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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 12 February 2018
at 6.00pm.

Table of Contents

Item Number	Page Number
1. MEMBERSHIP	1
2. APOLOGIES	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	1
5. CONSIDERATION OF REPORTS	2
5.1 PLANNING PERMIT APPLICATION NO. D/228/2017 69-72 SOUTH CRESCENT, NORTHCOTE	2
5.2 PLANNING APPLICATION D/924/2017 396-402 Bell Street & 1-7 Arthur Street, Preston	46
6. OTHER BUSINESS	91
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	91
7. URGENT BUSINESS	165
8. CLOSE OF MEETING	165

Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

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 December 2017 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 PLANNING PERMIT APPLICATION NO. D/228/2017 69-72 SOUTH CRESCENT, NORTHCOTE

Author: Principal Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
South Crescent Pty Ltd	M T Jolly	Ratio Consultants
South Crescent Development Pty	C Meo	Keep House Lid Consulting Felicetti Pty Ltd

SUMMARY

- It is proposed to develop the land for seven (7) dwelling (four (4) two-storey and three (3) three-storey) with a reduction of the visitor car parking requirement.
- The dwellings each adopt a townhouse typology with a traditional ground floor living configuration.
- Five (5) dwellings will front South Crescent while two (2) dwellings will front Wastall Street.
- All Dwellings are either three or four bedrooms.
- The land comprises four (4) separately disposable lots.
- The site is within the General Residential Zone - Schedule 2 ('GRZ2') and is affected by the Development Contributions Plan Overlay ('DCPO').
- The mandatory garden area requirement of 25% is applicable to the 69 South Crescent land (being the only lot exceeding 400 square metres). The proposal achieves a garden area of 58% for this lot.
- There is no restrictive covenant on the titles for the subject land.
- 15 objections were received against this application. This includes one (1) petition of 26 signatures.
- The proposal is generally consistent with the objectives, standards and decision guidelines of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION

- Public notice was given pursuant to Section 52(1) of the *Planning and Environment Act 1987* ('Act') via three (3) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to:

- Transport Management and Planning;
- Public Realm;
 - Parks; and
 - Capital Works.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/228/2017 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 substituted plans (identified as Project 1023, Drawing Nos. A101-A105, A107 and A109 (all Rev. A) prepared by *Keep House*) but modified to show:
- a) Details of the roof top terrace access of Dwellings 1 and 2.
 - b) The setback of Dwellings 6 and 7 from Wastall Street increased at by a minimum of 671mm at ground and first floor.
 - c) The north-facing highlight windows to Dwellings 1 and 2 - Master Bedroom and Dwellings 3 - 5 - Upper Living and Ensuite shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - d) The south-facing highlight windows of Dwelling 6 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - e) The north-facing highlight windows of Dwelling 7 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level.
 - f) Inboard bathrooms/ensuites of Dwellings 1 - 7 not otherwise provided with an external window to be provided with skylights, daylight tubes or equivalent.
 - g) Where not already provided with an eave and/or cantilevered by the level above, external operable sun shading devices (excluding roller shutters) provided 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. Such devices must be aesthetically compatible with the overall design of the development.
 - h) Where not already provided with an eave and/or cantilevered by the level above, external fixed sun shading devices (excluding roller shutters) provided 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. Such devices must be aesthetically compatible with the overall design of the development.
 - i) Unless required to be fixed in accordance with Clause 55.04-6 - Standard B22, all

windows are to be operable.

- j) All operable windows are to be of a casement, sliding, single/double hung, louver or equivalent style (not awning) to maximise ventilation.
- k) Outdoor clotheslines provided to each dwelling.
- l) Garage doors provided with a glazed or open/vented component to allow for natural light.
- m) The setback of the central bedroom of Dwelling 7 setback from the northern property boundary in accordance with Clause 55.04-1 - Standard B17.
- n) The length of the wall on boundary of Dwelling 1 dimensioned on the ground floor plan.
- o) The heights of the walls abutting the northern and western boundaries with a maximum average of 3.2 metres.
- p) The first floor wall of Dwelling 1 modified (either by setback, height or a combination thereof) to comply with the requirements of Clause 55.04-3 - Standard B19.
- q) The height of fences on the western boundary (except within 5.8 metres of the southern boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- r) The following windows/balconies/terraces:
 - Dwelling 1 - Master Bedroom (north- and west-facing);
 - Dwelling 1 - Roof top terrace (western side); and
 - Dwelling 7 - North-facing first floor windows.

provided with either:

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

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

- s) A blade screen on the northern side of the Dwelling 7 - Master Bedroom terrace to a minimum height of 1.7 metres above the finished floor level and not greater than 25% transparent.
- t) All dwelling separated by a fence with a minimum height of 1.8 metres.
- u) Each dwelling provided with a minimum of 6 cubic metres of externally accessible storage. Where provided within garages, the storage area is not to encroach the requisite parking area.

- v) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- w) 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 each of the proposed crossovers to South Crescent and Wastall Street. Where within the subject site, the splays must be at least 50 per cent clear of visual obstructions. The area clear of visual obstructions 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.
- x) An amended landscape plan in accordance with Condition No. 4 of this Permit.
- y) Tree Protection Zones in accordance with the requirements of Condition No. 7 of this Permit.
- z) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 8 of this Permit).

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

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before buildings and works start, an amended 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 generally in accordance with the plan submitted with the application (identified as Job No. 17-0960, Drawing No. L-TP01 prepared by *John Patrick Landscape Architects P/L* and dated November 2017) but modified to show:
 - a) Any built form modifications resulting from Condition No. 1 of this Permit.
 - b) Any Tree Protection Zones in accordance with Condition No. 7 of this Permit.
 - c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - e) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.

- f) 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).
- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

- (5) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (6) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (7) Before buildings and works (including demolition) start, a tree protection fence must be erected in accordance with the following requirements to define a 'Tree Protection Zone' (TPZ).

<i>Tree</i>	<i>TPZ (radius)</i>
Street tree - Wastall Street (north)	2.4 metres
Street tree - Wastall Steet (south)	2.4 metres
Street tree - South Crescent	3.4 metres
Neighbouring tree - 71 South Crescent (front setback)	4.0 metres
Neighbouring tree - 71 South Crescent (rear setback)	3.0 metres
Neighbouring trees - 1 Wastall Street (rear setback)	3.0 metres

Tree Protection Zones must be shown and tree protection measures notated on all relevant plans to be endorsed as a part of this planning permit.

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

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

The tree protection fence must remain in place until construction is completed. The TPZ may only be reduce, as applicable, to construct the building footprint as approved under this Permit.

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

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

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

The uncovered tandem space of Dwelling 1 must be constructed at or above existing grade.

The nominated TPZs may only be reduced to allow the construction of buildings and works approved under this permit and then immediately reinstated.

Where applicable to a nature strip tree, the TPZ is confined to the width of the nature strip. The TPZ associated with Street tree - South Crescent may only be reduced to allow the construction of the proposed crossover.

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

- (8) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. The SDA must be accompanied by a report from an industry accepted performance measurement tool.

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.

- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (10) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- (11) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

to the satisfaction of the Responsible Authority.

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

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

INTRODUCTION AND BACKGROUND

A series of previous, historical planning permit applications are applicable to the land at 72 South Crescent. These applications relate to the defunct former use of the land as a shop (milk bar) and caretakers residence. These applications are not considered relevant to the current proposal.

The current application (as amended pursuant to section 50 of the Act) was received by Council on 27 November 2017.

The plans under consideration by Council are those identified as Project 1023, Drawing Nos. A000-A001, A100-A109, A200-A202 and A301 (al Rev. A) prepared by *Keep House*. A raft of supplementary reports accompany the application.

ISSUES AND DISCUSSION

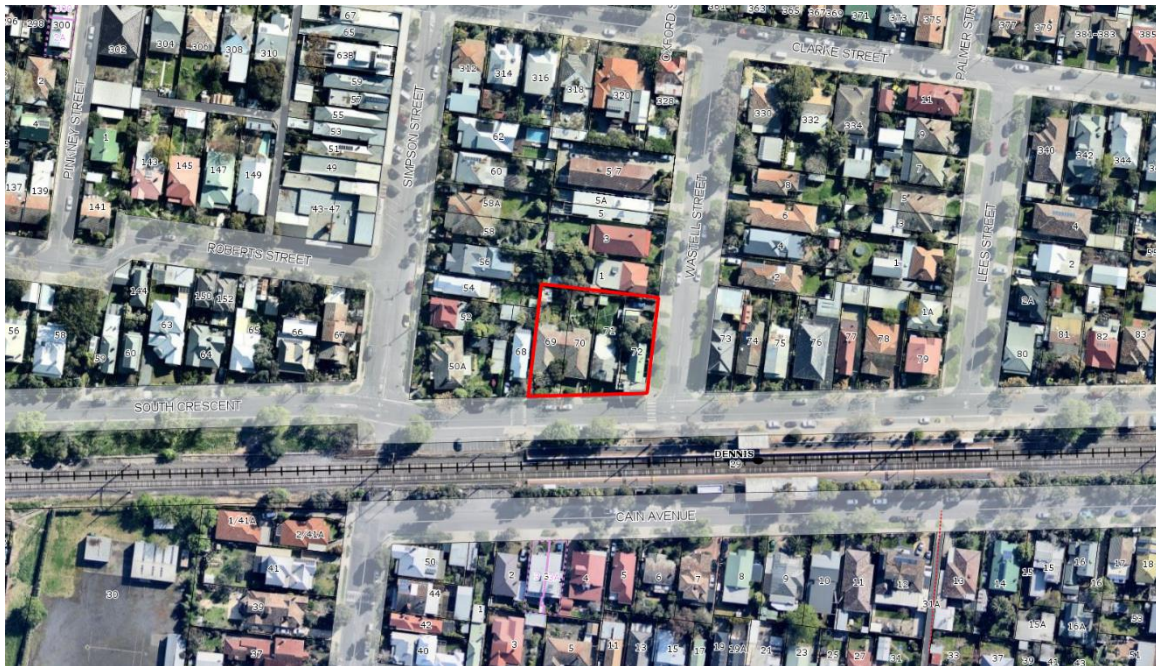
Subject site and surrounding area

- The subject site comprises four (4) lots on the northern side of South Crescent, at the intersection with Wastell Street, Northcote.
- The subject site has a combined (primary) frontage of 41.5 metres to South Crescent, a (secondary) frontage of 29.2 metres to Wastall Street and comprises a total area of 1,471 square metres.
- The land is currently occupied by two (2) single storey semi-detached dwellings (69 and 70 South Crescent), a single storey detached dwelling (71 South Crescent) and a remnant shopfront/dwelling (72 South Crescent). All structures save for the remnant shop front are to be demolished to accommodate the proposed development.
- The City of Darebin Neighbourhood Character Study ('NCS') locates the site in Precinct B2 and provides the following description of the existing character of the area:

The character of this precinct is generally derived from the Edwardian and Interwar architectural styles. Many streets contain intact rows of dwellings from one of these eras and are often interspersed with isolated Victorian dwellings that have been retained. Wide roads and low, permeable fences contribute to an open streetscape character, while large consistent street trees and leafy gardens soften the built form. There has been substantial overbuilding in some streets with contemporary and reproduction dwellings that often have a dominating effect on streetscapes.

- Extending to the north of the site is a series of dwellings, typically in a detached Edwardian style fronting Wastall Street. A more recent single storey side-by-side development has been constructed at 5/5A Wastell Street.
- To the east of the site are a series of detached dwellings of Post- and Inter-war styles fronting South Crescent.
- To the south of the site (across South Crescent) is Dennis Station and the Hurstbridge rail corridor.

- To the west of the site is a single storey detached dwelling of the Inter-war era. This dwelling has habitable room windows along its eastern elevation.
- The site benefits from:
 - Dennis Station - directly opposite;
 - Simpson Street Local Centre (largely defunct) - 180 metres;
 - Victoria Road Local Centre - 270 metres;
 - Station Street (Fairfield) Neighbourhood Centre - 860 metres; and
 - High Street (Westgarth) Neighbourhood Centre and No. 86 tram - 1 kilometre.



Proposal

- Substantial demolition of the existing structures, save for the retention of the remnant milk bar shop front (no permit required);
- Construction of seven (7) dwellings across the site comprising four (4) two-storey townhouses and three (3) three-storey townhouses;
- The dwellings include 4 x four bedrooms and 3 x three bedrooms;
- Each dwelling adopts a traditional ground floor living configuration. Five (5) will front South Crescent while two (2) will be orientated to Wastall Street;
- Each dwelling is provided with on-site car parking comprising one (1) single garage and an uncovered tandem space; and
- A reduction of the visitor car parking space is sought.

Objections summarised

- Height, scale and massing
- Neighbourhood character
- Density and overdevelopment
- Overlooking

- Overshadowing
- Traffic and car parking matters
- Housing diversity and affordability
- ESD initiatives
- Heritage significance
- Landscaping
- Garden Area requirements
- On-site services
- Negative social impact
- Building and construction matters
- Boundary fencing

Officer comment on summarised objections

Height, scale and massing

Details regarding the height, scale and massing of the proposal are set out in the assessment below. In summary, the recent changes to the General Residential Zone now encourage residential development up to and including three-storeys / 11 metres. Given the site's consolidation of lots, favourable locational attributes opposite Dennis Station, absence of restrictive overlays and nomination as an Incremental Housing Change area, the site is capable of accommodating dwellings at the height and scale proposed.

Neighbourhood character

Details regarding neighbourhood character are set out in the assessment below. The consideration of neighbourhood character must have regard to both the physical/locational attributes of a site 'on the ground' in conjunction with any relevant policy statements within the Scheme. Moreover, the test applied under the Scheme is for 'respectful' development. In this instance, the proposed development represents a contemporary yet interpretative response to the character of the area and demonstrates a high level of compliance with the objectives of Council's Neighbourhood Character Study 2007.

Density and overdevelopment

There are no maximum of minimum dwelling numbers prescribed under the provisions of the Scheme; rather a performance based approach is set out for residential development. The development complies with the mandatory garden area and building height requirements. Further (and subject to conditions), the proposal demonstrates a high level of compliance with the requirements of Clause 55. Given the size of this site and overarching policy objectives for housing intensification in well serviced areas, the case for an overdevelopment by this application has not been made.

Overlooking

Details regarding overlooking are set out in the assessment below. Subject to conditions, compliance with the requirements of Clause 55.04-6 - Standard B22 will be achieved.

Overshadowing

Given the site's location on the northern side of South Crescent, only two (2) immediate abutments and the large open space 'cut-out' in the north-west of the site, overshadowing of private open space from the proposal will not exceed that of prevailing boundary fencing, and complies with Clause 55.04-5 - Standard B21.

Traffic and car parking matters

A detailed assessment of the traffic and car parking matters are provided below with respect to the provisions of Clause 52.06 of the Scheme. In response to the issues raised by objectors, the following is noted:

- The requisite number of car parking spaces for residents is provided on site. There is no over- or under-supply;
- Only a reduction of visitor car parking is proposed which is both impractical to provide on-site and the demand can be accommodated by the local supply;
- The traffic generated by the proposal will be negligible and can be accommodated by the local road network; and
- There is no requirement for vehicle to exit the site in a forward direction given the local road status of South Crescent/Wastall Street and the largely independent nature of the driveways.

Housing diversity and affordability

The provision of a diverse housing product needs to be considered on a municipal-wide basis. The current proposal provides a mix of three- and four-bedroom, consolidated attached townhouses. The product is distinguishable to detached dwellings in the area and also apartment developments seen on High Street, Victoria Road and Station Street.

In terms of affordability, the intensification of dwellings on the site (from four (4) to seven (7)) in a more compact form provides a more affordable supply than the remnant detached stock in the area with high accessibility to public transport.

ESD initiatives

The ESD credentials of the development are set out in the assessment below. In addition to the conditions provided in the recommendation, the proposal is considered to provide a high quality, sustainable development outcome.

A number of objectors have noted the ESD report advertised as part of the amended application relates to a different development (in fact, the original development). This is correct. In any event, the provision of an ESD report is provided as a condition of approval and it is appropriate that this remains the case to ensure the ESD report is updated to reflect the current proposal.

Heritage significance

The subject site, and its neighbours are not located within a Heritage Overlay (as distinct from the precinct further west along South Crescent). While there may be a presence of remnant, well presented housing stock in the area, heritage significance must be identified in the Scheme to prevent the demolition of existing houses.

Landscaping

Council's Arborist has stated that the vegetation to be removed from the subject site is generally of a low retention value however contributes to the overall canopy coverage of the area (thus, should be offset with replacement planting). All street trees can be retained via condition.

A landscape plan has been provided by the permit applicant. The plan is well resolved and has been reviewed by Council's Planning Landscape Architect. Conceptually the plan has been assessed as acceptable with the following noted:

The adjusted plans are a significant improvement against earlier versions and offer a superior built form and landscape configuration leading to greater landscape opportunities and amenity in secluded p.o.s. including greater provision of solar access to outdoor spaces.

Conditions will require the plan to be amended to reflect architectural changes and to coincide with Council's standard requirements for endorsement.

Garden Area requirements

Details regarding the mandatory garden areas requirements are set out in the assessment below. The proposal complies with the requirements of Clause 32.08-4.

On-site services

Some, but not all services have been nominated on the plans. A condition will require all to be shown prior to the commencement of the development, and for these to be screened and co-located where possible.

Negative social impact

Section 60(1)(f) of the Act, deals with significant social effects. This section states:

Before deciding on an application, the responsible authority must consider-

(f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

In *Hoskin v Greater Bendigo City Council [2015] VSCA 350 (16 December 2015)* The Supreme Court of Appeal made the following observations about Section 60(1)(f):

Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.

It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.

It is considered that the receipt of 19 objections, in itself, is not a determining factor as to whether a permit should be granted or refused in this instance. A seven (7) dwelling development over four (4) sites in an area designated as an area of Incremental Change in the Darebin Housing Strategy is not considered to be likely to cause significant social effects for residents or visitors to the area.

Building and construction matters

Building and construction matters are handled in the subsequent process and managed by the *Building Act 1993* (and associated Regulations / Codes).

Boundary fencing

Boundary fencing is a civil matter between the respective parties. Council's involvement in boundary fencing from a planning perspective relates solely to it being of a sufficient height to limit overlooking. Conditions are included to this effect.

PLANNING ASSESSMENT**Housing Policy - Clause 21.03**

Council's Strategic Housing Framework at Clause 21.03 located the subject site within an Incremental Housing Change area and is described as follows (extracted as relevant):

Residential and commercial areas that have the capacity to accommodate a moderate level of residential development over time. It is expected that the general character of Incremental Change Areas will evolve over time as new yet modest types of development are accommodated. Incremental Change Areas generally display one or more of the following characteristics:

- *A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.*
- *Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however are generally unaffected by extensive heritage recognition.*
- *Are located:*
 - *Within an 800 metre walkable catchment of an activity centre*
 - *Generally within an 800 metre walkable catchment of train, tram or SmartBus services.*

Clause 21.03-2 sets out the following strategies relevant to Incremental Housing Change areas (extracted as relevant):

In Incremental Housing Change Areas, encourage housing development and diversity that is generally consistent with the character of the area and responsive to varying local conditions, allowing for moderate housing growth and diversification over time

Support low scale medium density housing development that respects existing neighbourhood character in Incremental Housing Change Areas, particularly in areas that are in proximity to shops, facilities, services and transport.

Although it has not been nominated as such in the Planning Scheme, it is observed that the subject site, as consolidated, would satisfy the criteria of a Strategic Opportunity Site given its size, ability to accommodate residential use, absence of a Heritage Overlay and proximity to fixed rail transport. Strategic opportunity sites are identified through State Planning Policy provisions which recognise and encourage more intense development on larger sites that are accessible to public transport. This proposal benefits from this policy support.

General Residential Zone - Mandatory Requirements

Garden Area

Clause 32.08-4 requires the following mandatory garden area to be provided at ground level (emphasis added):

Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level as set out in the following table:

Lot size	Minimum percentage of a lot set aside for garden area
400 - 500 square metres	25%
501 - 650 square metres	30%
Above 650 square metres	35%

While the total developable parcel of land comprises 1,488 square metres, the subject site is comprised of four (4) separately disposable lots, consistent with the definition of Clause 72 of the Scheme. Of these, only one (1) lot, 69 South Crescent, exceeds the threshold of 400 square metres. The garden area for this lot has been calculated at 58%, thus is compliant with the requirements of the Scheme.

For completeness, the total garden area for the entire developable parcel (regardless of prevailing lot boundaries) equates to 38% and exceeds the requirements of Clause 32.08-4 in any event.

Building Height

Clause 32.08-9 states:

If no maximum building height or maximum number of storeys is specified in a schedule to this zone...the building height must not exceed 11 metres; and...the building must contain no more than 3 storeys at any point.

Importantly, the proposed development will present a maximum building height of 9.79 metres above natural ground level, and a maximum of three-storeys (Dwellings 3, 4 and 5). This complies with the maximum building height requirements of the Scheme. How this height integrates with the surrounding neighbourhood is assessed below.

Neighbourhood Character Precinct Guideline Assessment - Precinct B3

The consideration of neighbourhood character is the obligatory starting point for the assessment of all residential development applications and must have regard to the physical context of the site and surrounds and any policy statements contained within the Scheme.

The Darebin Neighbourhood Character Study 2007 locates the subject site within Precinct B3 and sets out the following preferred character statement:

Victorian, Edwardian and Interwar dwellings, set in established gardens, will form the dominant character of many streets in this area. Infill development and second storey extensions will acknowledge the form, scale, siting and materials typified by period dwellings and will incorporate sufficient landscaping. Overall, streetscapes will retain a leafy character formed by consistent street trees and well planted front gardens. Views to front gardens and dwellings will remain available due to low, permeable fences.

This will be achieved by:

- *Retaining Victorian, Edwardian and Interwar dwellings where located within the Heritage Overlay or where these dwellings contribute to the valued character of the area.*
- *Designing new dwellings that interpret elements of Victorian, Edwardian or Interwar eras in a contemporary manner, while respecting existing period architecture.*
- *Maintaining the predominant scale of the area.*
- *Respecting the predominant front and side setbacks of nearby buildings.*
- *Ensuring that front gardens are not dominated by car parking spaces or structures.*
- *Keeping front fences low and preferably transparent, to retain views to buildings and established gardens.*
- *Encouraging additional planting in all gardens across the precinct. In smaller gardens, selecting species that are appropriate to small planting areas.*

The proposed development has been assessed favourably against the relevant character elements as follows:

Existing Buildings

Importantly, none of the lots are within the Heritage Overlay. This differentiates the subject land from those areas identified in the Housing Strategy as Minimal Housing Change / Neighbourhood Residential Zone area further west which is encumbered by the Heritage Overlay and has been recognised under the Scheme for its intactness, consistency and significance.

The existing buildings on the subject site are a brick semi-detached dwellings (69 and 70 South Crescent), a detached weatherboard dwelling (71 South Crescent) and a remnant commercial shop front (milk bar). None of these are considered to make a particularly remarkable contribution to the streetscape, can be demolished without planning approval, and are appropriate for removal subject to an appropriate replacement design.

Complies

Vegetation

The applicant has provided a detailed landscape plan to accompany the amended application. The plans has been referred to Council's Public Realm Unit and represents a significant improvement in overall landscape amenity and configuration to that of the original application. The plan has been generally supported subject to conditions generally relating to technical details (planting sizes etc.) included in the recommendation above.

The development will introduce a series of new crossovers to the respective street frontages which may impact Council street trees during construction. Council's Arborist has reviewed the proposal and expressed no objection to the development layout, subject to tree protection measures being implemented.

A series of trees on adjoining site's to the north and west will require tree protection in accordance with AS4970:2009. These are included in the conditions above.

Complies subject to condition

Siting

The proposed development has set the dwellings back from their respective street frontages allowing for the establishment of independent front garden areas along South Crescent and Wastall Street. The size of these areas are commensurate with the treatment of the finer grain lots that are the identified valued housing stock of the area, where the relatively smaller spaces are efficiently treated to provide a landscaped setting for dwellings.

The attached presentation along South Crescent has been treated in a manner which is respectful to the prevailing stock which, albeit generally detached, typically presents narrow side setbacks to the street. The use of projecting ground floor elements (bedrooms) relative to recessed garages and void treatments in the first floor façade ensures a consistent vertical rhythm to the dwellings which will read as individual elements to the street. To Wastall Street, the two (2) dwellings will present as a conventional side-by-side configuration.

Each dwelling will be provided with its own independent access from the street. Vehicle crossovers have been consolidated where possible. The garages of each dwelling are recessed behind the front building line and appropriately treated to limit their visual impact on the streetscape.

Complies

Height and building form

The development adopts a part-two- and part-three storey scale. As noted in this report the proposed height sits comfortably within the mandatory limits of the zone.

The massing of the height across the site is respectful to the subject site's abuttal and the surrounding area. In particular, the following is observed:

- The three-storey component is massed towards the corner of the site with the two (2) flanks on the site where it interfaces with neighbouring, existing housing stock to the north and west being of a two-storey scale;
- The Darebin Housing Strategy 2013 (amended 2015) states that future housing objectives for Incremental Housing Change areas may include *"infill development including 2-3 storey town houses..."*;
- The subject site's substantive frontage to South Crescent interfaces with the rail corridor to the south. This relatively harsh interface is capable of accommodating a more robust built form outcome;
- The opposite bookend corner to the east is occupied by a robust, sheer double storey dwelling of post-war construction; and
- The three-storey components will present as three individual, detached components to the street rather than a continuous mass, and are setback from the first floor parapet to achieve a level of recession from the street edge.

The development is of a contemporary design however incorporates a series of asymmetrical gable forms along the street frontages which provides a suitable reference and interpretation of the prevailing valued Edwardian stock of the precinct.

Complies

Materials and design detail

As noted above the design of the development is markedly contemporary however incorporates a series of architectural and design details that are sympathetic to the surrounding neighbourhood. Notably, the asymmetrical gable elements on the two street facades provide reference to the gables seen on the valued Edwardian stock of the precinct. Parapet heights are consistent with the neighbouring dwellings and a mix of fenestration styles provide visual interest to the dwellings.

The materials palette similarly adopts a mix of traditional and contemporary styles. Recycled pressed red brick work will form the primary material for the ground floor and parts of the first floor. The remainder of the dwelling will utilise a more robust metal deck ribbed cladding in a vertical configuration. This profile reappropriates the consistent linear treatment of traditional weatherboards in contemporary manner.

CompliesFront boundary treatment

The development will provide a modern styled timber picket fence along the street edge. The geometric peaks and 900mm height are an appropriate treatment.

Complies**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

To South Crescent, the standard requires a setback of 4.874 metres (being the prevailing setback of 68 South Crescent). The proposed development will have a varied ground level setback of between 4.14 metres (Dwelling 4 - Study) to approximately 6.2 metres (Dwelling 2 - Garage). The varied setback is a result of both the articulated treatment of the dwelling facades as they present to the street, and also the tapered lot boundary along South Crescent. The treatment is acceptable as:

- The western end of the development (Dwelling 1 - Garage) is setback to match the adjacent building line at 68 South Crescent;
- The areas that fail to comply with the requirements of the standard (i.e. Dwelling 1 - Bedroom; Dwelling 2 - Bedroom; and Dwelling 4 - Study) are generally minor and form part of the development's overall architectural expression;
- The areas of non-compliance each relate to active areas which provide passive surveillance and integration with the public realm with garages recessed behind the front building line in excess of the requirements of the standard;
- The corner is held by the retention of the existing shop front and engineering advice has been provided with respect to its viability;
- The street setback is consistent with neighbourhood character objectives in that it retains adequate space for landscaping (discussed above); and
- The surrounding area exhibits varied setbacks from 4.5 metres (e.g. 1 Wastall Street and 52 Simpson Street) to 7.95 metres (e.g. 73 South Crescent).

To Wastall Street both the ground (4.56 metres) and first floor (4.3 metres) fail to comply with the standard. Given the more uniform boundaries and setback treatments in Wastall Street, it is appropriate to apply a condition requiring the street setback of Dwellings 6 and 7 to be increased by 671mm so that the first floor cantilevered element is no closer than that of the neighbour to the north.

Complies subject to condition

Clause 55.03-5 B10 Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.

To further improve the energy efficiency of the development, conditions will require:

- The north-facing highlight windows to Dwellings 1 and 2 - Master Bedroom and Dwellings 3 - 5 - Upper Living and Ensuite shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level;
- The south-facing highlight windows of Dwelling 6 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level;
- The north-facing highlight windows of Dwelling 7 - Master Bedroom, Ensuite and stair landing/hallway shown on the plans as per the elevations. These windows are to be provided with a minimum sill height of 1.7 metres above the finished floor level;
- Inboard bathrooms/ensuites of Dwellings 1 - 7 not otherwise provided with an external window to be provided with skylights, daylight tubes or equivalent;
- Where not already provided with an eave and/or cantilevered by the level above, external operable sun shading devices (excluding roller shutters) provided 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. Such devices must be aesthetically compatible with the overall design of the development;
- Where not already provided with an eave and/or cantilevered by the level above, external fixed sun shading devices (excluding roller shutters) provided 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. Such devices must be aesthetically compatible with the overall design of the development;
- Unless required to be fixed in accordance with Clause 55.04-6 - Standard B22, all windows are to be operable;
- All operable windows are to be of a casement, sliding, single/double hung, louver or equivalent style (not awning) to maximise ventilation;
- Outdoor clotheslines provided to each dwelling; and
- Garage doors provided with a glazed or open/vented component to allow for natural light.

The material that formed part of the amended application included (erroneously) the Sustainable Design Statement report from the original application. Following notice, the applicant advised (and provided) the amended report which should have been included with the submission. As this report does not form part of the formal documents, nor has it been thoroughly reviewed, it is appropriate for Council’s standard conditions to apply with respect to the provision of a report prior to the commencement of the development.

Complies subject to condition

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
<i>West - Dwelling 1</i>	<i>N/A - on boundary</i>		
<i>North - Dwelling 7</i>	<i>3.3 metres</i>	<i>1.0 metre</i>	<i>1.97-2.16 metres</i>

First Floor

Boundary	Wall height	Required Setback	Proposed setback
<i>West - Dwelling 1</i>	<i>5.8 metres</i>	<i>1.66 metres</i>	<i>1.02 metres</i>
	<i>6.1 metres</i>	<i>1.75 metres</i>	<i>2.14 metres</i>
<i>North - Dwelling 7</i>	<i>4.5 metres*</i>	<i>1.27 metres</i>	<i>0.57-0.88 metres</i>

The first floor setbacks to the west are discussed further below with respect to daylight to existing windows. For the purpose of Standard B17, the western side of Dwelling 1 abuts the blindside of the neighbouring house and will not extend further to impact the adjoining private open space.

To the north, the first floor bedrooms fail to comply with the standard. These walls adopt a raked design with a 4.2-4.5 metre spring height. The front area (i.e. approximately the first 4-5 metres beyond the front building line) is heavily landscaped, generally adjacent to where the eastern-most bedroom of Dwelling 7 will be located. The western-most bedroom will be adjacent to more usable open space and habitable room windows. In this case, the setback proposed is insufficient and should be increased to comply with the requirements of the standard.

Complies subject to condition

Clause 55.04-2 B18 Walls on Boundaries

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding an average of 3.2 metres.

Boundary and length	Maximum length allowable	Proposed length
<i>West - 38.95 metres</i>	<i>17.24 metres</i>	<i>12.2 metres</i>
<i>North - 41.34 metres</i>	<i>17.84 metres</i>	<i>10.84 metres</i>

The proposed lengths comply with the requirements of the standard. A condition will require the length of the western wall be dimensioned on the plans.

Heights have not been fully dimensioned however a condition will require the overall maximum and maximum average comply with the requirements of the standard.

Complies subject to condition

Clause 55.04-3 B19 Daylight to existing windows

The proposed wall on boundary of Dwelling 1 has provided the requisite 3 square metre light court required by the standard.

The first floor wall at 5.8 metres in height is not setback half its height from the adjacent window (2.03 metres in lieu of 2.9 metres). A condition will require the first floor wall be modified (either by setback, height or combination thereof) to comply with the requirements of the standard.

Complies subject to condition

Clause 55.04-6 B22 Overlooking

The proposed dwellings are single storey and have finished floor levels less than 0.8m above natural ground level at the boundary. A proposed 2.1 metre boundary fence along the northern boundary will sufficiently limit overlooking. No details are provided for the western boundary however a condition will require a minimum 1.8 metre treatment in accordance with the standard.

An objector has queried the treatment of the common boundary within the front setback area of Dwelling 7. Council's ambit with respect to boundary fencing relates solely to the reasonableness of overlooking. In this case, the front setback of Dwelling 7 abuts a parking space which is not protected under the standard (as distinct from secluded private open space).

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

Foremost, a condition will require the highlight windows that are shown on the elevations to be properly documented on the plans (discussed above).

To comply with the relevant overlooking requirements, the following conditions are included:

- North and west facing windows of Dwelling 1 - Master Bedroom screened in accordance with the standard;
- Dwelling 7 first floor north-facing windows screened in accordance with the standard;
- A blade screen on the northern side of the Dwelling 7 - Master Bedroom terrace to a minimum height of 1.7 metres above the finished floor level and not greater than 25% transparent.

Overlooking from the roof terraces of Dwellings 1 and 2 are restricted by the parapets of the level below by virtue of their setbacks. The exception relates to the western side of the terrace of Dwelling 1 which will be screened in accordance with the standard.

Complies subject to condition

Clause 55.04-7 B23 Internal Views

Any potential for internal views between dwellings is minimised by proposed minimum 1.8 metre high fences separating each dwelling’s secluded private open space. These have not been nominated in all cases however a condition will ensure these are provided.

Measures required under Standard B22 to screen views of adjoining properties are generally adopted to limit internal views between dwellings.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents.

This is achieved through the provision of 40 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	71 square metres	57 square metres	6.49 metres
Dwelling 2	59 square metres	45 square metres	5.06 metres
Dwelling 3	55 square metres	40 square metres	4.21 metres
Dwelling 4	55.5 square metres	40 square metres	4.21 metres
Dwelling 5	60 square metres	60 square metres	3.55 metres
Dwelling 6	122 square metres	113 square metres	6.8 metres
Dwelling 7	122 square metres	113 square metres	6.8 metres

All secluded private open space areas have direct access to a living room.

Dwellings 1 and 2 have supplementary roof top terraces. All dwellings have supplementary nominal or fully usable balconies adjoining selected bedrooms.

Complies

Clause 55.05-6 B30 Storage

Adequate space is provided to accommodate external storage areas for each dwelling. A condition will require these to each be a minimum of 6 cubic metres. Where provided in the garage, they are not to encroach the requisite parking area.

Complies subject to condition

Clause 55.06-4 B34 Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services. A condition will require these to all be nominated on the plans, and where visible to be screened.

Complies subject to condition**Clause 52.06 Car Parking**Number of Parking Spaces Required

Two car parking spaces are provided for each of the three- and four-bedroom dwellings with one space under cover.

A reduction is sought for the one (1) visitor space generated by the proposed development. A reduction is appropriate in this instance for the following reasons:

- All long-term resident demand is accommodated on site and it is only the temporal, often short-term demand of visitors that needs to be accommodated by the on-street provision;
- The peak visitor demand occurs at weekday evening and weekends which compliments, rather than coincides with the peak demand associated with the railway station;
- The site is well located close to activity centres and public transport including a railway station opposite;
- All dwellings accommodate sufficient on-site space to accommodate bicycle parking if required;
- Parking restrictions have already been applied to the on-street provision in the area which regulate supply in the area;
- The provision of an on-site visitor car parking space would likely be at the expense of in-ground landscaping provision; and
- The space would need to be located in common property which is not presently proposed as part of the development. Such a requirement would create an ongoing management burden on future owners.

Council's Transport Management and Planning Unit have not expressed any concerns with the reduction of the visitor car parking space.

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.

Access dimensions to the car spaces comply with the standard.

Given the independent nature of the vehicle accessways, there is no requirement under the Scheme for vehicles to exit in a forward direction. Both South Crescent and Wastall Street are local roads.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

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		
		All dwellings have a direct interface to one of the street frontages.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		9.79 metres	Y	Y
55.03-3	B8	Site coverage		
		49%	Y	Y
55.03-4	B9	Permeability		
		40%	Y	Y
55.03-5	B10	Energy efficiency		
		Please see assessment in the body of this report.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
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 an amended 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

Clause	Std		Compliance	
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, and no habitable room windows abut the accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y
55.04-2	B18	Walls on boundaries		
		Please see assessment in the body of this report.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Please see assessment in the body of this report.	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		
		Please see assessment in the body of this report.	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.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
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.	Y	Y
55.05-5	B29	Solar access to open space		
		Please see assessment in the body of this report.	Y	Y
55.05-6	B30	Storage		
		Please see assessment in the body of this report.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y

Clause	Std		Compliance	
55.06-2	B32	Front fences		
		A 900mm metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		No common property is proposed.	N/A	N/A
55.06-4	B34	Site services		
		Please see assessment in the body of this report.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Transport Management and Planning	No objection, subject to condition included in recommendation.
Public Realm	No objection, subject to condition included in recommendation.
Parks	No objection, subject to condition included in recommendation.
Capital Works	No objection, subject to condition included in recommendation.

Council’s ESD Officer reviewed the original proposal. The amended application responds (in part) to previous feedback regarding passive design issues.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-6 - Construction of two (2) or more dwellings on a lot.
- Clause 52.06-3 - Reduction of car parking (visitor space).

