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AGENDA

Planning Committee Meeting to be held at
Council Chamber
Darebin Civic Centre,
350 High Street Preston
on Monday 15 June 2020 at 6.00 pm.

Due to the current COVID-19 health crisis and associated requirements residents and interested persons are strongly encouraged to view this meeting online. Any person attending the meeting will be required to observe appropriate social distancing requirements and adhere to the directions of Council Officers in relation to Public Question Time and any submissions.



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

هذا هو جدول اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8888 8470.

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 11 May 2020 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 AMENDMENT TO DEVELOPMENT PLAN POD/1/2006 205 Bell Street Preston

Author: Senior Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
GC (Bell) Pty Ltd	Asian Pacific Property Investments Pty Ltd	Urban Habitat MALA Studio Cardno

SUMMARY

- The proponent (Asia Pacific Building Corporation Pty Ltd) of the Bell Centre (formerly PANCH site) is proposing to amend the approved Development Plan
- The proponent seeks to make a minor amendment to Stage 3B and Stage 3C of the development plan comprising the following:
 - Change of use of the former nurses building and former hospital building, removing student accommodation and dwelling to consolidate the predominant use across the site and addition of a bus/ pickup/ drop of area towards Hotham Street frontage of the former nurses building
 - Temporary Landscape Works north of the former nurses building
- This is a minor amendment with no adverse amenity impacts and notice of the application was not required
- Recommendation – that Planning Committee approve the amendment to the Development Plan

CONSULTATION:

- Formal notification of amendments to development plans is not a requirement under the Planning and Environment Act 1987 (as amended)
- As the amendment is considered minor in nature, and generally in accordance with the purpose of the Development Plan and the Development Plan Overlay – Schedule 5, no informal notification has occurred
- The application has been referred internally to Council’s Climate Emergency and Sustainable Transport Department

Recommendation

THAT Planning Committee approve the amendment to the Development Plan

INTRODUCTION AND BACKGROUND

Development Plan History

The original Development Plan relating to the subject land was approved by Council on 5 December 2000. The original Development Plan allowed the development of the subject land for the purpose of a residential building (student housing units and a hotel), conference centre, offices, a medical centre, a restaurant and associated car parking. Stages 1, 2 and 2A of this approved Development Plan have been constructed and currently operating on the site. The main purpose of the development plan was to guide the change in use and development from a hospital into accommodation and convention facilities.

The Development Plan has since been amended on twelve different occasions allowing modifications to both development and uses on the land. The amount on amendments is not unusual given the use and development of the site has spanned 20 years and had to respond to constant social and economic changes.

The eleventh, and most recent, amendment to the Development Plan was approved on 1 June 2014 and allowed the introduction of a medical centre use as an alternate land use to the approved office use across levels 1, 2 and 4 of the south office building.

Planning Permit History

Since the Development Plan has been approved there have been several Planning Permits issued for the site. The permits are all generally in accordance with approved Development Plan.

- Planning permit D234/2001 was issued on 20 September 2001 and allowed student accommodation in the Stage 1 building
- Planning Permit D933/2001 was issued on 7 March 2002 and allowed 'Development and use of part of the land as Student Accommodation and Hotel Accommodation and associated ancillary uses, in accordance with the endorsed plans
- Planning Permit D/804/03 was issued by Council on 3 March 2004 to allow the public use of the conference centre associated with the residential building (student accommodation) and hotel
- Planning Permit D/356/2006 was issued by Council on 17 November 2006, to allow the use and development of the land for the purpose of a residential building (serviced apartments and student accommodation), office, conference centre, a 40 seat convenience restaurant and a 140 seat restaurant, to reduce the car parking, bicycle and loading bay requirements and to alter access to a road. This permit has since been amended to allow function centres (totalling 420 seats), a 200 seat restaurant, tavern for 70 persons, 17 dwellings, shops and postal agency (with a maximum combined floor area of 300 square metres) along with other building alterations
- Planning Permit D/250/2007 was issued by Council on 24 May 2007 to allow buildings and works for the construction of a car park and changes resulting from this construction
- Planning Permit D/229/2007 was issued by Council on 17 August 2007 to allow the construction of a flagpole

Planning Permit D/536/2006 is the approval that is most relevant to this current request and allows use and develop of the land for the purpose of a residential building (student accommodation), office, conference centre, food and drink premises, licensed 140 seat restaurant and motel and to waive the car and bicycle parking requirements as shown on the plans accompanying the application on 16 January 2020.

Council received an application to amend Planning Permit D/933/2001/B to remove use of part of the land as Student Accommodation and to allow additional Hotel Accommodation on 16 January 2020.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The subject land is located on the south side of Bell Street, a short distance east of Plenty Road and is commonly known as Rydges Bell City (formerly PANCH)
- The site is regularly dimensioned and is occupied by a number of multi storey buildings with a mix of uses, including office, residential hotel, dwellings function / conference centre, food and drink premises. The proportion of the site subject to the current amendment is the southern side of the property, occupied by a six (6) storey office building known as the 'south office building'
- To the south of the site are residential properties, comprising a mixture of single and double storey original and infill housing
- The site falls to a low point in the centre of the site before rising up gradually to the residential properties
- Access to the south office building is via Hotham Street to the west, which leads into the existing car park. Shared car parking facilities can also be accessed via the vehicle entrance from Bell Street
- Hotham Street, although residential zoned, is represented by both residential and commercial land uses
- The following services are available in proximity to the site:
 - Tram route 86 is available along Plenty Road – 125 metres
 - Bell (train) station is available west of High Street – 651 metres
 - Various bus services run east west along Bell Street
 - Preston central is located to the north west of the site, 960 metres

Proposal

- Approval is sought for an amendment to the current approved Development Plan. This amendment includes the following changes:

Stage 3B – incorporates two amendments across the site:

- Bus pick up/drop off
- and change of use for former nurses building and former hospital building, removing student accommodation

Stage 3C

- Interim Landscape Works

PLANNING ASSESSMENT

Development Plan Overlay – Schedule 5

In accordance with Clause 43.04-3 of the Darebin Planning Scheme, the Development Plan may be amended to the satisfaction of the Responsible Authority.

The development plan should address the elements of the Guiding Principles – PANCH Redevelopment Site, Development Principles Lot 1, Development Principles Lot 2, and Development Principles Lot 3, relevant to the site including a plan drawn to scale which shows:

- The layout of existing and proposed buildings and works
- All buildings to be retained
- Proposed uses on all parts of the land
- The location of all open space areas
- The staging of all development
- The proposed subdivision of the development
- A traffic management plan outlining traffic requirements both within and outside the site
- Details of the treatment of all internal roads, road connections to the adjoining road network and the location and nature of other transport facilities to service the development
- Details of vegetation retention enhancement and removal
- Urban design guidelines

The amended Development Plan includes plans which show the above.

Stage 3B – incorporates two amendments across the site:

- Bus pick up/drop off and change of use across two primary existing buildings
- The bus pick up and drop off will provide a designated area on the south-western side of the former hospital building. The two existing crossovers that provide access from Hotham Street will be utilised for the bus area
- Two car park spaces are to be removed to allow movement for the shuttle buses within the car parking area
- Change of use from student accommodation to hotel rooms. This will remove all student accommodation from the site

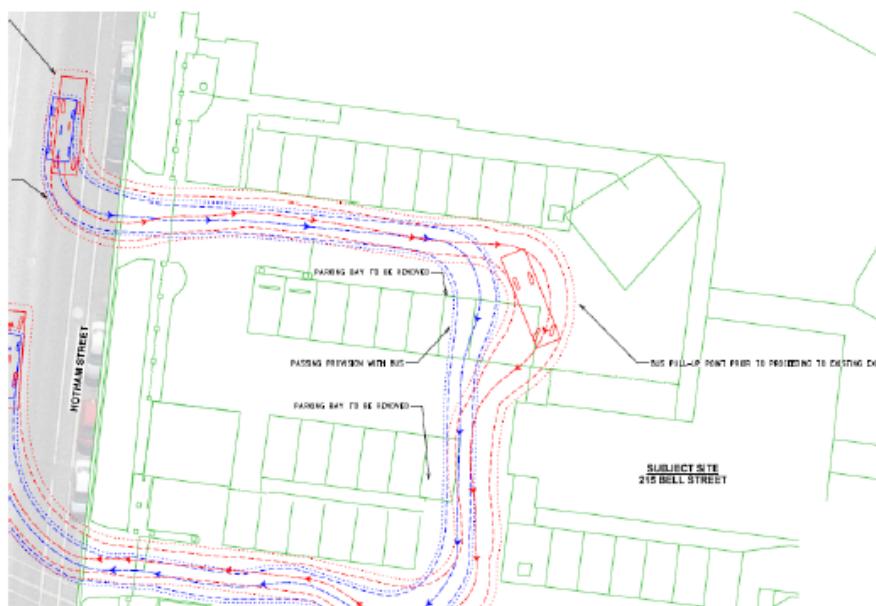


Figure 1 - Proposed drop off/pick up changes as part of stage 3B

Change of Use Hotel Accommodation Use

The change of use will not require any internal rearrangement of rooms and does not increase the number of rooms operating across the site. It is simply a change from one category of accommodation to another.

Presently the former nurses building (Breakfree) contains 366 Hotel rooms and 17 dwellings (student accommodation).

The change of use as proposed for Stage 3B would allow for a total of 822 hotel rooms within the two buildings and ancillary ground floor uses.

Stage 3C Interim Landscape Works

The proposed landscape works are to be located north of the Breakfree building and are targeted at improving the amenities on offer for hotel guests. These amenities include multi-use courts, new garden beds and planting along each interface of the communal recreation area surrounding the existing pool. These amenity and landscaping improvements are proposed to be temporary installations and do not form part of the longer-term plans for Stage D of the development. Council’s Climate Emergency and Sustainable Transport Unit has reviewed a Traffic Assessment report provided with the application and has no objection to the reduction in car parking spaces to accommodate the Interim Landscaping Works

POLICY

IMPLICATIONS



Figure 2 - Landscape works as part of Stage 3C

Planning Policy Framework (PPF)

The PPF seeks to facilitate the location of mixed accommodation types that responds to local needs with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities. The site benefits from being well located in terms of public transport, access to Preston Central and Bell Street.

Local Planning Policy Framework (LPPF)

Clause 21.04 provides a Strategic economic framework to support economic growth within the municipality.

Council supports the transition of the local economy to one that encourages the development of commercial office market and employment growth providing local jobs commensurate with population growth.

The Framework identifies the importance of Bell Street corridor and the facilitation of commerce uses along this arterial road, within the local cluster of activity centres. The provision of a residential hotel with conference and business facilities responds to the strategic framework that seeks to provide service-based employment within the surrounding area. The proposal also responds to identified need for additional hotel beds and convention facilities as identified in the Darebin Economic Land Use Strategy.

Clause 21.04-4 of the Darebin Planning Scheme encourages *affordable student housing near major educational institutions.*

The student accommodation market within the last 15 years has altered dramatically with the rising number of international students resulting in the need for a more specialist land use that provides pastoral care and the provision of a range of student amenities and services. This has seen an increased provision in larger stand-alone student accommodation and a reduction of student accommodation that is integrated with service apartments or other uses. The applicants have also advised that student accommodation does not integrate well with hotel offer and undermines the vision for the site to become a premier accommodation and convention hub.

Both the existing and proposed future use of the subject site are not appropriately designed to provide pastoral care or other services that students require and it is considered that student accommodation can be locate more appropriately to Latrobe University or on larger stand-alone sites.

Mixed Use Zone

The land is included within the Mixed Use Zone, a purpose of which is:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use functionality of the locality.

The proposed amendment removes the student accommodation use on the site however it is considered the use of the site as a hotel, function, centre, medical centre etc still provides a range of uses which complements the mixed use functionality of the locality and the long term vision for the Bell Street corridor.

Guiding Principles – PANCH Redevelopment Site

The amended development plan is generally in accordance with the Guiding Principles – PANCH Redevelopment Site, which state that it is the council's objective to achieve an integrated mixed-use development, which provides opportunities for residential, medical, community commercial and education uses as well as the preservation of urban character and landscape features.

The proposed conversion of student accommodation units into hotel rooms reflects the transition of the site and the broader surrounding area since the drafting of the PANCH redevelopment guiding principles almost 15 years ago between 2001 and 2006.

The guidelines include the wording *“consider the provision of residential use, including for students and the aged.*

This principle is addressed through the approved development of Stage 3D which incorporates the construction of 272 dwellings within the central portion of the building, providing a diversity of dwelling sizes that would be suitable for a range of households including students and older residents.

Car Parking and Access

Section 8.5 of the approved Development Plan outlines the car parking requirements on the site.

The application is accompanied by a Traffic Assessment report which Council's Climate Emergency and Sustainable Transport Unit have assessed and consider appropriate. The proposal and do not object to the removal of two car spaces to accommodate the shuttle bus movements within the site.

It is noted that the ancillary uses across the site will benefit from the site being included within the Principal Public Transport Network (PPTN)

The traffic generation characteristics of the hotel accommodation use are not expected to be dissimilar from that of the approved student accommodation use.

POLICY IMPLICATIONS**Environmental Sustainability**

Nil

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

- Darebin Planning Scheme and the Planning and Environment Act (1987) as amended.

Attachments

- The Bell Centre - Development Plan (**Appendix A**) [↓](#)
- The Bell Centre - Landscape Concept Plan (**Appendix B**) [↓](#)
- The Bell Centre - Staging Plans (**Appendix C**) [↓](#)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



THE BELL CENTRE 215 BELL STREET, PRESTON

Development Plan

Human Habitats:
Urban Planning and
Design Studio

Date: December 2019

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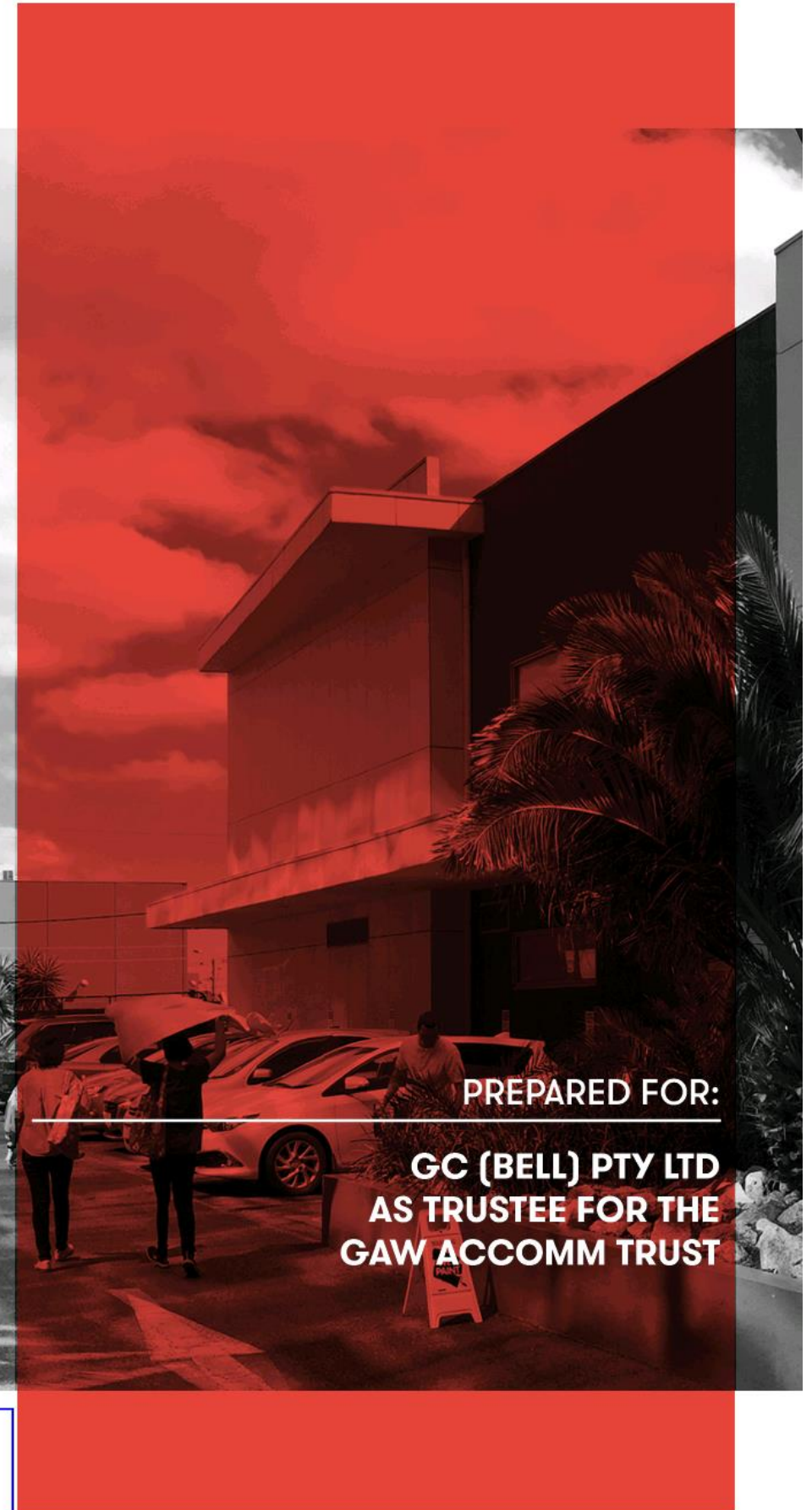
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PREPARED FOR:
GC (BELL) PTY LTD
AS TRUSTEE FOR THE
GAW ACCOMM TRUST

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PROJECT DETAILS (PRE 2019)



ASIAN PACIFIC BUILDING CORPORATION PTY LTD.
DEVELOPER



CONTOUR CONSULTANTS AUSTRALIA PTY LTD.
TOWN PLANNERS



CARDNO GROGAN RICHARDS PTY LTD.
TRAFFIC ENGINEERS



CDA
LANDSCAPE ARCHITECTS

PROJECT DETAILS (POST 2019)

GC (BELL) PTY LTD
DEVELOPER



HUMAN HABITATS PTY LTD
TOWN PLANNERS



CARDNO PTY LTD.
TRAFFIC ENGINEERS



ARCHITECTUS PTY LTD
ARCHITECTS



MALA STUDIO
LANDSCAPE ARCHITECTS



NEOSCAPE PTY LTD
PROJECT MANAGER

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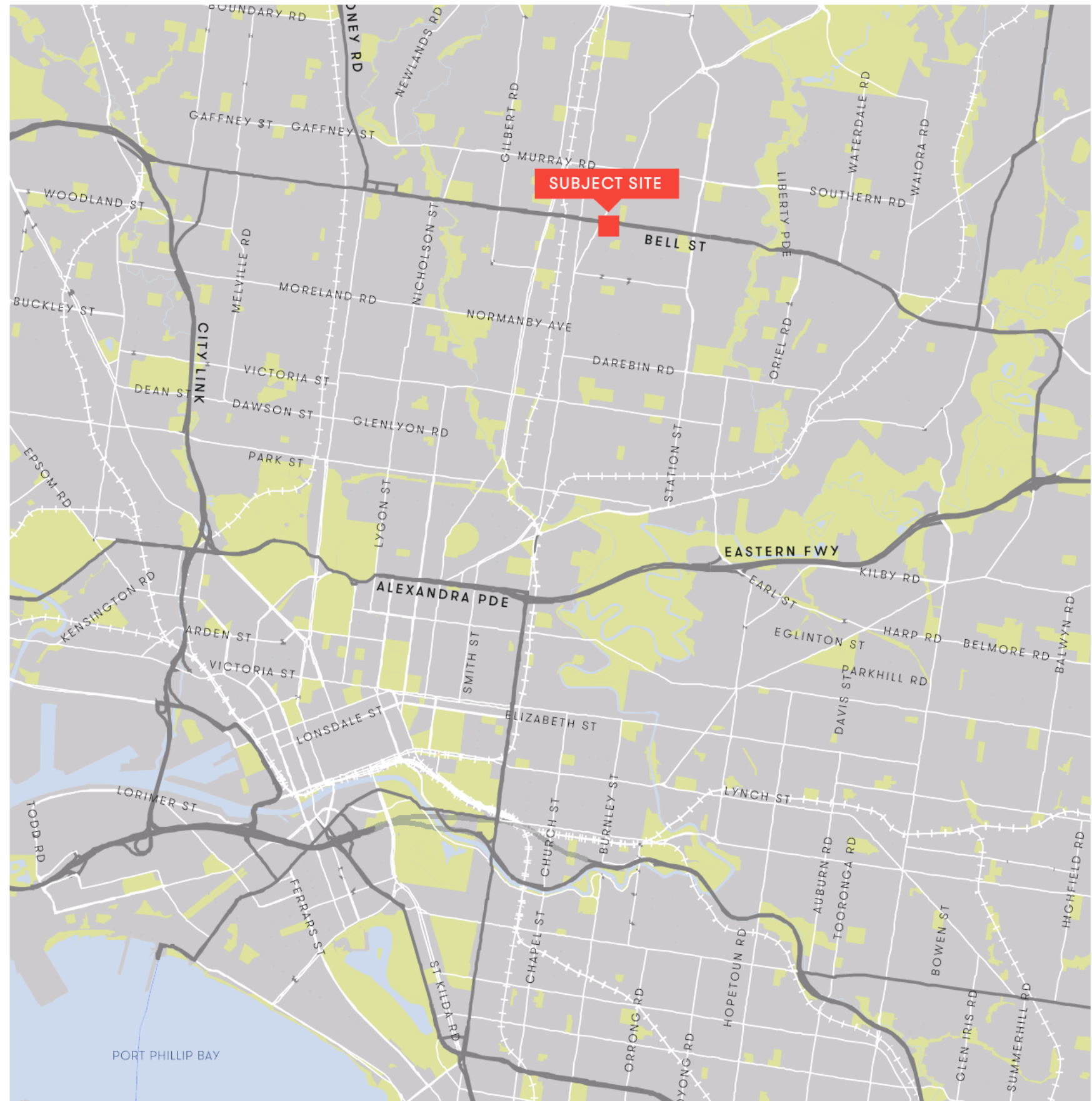


Figure 1 - Context Plan

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1.0 INTRODUCTION

This Development Plan relates to 'The Bell Centre' which is located at 205 Bell Street, Preston, as shown in Figure 2- Locality Plan and Figure 3 - Cadastral Plan.

The site was formally occupied by the Preston and Northcote Community Hospital (PANCH) and is a well-known landmark site in Melbourne's inner northern suburbs. It is located approximately 10 kilometres from the Melbourne Central Business District.

This Development Plan has been prepared as part of the redevelopment of the former hospital building in the north-western portion of the site and consolidates all previous versions of The Bell Centre Development Plan and associated amendments into this document. A history of previous approvals gained for the site is set out at Section 2.0.

