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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 30 October 2017
at 6.00pm.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Lina Messina

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 9 October 2017 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 ARTHURTON ROW DEVELOPMENT PLAN AMENDMENT 4, 8, 9-13, 16-18 Arthurton Road and 17 Elm Street, Northcote Vic 3070

Author: Principal Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
MEYDAN GROUP	Luckybay Pty Ltd	Wireframe Architecture Cardno Grogan Richards OneMileGrid WSP Parsons Brinkerhoff Golders and Associates Datum Consulting

SUMMARY

The proponents (Meydan Group) of the Arthurton ROW site (formerly occupied by Australian Horizons) have proposed an amendment to the approved Development Plan.

The revised proposal seeks to amend the approved Development Plan to reflect what was previously approved under the 2011 Plan:

- Remove the provision of a supermarket.
- Number of apartments proposed marginally more than the 2013 plan but less than the 2011 Plan.
- Building layout altered.
- Crossover to Arthurton Road removed.
- Maximum building heights are not to be increased as part of the proposal.

The area affected by the Development Plan is split into two (2) sites; the larger being on the northern side of Arthurton Road (Site 1) and the smaller being on the southern side of Arthurton Road (Site 2). The revised Development Plan does not seek to make any changes to Site 2, which has been constructed under Planning Permit (D783/13) for a four (4) storey building generally in accordance with the approved Development Plan.

The revised Development Plan proposes a redevelopment of the site to accommodate the following for Site 1:

- Up to 400 dwellings (mix of 1, 2 and 3 bedroom apartments);
- Approximately 4,300 square metres of retail and commercial floor space;
- Landscaped shared open spaces for residents;
- Residents' amenities;
- Car parking for approximately 510 cars;

- Basement car parking, bicycle parking, bin storage, storage cages, showers and change rooms for cyclists; and
- A publicly accessible pedestrian link between Elm Street and Arthurton Road.

The Arthurton Row Development Plan is a key tool in providing certainty to the ongoing development of the subject site in an appropriately staged manner. It will set out the overall form of future development and guide the assessment of town planning permits.

BACKGROUND

The scope and framework for the mixed use redevelopment of the site was established through the approval of Amendments C81 and C92 to the Darebin Planning Scheme in March 2011.

The controls applied to the site through the Amendments included the Development Plan Overlay (DPO). The DPO ensures the appropriate and coordinated development of the site by requiring the approval of a Development Plan prior to the issue of planning permits.

The Arthurton Row Development Plan 2011 was approved on 2 May 2012 (referred to as the '2011 Development Plan'). Development of the portion to the site to the south of Arthurton Road has been undertaken in accordance with the 2011 Development Plan, subject to planning permit D/783/2013.

The Arthurton Row Development Plan 2013 'A Retail Strategy' was approved by Council on 17 February 2014 subject to conditions, the conditions were never satisfied and the applicant indicates that the supermarket is no longer being pursued for the site.

- The site is zoned Mixed Use Zone (Schedule 1).
- 37 submissions were received at the time of this report. This includes one (1) petition with 13 signatures.
- The proposal is generally consistent with the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice. Formal notification of amendments to development plans is not a requirement under the *Planning and Environmental Act 1987* (as amended); however the community has been sent notification of the proposal. This was given via the erection and display of three (3) signs posted on site (Arthurton Road frontage, Herbert Street and Elm Street and letters sent to surrounding owners and occupiers see image below:
- It is important to note that additional notification has occurred prior to the receipt of the revised Development Plan, during both the C92 Planning Scheme Amendment that led to the changes in zoning and the Development Plan Overlay – Schedule 10 and during the processing of the approved Development Plan and Amendment to the Development Plan.