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11, 11.06, 15, 16
LPPF	21.01, 21.03, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65
Neighbourhood Character Precinct	B3

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

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

- *Planning and Environment Act 1987*
- Darebin Planning Scheme
- Darebin Housing Strategy 2013 (amended 2015)

Attachments

- Aerial (**Appendix A**) [↓](#)
- D/228/2017 - Advertised Architectural Plans (**Appendix B**) [↓](#)
- D/228/2017 - Advertised Landscape Plan (**Appendix C**) [↓](#)



PLANNING PERMIT APPLICATION

NURSERY TOWNHOMES

69-72 SOUTH CRESCENT NORTHCOTE



NEIGHBOURHOOD CONTEXT

69-72 SOUTH CRESCENT,
NORTHCOTE
ALLOTMENT SIZE 1488 SQM

Sheet List	
Sheet Number	Sheet Name
A000	Cover Sheet & Neighbourhood Context
A001	Site Analysis & Existing Conditions
A100	Site & Roof Plan
A101	Ground Level Plan
A102	Level 1 Plan
A103	Level 2 Plan
A104	North and West Elevations
A105	South and East Elevations
A106	Garden Area Plan
A107	Detailed Sections
A108	Shadow Diagrams
A109	Materials and Finishes
A200	3D Views 1
A201	3D Views 2
A202	Precedent Images
A301	Development Summary

THE 'LID' ESD REPORT ASSOCIATED WITH THESE PLANS FORMS PART OF THE PLANNING SUBMISSION AND IS REQUIRED TO BE READ IN CONJUNCTION AND APPLIED ACCORDINGLY

TOWN PLANNING

A 27.11.17 PLANNING APPLICATION
Revision No Date Name

PROJECT DWG NO A000
69 South Crescent - Northcote
Garcia & Jones
Enter address here

TITLE
Cover Sheet & Neighbourhood Context

PROJECT NO 1022
DRAWN BY AJD/SJ
CHECKED Checker
DATE PRINTED 28/11/2017 5:19:54 PM
SCALE



DESIGN



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1 Existing Conditions
1 : 200

TOWN PLANNING

Revision No	Date	Name	PLANNING APPLICATION
A	27.11.17		

PROJECT DWG NO A001
69 South Crescent - Northcote
Garcia & Jones
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TITLE
Site Analysis & Existing Conditions

PROJECT NO 1023
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DATE PRINTED 28/11/2017 5:18:56 PM
SCALE As Indicated

DESIGN
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THE 'LID' ESD REPORT ASSOCIATED WITH THESE PLANS FORMS PART OF THE PLANNING SUBMISSION AND IS REQUIRED TO BE READ IN CONJUNCTION AND APPLIED ACCORDINGLY

TOWN PLANNING

Revision No	Date	Name
A	27.11.17	PLANNING APPLICATION

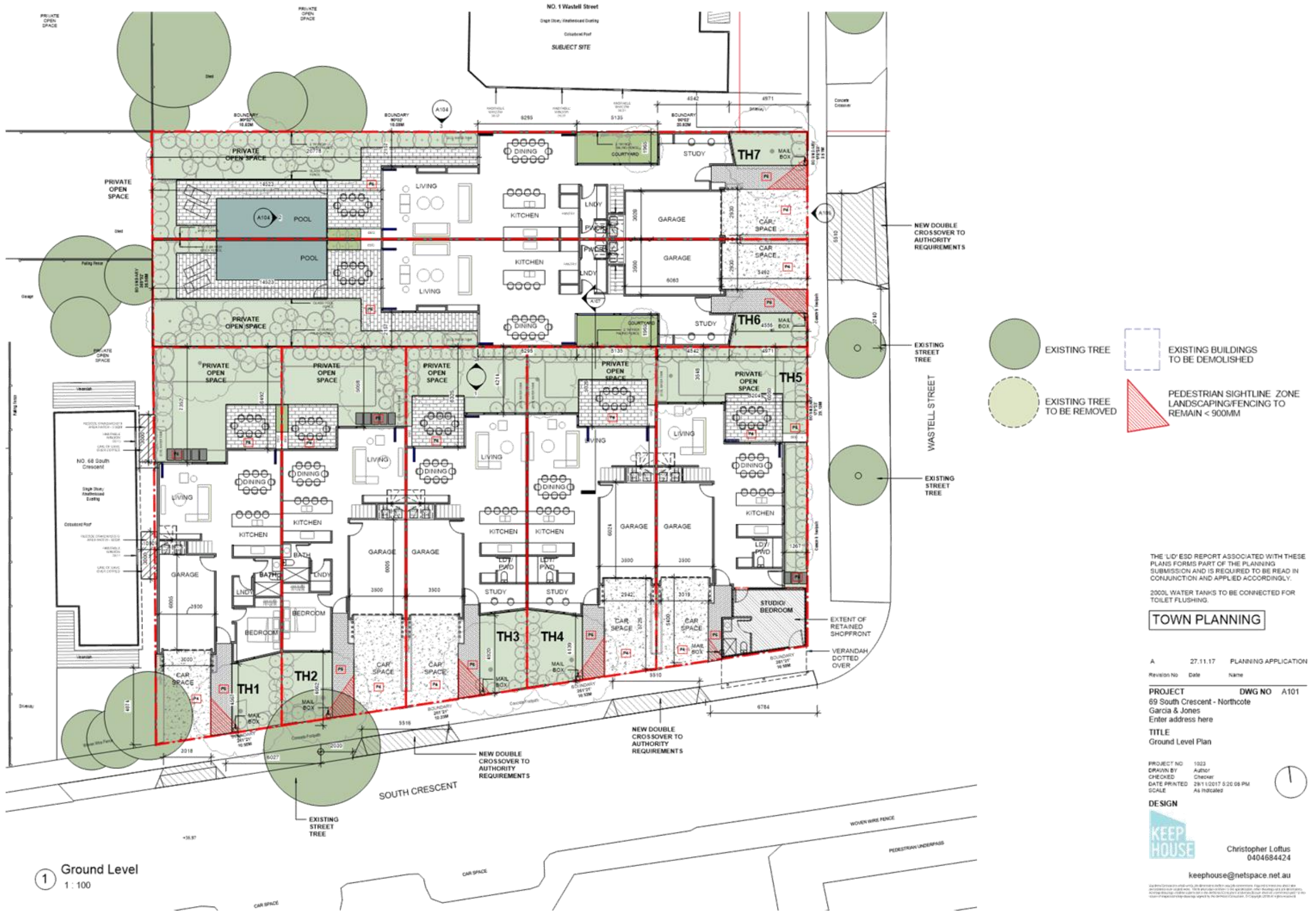
PROJECT DWG NO A100
 69 South Crescent - Northcote
 Garcia & Jones
 Enter address here
TITLE
 Site & Roof Plan

PROJECT NO 1022
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 DATE PRINTED 28/11/2017 5:16:59 PM
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1 Ground Level
1:100

THE 'LID' ESD REPORT ASSOCIATED WITH THESE PLANS FORMS PART OF THE PLANNING SUBMISSION AND IS REQUIRED TO BE READ IN CONJUNCTION AND APPLIED ACCORDINGLY.
2000L WATER TANKS TO BE CONNECTED FOR TOILET FLUSHING.

TOWN PLANNING

Revision No	Date	Name
A	27.11.17	PLANNING APPLICATION

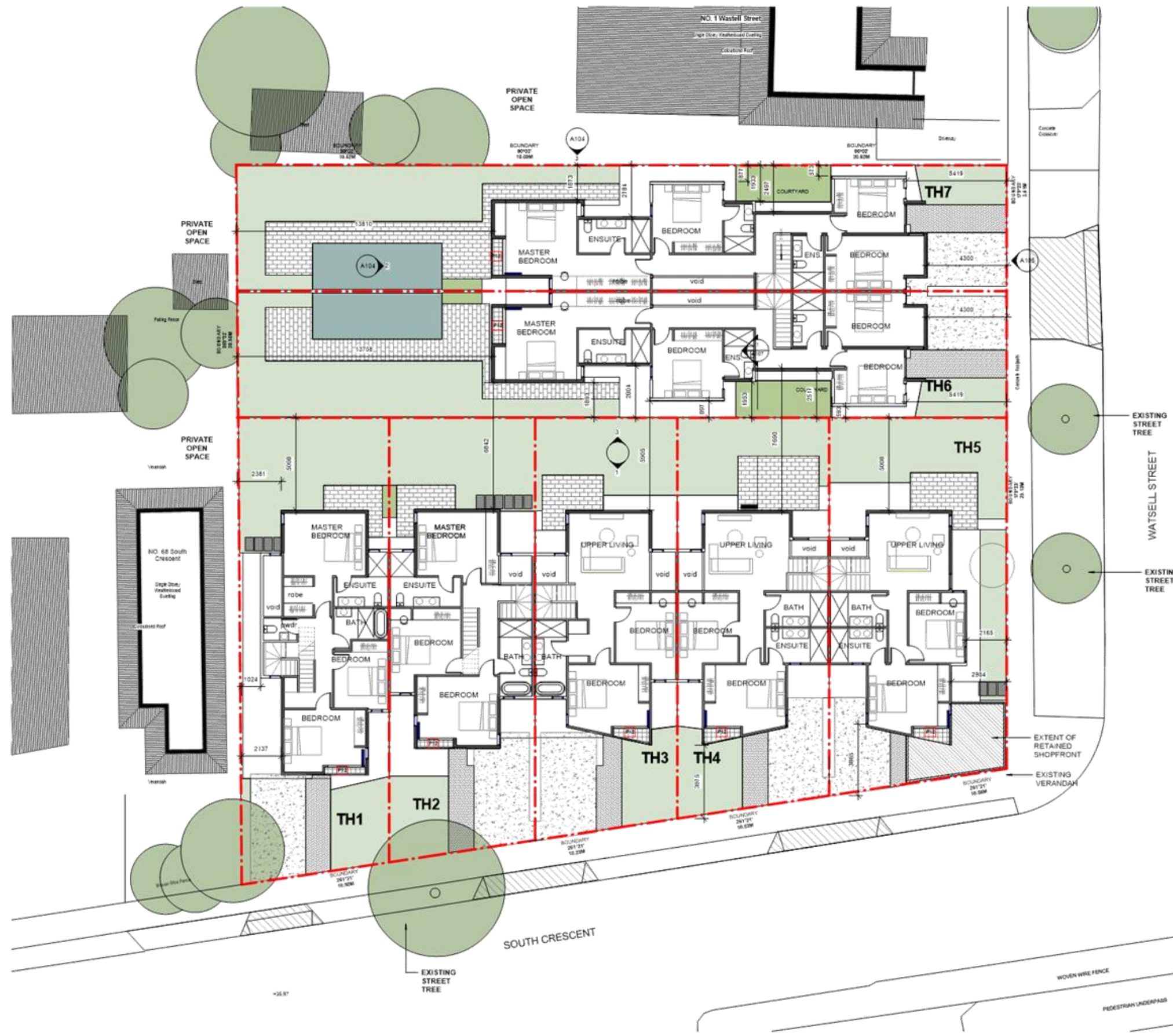
PROJECT DWG NO A101
69 South Crescent - Northcote
Garcia & Jones
Enter address here
TITLE
Ground Level Plan

PROJECT NO 1022
DRAWN BY AJD/SJF
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SCALE A4 1/1000

DESIGN



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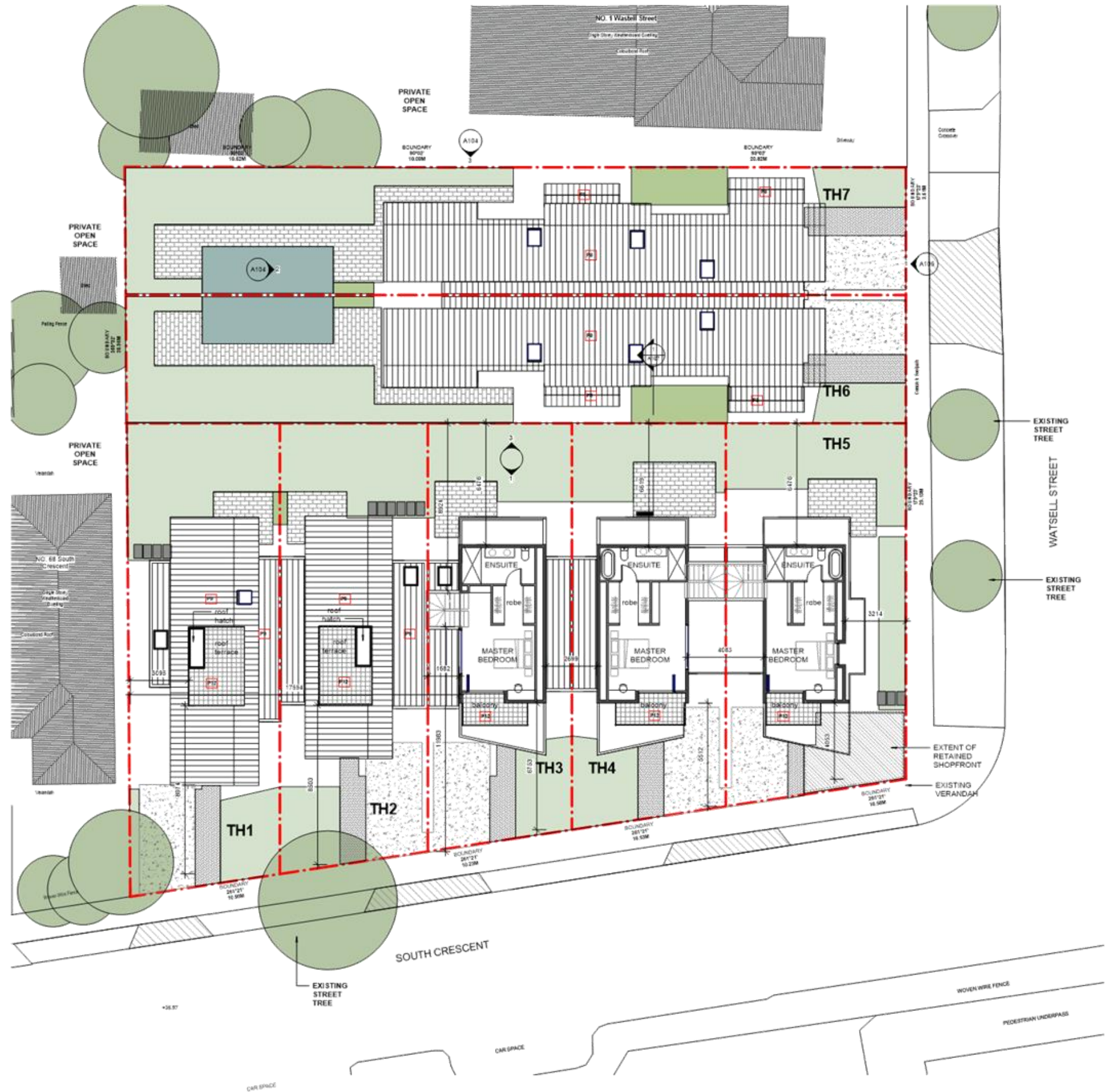
TOWN PLANNING

A 27.11.17 PLANNING APPLICATION
 Revision No Date Name
PROJECT DWG NO A102
 69 South Crescent - Northcote
 Garcia & Jones
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TITLE
 Level 1 Plan

PROJECT NO 1022
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 DATE PRINTED 28/11/2017 5:20:14 PM
 SCALE 1:100

DESIGN

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TITLE
 Level 2 Plan

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 DATE PRINTED 28/11/2017 5:20:15 PM
 SCALE 1:100

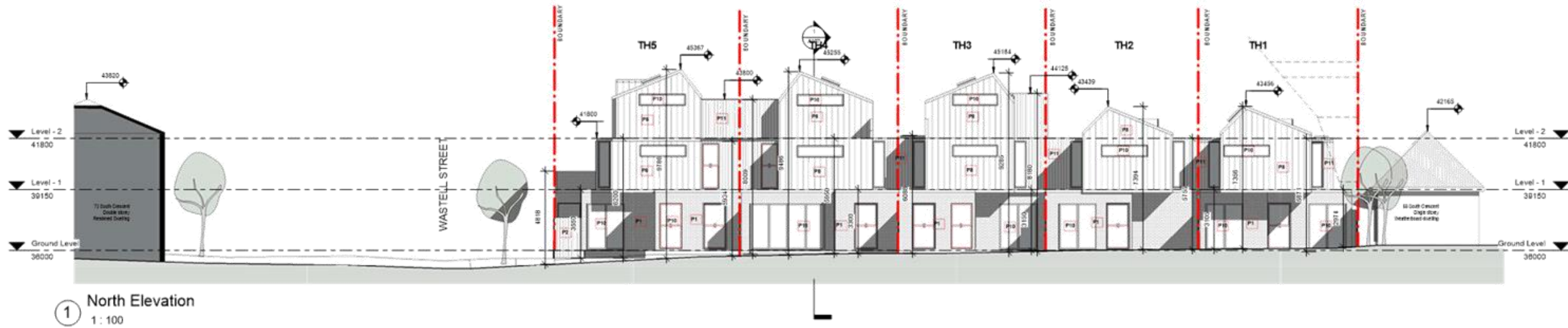
DESIGN



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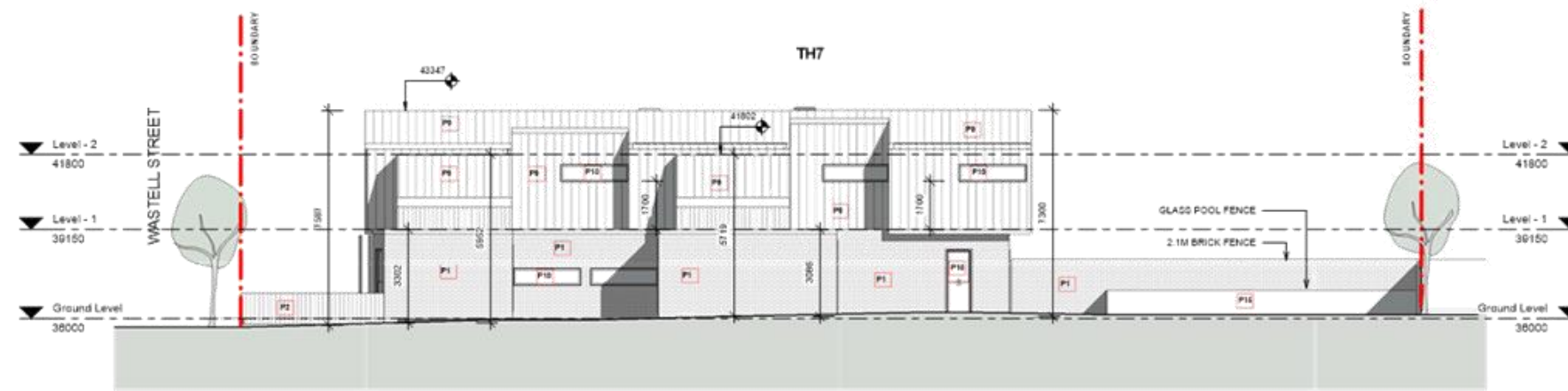
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1 North Elevation
1 : 100

- P1 -RECYCLED PRESSED RED BRICK
FLUSH MORTAR JOINT
- P2 -70x19 mm WHITE PAINTED
TIMBER PICKET FENCE
WITH 20MM SPACING
- P3 -BLACK PAINTED TIMBER
- P4 -COLOUR CONCRETE
(REFER LANDSCAPE)
- P5 -EXTERIOR PAVING
(REFER LANDSCAPE)
- P6 -BLACK PAINTED SHADOWCLAD
- P7 -PAINTED RECYCLED BRICK WORK
- P8 -LYSAGHT TRIMDEK
COLOUR - DULUX IRONSTONE
- P9 -LYSAGHT TRIMDEK
COLOUR - SURFMIST
- P10 -BLACK POWDERCOAT ALUMINIUM
WINDOWS
- P11 -VERTICAL TIMBER SHIPLAP CLADDING
SILVERTOP ASH - CLEAR OIL FINISH
- P12 -CONCRETE PAVERS
CHARCOAL GREY
- P13 -TIMBER PALING FENCE
BLACK PAINTED
- P14 -70x19 mm BLACK PAINTED TIMBER
PICKET FENCE WITH 20MM SPACING
- P15 -SEMI FRAMELESS GLASS BALLUSTRADE



3 North Elevation-Wastell St
1 : 100

Materials Schedule
1 : 1



2 West Elevation
1 : 100

TOWN PLANNING

A 27.11.17 PLANNING APPLICATION
Revision No Date Name
PROJECT DWG NO A104
69 South Crescent - Northcote
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TITLE
North and West Elevations
PROJECT NO 1022
DRAWN BY A250P
CHECKED BY Checker
DATE PRINTED 28/11/2017 5:20:19 PM
SCALE A4 100x140



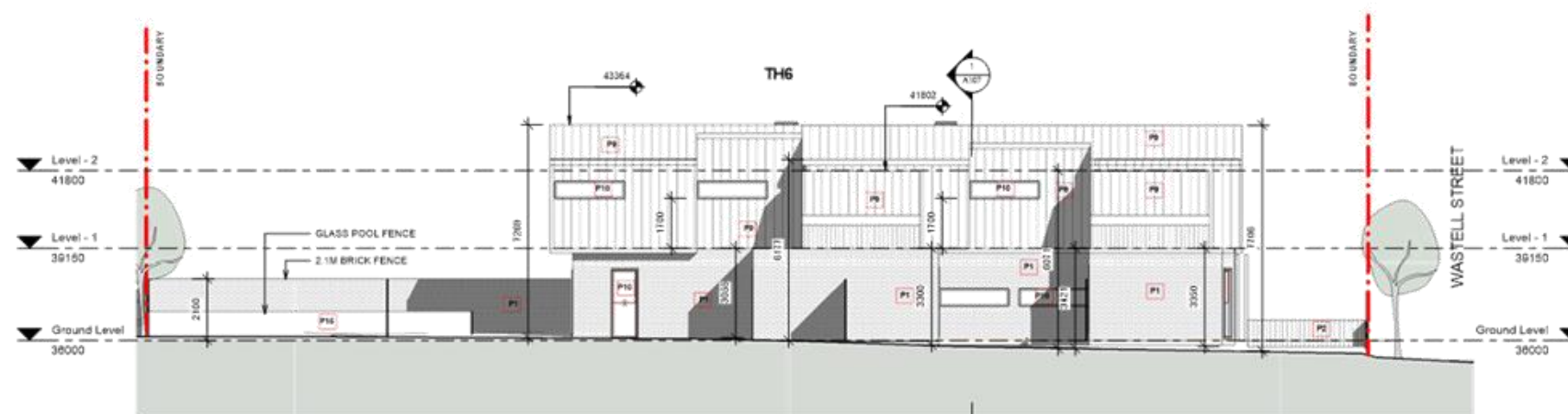
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2 South Elevation
1:100



3 South Elevation- Wastell St
1:100

- P1 -RECYCLED PRESSED RED BRICK
FLUSH MORTAR JOINT
- P2 -70x19 mm WHITE PAINTED
TIMBER PICKET FENCE
WITH 20MM SPACING
- P3 -BLACK PAINTED TIMBER
- P4 -COLOUR CONCRETE
(REFER LANDSCAPE)
- P5 -EXTERIOR PAVING
(REFER LANDSCAPE)
- P6 -BLACK PAINTED SHADOWCLAD
- P7 -PAINTED RECYCLED BRICK WORK
- P8 -LYSAGHT TRIMDEK
COLOUR - DULUX IRONSTONE
- P9 -LYSAGHT TRIMDEK
COLOUR - SURFMIST
- P10 -BLACK POWDERCOAT ALUMINIUM
WINDOWS
- P11 -VERTICAL TIMBER SHIPLAP CLADDING
SILVERTOP ASH - CLEAR OIL FINISH
- P12 -CONCRETE PAVERS
CHARCOAL GREY
- P13 -TIMBER PALING FENCE
BLACK PAINTED
- P14 -70x19 mm BLACK PAINTED TIMBER
PICKET FENCE WITH 20MM SPACING
- P15 -SEMI FRAMELESS GLASS BALLUSTRADE

Materials Schedule
1:1



1 East Elevation
1:100

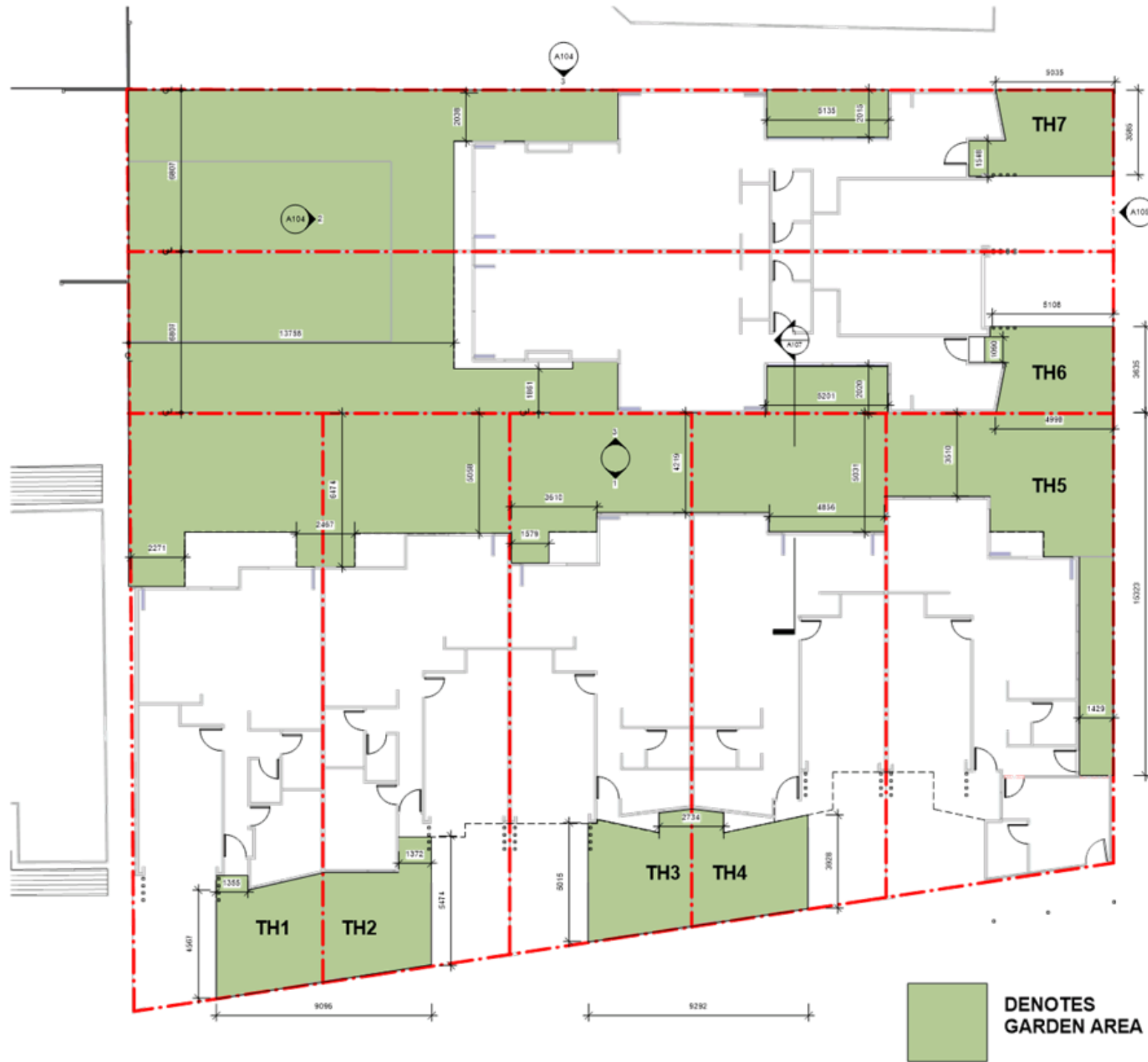
TOWN PLANNING

A 27.11.17 PLANNING APPLICATION
Revision No Date Name
PROJECT DWG NO A105
69 South Crescent - Northcote
Garcia & Jones
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TITLE
South and East Elevations
PROJECT NO 1022
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SCALE A4 INDICATED



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1 Garden Area Plan
1 : 100

TOTAL SITE AREA	1488 SQM
TOTAL SITE COVERAGE	730 SQM (49%)
TOTAL IMPERVIOUS AREA	869 SQM (58%)
TOTAL GARDEN AREA*	584 SQM (39%)
TH1	
TOTAL LOT AREA	199 SQM
TOTAL GARDEN AREA	67 SQM (33%)
PRIVATE OPEN SPACE	57 SQM
TH2	
TOTAL LOT AREA	185 SQM
TOTAL GARDEN AREA	64 SQM (34%)
PRIVATE OPEN SPACE	45 SQM
TH3	
TOTAL LOT AREA	172 SQM
TOTAL GARDEN AREA	58 SQM (33%)
PRIVATE OPEN SPACE	40 SQM
TH4	
TOTAL LOT AREA	173 SQM
TOTAL GARDEN AREA	59 SQM (34%)
PRIVATE OPEN SPACE	40 SQM
TH5	
TOTAL LOT AREA	190 SQM
TOTAL GARDEN AREA	58 SQM (30%)
PRIVATE OPEN SPACE	58 SQM
TH6	
TOTAL LOT AREA	284 SQM
TOTAL GARDEN AREA	139 SQM (49%)
PRIVATE OPEN SPACE	113 SQM
TH7	
TOTAL LOT AREA	285 SQM
TOTAL GARDEN AREA	139 SQM (49%)
PRIVATE OPEN SPACE	113 SQM

*GARDEN AREA IS CALCULATED IN ACCORDANCE WITH THE DAREBIN PLANNING SCHEME.
IT INCLUDES UNCOVERED OUTDOOR AREA OF DWELLINGS, OPEN ENTERTAINING AREAS, DECKS, LAWN, GARDEN BEDS AND POOL S.
GARDEN AREA EXCLUDES DRIVEWAYS, AREAS SET ASIDE FOR CAR PARKING, BUILDINGS AND ROOFED AREAS AND ANY AREA WITH A DIMEN SION OF LESS THAN 1M

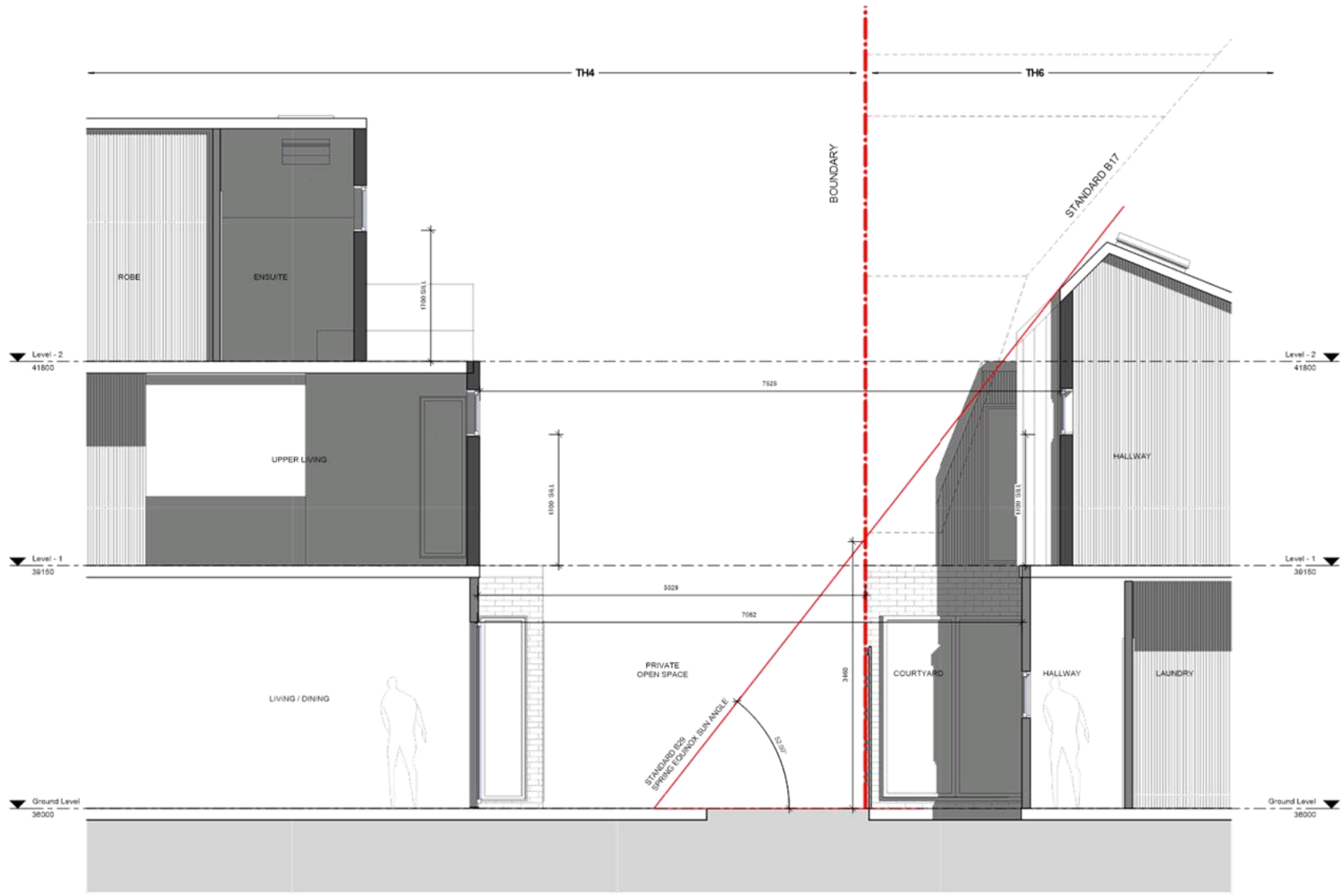
TOWN PLANNING

A 28.11.17 PLANNING APPLICATION
Revision No Date Name
PROJECT DWG NO A106
69 South Crescent - Northcote
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TITLE
Garden Area Plan

PROJECT NO 1023
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SCALE As Indicated



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① Detail Section - Standard
B29
1:25

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TITLE
Detailed Sections

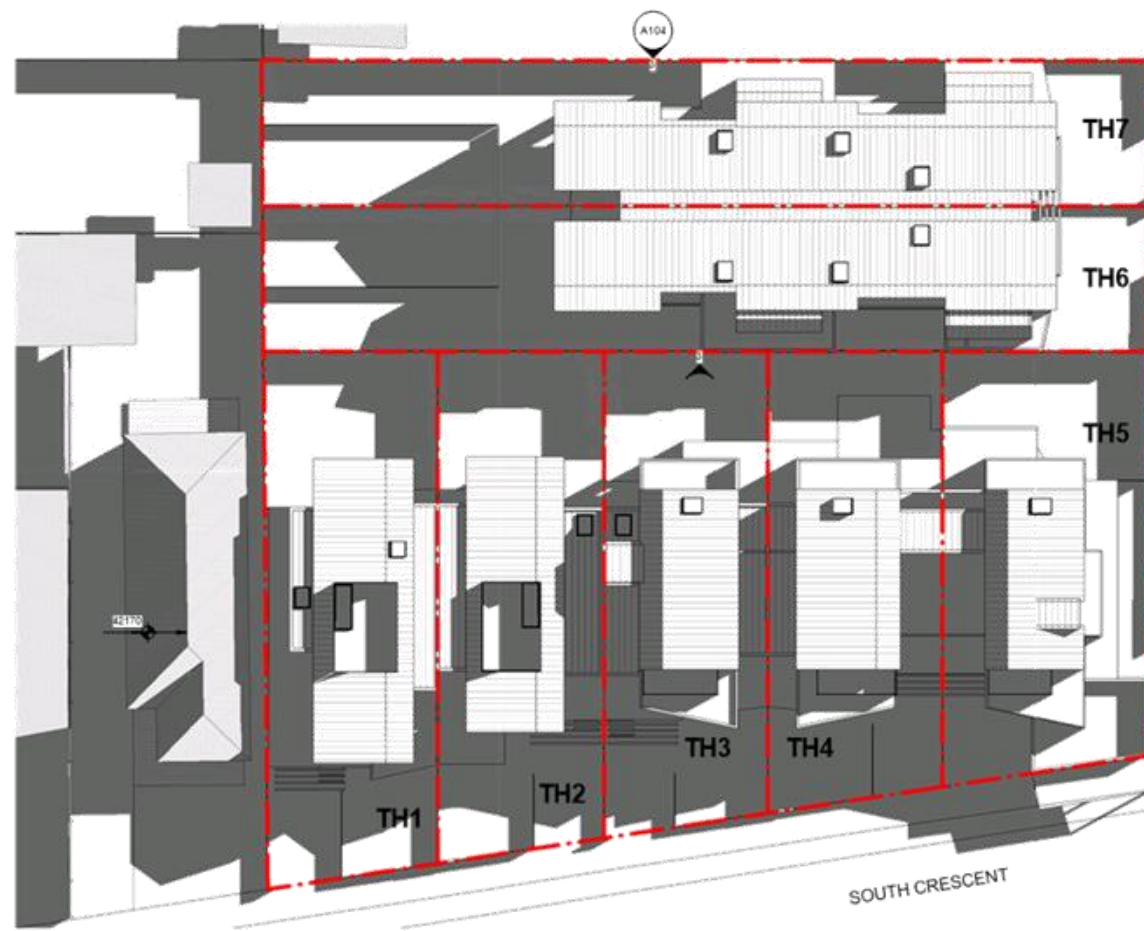
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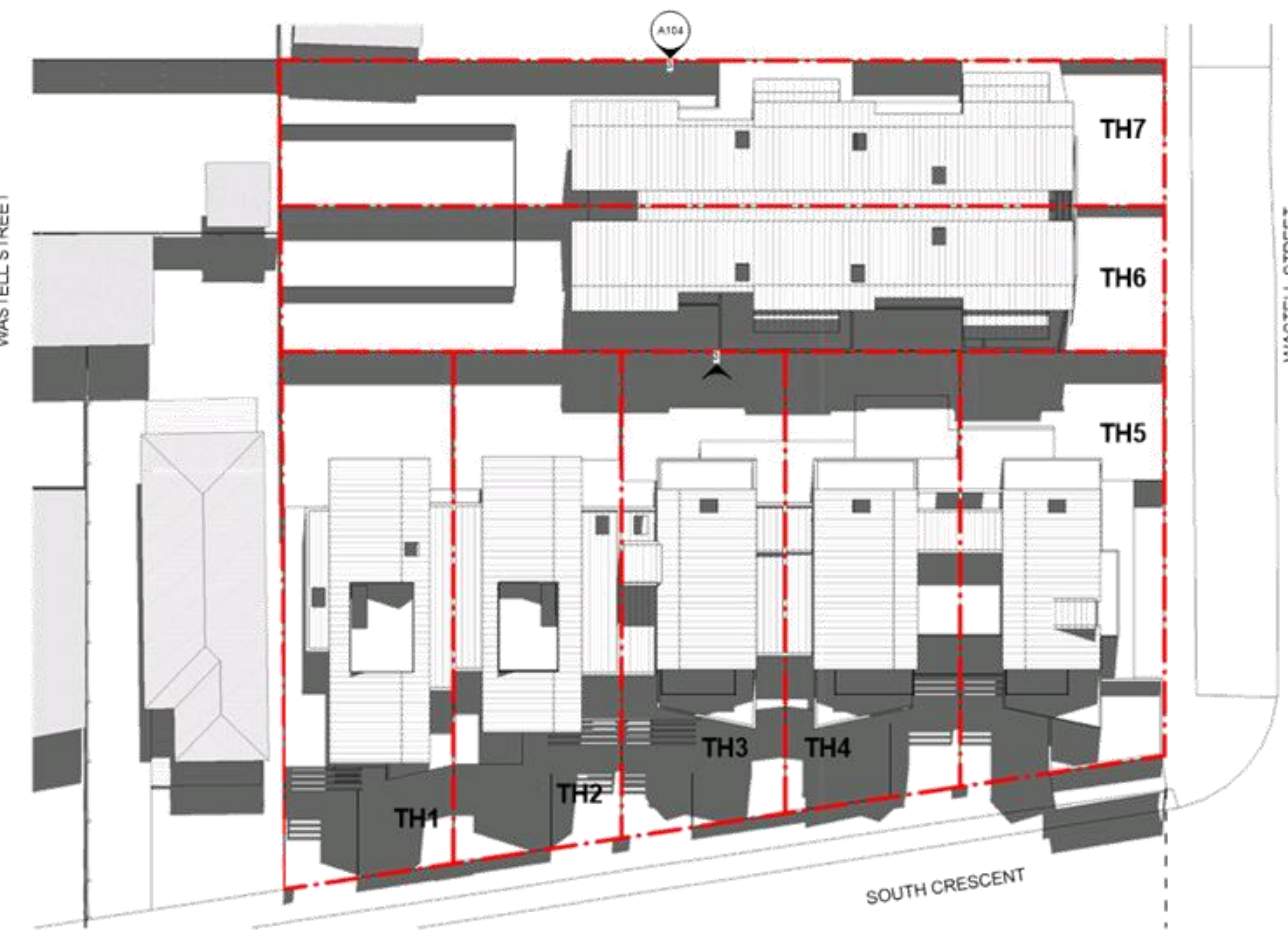
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2 Shadow Study - 22 September 9AM
1:150



3 Shadow Study - 22 September 12PM
1:150



1 Shadow Study - 22 September 3PM
1:150

PRELIMINARY ISSUE

A 27.11.17 PLANNING APPLICATION

Revision No Date Name

PROJECT DWG NO A108
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TITLE
Shadow Diagrams

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P1 -RECYCLED PRESSED RED BRICK
FLUSH MORTAR JOINT
LOCATION -LOWER LEVEL WALLS
-FRONT FENCE FEATURES



P2 -70x19 mm WHITE PAINTED TIMBER PICKET FENCE
WITH 20MM SPACING
LOCATION -SOUTH CRES / WASTELL STREET FRONT FENCES
FRONT FENCE TYPE 1



P3 -BLACK PAINTED TIMBER
LOCATION - GARAGE ARBOUR STRUCTURES

P4 -COLOUR CONCRETE (REFER TO
LANDSCAPE DRAWINGS)
LOCATION - DRIVEWAYS



P5 -EXTERIOR PAVING (REFER TO
LANDSCAPE DRAWINGS)
LOCATION -EXTERIOR GARDENS AND ALFRESCO



P6 -BLACK PAINTED
SHADOWCLAD
- GARAGE DOORS
LOCATION

P7 -PAINTED RECYCLED BRICK WORK
LOCATION -FRONT FENCES FEATURE



P8 - LYSAGHT TRIMDEK
COLOUR - DULUX IRONSTONE
LOCATION - UPPER LEVEL CLADDING/ ROOFING



P9 -LYSAGHT TRIMDEK
COLOUR - SURFMIST
LOCATION - UPPER LEVEL CLADDING/ROOFING



P10 -BLACK POWDERCOAT ALUMINIUM
WINDOWS
LOCATION -REFER TO DRAWINGS



P11 -VERTICAL TIMBER SHIPLAP CLADDING
SILVERTOP ASH - CLEAR OIL FINISH
LOCATION -UPPER LEVEL FEATURE CLADDING
-ENTRY DOORS



P12 -CONCRETE PAVERS
CHARCOAL GREY
LOCATION -UPPER LEVEL BALCONIES



P13 -TIMBER PALING FENCE
BLACK PAINTED
LOCATION -INTERNAL BOUNDARY FENCES



P14 -70x19 mm BLACK PAINTED TIMBER
PICKET FENCE WITH 20MM SPACING
LOCATION -FRONT FENCE TYPE 2



P15 -SEMI FRAMELESS GLASS BALLUSTRADE
LOCATION -UPPER LEVEL BALCONIES

1 Materials and Finishes
1:1

TOWN PLANNING

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DWG NO A109
TITLE Materials and Finishes

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① South Crescent Streetscape



② View looking east along South Cr

TOWN PLANNING

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PROJECT DWG NO A200
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 3D Views 1

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② View looking north west from South Cr / Wastell St corner



① Wastell St Streetscape

TOWN PLANNING

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PROJECT DWG NO A201
 69 South Crescent - Northcote
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TITLE
 3D Views 2

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TOWN PLANNING

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TITLE
 Precedent Images

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NURSERY TOWNHOMES

69-72 SOUTH CRESCENT NORTHCOTE

DEVELOPMENT SUMMARY

REV B- 18/11/2017

DWELLING	LOT SIZE (SQM)	TOTAL GARDEN AREA		TYPE	RESIDENTIAL NSA (sqm)	GARAGE	GFA (SQM)	BALCONY	PRIVATE OPEN SPACE
TH1	199	67	34%	4b3b	160	22	182		57
TH2	185	64	35%	4b3b	159	22	181		45
TH3	172	58	34%	3b2.5b	178	22	200	5	40
TH4	173	59	34%	3b3b+S	185	22	207	5	40
TH5	190	58	31%	4b4b	187	22	209	5	60
TH6	284	139	49%	4b3b+S	214	23	237		113
TH7	285	139	49%	4b3b+S	214	23	237		113
TOTAL SITE	1488	584	39%	7	1297	156	1453	15	411
							89%		
TOTAL IMPERVIOUS AREA		869	58%						
TOTAL BUILDING FOOTPRINT (SITE COVERAGE)		730	49%						
TOTAL				7	NSA/GFA EFFICIENCY				

*ALL AREAS ARE APPROX AND SUBJECT TO CHANGE

TOWN PLANNING

A 27.11.17 PLANNING APPLICATION
 Revision No Date Name

PROJECT DWG NO A301
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TITLE
 Development Summary

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SPECIFICATION NOTES

Soil Preparation
 Crushed rock, concrete splurge and any other material restrictive to plant growth (e.g. large rocks) shall be removed from the site of any planting beds and semi-advanced trees. All trees to be removed shall be stump ground and all rootzone/vegetative soil to be removed from site. Existing top soil in planting areas is to be preserved so that it does not receive additional compaction from site machinery and so that no rubble or building supplies are stored in these areas.