GC (Bell) Pty Ltd proposes to redevelop the subject land to accommodate the following:

- (Licensed) Residential Hotel rooms;
- (Licensed) Function/Conference Centres;
- Offices;
- Medical Centre;
- (Licensed) Restaurants and a Tavern;
- (Licensed) Cafes; and
- Retail premises/shops.

The Development Plan comprises a series of text, reports and plans broadly encompassing the following:

- Plans prepared by Capital Commercial Architecture, SJB and Architectus which show the layout of existing and proposed buildings, works, car parking areas and access, landscaping, land uses and staging;
- Development Plan text; and
- A Traffic and Transport Assessment prepared by Cardno.

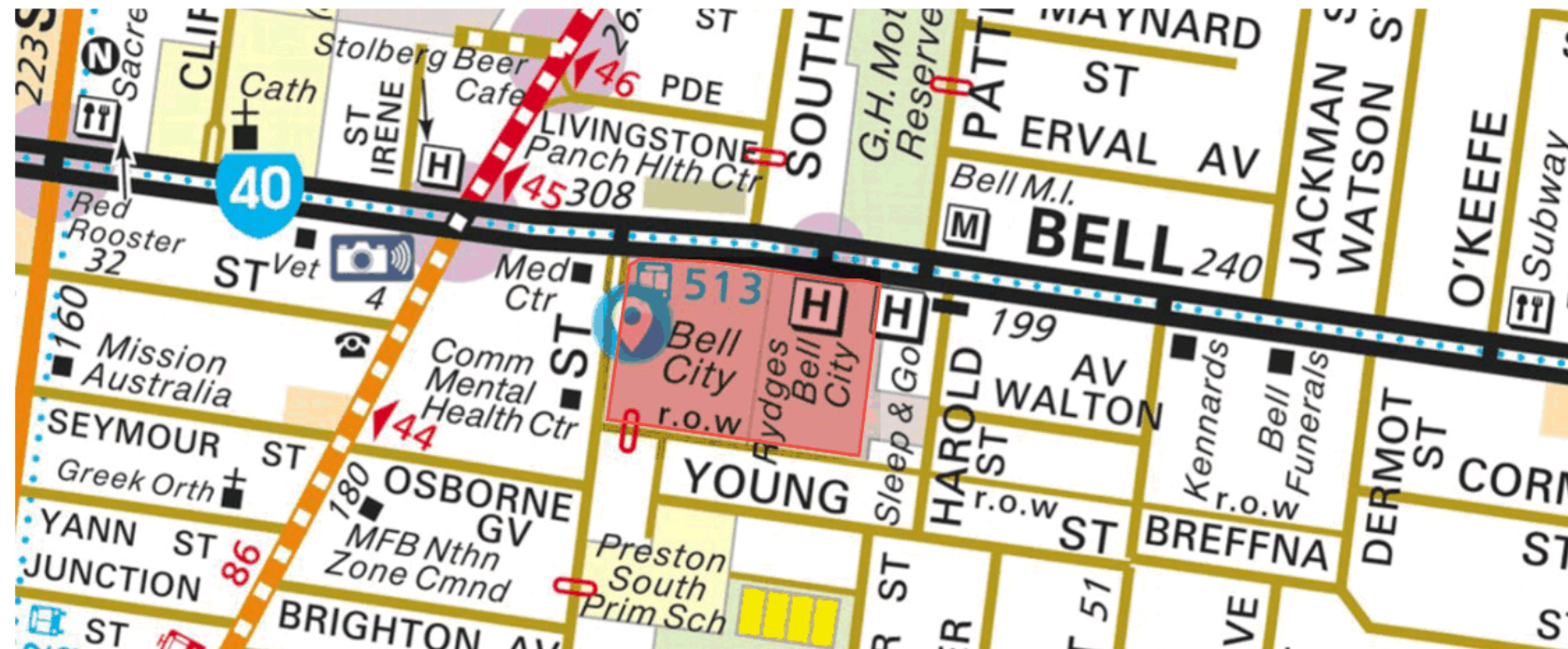


Figure 2 - Locality Plan

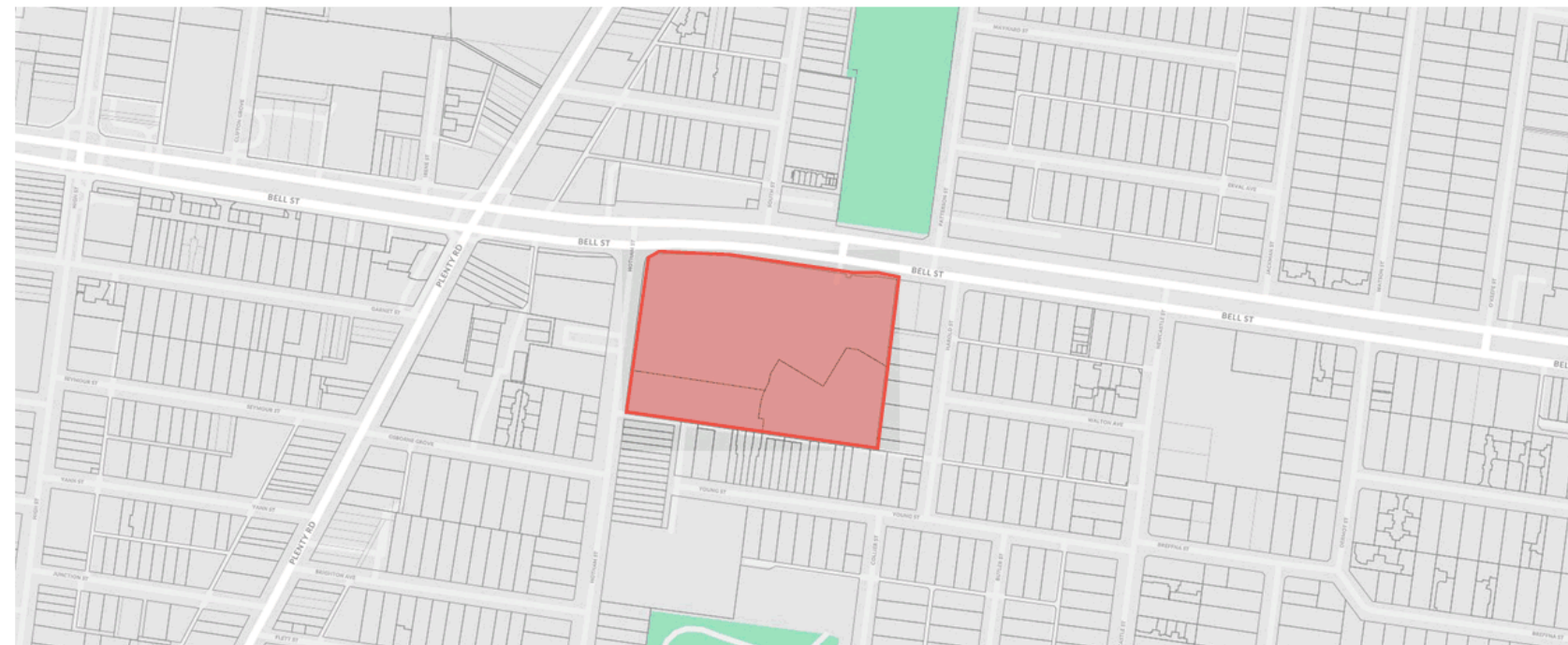


Figure 3 - Cadastral Plan

2.0

BACKGROUND CONSIDERATIONS

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2.1 SITE HISTORY

The former PANCH operated from the subject land between 1960 and 1998.

The development of the subject land as a hospital commenced in 1951 and progressed slowly, at one time ceasing for three years, due to lack of funding. By the time the hospital opened in 1960, it was recognised that the design was lacking. There was a shortage of storage space to the extent that no space was allowed for pathology and little more for casualty. The 305-bed nurses' home was completed in 1962. By the mid 1980s, various alterations had been undertaken and PANCH grew into a 324-bed hospital with Melbourne's busiest casualty department. In 1991, the State Government commissioned the McKay enquiry, which concluded that it was inappropriate to have three fully operational large hospitals - namely PANCH, the Austin and the Repatriation Hospital in Heidelberg - within such a short distance of each other. The report recommended that PANCH be closed or downgraded. Against this background, the South Block with four operating theatres and other facilities was commenced, opened in 1992.

In February 1998, the services provided at PANCH were relocated to the new Northern Hospital at Epping.

2.2 SALE OF THE SITE BY PUBLIC TENDER AND PURCHASE BY ASIAN PACIFIC BUILDING CORPORATION PTY LTD

In December 1998, expressions of interest were sought by the State government for the sale of the PANCH site. The property was offered with vacant possession and expressions of interest were sought for part or all of the property on the basis that the land would be rezoned by the Government to facilitate the proposal(s) of the successful tender(s).

At the time of sale, the main part of the PANCH site was reserved for hospital purposes under the Darebin Planning Scheme, reflecting its former use. The two Young Street properties (32 and 34 Young Street) were zoned Residential C.

A requirement of the sale was that the relatively new and fully operational day surgery (within the building known as the South Block) be maintained as a private day surgery for the local Darebin community as part of the overall redevelopment of the site.

APSC tendered for the former PANCH site on the basis that it was rezoned to Business 2. The company outlined its intentions to retain the day surgery and to also accommodate student housing, a four-star hotel, a nursing home, a restaurant and office floorspace on the site.

Discussions were subsequently held with representatives from the Department of Treasury and Finance, the Department of Infrastructure and the City of Darebin once APBC was selected as the preferred tender for the purchase of the whole of the PANCH site [including the subject land]. The company was advised that its development concept for the former PANCH site was supported and it was asked to consider whether it would accept the main part of the site being included in a Mixed Use Zone, with the two Young Street properties remaining in a Residential C Zone.

The relevant government departments and the City of Darebin also suggested that a Development Plan Overlay be introduced into the Planning Scheme to facilitate the company's redevelopment concept for the subject land.

The rezoning suggested by the Government and the Council was accepted by APBC. The main difference between the Mixed Use Zone and the Business 2 Zone is that the former allows residential use without a permit whilst the Business 2 Zone allows office use without a permit. The two zones otherwise both allow all of the proposed use components, subject to the necessary planning approval.

Amendment L69 to the Darebin Planning Scheme was subsequently prepared by the Minister for Planning and Local Government in consultation with the Council and was gazetted in May 1999.

APBC became the new owner of the subject land, together with the two vacant properties in Young Street in June 1999.

3.0

APPROVAL HISTORY

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3.1 ORIGINAL DEVELOPMENT PLAN

Allowed:

- Student Housing within former nurses home building (496 student housing units).
- Hotel within former hospital building (287 hotel rooms with an ancillary conference/reception centre for 200 patrons).
- 8 storey office building fronting Bell Street (total floor area of 10,000m²)
- Integrated Health Care Facility / Medical Centre comprising a private hospital (26 beds, 2 operating rooms and service areas), a maternity unit (23 beds, 3 birthing units and service areas) and a day surgery (2 operating rooms, a central sterile supply department and service areas), as well as 4 sessional consulting rooms, 4 primary consulting rooms, a radiology unit, a pathology unit, a sports medicine centre, a cafe, a pharmacy and a florist.
- Restaurant in front of Hotel (150 seats).
- A total of 712 car spaces (460 car spaces within a two and a half level basement car park with ingress and egress from Bell Street).

3.2 AMENDMENT TO DEVELOPMENT PLAN APPROVED 25 JANUARY 2002

Allowed:

- Previously approved Student Housing component (496 student housing units) to be substituted with Student Housing and Hotel (353 student accommodation rooms and 80 hotel rooms).
- Refurbishment of former nurses education building (previously to have been demolished) to provide Education Centre classrooms and a small theatrette.
- Increase in on-site car parking from 712 car spaces to 761 car spaces.

3.3 AMENDMENT TO DEVELOPMENT PLAN APPROVED 20 DECEMBER 2002

Allowed for Ancillary Function Centre/Education Centre in former nurses education building (Ancillary Function Centre with up to 140 persons, and operating hours 7am to 11 pm each day).

3.4 AMENDMENT TO DEVELOPMENT PLAN APPROVED 3 MARCH 2004

Deleted the word "Ancillary" in relation to the Function Centre in the former nurses Education building.

3.5 AMENDMENT TO DEVELOPMENT PLAN APPROVED 5 JUNE 2006

Allows:

- Retention of existing ground level car park under Integrated Health Care Facility / Medical Centre.
- Reduction in floorspace at ground, first and second floor levels.
- Reconfiguration of the layout to the car park to the west of the Integrated Health Care Facility / Medical Centre.
- New vehicle access point to Hotham Street.
- Increase in on-site car parking from 761 car spaces to 767 car spaces.
- New easement and access through the site .
- New access arrangement to Hotham Street, reconfiguration of car parking area and new accessway through the site.

3.6 AMENDMENT TO DEVELOPMENT PLAN APPROVED 19 SEPTEMBER 2006

Allows:

- Reconfiguration of ground floor level of existing hospital building to include a cafe (40-seats), office, business centre (1,089sqm) and conference facilities (175 patrons).
- Addition of three storeys to south wing of the existing hospital building .
- Reconfiguration of Levels 1 - 7 of the hospital building to provide 308 serviced apartments and 75 student accommodation units.
- Plant area and flagpoles atop the existing hospital building .
- 140-seat restaurant in the north-west corner of the site over a basement car park .
- Revised access arrangements to Bell Street.
- Retention of option for 'Stage 3D' office building (8 storeys and 12,950sqm net floor space).
- Reconfiguration of car parking areas within the site .
- Deletion of the existing southern-most crossover to Hotham Street.

3.7 AMENDMENT TO DEVELOPMENT PLAN APPROVED 21 MAY 2007

Allows:

- A reduction in car parking spaces from 84 to 76 at Basement Level 1 below the approved restaurant.
- The construction of new Basement Levels 2, 3 and 4 below the approved restaurant with 79 spaces at each of Levels 2 and 3 and 87 spaces at Level 4.
- The relocation of the water tank to the north-west corner of Basement Level 1 .
The addition of a link at Basement Level 1 to the proposed 'Stage 3' car park beneath the proposed office building along the Bell Street frontage of the site.
- The minor re-arrangement of the ground floor plan of the restaurant to accommodate a new lift and stair location.
- Some minor alterations to the setbacks of the basement from the property boundaries.
- The operation of the conference/ function centre until 11 pm on any night.

3.8 AMENDMENT TO DEVELOPMENT PLAN APPROVED 15 OCTOBER 2007

Allows:

- Additional floor level for the previously approved restaurant building which will provide for 200 licensed restaurant patrons [operating until midnight every night]. 70 tavern patrons [operating until midnight every night]. 300 conference/ function centre patrons [operating until 11 pm every night].
- Internal reconfiguration of approved former Hospital Building to provide 17 dwellings, 291 serviced apartments and 75 student accommodation units, 80-seat cafe [food and drink premises]. 1, 114sqm office floorspace, 120-person conference/ function centre which can operate until 11 pm every night.
- Addition of Hotel Recreation Room, Hotel Theatre Room, Hotel / Student Gymnasium, Laundromat, Hotel Laundry and other associated hotel facilities within the basement level beneath the former Hospital building.
- Additional floor-space added to south wing of the former Hospital Building and additional roof-top garden adjacent to east facade of south wing at first floor level of the former Hospital Building.
- New accessway through the site between main car park and the area south of the medical centre building which is to be reflected in a new subdivision plan.
- Reconfiguration of at-grade car parking near the restaurant building and south of the medical centre building with a total loss of 8 spaces across the site and the relocation of one loading bay from the east of the restaurant building to the west side of the restaurant building.
- New landscaping works and fence detail surrounding new restaurant building.
- Revised flagpole detail, as per planning permit application D/229/2006.

3.9 AMENDMENTS TO DEVELOPMENT PLAN APPROVED 23 JULY 2008

Allows:

- Opportunity to use up to 300sqm of ground floor area in the western wing of the 'Stage 2' building for 'Shops' with the balance retained for office use.
- A new postal agency within the ground floor area of the western wing of the 'Stage 2' building.
- Minor external alterations and additions to include a new fire escape, door, canopy and window.

3.10 AMENDMENTS TO DEVELOPMENT PLAN APPROVED NOVEMBER 2011

Allows:

- Redevelopment of the north-eastern and central part of the site to accommodate a multi level building comprising 615sqm Business Centre ('Office'); 200-patron licensed Function Centre; 80-seat licensed Cafe; 105 licensed hotel units; 272 residential apartments; 507 resident car parking spaces; 145 resident bicycle parking spaces; 13 visitor car parking spaces; and 26 visitor bicycle parking spaces.
- Redevelopment of the southern part of the site to accommodate 5,140sqm Office floorspace with associated car parking reconfiguration and additional bicycle parking.
- General layout changes and land use changes to the approved Stage 1 and 2 components, including the deletion of 29 student accommodation units (from 353 to 324 units) in Stage 1 and change in use from 75 student units in Stage 2 to 75 residential hotel units.

3.11 AMENDMENTS TO DEVELOPMENT PLAN APPROVED AUGUST 2013

Allows:

- Modification to the screening and glazing facing east, south and west, on the approved six level office building in the southern portion of the site.

3.12 AMENDMENTS TO DEVELOPMENT PLAN APPROVED AUGUST 2014

Allows:

- Modification to the allowable uses within the southern building constructed in Stage 3A, redistributing 710sqm of floor area to be used as a medical centre with two practitioners.

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3.13 SUMMARY (2019 PROPOSED STAGING)

	Development	Approved by Council	Status
Stage 1*	Student housing, Hotel, Conference/Reception Centre in former nurses building	December 2000 (amendment January 2002)	Complete
Stage 2	Student housing, Hotel, Building Centre, Dwellings, Conference/Function Centre and Cafe within former hospital building; Restaurant, Tavern and Function/Conference Centre, and basement car park below	September 2006	Complete
Stage 3A	Six-storey office and medical building in southern part of the site	August 2012	Complete
Stage 3B	Change of use for former nurses building and former hospital building, removing student accommodation and dwelling to consolidate the predominant use across the site; and addition of bus pick up/drop off area towards Hotham Street frontage of former hospital building	Proposed 2019	Not yet commenced construction
Stage 3C	Temporary landscape works north of the former nurses building	Proposed 2019	Not yet commenced construction
Stage 3D	Multi-level, mixed use development fronting Bell Street in the north-eastern central part of the site	April 2014	Not yet commenced construction

*Including decrease in floor area of medical; centre building, new access arrangement to Hotham Street, reconfiguration of car parking area and new accessway through the site, as set out in Section 3.5 above.

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4.0

**EXISTING CONDITIONS
(DECEMBER 2019)**

The subject site is located on the south side of Bell Street, Preston, approximately 130 metres east of the intersection with Plenty Road.

The land has a frontage to Bell Street of 187.2 metres and an overall site area of 24,857.7 sqm.

The site is relatively flat.

The site is currently occupied by the following:

- 'Stage 1' building of 7 - 8 storeys in the south-eastern part of the site including 80 hotel rooms and 353 student accommodation units, a restaurant and recreational facilities.
- 'Stage 2' building of 7 - 8 storeys in the western part of the site comprising a mix of uses including retail (up to 300sqm), offices (up to 1,114sqm), 17 dwellings, 75 student accommodation units, 291 serviced apartments, 420 person licensed function centres, 80-seat cafe (convenience restaurant), 70 person tavern and 200 seat licensed restaurant.
- 'Stage 3a' building of 6 storeys in southern part of the site comprising of offices (4,430sqm) and a medical centre (710sqm)
- 'Educational Unit' in the southern part of the site (2 storeys).
- 'Hostel' in the north-eastern corner of the site (2 storeys).
- 573 car parking spaces.

The medical centre and hospital building are linked by a covered walkway at first, second and third floor levels.

Access to the site is via two crossovers to Bell Street and three crossovers to Hotham Street.



Figure 4 - Aerial of The Bell Centre Complex



Figure 5 - View of former hospital building

5.0 **THE SITE
CONTEXT**

5.1 REGIONAL CONTEXT

The subject land is located approximately 10 kilometres north-east of Melbourne’s Central Business District (CBD) and is a prominent and well-known site. It has an extensive frontage to Bell Street, which is a major east-west traffic route connecting Melbourne’s north and north-eastern suburbs with the Calder, Tullamarine and Hume Freeways, as well as Melbourne Airport at Tullamarine. It is also located within a short walking distance of the Plenty Road and High Street activity centres.

5.2 SURROUNDING LAND USE AND BUILT FORM

The character of the locality is very much influenced by the role of Bell Street as a main arterial road, with the prominent former hospital complex on one side and a medical centre on the other.

In addition to its Bell Street frontage, the subject land has residential interfaces to the east, west and south; being properties in Harold, Hotham and Young Streets, respectively.

Some of the adjoining properties fronting Harold Street to the east accommodate single dwellings. The other abutting properties on this side include 5 Harold Street which is used as a basketball court in association with the student housing on the subject land, and the medical consulting rooms on the south-west corner of Harold and Bell Streets, which are still in use.

The properties in Young Street, to the rear of the subject site, are mostly occupied by single-storey weatherboard dwellings and two storey brick veneer townhouses.

Detached housing and flats exist across Hotham Street to the west, which contrasts with the two storey Victorian terraces that exist on the east side of the street (south of the subject site).

To the west of the subject site, and with a frontage to Bell Street, is a pharmacy/medical centre. The land west of Hotham Street to Plenty Road is generally used for commercial purposes.

5.3 ROAD NETWORKS

Bell Street, which is classified as a primary arterial road, abuts the northern boundary of the subject site and provides an east - west connection between Pascoe Vale and Heidelberg. In the vicinity of the site, Bell Street has a divided road pavement and accommodates three lanes of traffic in each direction.

Hotham Street is classified as a local collector street and runs in a north-south direction along the western boundary of the site between Bell Street and Dundas Street. Hotham Street has a road pavement width of 13.5 metres and accommodates one traffic lane in each direction, with parallel parking provided on either side of the road.

Harold Street is classified as a local street and is currently blocked off just south of Bell Street to deny vehicle access to and from Bell Street.

Young Street is also a local street and connects with Collier Street to the south and Harold Street to the east.

A disused right-of-way which extends along the southern boundary of the subject site between Harold Street and Hotham Street.

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DAREBIN PLANNING SCHEME

DECEMBER 2019

6.1 STATE PLANNING POLICY FRAMEWORK

The following clauses of the State Planning Policy Framework are relevant to the proposal:

- Clause 15 – Built Environment
- Clause 15.01-1S – Urban Design – Metropolitan Melbourne
- Clause 17 – Economic Development
- Clause 17.01 – Employment
- Clause 17.01-1S – Diversified Economy – Metropolitan Melbourne
- Clause 17.02 -Commercial
- Clause 17.02-1S – Business
- Clause 17.04 – Tourism
- Clause 17.04-1R – Tourism in Metropolitan Melbourne
- Clause 18.01 – Integrated Transport
- Clause 18.02-2R – Principal Public Transport Network
- Clause 19.02-3R – Cultural Facilities – Metropolitan Melbourne

6.2 LOCAL PLANNING POLICY FRAMEWORK

Municipal Strategic Statement (MSS)

The following Clauses of the Darebin MSS are relevant to the proposal:

Clause 21.01 - Introduction

In terms of employment, Council notes the higher-than-average unemployment rate, with a reliance on retail and manufacturing jobs. The local economy has seen a gradual transition from a traditional labour intensive manufacturing base to a more mixed economy, with a growth in modern retail and services sectors.