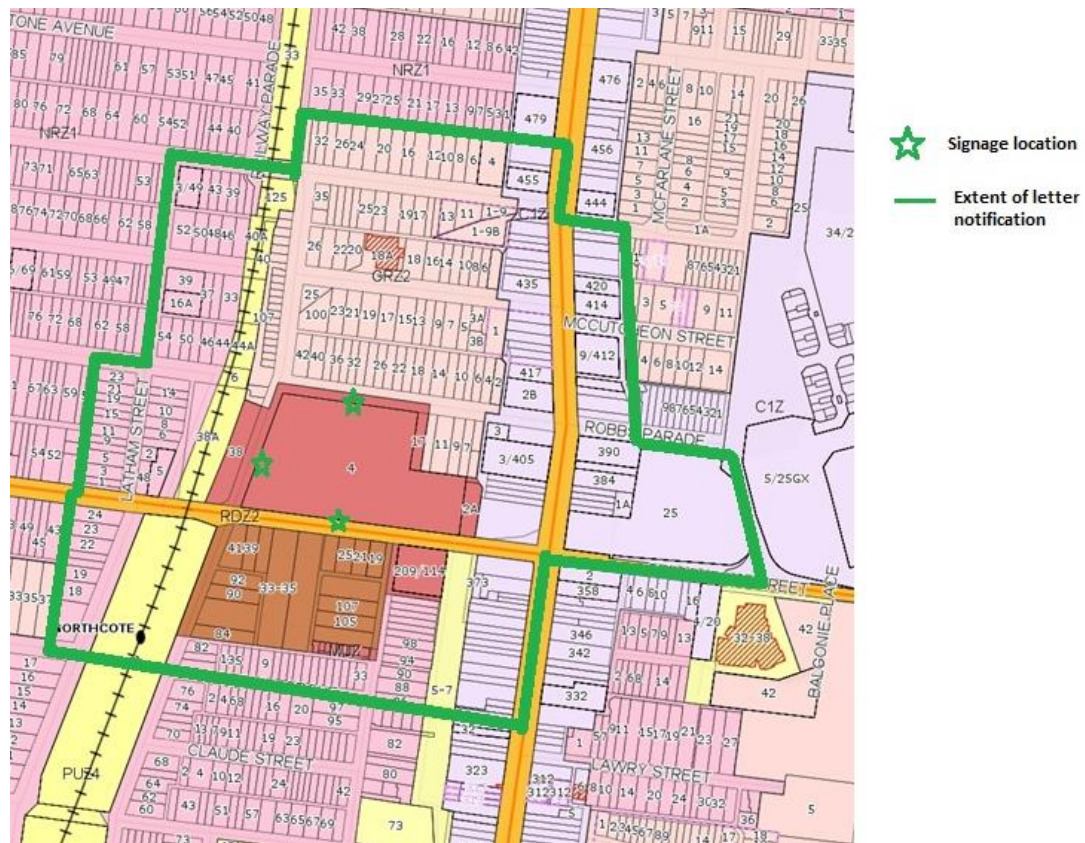


Figure 1. Notification Extent

- This application was referred internally to Capital Works Unit, Economic Development Unit, Environmentally Sustainable Design Officer, Public Realm Unit, Strategic Asset Management Unit, Strategic Planning Unit, Transport Management Unit and Urban Designer.
- This application was referred externally to VicRoads, Melbourne Water and Public Transport Victoria.

Recommendation

That Council approve the development plan subject to the following conditions:

- (1) Submission of an updated acoustic report, generally in accordance with ‘Arthurton ROW Development Plan Acoustic Report, dated 20 June 2011 and prepared by Renzo Tonin & Associates.
- (2) Submission of an updated Sustainability Management Plan, generally in accordance with the ‘Sustainability Management Plan’, dated August 2011 and prepared by Built Ecology, including background documentation (Preliminary Green Star Study and Sustainable Design Scorecard Assessment Report).
- (3) Submission of an updated Construction Management Plan, generally in accordance with the ‘approved Construction Management Plan’ that forms part of the Arthurton ROW Development Plan document approved on 2 May 2012.
- (4) Submission of an updated Waste Management Plan, generally in accordance with the ‘Waste Management Plan’ dated 17 August 2011 and prepared by Leigh Design.
- (5) Further details of the developer contributions towards construction and installation of any VicRoads approved Pedestrian Operated Signals in the vicinity of the Herbert Street/Arthurton Road intersection, to the satisfaction of the responsible authority.

- (6) Compliance with VicRoads referral response requirements and conditions dated 4 August 2017 with particular reference to the following requirements:
 - a) Before the development starts, the applicant must submit a Transport and Traffic Management Plan for VicRoads approval. The plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.
 - b) The works by the Transport and Traffic Management Plan must be completed prior to commencement of use and at no cost to the Roads Corporation (VicRoads).
 - (7) Details of any required traffic management measures to be put in place restricting usage of local road network to the satisfaction of the Responsible Authority.
 - (8) Tree Planting and Deep Soil Zones to remove the numerical and percentage value.
-

INTRODUCTION AND BACKGROUND

SITE AND SURROUNDS

The site is made up of two (2) distinct properties, known as Site 1 and Site 2 for the purposes of the Development Plan (see figure 1).

Site 1

Site 1 is located on the northern side of Arthurton Road, with frontages to Arthurton Road, Elm Street and Herbert Street and appears as a large industrial compound, characterised by large brick boundary walls and areas of car parking.

Site 2

Site 2 is located on the southern side of Arthurton Road, with frontages to Arthurton Road and Helen Street and is occupied by a completed mixed use development in accordance with the 2011 Development Plan, subject to planning permit D/783/2013.

The subject site is located to the west of High Street and the east of the South Morang Railway Line, and is within the boundaries of the Northcote Major Activity Centre, as set out in the Darebin Planning Scheme.

To the north of the subject site lies a residential area characterised by period style dwellings. To the south of the subject site is an industrial area characterised by large brick buildings and car parking facilities. To the east of the site are commercial and mixed use properties that front High Street and to the west is a large child care centre that abuts the South Morang Railway Line.

BACKGROUND

The subject site has a long planning history, notably planning scheme amendments endorsement and amendments to the Development Plan and planning permits. The chronological history of the site is detailed below:

The original Planning Scheme amendment C92 was prepared by Council at the request of the Meydan Group. The amendment, alongside C81 (the Northcote Structure Plan) received 157 submissions. An independent panel ('the Panel') was appointed to consider the submissions. Council's own submission to the Panel was that Amendment C92 should be changed so that it is consistent with the recommendations of the Northcote Structure Plan. Council decided to further consult the community through a survey distributed in May 2010. The Panel recommended various changes including increasing the heights allowed within the site to be a maximum of eight (8) storeys (in some parts only).

The Minister decided, in accordance with the Panel's recommendations, to allow a maximum building height of eight (8) storeys; to have a Mixed Use Zone for the land and to dismiss specific car parking rates and maximum dwelling numbers (amongst others). The Development Plan Overlay – Schedule 10 and other controls for the subject land were then gazetted by the Minister of Planning on 3 March 2011.

In its meeting of 21 November 2011, Council resolved to approve a Development Plan on the site, subject to conditions. The Development Plan was approved on the site on 2 May 2012, in accordance with Clause 43.04 (Development Plan Overlay – Schedule 10) of the Darebin Planning Scheme.

The Development Plan was approved by Council on the 2 May 2012 and provided for:

- Buildings ranging from two to eight storeys;
- Approximately 550 apartments;
- Approximately 5,500 square metres of commercial and retail floor space;
- A pedestrian link between Elm Street and Arthurton Road; and
- Basement car and bicycle parking.

In its meeting of 17 February 2014, Council considered a proposal to amend the approved Development Plan. The changes related to the portion of the site to the north of Arthurton Road (Arthurton Row North Site 1), and primarily provided for a supermarket within the retail floor space to be provided by the development (See Table 1).