No imported top soil is to be used within the root zones of trees to be preserved. Any preparation of existing soil for planting within these areas is to be done by hand only. Fills (e.g. as the result of plant removal) and uneven soil levels may be patched using topsoil as specified below.

Any imported topsoil is to be free of weeds, stubble and other materials damaging to plant growth and is to be of a medium texture (sandy loam) with a pH of 6.7-7.0. Top soil is to be laid over a prepared sub-base which has had any materials damaging to plant growth (e.g. rubble and large rocks) removed, spread to the appropriate depth and cultivated into the existing site soil to a minimum depth of 100mm.

Imported top soil is to be lightly and uniformly compacted in 150mm layers to a minimum depth of 100mm on lawn areas and 300mm on excavated planting beds.

Weed Removal
 All weeds shall be thoroughly removed. All vegetative material, including roots and mounds of non-woody perennials and woody suckering weeds, is to be removed or appropriately controlled using chemical means. The stumps of non-suckering woody perennials are to be stump ground. All vegetative material shall be appropriately disposed of off site in a manner which will not allow their re-establishment elsewhere. Any chemical controls are to be used in accordance with manufacturer's instructions and standard occupational health and safety procedures.

Care must be taken to ensure that all trees to be retained are not damaged during weed removal. This also implies that any herbicides used are suitable for use around the vegetation to be retained.

Planting
 Planting shall be carried out using accepted horticultural practices with all plants conforming to the species, size and quantities indicated on the Landscape Plan and Plant Schedule. Plants shall be thoroughly watered through irrigation in water prior to planting and if the planting soil is very dry then the planting hole is also to be filled with water and allowed to drain completely.

All plants shall be appropriately hardened off in the nursery. Use plants with the following characteristics: Large healthy root systems with no evidence of root cut or rot. Sound condition or damage, vigorous, well established, free from disease and pests and of good form, consistent with the species or variety.

Planting holes for shrubs and groundcovers are to be of minimum size 75mm larger than the planting pot in all directions. Semi-advanced tree planting holes are to be the same depth as the rootball and 2/3 times its diameter, with the top of the rootball being at grade. A 75mm high stem is to be constructed at edge of root-ball to hold water. All plants are to be thoroughly watered after planting and slow release fertiliser added at the quantities specified by the manufacturer.

Lawn - Turf
 "Supplier" Soft Leaf Buffalo turf (or similar) is to be supplied to lawn areas as shown. Turf is to be supplied by a specialist grower and is not to be allowed to dry out between cutting and laying. Turf should be laid in a westerly pattern so that joints are staggered and is to be lightly tamped following laying. All lawn areas are to be thoroughly watered following planting and fertilised with an appropriate lawn starter at the quantities recommended by the manufacturer.

Mulch
 Mulch is to be supplied to all garden beds and is to be an organic type laid to a minimum depth of 75mm, consisting of fine dark coloured chipped or shredded pine bark or hardwood with not more than 5% fines content by volume (percentage over 5mm). The average size of the woodchip must be approximately 10mm x 20mm x 5mm and the maximum length is not to exceed 20mm. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be adequately and thoroughly weathered prior to delivery. Mulch is to be kept back 100mm from the stems of all plants to prevent collar rot.

Timber Edges
 Provide 75 x 25mm treated pine edges to all borders between gravel mulch paths and garden beds using 150x200mm long treated pine stakes at 1200mm maximum centres. An additional stake is to be provided at joints in the plants.

Irrigation
 An approved drip irrigation system is to be supplied to all planter boxes & garden beds. It is the responsibility of the contractor to ensure that all irrigation meets manufacturer's specifications. The system is to be connected to mains supply and include a rain shut off device. All dripline is to be buried with approx. 50mm of topsoil cover and shall be anchored at regular intervals to ensure the tubing cannot be dislodged.

Raised Planter Boxes
 Raised planter construction is to include, but not necessarily be limited to, the supply and installation of agricultural drains, drainage cells at base, filter fabric, planting medium, mulch and irrigation. Planter boxes must be effectively braced and lined with corrugated to prevent heaving.

Drainage cells are to be provided at the base of the planter and are to be covered with a layer of filter fabric. A drainage outlet is to be installed in the base of the planter with the floor of the planter sloped towards it. Provide a roof anchor if trees are to be planted in a windy location.

Supply and spread evenly a special lightweight planter mix (do not advance) Compact evenly in 100mm layers. Avoid differential subsidence and excess compaction and produce a finished surface that is graded evenly and ready for planting. Allow for 50mm dry of specified mulch to top of beds and a finished level 20-50mm below the planter rim. Drip irrigation as specified is to be installed beneath the mulch layer.

Repair/Restoration of damaged Nature-strips
 Nature strips are to be restored to current grades with any depressions filled with topsoil to specifications above and lightly compacted in 100mm layers. Areas are then to be re-seeded using an appropriate and matching turf type and the area knived off to allow the re-establishment of lawn. Re-seeded areas are to be well irrigated and the area supplied with a slow release fertiliser at the quantities recommended by the manufacturer.

Any areas of lawn which have failed to germinate (achieve an even green 90% covering of a completed height) are to be re-seeded within one month of original sowing date.

Plant Establishment Period
 There shall be a 12 week Plant Establishment Period following the approval of Practical Completion by the responsible authority. During this period the landscape contractor shall manage all defects in higher scope of work. Maintenance and establishment remains the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. This shall include, but shall not be limited to watering, fertilising, pruning, pest and disease control, cultivation, re-staking and replacement of any plants that fail with plants of the same species and size.

PLANT SCHEDULE - GROUND FLOOR

SYM	BOTANICAL NAME	COMMON NAME	DEVELOP	HEIGHT X WIDTH AT MATURITY	MIN SUPPLY SIZE	QTY
TREES						
Ah	Angophora huphryi	Dr art Apple	EN	8 x 6m	50cm2 D8H	2
SL	Eucalyptus pauciflora 'Little Snow man'	Dr art Snow Gum	EN	10 x 6m	50cm2 D8H	4
LAWY	Laportea indica x L. laurifolia 'Albury White'	Albury White Crepe Myrtle	DE	7 x 5m	50cm2 D8H	2
PC	Pyrus calleryana 'Capital'	Capital Pear	DE	11 x 3m	50cm2 D8H	4
PCOS	Prunus cerasifera 'Oval with Crimson Spine'	Oval-leaved Plum	DE	6 x 2m	30cm1.5mH	5
TL	Tristania laurina 'Luscious'	Luscious Kanooka/Water Gum	EN	8 x 5m	50cm2 D8H	7
TOTAL						24
SHRUBS						
AAM	Azalea 'Alta Magnific'	White Azalea	BE	1.2 x 1.2m	140mm pot	
Ca	Correa alba	White Correa	EN	1.15 x 1.15m	140mm pot	
Cr	Cydonia reticulata	Quince	BE	2 x 2m	200mm pot	
HJID	Hydrangea quercifolia 'Sikes Dr art'	Positively Oak-leaf Hydrangea	DE	0.7 x 1.2m	200mm pot	
PL	Rechtia lutea 'Mona Lavender'	Lilac Rechtia	BE	0.8 x 0.6m	140mm pot	
ROP	Rhopilepis indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn	BE	1 x 1m	140mm pot	
SaR	Syzygium australe 'Resilience'	Resilience Lilly-tilly	EN	4 x 1m (Dipped)	200mm pot	
Vo	Viburnum cordatum	Dee Dee Viburnum	BE	4 x 1m (Dipped)	140mm pot	
TOTAL						
GROUNDCOVERS & GRASSES						
AG	Agapanthus 'Gulfoyle'	Gulfoyle Agapanthus	BE	0.8 x 0.8m	140mm pot	
Ar	Adiantum ornatum	Renga Lily	BE	0.7 x 0.7m	140mm pot	
On	Clivia miniata	Clivia	BE	0.8 x 0.6m	140mm pot	
DKA	Dianella caerulea 'King Alfred'	King Alfred Piano Lily	EN	0.7 x 0.7m	140mm pot	
DEA	Dianella laevis 'Emerald Arch'	Emerald Arch Piano Lily	EN	0.45 x 0.45m	140mm pot	
Dr	Dicentra repens	Kidney Plant	EN	0.1 x 1m	140mm pot	
Dg	Dawsonia grandiflora	Widie	BE	0.7 x 0.7m	140mm pot	
LMR	Lilipie muscari 'Just Right'	Just Right Lily-turf	BE	0.5 x 0.5m	140mm pot	
LT	Lomandra longifolia 'Tankie'	Tankie Mel-rush	EN	0.50-0.6 x 0.65m	140mm pot	
MPV	Myoporum parviflorum 'Yareena'	Creeping Boobelia Yareena	EN	0.1 x 1m	140mm pot	
O	Ophiopogon japonicus	Mondo grass	BE	0.2 x 0.2m	140mm pot	
PH	Pennisetum alopecuroides 'Yellow'	Yellow Fountain Grass	EN	0.8 x 0.8m	140mm pot	
TOTAL						
CLIMBERS						
Fp	Ficus pumila	Climbing Fig	BE	Self-clinging Climber	140mm pot	
H	Parthenocissus heryana	Silver Vein Creeper	DE	Self-clinging Climber	140mm pot	
TOTAL						
			DE = Deciduous/Evergreen	NE = Native/Exotic		

LEGEND



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REVISION: DATE BY: CLIENT: **South Crescent Developments Pty Ltd** PROJECT: **Proposed Development** SCALE: 1:100 @ A1 DATE: NOV 2017 DRAWN BY: PP CHECKED BY: JP JOB NO: 17-090 DWG NO: L-1701 CAD FILE: 17-090_L1701

CONTRACT: This drawing must not be copied in whole or in part without the consent of John Patrick Landscape Architects Pty Ltd. Do not scale off drawings. **NOT FOR CONSTRUCTION**

69-72 South Crescent, Northcote

**5.2 PLANNING APPLICATION D/924/2017
396-402 Bell Street & 1-7 Arthur Street, Preston**

Author: Senior Planner

Reviewed By: Acting Director Corporate Services

Applicant	Owner	Consultant
NBA Group	Darebin RSL Sub Branch Inc	Millar Merrigan O'Brien Traffic CRG Acoustics Rubicon Design and Construct WBP Architecture

SUMMARY

- The proposal includes buildings and works to facilitate alterations to both the main RSL building and gymnasium; increase the number of electronic gaming machines from 65 to 80; alterations to the Liquor Licence; alterations to access in a Road Zone Category 1; alterations to the existing internally illuminated business identification signage; and a reduction of 31 car spaces. This will be explained in more detail under the Proposal section of this report.
- The proposal also seeks approval to extend the hours of operation for both the licensed and gaming venue to 2am, 7 days a week.
- The land is zoned predominately Priority Development Zone - Schedule 2 with the northern lot (68 St Georges Road) zoned General Residential Zone - Schedule 2.
- The land is made up of 4 lots.
- There is a restrictive covenant on title relating to maintaining vehicle access over the carriage-way easement. The proposed development will not breach the terms of the covenant.
- Note at the time of writing this report two (2) objections were received against this application. Confirmation of the final number of objections and a response to the objections received will be tabled at the meeting to ensure Council fully considers objections received.
- It is recommended that the application be refused.

CONSULTATION

- Advertising for the planning application was in the form of two (2) notices on site and letters sent to surrounding owners and occupiers and a letter sent to Moreland City Council.
- At the time of writing this report instructions to undertake formal notification of the application in both Preston and Moreland Leaders had not been undertaken. It is noted however that the Preston Leader published a front page story on the application.
- This application was referred internally to the following units in Council: Capital Works; Transport Management and Planning; and Social Inclusion and Diversity.
- This application was referred externally to VicRoads and Melbourne Water.

Recommendation

That Planning Permit Application D/924/2017 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposed electronic gaming machines would be contrary to the purpose of Clause 52.28 (Gaming) of the Darebin Planning Scheme, in that they would be inappropriately located given the local community is already well served by accessible gambling facilities.
 - (2) There will be no community benefit in installing more electronic gaming machines and the social and economic well-being of the community in the City of Darebin may be affected.
 - (3) The additional electronic gaming machines would not be compatible with surrounding land uses as per Clause 52.28 of the Darebin Planning Scheme given the profile and characteristics of the surrounding suburbs within a 2.5 kilometre radius of the subject site which demonstrate areas of high socio-economic disadvantage.
 - (4) An increase in the number of electronic gaming machines in the City of Darebin is unnecessary and unreasonable.
 - (5) An increase in the hours of operation for the gaming venue is unnecessary and fails to deliver any social and economic benefit to the community.
 - (6) The children's lounge will have direct views into the gaming lounge which is inappropriate.
 - (7) The layout of the new car park and reduction of 31 car spaces is not fully resolved and fails to provide a satisfactory accessibility and supply of car parking.
 - (8) The applicant has failed to provide satisfactory completion of public notification as required under section 52 of the *Planning and Environment Act (1987)*.
-

INTRODUCTION AND BACKGROUND

A planning permit was issued by Council on 25 June 1973 authorising the use and buildings and works for the purpose of clubrooms. This permit authorised the establishment of the club, known as the Preston RSL.

Numerous planning applications are on Council's system for signage, buildings and works, extending the car park and serving of alcohol between 1973 and 1995. At some point during this period they obtained a Venue Operator's Licence (No. V99095218) issued by the then Victorian Commission for Gambling to operate 45 gaming machines. In 2006 after amalgamating with the Preston Club (to form the Darebin RSL) the venue increased the number of machines to 65, approved under Planning Permit D/548/2006.

Specifically Planning Permit D/548/2006 was issued by Council on the 26 February 2007 for the construction of buildings and works comprising: alterations and additions to the existing Restricted Place of Assembly; the installation and use of an additional twenty (20) electronic gaming machines; the alteration of access to a road in a Road Zone Category 1; the display of advertising signs; and a reduction of the car parking requirement. Approval under this planning permit brought the total number of gaming machines to 65. This planning permit was also amended on the 2 November 2007 to revise the gaming lounge external terrace and service yard.

On 5 December 2017 Council received the current planning application which will be detailed in this report.

On 21 December 2017 Council received the gaming licence application to amend the venue operator's licence to increase the number of gaming machines from 65 to 80 in accordance with section 3.4.19 of the *Gaming Regulation Act 2003*. Council will be advising the Victorian Commission for Gambling and Liquor Regulation (Commission) that it intends to make a submission in respect of the application. This aspect involves the gaming licence and is distinct from the planning application.

In this instance the applicant has applied for the planning permit and gaming licence concurrently, however at this stage the gaming licence is still being determined by the commission.

ISSUES AND DISCUSSION

Subject site and surrounding area



- The subject land is a large T-shaped allotment situated on the north eastern corner of Bell Street and St Georges Road, Preston, both of which are in a Road Zone Category 1. It has road frontage to Bell Street to the south, St Georges Road to the west and Arthur Street to the east and is made up of four (4) lots in excess of 6,000 square metres:
 - 68 St Georges Road, Preston (Lot 1 TP135772C);
 - 396-402 Bell Street, Preston (Plan of Consolidation PC352496);
 - 1-3 Arthur Street, Preston (Plan of Consolidation PC352495); and
 - 7 Arthur Street, Preston (Lot 9 LP2017).
- The site has a frontage to Bell Street of approximately 50 metres, a maximum width (between St Georges Road and Arthur Street) of approximately 100 metres and a maximum depth of approximately 71 metres.
- The site contains two (2) buildings. The first building is the RSL which is single storey and fronts Bell Street with a zero setback. It is constructed of brick and currently has a floor area of 1,363 square metres.

- The RSL as it presently operates involves the following:
 - A 200 seat bistro with a café and games room;
 - A gaming lounge with 65 EGMs;
 - A function area with a stage;
 - A members lounge and TAB; and
 - A snooker room and outdoor terrace.
- The main foyer of the building is on the north eastern façade where primary access is gained via the north-eastern carpark with a secondary entrance via Bell Street.
- The second building is the gymnasium located beyond the northern carpark. This building provides squash facilities, a swimming pool and gym equipment for use by the RSL members and visitors.
- These buildings are surrounded by both gravel and bitumen car parking. There are 74 car spaces on this land with extra parking at 68 St Georges Road.
- Lot 1 (68 St Georges Road), located to the north of the site, is located in the General Residential Zone - Schedule 2 and Design and Development Overlay - Schedule 16 and is a vacant allotment that provides for overflow parking accessed via the existing formal carpark.
- Lot 7 (7 Arthur Street) is located to the east and is currently a vacant fenced off lot.
- With the exception of Lot 1, the remainder of the land is contained in the Priority Development Zone - Schedule 2 and is partially affected by the Special Building Overlay.
- Vehicle access to the site is currently via Arthur Street from two (2) vehicle crossovers and via a laneway from Bell Street between the RSL club and Petrol Station.
- Vehicle access was previously available to and from the RSL via St Georges Road, however this access was altered by the RSL to provide exit only from the site. The double width vehicle crossing to St Georges Road remains.
- To the north of the site at 70-72 St Georges Road is a three (3) storey apartment complex comprised of two (2) buildings. The southern building has first and second storey units with frosted glazing to windows and balconies that face southwards.
- 9 Arthur Street, Preston is also to the north of the site and contains a single storey dwelling. A title reestablishment survey identified the 2 metre high boundary paling fence between this site and the subject site is constructed approximately 1 metre south of the title boundary into the subject site. The applicant has indicated that for the purpose of this application the paling fence is assumed to be the site boundary.
- To the east of the site is Arthur Street which is a residential street aligned in a north - south direction.
- To the south of the site is Bell Street which is a major arterial road aligned in an east west direction. It offers three lanes in each direction with a central median strip. Beyond Bell Street further south is the Darebin Arts and Entertainment Centre and a strip of commercial properties. These sites are also zoned Priority Development.

- Directly to the east of the main RSL building and south of the Arthur Street car park are two (2) lots. The site abutting the RSL building is a single storey dwelling while the other is a medical centre with car parking to the rear and vehicle access from Arthur Street. There is currently no fencing between the subject site and the medical centre. Both of these sites are proposed to be redeveloped under Planning Permit D/94/2017 for the construction of a six (6) storey building plus basement and roof top level comprising 39 dwellings and retail premises. As yet this application has not been determined.
- To the west of the site is St Georges Road which is also a major arterial road aligned in a north south direction. It offers two (2) lanes in each direction with a large median strip that contains a walking path and landscaping. Beyond St Georges Road are both commercial lots fronting Bell Street and residential lots.
- Arthur Street is subject to a 1 hour parking restriction between 8.30am-11pm Monday to Friday and 8.30am-12.30pm Saturday on the western side (site frontage).
- The site is within 150 metres of Bell Train Station to the east.
- The Preston Market and Preston Train Station are approximately 600 metres to the north. Preston Market is in the Priority Development Zone - Schedule 1 which is considered one of Melbourne's Principal Activity Centres.

Proposal

The proposal includes buildings and works to facilitate alterations to both the main RSL building and gymnasium; increase the number of electronic gaming machines (EGMs) from 65 to 80; alterations to the current liquor licence; alterations to access in a Road Zone Category 1; alterations to the existing internally illuminated business identifications signage and reduction of 31 car spaces. In more detail, the main elements of the proposal are as follows:

Buildings and works

- Buildings and works involving a major internal refurbishment and minor extension of the building floor footprint. Stage 1 of the works will involve a revised main entrance (via the rear carpark) inclusive of a new foyer and concierge and new administrative office and 81 square metre mezzanine store area above.
- Stage 1 will also involve revising the gaming room to accommodate the additional machines and will include a feature entry, visual screens for discretion and an outdoor terrace toward Bell Street.
- Stages 2 and 3 of the works involve internal modifications to the bar, lounge and café areas and reducing the gymnasium floor area to accommodate vehicle access around the building.
- Stages 4 and 5 involve internal refurbishments to the snooker room, members lounge and bistro including minor extensions of the floor area to accommodate an upgrade to the existing outdoor terraces to the north of the members lounge and south of the dining area.
- Stage 6 involves internal works to the function room.
- In total the existing ground floor area of all buildings on site will increase by 124 square metres from 1,939 square metres to 2,065 square metres including the mezzanine area.
- Part of the site is covered by the Special Building Overlay which will require comments from Melbourne Water.

Gaming Machines

- The installation of 15 gaming machines within the existing gaming room which will bring the total to 80.
- The 15 machines will come from the Fairfield RSL which has ceased operating 30 EGMs due to its closure. The other fifteen EGMs have been transferred out of the municipality.

Road Zone - Category 1

- The proposal involves altering access arrangements to St Georges Road being a Road Zone Category 1 to allow vehicles to enter via St Georges Road. Currently vehicles can exit onto St Georges Road.

Advertising Signage

- Alterations to the existing internally illuminated business identification signage. Specifically the Darebin RSL lettering that fronts Bell Street will be replaced with new lettering of a similar size, design and illumination as a result of façade upgrades.
- The existing illuminated signage at the Bell Street entrance will be retained and placed on a new aluminium composite blade wall in the same location.
- A new 'RSL' illuminated sign is proposed on the east wall of the venue at the entrance from the carpark to replace existing signage.

Car-parking

- The application will involve reducing the car-parking requirement by 31 car spaces. The plans indicate the number of patrons on site will increase by 225 from 275 to 500.
- In the table at Clause 52.06, Place of Assembly requires 0.3 spaces per patron permitted in the premises which for this proposal generates the requirement for therefore the proposal requires an additional 67 car spaces. The proposal includes an additional 36 car spaces, therefore a reduction of 31 spaces is being sought.
- It is also proposed to use land in the General Residential Zone as a car-park.

Liquor Licence

- It is proposed to alter the Full Club and Limited Licence as follows:
- Increase the number of patrons permitted on site and increase the area that liquor is allowed to be consumed in.
- Extend the hours of operation from:
 - Sunday; Monday and Wednesday: 10am - 12am
 - Tuesday: 9am - 12am
 - Thursday: 10am - 1am
 - Friday and Saturday 10am - 2am;To:
 - Monday to Sunday: 9am - 2am

This will result in an extra 15 operating hours per week.

The application was accompanied by several expert reports, including:

- Acoustic report (CRG Acoustics)

- Traffic Impact Assessment (O'Brien Traffic)
- Planning Report (NBA Group)
- Social and economic impact assessment (NBA Group)
- Servicing and Infrastructure Report (Millar Merrigan)

PLANNING SCHEME SUMMARY

- Buildings and works in the Priority Development Zone - Clause 37.06-4.
- Buildings and works and use of the land for the purpose of a carpark in the General Residential Zone - Schedule 2 - Clause 32.08.
- Buildings and works in the Special Building Overlay - Clause 44.05.
- Alter and erect internally illuminated business identification signage - Clause 52.05.
- Reduce the required number of car spaces on site - Clause 52.06.
- Increase the area, hours of operations and patron numbers allowed under a licence - Clause 52.27.
- The installation and use of Electronic Gaming Machines - Clause 52.28.
- Create or alter access to a road in a Road Zone Category 1 - Clause 52.29.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-4, 15.01-5, 17.01
LPPF	21.04-6
Zone	37.06, 32.08
Overlay	43.02, 44.05
Particular provisions	52.05, 52.06, 52.27, 52.28, 52.29
General provisions	65.01

Municipal EGM Cap

In September 2017 the Victorian Minister for Consumer Affairs, Gaming and Liquor imposed a regional cap of 769 EGMs on the municipality. A cap is not a benchmark, but a maximum.

At present there are 754 EGMs in the municipality which is 15 below the maximum permitted. The proposal would bring the total number of operating EGMs in the municipality to the maximum cap.

Internal Referrals

Social Inclusion and Diversity Unit

Council's Social and Economic Impact Assessment (SEIA) has found that the proposal is likely to be detrimental to the wellbeing of the community for the following reasons (summarised):

- The proposed site is located in regional cap 7 which is an area vulnerable to gambling-related harms.

- The proposal involves a transfer to EGMs and EGM losses from an area of low to an area of high socio-economic disadvantage.
- The proposal involves an increase in EGM losses which is seen as a form of harm from gambling.
- There has been a large increase in EGM losses at the proposal site relative to the rest of Darebin.
- In practical terms the venue would operate like a hotel due to the number of EGMs and extended operating hours.
- The annual EGM losses per adult in Preston is \$267 higher than the EGM losses in Darebin for 2016/2017.
- There is uncertainty with regard to community contributions.
- The proposal does not diversify non-gambling activities.
- The increase in employment is marginal.
- The venue is in close proximity to highly vulnerable communities.

Transport Management and Planning

Council's Transport Management and Planning Unit have reviewed the application and determined that the traffic engineer's assessment is based on floor area and not patron numbers and on the basis of the plans submitted it is understood that the RSL will have a maximum of 500 patrons by Stage 6 of the development, an increase of 225 patrons.

Due to the discrepancies identified between the Traffic report and plans, Council's Transport Management and Planning Unit have requested the Traffic report be amended to update the assessment of traffic generation and shortfall more adequately.

There are also several other points that need addressing on the plans as follows:

- The width of the pedestrian crossing on the south side of the development should be increased to 1.5 metres.
- The applicant should consider amending the design so that a pedestrian path is provided between the new car park and the RSL club.
- Further information is required with regard to the type of bicycle parking spaces to be used.
- The car park is considered to be open to the public. Consequently vehicles parked in the last spaces at the end of the parking aisle must be able to exit in a forward direction with one manoeuvre which is not the case for parking bays 5 and 10.
- At least 2.1 metres headroom clearance must be provided underneath the "New Shade Structures".
- Pedestrian visibility splays have not been provided around the vehicle crossings.
- Where access is provided from a road in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway. It appears that some of the parking bays may be located within 6 metres of St Georges Road.
- The applicant has not provided an adequate assessment of parking supply and parking shortfall as outlined above.

- The applicant's traffic report has stated that all of the new 90 degree parking spaces will be a minimum of 4.9 metres long and 2.6 metres wide, with a 6.4 metre aisle, complying with the requirements of the Planning Scheme. This is not consistent with the Stages 3-6 Development Plan which indicates that access-way widths are less than the required 6.4 metres in certain locations.
- All parking bays are to be widened by 300mm where they are bounded by a wall or fence as per 2.4.2(c) of AS2890.1:2004. Car Parking spaces 5 will require additional 300mm widening as per 2.4.2(c) of AS2890.1:2004.
- It is not clear from the development plans if the existing adjacent residential house at 9 Arthur Street will continue to have right-of-access to the rear of their property. This dwelling does not have a crossover to Arthur Street and it is not clear whether access will be maintained through the new car park.

Capital Works

This property is subject to Melbourne Water Flooding and Council Overland Flow Overlays.

The stormwater from the proposed refurbishment works within the existing building envelope need to be connected to the existing internal stormwater system to the kerb and channel in Bell Street at the front of the site to Council requirements.

Design plans are required to be submitted for approval by Council's Engineering Services department for drainage to be constructed by the developer via the easement of the right of way.

External Referrals

VicRoads

VicRoads comments received 24 January 2018 advise that *VicRoads has considered the application and has no comments to make in relation to the proposal.*

Melbourne Water

Comments received from Melbourne Water on the 18 January 2018 confirm that *Melbourne Water, pursuant to Section 65(1) of the Planning and Environment Act 1987 does not object to the proposal.*

Objections

At the time of writing this report Two (2) objections were received against this application. Confirmation of the final number of objections and a response to the objections received will be tabled at the meeting.

Objections summarised

- An increase in the number of machines in the City of Darebin could impact on problem gamblers.
- Problem gambling impacts the whole Darebin community.
- Electronic Gaming Machines impacts on the safety and wellbeing of individuals and families across the municipality.
- Increased traffic and car parking.

Officer comment on summarised objections

An increase in the number of machines in the City of Darebin could impact on problem gamblers.

In assessing the social and economic impacts of the location of the proposed EGMs it would appear the local community has ample access to existing EGMs and would not benefit from the additional 15 machines.

Problem gambling impacts the whole Darebin community.

The proposed Electronic Gambling Machine Policy 2016-2019 states that gambling losses from EGMs greatly outweigh any perceived benefits.

Electronic Gaming Machines impacts on the safety and wellbeing of individuals and families across the municipality.

The proposed EGMs are proximate to areas of disadvantage which could impact on the wellbeing of individuals and families.

Increased traffic and car parking.

The application has provided an additional 36 car spaces on site and a parking shortfall of 31 car spaces still exists. Further information is required to assess whether this shortfall is acceptable.

PLANNING ASSESSMENT

The proposal has been packaged as a single application, however it comprises two main elements:

- The buildings and works and other various changes to the venue as detailed above; and
- The installation and use of an additional 15 electronic gaming machines.

Electronic Gaming Machines

Under section 60 of the *Planning and Environment Act 1987*, matters that a responsible Authority must consider include (among other things) “*any significant social effects and economic effects which the responsible authority considers the use or development may have*”.

This section of the Act is reiterated in the Planning Scheme as a guideline for decision making where appropriate at Clause 65.01. This provision is particularly relevant to the proposal for the installation and use of the EGM's in this instance, as are the decision guidelines contained under Clause 52.28 (Gaming).

The purposes in Clause 52.28 are:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered; and
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

In considering an application in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of Hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

Location

It has been established in previous Tribunal hearings that the catchment of patrons to a gaming venue generally falls within a 2.5km to 5km radius of a venue for metropolitan areas. As stated in *Rennie v Darebin CC* “*the appropriateness of the location has been considered having regard to the socio - economic profile of the locality within which the gaming venue is located and, more specifically, the profile of the likely patrons. In some cases the patronage has been determined by undertaking a survey of patrons...*”. Section 5.3 of the Social and Economic Impact Statement (SEIS) undertaken by the applicant, states that based on two (2) surveys conducted at the venue (of the bistro area only - See paragraph 73) between 7 and 20 August 2016 and between 31 July and 20 August 2017, approximately 40% of the patrons are from the Preston and Reservoir areas.

Darebin’s Electronic Gaming Machine Policy 2016 - 2019 also identifies the 2.5km radius around a venue as the most appropriate catchment area because the EGM density within a 2.5km radius of all EGM venues in Darebin is higher than metropolitan Melbourne and the concentration and spread of EGMs across Darebin means that every resident in Darebin is within the catchment of at least one venue.

In applying a 2.5km radius it is expected that most of the patrons will be drawn from Preston, Thornbury and parts of Reservoir.

As stated in *ALH Group Property Holdings PTY Ltd v Whittlesea CC*, when assessing gaming criteria in a planning application it involves a specific assessment that focuses upon the *location* of EGMs and whether within *that location* the social and economic impacts of EGMs is acceptable.

The SEIS report prepared by the applicant provides EGM density, expenditure and demographic information within a 2.5km radius of the subject site which can be summarised as follows:

- There are 7 venues with a total of 399 EGMs within 2.5km of the subject site.
- The Darebin RSL has the third highest number of EGMs of these 7 venues.
- Preston is within the 5th decile of the SEIFA Index (1 being the most disadvantaged and 10 being the least).
- Within the 2.5km radius are areas with high disadvantage including the following:
 - o Reservoir East - 2nd Decile
 - o Reservoir West - 3rd Decile
 - o Coburg North - 4th Decile
 - o Thornbury and Coburg - 6th Decile.
- The additional 15 EGMs will result in increased expenditure in excess of 3 million dollars in the first 12 months of operation.

- The report states that peak utilisation of the gaming room is when 45 EGMs or more are being used (or approximately 70%).

On the 12 January 2018 Council engaged Symplan to review the SEIS report prepared by NBA Group. Some of the gaming indicators for 2016/2017 contained in this review are as follows:

- The City of Darebin has a higher EGM expenditure per adult compared with metropolitan Melbourne and the second highest EGM expenditure per adult compared with adjoining municipalities.
- The City of Darebin had the second highest score of relative socio-economic disadvantage compared with adjoining municipalities.
- The City of Darebin had a high density of EGMs per 1,000 adults compared with metropolitan Melbourne and the second highest density of EGMs per 1,000 adults compared with adjoining municipalities.
- Given the concentration of gaming venues in the centre of the suburb of Preston and the sites primary catchment, the density of EGMs per 1,000 adults is significantly higher in these areas.

Other important observations contained in the Symplan report with respect to the location of the site are as follows:

- There has been a large increase in EGM expenditure at the proposal site in contrast to the City of Darebin which has experienced a reduction in EGM expenditure.
- The proposal would create a club venue with the third highest average weekly expenditure of all RSL clubs in Victoria.
- Only 1 percent of the patrons of the club surveyed in 2016 came from Fairfield and none from Alphington.
- Preston has a high concentration of social housing.

In *Rennie v Darebin CC of 2010* at the Stolberg Hotel on the corner of Plenty Road and Bell Street, approximately 670 metres north of the site, the Tribunal was not persuaded the location of the premises was suitable for 30 gaming machines and considered “*the social and economic impacts of the proposed gaming machines in this particular location are inappropriate*”. The Darebin RSL site arguably has a similar context in terms of its proximity to vulnerable communities and pockets of social and economic disadvantage.

The information contained in the SEIS report by the applicant, the submission by Symplan, previous Tribunal decisions and Council’s own social and economic impact assessment, demonstrate there is a cluster of gaming machines within a 2.5km radius of the site and particularly in the suburb of Preston which would be exacerbated by an additional 15 machines. The location of the site is therefore inappropriate to have more EGMs than already exist. Indeed the SEIS report suggests that the additional 15 EGMs are unnecessary considering that peak utilisation of the gaming room is when 45 or more EGMs are being used.

There would be no benefit to the community as a result of these additional machines due to the inappropriate location of the site and the characteristics and profile of Preston and the surrounding suburbs, which have areas of high disadvantage and higher than average access to EGMs.

The additional 15 EGMs will result in expenditure primarily from the 2.5km catchment area which includes areas of high disadvantage.

Darebin's Electronic Gaming Machine Policy 2016 - 2019 (Current)

The Darebin Electronic Gaming Machine Policy 2016 - 2019 identifies that gambling through Electronic Gaming Machines (EGMs) continues to be directly associated with the greatest harms to individuals, their families and the general community. Council, through the planning provisions can manage the location of EGMs in the municipality, particularly in relation to groups which are most at risk of problem gambling.

The policy has been developed in response to key issues affecting Darebin residents as summarised:

- The City of Darebin has the highest density of EGMs compared to adjoining municipalities.
- The areas in Darebin with the greatest disadvantage have the greatest density of EGMs and the greatest gambling losses.
- Losses per adult in Darebin were 23% more per adult than in other metropolitan areas.