Clause 21.02-11 further notes:

Darebin 's local economy has undergone significant change in recent time, moving from a traditional industrial base to a more modern retail and business focused profile. The City of Darebin is home to approximately 5,200 businesses, providing around 44,000 jobs, about one third of which are occupied by Darebin residents.

In 2011, the Council's projected population increase was from 143,057 to 173,980 by 2031 and the population was expected to age. As noted in Clause 21.01-2, this has implications for future housing in Darebin as household sizes are shrinking, and even if population numbers remain stable, the amount of housing required to accommodate this population will increase.

Clause 21.04 – Economic Development

Council recognises that increasing economic activity and promoting diversity in economic activity will provide benefits to the community. Retail activity is a significant component of the Darebin economy. The municipality's hierarchy of activity centres continues to evolve with several identifiable precincts such as Northland East Preston, Preston Central, Northcote and Reservoir serving the municipality's main retail needs and others, particularly those located along Darebin's main north-south spines, blending into a linear corridor of mixed use activity. Land use planning aims to support Darebin's cultural and artistic vitality. Council recognises there is ongoing demand for adequate space to accommodate cultural activities such as live music, theatre, and visual art creation and exhibition. While tourism plays a small role in Darebin's economy, there are opportunities to build on a number of identified and diverse assets within Darebin to encourage residents and visitors to recreate within the city. These assets include The Bell City Centre, Bundoora Park and Homestead, Merri and Darebin Creeks, strip retail centres, cultural activities, Preston Market, factory retail outlets, public open space and Darebin's multicultural society.

Clause 21.05 – Transport & Infrastructure

Council acknowledges the importance of integrated transport and land use planning outcomes and seeks to prioritise and facilitate a mix of land uses and greater housing densities in identified strategic corridors and precincts, and identified strategic opportunity sites generally within 400 metres of a train station or tram route. Council encourages transit-oriented development incorporating new housing and employment on land unlocked for urban renewal through rail grade separation investments at Bell Street (Bell Station).

Clause 22.06 - Multi-Residential and Mixed Use Development

Council aims to facilitate a high quality street edge that relates to the public realm and encourages efficient design outcomes that consider the development potential of adjoining sites. Mixed Use developments should promote opportunities for innovative land use mixes in new development, including commercial office space and home offices. Council seeks to promote active building frontages at ground level and visual and functional interaction between the footpath and new building.

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6.3 ZONING

The site is included within the Mixed Use Zone. The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To encourage residential development that respects the neighbourhood character.*

Within the Zone, the use of land for a Residential hotel, Office, Place of Assembly (conference / function centre), Retail Premises (Shop, Food and Drink Premises and Restaurant) requires a planning permit.

A planning permit is also required to construct a building or construct or carry out works.

6.4 OVERLAYS

The subject site is affected by the following Overlays:

Development Contributions Plan Overlay

The subject site is in charge area 2332106 and has charges applicable for community infrastructure, parkland, drainage and roads.

Development Plan Overlay

Any planning permit granted for the land must be generally in accordance with the approved Development Plan.

It is noted that any application made under the Darebin Planning Scheme which is generally in accordance with the approved Development Plan is exempt from the standard notice, decision and review rights of the Planning and Environment Act 1987.

Environmental Audit Overlay

Before a sensitive land use commences on the subject site, a certificate of environmental audit must be obtained.

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6.5 PARTICULAR AND GENERAL PROVISIONS

The following Particular and General Provisions are relevant to the proposal:

- Clause 52.06 Car parking
- Clause 52.27 Licensed premises
- Clause 52.29 Land adjacent to a Road Zone or Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 Bicycle facilities
- Clause 65 Decision guidelines

6.6 OTHER DOCUMENTS

PANCH Redevelopment: Guiding Principles:

A summary of the guiding principles follows:

- Integrate land uses within and external to the site.
- Consider the provision of residential use, including for students and the aged.
- Integrate the built form with surrounding residential and commercial streetscapes.
- Maximise tree retention and incorporate additional landscape features.
- Where practical, re-use and refurbish the former hospital buildings and existing infrastructure. Preserve elements that express cultural, social or heritage values of the site.
- Provide an integrated internal road network, which enables easy access within the site, and avoids a series of separate access points to and within the site.
- Ensure appropriate traffic management measures to Bell Street for vehicles entering and leaving the site.

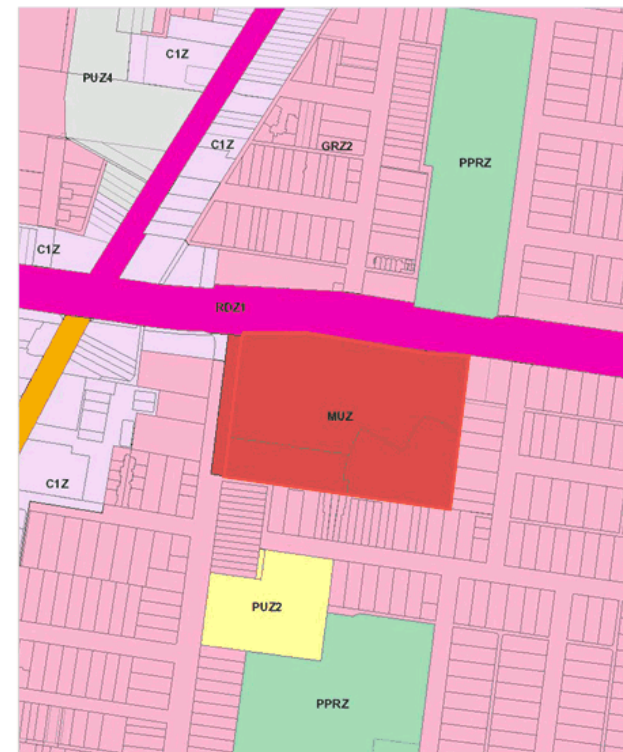


Figure 7 - Zoning Plan



Figure 8 - Development Contributions Plan Overlay (Schedule 1)



Figure 9 - Environmental Audit Overlay

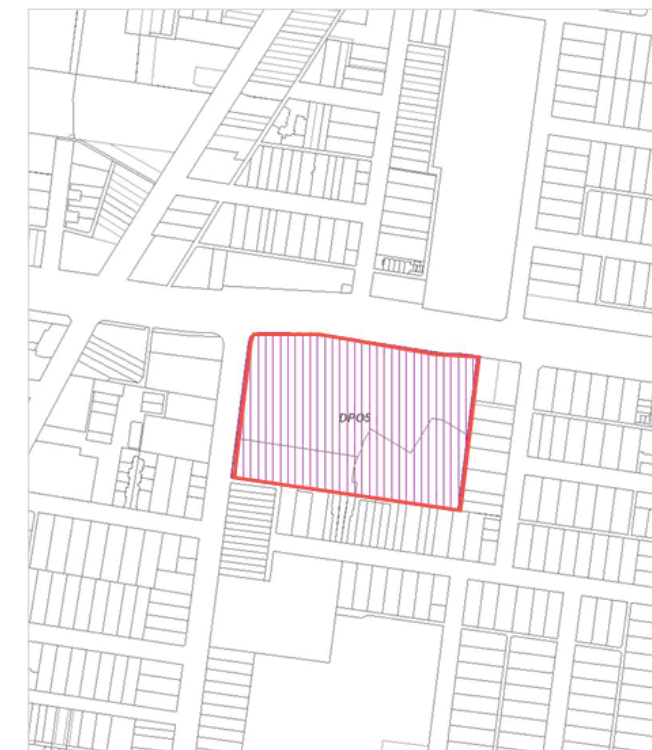


Figure 10 - Development Plan Overlay

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7.0

DEVELOPMENT PLAN CONTRIBUTIONS

7.1 EXISTING DEVELOPMENT

STAGE 1 (Completed)

The former nurses' buildings in the eastern portion of the site have been redeveloped from a part 5 and part 6 storey building to a part 7 and part 8 storey building which accommodates:

- 353 student accommodation rooms;
- 80 serviced apartments (hotel);
- Education/ Function Centre (in two storey building at rear of site);
- Car parking and access
- Landscaping

STAGE 2 (Completed)

Stage 2 involves the redevelopment of the former hospital building in the western portion of the site to accommodate three new floor levels on the South Wing and other extensions to the building which were approved in previous versions of the Development Plan. The approved land uses (D/356/2006) include serviced apartments, student accommodation units, dwellings, 1,114sqm business centre/office, 420 person conference centre, 80-seat cafe, and restaurant/tavern, and retail/shops.

Alterations were made to the access arrangements to Bell Street and Hotham Street, including a left-in/left-out only access point to the east of the approved restaurant and the closure of the southernmost crossover to Hotham Street.

Reconfiguration of car parking layouts was also undertaken.

STAGE 3A (Completed)

Redevelopment of the southern part of the site to accommodate 4,430sqm of office floor space, 710sqm of medical centre floor space with associated car parking configuration and additional bicycle parking.

7.2 APPROVED AMENDMENTS TO DEVELOPMENT PLAN

- Redevelopment of the north-eastern and central part of the site to accommodate a multi level building comprising 615sqm Business Centre ('Office'); 200-patron licensed Function Centre; 80-seat licensed Cafe; 105 licensed hotel units; 272 residential apartments; 507 resident car parking spaces; 145 resident bicycle parking spaces; 13 visitor car parking spaces; and 26 visitor bicycle parking spaces.
- General layout changes and land use changes to the approved Stage 1 and 2 components, including the deletion of 29 student accommodation units [from 353 to 324 units] in Stage 1 and change in use from 75 student units in Stage 2 to 75 residential hotel units.

7.3 APPROVED AMENDMENTS TO DEVELOPMENT PLAN - AUGUST 2013

- Modification to the screening and glazing facing east, south and west, on the approved six level office building in the southern portion of the site.

7.4 APPROVED AMENDMENTS TO THE DEVELOPMENT PLAN - AUGUST 2014

- Change of floor area balance for six-storey proposed office building in southern portion of site to include 710sqm of floor area for the use as a Medical Centre

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8.0 PLANNING CONSIDERATIONS

8.1 KEY DIFFERENCES BETWEEN APPROVED DEVELOPMENT PLAN AND CURRENT AMENDMENTS

A summary of the existing approved land use mix follows:

Land Use Classification	Approved Development Plan	Proposed Development Plan
Residential Hotel - Stage 1	80	439
Residential Hotel - Stage 2	366	383
Residential Hotel - Stage 3d	105	105
Dwellings - Stage 1	-	-
Dwellings - Stage 2	17	0
Dwellings - Stage 3d	272	272
Student Units - Stage 1	324	0
Student Units - Stage 2	75	0
Office - Stage 1	250sqm	250sqm
Office - Stage 2	1114sqm	1114sqm
Office - Stage 3a (South Block)	4,430sqm	4,430sqm
Office - Stage 3d	610sqm	610sqm
Medical Centre - Stage 3a	710sqm	710sqm
Shops/Postal Agency	Up to 300sqm	Up to 300sqm
Conference/Function Centre - Stage 2	420 patrons	420 patrons
Conference/Function Centre - Stage 3	200 patrons	200 patrons
Cafe - Stage 2*	80 seats (ground floor northern wing of Mantra)	80 seats
Cafe - Stage 3d	80 seats	80 seats
Restaurant - Stage 2*	200 seats (trading until 1am)	200 seats (trading until 1am)
Tavern - Stage 2*	70 patrons (trading until 1am)	70 patrons (trading until 1am)

* Any operational limits are subject to change with prior consent of the Responsible Authority.

8.2 LAND USE

The purpose of the Mixed Use Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality,
- To encourage residential development that respects the neighbourhood character.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specialised in a schedule to this zone.

The mix of land uses on the site are well-integrated and there will be mutual benefits between uses, such as the office patrons utilising the day-to-day services of the cafes and restaurants, or the residents being able to live and work at the same location.

The land uses on the site will not be mutually exclusive and there is expected to be a degree of interaction between the uses.

All land uses proposed for the site are 'Section 2 - Permit required' land uses, all uses are appropriate in the Mixed Use Zone.

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8.3 EXISTING DEVELOPMENT

The transformation of the appearance of the key existing buildings is seen as an important step in giving the site an exciting, new beginning.

The proposal rejuvenates the appearance of these existing buildings by altering fenestration, rendering facades, adding balcony elements and removing clutter at ground level.

The design highlights the original free-standing quality of the buildings, creating a series of courtyards and forecourt spaces. Consideration of the public ‘face’ of each building includes the addition of hotel entrance canopies and reworking of entry foyer spaces.

In specific reference to the former nurses building, this building has been converted into student accommodation and serviced apartments with the addition of two new floor levels. Balcony elements have been added to give the building a residential feel and some existing openings have been enlarged as part of a general approach to upgrading the building’s appearance. Each will be of lightweight construction and will utilise relatively transparent materials. Also of note is the inclusion of screening devices for sun-shading where necessary. Similarly, the former hospital building is easily converted to serviced apartments and the new upper floor additions to the building will upgrade the appearance of the building.

The medical centre building has been converted to office and medical centre floorspace (5140sqm and 710sqm respectively) across six floor levels including the three existing levels, plus three new additional levels which are set back from the southern site boundary by 11 metres. The setback will ensure amenity impacts such as overlooking, overshadowing and noise are mitigated.

In terms of the hospital building, there is an addition of three storeys to the south wing. All other wings will remain at heights previously approved by Council. In this regard, there are not expected to be any unreasonable amenity impacts on surrounding residential properties as a result of the addition, largely due to the setback of the south wing from the southern boundary of the site, being approximately 34 metres. The external appearance of the hospital building is to be rejuvenated through the render of the existing facade, and the addition of a glass facade to the additional floor levels to be constructed.

The restaurant has adopted a contemporary design and incorporates a variety of materials and finishes to correspond with its location along Bell Street, a major road, and to properly integrate within the broader site. The two storey building form is appropriate given the main road location and the backdrop of the larger 7 and 8 storey buildings on the balance of the site.

The new building in the north-eastern part of the site facing Bell Street makes an architectural statement and provides a well-designed entry feature to the wider development. The buildings are of high quality design and reflect their location along a wide main road frontage whilst making allowances for the residential interface to the east. Car parking has largely been moved underground to provide a more pedestrian-friendly environment between the buildings.

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8.4 DESIGN PRINCIPLES

The redevelopment of the site involves the retention, extension and re-use of the existing buildings on the site, as well as new construction works. The development will create a new image and the additions to the existing buildings are designed to complement the precinct as a whole. Careful consideration has been given with respect to building heights (where they have been increased) and setbacks, landscape buffers and screening devices to minimise the impact of the redevelopment on surrounding residential areas. The provision of clear entry points to each building is commensurate with the traffic circulation plan, which restricts the permissible number of entry and exit points on the site.

8.5 CAR PARKING

The traffic and car parking has been set out in various Traffic Engineering Assessment reports prepared by Cardno, project traffic engineers.

The car parking rates for the development have been amended from the previously approved Development Plan based on car parking occupancy surveys of existing uses at the site, and the establishment of the Principal Public Transport Network (PPTN) which applies the ‘Column B’ car parking requirement rates at Clause 52.06 of the Darebin Planning Scheme to the site.

Accordingly, the adopted car parking rates are as follows:

Hotel (serviced apartments)	0.3 spaces/room
Shop	3.5 spaces /100sqm net floor area
Conference Facility	0.3 spaces per patron
Café	2 staff spaces (80 seats)
Restaurant	3.5 spaces /100sqm leasable floor area
Tavern	3.5 spaces /100sqm leasable floor area
Office	3.0 spaces /100sqm net floor area
Medical Centre	5 spaces for the first practitioner, and 3 spaces for each subsequent practitioner

These rates have taken into consideration the mutually inclusive nature of the various land uses for the site. Further, in assessing the peak parking demand for the development as a whole, an examination of the variation over time of the parking demand for each component has also been taken into consideration.

It is not expected that the car parking demand between the land uses will peak simultaneously and many of the car spaces on the site will be shared between land uses at various times of the day and week.

8.6 TRAFFIC MOVEMENTS

The traffic movements created by the site have been assessed by Cardno in Traffic & Transport Assessments prepared for the previously approved stages of the Development Plan.

Those traffic movements for the combined afternoon peak hour are summarised as follows:

Stage	Inbound	Outbound
1 (Completed)	21	46
2 (Completed)	85	95
3A (South Block Office)	9	91
3D (Not yet commenced construction)	129	109
TOTAL	244	341

Proposed Stages 3B and 3C will provide facilities at the site that do not generate traffic movements, therefore the above estimate is unchanged for the previously approved Development Plan.

8.7 LANDSCAPING

A revised Landscape Plan has been prepared for the site, which takes account of the revised buildings designs, site layout and car parking reconfigurations across the site. The revised Landscape Plan provides further detail to the temporary landscape works to occur in the north-eastern portion of the site as part of Stage 3C.

8.8 AMENITY OF NEIGHBOURING PROPERTIES

The context of the site is two-fold. Firstly, the development must respond to the main road location and corner position adjacent to a large activity centre. Secondly, the development must show due regard to the residential interfaces to the east, south and west.

The site has been planned and developed to ensure that it can operate as a self-sufficient space, without affecting the amenity of surrounding residential properties, but allowing a substantial built form to create a presence to Bell Street. The amenity of the surrounding area will be generally improved, given the traffic measures that are to be implemented and the extent to which the car parking can adequately be accommodated on the site. The appearance of the site will be significantly improved and will be complemented by the feature planting and other landscape works.

The Stage 1 development has been appropriately sited and designed to limit any off-site negative impacts associated with the redevelopment.

The only real net change to the site in terms of additional building space as part of Stage 2 is the three storey extension to the south wing of the existing hospital building. This extension will significantly alter the view of the site from the residential properties to the south. Notwithstanding this, the overall treatment of the building will improve the visual experience.

The setback of the south wing of the existing hospital building from the southern site boundary is approximately 34 metres and is therefore not expected to create unreasonable overshadowing or overlooking impacts for neighbouring residential properties.

The new building proposed in the north-eastern portion of the site [with direct frontage to Bell Street] as part of Stage 3 is not expected to have adverse amenity impacts on residential properties. It has been set back from properties to the east and building heights reduced to ensure that no off-site amenity impacts will result. There are also substantial new planting

opportunities along the eastern boundary to soften the interface with the existing residential properties.

The new office and medical building in the southern part of the site utilises the existing three-storey former 'medical centre' building and the additional three floor levels are set back 11 metres from the southern property boundary which is an appropriate response to issues of potential overlooking and overshadowing.

8.9 ECONOMIC BENEFITS FOR THE DAREBIN COMMUNITY (2000)

An assessment of the effects of the proposed development on the local economy has been undertaken by Essential Economics Pty Ltd., and is contained in a report submitted to Council as part of the original Development Plan approval.

The key findings of the Essential Economics report are:

- The development will create 280 jobs during the two-year construction phase, many of which are likely to be generated in local firms;
- The end users of the development will create over 800 ongoing jobs in the municipality, including approximately 700 on the site;
- Approximately 200 - 300 of these jobs will be taken by Darebin residents;
- Even through some occupiers of the site may be relocated from elsewhere in the municipality, the development provides several activities that are not present in Darebin;
- Approximately 200 job opportunities for unemployed people will be created as a result of the development; and
- The development will generate strategic economic benefits for the municipality. In particular, the development will assist in the achievement of several key objectives of Council's Economic Development Strategy:
 - Promotion of the municipality as a place to do business, through significant investment that will boost local business confidence, and through the provision of business networking opportunities;
 - Support for small and micro business development in growth sectors, with the development of small serviced office and medical suites, providing space for two of the fastest growing sectors in the metropolitan economy;
 - Diversification of the industry base of the municipality, with significant job creation in health, business services, and accommodation, all sectors which are under-represented in the municipality compared with the skills of the resident labour-force;
 - Creation of new tourism assets, through the provision of a major four-star hotel and conference centre; and
 - Development of a major new office building, in a high profile and accessible location, and of a quality which will encourage competitive redevelopment of existing poor quality stock.

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9.0 CONCLUSION

This Development Plan has evolved from a detailed consideration of the redevelopment opportunities for the site that are identified in the Darebin Municipal Strategic Statement and from the issues raised during the consultation period with the City of Darebin as the Development Plan was formulated. It provides for a well considered, high quality, integrated mixed-use development that is consistent with the purpose of the Mixed Use Zone that applies to the site, and adequately addresses the elements of the City of Darebin Guiding Principles for the site.

The purpose of the Development Plan is to allow the proposed redevelopment of the site to occur in a co-ordinated manner. It also allows the land use, built-form, car parking, access and economic implications of the proposed redevelopment to be properly considered.

Any proposed redevelopment of the site will still require a planning permit for use and development under the provisions of the Mixed Use Zone that applies to the site.