Council resolved to approve the proposed 2014 Development Plan subject to a number of conditions. However, it has since been determined by the applicant to not proceed with the inclusion of the supermarket. The applicant has lodged an amendment to largely revert to the 2011 Development Plan.

Planning Permit (D783/2013) was issued for a mixed use development comprising comprising the construction of a four (4) storey building (plus basement and mezzanine), shop use, a reduction in the car parking and loading/unloading requirements and demolition on land affected by a Public Acquisition Overlay - Schedule 4 in accordance with the endorsed plans. The portion of that site that is benefited by the Planning Permit is identified as Site 2.

Since the consideration of the Development Plan in 2011 the Planning Scheme has been amended several times the amendments are listed below.

There have been a number of planning scheme amendments since the preparation and approval of the 2011 Development Plan.

The relevant amendments are as follows:

- Amendment VC100 (July 2013) changed the Mixed Use Zone in all Victoria planning schemes. Among other things, the Amendment removed the ability for floor space restrictions to be applied to the use of ‘shops’ within the Mixed Use Zone. This had the effect of removing the cap of 6,000 square metres of shop floor area that was applied to the site through Amendment C92.
- Amendment C129 (May 2013) replaced the Schedule to the Special Building Overlay to include permit exemptions and application requirements.
- May 2014 (VC106) Plan Melbourne replaced Melbourne 2030 as the Metropolitan planning strategy.
- Amendment C148 (May 2016) varied the Schedule to the Development Contributions Plan Overlay to provide for the reallocation and expenditure of excess funds.
- Amendment C138 (October 2015) implemented a review of the Darebin Planning Scheme, including updating the Local Planning Policy Framework and rezoning land adjoining the site to the Mixed Use Zone.
- Amendment VC 136 (March 2017) introduced the Better Apartment Design Standards to all Victorian planning schemes.

Arthurton Road approved Development Plans

Item	2011 Development Plan	2014 Development Plan	2017 Development Plan		
			Site 1	Site 2 (Completed)	Total
Retail / Commercial	5,500m ²	5,500m ² (included supermarket)	4,300m ²	470m ²	5,840m ²
Apartments	550	440	<400	49	449
Car parking spaces	680	650	510	60	570
Buildings Heights	2-8 storeys	No change 2-8 storeys	No change 2-8 storeys	No change 2-4 storeys	

Table 1: Comparison of the Arthurton Row Development Plans

ISSUES AND DISCUSSION

Proposal

The revised Development Plan proposes a redevelopment of the site to accommodate the following for Site 1 (see figure 2):

- Up to 400 dwellings (mix of 1, 2 and 3 bedroom apartments);
- Approximately 4,300 square metres of retail and commercial floor space;
- Landscaped shared open spaces for residents;
- Residents’ amenities;
- Car parking for approximately 510 cars;
- Basement car parking, bicycle parking, bin storage, storage cages, showers and change rooms for cyclists; and
- A publicly accessible pedestrian link between Elm Street and Arthurton Road.

