.
- The site is zoned General Residential Zone – Schedule 2 (GRZ2).
- There is no restrictive covenant on the titles for the subject land.
- Fifteen 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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Capital Works and Transport Management and Planning Units and Darebin Parks.
- 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. Fontana:

- *Patrick Cauchi, on behalf of Applicant*

Committee Decision**MOVED: Cr. J. Williams****SECONDED: Cr. B. Li**

That Planning Permit Application D/1006/2015 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. TP1, TP2, TP3 and TP4, Job No 15-1293, prepared by Beyond Design Group and dated 4 November 2015) but modified to show:
 - a) The pedestrian paths connecting the site to the frontage road must be fully constructed and not be intermittent pavers. All pedestrian paths must be provided with a minimum width of 1.0 metre.
 - b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the crossovers to Northernhay Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - c) As per Design Standard 2 of Clause 52.06-8, where parking spaces are provided in tandem (one space behind the other), an additional 0.5 metres in length must be provided between each space (a minimum length of 5.4 metres).
 - d) The minimum headroom to be provided above a car parking space is 2.2 metres as per the AS2890.1:2004.
 - e) A front boundary fence. The fence must not exceed 1.2 metres in height.
 - f) A front fence elevation.
 - 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) The following windows:
 - Dwelling 1: all west-facing windows.
 - Dwelling 5: all east-facing windows.These windows may 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.
 - i) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit).

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- j) A landscape plan in accordance with Condition No. 4 of this Permit.
 - k) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2.0 metres (No. 41 Northernhay Street) and 2.0 metres (No. 43 Northernhay Street) (measured from the outside edge of the trunk) for the Pyrus chancleers located in the nature strip in front of the subject site in accordance with the requirements of Condition 7 of this Permit.
 - l) Any modifications as identified by the Arborist Report required by Condition No. 8 of this permit.
 - m) The sill heights of east-facing living room windows of Dwelling 2 increased to a minimum height of 1.4 metres above the accessway.
 - n) The opening to porch areas of all dwellings not less than 1 metre in width.

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) Any tree protection measures required by Condition 1(j) and condition 1(k).
- c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- e) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) 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.
- 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 must be erected around the tree located in the nature strip at a radius of 2.0 metres (No. 41 Northernhay Street) and 2.0 metres (No. 43 Northernhay Street) from the base 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 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 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.

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.

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.

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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.
- 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

5.15 APPLICATION FOR PLANNING PERMIT D/1027/2015
 9 Johnson Street, Reservoir

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Dc Building Design Studio	Branislav Gruneski and Zorica Gruneska and Antonija Stojkovska	N/A

SUMMARY:

- It is proposed to construct a medium density housing development comprising three (3) double storey dwellings and one (1) single storey dwelling. Dwelling 1 will have three (3) bedrooms and access to two (2) car spaces (one under cover) while dwellings 2 to 4 will each have two (2) bedrooms and access to a single garage (see proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the Certificate of Title for the subject land.
- Eleven 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 the following units in Council: Capital Works, Darebin Parks and Transport Management and Planning.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. J. Williams

That Planning Permit Application D/1027/2015 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 Sheet No’s 1, 2 and 3 of 6, dated 3 January 2016, drawn by DC Building Design Studio and received by Council on the 3 March 2016) but modified to show:

- a) Annotations detailing a radial Tree Protection Zone (TPZ) and associated Tree Protection Fence either within the confines of the subject site or nature strip around the following tree:
- Tree 1 – 5.4 metres from trunk edge;
- The zone must be measured from the outside edge of the trunk in accordance with the requirements of Condition No. 7 of this Permit.
- b) The south-facing kitchen room window of Dwelling 1 and the south-facing windows of the lounge of Dwellings 2 and 3 treated with either double glazing or glazing that is a minimum of 6mm thick
- c) The height of the southern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL).
- Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
- d) A notation confirming that all decks have the same finished floor level's (FFL's) as the dwellings.
- e) The dimension between the finished floor level (FFL) of bedroom 2 of dwelling 1 and the sill height of the south facing habitable room window.
- f) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of two (2) medium sized canopy trees within the front setback to Johnson Street and three (3) small sized canopy trees, one (1) each to be shown within the rear secluded private open space (SPOS) of Dwellings 2 to 4.
- g) External retractable shading devices over all east and west facing habitable room windows.
- h) Fixed external shading devices over all north facing habitable room windows, where the windows are not directly below an eave.
- i) A notation confirming fences separating each SPOS is a minimum of 1.8 metres high above NGL.
- j) The 1.5 metre high front fence lowered to 1.2 metres and the material modified from brick to a of light timber construction. A notation must state that construction must be via manually excavated stump holes.
- k) A schedule of construction materials, finishes and colours (including colour samples).
- l) A minimum area of 40 square metres of secluded private open space of Dwellings 2 and 3.
- m) The finished first floor levels shown on the plans for each of the dwellings.