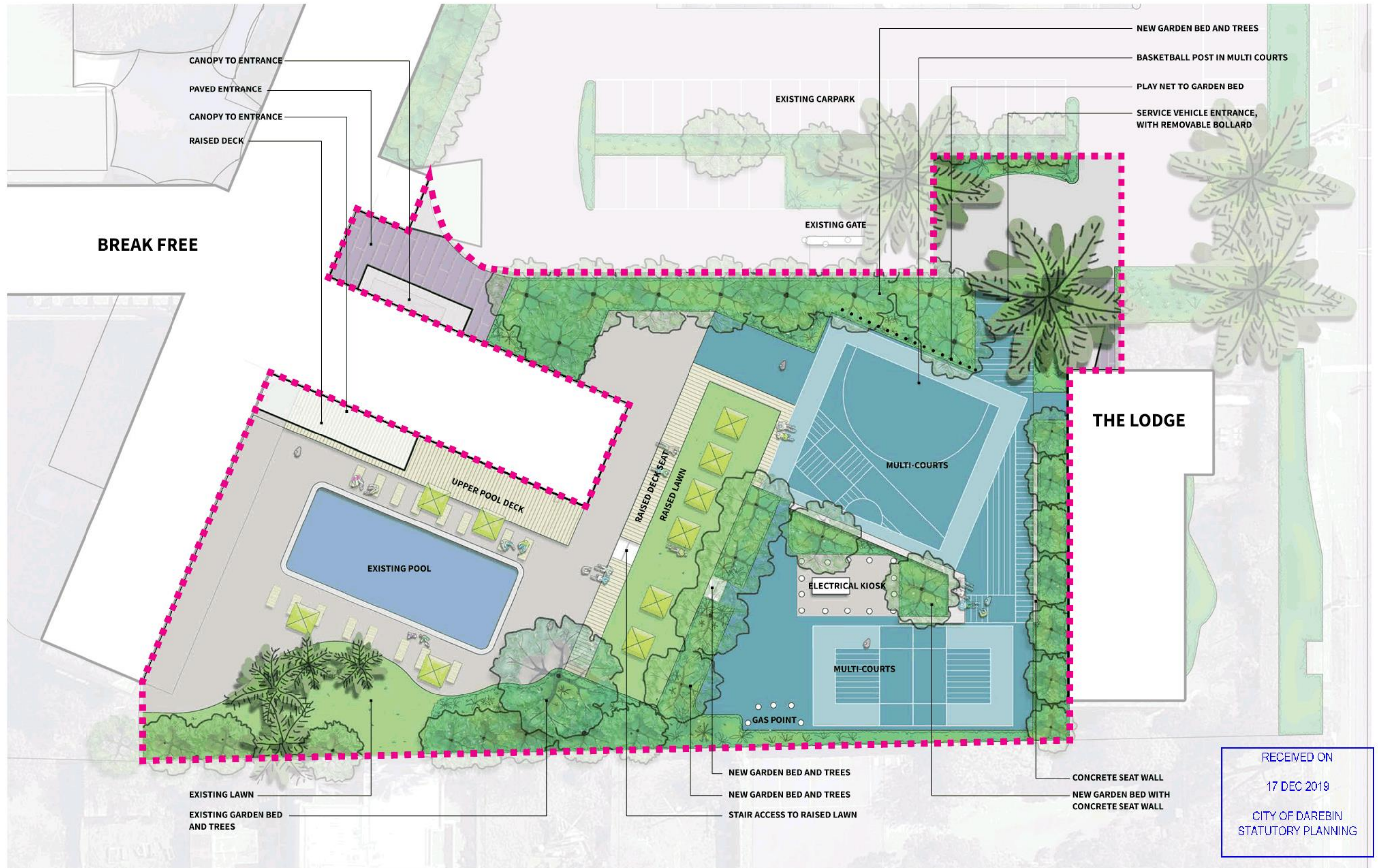
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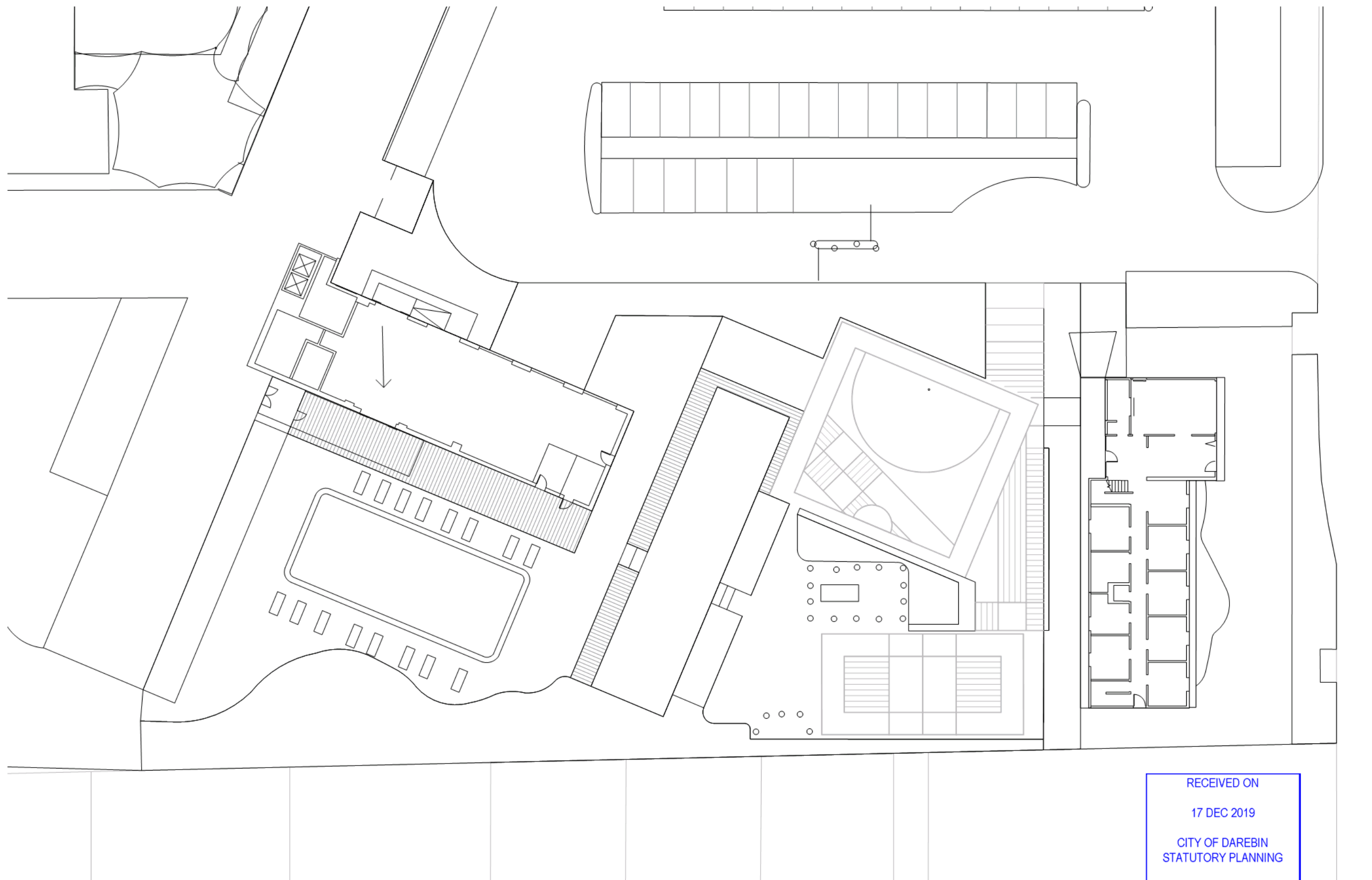
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 215 BELL STREET
 PRESTON
 VIC 3072

Drawing Title: DEVELOPMENT PLAN
 Drawing No: LD1
 Issue: DEVELOPMENT PLAN
 Date: DEC 2019

Scale: 1:150 @ A1
 Rev No:
 Drawn by: MW
 Approved: CM





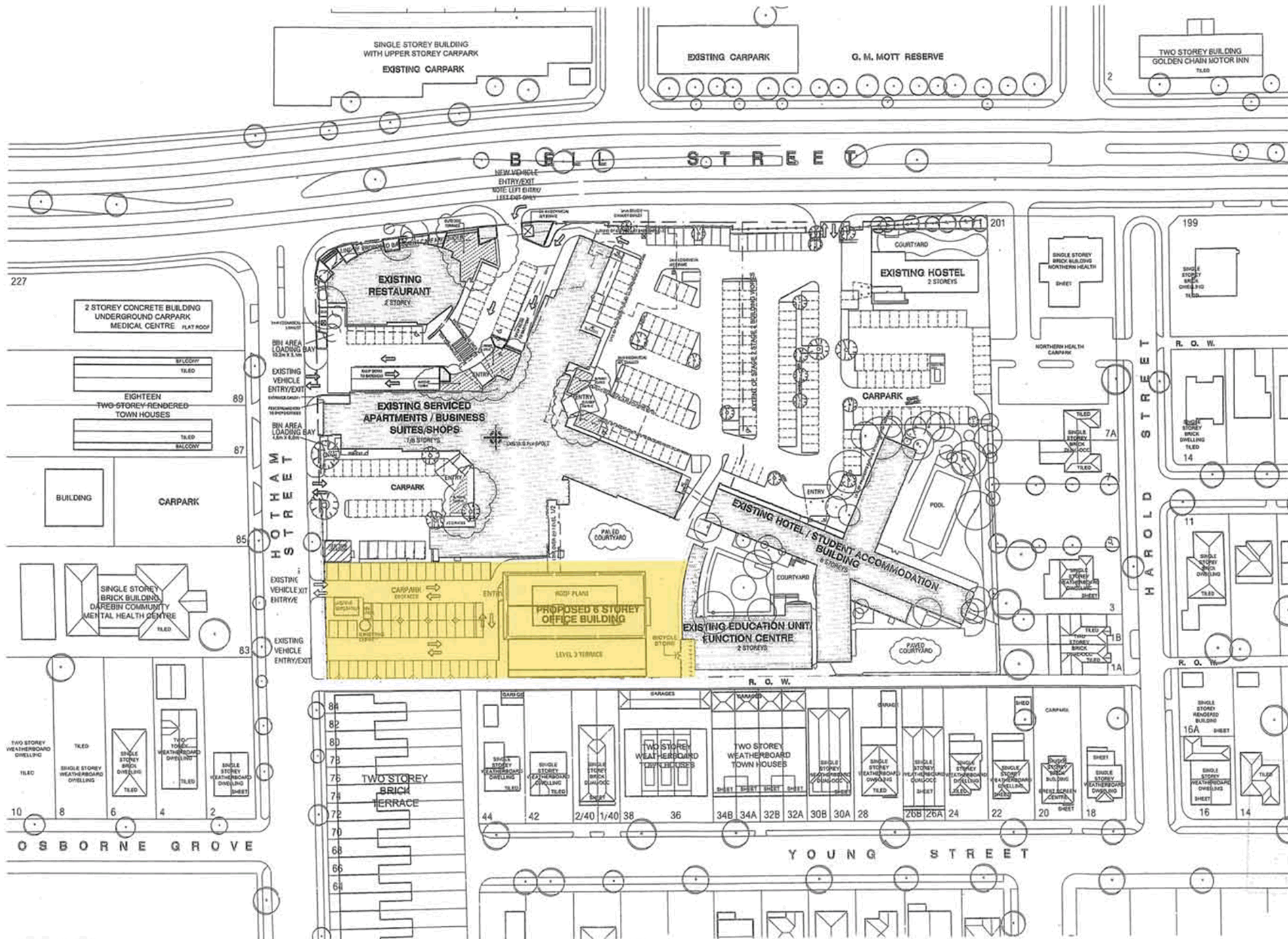
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Drawing Title: DEVELOPMENT PLAN
Drawing No: LD2
Issue: DEVELOPMENT PLAN
Date: DEC 2019

Scale: 1:150 @ A1
Rev No:
Drawn by: MW
Approved: CM





STAGING PLAN
STAGE 3A

SCALE A3: 1:1000
SCALE A1: 1:500



AREA OF STAGE 3A DEVELOPMENT

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Registered Architect
Ray Down, NSWARS 6339

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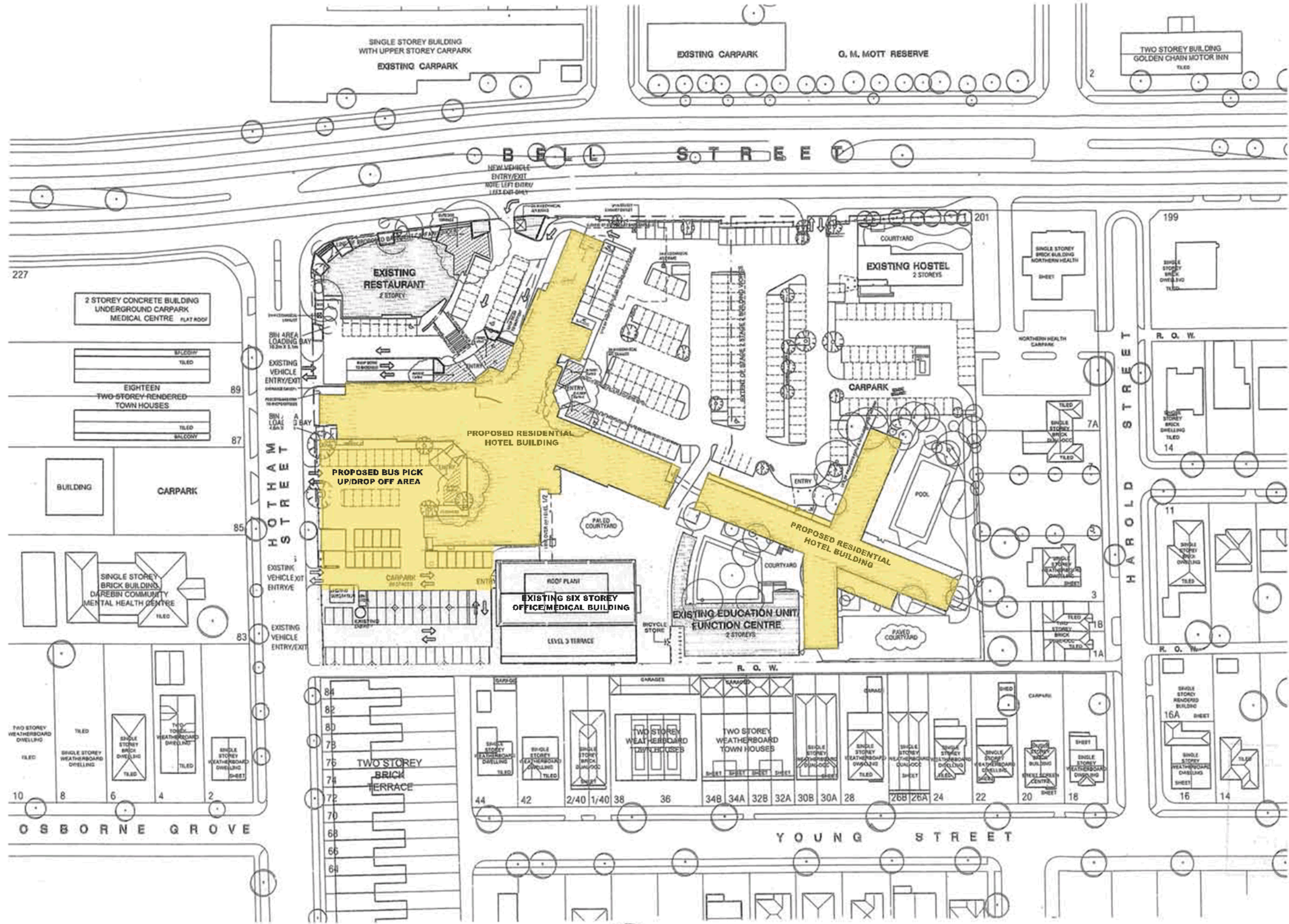
BELL CITY - NOVOTEL

drawing no.

STAGING PLAN STAGE 3A

scale	A1	drawing no.	
drawn	DB	DP-03A	
checked	DB	issue	
project no.	180252	author	A

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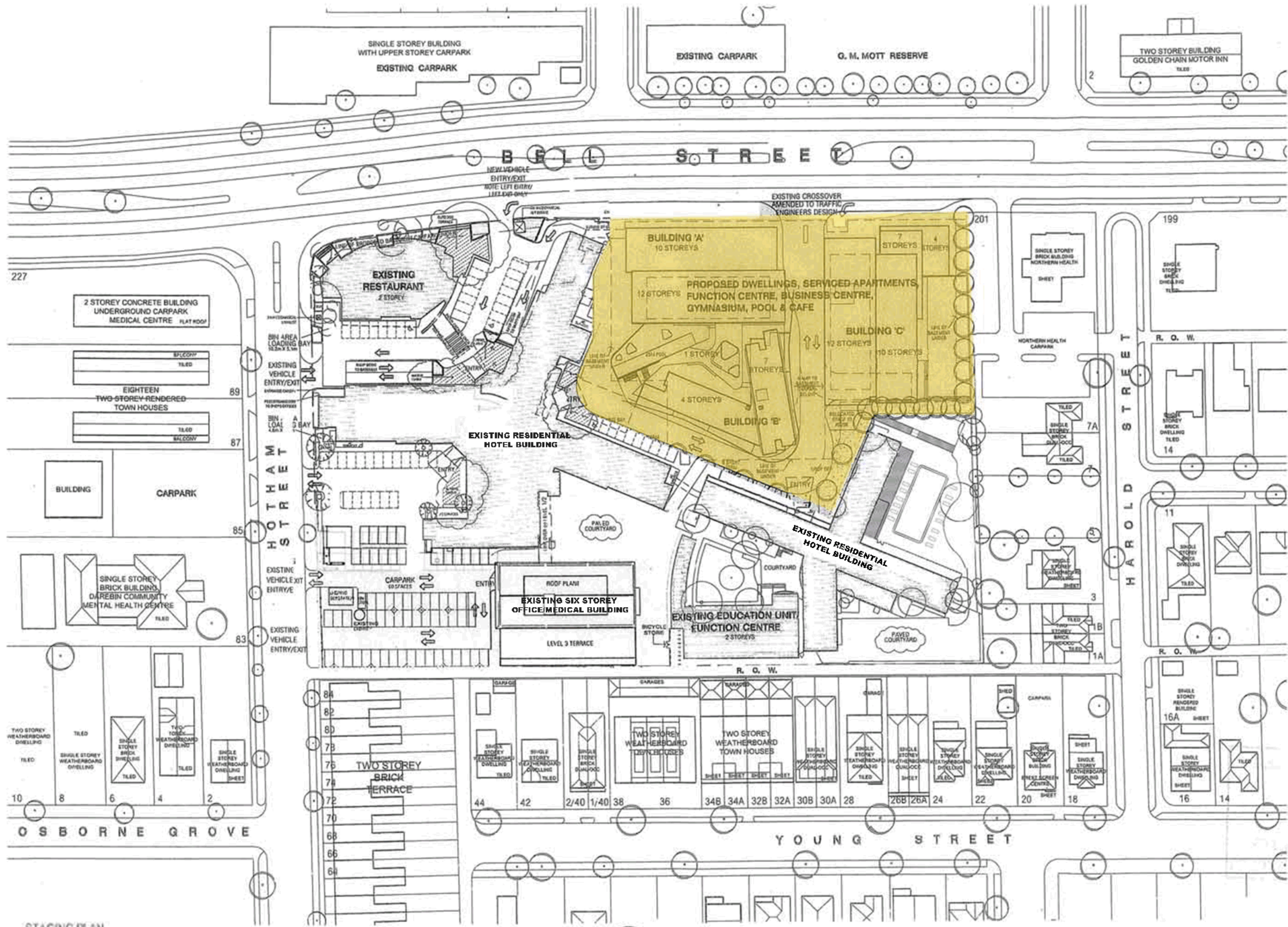
STAGING PLAN
STAGE 3B
 SCALE A3: 1 : 1000
 SCALE A1: 1 : 500

AREA OF STAGE 3B DEVELOPMENT

STAGING PLAN STAGE 3B

Issue	Amendment	Date
Issue	@A1	05/12/2019
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Nominated Architect
Ray Down, NSWARS 6339

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Issue	Amendment	Date
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STAGING PLAN
STAGE 3D
SCALE A3: 1 : 1000
SCALE A1: 1 : 500

 AREA OF STAGE 3D DEVELOPMENT

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STAGING PLAN STAGE 3D

Issue	@A1	Drawing No.
Drawn	DB	DP-03D
Checked	DB	Issue
Project No.	180252	A

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**5.2 PLANNING PERMIT APPLICATION D/827/2018
26 ELLIOT STREET RESERVOIR VIC 3073**

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ms Designer Living	Future Investings Pty Ltd	Architectural Home Designs

SUMMARY

- It is recommended that the application be supported and that a Notice of Decision be issued subject to conditions
- The proposal is to construct three (3) new double storey dwellings on a corner site. The existing single storey dwelling on the site is to be demolished
- As detailed in the assessment report the proposal complies with the objectives of the Darebin Planning Scheme
- Eight objections and one petition (54 signatories) were received against the application
- The site is located in the General Residential – Schedule 1 and is affected by the Development Contributions Plan and Special Building Overlays
- The site area is greater than 650 square metres (approximately 667 square metres) and therefore the minimum garden area requirements applies
- The mandatory garden area requirement is 35% or 234.5 square metres. The proposal achieves a garden area of 46.8% or 313.9 square metres
- There is no restrictive covenant on the title for the site
- A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) was not required as the site is not located in an area of cultural heritage significance

CONSULTATION:

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers
- This application was referred internally to Assets and Capital Delivery, Climate Emergency & Sustainable Transport, Council’s Environmentally Sustainable Developments Officer and Parks and Open Space Units. This application was not required to be referred to other Council units
- This application was referred externally to Melbourne Water

Recommendation

That Planning Permit Application on D/827/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as 'Job No. 20194098 – Proposed Unit Development at no. 26 Elliot Street Reservoir', authored by MS designer living, dated 26/09/2019) but modified to show:

Finished floor levels and setbacks to the dwellings and car parking structures in accordance with condition no. 21 of this Permit

- (a) The setback to Chauvel Street of the ground floor western wall of the family room to Unit 1 increased to align with the adjoining western wall of the kitchen. No other ground floor setbacks of Unit 1 are to be decreased
- (b) The setback to Chauvel Street of the first floor western wall of Bedroom 4 to Unit 1 increased to align with the western wall of the adjoining bathroom. No other upper floor setbacks of Unit 1 are to be decreased
- (c) The external architectural detailing to the en-suites of Unit 2 and 3 so that they appear secondary to the porches of each unit. This is to be achieved by the simplification of external materials and a change to the roof form
- (d) Additional screening to the fence associated with the northern and eastern boundary fencing of Unit 3 to prevent overlooking into the habitable windows of no. 18 Chauvel Street and the secluded private open space of no. 24 Elliot Street. The additional screening must:
 - Be no more than 2.5 metres in total height; and
 - If 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
- (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 sides of the crossovers to Elliot Street and Chauvel Street, both existing and proposed. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height
- (f) A Stormwater Management System Report in accordance with Condition no. 4 of this Permit
- (g) A landscape plan in accordance with Condition no. 5 of this Permit
- (h) Modifications in accordance with the Sustainable Design Assessment (Refer to Condition no. 9 of this Permit)

- (i) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition no. 8 of this Permit
 - (j) The location of all plant and equipment (including site services such as gas/water/electricity meeting, air conditioners, bins 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
 - (k) A modified comprehensive schedule of external materials, colours and finishes (including colour samples). The schedule of materials must be modified in the following manner:
 - The number of different cladding options reduced to be no more than 3 materials at the upper floor, including the cladding to the porch elements
 - The colours of the materials should draw upon the existing character of the area which is typically exhibits creams, browns and reds
 - The use of render at the uppermost level will not be increased from that shown on the advertised plans
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 the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority.

The Stormwater Management System Report must include:

- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - An assessment using an industry recognised stormwater tool;
 - The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - A plan illustrating where all impervious surfaces will be treated; and

- A construction and maintenance schedule
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;
- (d) Construction and maintenance details to be provided for all WSUD treatments, including rainwater tanks; and
- (e) A notation that the overflow systems for the rainwater tanks must be gravity fed to the legal point of discharge and not serviced by overflow pumps.