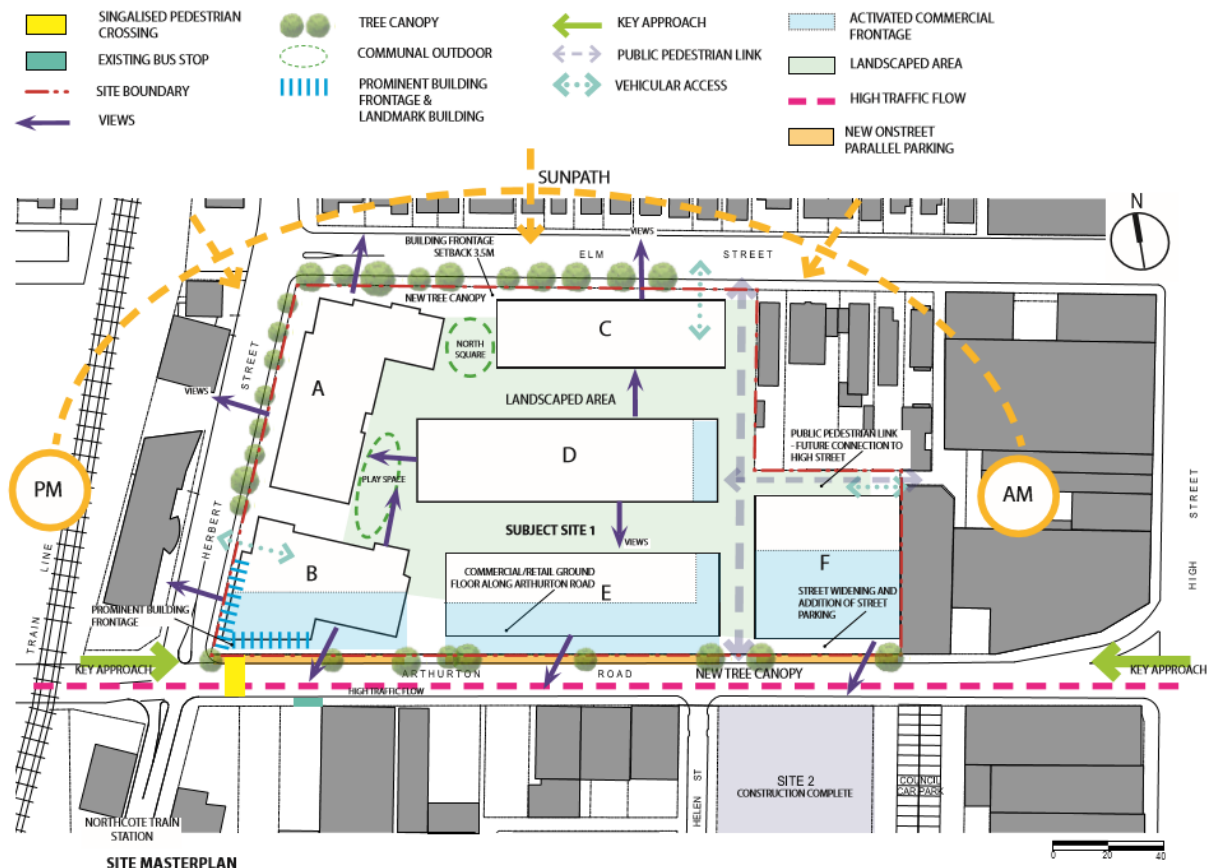


Figure 2. Site Master Plan

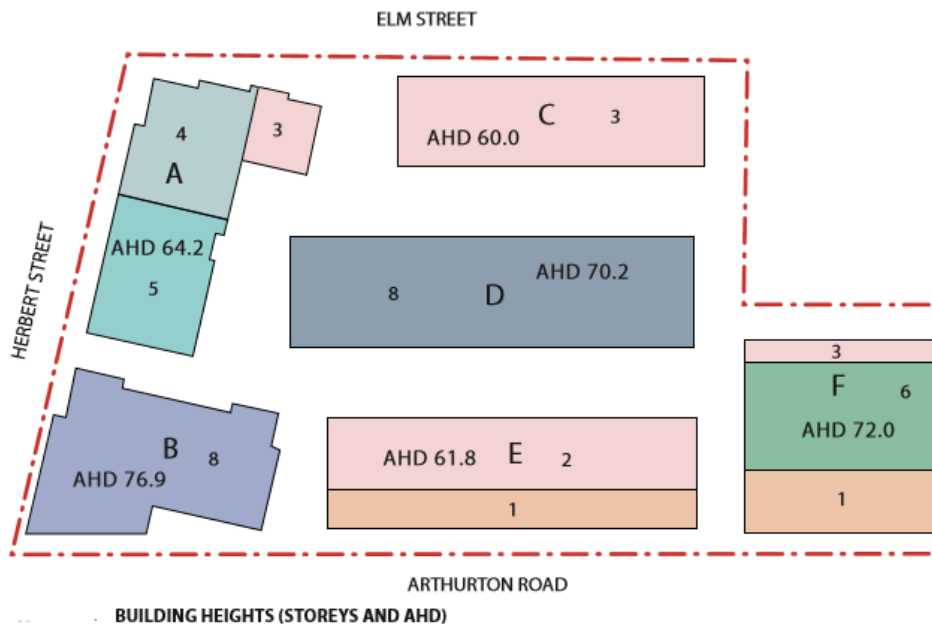


Figure 3. Building Heights (Storeys and AHD)

The design is to include environmental standards at “best practice” using the technical standards that have been developed by the Green Building Council of Australia.

PUBLIC NOTICE

Formal notification of amendments to development plans is not a requirement under the *Planning and Environmental Act 1987* (as amended); however the community has been sent notification of the proposal as was the case during the processing of the approved Development Plan. Approximately 956 notices were sent to the owners and occupiers of adjoining and nearby properties. Three (3) signs were posted at the site (Arthurton Road, Herbert Street, and Elm Street).

Submissions

- 37 submissions were received at the time of this report. This includes one (1) petition with 13 signatures.

Summarised Submissions

- Change in policy not reflected in proposal.
- Poor urban design.
- Excessive car parking / insufficient car parking.
- Traffic concerns - access from Elm Street to be limited to residents only / intersection of Herbert and Arthurton Road is bad / insufficient traffic assessment from applicant.
- Privatisation.
- Privatisation of the Right of Way (ROW).
- Remove pedestrian link to Elm Street.
- Access to light for Playspace.
- Location of service area will impact residences on Elm Street.

- Amenity impacts / Overshadowing.
- Height at 8 levels excessive / Impact upon All Nations Park / location of land mark building.
- Oversupply of apartments.
- Should be aged care development of 3 storeys.
- Request Parking Overlay for the area.
- Should not include woolworths/supermarket.
- Pressure on public transport / services and infrastructure.
- Elm Street and Herbert Street community park being removed.
- Insufficient consultation.
- Reduced liveability.
- Roads too narrow.
- Poor quality of construction.
- Disturbance from construction.
- Impact upon late night venue.
- Difficulty in accessing plans.
- Herbert Street should be widened.
- Extend area for deep soil.
- Pedestrian access Hot spot worst for Herbert and Arthurton Road.
- Failure to provide affordable housing.

Officer comment on summarised Submissions

Change in policy not reflected in proposal

As mentioned in the background of the report policy has changed. The development accords with acknowledged policy for urban consolidation and increased densities. Although it is acknowledged that there will be some impacts due to increased densities (eg. traffic, parking), these are to be managed to a reasonable degree by the imposition of the provisions of the Development Plan Overlay, Clause 52.06 (car parking) of the Darebin Planning Scheme and State and Local Planning Policy Framework. Car parking and traffic are discussed in detail in the assessment section of this report.

Poor urban design

The ultimate design of the developments will not be confirmed until planning permits applications for each stage. The purpose of the Development Plan is to set the rules for future planning permit applications on the site. A high Quality Urban Design is required as part of the application will be assessed below.

Excessive car parking / insufficient car parking

Concerns have been raised by both insufficient and excessive car parking that is proposed, a detailed assessment of the parking requirements will be found within the body of the report. It is noted that car parking rates were considered as part of the original Planning Scheme amendment and have been endorsed under POD/1/2011.