The policy specifically states that *“At a deeper level it is Council’s view that gambling through EGMs has had and will continue to have a negative effect to individuals, families and communities. The cumulative detriment caused by the consistent high annual losses incurred in Darebin is reflected in a range of socio economic and health and wellbeing indicators”*.

In summary while the Darebin RSL currently operates 65 machines and is capable of accommodating gaming machines, the location is inappropriate to increase the number of EGMs given its proximity to areas of disadvantage and higher than average accessibility to other gaming machines at other venues.

The proposed EGMs are not compatible with surrounding land uses and Council’s objective to locate gaming machines to minimise the incidence of ‘convenience gambling’. It is considered there will be detrimental social and economic impacts as a result of the 15 EGMs. These issues are exacerbated by the request to increase the access to the gaming venue by 15 hours over a week, creating potential social and economic harm through both increases in the number of machines and accessibility through additional trading hours.

Liquor Licence

A planning permit is required to extend the hours of trading allowed under a licence along with increases to the number of patrons permitted and area that liquor is to be consumed.

The venue currently has a Full Club Licence and Limited Licence which are not exempt under the Schedule to Clause 52.27.

The modifications to the licence area will not detrimentally impact on the amenity of the area as residential lots are setback from the main RSL building by the car-parking lot, Arthur Street and the petrol station. The single dwelling to the east is proposed to be demolished under Planning Permit D/94/2017 which is yet to be determined.

The proposed increase in the hours of operation is unlikely to generate noise to a level that will adversely impact upon the amenity of the surrounding area. The applicant has provided an acoustic assessment which demonstrates that the proposal will not have a detrimental impact on the surrounding area provided that acoustic treatments detailed in Section 6 of the report are incorporated into the development. However, the increase in hours and access to gaming facilities is likely to add to the negative social and economic impacts highlighted in relation to the additional gaming machines.

The increase in the number of patrons by 225 is when the venue is at full capacity and it is not expected that this will be the case most of the time. While the increase in patron numbers seems reasonable, a revised Traffic report is required to assess the amenity impacts associated with the increase in patron numbers.

This is not a new venue so it is considered there will be no significant cumulative impacts to the wider area.

Buildings and works

The proposed buildings and works are acceptable and involve mostly internal renovations. The internal works will improve the amenity of the place and revitalise how the club is currently used.

One aspect of the internal works which is not satisfactory is the location of the children's lounge directly opposite an entry-way into the gaming room. This arrangement is not acceptable as children will have direct views into the gaming room at all times. The entry-way into the gaming lounge from the bistro must be moved so that it does not face the children's lounge.

The overall height of the works will be 7 metres to the top of the new metal deck roof which is acceptable and not considered inappropriate within the wider context of the area. The works are mostly contained to the existing building envelope, except for the main entry at the rear and changes to the terraced areas, and will not impact on surrounding residential areas.

Use of Land in the General Residential Zone

A car - park is a section 2 use in the General Residential Zone (2) when it is used in conjunction with another section 2 use being a Place of Assembly.

The use of 68 St Georges Road for the purpose of car - parking is acceptable in this instance because it will formalise the overflow parking area and act as a buffer between the main RSL building and the residential building to the north.

Car-parking

Under Clause 52.06 a planning permit is required to reduce the requirement to provide the number of car parking spaces required under this clause.

As stated previously a reduction of 31 car spaces is being sought.

Council's Transport Management and Planning unit advised that the applicants Traffic report has not adequately addressed the parking shortfall and associated amenity impacts because the Traffic report only discusses the *additional floor area*. This is contrary to the information provided on the plans which states that the number of patrons on site will increase to 500.

This is a substantial increase and likely to have some impact on the volume of traffic generated by the development, consequently Council's Transport Management and Planning Unit have requested the Traffic report be amended to update the assessment of traffic generation and shortfall more adequately.

Altering Access to a Road Zone Category 1

As the proposal seeks to modify an existing crossover to St Georges Road and part of the frontage of the site is located in a Road Zone 1, the application must be to the satisfaction of VicRoads.

VicRoads have confirmed they have no comments to make in relation to the application.

Advertising signs

Under section 10 in Schedule 2 under the Priority Development Zone if a property has a frontage to a Road Zone 1 or 2 then it is in Category 1 under Clause 52.05. The proposed minor amendments to the existing internally illuminated business signage and new 'RSL' sign are acceptable and won't cause detriment to adjoining residential lots or to Bell Street.

The new east facing 'RSL' sign is located approximately 30 metres from 9 Arthur Street and 50 metres from lots on the opposite side of Arthur Street and will not cause visual clutter or impact on views and vistas to the site. This sign will be positioned approximately 5 metres above the ground and will not obscure views from the public realm.

The amendments to the 'Darebin RSL' lettering along Bell Street and the blade adjacent are appropriate relative to the streetscape setting and surrounding commercial landscape and will not impact on road safety.

If a planning permit were to be issued a condition of approval would require that illumination of the sign is appropriately baffled to minimise glare.

Special Building Overlay

The proposal is consistent with the relevant provisions of the Darebin Planning Scheme and in particular the purpose and decision guidelines of Clause 44.05 (Special Building Overlay) as determined by Melbourne Water.

The proposal has been assessed by Melbourne Water, the relevant floodplain management authority, and written consent has been provided pursuant to section 56(1) of the Act

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.

Design and Development Overlay - Schedule 16

There are no buildings or works to occur in the Design and Development Overlay (16) other than for the purpose of landscaping and making the car - park. The proposed landscaping and car-parking layout are appropriate to the site and surrounds and will improve the amenity of the site.

Public Notification Process

Given the broader community interest in EGM's and consideration of social and economic issues in addition to direct notification of owners and occupiers surrounding the subject site an instruction was given to the applicant to publish the notice of the application in the Presto and Moreland Leader. This instruction was not undertaken simultaneously or within a reasonable time from the public notification letters circulated to adjoining owners and occupiers. Failure to satisfactorily complete the public notification process as instructed has therefore been added to the grounds of refusal.

Conclusion

The application has been assessed against the Darebin Planning Scheme and while the proposal demonstrates a satisfactory level of compliance relating to buildings and works and other various planning aspects detailed above, the use and installation of 15 EGMs in this location will have a detrimental social and economic impact and may cause community harm.

It is recommended that Council resolve to refuse the application.

POLICY IMPLICATIONS

Social Inclusion and Diversity

Darebin Electronic Gaming Machine Policy 2016 - 2019

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.

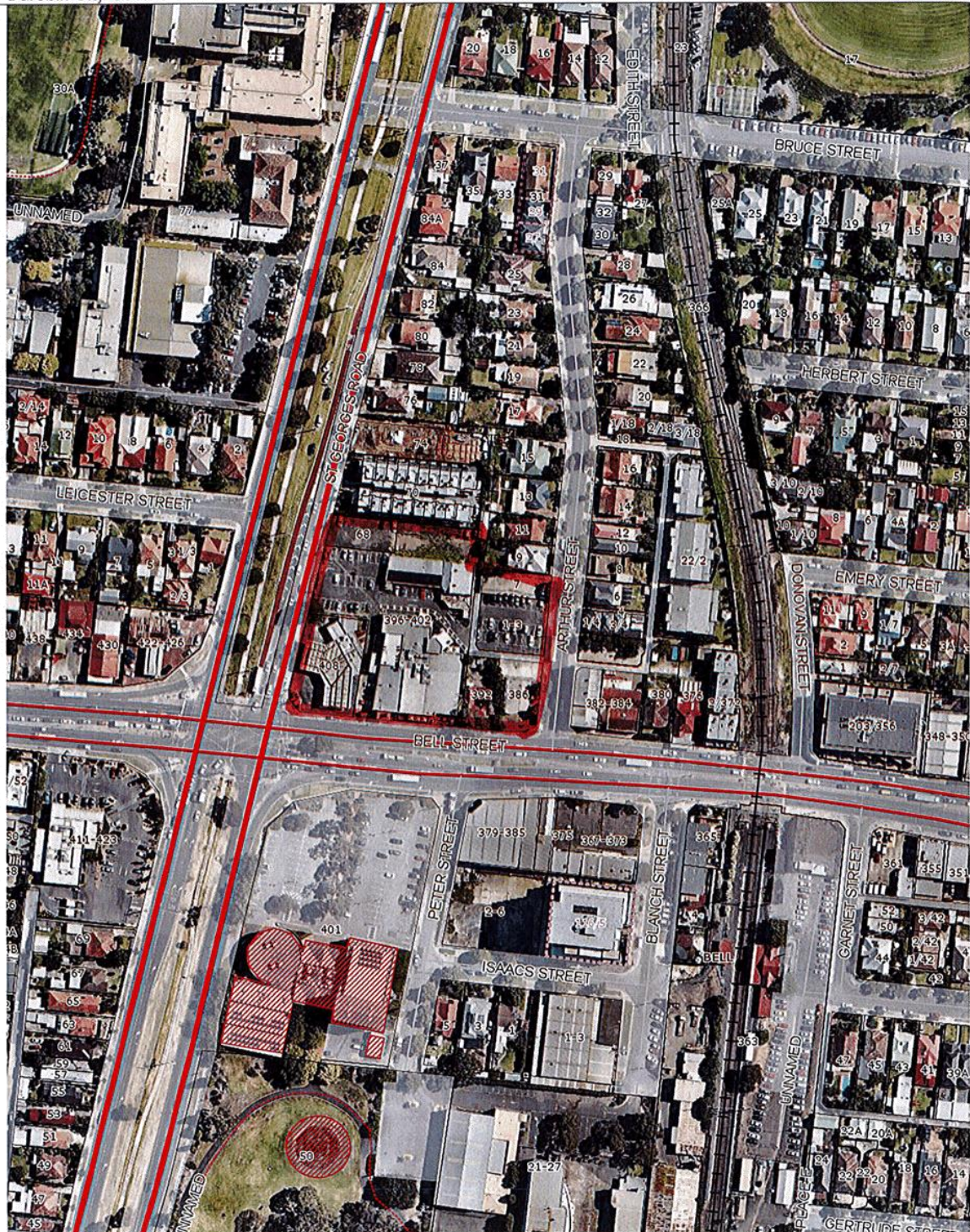
RELATED DOCUMENTS

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

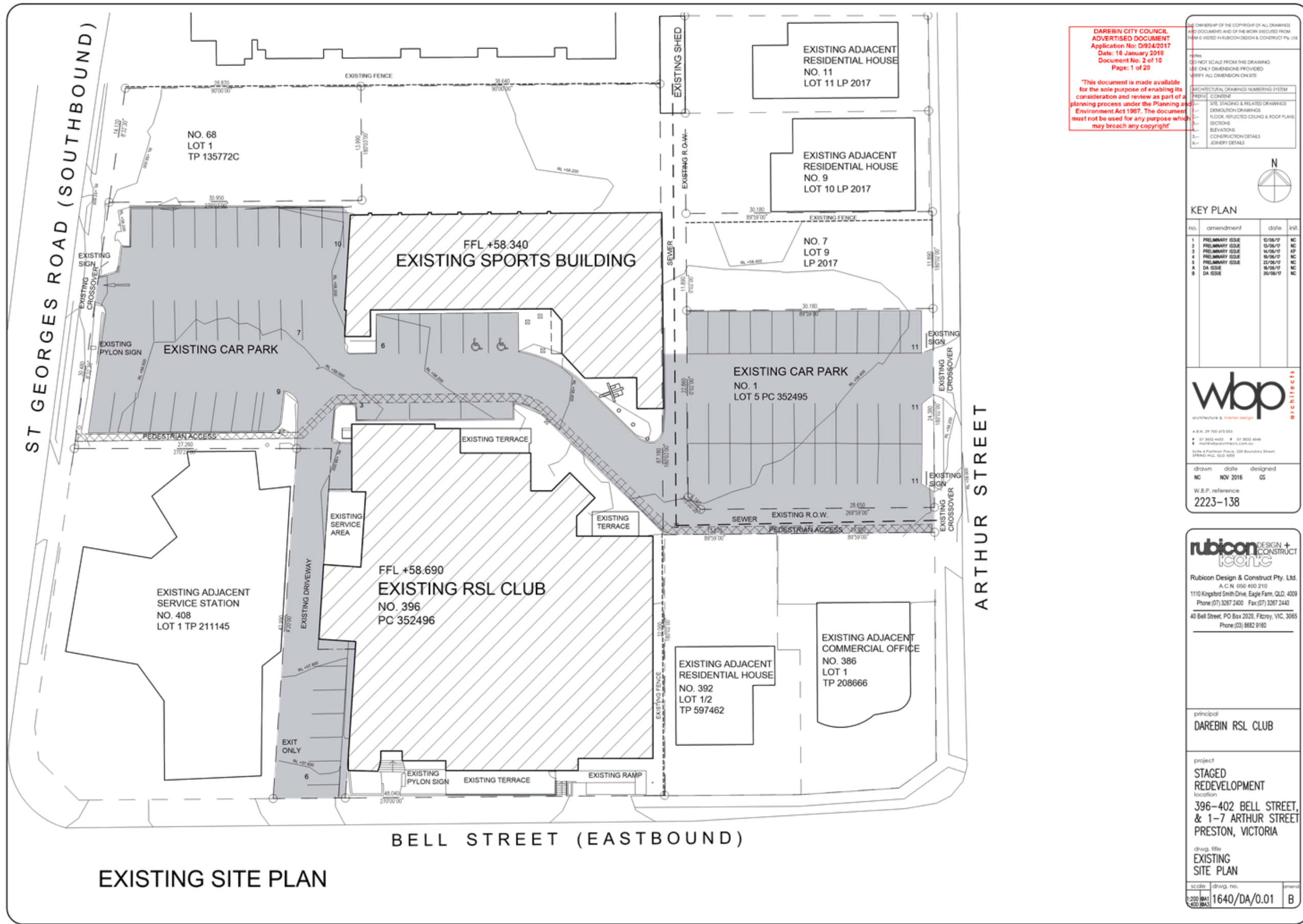
Attachments

- Aerial Map (**Appendix A**) [↓](#)
- Application Plans (**Appendix B**) [↓](#)

Planning Application: D/924/2017
396-402 Bell Street & 1-7 Arthur Street
Darebin City Council



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01	SITE STAGING & RELATED DRAWINGS
02	EXTERIOR DRAWINGS
03	FLOOR, REFLECTED CEILING & ROOF PLANS
04	SECTIONS
05	ELEVATIONS
06	CONSTRUCTION DETAILS
07	JOINERY DETAILS



KEY PLAN

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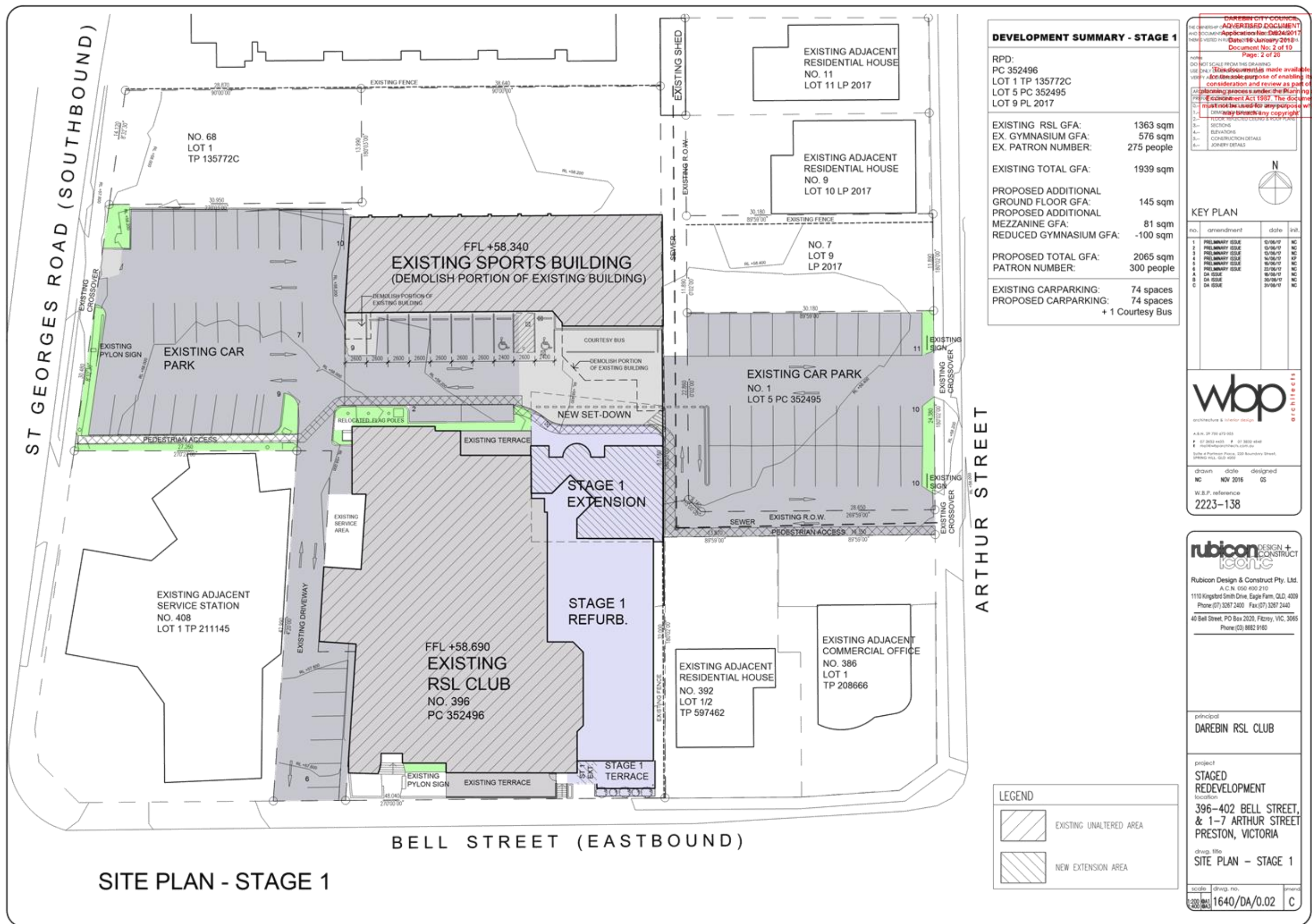
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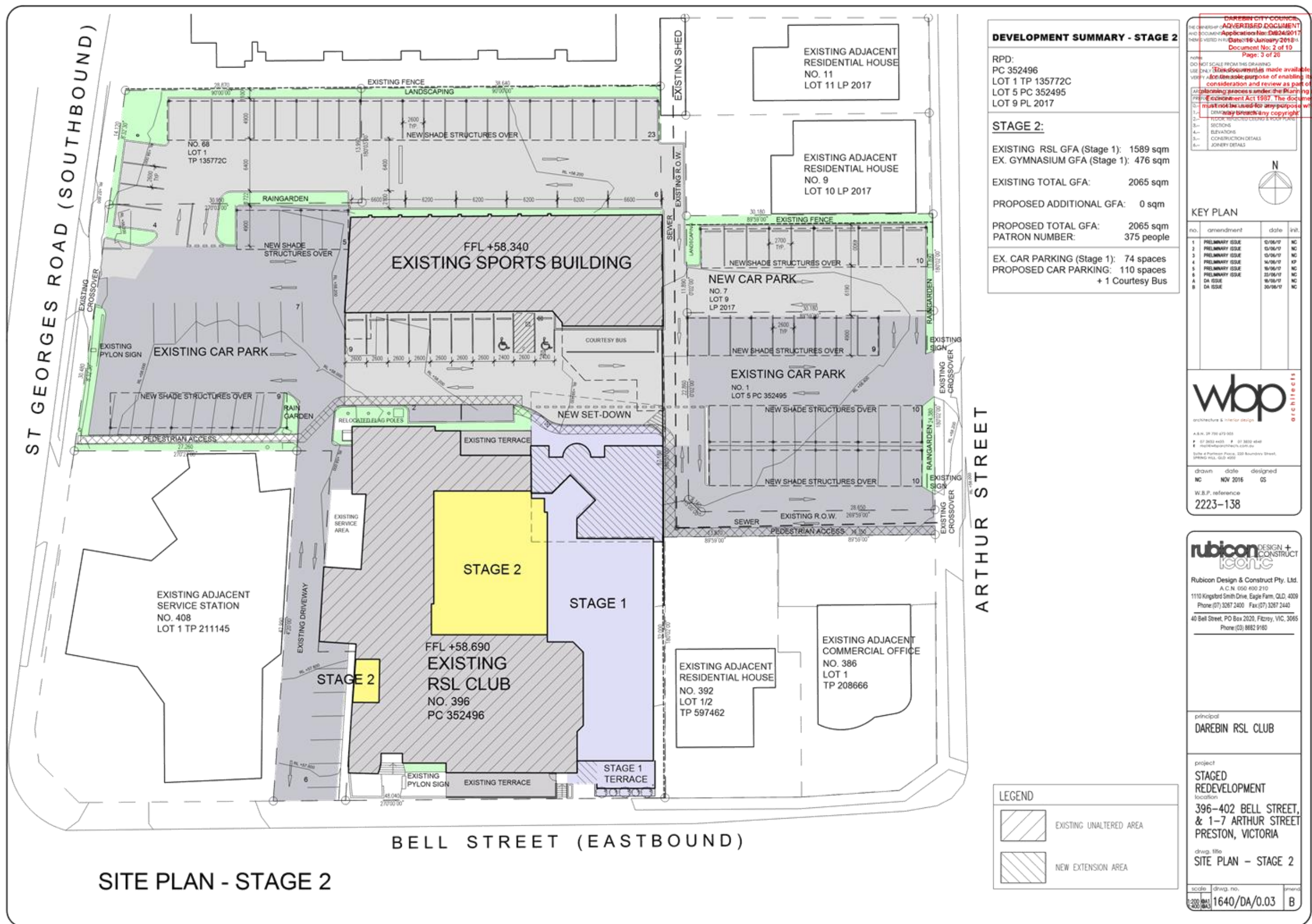
project
STAGED REDEVELOPMENT
location
396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA

dwg. title
EXISTING SITE PLAN

scale	dwg. no.	amend.
1:200 (M&I) 1:400 (M&S)	1640/DA/0.01	B







SITE PLAN - STAGE 2

DEVELOPMENT SUMMARY - STAGE 2

RPD:
PC 352496
LOT 1 TP 135772C
LOT 5 PC 352495
LOT 9 PL 2017

STAGE 2:

EXISTING RSL GFA (Stage 1): 1589 sqm
EX. GYMNASIUM GFA (Stage 1): 476 sqm
EXISTING TOTAL GFA: 2065 sqm
PROPOSED ADDITIONAL GFA: 0 sqm
PROPOSED TOTAL GFA: 2065 sqm
PATRON NUMBER: 375 people

EX. CAR PARKING (Stage 1): 74 spaces
PROPOSED CAR PARKING: 110 spaces
+ 1 Courtesy Bus

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Application No: D8245017
Date: 16 January 2018
Document No: 2 of 10
Page: 3 of 26

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- 1-10: BLOCK, STRUCTURED CURB & FOOT PATH
- 1-11: SECTIONS
- 1-12: ELEVATIONS
- 1-13: CONSTRUCTION DETAILS
- 1-14: JOINERY DETAILS



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5	PRELIMINARY ISSUE	16/06/17	NC
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principal
DAREBIN RSL CLUB

project
STAGED REDEVELOPMENT
location
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PRESTON, VICTORIA

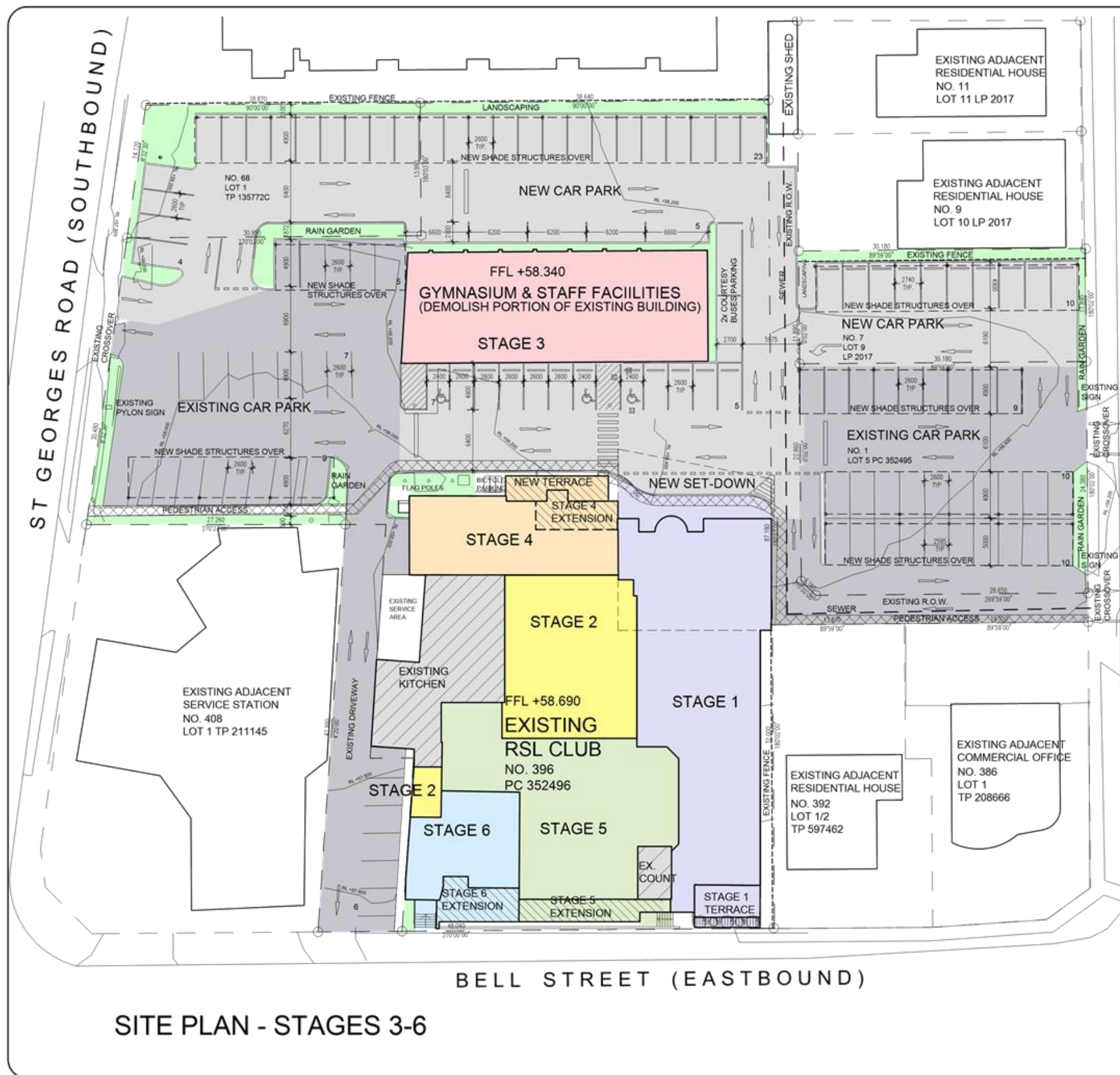
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SITE PLAN - STAGE 2

scale: 1:100
dwg. no.: 1640/DA/0.03
sheet: B

LEGEND

	EXISTING UNALTERED AREA
	NEW EXTENSION AREA

DRAWN SCALE 1:100mm



SITE PLAN - STAGES 3-6

DEVELOPMENT SUMMARY

STAGE 3:

EXISTING RSL GFA (Stage 2): 1589 sqm
 EX. GYMNASIUM GFA (Stage 2): 476 sqm
 EXISTING TOTAL GFA: 2065 sqm
 PROPOSED REDUCED GYMNASIUM GFA: -103 sqm
 PROPOSED TOTAL GFA: 1962 sqm
 PATRON NUMBER: 400 people
 EX. CAR PARKING (Stage 2): 110 spaces
 PROPOSED CAR PARKING: 110 spaces + 1 Courtesy Bus

STAGE 4:

EXISTING GFA (Stage 3): 1589 sqm
 EX. GYMNASIUM GFA (Stage 3): 373 sqm
 EXISTING TOTAL GFA: 1962 sqm
 PROPOSED ADDITIONAL GFA: 29 sqm
 PROPOSED TOTAL GFA: 1991 sqm
 PATRON NUMBER: 450 people
 EX. CAR PARKING (Stage 3): 110 spaces
 PROPOSED CAR PARKING: 110 spaces + 2 x Courtesy Bus

STAGE 5:

EXISTING GFA (Stage 4): 1618 sqm
 EX. GYMNASIUM GFA (Stage 4): 373 sqm
 EXISTING TOTAL GFA: 1991 sqm
 PROPOSED ADDITIONAL GFA: 35 sqm
 PROPOSED TOTAL GFA: 2026 sqm
 PATRON NUMBER: 480 people
 EX. CAR PARKING (Stage 4): 110 spaces
 PROPOSED CAR PARKING: 110 spaces + 2 x Courtesy Bus

STAGE 6:

EXISTING GFA (Stage 5): 1653 sqm
 EX. GYMNASIUM GFA (Stage 5): 373 sqm
 EXISTING TOTAL GFA: 2026 sqm
 PROPOSED ADDITIONAL GFA: 34 sqm
 PROPOSED TOTAL GFA: 2060 sqm
 PATRON NUMBER: 500 people
 EX. CAR PARKING (Stage 5): 110 spaces
 PROPOSED CAR PARKING: 110 spaces + 2 x Courtesy Bus

ULTIMATE AREA INCREASE AFTER STAGE 6:

EXISTING TOTAL GFA: 1939 sqm
 ADDITIONAL GFA: 121 sqm
 ULTIMATE TOTAL GFA: 2060 sqm

- EXISTING UNALTERED AREA
- NEW EXTENSION AREA

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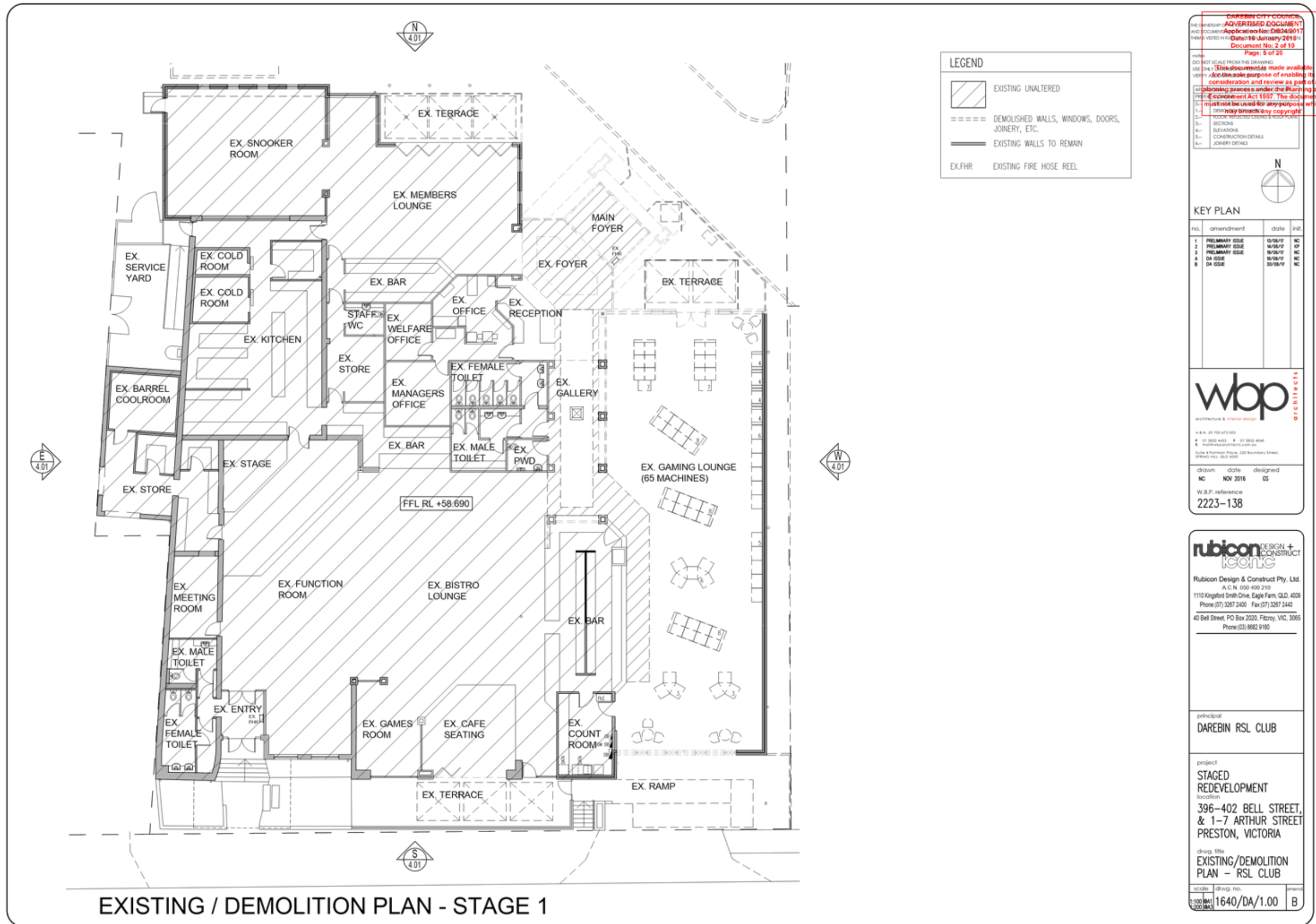
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principal
DAREBIN RSL CLUB

project
STAGED REDEVELOPMENT
 location
396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA

dwg. title
SITE PLAN STAGE 3 - 6
 scale: dwg. no. amend:
 1:200 1640/DA/0.04 B





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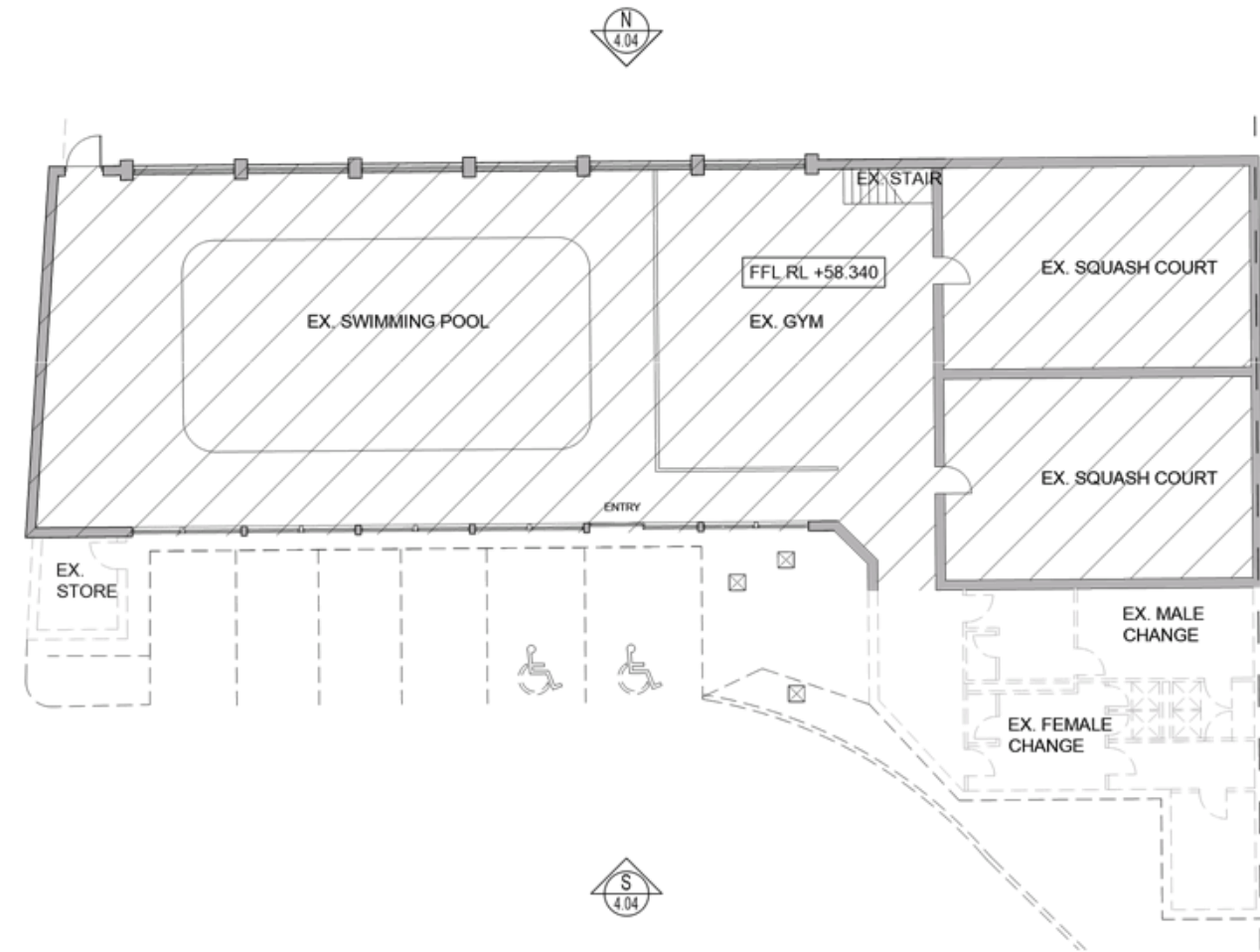
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project
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 location
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EXISTING/DEMOLITION PLAN - RSL CLUB

scale	dwg. no.	amend.
1:100 (MAX) 1:200 (MIN)	1640/DA/1.00	B





EXISTING / DEMOLITION PLAN
SPORTS BUILDING - STAGE 1

LEGEND

- EXISTING UNALTERED
- DEMOLISHED WALLS, WINDOWS, DOORS, JOINERY, ETC.
- EXISTING WALLS TO REMAIN
- EX.FHR EXISTING FIRE HOSE REEL

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Date: 16 January 2018
Document No: 2 of 10
Page: 6 of 26