The development must be constructed and maintained in accordance with the requirements/recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

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

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

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

- 7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority
- 8. Before buildings and works (including demolition) start, tree protection fencing must be erected as detailed in accordance with the following requirements to define a Tree Protection Zone (TPZ)

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 1 – Council street tree located within the naturestrip of Elliot Street adjacent to the subject site.	6.0 metres
Tree 2 – Council street tree located within the naturestrip of Chauvel Street adjacent to the Unit 1 on the subject site.	4.5 metres
Tree 3 – Council street tree located within the naturestrip of Chauvel Street adjacent to the Unit 2 & Unit 3 on the subject site.	3.0 metres
Tree 4 – located within the adjoining property to the east (no. 109 Rathcown Road) adjacent to the common boundary at the front of the site	2.0 metres

- (a) Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority
- (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority
- (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated
- (d) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development

- (e) No storage or dumping of tools, equipment or waste is to occur within a TPZ
- (f) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site
- (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip

Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.

Any pruning of the root system of any existing tree to be retained is to be done by hand by a suitably qualified person.

9. Before the development starts, a Sustainable Design Assessment (SDA) generally in accordance the submitted document (identified as 'Project No. 21344 - 26 Elliott Street Reservoir prepared by Architectural Home Designs and dated 17 April 2019) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- (a) Window operation to be shown on the plan to maximise ventilation
 - i. Operation must not reduce the effectiveness of screening for overlooking
 - (b) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness
 - (c) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary
 - (d) Provision made for FOGO bins to all dwellings
 - (e) BESS IEQ 3.3 credit removed as only one of the units faces north
 - (f) BESS Urban ecology score calculated on total vegetation cover as required rather than garden area provision
 - (g) STORM rating updated in line with the Stormwater management System Report and the modifications to the plans as a result of meeting the condition no.1 requirements

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

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

10. The carport to Unit 3 must be open, removable (with stirrup footings) and not be dependent on any other structure for support

11. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- (a) Erosion and sediment
 - (b) Stormwater
 - (c) Litter, concrete and other construction wastes
 - (d) Chemical contamination

The site and development must be managed in accordance with the requirements/recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

12. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority
13. 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
14. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority
15. Except for the Carport to Unit 3, no buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority
16. The land must be drained to the satisfaction of the Responsible Authority
17. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority
18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority
19. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority
20. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat; and

- (d) Drained

to the satisfaction of the Responsible Authority.

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

Melbourne Water Conditions No. 21-32:

21. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and modified to show:
- (a) The finished floor level of dwelling 1 must be set no lower than 81.20 metres to Australian Height Datum, which is 300mm above the applicable flood level of 80.90 metres to Australian Height Datum
 - (b) The finished floor level of garage 1 must be set no lower than 81.05 metres to Australian Height Datum, which is 150mm above the applicable flood level of 80.90 metres to Australian Height Datum
 - (c) The finished floor level of dwelling 2 must be set no lower than 81.45 metres to Australian Height Datum, which is 300mm above the applicable flood level of 81.15 metres to Australian Height Datum
 - (d) The finished floor level of garage 2 must be set no lower than 81.3 metres to Australian Height Datum, which is 150mm above the applicable flood level of 81.15 metres to Australian Height Datum
 - (e) The finished floor level of dwelling 3 must be set no lower than 81.54 metres to Australian Height Datum, which is 300mm above the applicable flood level of 81.24 metres to Australian Height Datum
 - (f) The finished floor level of garage 3 must be set no lower than 81.39 metres to Australian Height Datum, which is 150mm above the applicable flood level of 81.24 metres to Australian Height Datum
 - (g) A building setback of 3.6 metres in total along the western boundary, this setback can be shared between the eastern and western boundaries, must be set at natural ground level and be free of any solid structures such as sheds, masonry fencing or water tanks
22. The finished floor level of dwelling 1 must be constructed no lower than 81.20 metres to Australian Height Datum, which is 300mm above the applicable flood level of 80.90 metres to Australian Height Datum
23. The finished floor level of garage 1 must be constructed no lower than 81.05 metres to Australian Height Datum, which is 150mm above the applicable flood level of 80.90 metres to Australian Height Datum
24. The finished floor level of dwelling 2 must be constructed no lower than 81.45 metres to Australian Height Datum, which is 300mm above the applicable flood level of 81.15 metres to Australian Height Datum
25. The finished floor level of garage 2 must be constructed no lower than 81.3 metres to Australian Height Datum, which is 150mm above the applicable flood level of 81.15 metres to Australian Height Datum
26. The finished floor level of dwelling 3 must be constructed no lower than 81.54 metres to Australian Height Datum, which is 300mm above the applicable flood level of 81.24 metres to Australian Height Datum

27. The finished floor level of garage 3 must be constructed no lower than 81.39 metres to Australian Height Datum, which is 150mm above the applicable flood level of 81.24 metres to Australian Height Datum
28. A building setback of 3.6 metres in total along the western boundary will be required to allow for the free flow of flood waters. This setback can be shared between the eastern and western boundaries, must be set at natural ground level and be free of any solid structures such as sheds, masonry fencing or water tanks
29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements
30. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps
31. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows
32. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to making the application, evidence must be provided demonstrating that Council considers it is not feasible to connect to the local drainage system. If connecting to a Melbourne Water's asset, you can now apply using our online application process (<<http://melbournewater.com.au/apply>>)

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
- N4. 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
- 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 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
- N7. This planning permit is to 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



INTRODUCTION AND BACKGROUND

There are no recent planning decisions relevant to the assessment of this application.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is irregular in shape and measures 16.76 metres in width to Elliot Street and 35.36 metres in width to Chauvel Street with a site area of approximately 667 square metres based on the scaled drawings
- The site is located within the General Residential Zone - Schedule 1 and is affected by the Development Contributions Plan (expired) and Special Building Overlays
- The site is located on the corner of Elliot Street (northern side) and Chauvel Street (eastern side) and to the east of Mcfadzean Avenue
- The site is occupied by a single storey weatherboard dwelling with a tile roof. There is one existing vehicle crossover to Elliot Street adjacent the common title boundary with no. 24 Elliot Street and a secondary vehicle crossover to Chauvel Street adjacent to the common title boundary with no. 18 Chauvel Street. There is a 1.83 metre wide drainage easement running along the northern title boundary with no. 18 Chauvel Street. The site has extensive vegetation cover, including several canopy trees
- To the east of the site is a single storey brick dwelling with outbuildings
- To the west of the site, across Chauvel Street site are two (2) single storey brick dwellings with outbuildings
- To the north of the site is a single storey brick dwelling with outbuildings
- To the south of the site and across Chauvel Street site are two (2) single storey brick dwellings with outbuildings
- Elliot Street and Chauvel Street are not subject to parking restrictions within 200 metres of the subject site
- The nearest train station is Ruthven located approximately 850 metres directly to the east. Multiple stops for the 558 Bus (Reservoir via North West Reservoir) are located within 200 metres of the site on Broadhurst Avenue and Mcfadzean Avenue
- The site is located outside the Principal Public Transport Network

- This site is located approximately 250 metres to the north-east from the Broadhurst/Mcfadzen local activity centre and 1.0 km to the north-west of the Reservoir Village Principal Activity centre

Proposal

- Construction of three (3) new double storey dwellings
- Unit 1 (U1) facing Elliot Street is proposed to have an open plan kitchen/meals/family room, bedroom, bathroom and laundry on the ground floor. The upper floor contains 3 bedrooms (one with en-suite and walk-in robe) and a bathroom
- Unit 2 (U2) facing Chauvel Street is proposed to have an open plan kitchen/meals/family room, laundry and water closet on the ground floor. The upper floor contains 3 bedrooms (two with an en-suite and one containing a walk-in robe) and a bathroom
- Unit 3 (U3) facing Chauvel Street is proposed to have an open plan kitchen/meals/family room and a combined laundry and powder room on the ground floor. The upper floor contains 2 bedrooms (one with an en-suite), study and a bathroom
- Private open space is provided to all three dwellings at the ground floor
- Vehicle access is provided to each dwelling via a separate crossover (two existing, one proposed)
- U1 and U2 are provided with a single car garage with a tandem space to the front and U3 is provided with a single car carport

Objections summarised

Eight objections and one petition have been received against the application. The grounds of objection are summarised as:

- The proposed double storey dwellings are not in keeping with the character of the area
- Overdevelopment
- Reduced privacy from the additional units (including overlooking of no. 18 and 21 Chauvel Street)
- Increased traffic as a result of the additional units
- Increased pressure on street parking
- Proposed removal of vegetation from the site, including native vegetation
- Restrictive covenant in the area
- Social issues arising from renters in units
- Decrease in property prices from multiple units
- Setting of precedent for more dwellings in the area
- The design is out of keeping with the neighbourhood character
- Environmental impact from the redevelopment
- Increased noise from the increased density
- Safety concerns during construction
- Increased risk from surface run-off as a result of the decreased permeability of the site

Officer comment on summarised objections

The proposed double storey dwellings are not in keeping with the character of the area.

The site is located within General Residential Zone – Schedule 1 (GRZ1). While there is an increased requirement for private open space and a reduced allowance for site coverage (50% only) within GRZ1, dwellings in the area can be up to 3 storeys and 11 metres. Additionally, while dwellings in the area are typically single storey there are examples of double storey dwellings within the precinct, including e multi-unit developments to the east on Elliot Street and south on Broadhurst Avenue.

Overdevelopment of the site.

The development of the site for 3 dwellings is not considered to be an overdevelopment and neither will it set a bad precedent for development in the area. The consideration of a medium density housing development is based on its compliance with a set of criteria set out in the Darebin Planning Scheme. The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on medium density housing development.

Reduced Privacy from the additional units (including overlooking of no.18 and 21 Chauvel Street).

Under the Darebin Planning Scheme, the potential for privacy to be reduced as a result of a development is considered under the overlooking objective and standard of Clause 55.04-6. In particular, the objective and standard seek to limit views from habitable rooms into adjacent habitable rooms and backyards of neighbouring properties. This is to be achieved within a 9 metre arc of any particular window concerned. All habitable room windows at the upper floors of the dwelling have been screened with obscured glazing to 1.7 metres above the finished floor level in compliance with the standard. At the ground floor, due to the height of the finished floor level to comply with the Melbourne Water conditions, additional screening will be required to be installed to the northern and eastern fence to prevent overlooking from Unit 3 into neighbouring sites. This condition will be included on the planning permit.

Increased traffic as a result of the additional units.

It is not considered that the increase in traffic would place an unreasonable load on the surrounding street network. Car parking has been provided to accord with the requirements of the scheme.

Increased pressure on street parking.

It is acknowledged that there may be some overflow parking from the development on to the neighbouring streets as would be the case with neighbouring residential developments. However, it is expected that for the most part, the development will be self-sufficient in terms of parking with all units meeting the requirements of the scheme.

Proposed removal of vegetation from the site, including native vegetation.

The site does not have good existing vegetation cover. The approval of this development will be conditional upon submission of a landscape plan incorporating the provision of canopy planting where appropriate.

Restrictive covenant in the area.

There are many properties in the area that have a restrictive covenant limiting the number of dwellings that can be built on a lot. In this instance, the site is not restricted.

Social issues arising from renters in units

It is noted that neighbourly relations, general safety, the tidiness of dwellings and whether dwellings are tenanted or owner occupied is not a relevant consideration in assessing medium density development under planning provisions.

Decrease in property prices from multiple units.

Fluctuations in property prices are a not relevant consideration in assessing medium density development under planning provisions.

Setting of precedent for more dwellings in the area.

The approval of a site responsive and appropriately designed medium density development would set a positive precedent.

The design is out of keeping with the neighbourhood character.

The current character of the area is typified primarily by single storey brick and weatherboard dwellings. However, there are secondary examples of single and double storey unit developments in the area including Elliot Street. The planning scheme encourages the construction of a variety of housing types.

Environmental impact from the redevelopment.

Melbourne has been experiencing significant population growth, which has put a strain on housing across the city. While it is acknowledged that the redevelopment of this site for medium density may result in some environmental impacts, the site is a good candidate for redevelopment as it is close to public transport and employment in general which would reduce the environmental impact of the from transportation of extra people. In addition, new developments are required to be more energy efficient with stricter environmental guidelines required to be met.

Increased noise from the increase density.

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

Safety concerns during construction.

All construction activity must comply with Occupational Health and Safety Standards. This is the responsibility of the successful tenderer appointed for the site development and is not managed through the planning process.

Increased risk from surface run off as a result of the decreased permeability of the site.

All properties are expected to deal with drainage internally to the site, the application has been referred to Council's Infrastructure and Capital Delivery Unit and Melbourne Water who have not objected to the development subject to conditions being included on the permit.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct F7

The subject site is included within Precinct F7 (Post-war) of the Darebin Neighbourhood Character Study. The preferred character for this area is as follows:

The established residential character of this area will be retained and enhanced. New dwellings will adopt the same front and side setbacks of the area to ensure consistency of dwelling spacing and adequate garden area around buildings for planting of substantial vegetation. Older, Post-war style dwellings will be renovated, or well-designed new dwellings will be constructed in a way that complements existing buildings. Additional planting in private gardens will improve the landscape quality of the streetscapes.

This will be achieved by:

- Designing new dwellings that interpret elements of the Post-war era in a contemporary manner, while respecting existing period architecture
- Maintaining the predominant single storey scale of building frontages of the area. Second storey additions at the rear must be designed to have minimal impact upon the streetscape
- Respecting the predominant front and side setbacks of nearby buildings
- Maintaining the spacious feel to the area, achieved by large site sizes, generous front and side setbacks and wide nature strips
- Keeping front fences low and preferably transparent
- Encouraging additional planting in all gardens across the precinct. In smaller gardens, selecting species that are appropriate to small planting areas
- Ensuring that adequate space around dwellings is retained for planting of substantial trees and shrubs

Vegetation

Objective

- To maintain and strengthen the garden settings of the dwellings

Comment

- Planting can be accommodated within both the substantial front setback of Unit 1 to Elliot Street, the setbacks to Chauvel Street of Units 2 & 3 and the areas of (SPOS) to all dwellings. A landscape plan has been requested as a condition of this approval to ensure that canopy planting is provided in suitable areas throughout the site
- The proposed development would not negatively impact any significant street trees within Elliot Street or Chauvel Street due to the location of the existing and proposed crossovers. However, tree protection measures will be included on the permit to ensure that these trees are protected during construction

- While the application was not accompanied by a landscape concept plan, the proposal has been appropriately sited and designed for landscaping to be incorporated into the design, additional planting of small to medium canopy trees will be required to ensure that the garden setting of the area is maintained and enhanced, particularly within the front setback visible from the public realm

Complies subject to conditionSiting*Objective*

- To provide space for front gardens
- To ensure new development retains substantial space for landscaping
- To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings
- To minimise the loss of front garden space and the dominance of car parking structures

Comment

- Adequate provision has been made in the design for an area of front garden to all units with extensive provision of land provided to Unit 1. As Units 2 and 3 are located on the side street the previous outlook on garden from this location was minimal, consisting of a high paling fence with views of trees behind
- The proposed design provides for landscaping within the front setback of all units and the adequate areas of planting within the areas of SPOS to each dwelling
- The side boundary setback pattern is maintained with separation between the boundary to the east and the garage of Unit 1 and the boundary to the north having an open carport. The side setbacks of the proposed units are consistent with the pattern of development in the area with a detached presentation to the streetscape except for carparking structures that are often built to the boundary

Car parking structures are located behind the front walls of the units and will not dominate the streetscape. One new crossover is proposed with sufficient space for landscaping available within the front setback to Elliott street. The proposed areas of parking do not dominate the streetscape.

CompliesHeight and building form*Objective*

- To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.

Comment

- Single and two storey development is found extensively in the area. The scale of the proposed development is consistent.

CompliesMaterials and design detail*Objective*

- To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street

Comment

- A variety of external materials are proposed. The material selection is to be simplified via condition of approval
- The architectural design features to Unit 2 and Unit 3 are overly visual dominate as a result of the material choices and gabled roof form. This will be resolved via a condition of approval
- The development is articulated through material selection and varied floor layouts

Complies subject to conditionFront boundary treatment*Objective*

- To maintain the openness of the streetscape and views to established gardens and dwellings

Comment

- Front fencing is not proposed. The arrangement will ensure that the openness of the streetscape and views of dwellings and gardens is achieved

Complies**Clause 44.05 – Special Building Overlay**

The subject site is located within the Special Building Overlay (SBO), the purpose of which is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria)

An application for development within the SBO must be referred to the relevant floodplain management authority (in this instance Melbourne Water).

The proposal is consistent with the relevant provisions, purpose and decision guidelines of the scheme as determined by Melbourne Water subject to their conditions being included on the permit.

The development will not have any adverse effects on redirecting or obstructing floodwater, stormwater or drainage water as determined by Melbourne Water. The development will not have any adverse effects on reducing flood storage and increasing flood levels and flow velocities, as determined by Melbourne Water.

Clause 55 Assessment

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards and matters informing conditions of the recommendation above.

Clause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwelling to east is 7.525 metres. The standard requires a setback of 7.525 metres.

The proposed minimum front setback is approximately 6 metres when measured at the porch to Unit 1 (which is over 3.6 metres in height). This setback does not comply with the standard.

The proposed front setback is appropriate in this instance because it ranges between approximately 6 metres and 8.8 metres and the views of the neighbouring dwelling at no. 24 Elliott Street are not obstructed from the street.

Complies with objective

Clause 55.04-6 B22 Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows.

All upper storey windows are appropriately designed and/screened to limit views.

As a result of finished floor levels required by Melbourne Water, screening is also required to prevent overlooking from the ground floor of the development. This is to be achieved by providing additional screening to the boundary associated with the northern and eastern boundary fencing of U3. This treatment will prevent overlooking into the habitable windows of no. 18 Chauvel Street and the secluded private open space of no. 24 Elliot Street. A condition will be included as part of any approval.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

In this instance Schedule 1 to Clause 32.08 General Residential Zone modifies the standard by requiring the following private open space requirements:

An area of 55 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 3.5 metres and convenient access from a living room.

The development provides the following private open space (refer to table below):

	Total POS (including front garden)	Secluded POS	Minimum dimension of secluded POS
Unit 1	188 square metres	29 square metres	3.12 metres
Unit 2	62.25 square metres	43.45 square metres	3.8 metres
Unit 3	60 square metres	43.82 square metres	3.5 metres

Unit 1 does not comply with the standard regarding SPOS area and minimum dimension. To improve on this, the SPOS is to be increased to 36 square metres, where 30.8 square metres is SPOS with a minimum dimension of 3.5 square metres. This change is to be achieved by decreasing the size of the family room by condition of approval.

This arrangement is considered satisfactory and satisfies the objective of the Clause given Unit 1 is to be provided with a total POS provision of approximately 192 square metres, well in excess of the scheme requirement of 55 square metres. Further to this, the SPOS provision of 36 square metres would be free of bin storage and general storage allowing the area to be better used as SPOS.

Complies with objective

Clause 52.06 Car Parking

Number of Parking Spaces Required

One (1) car parking space is provided for the two bedroom dwellings.

Two (2) car parking spaces are provided for each of the three or more bedroom dwellings with one space under cover.

No visitor car parking space is required.

Design Standards for Car parking

The car parking spaces, the carports, the garaging and the accessways have appropriate dimension to enable efficient use and management.

The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

Garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Carport dimensions of 6.5 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Visibility splays have been included in the design, however, an additional notation is required to ensure that where the accessways interface with the footpath, the visibility splays are unobstructed to protect pedestrians. This has been requested as a condition of approval.

Clause 53.18 Stormwater Management in Urban Development

The purpose of the clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The provision of this clause apply to the application and therefore stormwater management objectives for the buildings and works must be met as follows:

Clause 53.18-5 – Buildings and Works (Standard W2)

It is policy to:

- To encourage stormwater management that maximises the retention and reuse of stormwater
- To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces
- To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system

Standard W2 requires any stormwater management system to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces

Part of the above requirements are covered under the STORM tool as required under Clause 22.12-4 *application requirements*. *Table 1 – ESD Application requirements* recommend the application to be accompanied by a Sustainable Design Assessment (SDA) utilising the BESS and STORM tools. The STORM tool will sufficiently address best practice performance for stormwater quality.

The application is supported with an effective STORM report which demonstrates 100% STORM rating. Additional plans will be required to show the location of the proposed WSUD measures and sections of the roof draining to these points.

Complies subject to conditionClause 53.18-5 – Site Management (Standard W3)

It is policy to:

- To protect drainage infrastructure and receiving waters from sedimentation and contamination
- To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works

The above is to be implemented through appropriate site management practices prior to and during the construction period and included in a Site Management Plan that sets out how the following are to be addressed:

- Erosion and sediment.
- Stormwater
- Litter, concrete and other construction wastes
- Chemical contamination

Given the scope of the development, the above requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination is addressed by permit condition.

Complies subject to condition

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Dwelling 1 appropriately integrates with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 7.525 metres for Unit 1. The dwelling is set back 6 metres from the street frontage at its closest point.	N	Y
55.03-2	B7	Building height		
		8.61 metres	Y	Y
55.03-3	B8	Site coverage		
		43.87%	Y	Y
55.03-4	B9	Permeability		
		48.46%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A

Clause	Std		Compliance	
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		Length: 6.59 metres Height: average height of 3.19 metres Walls on boundaries comply with the requirements of this standard.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		The overlooking measures prevent internal views.	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility, though this will require some additional works due to the finished floor levels required by Melbourne Water.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y

Clause	Std		Compliance	
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	N	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access due to the location of the open space to the east and western sides of the built form.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting. As mentioned in the neighbourhood character section of the report the material schedule will be modified via condition and simplified.	Y	Y
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common property		
		Common property areas will not be required for this development.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Assets & Capital Delivery	No objection, subject to condition included in recommendation
Climate Emergency & Sustainable Transport	No objection, standard conditions will be included on the permit regarding access and parking
Parks and Open Space	No objection, subject to tree protection conditions being included on the permit.
Melbourne Water	No objection, subject to condition included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08 (General Residential Zone, Schedule 1) – Construction of two or more dwellings on a lot
- Clause 44.05 (Special Building Overlay) – Buildings and works in the special building overlay
- Clause 45.05 (Development Contributions Plan Overlay) - Council's ability to request the development contribution expired in June 2014

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
PPF	11.01-1S, 11.01-1R, 11.02-1S, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-5S, 15.02-1S, 16, 19.03
LPPF	21.01-6, 21.02-3, 21.03, 21.05-2, 22.02, 22.12
Zone	32.08
Overlay	44.05, 45.06
Particular provisions	52.06, 53.18 55
General provisions	65.01
Neighbourhood Character Precinct	F7

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

Darebin Planning Scheme.

- Darebin Planning Scheme.
- Planning and Environment Act 1987.