Traffic concerns - access from Elm Street to be limited to residents only / intersection of Herbert and Arthurton Road is bad / insufficient traffic assessment from applicant

The analysis of parking and traffic movement undertaken by Cardno Grogan Richards and updated by OneMileGrid concluded that the access and egress to and from the site and the proposed car parking provision rate are appropriate. Council has reviewed the applicant's submission and requires additional measures to limit impact upon Elm Street and VicRoads requires a Transport and Traffic Management Plan assessing the impacts upon St Georges Road, High Street and Arthurton Road conditional approval is recommended.

Privatisation of the Right of Way (ROW)

Use of the Laneway does not constitute privatisation of the Laneway. Any application to develop the site that utilises the ROW would require an assessment for the proposal, the application can propose to utilise a ROW.

Remove pedestrian link to Elm Street

Pedestrian link is encouraged by policy as outlined in Development Overlay - Schedule 14 incorporate additional or improved walkways or streets and permeability through the site, at least one north-south shared accessway connection between Arthurton Road and Elm Street.

Access to light for Playspace

The location of the Playspace is considered to be within an appropriate location, flanked by Buildings A, B and D. Building A is a part 3, 4 and 5 storey located to the north the Communal space for Building B will provide for activation of the area.

Location of service area will impact residences on Elm Street

Buildings C and F have abutments to properties on Elm Street where vehicle access adjacent Building C and loading bay rear of Building F are proposed. Given the requirements of the Design Development Overlay the layout is considered to be appropriate.

Amenity impacts / Overshadowing

The revised Development Plan is orientated and laid out in such a way that it will limit overshadowing of nearby residential properties. Furthermore, the height of the proposed buildings in the centre of the site falls towards Arthurton Road, limiting shadow over the public realm. Overlooking of habitable room windows and secluded private open space will be dealt with as part of the Planning Permit process, in accordance with Standard B22 (Overlooking) at Clause 55.04-6 of the Darebin Planning Scheme.

Height at 8 levels excessive / Impact upon All Nations Park / location of land mark building

The heights, location of landmark buildings and impacts upon All Nations Park are within the limits set out within the Development Overlay – Schedule 14 as illustrated below.

Pressure on public transport / services and infrastructure

Public Transport Victoria were referred the proposed amendment to the Development Plan and had no submission to make against the proposal. Any improvements required to existing utilities for reason of the development will be at the responsibility of the developer. Infrastructure outside the site arising from general population growth, be that retail, transport, medical or educational will be for the responsibility of the relevant service provider.

Elm Street and Herbert Street community park being removed

There is no proposed removal of a community park on the corner of Elm and Herbert Street. A play space is proposed to the south east of the site between Building A and Building B.

Insufficient consultation

The site has a long history of consultation as outlined elsewhere in the report:

The amendment, alongside C81 (the Northcote Structure Plan) received 157 submissions... Council decided to further consult the community through a survey distributed in May 2010.

As part of this notice 953 letters were sent to adjoining owners and occupiers and three (3) signs were displayed on site.

Reduced liveability

Respondents have formed the view that development would disrupt the liveability of the area. This view runs against the principles of social inclusion, it is baseless and cannot be given consideration as part of the planning process.

Roads too narrow

Arthurton Road is covered by a Public Acquisition Overlay and as part of the Development Plan the buildings and site can accommodate the widening of Arthurton Road.

Poor quality of construction

General comments were provided relating to the poor level of construction within Northcote, this is not a ground to refuse an amendment to a development plan. Construction quality is managed during the building process.

Disturbance from construction

The approved Development Plan includes a Construction Management Plan, which sets out the principles that will operate for each construction stage. It is a requirement of the Construction Management Plan that measures are taken to protect council and private and the amenity of surrounding areas through the construction period. A condition of any approval will require an updated Construction Management Plan.

Impact upon late night venue

Any application for development would require a planning permit which would be required to be considered against the relevant planning policies and agent of change principle if applicable.

Difficulty in accessing plans

Plans were made available online and sent to people who requested them via a drop box link due to the limitations of email inboxes.

Herbert Street should be widened

The extension to Herbert Street is outside the scope of the application it is noted that Arthurton Road is to have the capacity to be widened due to the Public Acquisition Overlay and requirements of the Planning Scheme.

Extend area for deep soil

The application references 11.75% of the site to be able to accommodate deep soil planting. A condition will require the reference to this amount to be provided would be confirmed under the planning applications and should be increased to 15%.

Pedestrian access Hot spot worst for Herbert and Arthurton Road

Potential for new pedestrian crossing has been identified on the Development Plan which has the potential to improve pedestrian movements.

Failure to provide affordable housing

A general principle established in *Green v Hobsons Bay CC (Red Dot) [2013] VCAT 2091* ('Green') in relation to affordable housing is thus:

- That in the absence of specific statutory controls in the Planning Scheme, the provision of smaller dwellings, commanding lower prices on the open market than other comparable housing types, sufficiently achieves the intent of general planning policy which encourages affordable housing.

Local policy guidance with respect to housing is contained in Clause 21.03 of the Scheme. While there is strong policy support for appropriate medium density in-fill in well serviced locations, it is Clause 21.03-3 (Housing Diversity and Equity) that is of particular relevance to the objectors' concerns. The overview sets out (extracted as relevant):

"Housing affordability is a particular housing issue in Darebin. Lack of affordable housing and high rental prices can aggravate housing stress and homelessness. Housing affordability, income levels and demand for social and public housing are highly correlated. An increase in the supply of affordable housing could ease housing stress of low income earners and can decrease the demand for social housing."

Objective 4 of Clause 21.03-3 includes the following strategies:

"Ensure housing in the municipality is sufficiently diverse to provide more affordable and appropriate choices and opportunities."