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) Two (2) medium sized canopy trees to be shown within the front setback to Johnson Street and three (3) small sized canopy trees to be shown, one (1) each to be located in the SPOS of Dwelling 2 to 4 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 (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 must be erected around the following tree and measured in a radius from the base of the trunk as detailed in Arboricultural Report, Prepared by Tree Radar Australian Pty Ltd, dated 11 February 2016 and received by Council on the 3 March 2015:

- Tree 1 – 5.4 metres from trunk edge

To maintain the viability of Tree 1 the following must be undertaken:

- Removal of the existing brick front fence (footings), excavation for the proposed southern vehicle crossover and removal/reinstatement of the northern vehicle crossover must be supervised by a qualified arborist:
 - Any roots uncovered through these works must be pruned with sharp/sterile hand tools.
- Any land in the front setback within the TPZ must remain at existing grade and designed to be permeable (strictly no hard surfaces)
- Any new boundary fencing within the TPZ must be of light timber construction with manually excavated stump holes (no brick fence with strip footing).

Excavation for dwelling 4 garage must be supervised by a qualified arborist.

- Any roots uncovered through these works must be pruned with sharp/sterile hand tools.

All demolition and construction works within the TPZs must be supervised by a suitably qualified arborist.

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. 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.

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

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
 11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 12. The land must be drained to the satisfaction of the Responsible Authority.
 13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 16. Before 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.
 17. 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.
 18. The study spaces of Dwellings 1, 2 and 3 must not be used as bedrooms.

NOTATIONS

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

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

- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of the 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

5.16 APPLICATION FOR PLANNING PERMIT D/187/2015
 305-307 Plenty Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
C. Kairouz Architects	Mr Kosmas Xanthis and Christina Xanthis

SUMMARY:

- It is proposed to develop a five (5) storey building (plus basement) comprising 14 dwellings. Two (2) single bedroom, seven (7) two (2) bedroom and five (5) three bedroom dwellings are proposed.
- 19 resident and 1 (one) visitor car parking space is proposed.
- The site is located within the General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- 33 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 22.06.
- The proposal is in accordance with Amendment C137 of the Darebin Planning Scheme, as adopted by Council, with the site located in a precinct earmarked for a 6 storey mandatory maximum height.
- 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, Transport Management and Planning Unit, the ESD officer and the Urban Design officer.
- This application was not required to be referred to external authorities.

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

- *Neil Cooney, on behalf of Applicant*
- *John Fieschi, Objector*

Recommendation

That Planning Permit Application D/187/2015 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: A5, A6, A8, A9, A10, A11, A12, A13, A14, A15 and A16, dated 12 May 2016, Job No CKA14-003 prepared by C. Kairouz Architects) but modified to show:
 - a) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
 - b) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 5 of this Permit). Waste collections must be limited to two (2) collections per week.
 - c) A landscape plan in accordance with Condition No. 6 of this Permit
 - d) 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.
 - e) Fixed horizontal external shading devices to all north elevation windows.
 - f) Retractable vertical external shading devices to all west elevation windows and or balconies.
 - g) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems as outlined in the Sustainable Design Assessment). These are to be screened to be minimally visible from the public 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.

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.

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

The SMP must address the 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater
- e) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

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

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

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

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

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

6. 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.

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- c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Plants that are drought tolerant and indigenous to the area.
 - 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 and decking.
 - g) Construction details of container planting beds including drainage, irrigation, soil profiles and planting notes.
 - h) 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.
 - i) Hard paved surfaces at all entry points to dwellings.
 - j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - l) 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.
 - 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.
 - o) A maintenance schedule.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied 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.
 8. 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.
 9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the *Building Regulations 2006*.
-

This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

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

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) Line marked and;
 - e) Drained

to the satisfaction of the Responsible Authority.

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

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.

Committee Decision

MOVED: Cr. B. Li
SECONDED: Cr. A. Villella

That Planning Permit D/187/2015 be refused and a Notice of Refusal be issued on the following conditions:

1. The proposed development is not consistent with the proposed Design and Development Overlay – forming part of Amendment C137 to the Darebin Planning Scheme (being a seriously entertained amendment) due to the street frontage not meeting the minimum requirement of 20 metres.
2. The proposed development will unreasonably impact on the visual amenity of surrounding residential properties particularly to the side and rear of the site.
3. The development does not provide an adequate level of landscaping.
4. The proposed development is an overdevelopment of the site.