Attachments

- 26 Elliot Street Reservoir - Aerial (**Appendix A**) [↓](#)
- 26 Elliot Street Reservoir - Plans (**Appendix B**) [↓](#)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Planning Application D/827/2018
Aerial Image - 26 Elliot Street Reservoir 3073
Darebin City Council
15/05/2020



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- KEY**
- P.O.S PRIVATE OPEN SPACE
 - S.P.O.S SECLUDED PRIVATE OPEN SPACE
 - HW HABITABLE WINDOWS
 - CANOPY TREES
 - (8.2) BUILDING SETBACKS TO BOUNDARY FENCE LINE
 - V1 PHOTO VIEW ANGLE
 - POLE POWER POLE
 - PIT PHONE PIT
 - TELSTRA PIT

RECEIVED ON
15/11/2018
CITY OF DAREBIN
STATUTORY PLANNING

DAREBIN CITY COUNCIL
ADVERTISED DOCUMENT
Application No: D/827/2018
Document No: 2 of 5
Page: 1 of 7

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M : 0412 212 248

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REGULATIONS

DATE	SCALE	DRAWN	PROJECT No.
NOV 2018	1:200@A1 1:500@A3	LAZ	001029

**NEIGHBOURHOOD AND
SITE DESCRIPTION PLAN**

ND01
REV_A

ALL LEVELS SHOWN ARE TO AHD
Revisions
1. 15/11/2018: ISSUE FOR COUNCIL SUBMISSION



Elliot st 26 Reservoir
4 UNITS DEVELOPMENT



V1



V2



V3



V4



V5



V6



V7



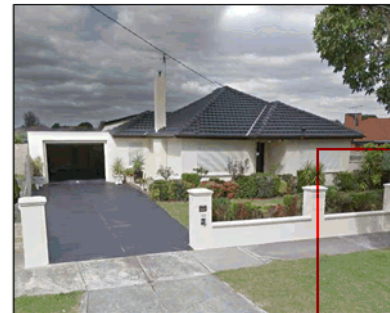
V8



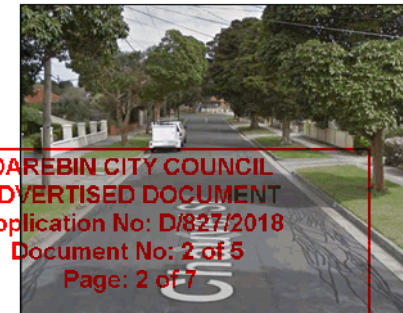
V9



V10



V11



V12

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15/11/2015

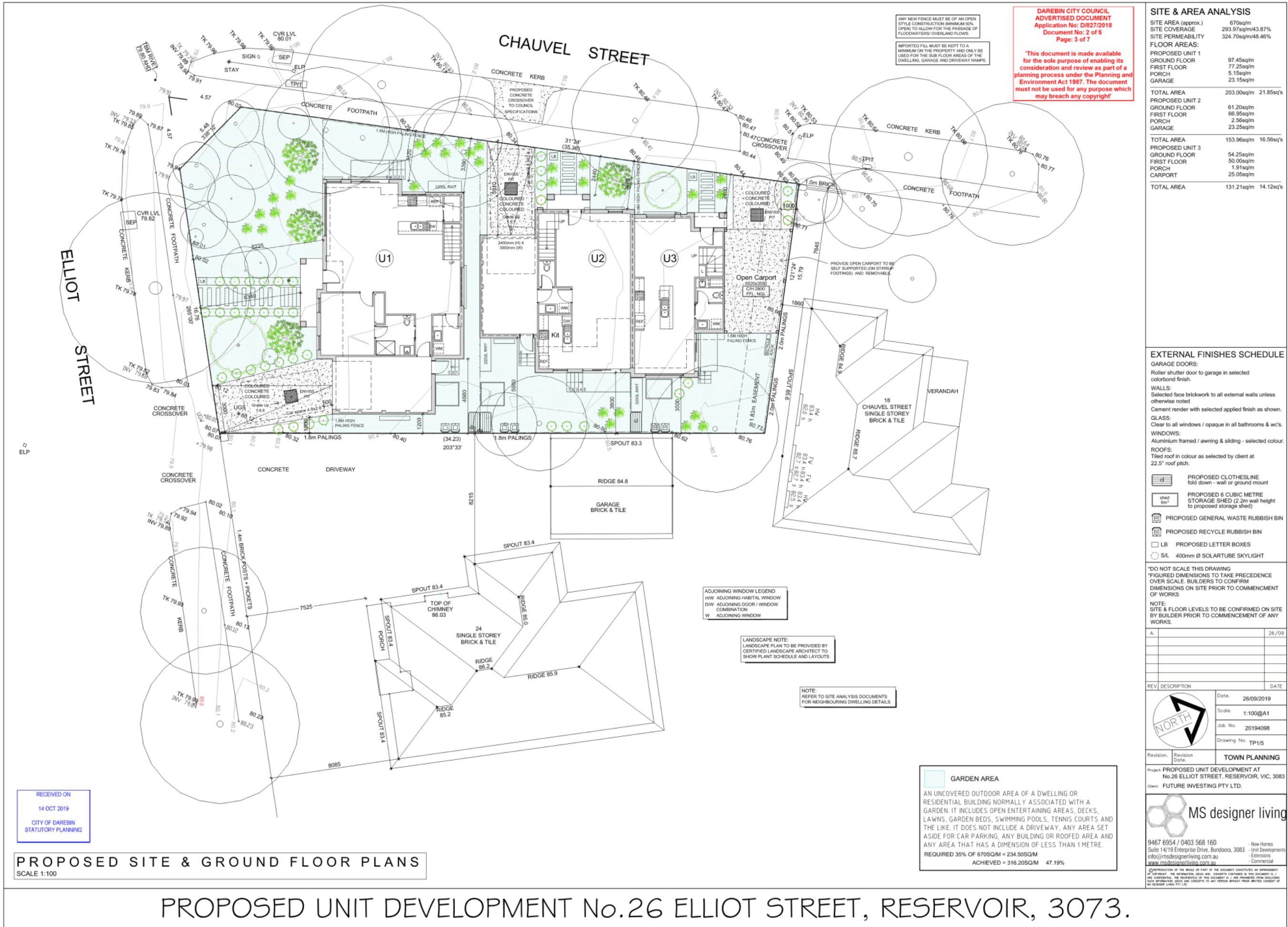
CITY OF DAREBIN
STATUTORY PLANNING

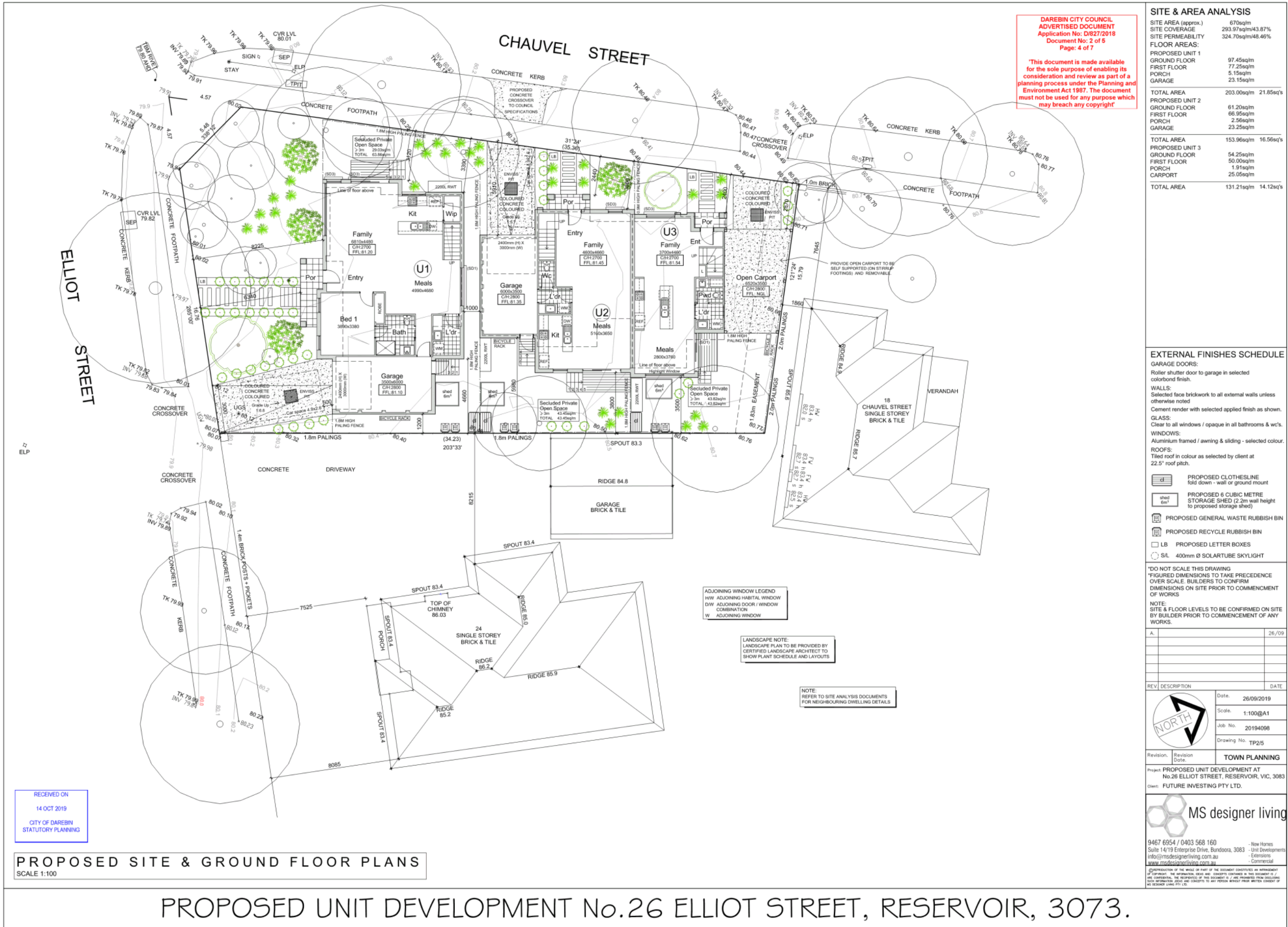
PLEASE REFER TO NEIGHBORHOOD AND SITE DESCRIPTION PLAN FOR VIEW REFERENCE PHOTOS

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SITE & AREA ANALYSIS

SITE AREA (approx.)	670sqm
SITE COVERAGE	293.97sqm/43.87%
SITE PERMEABILITY	324.70sqm/48.46%
FLOOR AREAS:	
PROPOSED UNIT 1	
GROUND FLOOR	97.45sqm
FIRST FLOOR	77.25sqm
PORCH	5.15sqm
GARAGE	23.15sqm
TOTAL AREA	203.00sqm 21.85sq's
PROPOSED UNIT 2	
GROUND FLOOR	61.20sqm
FIRST FLOOR	66.95sqm
PORCH	2.56sqm
GARAGE	23.25sqm
TOTAL AREA	153.96sqm 16.56sq's
PROPOSED UNIT 3	
GROUND FLOOR	54.25sqm
FIRST FLOOR	50.00sqm
PORCH	1.51sqm
CARPORT	25.05sqm
TOTAL AREA	131.21sqm 14.12sq's

EXTERNAL FINISHES SCHEDULE

- GARAGE DOORS:**
 Roller shutter door to garage in selected colorbond finish.
- WALLS:**
 Selected face brickwork to all external walls unless otherwise noted.
 Cement render with selected applied finish as shown.
- GLASS:**
 Clear to all windows / opaque in all bathrooms & wc's.
- WINDOWS:**
 Aluminium framed / awning & sliding - selected colour.
- ROOFS:**
 Tiled roof in colour as selected by client at 22.5° roof pitch.
- PROPOSED CLOTHESLINE fold down - wall or ground mount
 - PROPOSED 6 CUBIC METRE STORAGE SHED (2.2m wall height to proposed storage shed)
 - PROPOSED GENERAL WASTE RUBBISH BIN
 - PROPOSED RECYCLE RUBBISH BIN
 - PROPOSED LETTER BOXES
 - 400mm Ø SOLARTUBE SKYLIGHT

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 NOTE:
 SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORKS.

A.		26/09

REV.	DESCRIPTION	DATE

Project	PROPOSED UNIT DEVELOPMENT AT No.26 ELLIOT STREET, RESERVOIR, VIC, 3083
Client	FUTURE INVESTING PTY LTD.



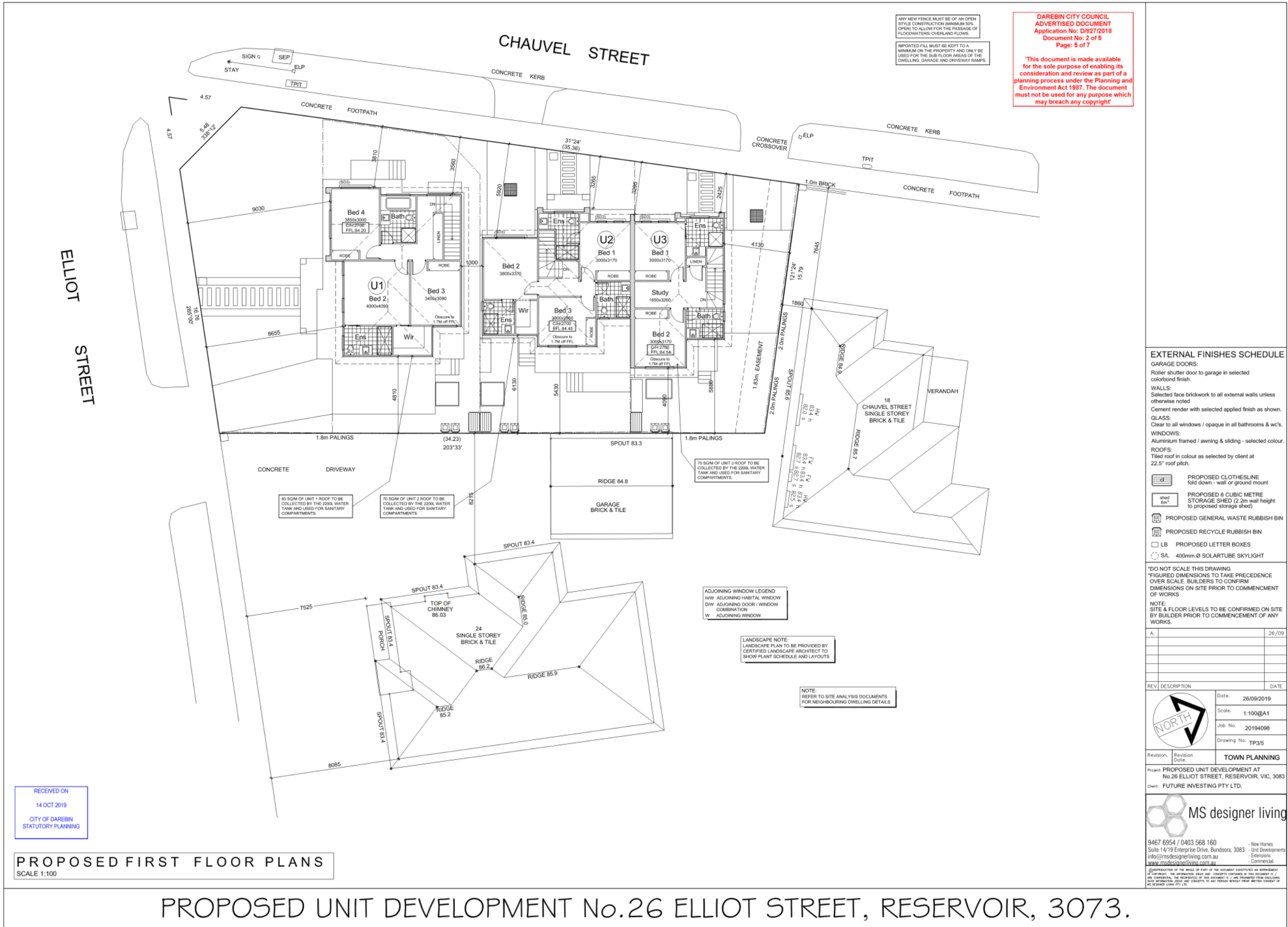
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PROPOSED SITE & GROUND FLOOR PLANS
 SCALE 1:100

PROPOSED UNIT DEVELOPMENT No.26 ELLIOT STREET, RESERVOIR, 3073.



ANY NEW FENCE MUST BE OF AN OPEN STYLE CONSTRUCTION (MINIMUM 50% OPEN TO ALLOW FOR THE PASSAGE OF FLOODWATERS/ OVERLAND FLOWS).

IMPORTED FILL MUST BE KEPT TO A MINIMUM ON THE PROPERTY AND ONLY BE USED FOR THE SUB FLOOR AREAS OF THE DWELLING, GARAGE AND DRIVEWAY RAMP.

**DAREBIN CITY COUNCIL
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Application No: D/827/2018
Document No: 2 of 5
Page: 5 of 7

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- ROOFS:**
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 - PROPOSED RECYCLE RUBBISH BIN
 - LB PROPOSED LETTER BOXES
 - SL 400mm Ø SOLARTUBE SKYLIGHT

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REV.	DESCRIPTION	DATE

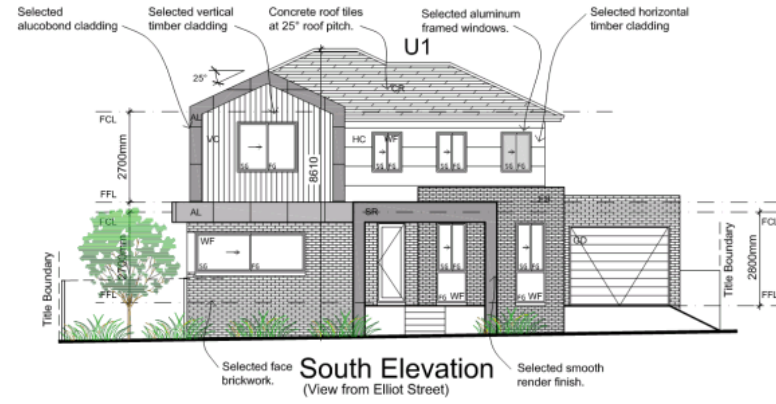
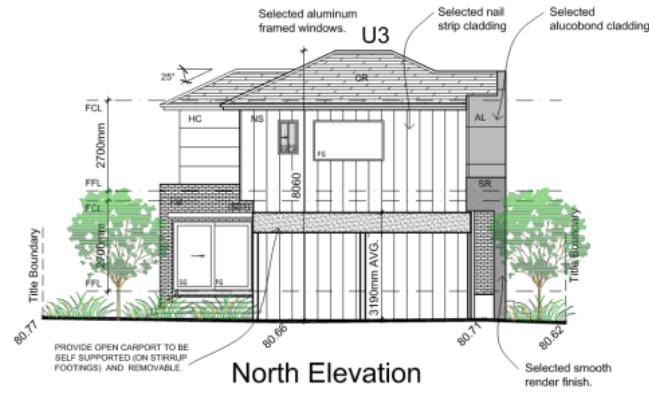
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Job No.:	20194098
Drawing No.:	TP3/5
Revision:	
Revision Date:	
TOWN PLANNING	

Project: PROPOSED UNIT DEVELOPMENT AT No.26 ELLIOT STREET, RESERVOIR, VIC, 3083
Client: FUTURE INVESTING PTY LTD.

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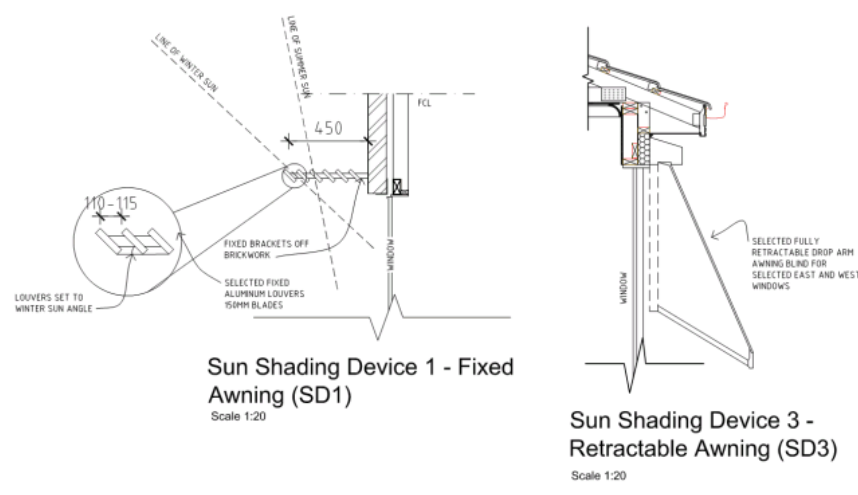
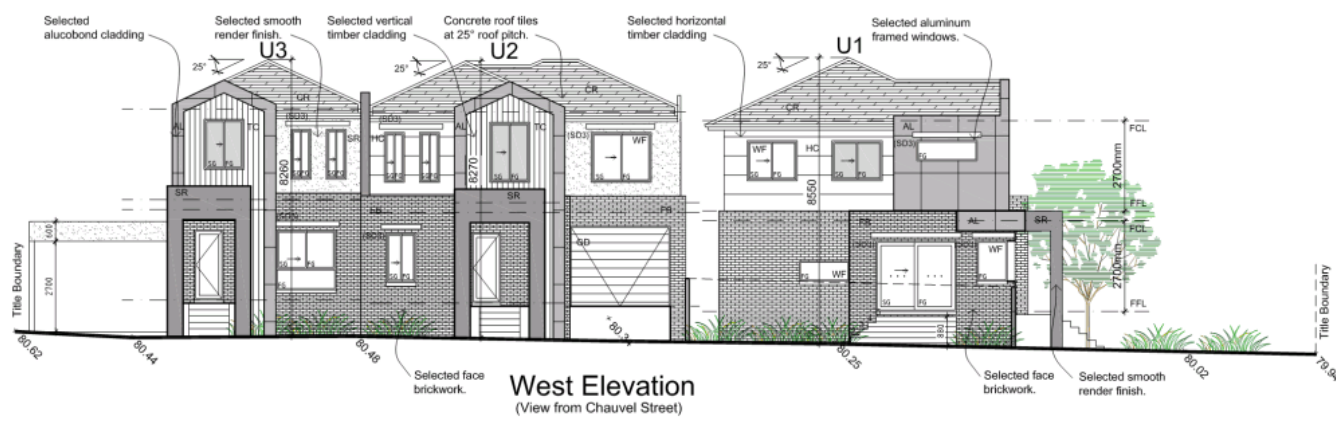
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Application No: D/827/2018
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Page: 6 of 7**

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EXTERNAL COLOUR AND MATERIAL SCHEDULE	
SR	SMOOTH RENDER FINISH:
WF	ALL ALUMINIUM FRAMED WINDOWS:
CG	ALL COLORBOND GUTTERS:
CF	ALL COLORBOND FASCIAS:
CR	COLORBOND ROOF AT 22.5° PITCH:
TC	TIMBER CLADDING:
AL	ALUCOBOND CLADDING:
CONC	CONCRETE PAVED DRIVEWAY:
FB	FACE BRICKWORK:
CONC	CONCRETE PAVED DRIVEWAY:
NS	NAIL STRIP CLADDING:
VC	VERTICAL TIMBER CLADDING:
HC	HORIZONTAL TIMBER CLADDING:

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REV.	DESCRIPTION	DATE
	Date: 26/09/2019	
	Scale: 1:100@A1	
	Job No. 20194098	
	Drawing No. TP4/5	
Revision:	Revision Date:	TOWN PLANNING
Project: PROPOSED UNIT DEVELOPMENT AT No.26 ELLIOT STREET, RESERVOIR, VIC, 3083		
Client: FUTURE INVESTING PTY LTD.		