"Facilitate the provision of affordable housing in terms of purchase price as well as lower ongoing operational costs, by promoting housing growth in areas with good access to services and public transport and encouraging best practice environmentally sustainable housing design to minimise ongoing utility costs"

The proposed development incorporates six (6) buildings and up to 400 dwellings, with a range of 1, 2 and 3 bedrooms and improves the diversity of housing choice on the open market. The proposal therefore accords with the principles established in *Green* and the objectives of the relevant local policy.

EXTERNAL REFERRALS

Whilst there is no requirement under Section 55 of the Act to refer the application, letters were sent to Public Transport Victoria and VicRoads seeking their views on the proposal as per the requirements of the Development Plan Overlay – Schedule 10.

Public Transport Victoria

Public Transport Victoria has responded on 30 June, 2017 that it has no submission to make against the Amended Development Plan as submitted.

VicRoads

By letter dated 4 August 2017, VicRoads advised that it had no objection to the amended Development Plan subject to the following conditions:

- Submission of a Transport and Traffic Management Plan assessing the impact of the development on St Georges Road, High Street and Arthurton Road for VicRoads approval; and
- The completion of any works required before the development is required.

Melbourne Water

The site is partially affected by a Special Building Overlay. Whilst there is no requirement under Section 55 of the Act to refer the application, a letter was sent to Melbourne Water seeking their views on the proposal. By letter dated 13 July 2017, Melbourne Water advised that it did not object to the amended proposal and advised that the current applicable floor level was 47.75 metres to Australian Height Datum. The applicant has been made aware of Melbourne Water's requirements.

PLANNING ASSESSMENT

Urban Design

Better Apartment Design Standards

The Better Apartment Design Standards were introduced in March 2017. All planning permit applications for the site will need to be assessed against the Better Apartment Design Standards.

The Design Standards provide an assessment tool for apartments in building of more than four storeys which has not previously been available. In particular, the Design Standards focus on internal residential amenity by providing standards regarding:

1. Building setback;
2. Functional layout;
3. Room depth;
4. Windows;
5. Storage;

6. Noise impacts;
7. Energy efficiency;
8. Solar access to communal open space;
9. Natural ventilation;
10. Private open space;
11. Communal open space;
12. Landscaping;
13. Accessibility;
14. Building entry and circulation;
15. Waste and recycling; and
16. Integrated water and storm water management.

The Development Plan will guide the detailed design of the apartments to ensure it meets the objectives of the Apartment Design Standards, which will require assessment at the planning permit application stage.

Development Plan Overlay – Schedule 10

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

Schedule 10 of the Development Plan Overlay specifies the requirements for the development plan. The development plan must seek to achieve the objectives of the ‘requirements for development plan’ (section 3.0).

An assessment is provided under all of the ‘requirements for development plan’ (section 3.0) of Schedule 10 as follows:

OBJECTIVE	ASSESSMENT
General objectives	
<i>The development plan must seek to achieve the objectives set out below.</i>	
To ensure that the future use and development of the land takes advantage of this large site situated close to transit services.	The future use and development takes advantage of the location, close to public transport and of a size that can accommodate a large format retail use. Complies
Provide for a mix of uses across the sites.	A mix of uses is provided, including residential and a range of retail uses. Complies

OBJECTIVE	ASSESSMENT
<i>Provide for development in a form which is generally consistent with the Northcote Major Activity Centre Structure Plan April 2007 (in particular with the Arthurton Road Precinct AR) and which achieves a high quality built form and urban environment.</i>	The form and height is consistent with the Northcote Major Activity Centre Structure Plan. See separate assessment. Complies
<i>To require a Sustainability Management Plan as the means of documenting and delivering sustainability objectives set out in the Northcote Major Activity Centre Structure Plan April 2007 for this key strategic redevelopment site.</i>	A Sustainability Management Plan forms part of the approved Development Plan, a condition of any approval will require this document to be updated in accordance with the revised Development Plan. Complies subject to condition
<i>To encourage the development of the site for residential, commercial, retail, service and related uses that will increase the economic and social functions of the centre.</i>	An appropriate range of uses has been encouraged and will be provided on the subject site. Complies
<i>To provide for the addition of employment, residents, new service and retail uses in the core activity area of Northcote.</i>	The addition of employment, residents, service and retail uses is provided for. Complies
<i>To take advantage of the strategic position of the sites by providing for high density development.</i>	The development is high density and therefore takes advantage of the strategic position of the site. Complies
<i>To provide for the extension of a residential interface along Elm Street.</i>	The development provides of the extension of the residential interface along Elm Street through Buildings A and C. Complies
<i>To provide for the sites to be developed in stages.</i>	The site will be developed in stages. See later in this assessment for details. Complies
<i>To ensure that the use of the land for a mix of uses between non-residential uses and residential uses occurs within similar time frames.</i>	A mix of non-residential and residential uses is expected to occur within similar time frames under the staging plan. Complies

OBJECTIVE	ASSESSMENT
<p>Use</p> <p><i>The development plan must show or make provision for):</i></p>	
<p><i>The use of the sites for residential, office, shop, and other uses which will create sustainable, active, mixed use environments.</i></p>	<p>The intention has been demonstrated to create a sustainable, active, mixed use environment containing a mix of uses.</p> <p>Complies</p>
<p><i>The arrangement of uses across the site to enable interaction between business and service uses where important (to create active sections), while also creating separation for residential uses from other activities.</i></p>	<p>The uses have been arranged to enable interaction between business and services. Residential uses are appropriately separated.</p> <p>Complies</p>
<p><i>The aggregation of uses that takes advantage of the high quality public transport, road access, cycle paths and facilities that are within walking distance of the sites.</i></p>	<p>The aggregation of uses takes advantage of nearby services and facilities.</p> <p>Complies</p>
<p><i>The location and approximate uses of proposed buildings, access ways, open space and car parking areas on the sites.</i></p>	<p>The location and approximate uses of buildings, access ways, open space and car parking is provided.</p> <p>Complies</p>
<p><i>Residential uses to be located along Elm Street.</i></p>	<p>Residential uses are to be located along Elm Street (Buildings A and C).</p> <p>Complies</p>
<p><i>Opportunities for shops, offices, sensitive uses and food and drink premises at street level for the site south of Arthurton Road.</i></p>	<p>There are sufficient opportunities for shops, sensitive uses and food and drink premises at street level as appropriate (Buildings B, E and F).</p> <p>Complies</p>
<p><i>Environmental Design and Management:</i></p> <p><i>Sustainability management Plan</i></p>	
<p><i>The Development Plan must include a Sustainability Management Plan, prepared by a suitably qualified person, for the whole of the site that demonstrates to the responsible</i></p>	<p>As part of the approved Development Plan, WSP Parsons Brinckerhoff (formerly known as Built Ecology) have provided an appropriate Sustainability Management Plan (commonly referred to ESD Management Plan). It generally achieves 'best practice' Ecologically</p>