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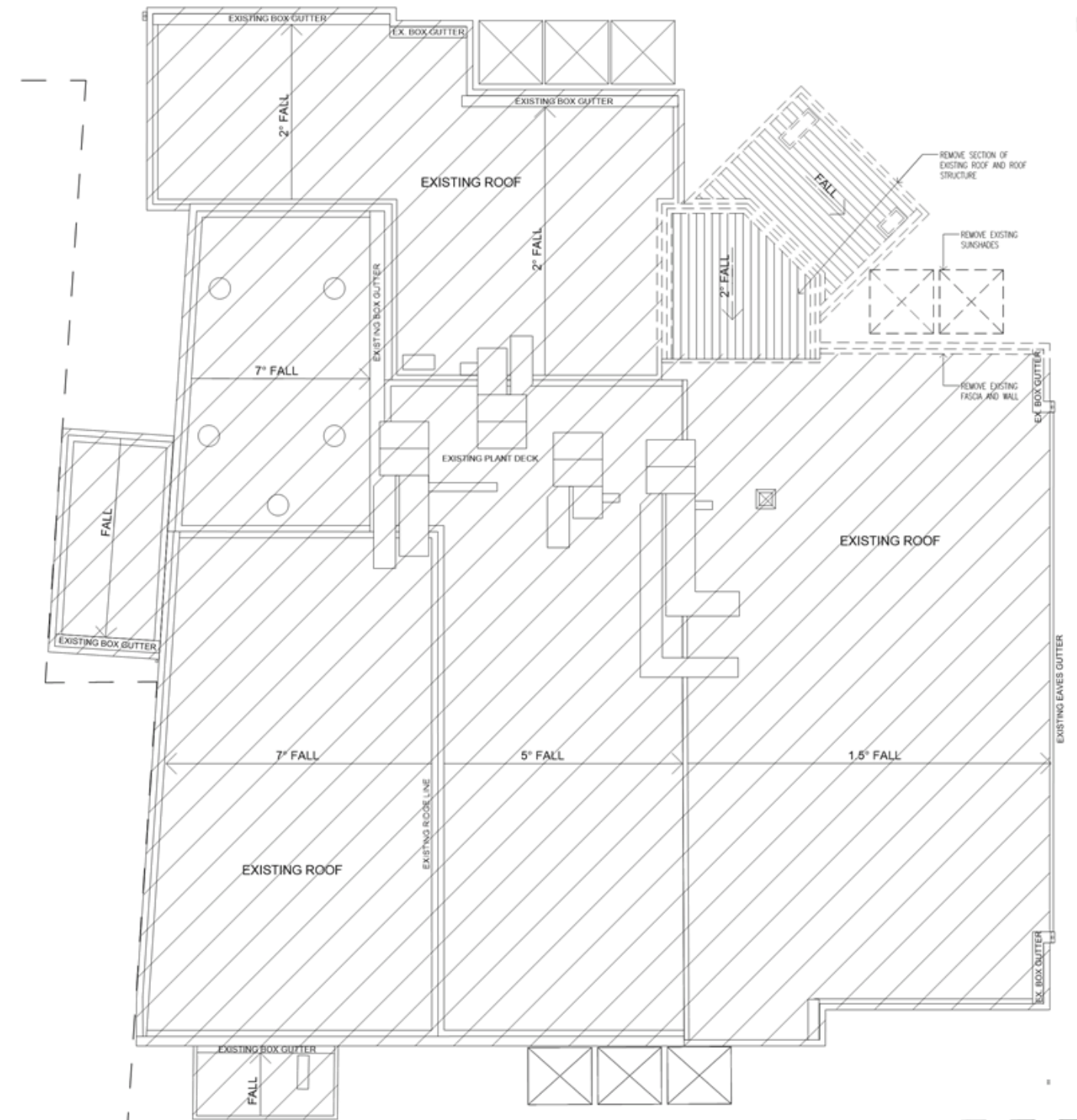
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project
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location
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drawg. title
EXISTING/DEMOLITION PLAN - SPORTS BLD

scale	drawg. no.	amend.
1:100 (M1) 1:200 (M2)	1640/DA/1.01	B





EXISTING / DEMOLITION ROOF PLAN - STAGE 1

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 Document No: 2 of 10
 Page: 7 of 26

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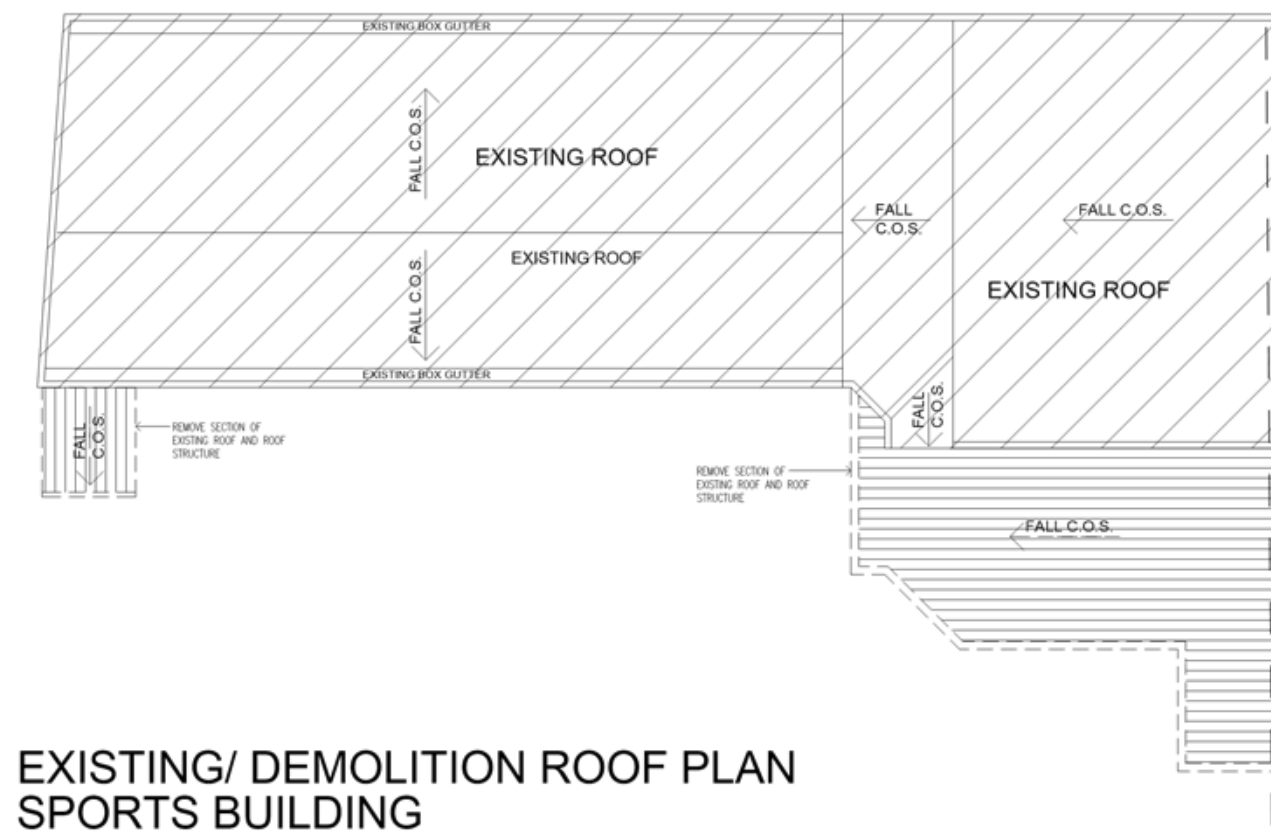
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 location
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 & 1-7 ARTHUR STREET
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dwg. title
 EXISTING ROOF PLAN
 RSL CLUB

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EXISTING/ DEMOLITION ROOF PLAN
SPORTS BUILDING

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Date: 16 January 2018
Document No: 2 of 10
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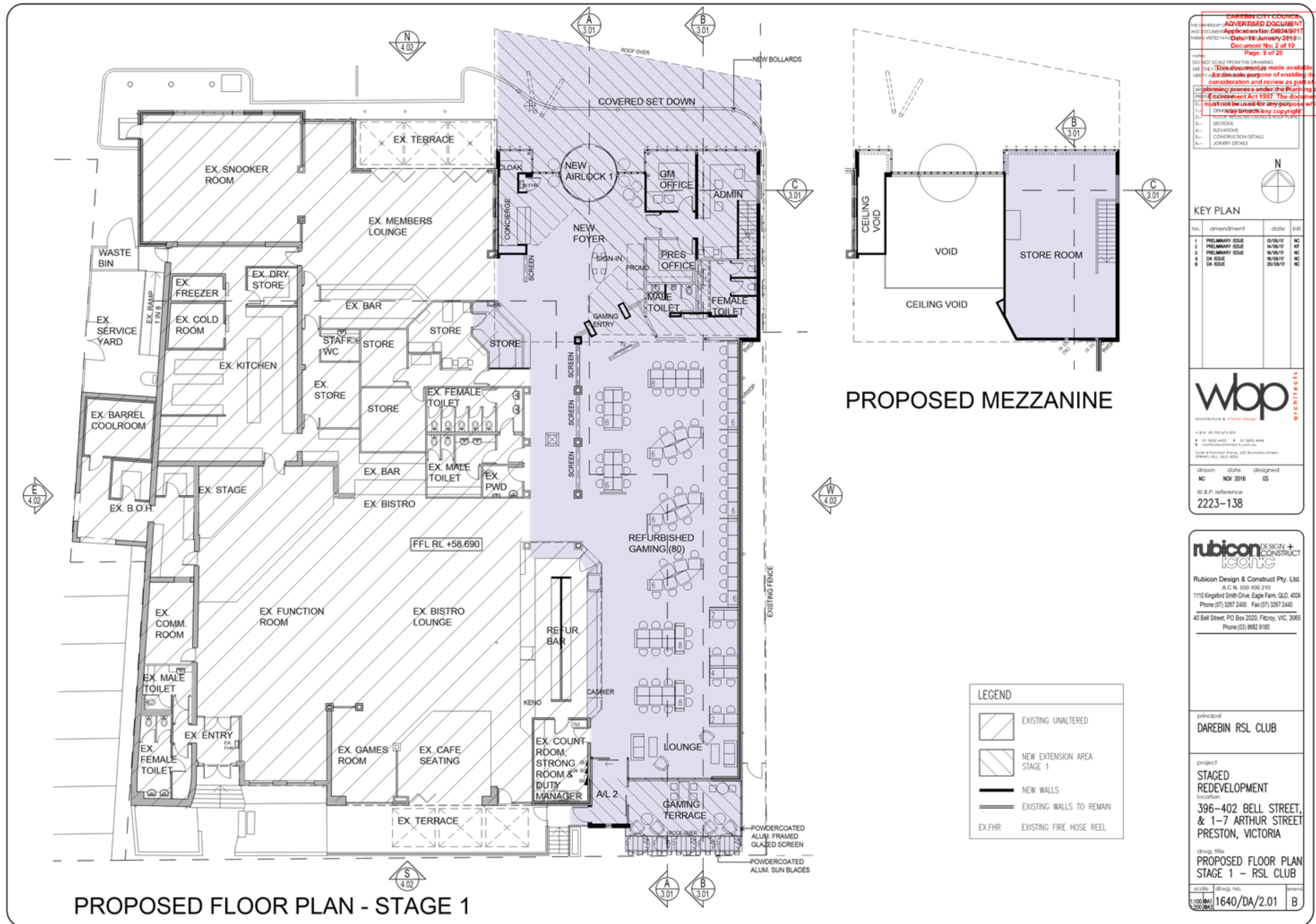
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REDEVELOPMENT

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EX./DEMOLITION ROOF
PLAN - SPORTS BLD

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1-1 ROOMS
 1-2 SECTIONS
 1-3 ELEVATIONS
 1-4 CONSTRUCTION DETAILS
 1-5 JOINERY DETAILS

KEY PLAN

no.	amendment	date	init.
1	PRELIMINARY ISSUE	03/06/17	NC
2	PRELIMINARY ISSUE	14/06/17	KP
3	PRELIMINARY ISSUE	16/06/17	NC
4	DA ISSUE	16/06/17	NC
5	DA ISSUE	20/06/17	NC

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drawn date designed
 NC NOV 2016 GS

W.B.P. reference
 2223-138

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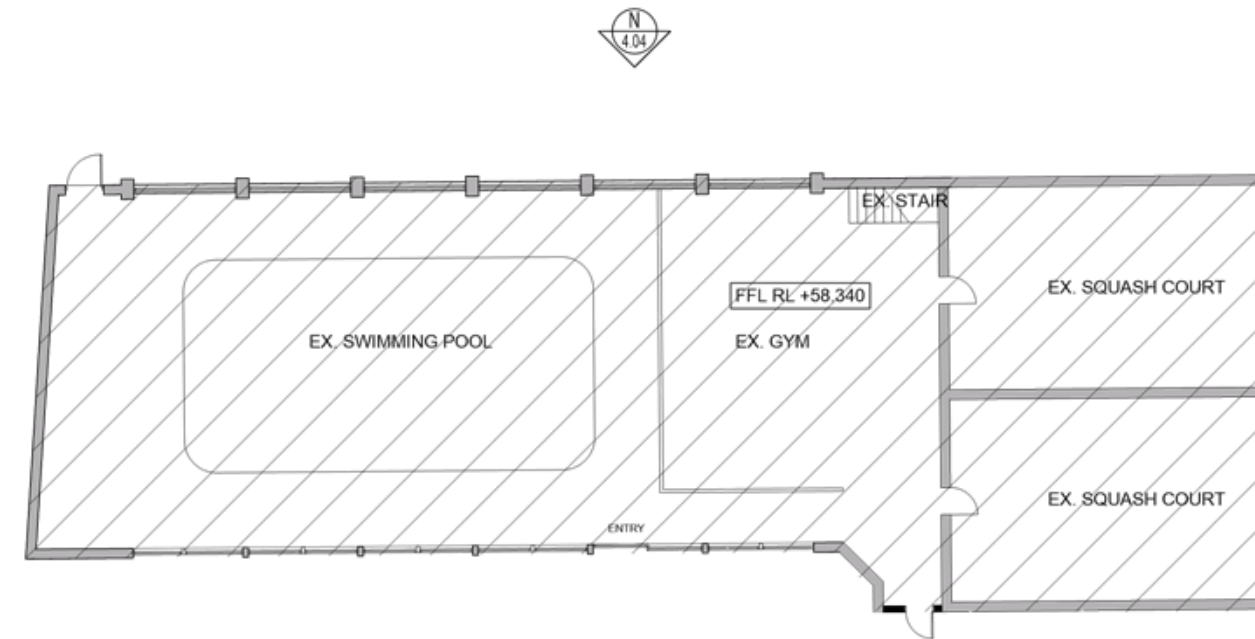
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principal
DAREBIN RSL CLUB

project
STAGED REDEVELOPMENT
 location
396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA

drwg. title
PROPOSED FLOOR PLAN STAGE 1 - RSL CLUB

scale	drwg. no.	amend.
1:100 (M) 1:200 (A)	1640/DA/2.01	B



LEGEND

- EXISTING UNALTERED
- NEW EXTENSION AREA STAGE 1
- NEW WALLS
- EXISTING WALLS TO REMAIN
- EX.FHR EXISTING FIRE HOSE REEL

**PROPOSED FLOOR PLAN
SPORTS BUILDING - STAGE 1**

DAREBIN CITY COUNCIL
 ADVERTISED DOCUMENT
 Application No: D824/DA/17
 Date: 16 January 2018
 Document No: 2 of 10
 Page: 10 of 20

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no.	amendment	date	init.
1	PRELIMINARY ISSUE	03/06/17	NC
2	PRELIMINARY ISSUE	14/06/17	KP
3	PRELIMINARY ISSUE	09/06/17	NC
A	DA ISSUE	18/06/17	NC
B	DA ISSUE	30/06/17	NC



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 Phone (03) 8682 9180

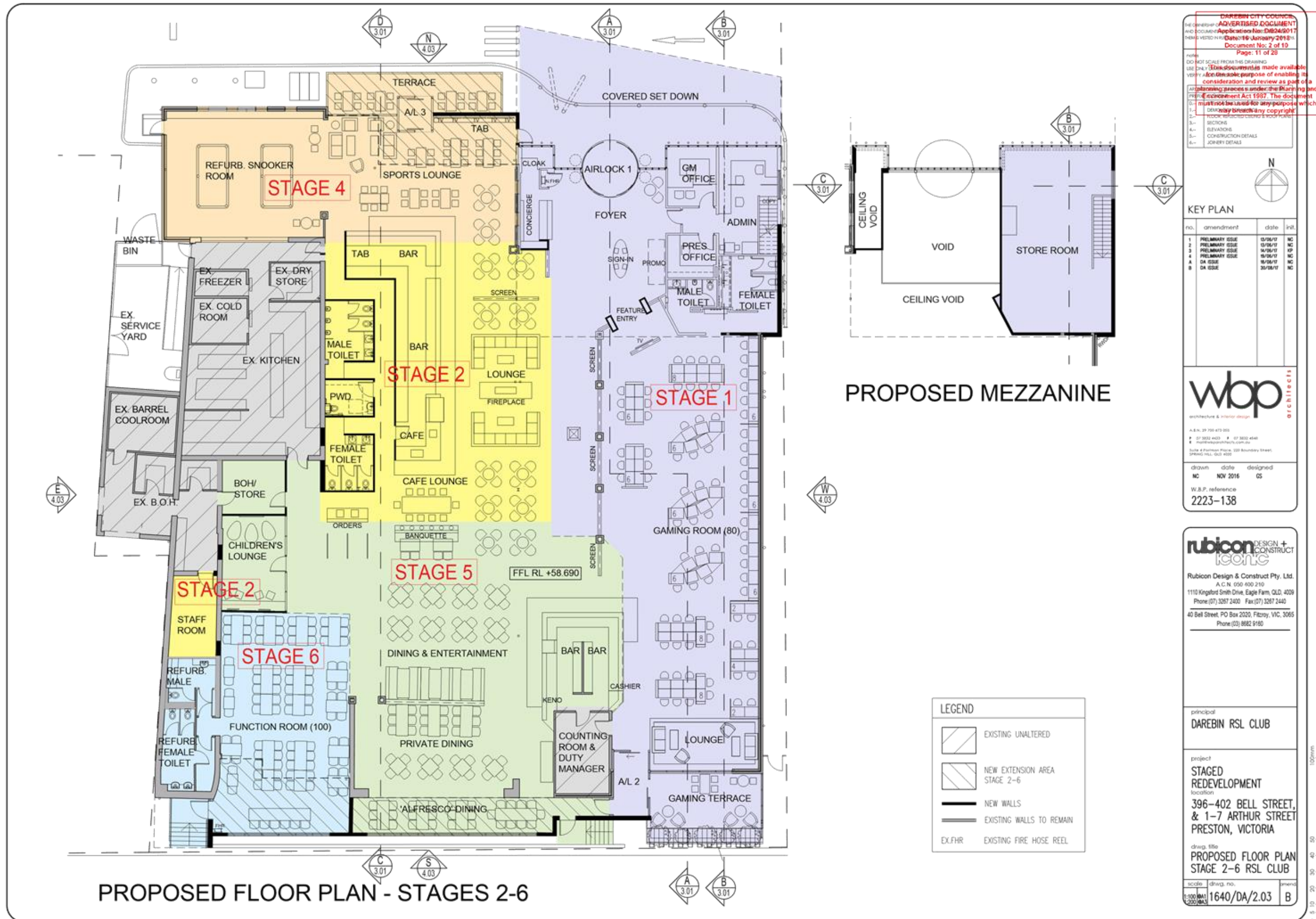
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DAREBIN RSL CLUB

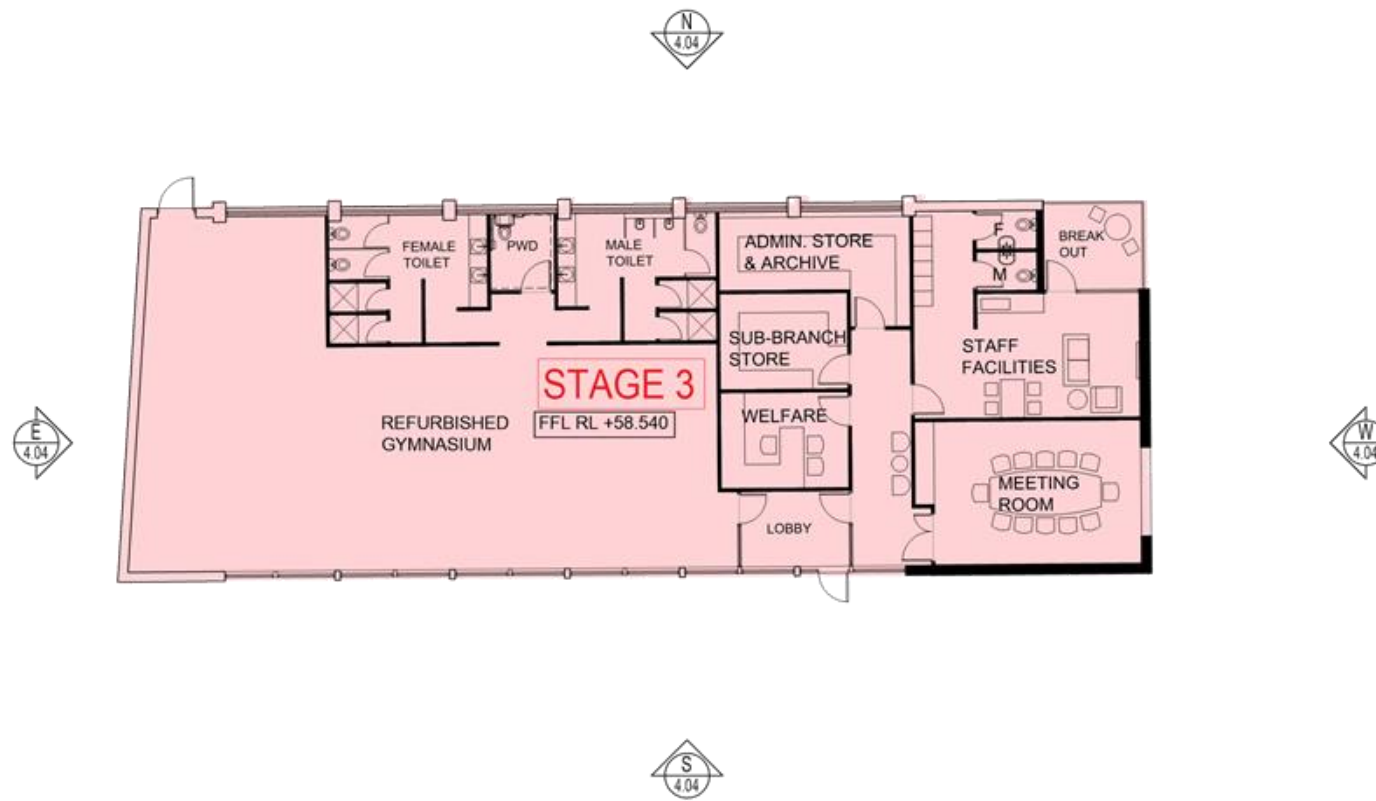
project
STAGED REDEVELOPMENT
 location
396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA

drawg. title
PROPOSED FLOOR PLAN STAGE 1 - SPORTS BLD

scale	drawg. no.	amend.
1:100 (B1) 1:200 (B2)	1640/DA/2.02	B







PROPOSED FLOOR PLAN
SPORTS BUILDING & STAFF FACILITIES - STAGE 3

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 ADVERTISED DOCUMENT
 Application No: D824/2017
 Date: 16 January 2018
 Document No: 2 of 10
 Page: 12 of 20

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1-1 ROOM SCHEDULES & ROOM PLAN
 2- SECTIONS
 A- ELEVATIONS
 B- CONSTRUCTION DETAILS
 J- JOINERY DETAILS



KEY PLAN

no.	amendment	date	init.
1	PRELIMINARY ISSUE	13/05/17	NC
2	PRELIMINARY ISSUE	13/05/17	NC
3	PRELIMINARY ISSUE	16/05/17	RP
4	PRELIMINARY ISSUE	16/05/17	NC
A	DA ISSUE	16/05/17	NC
B	DA ISSUE	30/05/17	NC



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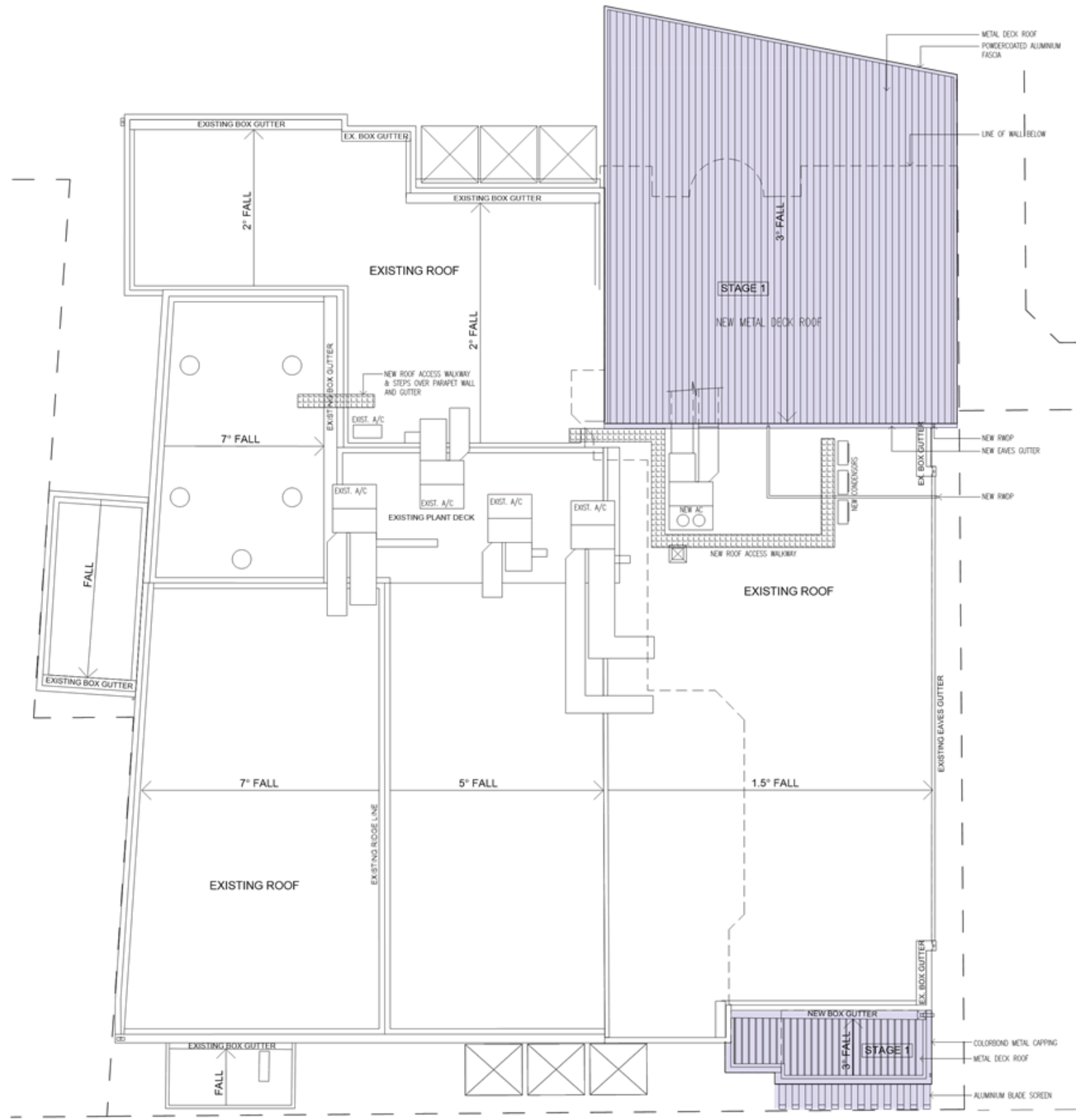
principal
 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

dwg. file
 PROPOSED FLOOR PLAN
 STAGE 3- SPORTS BLD

scale	dwg. no.	amend.
1:100 1:200 1:500	1640/DA/2.04	B





ROOF PLAN - STAGE 1

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 Application No: D8245017
 Date: 16 January 2018
 Document No: 2 of 10
 Page: 13 of 20

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B	DA ISSUE	30/08/17	NC
C	DA ISSUE	07/09/17	CP

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principal: DAREBIN RSL CLUB
 project: STAGED REDEVELOPMENT
 location: 396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA
 drwg. title: ROOF PLAN STAGE 1 - RSL CLUB
 scale: 1:100 drwg. no.: 1640/DA/2.05 amend: C

100mm DRAWN SCALE



ROOF PLAN
SPORTS BUILDING - STAGE 1

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Document No: 2 of 10
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no.	amendment	date	init.
1	PRELIMINARY ISSUE	03/06/17	NC
A	DA ISSUE	10/06/17	NC
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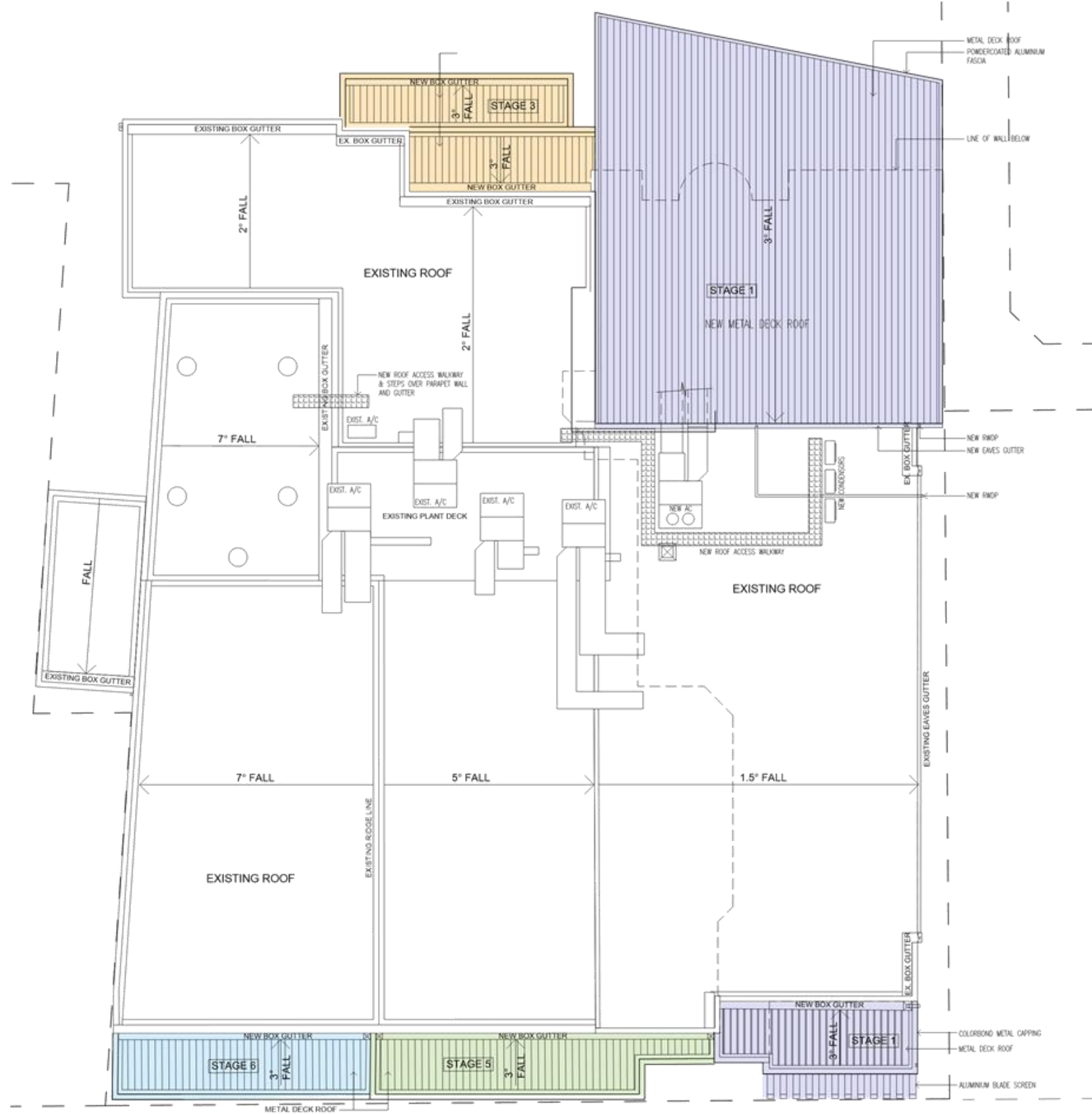
principal
DAREBIN RSL CLUB

project
STAGED REDEVELOPMENT
location
396-402 BELL STREET,
& 1-7 ARTHUR STREET
PRESTON, VICTORIA

drwg. title
ROOF PLAN
STAGE 1 - GYMNASIUM

scale	drwg. no.	amend.
1:100 (M)	1640/DA/2.06	B





ROOF PLAN - STAGES 2-6

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C	DA ISSUE	07/08/17	KP



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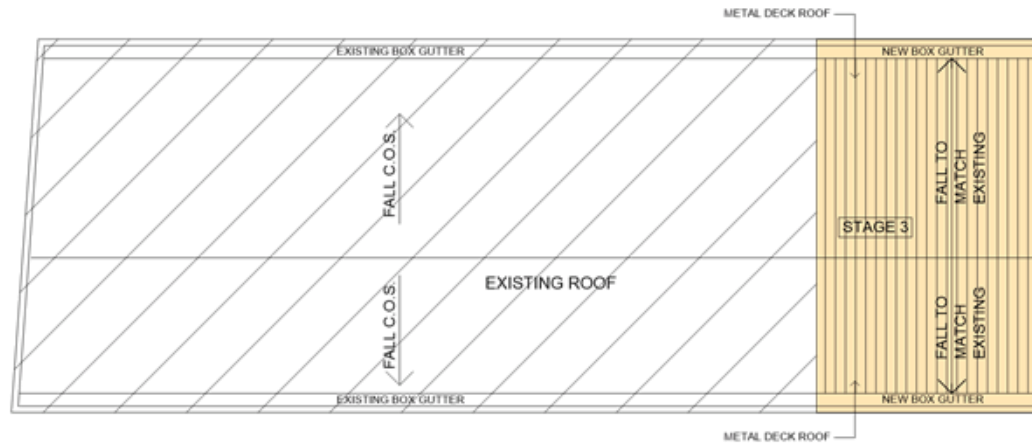
principal
 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

dwg. file
 ROOF PLAN
 STAGES 2-6-RSL CLUB

scale dwg. no. amend
 1:100 1640/DA/2.07 C





ROOF PLAN
SPORTS BUILDING & STAFF FACILITIES - STAGE 3

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no.	amendment	date	init.
1	PRELIMINARY ISSUE	03/08/17	NC
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NC	NOV 2016	GS

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principal
DAREBIN RSL CLUB

project
STAGED REDEVELOPMENT
 location
396-402 BELL STREET, & 1-7 ARTHUR STREET PRESTON, VICTORIA

dwg. title
ROOF PLAN - STAGE 3 SPORTS & STAFF BLD

scale	dwg. no.	amend.
1:100 (M)	1640/DA/2.08	B



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principal
 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

drawn title
 LIQUOR LICENSING
 RSL CLUB

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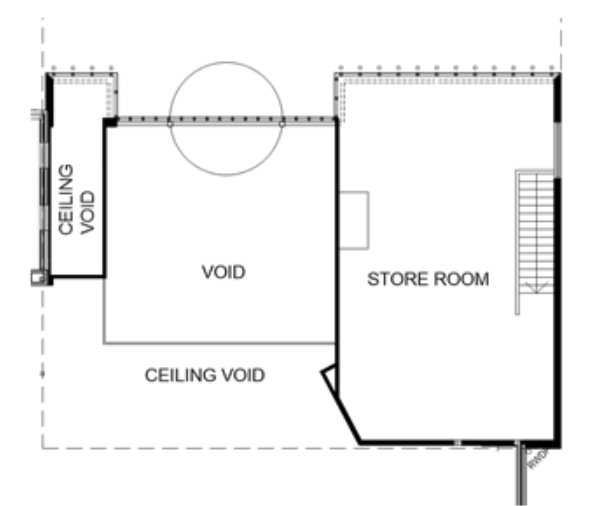
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amend
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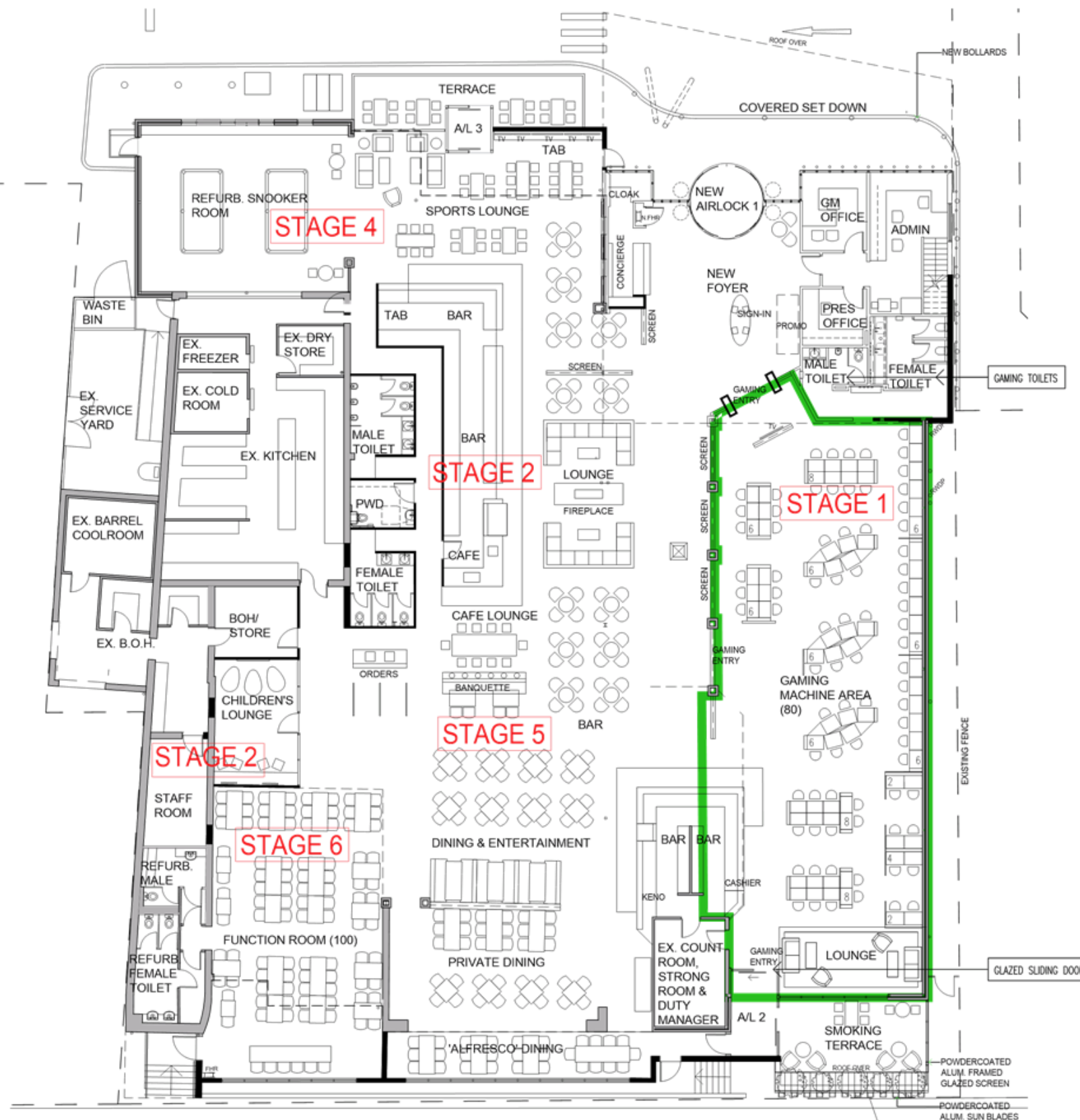