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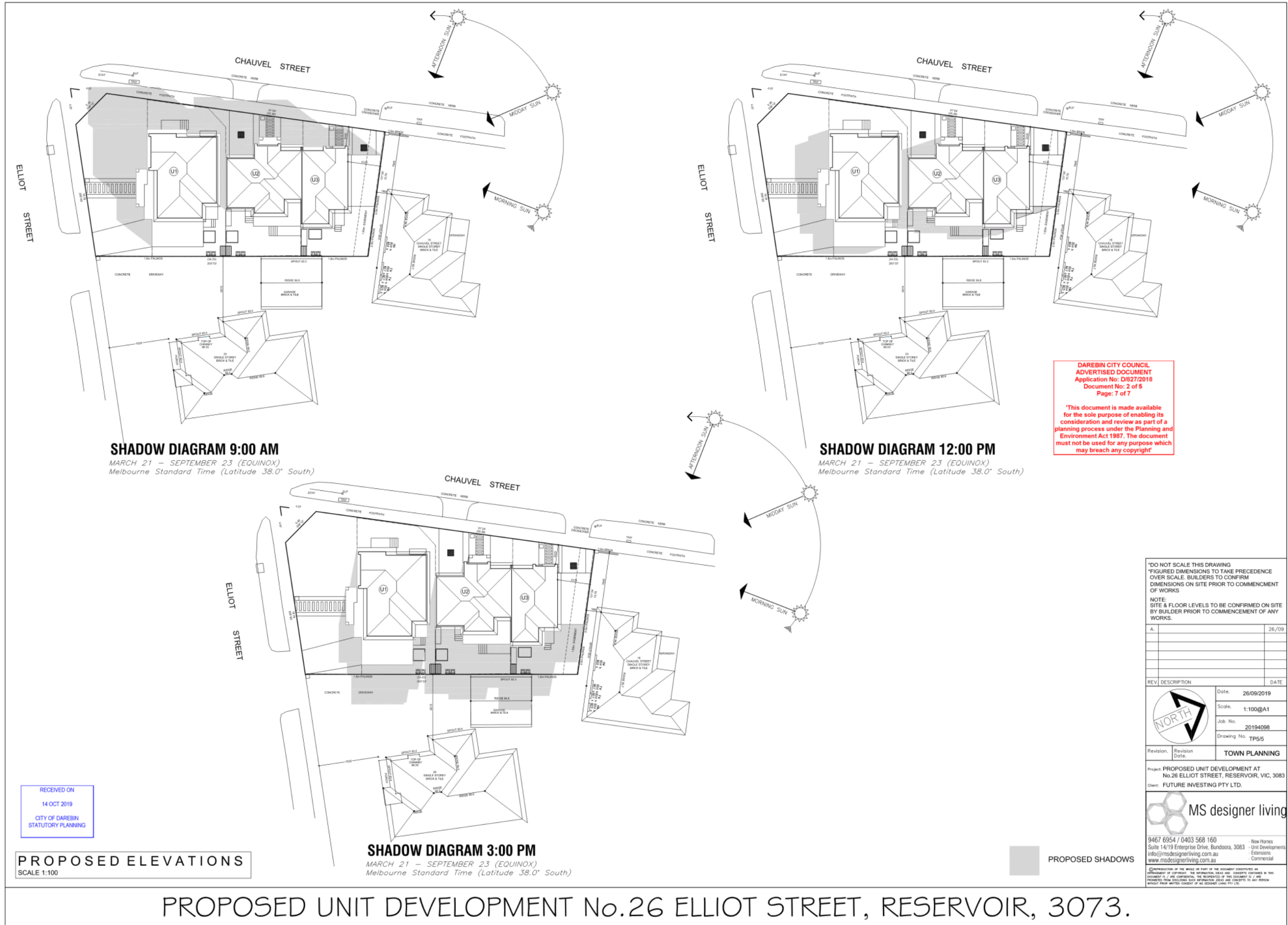
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STATUTORY PLANNING

PROPOSED ELEVATIONS
SCALE 1:100

PROPOSED UNIT DEVELOPMENT No.26 ELLIOT STREET, RESERVOIR, 3073.



PROPOSED UNIT DEVELOPMENT No.26 ELLIOT STREET, RESERVOIR, 3073.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Recommendation

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

Related Documents

Nil

Attachments

- General Planning Information (**Appendix A**) [↓](#)

Delegate Decisions before VCAT

MAY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/05/2019	D143/2014/A	1 Burbank Drive, Reservoir La Trobe	An increase in wall height on the southern boundary of a medium density development	Notice of Decision – Objector Appeal	Decision Pending
Result	Adjourned to 23 September 2019 by consent				
17/05/2019	D/908/2012	1A Separation Street, Northcote Rucker	Extension of Time	Refusal – Applicant Appeal	
Result	Adjourned to 6 November 2019 by consent				
20/05/2019 (Compulsory Conference)	D/603/2018	109 Clyde Street, Thornbury Rucker	Proposed medium density development comprising the construction of three double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes at the Compulsory Conference that addressed Council concerns. As such, the parties were in a position a permit could issue by consent.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

MAY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
20/05/2019	D/778/2017	22 Wood Street, Preston Cazaly	Removal of vegetation and the construction of three (3) five storey buildings (plus basement) used for a retirement village (167 apartments) and one (1) five storey building (plus basement) used for a residential age care facility (149 suites), road works associated with the extension of Wood Street and a reduction of the car parking requirement on land affected by the Design and Development Overlay Schedule 19 (DDO19), Environmental Significance Overlay Schedule 2 (ESO2), Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO).	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	<p>Notwithstanding the significant number of refusal grounds and permit triggers involved in this application, the Tribunal considered the site: "...[provided] a near ideal location for a Residential aged care facility, and for aged care accommodation more broadly...".</p> <p>The Tribunal reached this conclusion having regard to the site's zoning within the Residential Growth Zone, surrounding dwellings also being in the Residential Growth Zone and the surrounding area being one of substantial change. In addition, a significant consideration in the Tribunal's approval of the proposal was the proximity of Northland Shopping Centre (the equal highest order activity centre in Darebin) and open space along Darebin Creek, for residents of the retirement village to enjoy – all being outcomes supported by state and local policy.</p>				

PLANNING COMMITTEE MEETING

14 APRIL 2020

MAY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/05/2019	D/66/2018	648 Plenty Road, Preston Cazaly	A mixed use development comprised of the construction of seven (7) dwellings (two and three-storey in height) and a shop at ground floor; a reduction in the car parking requirement; alteration of access to a road in a road Zone Category 1	Refusal – Applicant Appeal	Council's refusal affirmed – No permit granted
Result	The Tribunal found that the design response of the proposal was unacceptable for a site that had physical and policy constraints. In particular, while mid block dwellings had some form of outlook from their living areas, their outlook was very poor. In addition, their balconies were to be located on the site's boundary, meaning they would be impacted from any adjoining development.				
29/05/2019 (Compulsory Conference)	N/A	34 Reid Street, Northcote	Application for an enforcement order by a resident	Application for Enforcement Order	Proceeding dismissed
Result	Following a confidential Compulsory Conference, the Applicant withdrew their application for an enforcement order.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

MAY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
31/05/2019	D/82/2018	115 Charles Street, Northcote Rucker	Partial demolition of the existing single storey dwelling and construction of buildings and works for a double storey extension on land affected by a Heritage Overlay (HO100)	Notice of Decision – Objector Appeal	Objector appeal struck out Council's decision affirmed
Result	The Objector Applicant failed to lodge their application for review within the prescribed time. They were unable to persuade VCAT why an extension of time should be granted.				
31/05/2019	D/581/2017	18 Kinkora Road, Reservoir Cazaly	A medium density housing development comprised of the construction of one (1) double storey dwelling and seven (7) triple storey dwellings	Notice of Decision – Objector Appeal	Council's decision varied (by consent) – Permit granted
Result	The parties were able to agree on alterations to the proposal which were satisfactory to all parties – hence the matter was resolved by way of consent order without the need for a contested hearing.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JUNE 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/06/2019	D/440/2018	791 Plenty Road, Reservoir Cazaly	The construction of nine (9) dwellings (eight (8) triple storey and one (1) double storey) and alteration of access to road in a Road Zone Category 1 on land in a Residential Growth Zone Schedule 1 and Design and Development Overlay Schedule 17	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered the critical failing with this proposal was the extent of screening required to dwelling balconies – such extent of screening, combined with future development to the north would mean very poor outlook and internal amenity for the dwellings which did not face Plenty Road or the site's rear – which was the majority of the dwellings.				
5/06/2019	D/312/2018	7 Eunson Avenue (Lot 14), Northcote Rucker	Construction of a double storey dwelling on a lot less than 300 square metres, removal of vegetation and a reduction of car parking requirements	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	Subject to some permit conditions which tempered amenity impacts, the Tribunal was satisfied the proposal was an acceptable response to neighbourhood character and the environmentally significant Creekside environs.				
5/06/2019	D/984/2017	65 Station Street, Fairfield Rucker	Construct a medium density housing development comprised of three (3) triple storey dwelling	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Notwithstanding the lack of compliance with the Residential Growth Zone Schedule 3 and Design and Development Overlay Schedule 20 (which ultimately call for a garden apartment typology), the Tribunal considered that this requirement was not mandatory, and the provision of 3 townhouses while not ideal, was an acceptable response to the site's opportunities and constraints.				
14/06/2019	D/908/2012	1A Separation Street, Fairfield Rucker	Application to combine section 81 proceedings with a section 87A proceeding	Matter brought on by the Tribunal	
Result	Adjourned to 6 November 2011				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JUNE 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
20/06/2019 (Compulsory Conference)	D/551/2018	24-26 Erval Avenue, Preston Cazaly	Proposed medium density housing development comprising the construction of four (4) double storey attached dwellings	Failure appeal – Council to oppose	Council's (deemed) refusal set aside – Permit granted
Result	The Permit Applicant was willing to make changes to address Council concerns. As such, the parties were in a consent position a permit could issue.				
24/06/2019 (Compulsory Conference)	POD1/2007/E	1056-1140 Plenty Road, Bundoora Latrobe	Amend Plan of Development	Applicant Appeal	Adjourned to 13 August 2019
Result	Matter did not settle and is booked for a further 1 hour mediation on 13 August 2019				
25/06/2019	D/359/2018	3 Ethel Grove, Reservoir Cazaly	Proposed medium density housing development comprising the construction of two (2) double storey side-by-side dwellings	Refusal – Applicant Appeal	Council's refusal set aside – Permit granted
Result	The Tribunal provided oral reasons only.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JUNE 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/06/2019	D/202/2018	167 Albert Street, Reservoir Cazaly	Medium density development comprising the construction of five (5) dwellings (4 three storey and 1 two storey) on land covered by an SBO, alteration of access to a road in a RDZ1; and reduction of standard car parking requirement (one (1) space)	Refusal – Applicant Appeal	Council's refusal Set Aside – Permit Granted
Result	The Tribunal was not critical of the Applicant for choosing to put forward an alternative development proposal on an unconsolidated site (i.e. at least 1000sqm) – it considered in this instance there would have been difficulties in consolidating with adjoining land given how they were developed. As such, the Tribunal considered the side loaded typology an acceptable response to the RGZ and DDO19.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JULY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/07/2019	D/603/2018	109 Clyde Street, Thornbury Rucker	Proposed medium density housing development comprising the construction of three double storey dwellings	Refusal – Applicant Appeal	No longer required – Settled at Compulsory Conference
Result					
2/07/2019	D/304/2014 EOT/96/2018	38 Johnson Street, Reservoir La Trobe	Extension of Time (Refusal) Proposed construction of a three storey building with four (4) dwellings above existing shop and a reduction in the visitor and shop carparking	Extension of Time (Refusal)	Council's decision set aside – Extension granted
Result	The Tribunal was satisfied that since the original grant of the permit, the only significant change in policy was the Better Apartment Design Standards – however, the Tribunal considered this change not fatal to the request as the planning permit was exempt from complying with BADS and Council had already granted one extension after the introduction of BADS. The Tribunal was otherwise satisfied when regard was had to the other extension of time factors, that an extension of time was appropriate in this instance.				
9/07/2019	D/149/2018	189 Rathmines Street, Fairfield	A medium density housing development comprised of the construction of four (4) double-storey dwellings, with two (2) of the dwellings contained partially within the existing brick building on the eastern side of the site	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit granted
Result	A previous application for 4 dwellings had been refused by the Tribunal. This time, the Tribunal was satisfied that the proposal had responded acceptably to the previous Tribunal's criticisms. The Tribunal was not persuaded by the objector's expert who only performed a before and after analysis, as opposed to a proper reconsideration of the matter as a whole.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JULY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/07/2019	VS/21/2019	G01/7 Warrs Avenue, Preston	Proposed height extension to front fence in a residential zone	Refusal – Applicant appeal	
Result	Adjourned until 6 September 2019				
11/07/2019	D/611/2018	32 Browning Street, Kingsbury La Trobe	Medium density development comprising the construction of two (2) side by side dwellings	Notice of Decision – Objector appeal	Council's decision varied – Permit granted
Result	Subject to conditions which related to amenity impacts, the Tribunal was satisfied the development was responsive to policy, contributed to a preferred future character and had acceptable amenity impacts.				
12/07/2019	D/966/2017	20A Dundas Street, Thornbury	Construction of a two storey building comprising four (4) four single bedroom dwellings and reduction of the standard car parking requirement (two (2) car parking spaces)	Refusal – Applicant appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal was not troubled by the proposal from a neighbourhood character perspective (given the site's location in a substantial change area), it found the proposal had fatal flaws in terms of off site amenity impacts on its adjoining neighbours (due to visual bulk and overshadowing), as well as having poor on site amenity in terms of solar access to open spaces, and poor daylight to new windows.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JULY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/07/2019	D/334/2018	58 & 58A Simpson Street, Northcote Rucker	Proposed construction of a medium density development consisting of four (4) dwellings on two (2) lots	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	The main issue in dispute was the proposal's built form, as given its location, the redevelopment of the site with some form of development was to be expected. While Council's key concerns was the location of tall fencing and secluded open space in the front setback, the Tribunal considered that the neighbourhood could accommodate a more robust design response, given that opposite the subject site were a number of commercial buildings as well as a site that had recently been given a 4 storey permit.				
24/07/2019	D/237/2017	130 St Georges Road, Northcote Rucker	Development of four (4) three (3) storey dwellings, a reduction in car parking and alteration of access to St Georges Road (removal of the crossover).	Notice of Decision – Objector appeal	Council's decision varied – Permit granted
Result	This case raised a legal issue for Council – specially, does the mandatory garden area requirement apply to sites zoned General Residential and within Design and Development Overlay Schedule 16? The objector argued it did – which would have the result of making the application prohibited. However, Council was able to successfully argue that the garden area require did not apply to the site. Hence the challenge to Council's decision failed.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

AUGUST 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/08/2019	D/400/2018	90-92 St Vigeons Road, Reservoir La Trobe	Proposed development of ten (10) double storey dwellings over two (2) lots and a waiver of the car parking requirements	Refusal – Applicant Appeal	Interim Decision – Permit Applicant to lodge amended plans Subsequent decision – Council's refusal set aside – Permit granted
Result	Th Tribunal was generally satisfied with the proposal but for one aspect – it did not consider screened windows and balconies that served living areas was an acceptable outcome. Therefore with some parameters, the Tribunal has given the Permit Applicant until 2 September 2019 to lodge amended plans. UPDATE: Amended plans have been received which have responded to the Tribunal's concerns. As such, the Tribunal determined the proposal was worthy of a permit.				
13/08/2019 (Compulsory Conference)	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amendment to development plan	Failure Appeal – Subsequently Resolve to Oppose	
Result	Adjourned to a further Compulsory Conference on 22 August 2019				
15/08/2019 (Compulsory Conference)	D/620/2018	12 Carson Street, Reservoir La Trobe	Proposed mixed use development comprising the construction of a four (4) storey building with a shop and dwellings above and a reduction of the car parking requirements	Refusal – Applicant Appeal	Now listed for Administrative Mention on 26 September 2019.
Result	Adjourned and hearing vacated.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

AUGUST 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
19/08/2019	D/646/2018	13 Pender Street, Thornbury Rucker	Construction of nine (9) triple storey dwelling	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	Having regard to the site's physical and strategic context (being in an area of substantial change), the Tribunal was satisfied the proposal was an acceptable response to neighbourhood character and had no unacceptable amenity impacts.				
21/08/2019 (Compulsory Conference)	D/617/2018	43 North Road, Reservoir La Trobe	Medium density development comprising four (4) double storey dwellings	Refusal – Applicant appeal	Council's decision set aside – By consent
Result	The Permit Applicant was willing to make changes to address Council concerns – as such the parties were in agreement that a permit could issue.				
22/08/2019	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amend Plan of Development	Failure Appeal – Subsequently Resolve to Oppose	Adjourned to Preliminary Hearing on Question of Law on 7 October 2019
Result	A question of law has arisen as to whether the Tribunal has the statutory power to amend a proposed development plan. This is to be considered on 7 October 2019.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

SEPTEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/09/2019	D/922/2017	181 Albert Street, Reservoir Cazaly	Medium density housing development comprising the construction of four three (3) storey dwellings and alteration of access to a road in a road zone category 1	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal noted that the proposal was not the preferred typology sought by Council (apartments on consolidated lots), however it also noted the RGZ2 and DDO19 which applied to the site also expressly contemplated typologies which were not apartments on consolidated lots. As to the alternative design, the Tribunal considered it acceptable in light of the nearby approvals and emerging forms of development.				
6/09/2019	VS/21/2019	G01/7 Warrs Avenue, Preston Cazaly	Proposed height extension to front fence in a residential zone	Refusal – Applicant appeal	Hearing adjourned to 17 December 2019
Result	The Tribunal identified a preliminary issue in respect of the fence possibly not being located on the permit applicant's land. Hence the adjournment to allow the parties time to consider this issue.				
11/09/2019	D/57/2018	3-5 McCutcheon Street, Northcote Rucker	Construction of six (6) dwellings	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	Subject to conditions in respect of noise impacts, the Tribunal considered the amended plans to be an acceptable response to policy in the Northcote Activity Centre and at the same time providing acceptable on and off site amenity impacts.				
12/09/2019	D/582/2018	249 Arthur Street, Fairfield Rucker	Construction of a medium density housing development comprising three (3) double storey dwellings	Refusal – Applicant appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered the critical issue was whether the proposal was an acceptable response to an <i>incremental change</i> area as specified in the Darebin Planning Scheme. What the Tribunal found fatal was the massing of the first floors of the proposed dwellings, each of which occupied a substantial portion of the ground floor. This meant the design presented with bulky first floors through the depth site, an outcome not sought by neighbourhood character considerations.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

SEPTEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
23/09/2019	D143/2014/A	1 Burbank Drive, Reservoir La Trobe	An increase in wall height on the southern boundary of a medium density development	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit granted
Result	The application sought retrospective approval for a wall on boundary that had been constructed taller than what was originally approved. The Tribunal upheld Council's decision in granting an approval, noting the wall on boundary did not have an impact on the streetscape and the amenity impacts arising from such a wall were not considered unreasonable.				
23/09/2019	N/A	1 Matisi Street, Thornbury Rucker	Unlawful use of the land as a place of assembly (dance parties)	Enforcement Order Application	Adjourned to Administrative Mention in 2020 Now no longer required.
Result					
30/09/2019 (Compulsory Conference)	D/382/2018	2A & 2B Cunningham Street, Northcote Rucker	Buildings and works including demolition works and the construction of 17 double-storey dwellings on land affected by the Heritage Overlay, Land Subject to Inundation Overlay and Environmental Significance Overlay	Refusal – Applicant appeal	Adjourned to a further Compulsory Conference in October
Result	Matter did not settle – to be adjourned to a further Compulsory Conference.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

OCTOBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/10/2019	D/604/2018	46 Toolangi Road, Alphington Rucker	Construction of two double storey dwellings on the lot	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered that the proposal, with conditions relating to provision of landscaping and storage, was an acceptable response to neighbourhood character and had acceptable on and off site amenity impacts.				
11/10/2019	D/971/2015/B	108-110 Wood Street, Preston Cazaly	Development of a 3 and 4 storey building (plus basement) comprising 24 dwellings, a medical centre and a reduction in car parking, amended as detailed in the statement of changes accompanying the application prepared by the applicant.	Conditions Appeal	Council's contentious conditions deleted
Result	The Tribunal provided oral reasons only				
10/10/2019 (Compulsory Conference) & 14/10/2019 (Administrative Mention)	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amend Plan of Development	Failure Appeal – Subsequently Resolve to Oppose	
Result	Adjourned to 18 October 2019, 21 October 2019 appearance vacated				

PLANNING COMMITTEE MEETING

14 APRIL 2020

OCTOBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/10/2019 (Compulsory Conference)	D/382/2018	2A & 2B Cunningham Street, Northcote Rucker	Buildings and works including demolition works and the construction of 17 double-storey dwellings on land affected by the Heritage Overlay, Land Subject to Inundation Overlay and Environmental Significance Overlay	Refusal – Applicant Appeal	Did not settle
Result	The Compulsory Conference was not successful.				
17/10/2019 (Compulsory Conference)	D/931/2018	26-28 Green Avenue, Kingsbury La Trobe	Medium density housing development comprising the construction of four (4) double storey and two (2) triple storey dwellings (six (6) dwellings in total)	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development. As such, the parties were in a position to have Council's refusal set aside by consent.				
18/10/2019 (Compulsory Conference)	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amendment to development plan	Failure Appeal – Subsequently Resolve to Oppose	Development plan amended
Result	The Applicant sought approval for an amended development plan which had also been favourably considered by Council in a front end application. This amended development plan contemplated a less intensive student accommodation proposal, together with commercial uses towards Plenty Road. As the amended plan (as opposed to original plan) was similar to one Council had already favourably considered, the parties were able to resolve this matter by consent.				
22/10/2019 (Compulsory Conference)	D/168/2019	163 Station Street, Fairfield Rucker	Construction of a three (3) storey building comprising eight (8) apartments, a reduction in the car parking requirement and alteration of access to a Road Zone - Category 1.	Refusal – Applicant Appeal	Did not settle
Result	The Compulsory Conference was not successful.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

OCTOBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/10/2019 (Hearing)	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amendment to development plan	Failure Appeal – Subsequently Resolve to Oppose	Council's decision set aside (by consent) – Amendments made
Result	The hearing was no longer required as the parties has been able to agree on an acceptable set of changes to the development plan				
30/10/2019	D/644/2018	23 Lyonsville Avenue, Preston Cazaly	Construction of three (3) double storey dwellings	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	Subject to a number of conditional changes (in particular, requiring deletion of a bedroom and a car space to one of the dwellings) the Tribunal was satisfied the proposal was otherwise an acceptable outcome.				
31/10/2019	D/168/2009/E	52 Showers Street, Preston Cazaly	Alterations and additions to the existing building to form nine dwellings in a three level building. AMENDMENT: The replacement of the existing eastern wall with the new brickwork	Refusal – Applicant Appeal	Council's decision set aside – Permit amended
Result	This amendment to the permit concerned whether an existing boundary wall (which was being incorporated into an approved development) could be demolished and reconstructed in the same location, noting that the Tribunal had made commentary (in the past) about how if the existing wall were to be demolished, any new wall should comply with ResCode (where it is abundantly clear the existing wall does not comply). Ultimately the Tribunal allowed the wall to be demolished and reconstructed in the same location on the basis the planning controls applicable to the site contemplate quite large developments. These large developments could have walls on boundary as well, hence the Tribunal considered the proposal acceptable.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

NOVEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/11/2019 (not required)	D/106/2019	6 Horton Street, Reservoir Cazaly	Development of three (3) double storey dwellings	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	The parties were able to agree to suitable conditions to go onto Council's Notice of Decision. As such, the parties were able to resolve the matter on the papers without the need for a contested hearing.				
6/11/2019	D/908/2012	1A Separation Street, Northcote Rucker	Section 87A Amendment & Extension of Time (s81)	Extension of time – Refusal & Application to Amend	Extension of time granted by consent Application to amend struck out
Result	The Permit Applicant had amended their plans so as to improve the response of the proposal to Clause 58 – as such, Council was supportive of the extension of time and amendment application by the time of the hearing. While the Tribunal was comfortable allowing the extension, it considered the application to amend misconceived at law, and as such, struck it out.				
7/11/2019	D/505/2018	108 Normanby Avenue, Thornbury Cazaly	Construction of three, double storey dwellings, and alteration of access to a Road Zone Category 1	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the proposal as having an acceptable response to neighbourhood character. Notwithstanding neighbourhood character policy calls for recessive first floors, the Tribunal considered it an acceptable response to the existing character as a recessive first floor is not a character of the area. The Tribunal also considered provision of one crossover from the street and the others from the rear laneway is exactly in accordance with the preferred character of the precinct.				
12/11/2019 (not required)	D/382/2018	2A & 2B Cunningham Street, Northcote Rucker	Buildings and works including demolition works and the construction of 17 double-storey dwellings on land affected by the Heritage Overlay, Land Subject to Inundation Overlay and Environmental Significance Overlay	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to agree on a suitable form of development which provided tangible benefits to the neighbourhood beyond the subject site, as well as being an acceptable development in and of itself. As such, the parties were in a position to resolve this matter without the need for a contested hearing.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

NOVEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/11/2019	D/714/2016/A	16 Swallow Street, Preston Cazaly	Retrospective - Various amendments to the proposal to reflect as built	Refusal – Applicant Appeal	Decision Pending
Result	The Tribunal has required notice to be given to the owners of the various properties of the retrospective changes prior to making a determination on the merits. One of the owners has since lodged a statement of grounds agreeing to some changes, but not all.				
15/11/2019	D/812/2018	28 Clingin Street, Reservoir Cazaly	Proposed construction of five dwellings on one lot; buildings and works in a DDO; waiver of the one required visitor car parking space	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Notwithstanding that the site contained built form controls which contemplated "garden apartments" as well as encouraging site consolidation, the Tribunal made it abundantly clear development on single sites is not prohibited, nor is consolidation mandated. The Tribunal considered the design response acceptable and would no work against achieving garden apartments on other sites nearby.				
29/11/2019	D/950/2018	31 Swift Street, Thornbury Rucker	Construction of a medium density housing development comprising of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Having regard to the site's location near other medium density development, the Tribunal considered the proposal would respond appropriately to its physical context. The Tribunal was also satisfied with ResCode matters and car parking arrangement, and did not consider the proposal an overdevelopment.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

DECEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/12/2019 (Compulsory Conference)	D/456/2015	176-180 High Street, Preston Cazaly	Amendment to the Permit seeking the construct buildings and works for a mixed use development comprising twelve (12) stories plus three (3) basement levels accommodating comprising 94 dwellings and two restaurants at ground floor; reduction in car parking requirements and creation and alteration of access to a road in a Road Zone Category 1	Failure Appeal	To be resumed
Result	The CC did not conclude in the allotted time, however the parties have reached an agreement in principle as to a suitable development of lesser intensity. Amended plans to be prepared by the Permit Applicant with a further CC in the new year.				
3/12/2019 (Compulsory Conference)	D/787/2017	469-471 Gilbert Road, Preston Cazaly	Section 87A Amendment	Section 87A Amendment	Application allowed (by consent)
Result	The parties were able to reach agreement as to a suitable form of development. As such, the parties were in a position that a permit could issue by consent.				
6/12/2019	D/931/2018	26-28 Green Avenue, Kingsbury La Trobe	Medium density housing development comprising the construction of four (4) double storey and two (2) triple storey dwellings (six (6) dwellings in total)	Refusal – Applicant Appeal	No longer required – resolved at Compulsory Conference (October)
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

DECEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/12/2019	D/957/2018	12 Lawson Street, Reservoir La Trobe	Construction of a medium density development consisting of four (4) dwellings	Notice of Decision – Objector Appeal	Adjourned to 20 March 2020
Result					
10/12/2019	D/168/2019	163 Station Street, Fairfield Rucker	Construction of a three (3) storey building comprising eight (8) apartments, a reduction in the car parking requirement and alteration of access to a Road Zone - Category 1.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal disagreed with the Council argument that the proposal was seeking too much from a site slated for incremental change (under local policy), noting Plan Melbourne and the desire for 20 minute neighbourhoods, as well as the proximity of the Fairfield Activity Centre. It further considered that the grounds of refusal identified by Council were relatively minor grounds that have no material impact on the decision ultimately being made.				
10/12/2019	D/163/2018	5 O'Connell Street, Kingsbury La Trobe	Medium density housing development comprising the construction of four (4) double storey dwellings	Refusal – Applicant Appeal	Decision Pending
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

DECEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/12/2019	D/650/2018	108 Westgarth Street, Northcote Rucker	Construction of a medium density housing development comprised of two (2) double storey dwellings and alteration of access to a Road Zone Category 1	Conditions Appeal	Conditions varied and deleted
Result	The Tribunal provided oral reasons only.				
17/12/2019	VS/21/2019	G01/7 Warrs Avenue, Preston Cazaly	Proposed height extension to front fence in a residential zone	Refusal – Applicant Appeal	Adjourned
Result	Adjourned to a Practice Day Hearing on 31 January 2020 to be heard before a legal member. The purpose of the Practice Day Hearing is to consider whether the application is misconceived and ought to be struck out.				
20/12/2019 (Compulsory Conference)	D/145/2018	480 Gilbert Road, Preston Cazaly	Section 87A Amendment to existing permit to increase number of dwellings	Application to Amend Direct to Tribunal	Proceeding to Hearing on Confined Grounds
Result	The CC did not conclude in the allotted time, however the parties have agreed to confine issues in dispute (subject to acceptable plans being shown).				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/01/2020 (Compulsory Conference) and 30/01/2020 (CC)	D/526/2018	573-603 High Street & 30 West Street Cazaly	Construct two (2) buildings, with six (6) individual towers, containing dwellings, retail premises; and Reduce the car parking requirements; and Reduce the loading/unloading requirements.	Failure Appeal	Did not settle
Result	The Compulsory Conference was not successful.				
16/01/2020 (resumed Compulsory Conference)	D/456/2015/A	176-180 High Street, Preston Cazaly	Amendment to the Permit seeking the construct buildings and works for a mixed use development comprising twelve (12) stories plus three (3) basement levels accommodating comprising 94 dwellings and two restaurants at ground floor; reduction in car parking requirements and creation and alteration of access to a road in a Road Zone Category 1	Failure Appeal	Resumed CC Council's deemed refusal set aside – Permit granted
Result	At the resumed Compulsory Conference, the parties were in a position to settle the matter. In particular, the Permit Applicant dropped the height of the proposal from 12 to 10 storeys, provided some extra landscaping in the public realm and addressed the concerns of the adjoining resident.				
22/01/2020	D/170/2019	53 Liston Avenue, Reservoir La Trobe	Proposed development of two (2) double storey dwellings	Refusal – Applicant appeal	Council's refusal confirmed
Result	The applicant withdrew their appeal to VCAT.				
24/01/2020	D/438/2018	162 Broadway, Reservoir Latrobe	Construction of five (5) triple storey and one (1) double storey dwellings	Refusal – Applicant appeal	Hearing moved to March 2020
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/01/2020	D/787/2017	469-471 Gilbert Road, Preston Cazaly	Section 87A Amendment	Application to Amend Direct to Tribunal	No longer required – resolved at Compulsory Conference (December)
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/02/2020	D/456/2015	176-180 High Street, Preston Cazaly	Amendment to the Permit seeking the construct buildings and works for a mixed use development comprising twelve (12) stories plus three (3) basement levels accommodating comprising 94 dwellings and two restaurants at ground floor; reduction in car parking requirements and creation and alteration of access to a road in a Road Zone Category 1	Failure Appeal	No longer required – settled at Compulsory Conference
Result					
10/02/2020	D/38/2019	33 Carlisle Street, Preston Cazaly	Construction of a three (3) storey dwelling on a lot of less than 300 square metres in area	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal found the combination of 2 design choices – namely, a site coverage greater than 80% and the location of the ground floor being elevated above natural ground level led to unacceptable character and amenity impacts that could not be resolved by way of condition.				
11/02/2020	D/689/2018	253 Rathmines Street, Fairfield Rucker	Construction of a medium density housing development comprised of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's refusal set aside (by consent) – Permit granted
Result	The permit applicant was willing to make changes to their proposal to address Council concerns. As such, the parties were able to resolve the matter without the need for a contested hearing.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
12/02/2020	D/752/2018	59 George Street, Preston Cazaly	Construction of medium density development consisting of two (2) dwellings in a Heritage Overlay	Refusal – Applicant Appeal	Council's decision confirmed
Result	The applicant withdrew their appeal to VCAT.				
17/02/2020	D/935/2018	177 Fulham Road, Alphington Rucker	Use land for Industry (shop fitter/cabinet maker), construct a two (2) storey building and reduce the number of car parking spaces from 17 to 5	Notice of Decision – Objector Appeal	Withdrawn by Applicant – No longer required
Result					
17/02/2020	D/935/2018	218 Grange Road, Thornbury Rucker	Construction of four (4) warehouse development as shown on the plans accompanying the application	Conditions Appeal	Council's decision varied – Permit granted
Result	The Tribunal found that amended conditions agreed upon by the parties were appropriate and as such varied Council's decision.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/02/2020 (Compulsory Conference)	D/382/2019	4-8 Browning Street, Kingsbury Latrobe	Development of a three (3) storey building (plus basement) comprising 67 student accommodation units	Refusal – Applicant appeal	Council's decision set aside (by consent) – Permit granted
The permit applicant was willing to make changes to their development to address Council and resident concerns. As such, the parties were in a position that a permit could issue.					
17/02/2020	D/894/2018	8 Anstey Avenue, Reservoir Latrobe	Development of a second dwelling to the rear of the existing dwelling	Conditions Appeal	Contentious conditions deleted
Result	The Tribunal provided oral reasons only.				
18/02/2020	D/617/2018	12 Carson Street, Reservoir Latrobe	Proposed mixed use development comprising the construction of a four (4) storey building with a shop and dwellings above and a reduction of the car parking requirements	Refusal – Applicant appeal	Decision Pending
Result					
27/02/2020	D/145/2018	480 Gilbert Road, Preston Cazaly	Section 87A Amendment	Application to Amend Direct to Tribunal	No longer required – Permit amended by consent
Result	Following the Compulsory Conference, the parties continued discussions which resulted in further concessions offered by the Permit Applicant. As a result of these further concessions, the hearing was able to be vacated by consent.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/03/2020	D/438/2018	162 Broadway, Reservoir Latrobe	Construction of five (5) triple storey and one (1) double storey dwellings	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the design response of the proposal met the requirements of the Zone and Design and Development Overlay applicable to the site which dictated a more intensive form of development. The Tribunal was also satisfied the dwellings provided acceptable internal amenity.				
10/03/2020	D/497/2018	25 Garnet Street, Preston Cazaly	Construction of two (2) double storey dwellings and a two lot subdivision	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	The Tribunal provided oral reasons only.				
13/03/2020	D/184/2014/E	112 Collins Street, Thornbury Rucker	Amendment to the planning permit and endorsed plans as follows: 1) Terrace planter at balustrade removed and balustrade increased to 1.3 m above terrace finished floor level. Balustrade changed from black alucobond to black tinted glass. 2) Revised cladding - venetian render replaces Scyon Matrix. 3) Unit 1 Rear Balcony - screening to 1700mm deleted - solid 1.35 metre high balustrade with 600mm horizontal overlooking shelf. 4) Unit 2 rear upper floor windows - external screening to 1700mm deleted - obscure glazing to 1700mm provided. 5) Wall on boundary provided adjacent to unit 2 carport to provide bracing for carport door wall. Arbor structure also included adjacent to unit 2 carport. Width of the unit 2 carport increased.	Refusal – Applicant Appeal	Decision Pending

PLANNING COMMITTEE MEETING

14 APRIL 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
			6) Rear decking increased in width and arbor structure added above part of decking. Associated planters added. 6) Skylights above fireplaces removed from both units. 7) Landscaping to front setback of both units revised due to slope of site		
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/03/2020	D/526/2018	573-603 High Street & 30 West Street, Preston Cazaly	Construct two (2) buildings, with six (6) individual towers, containing dwellings, retail premises; and Reduce the car parking requirements; and Reduce the loading/unloading requirements.	Failure appeal – Council subsequently resolved to Oppose	Adjourned
Result	The matter was adjourned due to the COVID-19 pandemic.				
18/03/2020	D/637/2018	181 Hutton Street, Thornbury Cazaly	Construction of two (2) double storey dwellings	Refusal – Applicant appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
19/03/2020	D/667/2018	6 Bower Street, Northcote Rucker	Construction of two (2) double storey dwellings	Notice of Decision – Objector Appeal	No longer required – Resolved by way of consent order
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
20/03/2020	D/939/2018	46 Bourke Street, Reservoir Cazaly	Proposed medium density development consisting of (2) two dwellings	Refusal – Applicant appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
20/03/2020	D/957/2018	12 Lawson Street, Reservoir Latrobe	Construction of a medium density development consisting of four (4) dwellings	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

APRIL 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/04/2020	D/888/2018	114 Elm Street, Northcote Rucker	Proposed partial demolition and alterations (including a double storey addition) to an existing dwelling on a lot less than 300m2 in a Heritage Overlay	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
3/04/2020	D/659/2018	64-74 Bell Street, 13-17 Bruthen Street & 19-23 Bruthen Street, Preston Cazaly	Use and development of the land for a Retail Premises (Bunnings Warehouse), including buildings and works, to create and/or alter access to a Road Zone Category 1, to display advertising signs and to reduce bicycle facilities	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
8/04/2020	D/709/2018	1 Wardrop Grove, Northcote Rucker	Medium density housing development comprising the construction of four (4) triple storey dwellings	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
20/04/2020	D/111/2019	3 Agnes Street, Thornbury Rucker	Construction of two double storey dwellings on the lot	Notice of Decision – Objector Appeal	
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

APRIL 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
21/04/2020	D/7/2019	5 Autumndale Avenue, Reservoir Cazaly	Proposed construction of a medium density development consisting of five (5) dwellings and a reduction in the car parking requirement (visitor space)	Failure Appeal – subsequently formed position to oppose	
Result					
27/04/2020	D/382/2019	4-8 Browning Street, Kingsbury Latrobe	Development of a three (3) storey building (plus basement) comprising 67 student accommodation units	Refusal – Applicant appeal	No longer required – resolved at Compulsory Conference
Result					
28/04/2020	D/1089/2016	531-535 St Georges Road, Thornbury Cazaly	A five (5) storey building (plus roof terrace and 2 basement levels) comprising 38 dwellings and a reduction to in car parking	Failure Appeal	
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

Planning Committee Decisions before VCAT

MAY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in May 2019					

PLANNING COMMITTEE MEETING

14 APRIL 2020

JUNE 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in June 2019					

PLANNING COMMITTEE MEETING

14 APRIL 2020

JULY 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in July 2019					

PLANNING COMMITTEE MEETING

14 APRIL 2020

AUGUST 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in August 2019					

PLANNING COMMITTEE MEETING

14 APRIL 2020

SEPTEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in September 2019					

PLANNING COMMITTEE MEETING

14 APRIL 2020

OCTOBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
31/10/2019	D/375/2018	58 Johnson Street, Thornbury Rucker	Medium density housing development comprising the construction of four (4) double storey dwellings (three (3) with roof terraces)	Refusal (Contrary to officer recommendation) – Applicant appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered the critical failings of the proposal were its aggressive form, massing and siting. As a result of the combination of these factors, the Tribunal considered the proposal would provide unacceptable internal amenity (in particular, through locating bedrooms with full height windows to a right-of-way) as well as unacceptable external amenity impacts (by way of visual bulk in an open backyard realm).				

PLANNING COMMITTEE MEETING

14 APRIL 2020

NOVEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/11/2019 (Compulsory Conference)	D/732/2018	6 & 8 Tanner Grove, Northcote	Medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal (Officer Recommendation – Not supported)	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's refusal could be set aside by consent.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

DECEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/12/2019 (Compulsory Conference)	D/875/2018	650 Plenty Road (Lot 1 on Plan of Subdivision PS429946) Vic 3072 and 121 Rene Street Preston (Lot 2 on Plan of Subdivision PS 429946) VIC 3072 Cazaly	The construction of a four (4) storey building for the purpose of dwellings, convenience restaurant and shop; Alterations to access to a road in Road Zone, Category 1	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's refusal set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes at the mediation to secure Council support. As such, the parties were in a position a permit could grant (by consent).				
16/12/2019 (Compulsory Conference)	D/360/2018	479 St Georges Road, Thornbury Cazaly	Use and development of the land for a 5-storey mixed use apartment building comprising ground floor office and six (6) dwellings above	Notice of Decision (in line with Officer Recommendation) – Objector Appeal	Council's decision varied – Permit granted
Result	The compulsory conference was ultimately not required as the parties were able to reach agreement as to suitable conditions to go on permit D/360/2018. As such, the parties were able to resolve the matter on the papers.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/01/2020 (Compulsory Conference)	D/945/2018	635 High Street, Preston Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Refusal (contrary to officer recommendation) – Applicant appeal	Vacated by order dated 12 November 2019
Result	The matter was adjourned to 10 March 2020.				
15/01/2020 (Compulsory Conference)	D/951/2019	813 High Street, Reservoir Cazaly	Multi storey mixed use development comprising the construction of a five (5) storey (plus mezzanine and car stacker pit) building and a reduction in the car parking requirement associated with the use as 11 dwellings and a shop.	Refusal (contrary to officer recommendation) – Applicant appeal	Matter did not settle
Result	The parties were unable to reach agreement as to a suitable form of development, hence the Compulsory Conference was not successful.				
17/01/2020	D/732/2018	6 & 8 Tanner Grove, Northcote	Medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal (Officer Recommendation – Not supported)	No longer required – resolved at Compulsory Conference (November)
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/02/2020	D/875/2018	650 Plenty Road (Lot 1 on Plan of Subdivision PS429946) Vic 3072 and 121 Rene Street Preston (Lot 2 on Plan of Subdivision PS 429946) VIC 3072 Cazaly	The construction of a four (4) storey building for the purpose of dwellings, convenience restaurant and shop; Alterations to access to a road in Road Zone, Category 1	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	No longer required – resolved at Compulsory Conference (December)
Result					

PLANNING COMMITTEE MEETING

14 APRIL 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/03/2020	D/134/2019	635 High Street, Preston Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Section 149A Declaration	Declaration Granted
Result	This matter concerned the operator of the Preston Hotel seeking a declaration the land has the benefit of existing use rights for the purposes of a hotel. This would enable the operator to provide accommodation on the land without the need for any further planning permission. While Council took a neutral position at the hearing, the Tribunal was nevertheless persuaded by the evidence and submissions of the operator and as such granted the declaration.				
5/03/2020	D/360/2018	479 St Georges Road, Thornbury Cazaly	Use and development of the land for a 5-storey mixed use apartment building comprising ground floor office and six (6) dwellings above	Notice of Decision (in line with Officer Recommendation) – Objector Appeal	Resolved by way of consent order (21/11/2019) – No longer required
Result					
10/03/2020	D/951/2019	813 High Street, Reservoir Cazaly	Multi storey mixed use development comprising the construction of a five (5) storey (plus mezzanine and car stacker pit) building and a reduction in the car parking requirement associated with the use as 11 dwellings and a shop.	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – permit granted
Result	The Tribunal was generally satisfied the proposal was an acceptable outcome. However, it was determined that a four (4) storey building would more consistent with the existing and preferred character of the area. As a result, an additional condition requiring the deletion of level 5 (Dwellings 10 and 11) was imposed.				
11/03/2020	D/302/2017	655 Plenty Road, Preston Cazaly	Development of a five storey building comprising four (4) apartments, a shop and a reduction in car park	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – permit granted
Result	Subject to additional conditions requiring compliance with the rear setback envelope, the Tribunal was satisfied the proposal was an acceptable outcome for its context.				

PLANNING COMMITTEE MEETING

14 APRIL 2020

APRIL 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
In response to the COVID-19 pandemic, VCAT adjourned all non-critical cases until 15 May 2020. As a result, no matters determined by the Planning Committee were to be heard in April 2020.					

PLANNING COMMITTEE MEETING

14 APRIL 2020

MAY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
<p>In response to the COVID-19 pandemic, VCAT adjourned all non-critical cases until 15 May 2020. As a result, no matters determined by the Planning Committee were to be heard in May 2020.</p>					

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


8. CLOSE OF MEETING

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