OBJECTIVE	ASSESSMENT
<p><i>authority how the future development of the site will strategically embody best practice Ecologically Sustainable Development (ESD). To do so it must include a sustainability assessment that will form part of the approved development plan and will address the following themes:</i></p> <ol style="list-style-type: none"> <i>1. Energy Efficient Design</i> <i>2. Integrated Water Management</i> <i>3. Waste Reduction</i> <i>4. Biodiversity</i> <i>5. Sustainable Transport</i> <i>6. Building Standards</i> 	<p>Sustainable Development. A condition of any approval will require this report to be updated to reflect the revised Development Plan.</p> <p>Complies subject to condition</p>
<p><i>Buildings must be capable of achieving:</i></p> <ol style="list-style-type: none"> <i>1. a minimum 5 star GreenStar rating under the Green Building Council of Australia’s GreenStar Building Design Rating Tools or any successor of GreenStar; or</i> <i>2. alternative accreditations of equal or greater standing as may be considered acceptable to the responsible authority at the time of approval.</i> 	<p>The Sustainability Management Plan that forms part of the approved Development Plan demonstrates that the buildings are capable of achieving a minimum five (5) star GreenStar rating. Key features creating this include: Building form, orientation and thermal massing; shading and glazing; insulation; colours and finishes; maximising cross ventilation; HVAC system controls reducing heating and cooling energy waste; photovoltaic cells for sunshine energy production; consideration of on-site co-generation energy production; water sensitive urban design. A condition of any approval will require this report to be updated to reflect the revised Development Plan.</p> <p>Complies subject to condition</p>
<p>Permeability and Access</p> <p><i>The development plan must show or make provision for:</i></p>	
<p><i>Arthurton Road on the north-side to be widened by at least 5 metres to achieve enhanced pedestrian amenity and safety to allow for a wider pedestrian footpath, kerbside car parking and the planting of street trees.</i></p>	<p>Arthurton Road on the north side is to be widened by 5m as required. The Site Master Plan confirms the provision.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p><i>Arthurton Road on the south side to be widened by at least 1.5 metres to achieve enhanced pedestrian amenity and safety between High Street and Herbert Street (railway station).</i></p>	<p>The South side of Arthurton Road Site 2 has been completed and has a suitable pedestrian amenity between High Street and Herbert Street.</p> <p>Complies</p>
<p><i>The location of all vehicle access points, vehicle access ways, pedestrian access ways, linkages to the streets and to adjacent lands, recognising that direct access to Arthurton Road should be limited to a maximum of three locations on the northern side and no direct access on the southern side.</i></p>	<p>The location of vehicle accessways are generally appropriate subject to condition and no objection has been received from VicRoads, subject to condition.</p> <p>Complies subject to condition</p>
<p><i>Pedestrian linkage/s north-south, between Elm Street and Arthurton Road.</i></p>	<p>A north-south pedestrian link between Elm Street and Arthurton Road is provided.</p> <p>Passive surveillance is provided to the link, via residential lobbies and shop locations Buildings C, D, E and F.</p> <p>Site Master Plan confirms the commercial frontages adjacent to the link to have active frontages facing the link.</p> <p>Complies</p>
<p><i>Provision for a future pedestrian connection from the Arthurton Road site (north) to High Street.</i></p>	<p>Provision is made available for a future pedestrian connection from the subject site to High Street.</p> <p>Complies</p>
<p><i>Provision of pedestrian operated signals within the vicinity of the Arthurton Road /Herbert Street intersection and details of the developer contributions towards construction and installation, to the satisfaction of the responsible authority.</i></p>	<p>Provision is made for pedestrian operated signals within the vicinity of the Arthurton Road /Herbert Street intersection. However further details as to the developer contributions towards construction and installation shall be provided as a condition of any approval.</p> <p>Complies subject to condition</p>
<p><i>Design and Built Form:</i></p> <p><i>The development plan must show or make provision for:</i></p>	
<p><i>General:</i></p>	

OBJECTIVE	ASSESSMENT
<i>The overall building heights (to AHD) and the number of storeys of any proposed buildings and structures.</i>	The number of storeys and the overall heights to AHD is provided and accords with acknowledged planning policy. Complies
<i>Take advantage of the long frontages to allow for access and individuality.</i>	The development takes advantage of the long frontages. Complies
<i>Provide solar access by utilising the northern aspects and through creating north-south openings within the sites.</i>	Solar access is provided with north south openings. Complies
<i>Achieve architectural quality and a high degree of articulation.</i>	The layout of the buildings and concept plans provide for architectural quality and a high degree of articulation. Further details will be required as part of the Planning Permit process. Complies
Land north of Arthurton Road:	
<i>Achieve active building interfaces along Arthurton Road particularly along the eastern half of the frontage.</i>	Active building interfaces along Arthurton Road particularly along the eastern half of the frontage are achieved. Building B includes a Commercial frontage that wraps around the corner with Arthurton Road and Herbert Street. Complies
<i>Along the western half of the Arthurton Road frontage, allow the option of reducing the number of building entrances to provide for separation from arterial road activities.</i>	Commercial/Retail fronts face the western half of the Arthurton Road frontage and the number of direct building entrances is limited to one (1) for Building E from Arthurton Road. Additional retail entrances are proposed that enhance the active frontage along Arthurton Road. Complies
<i>Provide for predominantly continuous pedestrian shelter along the eastern section of Arthurton Road.</i>	An almost continuous length of canopy provides shelter along Arthurton Road, this is described in the design response sections for building E and F fronting Arthurton Road. Complies