PROPOSED FLOOR PLAN - STAGES 1 - 6

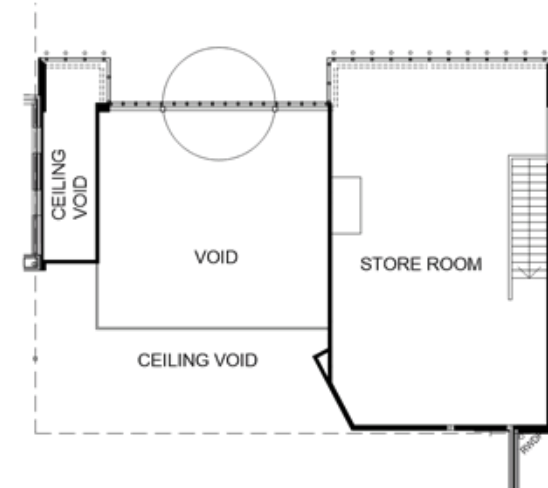


MEZZANINE FLOOR PLAN

EXTENT OF LICENSED PREMISES ENCLOSED BY RED LINE



PROPOSED FLOOR PLAN - STAGES 1 - 6



MEZZANINE FLOOR PLAN

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 Date: 16 January 2018
 Document No: 2 of 10
 Page: 18 of 20

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KEY PLAN

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A	DA 655E	23/08/10	NC
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principal
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 396-402 BELL STREET,
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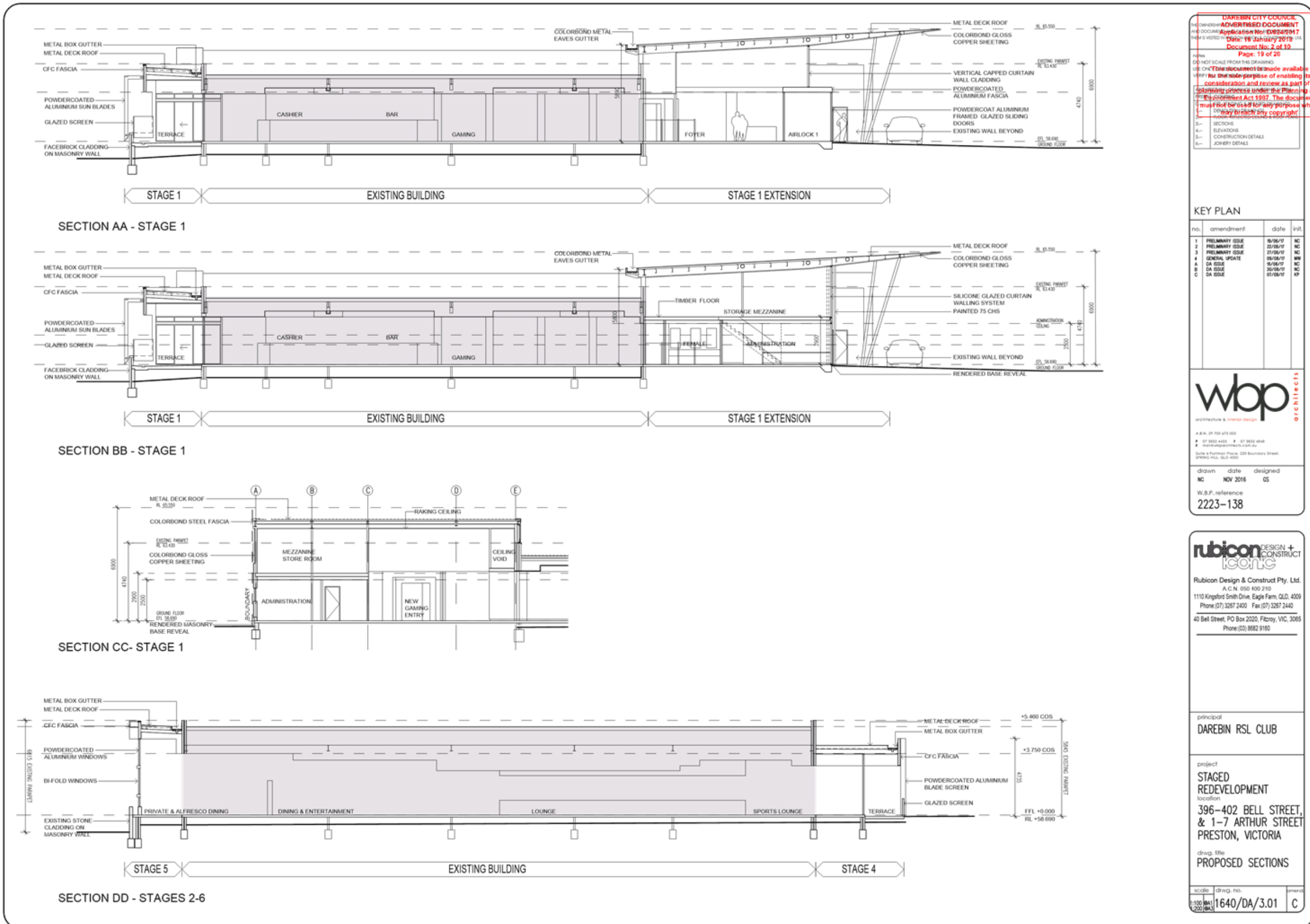
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 1:5000
 1:10000

drawg. no.
 1640/DA/2.10

amend
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1	PRELIMINARY ISSUE	16/06/17	NC
2	PRELIMINARY ISSUE	22/06/17	NC
3	PRELIMINARY ISSUE	27/06/17	NC
4	GENERAL UPDATE	09/08/17	MM
A	DA ISSUE	15/08/17	NC
B	DA ISSUE	28/08/17	NC
C	DA ISSUE	07/09/17	KP



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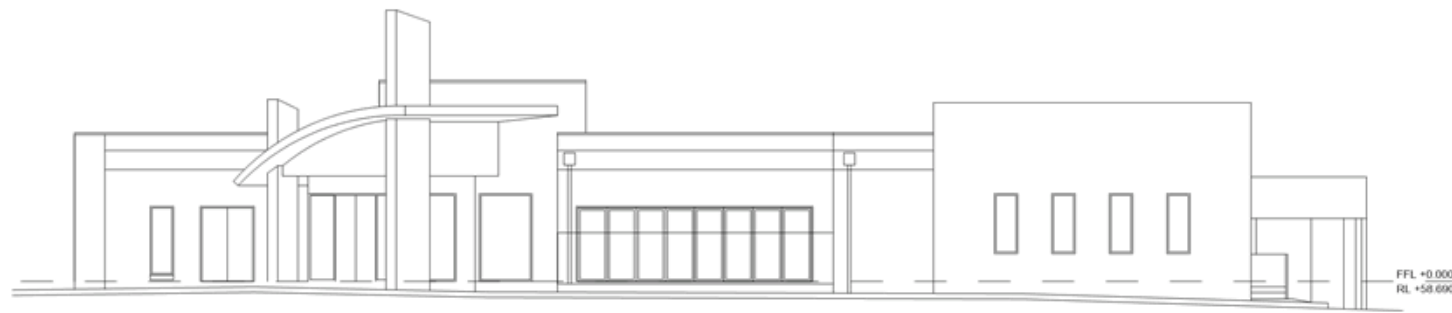
principal
 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

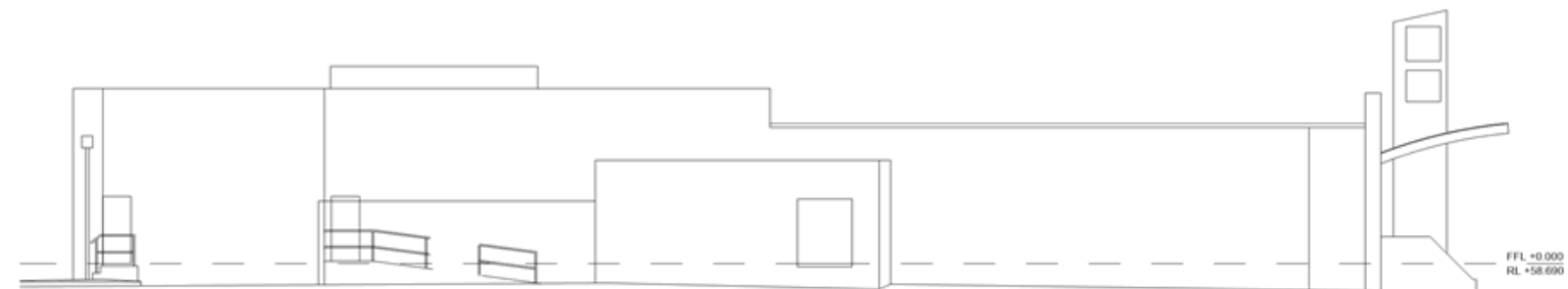
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scale	drwg. no.	amend.
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DRAWN SCALE 100mm



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

DAREBIN CITY COUNCIL
 UNPUBLISHED DOCUMENT
 Application No: C2016/017
 Date: 16 January 2018
 Document No: 2 of 10
 Page: 20 of 20
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3	PRELIMINARY ISSUE	22/06/17	NC
A	DA ISSUE	16/06/17	NC

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 architects
 ARCHITECTURE & INTERIOR DESIGN
 A.S.N. 04 750 473 000
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 300 Boundary Street, Spring Hill, QLD 4000
 drawn date designed
 NC NOV 2016 GS
 W.B.P., reference
 2223-138

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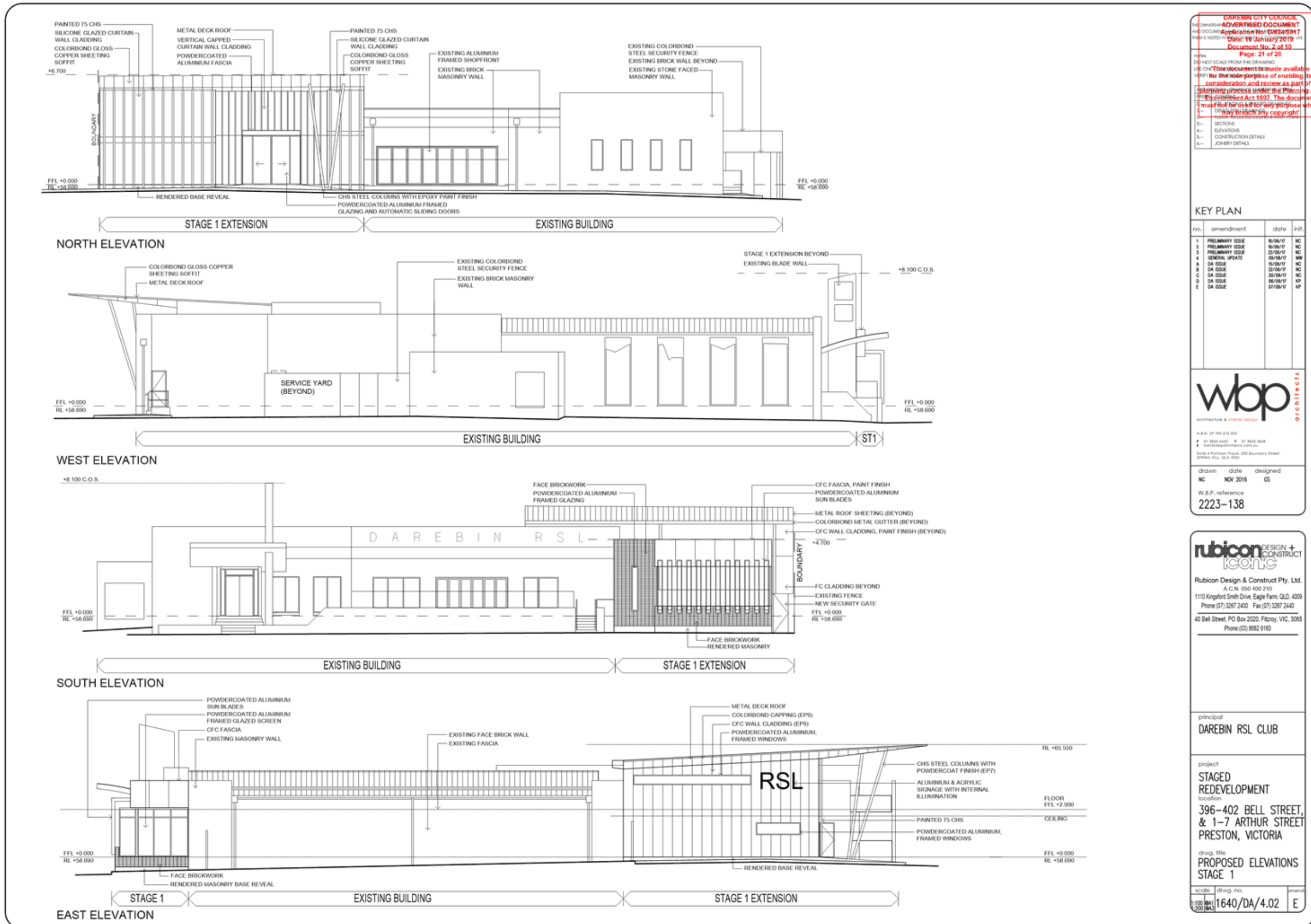
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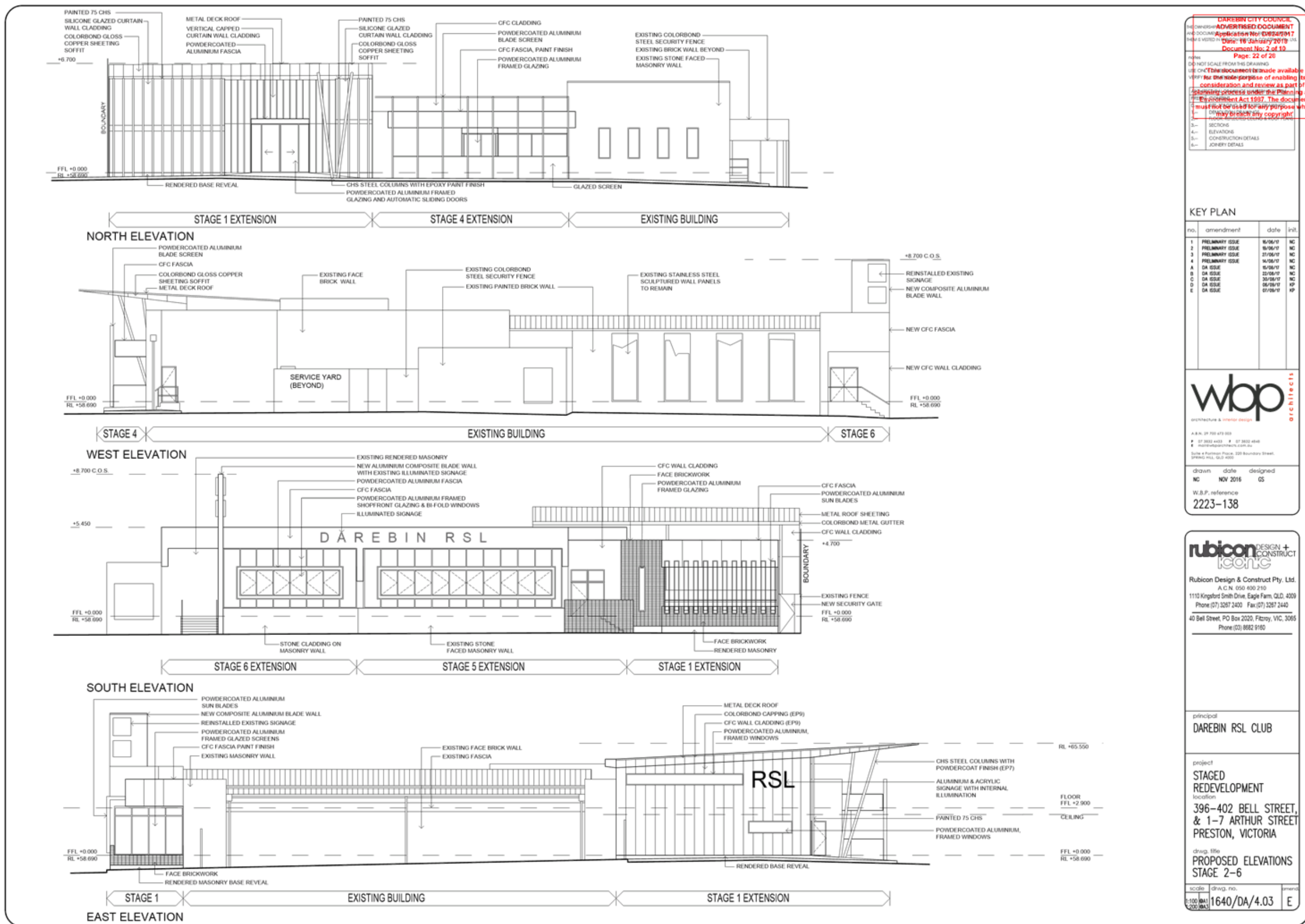
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 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

drwg. title
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scale	drwg. no.	amend.
1:100 (A1)	1640/DA/4.01	A

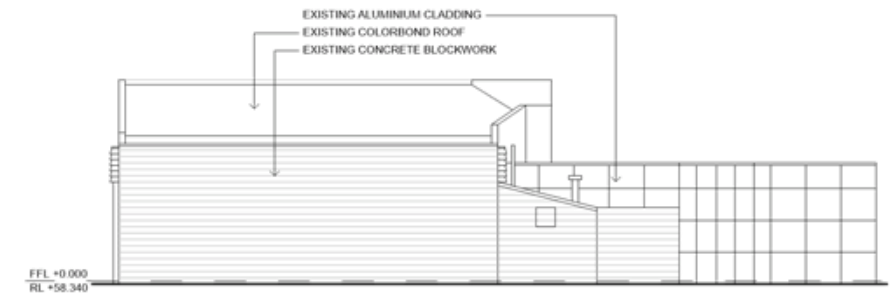








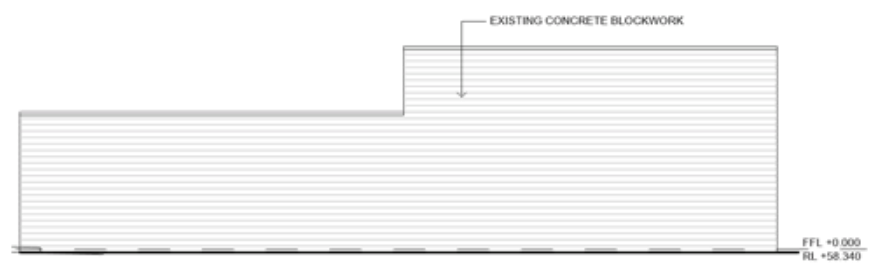
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WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

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C	DA ISSUE	30/08/17	NC

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A.S.N. 04 750 473 000
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principal
 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

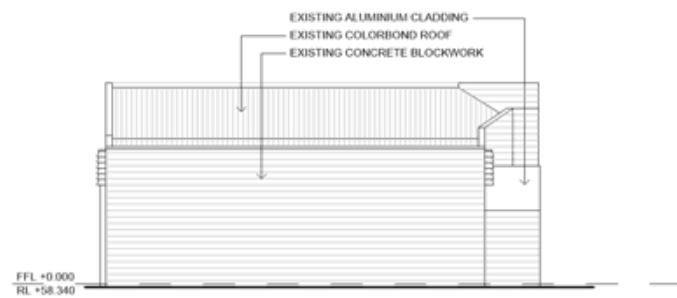
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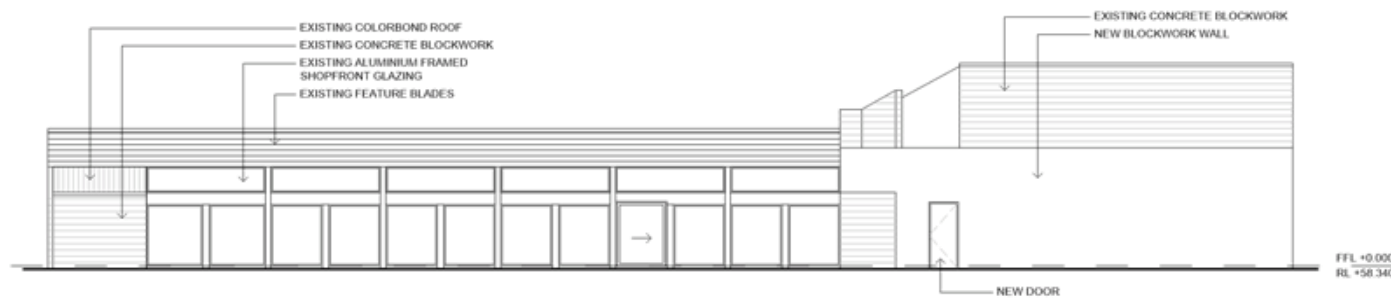




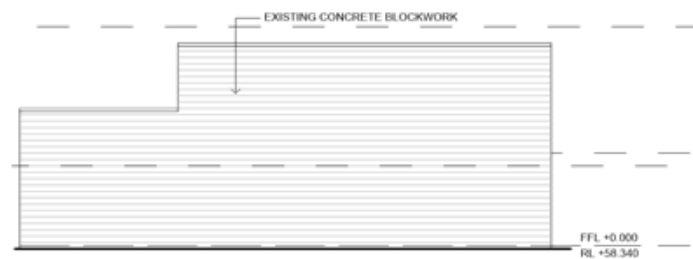
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

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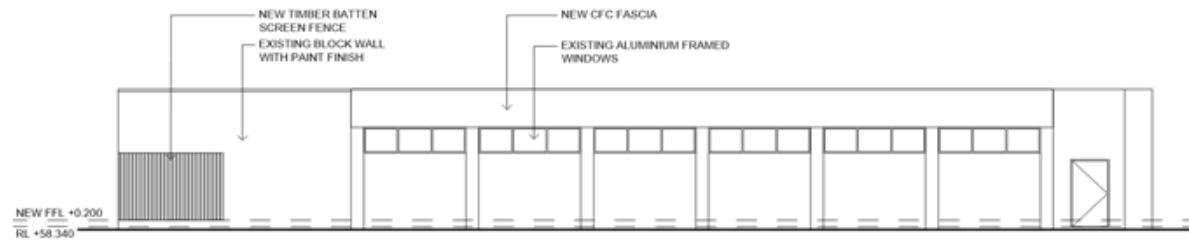
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 DAREBIN RSL CLUB

project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

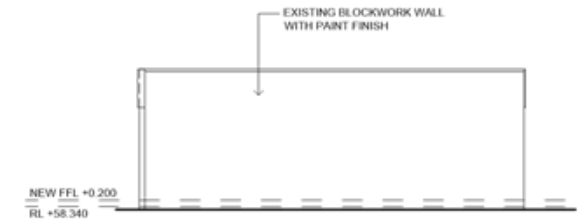
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 SPORTS BLD.- STAGE 1

scale drwg. no. amend.
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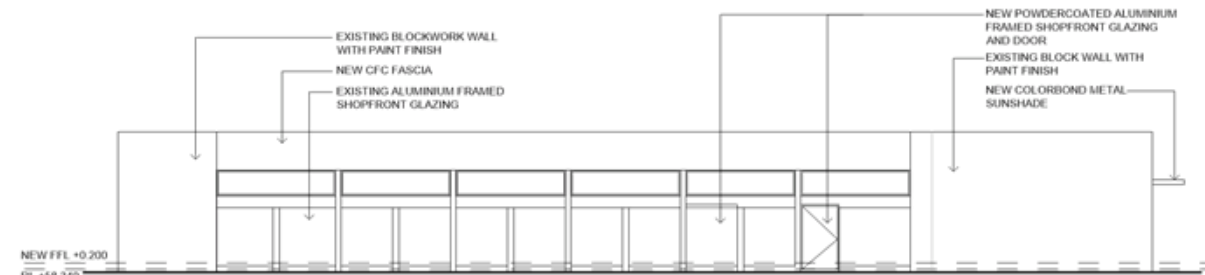




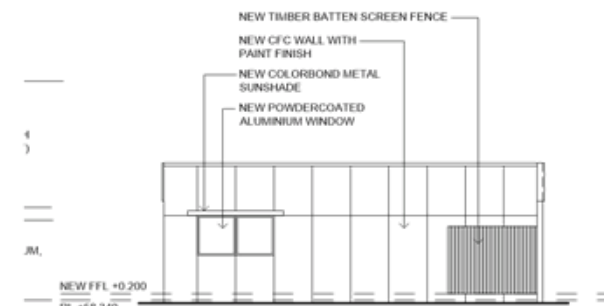
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

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B	DA ISSUE	23/06/17	NC
C	DA ISSUE	30/08/17	NC



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 NC NOV 2016 GS
 W.B.P., reference
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 Phone (03) 8682 9160

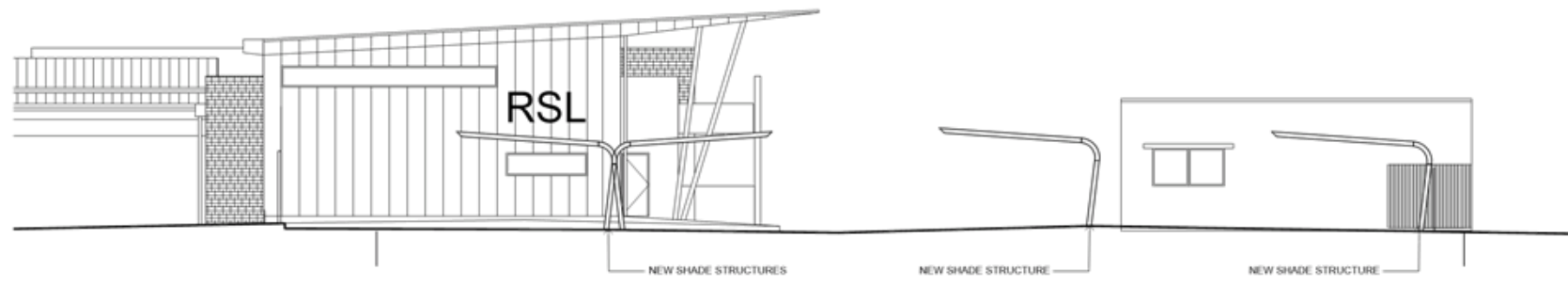
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project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

drwg. title
 PROPOSED ELEVATIONS
 SPORTS & STAFF BLD
 STAGE 3

scale | drwg. no. | amend.
 1:100 (A1) | 1640/DA/4.06 | C

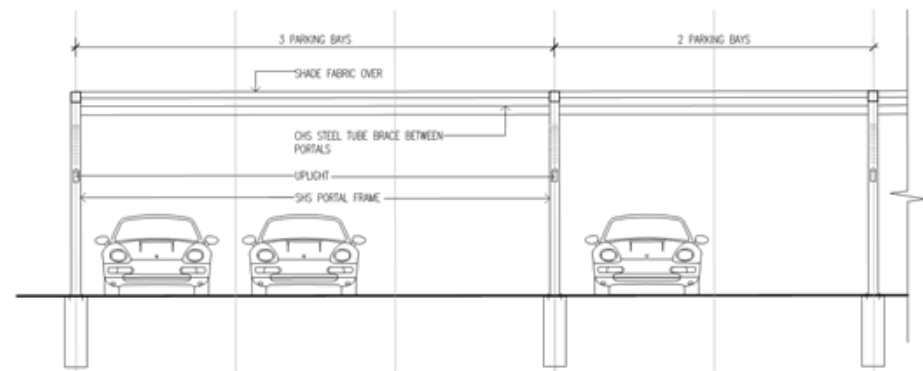




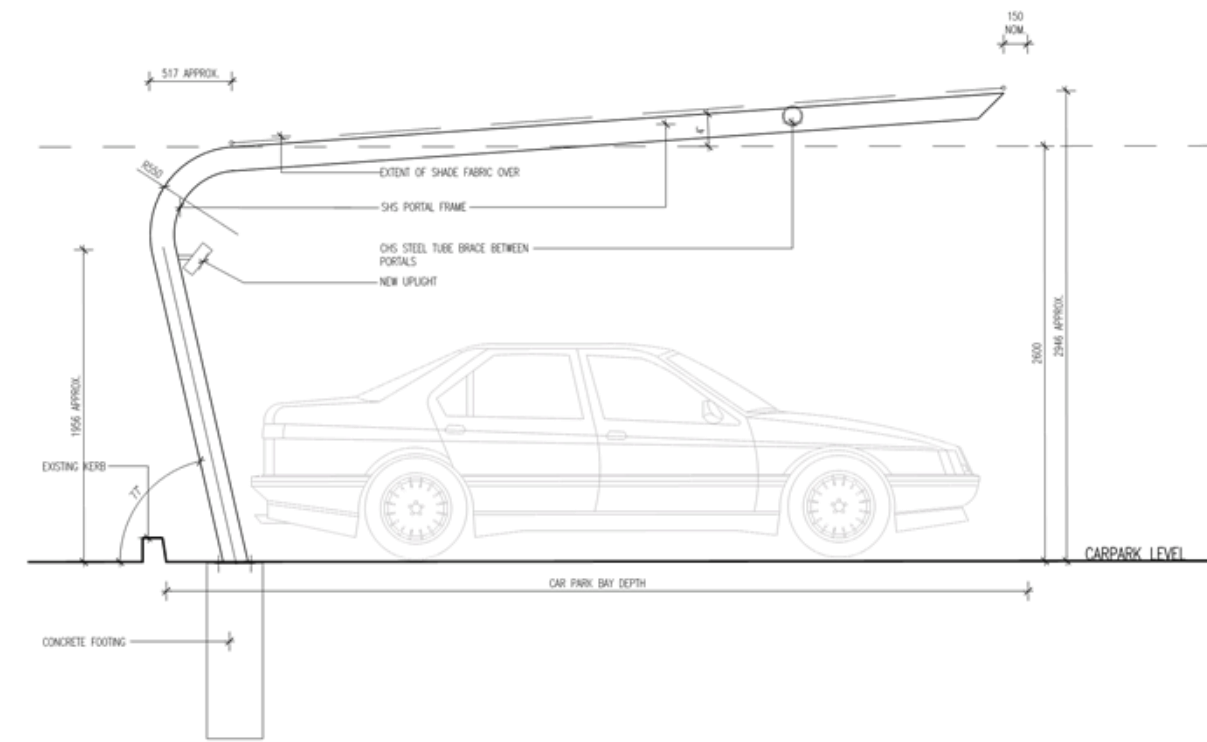
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ST GEORGES ROAD STREET VIEW SCALE 1:100



FRONT ELEVATION - TYPICAL SHELTER SCALE 1:50



SECTION - TYPICAL SHELTER SCALE 1:20

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 UNREGISTERED DOCUMENT
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 Date: 16 January 2018
 Document No: 2 of 10
 Page: 26 of 20

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3- SECTIONS
 4- ELEVATIONS
 5- CONSTRUCTION DETAILS
 6- JOINERY DETAILS

KEY PLAN

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A	DA ISSUE	16/08/17	NC
B	DA ISSUE	22/08/17	NC
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D	DA ISSUE	01/09/17	W

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 architects
 ARCHITECTURE & INTERIOR DESIGN

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 3032 4433 3032 4846
 3032 4433 3032 4846
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 SPRING HILL, QLD 4050

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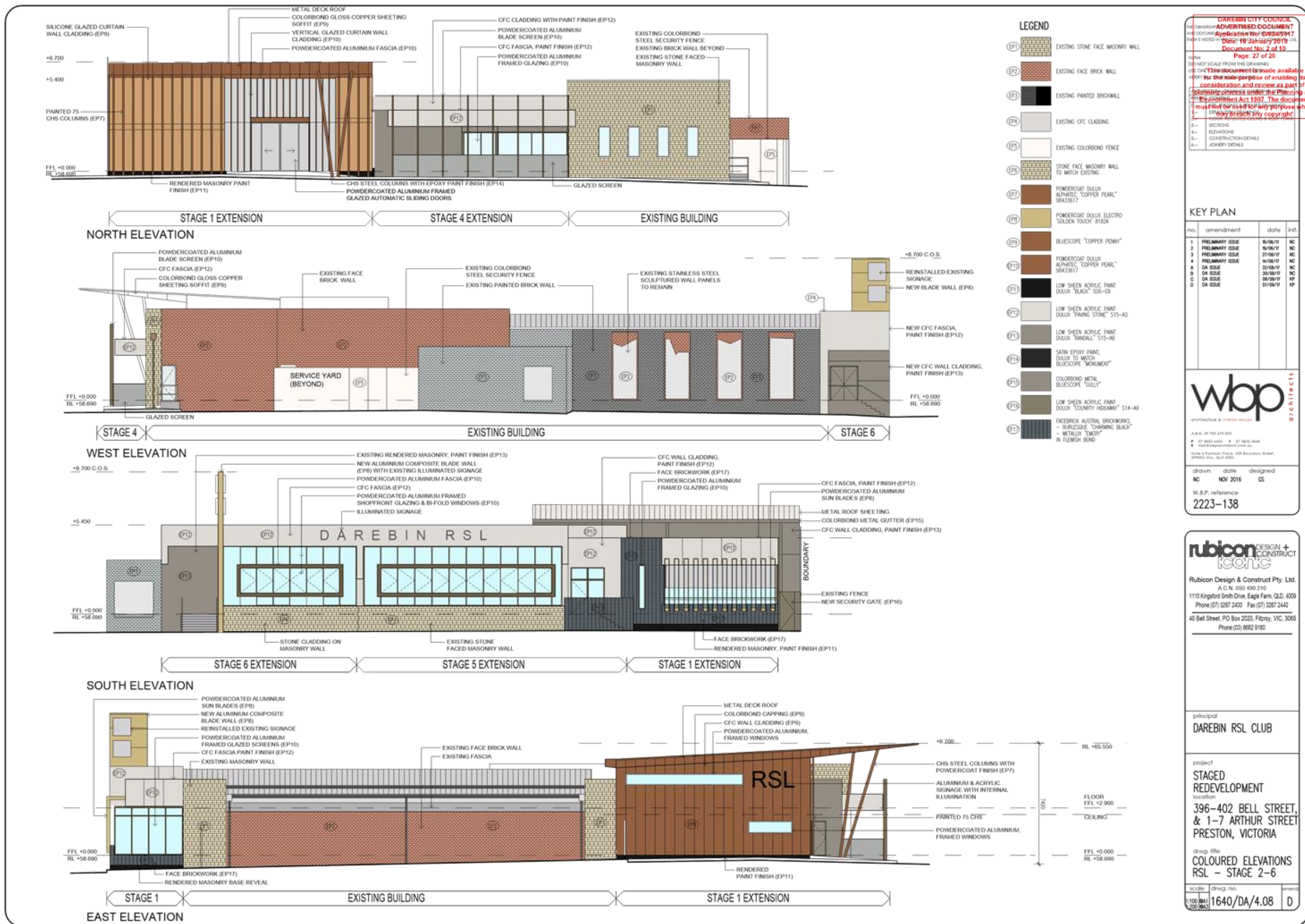
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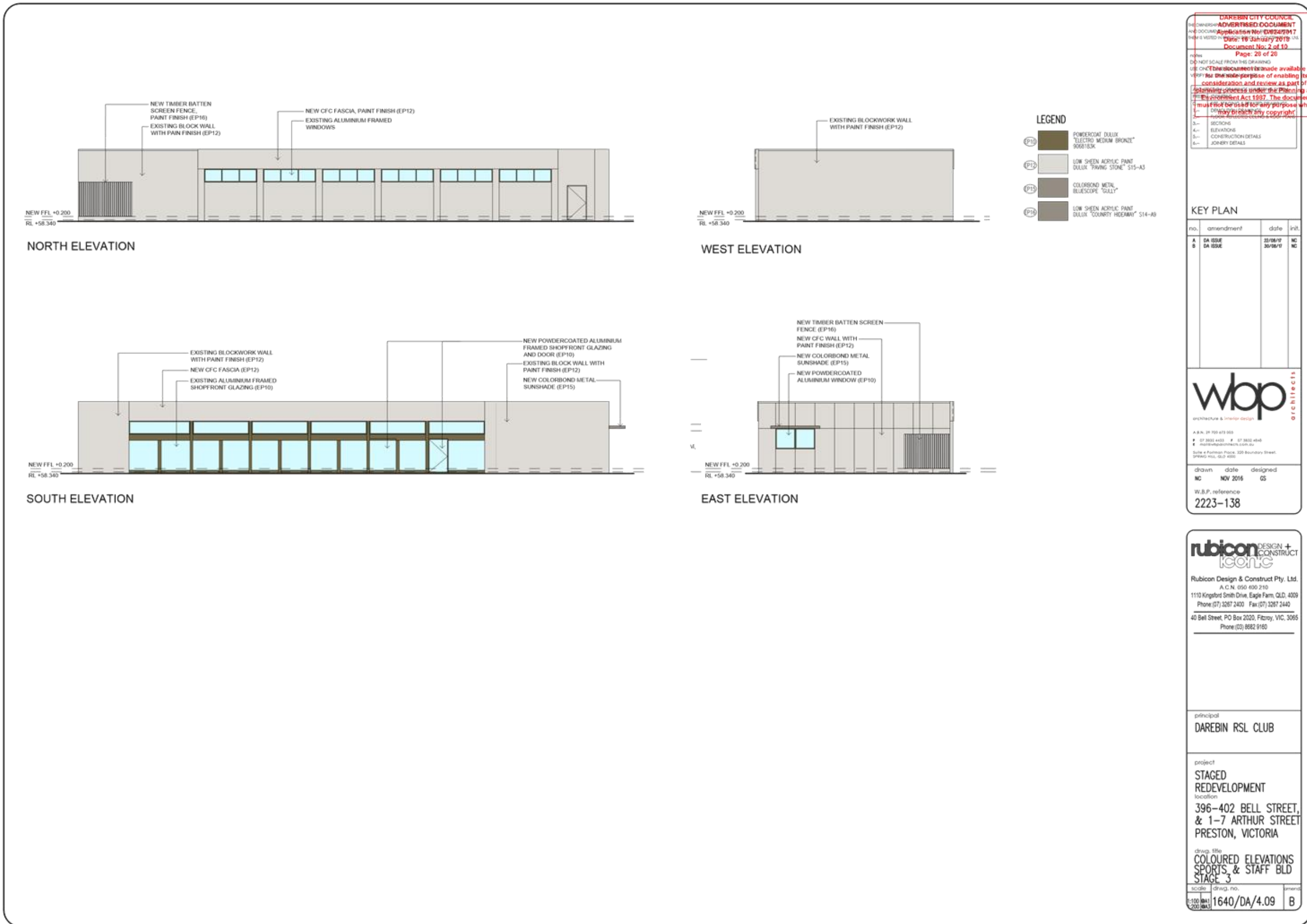
project
 STAGED REDEVELOPMENT
 location
 396-402 BELL STREET,
 & 1-7 ARTHUR STREET
 PRESTON, VICTORIA

drwg. title
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scale: drwg. no. amend.
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100mm
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 DRAWN SCALE





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

- Schedule of VCT Applications (**Appendix A**) [↓](#)