CARRIED

5.17 APPLICATION FOR PLANNING PERMIT D/374/2004/B
63-71 Plenty Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Crystal Matt Developments Pty Ltd	Sixty High Pty Ltd	P2 Urban Planning and Design

SUMMARY:

- It is proposed to develop a fourteen storey building comprising two (2) shops and 85 dwellings.
- The site is located in the Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land
- No objections were received against this application as the application was not advertised.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and Amendment C137 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

- Notice of the application was not given.
- This application was referred internally to Capital Works Unit, the Transport Management and Planning Unit and Urban Design officer.
- This application was not required to be referred to external authorities.

Committee Decision

MOVED: Cr. T. McCarthy
SECONDED: Cr. G. Greco

That Planning Permit Application D/374/2004/B be refused and Notice of Refusal be issued on the following grounds:

1. The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:
 - a) 15.01 Urban Design
 - b) 16.01 Residential Development
 - c) 22.06-3.1 Sustainability
 - d) 22.06-3.2 Design and Materials

- e) 22.06-3.2 Building height
 - f) 22.06-3.4 Dwelling diversity
 - g) 22.06-3.5 Car Parking and Vehicle Access
 - h) 22.06-3.6 Street address - Mixed use developments
 - i) 22.06-3.8 Amenity impacts, including overshadowing and overlooking
 - j) 22.06-3.9 On site amenity and facilities, including private open space
 - k) 22.06-3.10 Waste Management
 - l) 52.06 Car parking
2. The development is contrary to the Higher Density Residential Development Guidelines.
 3. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout, restricted outlook, lack of daylight and or screening measures.
 4. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on borrowed or artificial lighting, contrary to Clauses 15.01, 15.02 and 21.05 and 22.06 of the Darebin Planning Scheme.
 5. The following aspects of the development are contrary to Amendment C137 (DDO3): Building height, setbacks, design, street interface, internal amenity, ESD and site services.

CARRIED

Cr. Vilella temporarily left the meeting during discussion of the above item at 9.10 pm and returned at 9.11 pm.

Cr. Williams temporarily left the meeting during discussion of the above item at 9.11 pm.

5.18 APPLICATION FOR PLANNING PERMIT D/474/2015
63-71 Plenty Road, Preston

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Crystal Matt Developments Pty Ltd	Sixty High Pty Ltd	P2 Urban Planning and Design

SUMMARY:

- It is proposed to develop an eighteen storey building comprising two (2) shops and 135 dwellings.
- One hundred and eight car spaces are provided on site. This represents a reduction to the car parking requirement.
- The site is located in the Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- One (1) statement of grounds (objection) has been received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and Amendment C137 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

- The application is currently on advertising in accordance with VCAT’s Order. The advertising process includes a public notice posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit, the Transport Management and Planning Unit and Urban Design officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/474/2015 be refused and Notice of Refusal be issued on the following grounds:

1. The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:
 - a) 15.01 Urban Design
 - b) 16.01 Residential Development
 - c) 22.06-3.1 Sustainability
 - d) 22.06-3.2 Design and Materials

- e) 22.06-3.2 Building height
 - f) 22.06-3.4 Dwelling diversity
 - g) 22.06-3.5 Car Parking and Vehicle Access
 - h) 22.06-3.6 Street address - Mixed use developments
 - i) 22.06-3.8 Amenity impacts, including overshadowing and overlooking
 - j) 22.06-3.9 On site amenity and facilities, including private open space
 - k) 22.06-3.10 Waste Management
 - l) 52.06 Car parking
2. The development is contrary to the Higher Density Residential Development Guidelines.
 3. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout, restricted outlook, lack of daylight and or screening measures.
 4. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on borrowed or artificial lighting, contrary to Clauses 15.01, 15.02 and 21.05 and 22.06 of the Darebin Planning Scheme.
 5. The following aspects of the development are contrary to Amendment C137 (DDO3): Building height, setbacks, design, street interface, internal amenity, ESD and site services.