Delegate Decisions before VCAT

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/10/2016	D/803/2015	340 Plenty Road, Preston Cazaly	Development of eight (8) three (3) storey dwellings and a reduction to the visitor car parking requirement.	Refusal - Applicant appeal	Adjourned to administrative mention in April 2017
Result					
5/10/2016	D/30/2016	40 Showers Street, Preston Cazaly	Construct a seven storey development plus basement comprising 39 dwellings (12 x 1 bedrooms and 27 x 2 bedrooms) and 39 car spaces with associated storage units.	Refusal - Applicant appeal	Council's decision affirmed – No permit granted.
Result	The Tribunal was troubled by the lack of built form guidance relevant to properties in Showers Street when regard was had to the wording of DDO16. Nevertheless, the Tribunal considered that while 4 storeys may be able to be accommodated on the site, the design of the proposal did not respond to its context enough to be worthy of a permit.				
19/10/2016	D/423/2015	2 Leicester Street, Preston Cazaly	A medium density housing development comprised of the construction of a three (3) storey building accommodating eight (8) dwellings on land affected by the Special Building Overlay; a reduction in the car parking requirement; creation of access to a road in a Road Zone Category 1, as shown on the plans accompanying the application.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal did not provide written reasons.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/10/2016	D/1087/2015	12 Jackson Street, Northcote Rucker	Partial demolition and alterations and additions to an existing dwelling on land affected by a Heritage Overlay in accordance with the endorsed plans.	Notice of Decision – Objector Appeal	Not required as settled at an earlier Practice Day Hearing by consent.
Result					
28/10/2016	D/800/2015	68 St Vigeons Road, Reservoir	Construct a medium density housing development comprised of five (5) double storey dwellings; and Reduce the car parking requirements associated with the dwellings (1 visitor space)	Refusal - Applicant appeal	Council's decision set aside – Permit Granted
Result					
The Tribunal provided oral reasons, and only a summary of the reasons in writing. The Tribunal found that the amended plans in the proposal were worthy of support, and was satisfied Council's confined points of objection did not warrant refusing the application.					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/11/2016	D/10/2016	16-18 Clarendon Street, Thornbury Rucker	Construction of a three (3) storey apartment building and a waiver of visitor car parking	Refusal – Applicant Appeal	Council's Decision Affirmed – No Permit Granted
Result	Notwithstanding that the site enjoys the benefit of an existing planning permit that allows a 3 storey apartment building on the site, the Tribunal considered the design of the present proposal with reduced setbacks at upper levels (which the Tribunal considered unduly dominant, especially to properties to the south), a greater basement footprint (which limits landscaping opportunities) and insufficient justification for reduction of visitor parking, the Tribunal concluded the proposal was an overdevelopment and affirmed Council's refusal.				
16/11/2016	D/227/2016	150 Leamington Street, Reservoir La Trobe	A medium density housing development comprising three (3) double storey dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal did not accept Council's argument that the proposal did not contribute to the preferred character of the area – noting that the site was not located in an area of consistent open 'backyard-scapes'. What the Tribunal did consider relevant was amenity impacts resulting from the extensive upper levels of Unit 2 on the adjoining property's backyard. The Tribunal also noted the opportunity for landscaping along Unit 2's interface with adjoining property was limited – as a result it required Unit 2 to be further set back from the common boundary to allow room for landscaping. Otherwise, the Tribunal was satisfied the proposal was an acceptable response to neighbourhood character and had no unreasonable amenity impacts. While there was a slight shortfall in private open space when considered against the requirements of the General Residential Zone Schedule 1, the Tribunal did not consider this fatal to the proposal given the site's proximity to Edwardes Lake Park.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/12/2016 (Compulsory Conference)	D/444/2016	52-56 Clyde Street, Thornbury Rucker	20 Dwellings	Failure appeal (Council opposed the Application)	Council's Decision Set Aside – Permit Granted
Result	At the compulsory conference, the Permit Applicant was willing to make design changes to their proposal to address resident and Council concerns. As a result of these changes, the parties were able to reach agreement that a permit should issue.				
9/12/2016	D/889/2015	8 Doolan Street, Reservoir Cazaly	Medium density development comprising the construction of two (2) side by side dwellings	Refusal – Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal did not agree that the design detailing of the proposal (which was argued by Council to be unacceptable due to its 'busy' interwar inspired appearance) was unacceptable from a character point of view – rather that such a response provided articulation to the proposal. The Tribunal was also satisfied that appropriate landscaping could be provided notwithstanding the double crossover. In the absence of any unsatisfactory amenity impacts, the Tribunal set aside Council's decision and granted a permit.				
12/12/2016	D/942/2015	11 Edith Street, Preston Cazaly	Development of seven (7) three (3) storey buildings and a reduction to the visitor car parking requirement	Refusal – Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal was not persuaded that the proposal had unreasonable off site amenity impacts when regard was had to DDO16 which called for intensification in the area.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JANUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/01/2017	D/81/2016	207-209 Separation Street, Northcote Rucker	Construction of eight (8) dwellings and waiver of a visitor car space	Refusal - Applicant Appeal	Council's decision set aside – Permit Granted
Result	It was not in dispute that the site could accommodate some form of redevelopment, given proximate transport and services. The critical issues for the Tribunal was whether there was policy support for the 3 storey proposal, the fit of the design into the neighbourhood and off site amenity impacts. Subject to additional conditions requiring the deletion of one of the three storey dwellings and provision of visitor parking on site, together with conditions that go to root barrier protection and species selection (for trees next to adjoining properties), the Tribunal was comfortable a permit could issue.				
17/01/2017	D/402/2016	38-40 Gisbourne Crescent, Reservoir La Trobe	Construction of eight (8) dwellings	Refusal - Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	When regard was had to developments approved and constructed in the area, together with the incremental change policy applicable to the site, the Tribunal was satisfied the proposal was an acceptable response to preferred character. Together with some minor additional conditions, the Tribunal was satisfied there was acceptable compliance with Clause 55 and no unreasonable off site amenity impacts, so it directed the grant of a permit.				
31/01/2017	D/121/2016	90 David Street, Preston Cazaly	Construction of two double storey dwellings	Notice of Decision - Objector Appeal	Resolved by way of Consent Order – Hearing no longer required – Permit Granted
Result					
31/01/2017	D/168/2016	411 Murray Road, Preston Cazaly	Construct a medium density housing development comprised of two (2) triple storey dwellings and two (2) double storey dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal considered the proposal was consistent with broader state and local policy, it nevertheless considered the proposal an overdevelopment of the site when regard to neighbourhood character and the visual bulk of the proposal. In particular, the Tribunal noted the 3 rd storey elements provided an excessive transition between adjoining properties and rear open spaces. The Tribunal was also critical of the lack of landscaping proposed along the rear of the site. As such, it affirmed Council's refusal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/02/2017	D/271/2016	766 Plenty Road, Reservoir Cazaly	Development of three (3) three (3) storey dwellings	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	Notwithstanding the Council's concerns the application was a piecemeal application that would result in an underdevelopment of the site (when regard was had to its physical and planning context), the Tribunal did not agree with such concerns there was a 'policy disconnect'. It considered that the proposal presented an acceptable interface to the balance of the Plenty Road site, responding to the previous Tribunal decision's criticism of this interface.				
2/02/2017	D/167/2016	25 Kenilworth Street, Reservoir La Trobe	Development of eight (8) three (3) storey dwellings and one (1) two (2) storey dwelling and a reduction to the visitor car parking requirement	Refusal - Applicant Appeal	Council's Decision Affirmed – No permit granted
Result	The Tribunal considered the proposed part 1, 2 and 3 storey reverse living townhouses (and one single storey unit) too intense for the site's location on the periphery of the Reservoir Activity Centre. The Tribunal in particular considered the proposal too big, and would have a jarring visual impact on the surrounding area. The Tribunal also had concerns with the quality of the design, areas left for landscaping and internal amenity.				
3/03/2017	D/16/2016	6 Elliot Street, Reservoir La Trobe	Variation of restrictive covenant and construction of three (3) dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered that the permit applicant had not persuaded it that it had satisfied the very high legislative tests in the Act – namely, that no beneficiaries of the covenant would not suffer any detriment of any kind. In addition, the Tribunal had concerns about the extent of walls on boundary and built form in the back yard. As such, it affirmed Council's refusal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/02/2017	D/882/2015	10 Stymie Street, Kingsbury La Trobe	Construction of a medium density development comprising two (2) dwellings	Refusal - Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The parties were able to negotiate a consent order on the basis of amended plans, thus avoiding the need for a contested hearing.				
15/02/2017	D/1301/2015	55 Nisbett Street, Reservoir Cazaly	Construction of a medium density housing development comprising one (1) single storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Refusal - Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The parties were able to negotiate a consent order on the basis of amended plans, thus avoiding the need for a contested hearing.				
27/02/2017 (Compulsory Conference)	D/671/2016 Rucker	12 Hall Street, Fairfield	A medium density residential development comprising the construction of two (2) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The permit applicant was willing to make changes to address Council concerns, accordingly a permit was able to be granted by consent.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/03/2017 (Compulsory Conference)	D/509/2016	512 Gilbert Road, Preston Cazaly	Proposed medium density housing development comprising the construction of 4 double storey and 1 single storey dwellings and a waiver of the visitor car space	Refusal – Applicant appeal	Council’s decision set aside (by consent) – Permit Granted
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.				
15/03/2017	D/959/2015	7 Separation Street, Fairfield Rucker	Medium density development comprising the construction of four (4) double storey dwellings	Refusal – Applicant appeal	Council’s decision affirmed – No permit granted.
Result	While the Tribunal considered the location and zoning of the land could support some form of development, it was the execution of same that fell short. In particular, the Tribunal considered the extent of attached double storey built form, together with driveway paving and minimal opportunities for landscaping were found to be unacceptable by the Tribunal.				
28/03/2017	D/1096/2015	113 Cheddar Road, Reservoir La Trobe	Proposed medium density development comprising the construction of four (4) double storey dwellings on a lot affected by the special building overlay	Refusal – Applicant appeal	Council’s decision affirmed – No Permit granted.
Result	The Tribunal was satisfied that the development of the site with four reverse living dwellings was supported by state and local policy. It also considered the proposal was an acceptable response against neighbourhood character. Where the proposal fell short was internal amenity due to the extent of screening required at first floor to prevent overlooking. As such, the Tribunal affirmed Council’s refusal.				
30/03/2017 (Compulsory Conference)	D/245/2015	3 Tharratt Street, Thornbury Rucker	Medium density development comprising the construction of six (6) dwellings within a two storey building and basement	Notice of Decision – Objector Appeal and Conditions Appeal	Council’s decision varied – Permit Granted
Result	The Permit Applicant was willing to make changes to address Council and resident concerns. As such, the parties were in agreement that a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2017 (Administrative Mention)	D/803/2015	340 Plenty Road, Preston Cazaly	Development of eight (8) three (3) storey dwellings and a reduction to the visitor car parking requirement.	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result 2 June 2017	The Tribunal advised the parties were in agreement as to the proposal. Final orders to come. On 2 June 2017 the Tribunal made consent orders giving effect to the agreement reached between the parties.				
26/04/2017	D/506/2016	102 Yarralea Street, Alphington Rucker	Display of two (2) business identification signs	Refusal – Applicant appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal did not consider the site sat within a 'pristine residential area', it nevertheless considered its context was still primarily a residential one. When the Tribunal considered the prominence of the signage proposed, it considered the signage would result in a visual dominance that overwhelms the site and its surrounds.				
26/04/2017	D/486/2016	25 Clifton Grove, Preston Cazaly	Development of seven (7) dwellings within a Special Building Overlay and reduction in one (1) resident car space and waiver of one (1) visitor car space	Failure Appeal – To Oppose (Subsequently resolved to support)	Council's Decision Set Aside – Permit Granted
Result	The Permit Applicant lodged amended plans which addressed Council and resident concerns, therefore the parties were in a consent position by the time of the hearing.				

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/05/2017	D/696/2016	18 View Street, Reservoir La Trobe	A medium density development comprising the construction of four (4) double storey dwellings	Notice of Decision - Objector appeal	Council's Decision Affirmed – Permit Granted
Result	The Tribunal was satisfied that the proposal was consistent with preferred and existing character of the area, as well as having no unreasonable off site amenity impacts.				
3/05/2017 Compulsory Conference	D/818/2016	156 Rossmoyne Street, Thornbury Rucker	Construct two (2) double storey (plus basement level) dwellings on the lot	Refusal - Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	The Permit Applicant was willing to make changes to address Council and resident concerns, therefore the parties were in agreement that a permit could issue.				
3/05/2017 Administrative Mention	D/195/2003/C	36-46 Wingrove Street, Alphington Rucker	Amend the endorsed plans attached to planning permit D/195/2003 to alter the car parking layout	Notice of Decision - Objector Appeal	Council's Decision Set Aside – No Permit Granted
Result	The Permit Applicant determined not to proceed with their application to amend the permit – accordingly, VCAT set Council's decision aside. VCAT specifically noted it made no finding on the merits of the application.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/05/2017	D/368/2016	8 St Duthus Street, Preston Cazaly	A medium density development comprising the construction of a double storey dwelling to the rear of the existing dwelling	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal only gave oral reasons for setting Council's decision aside.				
5/05/2017	D/367/2016	10 Seston Street, Reservoir Cazaly	Construction of a medium density housing development comprising eight (8) dwellings and a waiver of visitor parking	Refusal – Applicant Appeal	Council's Decision Affirmed – No permit granted
Result	The critical failing of the proposal was the subject site being too small for the scale of development proposed, and the associated inability of the site to implement the preferred Garden Apartment typology as sought by Council. As a result of the site being too small, the Tribunal in turn had issues in respect of the level of internal amenity to be received on site and the poor presence to the street of a number of dwellings who take their sense of address from a narrow pathway with poor visibility.				
8/05/2017	D/127/2016	31 Best Street, Reservoir La Trobe	Proposed two (2) lot subdivision and construction of two (2) new dwellings	Refusal – Applicant Appeal	Council's decision Affirmed – No permit granted
Result	While the Tribunal considered the site could support multi dwelling development, it considered the critical failing in this instance was its lack of site responsiveness. In particular, while the site had a 2 metre slope from front to rear, the dwellings adopted a relatively continuous floor level with only 2 steps difference between front and rear. The effect of this leaves a continuous and imposing form on the neighbourhood and adjoining properties. The Tribunal was also concerned about impacts upon a street tree as a result of a proposed crossover.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/05/2017	D/127/2016	21 Cuthbert Road, Reservoir La Trobe	Construct a medium density housing development comprised of four (4) double storey dwellings	Refusal – Applicant Appeal	Interim Decision Council's Decision set aside – Permit granted
Result	The Tribunal was not supportive of the height and massing of the 4 dwelling development through the site, nor its reduced front setback. As such, it issued an interim decision inviting the permit applicant to prepare amended plans for three 2 storey townhouses. Such plans have been received by Council for comment. Amended plans were then circulated which addressed the Tribunal's concerns.				
15/05/2017	D/453/2016	731 High Street, Preston Cazaly	Retrospective application to convert a garage to a dwelling	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal affirmed Council's refusal firstly because of the poor internal amenity outcomes that the dwelling would provide. In particular, the Tribunal was concerned with the private open space to the dwelling, solar access to be received by private open space, lack of windows (or south facing highlight windows), small bedroom sizes and lack of sense of identity. As to car parking, the Tribunal considered the arrangements proposed poorly conceived and indicative of the proposal seeking too much from the site.				
19/05/2017	D/371/2016	28 Erskine Avenue, Reservoir La Trobe	A medium density housing development comprised of the construction of two (2) double storey dwellings to the rear of an existing dwelling providing two (2) bedroom accommodation	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal was satisfied that the proposed design was an acceptable response to an area with already an inconsistent character, and that further aspects of the design responded to Council's preferred character.				
31/05/2017	D/1103/2015	242 Gooch Street, Thornbury Rucker	Construct a medium density development comprising of three (3) double storey dwellings	Refusal - Applicant Appeal	Council's Decision Affirmed – No permit granted
Result	The Tribunal did not consider that the proposal generated any unreasonable off site amenity impacts; where it considered the proposal fell short was its very contemporary design not respecting the existing architecture in the neighbourhood.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/06/2017 (Compulsory Conference)	D/75/2011	161-187 & 195 High Street, Preston Cazaly	Seven storey mixed use apartment building	Section 87A Application – Position taken to Oppose	Hearing Confirmed
Result	The matter did not settle and accordingly the Tribunal has confirmed the hearing date of this matter.				
1/06/2017	D/418/2016	18 Crispe Street, Reservoir Cazaly	A medium density housing development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal disagreed with Council's ResCode argument that notwithstanding a numerical standard is being met, the associated objective isn't necessarily also met. As such, the Tribunal formed the view the proposal was an acceptable response to ResCode as well as the preferred neighbourhood character for the area.				
13/06/2017 (Compulsory Conference)	D/173/2011	1091 Plenty Road, Bundoora La Trobe	Alterations to approved development	Section 87A Application	Hearing Confirmed
Result	The matter did not settle and accordingly the Tribunal has confirmed the hearing date of this matter.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/06/2017	D/184/2014/B	112 Collins Street, Thornbury Rucker	Amend the permit which allows "a medium density housing development comprised of two (2) attached double storey dwellings".	Failure Appeal	Council's decision set aside – Amended permit granted
Result	The main issue in dispute in this matter was the location of a car parking space in the front setback, together with some changed side setbacks. The Tribunal considered that the retention of the existing crossover servicing the site would not be out of step with the existing character of the street and would result in an appropriate streetscape outcome. The Tribunal was neither troubled by the changed side setbacks. In granting an approval however, it included a condition requiring no structures over the car parking space in the front setback.				
27/06/2017	D/195/2003/C	36-46 Wingrove Street, Alphington Rucker	Amend the endorsed plans attached to planning permit D/195/2003 to alter the car parking layout	Notice of Decision – Objector Appeal	Not required – Permit Applicant no longer wished to pursue their application
Result					
27/06/2017	D/787/2016	206 Dundas Street, Thornbury Rucker	Development of five (5) double storey dwellings and reduction to the visitor car parking requirement	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	Notwithstanding the design response which was contrary to some of Council's neighbourhood character guidelines, the site's location opposite an industrial estate meant there was more context to draw a contemporary design response from as opposed to more purely residential areas elsewhere in Darebin. Subject conditions requiring additional windows and screening, the Tribunal was satisfied the proposal was acceptable.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/07/2017 (Compulsory Conference)	D/553/2016	112 Dundas Street, Thornbury Rucker	Construction of a medium density development consisting of five (5) dwellings and a reduction in the number of visitor car parking spaces associated with five (5) dwellings	Delegate – Conditions Appeal	Council's Decision 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 in a position that the Tribunal could direct the grant of a permit.				
17/07/2017	D/75/2011	161-187 & 195 High Street, Preston Cazaly	Amend the existing permit to add an additional storey and re-arrangement of the proposed building	S87A Application to VCAT to amend Permit – Council's position is to oppose	Application allowed – Permit amended
Result	Notwithstanding the introduction of a mandatory height control on the site, the Tribunal considered the Permit was capable of being amended due to it having 'accrued rights' as per the <i>Interpretation of Legislation Act</i> .				
18/07/2017	N/A	731 High Street, Preston Cazaly	Planning enforcement proceedings due to owner not building in accordance with planning permit	Application for Enforcement Orders	Enforcement Order Allowed
Result	The Owner and Respondent did not contest the matter.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/07/2017	D/807/2016	4 Tambo Avenue, Reservoir La Trobe	Development of the land with three (3) double storey and one (1) single storey dwellings	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered the critical failing of the proposal was its response to neighbourhood character – in particular while the Tribunal did not take issue with double storey form per se; it was its inappropriate massing, lack of articulation and limited areas set aside for landscaping that were critical failings of the proposal.				
19/07/2017	D/496/2016	56 Harrow Street, Preston Cazaly	A medium density housing development comprising the construction of four (4) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The Permit Applicant was willing to make changes to address concerns at a compulsory conference – accordingly the parties were in agreement a permit could issue.				
21/07/2017	D/496/2016	93 Mansfield Street, Thornbury Rucker	Construction of a medium density development comprising two (2) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The Permit Applicant was willing to make changes to address Council concerns, accordingly the parties were in agreement that a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/07/2017 (Compulsory Conference)	D/144/2017	47 Showers Street, Preston Cazaly	Development of seven (7) three (3) storey dwellings and a reduction to the car parking requirement	Refusal - Applicant Appeal	Hearing Confirmed – Matter did not settle
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/08/2017	D/433/2016	8 Johnson Street, Northcote Rucker	Construction of a three (3) storey (including partial basement) building consisting of eight (8) dwellings	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered the critical failing of the proposal was its response to neighbourhood character – in particular, the Tribunal considered that the first floor of the proposal was insufficiently set back from its ground floor, that, together with its unashamedly contemporary architecture, meant it would overwhelm adjoining Victorian dwellings.				
9/08/2017	D/572/2016	88 Victoria Road, Northcote Rucker	Development of the land with five (5) double storey attached dwellings and a reduction in the standard car parking requirement	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the proposal was an acceptable response to state and local policy, as well making a suitable contribution to the site's neighbourhood character.				
11/08/2017	D/431/2009/C	692 High Street, Thornbury Rucker	Amend the permit and plans to provide an additional storey and dwelling with a further reduction of car parking	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	While approval of the proposal resulted in the loss of communal open space for the rest of the building, the Tribunal was nevertheless satisfied with the proposal. In terms of height, the existing building was already in excess of the 5 storey preferred height limit applicable to the subject site and the proposed design (which was not to change existing conditions greatly) was considered acceptable in its context.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/08/2017 (Compulsory Conference)	D/862/2016	500 Plenty Road, Preston Cazaly	Construction of five dwellings and a reduction in the car parking requirement (visitor parking)	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The applicant circulated amended plans upon which Council was able to enter into consent orders.				
21/08/2017	D/913/2016	186 Gillies Street, Fairfield Rucker	A medium density development comprised of the construction of two (2) double storey side by side dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
Result	The permit applicant was willing to make changes to address Council concerns, accordingly the parties were in a position a permit could issue by consent.				
24/08/2017	D/193/2016	713-721 Gilbert Road, Reservoir Cazaly	Medium density development comprising the construction of seven (7) double storey dwellings	Refusal – Applicant Appeal	Interim Decision
Result	The Tribunal had concerns that the proposal was 'tight' – and as such gave the permit applicant an opportunity to respond to a number of identified concerns. Amended plans have been circulated for comment.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
25/08/2017	D/553/2016	112 Dundas Street, Thornbury Rucker	Construction of a medium density development consisting of five (5) dwellings and a reduction in the number of visitor car spaces associated with five (5) dwellings	Conditions Appeal	Matter settled by consent – Hearing not required
Result	The parties were able to successfully negotiate a consent outcome meaning a hearing was not required.				
31/08/2017	D/1084/2016	189 Rathmines Street, Fairfield Rucker	Construction of five double storey dwellings and waiver of the required one visitor car space	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal acknowledged there were traffic issues in the area, it did not consider this sufficient to warrant refusal of this application. Nor was the Tribunal troubled by the proposal's response to neighbourhood character and reverse living typology. What the Tribunal's fatal concern with the proposal was its visual bulk impacts on its adjoining neighbour to the north.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

SEPTEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/09/2017	D/702/2016	39 High Street, Preston Cazaly	Buildings and works for the construction of a flue and a reduction in car parking associated with the use of the site as a restaurant	Refusal – Applicant Appeal	Adjourned to March 2018
Result					
5/09/2017	D/773/2016	286 Station Street, Fairfield Rucker	Medium density development comprising the construction of four (4) double storey dwellings and to alter access to a road in a Road Zone Category 1	Refusal – Applicant Appeal	Council’s decision affirmed – No permit granted
Result	While the Tribunal was not troubled by the contemporary design of the proposal, the critical failings identifies was insufficient areas available for landscaping (to soften the proposed development) as well as visual bulk impacts on adjoining properties. Finally, the Tribunal was troubled by the internal amenity of two dwellings’ private open space which were to be in the form of a fully screened balcony.				
5/09/2017	D/493/2016	73 Boldrewood Parade, Reservoir La Trobe	Proposed construction of four (4) double storey dwellings and alteration to access to a Road Zone Category 1	Failure Appeal – Subsequent position of opposition taken	Council’s decision set aside – Permit granted
Result	The applicant lodged amended plans which addressed Council’s concerns with the proposal. As there was an objector party, the hearing was still required, nevertheless the Tribunal determined it was appropriate to grant a permit.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

SEPTEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/09/2017	D/439/2016	72-74 Clyde Street, Thornbury Rucker	Medium density housing development comprising the construction of seven (7) two storey dwellings, on land covered by a Special Building Overlay	Failure Appeal – Subsequently purported to refuse	Council's decision set aside – Permit granted
Result	The Tribunal gave oral reasons why the grant of a permit was acceptable.				
6/09/2017	D824/2016	31 Ross Street, Northcote Rucker	Demolition of the existing dwelling and construction of a double storey dwelling on land affected by a Heritage Overlay	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	Subject to some minor additional conditions requiring an increased setback in one corner of the building and a materials schedule, the Tribunal was satisfied the non contributory original dwelling could be removed and the new dwelling constructed.				
7/09/2017	D/978/2012/A	138 Darebin Road, Northcote Rucker	Amendment to endorsed plans	Section 87A Application	Request allowed - Permit Amended
Result	The application arose as a result of the inability of the developer to complete landscaping in accordance with the originally endorsed plans. This was due to them developing the basement to the title boundary (according to them). The Tribunal amended the Permit however also required the Applicant to provide a survey plan to make good on their allegation the basement was constructed to the boundary.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

SEPTEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/09/2017 (Compulsory Conference)	D/992/2016	98 Albert Street, Preston Cazaly	Medium density housing development comprising the construction of seven (7) dwellings (two (2) double storey and five (5) triple storey) and alteration of access to a Road Zone - Category 1	Refusal – Applicant Appeal	Agreement Reached – Notice to be Given of Amended Plans
Result	The Permit applicant was willing to make changes to address Council concerns through amended plans. As the proposal has changed its form, the Tribunal has directed that notice go to objector parties prior to finalising its decision.				
13/09/2017	D/1099/2015	60 Station Street, Fairfield Rucker	Proposed medium density development comprising the construction of four units within a three storey building and alterations to access to a road in a Road Zone Category 1	Conditions Appeal	Withdrawn by the Permit Applicant – no hearing required
Result					
14/09/2017	D/144/2017	47 Showers Street, Preston Cazaly	Development of seven (7) three (3) storey dwellings and a reduction to the car parking requirement	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal had to consider competing interests of residential growth (as identified in the planning scheme) viz a viz realistic constraints applicable to the site. Ultimately, it concluded a three storey, well modulated building would be appropriate for the site sitting between larger buildings towards St Georges Road, and smaller buildings towards the residential hinterland.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

SEPTEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/09/2017	D/731/2016	231 Station Street, Fairfield Rucker	Proposed medium density development comprising the construction of four three- and one double-storey dwellings on land adjacent to a road in a Road Zone	Refusal – Applicant Appeal	Council's Decision Affirmed – No permit granted
Result	The Tribunal considered that the proposal was an outright overdevelopment and would be a poor planning outcome, even notwithstanding its main road environment.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/10/2017	D/913/2016	186 Gillies Street, Fairfield Rucker	A medium density development comprised of the construction of two (2) double storey side by side dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside (by consent) – Permit granted
Result	Following extensive negotiations with the permit applicant (which resulted in numerous plan revisions), the parties were finally in a position to have Council's original refusal set aside by consent.				
9/10/2017	D/992/2016	98 Albert Street, Preston Cazaly	Medium density housing development comprising the construction of seven (7) dwellings (two (2) double storey and five (5) triple storey) and alteration of access to a Road Zone - Category 1	Refusal – Applicant Appeal	Council's Decision Set Aside (by consent) – Permit granted
Result	[See 7 October Compulsory Conference Comments First] Subsequent to notice, no new parties sought to join the proceedings. Accordingly, a permit was able to issue by consent.				
9/10/2017	D/133/2017	27 Murphy Grove, Preston Cazaly	Construction of a medium density development consisting of eight (8) double storey dwellings and basement carpark and a reduction in the carparking requirement	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	Notwithstanding this was a repeat appeal where a previous proposal had been refused, the current Tribunal could not give much weight to that decision as the reasons provided by that Tribunal were inadequate. Accordingly, the Tribunal considered the merits of the present proposal and was satisfied, subject to additional conditions, grant a permit.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/10/2017	D/566/2016	345-349 Bell Street, Preston	A six (6) storey building comprising 30 apartments, two (2) commercial tenancies and a reduction to the car parking requirement	Failure Appeal – Subsequently taken position of Opposition	VCAT Decision Pending
Result					
23/10/2017	D/992/2016	98 Albert Street, Preston	Medium density housing development comprising the construction of seven (7) dwellings (two (2) double storey and five (5) triple storey) and alteration of access to a Road Zone - Category 1	Refusal – Applicant Appeal	No longer required – Settled at Compulsory Conference
Result					
31/10/2017	D/800/2015	68 St Vigeons Road, Reservoir	Construct a medium density housing development comprised of five (5) double storey dwellings and reduce the car parking requirements associated with the dwellings (1 visitor space)	Section 87A Application	Request Allowed – Permit Amended
Result	Written reasons have been requested from the Tribunal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/11/2017 (Compulsory Conference)	D/201/2017	771-777 Gilbert Road, Reservoir La Trobe	Development of a three storey building comprising 15 apartments, two (2) food and drink premises, a medical centre and a reduction to the car parking requirement	Refusal – Applicant Appeal	No agreement
Result					
23/11/2017	D/331/2011	28 Gellibrand Crescent, Reservoir La Trobe	Amend permit D/331/2011 for a medium density housing development comprising the construction of a double storey dwelling to the rear of the existing dwelling	Refusal – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The Tribunal considered that the area of the site and surrounds was of open, landscaped front gardens. The changes proposed in the amendment (introduction of vehicle hard stand) were found to be contrary to this identified character. The Tribunal was also not satisfied about the reduction of one car space given the proposal required two.				
23/11/2017	D/189/2017	38 Compton Street, Reservoir La Trobe	A medium density housing development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	Decision Pending
Result	The Tribunal considered that while 3 townhouses per se was not controversial, the design of these townhouses the Tribunal considered was "too muscular", and had unacceptable impacts on neighbourhood character and the amenity of nearby properties.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/12/2017	D/167/2017	4 Delaware Street, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the proposal an acceptable response to neighbourhood character with no unreasonable amenity impacts on adjoining properties.				
1/12/2017	D/188/2017	12 Delaware Street, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	While the Tribunal considered the proposal an acceptable response to neighbourhood character, it did have concerns with the siting of the first floor to dwelling 4 given the open back yards it adjoined. In granting a permit, the Tribunal required the deletion of the first floor to dwelling 4.				
12/12/2017	D/1082/2016	7 Broughton Avenue, Reservoir Cazaly	Proposed medium density housing development comprising the construction of three double storey dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal considered the proposal an acceptable response in terms of neighbourhood character, the proposal's poor internal amenity and off site amenity impacts were fatal to the proposal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/12/2017	D/1078/2016	30 Pearl Street, Northcote Rucker	Construct a medium density housing development comprised of five (5) three (3) storey dwellings, reduce the car parking requirements	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	While the Tribunal acknowledged some of the built form had little setback off Pearl and Roberts Street, it considered the design of the proposal successfully transitioned it into the emerging character of the area, which includes 3 storey buildings approved in proximity to the site.				
13/12/2017	D/19/2017	10 Lookout Rise, Macleod La Trobe	The use of the land for the purpose of a home occupation (cake decorating) allowing up to two (2) employees not residing in the dwelling to work in the home occupation	Notice of Decision / Failure Appeal ***	Council's decision varied – Permit granted
Result	The Tribunal considered the proposal acceptable as did Council, the main issue being discussion of conditions.				
14/12/2017	D/829/2016	48 Harrow Street, Preston Cazaly	Construct a medium density development comprising six (6) double storey dwellings and a reduction of the standard car parking requirement (1 visitor space)	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal did not provide detailed written reasons, however it granted the permit on the basis of agreed further changes to the amended plans which addressed significantly Council's concerns.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/12/2017 – Practice Day Hearing Only	D/453/2017	779-785 Heidelberg Road, Alphington	Use and development of the land for the purpose of a nine (9) storey (plus four (4) basement levels) mixed use development comprised of a Food and Drink premises at Ground Floor and 39 dwellings above; use and development within a Public Acquisition Overlay (PAO1)	Alleged Failure Appeal	Application is premature and ought to be struck out as it is misconceived
Result					
Result					
20/12/2017	D/897/2016	74 Arundel Avenue, Reservoir La Trobe	Construction of a medium density housing development comprising the construction of two (2) double storey dwellings to the rear of the existing dwelling	Conditions Appeal	Council's decision varied – Permit granted
Result	The Tribunal deleted the condition under review (which sought a greater setback from a boundary of 3m) however it considered a new condition was required that partially picked up on the intent of Council's condition restricting adverse amenity impacts – as such it required a 2m setback.				
20/12/2017	D/990/2016	128 McMahon Road, Reservoir La Trobe	A medium density housing development comprising the construction of three (3) double storey dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
Result	Notwithstanding the unashamedly contemporary design of the proposal, the Tribunal considered this acceptable given the area of McMahon Street the proposal was located in was already undergoing change. What was fatal to the proposal was its off site amenity impacts by way of overshadowing on constrained, sensitive interfaces on 3 sides to the subject site. All in all, it was not considered a site sensitive response.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JANUARY 2018					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
12/01/2018	D/133/2016	57 Arthurton Road, Northcote Rucker	A medium density development comprised of the construction of two (2) double storey dwellings on land affected by a Heritage Overlay and Special Building Overlay	Conditions appeal	
Result					
15/01/2018	D/176/2017	69A Collins Street, Thornbury Rucker	Construction of a new dwelling to the rear of the existing dwelling	Notice of Decision – Objector appeal	
Result					
16/01/2018	D/201/2017	771-777 Gilbert Road, Reservoir La Trobe	Development of a three storey building comprising 15 apartments, two (2) food and drink premises, a medical centre and a reduction to the car parking requirement	Refusal – Applicant appeal	
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JANUARY 2018					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/01/2018	D/1047/2016	22 Derby Street, Northcote Rucker	Construction of a medium density housing development comprising the construction of one (1) double storey dwelling to the rear of the existing dwelling and a reduction in the statutory car parking requirement	Section 149A Declaration Application and Applicant appeal against refusal	
Result					
29/01/2018	D/452/2016	102 Albert Street, Preston Cazaly	Proposed construction of seven (7) dwellings, alterations to existing crossover and waiver of visitor car parking	Refusal – Applicant appeal	
Result					
30/01/2018	D/140/2017	152 Grange Road, Alphington Rucker	Construction of a medium density housing development comprising (5) dwellings and a reduction in the statutory car parking requirement associated with visitor car parking and alteration of access to a Road Zone Category 1	Refusal – Applicant appeal	
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2018					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/02/2018	VS/22/2017	20 Broomfield Avenue, Alphington Rucker	A front fence and crossover	Refusal – Applicant appeal	
Result					
7/02/2018	D/46/2017	8 Morgan Street, Preston Cazaly	Construction of one (1) double storey dwelling to the rear of existing dwelling	Refusal – Applicant appeal	
Result					
9/02/2018	D/433/2007	7 Elizabeth Street, Northcote Rucker	Extension of Time 96/2017	Refusal – Applicant appeal	
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2018					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/02/2018	D/16/2017	1/97 Regent Street, Preston Cazaly	Construction of an extension to an existing dwelling (outbuilding) on a lot less than 300 square metre	Refusal - Applicant Appeal	
Result					
19/02/2018	D/416/2017	250 Clarke Street, Northcote Rucker	Single storey extension to the rear of the existing dwelling	Notice of Decision - Objector Appeal	
Result					
26/02/2018	D/655/2011	4B Showers Street, Preston Cazaly	To demolish a house within a heritage overlay and construct two dwellings on a lot	Refusal - Applicant Appeal	
Result					
26/02/2018	D/238/2017	15 Gourock Street, Reservoir La Trobe	Construct a medium density development comprising three dwellings	Refusal - Applicant Appeal	
Result					

Planning Committee Decisions before VCAT

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/10/2016	D/655/2015	3 Gillies Street, Fairfield Rucker	Development of a 3 storey building comprising 9 dwellings and a reduction to the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit granted.
Result	This matter was a repeat appeal – with Council previously having a refusal affirmed in <i>Tsakmakis v Darebin CC</i> [2015] VCAT 462. Accordingly, the permit applicant sought to respond to the concerns raised by the Tribunal in the previous decision. The Tribunal considered that the present proposal was a better response to its northern neighbour (which was the critical failing of the previous proposal) in terms of amenity impact, however from a character point of view, the 3 rd level in this proposal actually came closer to the street than the previous proposal. The Tribunal considered that the third level needed to be made more recessive to be an acceptable character outcome to Gillies Street – as such it included a permit condition requiring this third level to be further set back from the street with no changes to any other setback. Otherwise, the Tribunal was satisfied that the design response adequately addressed amenity impacts to the site's northern neighbour.				
6/10/2016	D/629/2015	66-68 Waterloo Road, Northcote Rucker	Medium density housing development comprising the extension of 10 existing dwellings and construction of seven (7) new dwellings over a common basement car parking area.	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	It was not in dispute that the site was suitable for redevelopment, therefore the primary focus of resident concerns was the proposal's reliance on Quarrion Lane to provide vehicle access to the development. Notwithstanding resident concerns, the Tribunal found that the use of Quarrion Lane for vehicle access was acceptable from a character point of view (as the front garden would not be dominated by car parking structures) as well as from a design point of view (in that if ramps from Waterloo Road were required to access a basement, a significant amount of the site would be given over to ramping). The Tribunal also had no concerns in respect of the condition of the laneway and the potential for impacts on amenity of surrounding residents from vehicle movements, given the low speed environs of the laneway in any event.				
12/10/2016	D/716/2015	255 Darebin Road, Thornbury Rucker	Construction of three (3) double storey dwellings	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit Granted
Result	When the Tribunal had regard to the site's proximity to High Street, the Tribunal considered the design of the proposal, subject to a further modification (by way of condition) was an acceptable response to neighbourhood character and ResCode.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/10/2016	D/1109/2014	682-684 Bell Street, Preston Cazaly	Construction of six (6) dwellings, alter access to a Road Zone and a reduce the standard visitor car parking requirements.	Refusal (Contrary to Officer Recommendation) - Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the key issues were neighbourhood character, whether the front setback was acceptable and whether the proposal was an overdevelopment of the site. The Tribunal found the proposal an acceptable response to neighbourhood character given its finding that Bell Street has an eclectic character and main road setting. While the Tribunal was not troubled by the 3 storeys, it did require by way of condition the third storey to be set back so they do not sit forward of their lower floors. The Tribunal was otherwise not persuaded the application was an overdevelopment, or that the front setback needed to be changed.				
13/10/2016	D/949/2015	7 Highland Street, Kingsbury La Trobe	Proposed medium density development comprising the construction of 4 double storey dwellings as shown on the plans accompanying the application.	Failure Appeal – Council subsequently resolved not to support in line with officer recommendation.	Council's decision affirmed – No permit granted.
Result	The critical failing with the proposal was its response to neighbourhood character. In particular the Tribunal was concerned that the reverse living typology maximised the ground level site coverage and provided minimal landscape opportunities – as a result the Tribunal was not satisfied the proposal responded adequately to Council's preferred character outcome of encouraging additional planting in all gardens. Further, the Tribunal was critical of the internal amenity of the dwellings given their balconies were proposed to be fully screened to 1.7m in height, meaning such dwellings have poor outlook. Finally, the Tribunal considered car parking arrangements should be revisited as part of any new proposal.				
14/10/2016 and 24/10/2016	D/423/2015	12 Farnan Street, Northcote Rucker	Medium density development comprising the construction of five (5) double storey dwellings and reduction of the standard car parking rate, on land covered by a Special Building Overlay.	Refusal (Contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal did not have concerns with the proposal's impact upon the character of the area, noting that change existed in the relevant part of Farnan Street already and there was an absence of planning controls to prevent demolition of building in the area. What troubled the Tribunal was the proposal's presentation to the street and to the Right-of-way, to that end the Tribunal placed conditions on the permit requiring the first floor of the dwelling which fronts the street to be set back behind the ground floor, and also for further setbacks to be provided to the first floors of units 3 and 4. The effect of these changes is that units 2 and 4 are now 2 bedroom dwellings, whereas at least dwelling 4 was a 3 bedroom dwelling. Otherwise, the Tribunal was not persuaded that there were any other unacceptable aspects of the proposal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/10/2016	D/820/2015	283-291 Gilbert Road, Preston Cazaly	Development of a three (3) to four (4) storey building comprising 23 dwellings, a cafe and a reduction to the car parking requirement.	Refusal (in line with officer recommendation) – Applicant appeal	Council's Decision Affirmed – No permit granted.
Result	The Tribunal considered the critical issue was not whether the site could be redeveloped, but the execution of such redevelopment was in issue. Notwithstanding the site's designation as 'substantial change', the Tribunal noted that the site sat at the bottom end of the "substantial change hierarchy". When the Tribunal considered the design response of the proposal, the Tribunal was not satisfied the proposal responded adequately to its sensitive interfaces as well as what policy calls for on the site. Therefore the Tribunal was not satisfied the proposal struck the right balance and affirmed Council's refusal.				
31/10/2016	D/910/2015	65 Dundee Street, Reservoir La Trobe	A medium density housing development comprised of 4 double storey dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal considered that with a condition requiring a greater setback of the first floor of Unit 2 from an adjoining property, it was satisfied the proposal was an acceptable response to neighbourhood character and generated no unreasonable off site amenity impacts.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/11/2016 (Compulsory Conference)	D/748/2015	167-173 Station Street, Fairfield Rucker	Construction of a three storey (plus basement) apartment building comprising 20 dwellings, reduction in visitor car parking and alteration of access to a Road Zone Category 1	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit Granted
Result	At the compulsory conference, the permit applicant was willing to make changes to address resident and Council concerns – as such, all parties were in agreeance and therefore a permit could issue.				
14/11/2016	D/285/2015	30 Cramer Street, Preston Cazaly	Construction of a part 9-storey, part 6-storey mixed use development comprised of three (3) ground floor shops and car parking and 95 dwellings at upper levels; a reduction in the car parking requirement and waiver of the loading bay requirement; creation and alteration of access to a Road Zone Category 1	Refusal (in line with officer recommendation) – Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal considered that the design of the proposal was a suitable response to policy – in particular notwithstanding the lack of a tower and podium form, it represented a 'suitable landmark [building]' and provided activation to a hostile street environment (St Georges Road). The Tribunal considered the ESD credentials of the building acceptable, and subject to a number of conditions requiring internal rearrangements of dwellings to provide a more functional layout, the internal amenity of the dwellings was considered acceptable.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/11/2016	D/483/2015	75 Gooch Street, Thornbury Rucker	Construct a medium density development comprising of four (4) double storey dwellings	Refusal (in line with officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal provided oral reasons and only a short written summary of same. Originally, Council had sought an adjournment of the hearing on the basis it had not yet formed a view on amended plans lodged – this was due to the caretaker period during the election. Nevertheless, the adjournment request was refused, meaning Council had to attend the Tribunal without a formal position. The Tribunal was understanding of Council's predicament - calling Council's concern for due process to be followed "appropriate". The Tribunal however felt it was in a position to determine the matter, and did so. The Tribunal was otherwise comfortable with the merits of the proposal and directed a permit issue.				
23/11/2016	D/944/2015	704-706 Gilbert Road, Reservoir La Trobe	Construct a medium density housing development comprised of 10 dwellings over two (2) lots; and reduce the visitor car parking requirements associated with the dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal was satisfied that the proposal presented an acceptable response to neighbourhood character and had acceptable off site amenity impacts but for impacts associated with parking and traffic movements on the adjoining neighbour. As a result, the Tribunal granted a permit subject to conditions requiring a significant redesign of the rear of the proposal to locate car parking there as opposed to proximate the adjoining dwelling.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/11/2016	D/602/2015	13 Dean Street, Preston Cazaly	Proposed medium density housing development comprising the construction of six (6) dwellings in a two (2) storey building and reduction of visitor car space to zero (0)	Refusal (contrary to officer recommendation) – Applicant appeal	Council’s decision set aside – Permit granted
Result	The Tribunal considered that the physical and policy setting of the site meant that an increase in residential density was considerable. In reaching the view that the proposal was acceptable, the Tribunal considered that Council’s Neighbourhood Character Study was in need of review – in fact the Tribunal found the proposal, through its design had addressed many characteristics of preferred future character and did not generate unreasonable off site amenity impacts that couldn’t be addressed by way of condition. Finally, contrary to the Council decision, the Tribunal considered the proposal was not an overdevelopment of the land when regard was had to ResCode standards.				
30/11/2016	D/1037/2015	38 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of five (5) double storey dwellings and a reduction of car parking requirements	Refusal (contrary to officer recommendation) – Applicant appeal	Council’s decision affirmed – No permit granted
Result	While it was not in issue that the site could support some form of redevelopment, it was the execution that was in issue. The Tribunal disagreed with the Permit Applicant’s expert that the site was located in an area with only a few period homes. As such, the Tribunal was of the view there was a high degree of consistency in the streetscape. As such, the Tribunal was of the view neighbourhood character policy called for interpretation of valued character elements in a contemporary manner. When regard was had to the contemporary, rectilinear design of the proposal, the Tribunal concluded the proposal failed to interpret prevailing building forms (for instance, the proposal included cantilevered elements), roof forms, siting and external materials of the original period dwellings. The Tribunal was also critical of the poor landscaping opportunities offered by the proposal, as well as the internal amenity to be received by the reverse living dwellings.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/12/2016 (Compulsory Conference)	D/1011/2012	195-209 St Georges Road, Northcote Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (in line with Officer recommendation) – Applicant appeal	Compulsory Conference Vacated
Result	Prior to the Compulsory Conference, Council raised a legal issue (relating to the Metropolitan Planning Levy) that has the potential to result in the application for a planning permit being void. The Tribunal has sought the views of the Minister for Planning, who has until 21 December 2016 to make a submission to the Tribunal. Ultimately, the Tribunal determined the preliminary issue in favour of the Permit Applicant.				
8/12/2016	D/2/2016	72A Station Street, Fairfield Rucker	Construct and use a part six (6) and part five (5) storey building (plus ground floor mezzanine and including roof top communal terrace area, pergolas, lift, plant and equipment) associated with 20 dwellings, three (3) retail premises, a waiver of loading requirements and a reduction in car parking requirements to zero (0)	Notice of Decision (in line with Officer Recommendation) – Objector appeal	Council's decision varied – Permit granted
Result	The Tribunal granted a permit for the proposal on the basis it would provide housing and retail spaces consistent with what the Darebin Planning Scheme anticipates for the site. In particular, the Tribunal considered the design of the proposal to be a preferable outcome to the existing approved office building that could be constructed on site (and which has a similar built form to the proposal). As to the issue of the absence of car parking, the Tribunal was of the view the site had excellent access to public transport, access to an activity centre and nearby public open space. Further, the Tribunal noted Council was aware of issues in the vicinity of the site as a result of car parking – to that end the Tribunal was supportive of the condition agreed between the Applicant and Council requiring payment of a monetary security to do traffic surveys and establish restrictions, in future if required. The only change the Tribunal required to the application was a slight rephrasing of the monetary security condition as recommended by Council's own expert.				
14/12/2016	D/915/01 and CON/560/2015	1-9, 99 Helen Street, Northcote Rucker	Amend the permit to allow use of the 9 offices as dwellings with reduction in car parking and end the section 173 agreement which prevents the use of the 9 premises as dwellings	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decisions set aside – Permit amended and s173 directed to be ended
Result	The Tribunal was satisfied the section 173 agreement could be ended given that the use of the land for the purpose of dwellings is now as of right. In particular, it considered that no one would be disadvantaged by the ending of the agreement. In terms of the application to amend				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
					the permit, the Tribunal considered it sufficient if a notation were placed on the plans requiring the room shown as an 'office' or 'store' to be used for the purpose of a study, home office or theatre, unless mechanical ventilation and borrowed light is installed in accordance with Building Code requirements. The Applicant was also successful in having the Tribunal order Council reimburse its filing fee. The Tribunal noted "the Council's failure to make a decision, the Council's deferral of the decision for no particular reason and the Council's failure to make a decision in a timely manner" led it to conclude the Applicant was entitled to be reimbursed.

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2016					
Date of Final Order	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
19/12/2016 (Original hearing in August 2016)	D/742/2015	384-388 St Georges Road, Thornbury Cazaly	Development of four (4) storey building comprising forty-one (41) dwellings and a car parking reduction.	Refusal - Applicant appeal	Interim Decision – 17 August 2016 Final Decision – Council’s decision set aside – Permit Granted.
Result	<p>The Tribunal issued an interim decision giving the permit applicant an opportunity to lodge amended plans. In particular, the Tribunal was of the view that proposal could not be supported in its present form, but that a modified version could strike the right balance and be worthy of a permit. Some of the suggested changes the Tribunal has put to the applicant include meeting the 45 degree rear setback envelope, keeping the extent of basement excavation confined so as to allow for more landscaping and consolidation of a number of apartments that had poor internal amenity. The permit applicant has until 14 October 2016 to file and serve amended plans.</p> <p>Following receipt of the amended plans and further submissions from Council and a number of residents, the Tribunal considered that the proposal adequately responded to its Interim Decision and as a result was in a position to grant a permit for ultimately a 36 dwelling proposal; however it considered matters such as landscaping, waste management, screening, internal amenity and setbacks were now acceptable.</p>				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JANUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/01/2017	D/1102/2015	71 Miller Street, Thornbury Cazaly	A medium density housing development comprising the construction of six (6) double storey dwellings and a reduction of visitor car parking on land affected by a Special Building Overlay	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit Granted
Result	The critical issue for the Tribunal in this instance was the tension between the site's designation as 'substantial change' (whereby increased housing densities are expected) viz a viz the policy objective of respecting neighbourhood character. The Tribunal formed the view that policy was explicit in establishing that if the Council were to meet its housing needs in substantial change areas (for instance), then less weight is given to neighbourhood character considerations. This, together with the Tribunal's view the proposal successfully integrated with the linear park and had no unreasonable off site amenity impacts led the Tribunal to grant a permit for the proposal.				
12/01/2017 & 7/02/2017	D/187/2015	305-307 Plenty Road, Preston Cazaly	Development of a five (5) storey building (plus basement) comprising 14 dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Interim Decision
Result	The Tribunal considered that in light of the site's physical and policy context, a 5 storey building was acceptable. The issue the Tribunal had was with the form of the proposal. As such, it issued an interim decision allowing the permit applicant an opportunity to lodge amended plans to address the Tribunal's concerns of minimal front setback and inappropriate height of walls on boundary. The Permit Applicant has indicated they intend to prepare amended plans.				
20/01/2017	D/1065/2015	9 Smith Street, Reservoir La Trobe	A medium density housing development comprised of the construction of five (5) dwellings, a reduction in the visitor car parking requirement	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
Result	The critical issue for the Tribunal was whether the proposal's reverse living typology was an acceptable fit in the neighbourhood. The Tribunal was satisfied reverse living was acceptable in this instance due to the site's context – in particular, the Tribunal was satisfied what had occurred 'on the ground' was not reflective of Council's preferred character statement. As such, the Tribunal was of the view site could accommodate the proposal.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/02/2017 (Compulsory Conference)	D/319/2011/A	445-453 High Street & 1-13 Beavers Road, Northcote Rucker	Amendment so preamble reads: A mixed use development comprising a two - eight storey building (plus two basement levels) comprising 114 apartments, 3 shops, and a reduction to the car parking requirement	Failure Appeal (Council resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent). Permit granted (by consent)
Result	The permit applicant was willing to make changes to address resident and Council concerns, as such all parties were in agreeance a permit could issue.				
22/02/2017 (Compulsory Conference)	D/400/2016	1056-1140 Plenty Road, Bundoora La Trobe	The construction of two or more dwellings on a lot in the MUZ; Buildings and works associated with the construction; reduction in statutory car parking requirement for visitor parking, construction of a front fence where associated with more than 2 dwellings on a lot and exceeds the maximum height of Clause 55.06-2	Failure Appeal (Council resolved to support in line with Officer Recommendation)	Council's decision set aside – Permit granted
Result	As the Council had resolved to support the application, the parties were able to enter into consent orders thereby avoiding the need for 4 days worth of hearings.				
22/02/2017	D/699/2015	34 Don Street, Reservoir La Trobe	Medium density development comprising the construction of three (3) double storey dwellings to the rear of the existing dwelling	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision affirmed – No permit granted
Result	While it was accepted the site was suitable for some form of redevelopment, it was the execution in this case that was fatal to the proposal. In particular, the Tribunal agreed with Council that the site did not have a high level of convenience to public transport – this meant that while change could be expected, it needed to be highly tempered and should fit comfortably into the neighbourhood. The 3 proposed double storey units, together with the existing double storey dwelling were considered by the Tribunal to be an unacceptable fit in terms of neighbourhood character, where double storey elements are located towards the street, as opposed to being in the rear of sites. The Tribunal was also critical of the poor landscaping opportunities, the limited articulation of the proposed units ground and first floors, insufficient upper storey setbacks and unbroken length of two storey form.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
23/02/2017 (Compulsory Conference)	D/1011/2012	195-209 St Georges Road, Northcote Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	Matter did not settle.
Result	The matter did not settle at the Compulsory Conference, accordingly the matter is listed for hearing on 26 June 2017.				
28/02/2017 (Compulsory Conference)	D/1039/2015	658-664 High Street, Thornbury Rucker	A mixed use development comprising of ground floor office and shop tenancies and residential dwellings above, including a reduction in car parking	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit Granted
Result	The Applicant was willing to make design changes to address Council concerns. As such, the parties were in agreement that a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/03/2017 (Compulsory Conference)	D/374/2004/B	63-71 Plenty Road, Preston Cazaly	1. Construction of an 14 storey building (plus basement levels) 2. Use of the land for the purpose of two (2) shops and 85 dwellings 3. Reduction of the car parking requirements 4. Waiver of the loading bay requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	Matter did not settle.
Result	The matter did not settle at the Compulsory Conference, accordingly the matter is proceeding to hearing.				
22/03/2017	D/934/2015	254-256 Murray Road, Preston Cazaly	Development of seven (7) dwellings and a reduction to the visitor car parking requirement	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit Granted
Result	The Tribunal considered the proposal was an acceptable response against Clause 22.09 – Preston Central Incremental Change which in turn encouraged 3 storey buildings to Murray Road. In terms of amenity impacts, the Tribunal was satisfied subject to a permit condition requiring a section demonstrating compliance with B17 to an adjoining property, the Tribunal could grant a permit.				
22/03/2017	D/400/2015	60 Burbank Drive, Reservoir La Trobe	A medium density housing development comprised of the construction of three (3) dwellings	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit Granted
Result	Notwithstanding the site sat within a minimal change area, the unique characteristics of the site and design response of two single storey dwellings and one double storey dwelling meant the Tribunal was comfortable the proposal was an acceptable response to a minimal change area.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/03/2017	D/319/2011/A	445-453 High Street & 1-13 Beavers Road, Northcote Rucker	Amendment so preamble reads: A mixed use development comprising a two - eight storey building (plus two basement levels) comprising 114 apartments, 3 shops, and a reduction to the car parking requirement	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	No longer required – settled at Compulsory Conference Permit Granted by Consent
Result	Permit granted by consent.				
31/03/2017 (Compulsory Conference)	D/939/2015	314-316 St Georges Road, Thornbury Cazaly	Use and development of the land for the purpose of a 5-storey development comprised of four (4) commercial tenancies, one (1) restaurant and 46 dwellings; a reduction in the car parking requirement and waiver of the loading bay requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	No longer required – application for review withdrawn by Permit Applicant
Result	Hearing no longer required.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2017	D/988/2015	2-4 Kelsby Street, Reservoir La Trobe	A medium density housing development comprising eight (8) double storey dwellings and a reduction of visitor car parking requirements	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit granted
Result	The Tribunal considered the site's strategic and physical context lent itself towards achievement of urban consolidation goals, rather than respect of neighbourhood character due to the site's location adjacent a residential growth zone and proximity to shops and services (Reservoir Activity Centre). In respect of design and amenity impacts, the Tribunal was satisfied that these were acceptable and that the waiver of a visitor space was also acceptable.				
11/04/2017 (Compulsory Conference)	D/568/2015	1/72-74 Chifley Drive, Preston	Use of the land for the purpose of a Place of Worship and Indoor Recreation Facility	Notice of Decision (in line with Officer Recommendation) - Objector Appeal	Council's decision varied – Permit granted.
Result	The Applicant was willing to make design changes to address concerns of nearby businesses. As such, the parties were in agreement that a permit could issue.				
18/04/2017 (Not required)	D/1039/2015	658-664 High Street, Thornbury	A mixed use development comprising of ground floor office and shop tenancies and residential dwellings above, including a reduction in car parking	Failure Appeal (subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit Granted
Result	The Applicant was willing to make design changes to address Council concerns. As such, the parties were in agreement that a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/04/2017 (Compulsory Conference)	D/478/2016	36 Kelsby Street, Reservoir La Trobe	Medium density housing development comprising the construction of six (6) double storey dwellings and a reduction in car parking (visitor space)	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's Decision Set Aside (By Consent) – Permit Granted
Result	The parties were able to reach agreement as to a suitable form of development and have requested VCAT make a consent order.				
28/04/2017	D/770/2015	33 Joffre Street, Reservoir	A medium density housing development comprising eight (8) double storey dwellings and reduction of visitor car parking	Refusal - Applicant Appeal (in line with Officer Recommendation)	Council's Decision Affirmed – No Permit granted
Result	When the Tribunal had regard to the physical and planning policy context for the site, as well as the design of the proposal, it considered the proposal's response to neighbourhood character is where it fell short. In particular, the Tribunal considered the extent of two storey built form throughout the depth of the site would be inconsistent with the predominant form and scale of the area. Further, the Tribunal considered the area had a prevailing character of open rear yards, and that the proposal's design response was inconsistent with this character.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/05/2017	D/1046/2015	50 Regent Street, Preston Cazaly	Construct a medium density housing development comprising four (4) double storey dwellings	Failure Appeal – Since resolved to oppose	Council's decision set aside – Permit Granted
Result	The Tribunal considered the proposal was an appropriate response in its neighbourhood settings (noting that the site was on a corner to Regent Street which had a different character to Myrtle Grove), and that there would be no unreasonable off site amenity impacts on adjoining properties. Notwithstanding the reverse living typology in the proposal, the Tribunal specifically found such a typology acceptable in this instance as <i>inter alia</i> such a typology had already been approved in the area and that there was nearby parkland.				
3/05/2017	D/197/2016	42 Banff Street, Reservoir La Trobe	Construction of a medium density development comprising two (2) double storey dwellings and two (2) single storey dwellings	Failure Appeal	Council's decision set aside – Permit Granted
Result	In terms of neighbourhood character, while the proposal presented as a different response to the street (centralised driveway as opposed to side driveway), the Tribunal considered this an acceptable response that respected, but not replicated neighbourhood character. Further, with appropriate permit conditions, the Tribunal was satisfied that there were no unreasonable off site amenity impacts and that on site amenity was acceptable.				
8/05/2017	D/1083/2015	375 St Georges Road, Thornbury Rucker	Construction of a three storey mixed use development comprising a takeaway food premises and four (4) dwellings, a reduction of car parking and loading facilities and alteration of access to a road zone category 1	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision affirmed – No permit granted
Result	Notwithstanding that the permit applicant's representative later sought to give expert evidence on the proposal, the Tribunal was not satisfied that the design of the proposal was 'exemplary' to justify the grant of a permit on a relatively narrow site in the DDO16. In addition, the lack of information about the car stackers the Tribunal considered fatal to the proposal as the Tribunal could then not make an informed decision about impacts from the stackers.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/05/2017 Compulsory Conference	D/465/2015	36-46 High Street, Preston Cazaly	Mixed use development comprising: - Buildings and works consisting of a 12 storey building (plus three (3) levels of basement and part mezzanine); - Use as 90 dwellings; - A reduction in the car parking requirement associated with use as 90 dwellings and two (2) retail premises; - Waiver of the loading/ unloading requirements associated with use as two (2) retail premises; on land affected by a Design and Development Overlay - Schedule 3 (DDO3)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes to the design of the proposal to address Council concerns. Accordingly, the parties were in a position to request VCAT grant a permit by consent.				
29/05/2017 Compulsory Conference	D/900/2016	16-20, 29-35 Stokes Street and 15-19 Penola Street, Preston	29-35 Stokes Street, Preston: Medium density housing development comprising the construction of a three (3) storey building comprising 22 Units and reduction of the standard car parking requirement on land partly covered by a Special Building Overlay. 16-20 Stokes Street and 15-19 Penola Street, Preston: Housing development comprising the construction of a four (4) storey building and additional underground basement comprising 46 Units and reduction of the standard car parking requirement on land covered by a Development Plan Overlay and Special Building Overlay	Failure Appeal - Council was going to refuse the matter but a failure appeal was lodged prior to refusal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes to the design of the proposal to address Council concerns. Accordingly, the parties were				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
			in a position to request VCAT grant a permit by consent.		
30/05/2017	D/478/2016	36 Kelsby Street, Reservoir La Trobe	Medium density housing development comprising the construction of six (6) double storey dwellings and a reduction in car parking (visitor space)	Refusal – Applicant Appeal	Not required – settled at Compulsory Conference
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/06/2017	D/643/2015	50-52 Wales Street, Thornbury Rucker	The construction of a medium density housing development comprising five (5) double storey dwellings, use of land for dwellings and a waiver of a visitor car space	Refusal (Contrary to Officer Recommendation – Applicant Appeal	Council's decision set aside – Permit granted
Result	In light of the site's designation as incremental change and the design response which proposed re-use of an original shop front building, the Tribunal considered the proposal was a comfortable fit into the site's surrounds, with no unreasonable off site amenity or traffic impacts.				
5/06/2017	D/568/2015	1/72-74 Chifley Drive, Preston Cazaly	Use of land for the purpose of a Place of Worship and Indoor Recreation Facility	Notice of Decision – Objector Appeal	Matter resolved at Compulsory Conference – Hearing not Required
Result					
9/06/2017	D/404/2012	429 Heidelberg Road, Fairfield Rucker	Extension of Time (Grandview Hotel)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's Decision Set Aside – Extension of Time Granted
Result	The Tribunal was satisfied it could grant an extension of time when regard was had to the unchanged planning policy in the scheme and physical context of the site, the total elapse of time since the grant of the permit, the economic burden and challenges of sourcing gaming machine entitlements and its opinion that if applied for today, a fresh permit would more likely than not be issued.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/06/2017	POD/3/2015	198 Beavers Road, Northcote Rucker	Development Plan: Development of the site to accommodate a mix of medium density dwellings (including townhouses and/or apartments)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Not Required
Result	The Applicant withdrew their appeal to VCAT.				
19/06/2017	D/757/2015	8-10 Pellew Street, Reservoir Cazaly	Development of six (6) double storey dwellings and a reduction to the visitor car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal did not provide written reasons.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
22/06/2017 (Compulsory Conference) and 6/07/2017 (Compulsory Conference)	D/393/2016	Preston Market – 1C	(Stage 1C) Development of a 14-storey building comprising 170 dwellings and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Matter did not settle – Proceeding to hearing
Result					
22/06/2017 (Compulsory Conference) and 6/07/2017 (Compulsory Conference)	D/398/2016	Preston Market – 1B	Development of two (2) 10-storey buildings comprising a total of 130 dwellings, the relocation of the existing Aldi supermarket, offices, retail tenancies, a food and drink premises, a reduction to the car parking requirement and alterations to the existing vehicle access to Murray Road, as shown on the plans accompanying the application.	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Matter did not settle – Proceeding to hearing
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/06/2017	D/465/2015	36-46 High Street, Preston Cazaly	Mixed use development comprising: - Buildings and works consisting of a 12 storey building (plus three (3) levels of basement and part mezzanine); - Use as 90 dwellings; - A reduction in the car parking requirement associated with use as 90 dwellings and two (2) retail premises; - Waiver of the loading/ unloading requirements associated with use as two (2) retail premises; on land affected by a Design and Development Overlay-Schedule 3 (DDO3)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Not required – Matter settled at Compulsory Conference
Result					
26/06/2017	D/1011/2012	195-209 St Georges Road, Northcote	Development of a 10 storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (in line with Officer Recommendation) – Applicant Appeal	Interim Decision Final Decision: Council's decision set aside – permit granted
Result	<p>The Tribunal issued an interim decision giving the Applicant the opportunity to amend their plans in response to 23 concerns identified by the Tribunal. In addition, as part of the Tribunal's interim decision, it also required the reduction in height of the building by one storey, an increase to dwelling diversity, the RoW to the rear of the site being widened as well as treatments to the two uppermost levels to make them more recessive. The Applicant has until 11 August 2017 to advise the parties if they intend to circulate amended plans.</p> <p>FINAL DECISION: The Tribunal considered that the final building they were approving was significantly better than the building considered by Council and that considered by the Tribunal at the start of the hearing.</p>				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/06/2017	D/255/2016	24 Claude Street, Northcote	A medium density development comprising partial demolition of the existing dwelling and construction of two (2) double storey dwellings on land affected by a Heritage Overlay and a Design and Development Overlay and a reduction in the statutory car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal was not concerned in respect of the concept of developing the land for an additional dwelling, however where the Tribunal was concerned was the design detail of proposal – it replicated front facade details of existing dwellings in the street, which the Tribunal considered was unacceptable in the context of the heritage overlay and Design and Development Overlay Schedule 14. The Tribunal was also concerned with internal amenity impacts; VCAT nevertheless considered these issues addressable by way of condition.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/07/2017	D/815/2015	22-24 Knox Street, Reservoir Cazaly	A medium density housing development comprising the construction of six double storey dwellings on land in the General Residential Zone Schedule 2	Refusal (Contrary to Officers Recommendation – Applicant Appeal	Council's refusal affirmed – No permit granted
Result	From a neighbourhood character perspective, the Tribunal considered the design response of double storey form, with minimal setbacks and landscaping was unacceptable in an area dominated by single storey form. The Tribunal was also concerned with the rear setback to Dwelling 4 which it considered unacceptable in this context.				
4/07/2017	D/784/2015	666 Bell Street, Preston Cazaly	Construction of a three (3) storey building plus basement containing eight (8) dwellings	Refusal (Contrary to Officers Recommendation – Applicant Appeal	Council's decision set aside – Permit Granted
Result	When regard was had for the robust environment of Bell Street, together with the site's General Residential Zoning, the Tribunal did not an issue with the concept of a 3 storey apartment building. What the Tribunal did require were changes to the built form of the proposal to make the uppermost storey more recessive, as well as changes to respect the adjoining heritage dwelling and to provide additional storage for the dwellings on site.				
10/07/2017	D923/2015	25 Gilbert Road, Preston Cazaly	Use and development of the land for the purpose of a four (4) storey development comprised of four (4) dwellings and a shop; a reduction in the car parking requirement	Failure Appeal – Subsequently resolved to oppose contrary to Officers Recommendation	Council's Refusal Affirmed – No permit granted
Result	While the Tribunal was satisfied that the site could accommodate a four storey building and that the off site amenity impacts from the proposal were acceptable, the Tribunal considered the critical failings of the proposal were car parking arrangements (which sought to rely on street parking for some of its resident demand) and the level of internal amenity the dwellings were to receive (external to the site access to storage and bins was considered to be unacceptable).				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
12/07/2017	D/341/2016	2 Margaret Grove, Preston Cazaly	The construction of three (3) dwellings	Refusal (Contrary to Officers Recommendation – Applicant Appeal)	Council’s decision set aside – Permit granted
Result	The Tribunal disagreed with Council’s refusal grounds and found the proposal was an acceptable response to policy and neighbourhood character.				
17/07/2017	D/900/2016	16-20, 29-35 Stokes Street and 15-19 Penola Street, Preston Cazaly	29-35 Stokes Street, Preston: Medium density housing development comprising the construction of a three (3) storey building comprising 22 Units and reduction of the standard car parking requirement on land partly covered by a Special Building Overlay. 16-20 Stokes Street and 15-19 Penola Street, Preston: Housing development comprising the construction of a four (4) storey building and additional underground basement comprising 46 Units and reduction of the standard car parking requirement on land covered by a Development Plan Overlay and Special Building Overlay	Failure Appeal – Council subsequently resolved to oppose (Contrary to Officer Recommendation)	Hearing not required – Matter settled at Compulsory Conference
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/07/2017	D/173/2011	1091 Plenty Road, Bundoora La Trobe	Mixed use development comprising the construction of six buildings with basement parking comprising 250 dwellings, 150 Residential Hotel units (serviced apartments), restricted recreation facility (gym), food and drinks premises (excluding restaurant, convenience restaurant, tavern and Residential Hotel), liquor licence, reduction in dwelling visitor car parking requirement, reduction in loading and unloading requirement, removal of native vegetation and removal of water supply and sewerage easements in accordance with the endorsed plans	Section 87A Application – Council position of opposition	Application Allowed – Permit Amended
Result	The proposal was generally acceptable to Council subject to conditions. The issue in dispute was whether the serviced apartments could be scattered throughout the buildings or whether they needed to be quarantined to one area. Subject to a comprehensive management plan condition, the Tribunal considered the proposal acceptable.				
31/07/2017	D/389/2016	20-22 Thackeray Road, Reservoir La Trobe	Construct a medium density housing development comprising the construction of eight (8) double storey dwellings, with a reduction in the standard visitor car parking requirement to zero	Failure Appeal – Council subsequently resolved to oppose (in line with Officer Recommendation)	Council’s decision set aside – Permit granted
Result	Subject to conditions requiring additional landscaping and screening measures, the Tribunal was satisfied the proposal provided acceptable internal amenity, no unreasonable off site amenity impacts and as such, was of the view a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/08/2017	D/410/2016	155 Gooch Street, Thornbury Rucker	Medium density development comprising the construction of three (3) double storey dwellings	Refusal (in line with Officers Recommendation) – Applicant Appeal	Council's decision affirmed – No permit granted
Result	The critical failing of the proposal identified by VCAT was the decision to develop 3, two storey dwellings in a side by side configuration that extended to both side boundaries. In particular, the Tribunal considered that such a design response was out of place and did not respect existing character, nor respond to a preferred future character due to its uncharacteristically wide appearance to the street. The Tribunal was not persuaded by residents the proposal had adverse amenity impacts.				
9/08/2017	D/374/2004/B	63-71 Plenty Road, Preston Cazaly	1. Construction of an 14 storey building (plus basement levels) 2. Use of the land for the purpose of two (2) shops and 85 dwellings 3. Reduction of the car parking requirements 4. Waiver of the loading bay requirement	Refusal (in line with Officers Recommendation) – Applicant Appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal considered the proposed plans were an improvement over the current, endorsed set of plans for the site, the Tribunal nevertheless considered the proposal had not gone far enough in respect of internal amenity to the proposed dwellings – too many apartments were assessed as having adverse daylight penetration. These concerns were elevated by planning scheme amendments that took place after the conclusion of the hearing – namely, planning scheme amendments that seek high quality internal amenity outcomes. In addition to finding the internal amenity of the dwellings unacceptable, the Tribunal was also critical of the site's response to its north, west and south due to a number of issues. To the west, the imposition of a 9.5m high wall on the boundary to which apartments on the adjoining site would be oriented to was unacceptable to the Tribunal. To the north and south, the Tribunal was concerned that the design response of the proposal would constrain equitable development opportunities on these sites.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/08/2017	D/393/2016	Preston Market – Stage 1C Cazaly	(Stage 1C) Development of a 14-storey building comprising 170 dwellings and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Refusal (Contrary to Officers Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
14/08/2017	D/398/2016	Preston Market – Stage 1B Cazaly	Development of two (2) 10-storey buildings comprising a total of 130 dwellings, the relocation of the existing Aldi supermarket, offices, retail tenancies, a food and drink premises, a reduction to the car parking requirement and alterations to the existing vehicle access to Murray Road, as shown on the plans accompanying the application.	Refusal (Contrary to Officers Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result 1B & 1C	The Tribunal considered that with a slight design modification to the street wall to Murray Road (via permit condition), the approval of Stages 1B and 1C would result in a net community benefit. The Tribunal did acknowledge that there are differing opinions as to what constitutes 'net community benefit'.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

AUGUST 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/08/2017	D/630/2016	25 Kenilworth Street, Reservoir La Trobe	Medium density housing development comprising the construction of seven (7) double storey dwellings and a reduction in the standard car parking requirements (1 visitor space)	Failure Appeal (Committee opposition, in line with Officer Recommendation)	In principle agreement reached – Notice to be given
Result	Matter is to come back to the Tribunal				
28/08/2017	D/187/2015	305-307 Plenty Road, Preston Cazaly	Development of a five (5) storey building (plus basement) comprising 14 dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered that the amended plans lodged by the Permit Applicant sufficiently addressed the concerns identified in its Interim Decision. As such, the Tribunal was satisfied a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

SEPTEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/09/2017	D/601/2016	50 Bourke Street, Reservoir Cazaly	Construct a medium density housing development comprising three (3) double storey dwellings	Notice of Decision – Objector Appeal	Interim Decision
Result	The parties are to lodge further submission on the issue of the discrepancy between the extent of land occupied by the Permit Applicant viz a viz the title boundaries to their land. Costs are reserved against the Applicant for Review as their conduct has resulted in the matter taking more time than ordinarily required.				
28/09/2017 (Compulsory Conference)	D/518/2016	607-617 High Street, Thornbury Rucker	Construct alterations to the existing building; Increasing patron numbers of the existing Hotel to 1050 (from 725 patrons); and Reduce the car parking requirements associated with the increase in the patron numbers	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes above and beyond what the planning scheme would have required of them – this included extra security patrols and an undertaking to look at some landscaping treatments. As such, resident and Council concerns were addressed, and the parties agreed a permit could grant by consent.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/10/2017 (Directions Hearing)	D/1011/2012	195-209 St Georges Road, Northcote Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (Committee in line with Officer Recommendation) – Applicant Appeal	Interim Decision – Directions Hearing is to Consider Changes to the law applicable to the Application
Result	The ultimate fate of this matter will be determined on the papers without the need for a formal hearing following receipt of submissions from the parties responding to the Tribunal's Interim Order.				
2/10/2017 (Compulsory Conference)	D/630/2016	25 Kenilworth Street, Reservoir La Trobe	Medium density development comprising the construction of seven (7) double storey dwellings and a reduction in the standard car parking requirements (1 visitor space)	Failure appeal – (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside by consent – Permit Granted
Result	Further compulsory conference set down to see if new parties arising from notice (directed by the Tribunal) Following notice, no further parties sought to join, as such the existing parties were in agreement a permit could issue.				
9/10/2017 & 20/10/2017	D/459/2016	32-40 Station Street, Fairfield Rucker	Demolition (including relocation of building outside of heritage overlay) and the construction of building works including a four storey plus basement apartment building with 59 dwellings, use of the land as a child care centre, display of business identification signage, reduction of car parking requirements and alterations to an access road in a Road Zone Category 1	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	In principle settlement reached – Returning to VCAT on 20 October 2017 Council's decision set aside by consent – Permit granted
Result	The Permit Applicant was willing to make changes that addressed Council and resident objector concerns, as such all parties were in agreement a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

OCTOBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
Not Required	D/630/2016	25 Kenilworth Street, Reservoir La Trobe	Medium density development comprising the construction of seven (7) double storey dwellings and a reduction in the standard car parking requirements (1 visitor space)	Failure appeal – (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant lodged amended plans (which substantially redesigned the proposal) following a Compulsory Conference which addressed Council's concerns. As such, the parties were in agreement a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/11/2017	D/501/2016	2 Borrie Street, Reservoir La Trobe	A medium density housing development comprised of the construction of three (3) double storey dwellings	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal was satisfied the proposal was an acceptable policy response that had a high level of compliance with ResCode and neighbourhood character policy. As such, the Tribunal was satisfied a permit could issue.				
8/11/2017	D/489/2016	39 Calbourne Street, Preston Cazaly	A medium density housing development comprising construction of four (4) dwellings within a triple storey (including basement garage) building	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to amend their proposal to address Council concerns. As such, the parties were in agreement that a permit could issue.				
13/11/2017	D/513/2016	92-94 Clarendon Street, Thornbury Rucker	A medium density housing development comprised of the construction of seven (7) double storey dwellings; a reduction in the visitor car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered the proposal an acceptable response to its physical and policy context, with no unreasonable impacts on its neighbours. The Tribunal also considered vehicle access and the absence of a visitor car space acceptable.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/11/2017	D/184/2017	74-76 Cramer Street, Preston Cazaly	Development of 16 three (3) storey dwellings and a reduction to the car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to amend their proposal to address Council concerns. As such, the parties were in agreement that a permit could issue.				
16/11/2017	D/321/2016	22 Ross Street, Northcote Rucker	A three (3) storey building (plus basement) comprising nine (9) dwellings	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered that the proposal was an acceptable response to neighbourhood character with no unreasonable off site amenity impacts. While the Tribunal acknowledged internal amenity could be improved with a condition requiring changes to screening, the Tribunal was satisfied the proposal was acceptable and that traffic and parking concerns were acceptable.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

NOVEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/11/2017	D/707/2016	610 Gilbert Road, Reservoir Cazaly	Proposed medium density development comprising four (4) double storey dwellings on the lot	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit granted
Result	The Permit Applicant was willing to make changes to address Council concerns, as such the parties were in agreement a permit could issue.				

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

DECEMBER 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/12/2017	D/884/2016	140 Regent Street, Preston Cazaly	Development of the land with a four (4) storey building comprising 12 dwellings and an office, use of the land for the purpose of accommodation, a reduction in the car parking requirement	Failure Appeal (Subsequently resolved to oppose)	Decision pending
Result					
21/12/2017	D/808/2016	19 Raleigh Street, Thornbury Rucker	Construct a medium density housing development comprising five (5) double storey dwellings and waiver of the visitor car parking requirement	Refusal (contrary to Officer Recommendation) - Applicant Appeal	Decision pending
Result					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

JANUARY 2018					
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 January 2018					

PLANNING COMMITTEE MEETING

12 FEBRUARY 2018

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
21/02/2018	D/147/2017	3 Harold Street, Preston Cazaly	A medium density housing development, comprised of the construction of four (4) three-storey dwellings and one (1) double storey dwelling	Failure Appeal - Council to form position	
Result					

Matters completed and to be heard to 28/02/2018

7. URGENT BUSINESS

8. CLOSE OF MEETING