Committee Decision

MOVED: Cr. T. McCarthy
SECONDED: Cr. J. Williams

That Planning Committee form the view not to support Planning Permit Application D/474/2015 on the following grounds:

1. The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:
 - a) 15.01 Urban Design
 - b) 16.01 Residential Development
 - c) 22.06-3.1 Sustainability
 - d) 22.06-3.2 Design and Materials
 - e) 22.06-3.2 Building height
 - f) 22.06-3.4 Dwelling diversity
 - g) 22.06-3.5 Car Parking and Vehicle Access
 - h) 22.06-3.6 Street address - Mixed use developments
 - i) 22.06-3.8 Amenity impacts, including overshadowing and overlooking
 - j) 22.06-3.9 On site amenity and facilities, including private open space
 - k) 22.06-3.10 Waste Management
 - l) 52.06 Car parking
2. The development is contrary to the Higher Density Residential Development Guidelines.

3. A high portion of the dwellings provide a poor level of internal amenity as a result of their internal layout, restricted outlook, lack of daylight and or screening measures.
4. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on borrowed or artificial lighting, contrary to Clauses 15.01, 15.02 and 21.05 and 22.06 of the Darebin Planning Scheme.
5. The following aspects of the development are contrary to Amendment C137 (DDO3): Building height, setbacks, design, street interface, internal amenity, ESD and site services.

CARRIED

Rasiah Dev temporarily left the meeting during discussion of the above item at 9.14 pm.

Cr. Williams returned to the meeting during discussion of the above item at 9.15 pm.

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. B. Li
SECONDED: Cr. G. Greco

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

CARRIED

Committee Decision

MOVED: Cr. J. Williams
SECONDED: Cr. B. Li

THAT the confidential item in relation to the Former Ruthven and Lakeside School Sites be admitted as 'Urgent Business'.

CARRIED

CLOSE OF MEETING

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

THAT in accordance with section 89(2) of the Local Government Act 1989, Planning Committee resolves to close the meeting to members of the public to consider the following item which relates to a contractual matter:

6.2. Former Ruthven and Lakeside School Sites – Rezoning and Sale Processes

CARRIED

The meeting was closed to members of the public at 9.25 pm.

The Council considered and resolved on Report Item 6.2 (Former Ruthven and Lakeside School Sites – Rezoning and Sale Processes) which had been circulated to Councillors on 31 May 2016 with the Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. O. Walsh
SECONDED: Cr. J. Williams

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 9.46 pm

**6.2 FORMER RUTHVEN AND LAKESIDE SCHOOL SITES –
REZONING AND SALE PROCESSES****AUTHOR:** Director Assets and Business Services**REVIEWED BY:** Chief Executive**SUMMARY**

The background to these sites has been documented at previous briefings and Council meetings.

Resolutions passed on 5 October 2015, 16 May 2016, 6 June 2016, resolve for the Chief Executive to negotiate in regard to these sites (whole and/or part).

The following summarises the above resolutions:

- 5 October 2015:

‘ ...

(7) “The Chief Executive be authorised to negotiate with the Department of Education in relation to surplus Department of Education land at the former Ruthven Primary School with the intention of securing the entire 30,540m2 of surplus land at the former Ruthven Primary School...”

(8) “The Department of Education be advised that Council would only be interested in 18,760m2 of land along the western edge of the former Lakeside Secondary College.... in a scenario where the land is valued as open space..” ‘

- 16 May 2016:

Part (4) “Council authorises officers to negotiate an outcome with State Government to achieve 1.4 hectares which was previously available as public open space for the benefit of the community and in particular future residents of the former Ruthven Primary School site...”

- 6 June 2016 (in part):

“That Darebin Council resolves to offer to buy the former Ruthven Primary School and relevant parts of Lakeside (as identified by previous Council resolutions) sites...”

This report deals with the above authorisation to enter into negotiations for the Ruthven and Lakeside (part) sites.

Committee Decision**MOVED:** Cr. T. McCarthy**SECONDED:** Cr. O. Walsh

THAT Committee Decision be made public, with the exception of any financial information, and the report remain confidential.

CARRIED

Committee Decision

MOVED: Cr. A. Villella

SECONDED: Cr. O. Walsh

That the Planning Committee note that:

1. Officers have lodged a submission as per due process, to the Standing Advisory Committee regarding the rezoning process, and that the current fast track rezoning process for the former Ruthven Primary School site and the former Lakeside Secondary School site will continue.
2. The Chief Executive will commence negotiations immediately to offer and buy the former Ruthven Primary School site and relevant parts of the former Lakeside Secondary College site.
3. Any in-principle negotiated agreement to purchase the Ruthven and Lakeside (in part) sites will be presented to Council for consideration at the earliest opportunity.
4. Council will inform the residents and the local member, of Council's resolutions to date, and that Council has formalised its intent to start negotiation for the purchasing of both sites.

CARRIED

7. CLOSE OF MEETING

The meeting closed at 9.47 pm.