OBJECTIVE	ASSESSMENT
<i>Along Herbert Street, manage the western sun orientation, and provide for medium to higher level building façades.</i>	Buildings A and B are designed so as to present relatively minor facades to the west, sun shading is proposed on western facades, further details of sun shading will be required as part of the Planning Permit process. Complies
<i>Provide for windows and street entries that achieve passive surveillance of the streets.</i>	Passive surveillance is provided. Complies
<i>Allow for buildings to step up in height within the body of the site to achieve high density site utilisation.</i>	Buildings step up in height within the body of the site as required. Complies
<i>Allow for the creation of landmark building/s within the site, particularly towards the Herbert Street section where attractive views can be obtained from upper levels while achieving good separation from adjacent sensitive land uses.</i>	A landmark building of 8 storeys is located at the Herbert Street/Arthurton Road intersection. Complies
<i>Create areas of open space within the site for residents and users.</i>	There are areas of open space within the subject site for residents at ground floor North Square, Play Space and North South Link in addition to communal terraces. Complies
<i>Orientate spaces to achieve solar access.</i>	Solar access is available from the Communal terraces on: Northern rooftop garden Level 3 of Building A; Terrace on Level 2 Building A; and Rooftop terrace Level 8 of Building B. There is opportunity for solar access to North Square and Play Space. Complies

OBJECTIVE	ASSESSMENT
<p><i>Provide for transitional building heights close to the residential properties which abut the northern site.</i></p>	<p>Building C provides a transitional height being three (3) storeys high.</p> <p>The Northern portion of Building A provides a transition of four to three storeys</p> <p>Complies</p>
<p><i>Land south of Arthurton Road:</i></p>	
<p><i>Achieve active building interfaces along Arthurton Road and the Council car park frontages.</i></p>	<p>Active interfaces have been provided to Arthurton Road and the Council Car Park.</p> <p>Complies</p>
<p><i>Acknowledge street and site interface to the south by stepping building height along these edges.</i></p>	<p>The building height along the southern edge is stepped back.</p> <p>Complies</p>
<p><i>Requirement for a Mix of Uses:</i></p>	
<p><i>The development plan must describe arrangements which will ensure that a mix of residential and non-residential uses occurs on the sites through development stages.</i></p>	<p>Site 2 is complete. Staging of Site 1 will occur so that the development is split into three (3) construction stages.</p> <p>Stage 1 will include the western most portion of the site (frontage to Herbert Street). Buildings A and B, Play area, single level basement, Tree planting along Herbert Street and temporary treatments along Arthurton Road.</p> <p>Stage 2 will include area between Elm Street and Arthurton Road (mid block), Buildings C, D and E, Public North South link, double storey basement beneath central portion of site and final street treatment along Arthurton Road.</p> <p>Stage 3 will include eastern most portion of site Building F and links towards High Street.</p> <p>It is acknowledge that the staging of development is subject to market forces.</p> <p>Complies</p>
<p><i>The responsible authority may refuse a permit for an application to subdivide, use or develop the land if it considers that the granting of a permit would lead to a mix of uses not being achieved.</i></p>	<p>Acknowledged. There is no indication that the granting of a permit would lead to a mix of uses not being achieved.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p><i>Integrated Transport and Traffic Management:</i></p> <p><i>The development plan must make provision for and address:</i></p>	
<p><i>The range and scale of uses that will be anticipated on the sites.</i></p>	<p>The revised Development Plan makes provision for the range and scale of uses anticipated through provision of adequate areas for services, access and open space.</p> <p>Complies</p>
<p><i>Estimated vehicle trip generation levels.</i></p>	<p>The estimated total vehicle trip generation level (maximum) is 3 300 movements per day, which is less than the maximum suggested by Panel (being 3,402 movements per day) and less than what has been approved with the 2013 amendment to the Development Plan 3,842. The location of the site, with access to excellent public transport infrastructure, approximately 145 bicycle parking spaces to be provided and conditions relating to a Green Travel Plan are considered appropriate ways to reduce traffic and the proposal is therefore considered acceptable.</p> <p>Complies subject to condition</p>
<p><i>The expected staging of building occupation.</i></p>	<p>Site 2 has been constructed and is occupied. Staging of Site 1 will occur so that the development is split into three (3) construction stages.</p> <p>Stage 1 will include the western most portion of the site (frontage to Herbert Street). Buildings A and B, Play area, single level basement, Tree planting along Herbert Street and temporary treatments along Arthurton Road.</p> <p>Stage 2 will include area between Elm Street and Arthurton Road (mid block), Buildings C, D and E, Public North South link, double storey basement beneath central portion of site and final street treatment along Arthurton Road.</p> <p>Stage 3 will include eastern most portion of site Building F and links towards High Street.</p> <p>Complies</p>
<p><i>Vehicle ingress and egress points and estimated levels of usage.</i></p>	<p>Vehicle ingress and egress points are located at the Herbert Street, Elm Street and loading bay from Right of way to Building F.</p>

OBJECTIVE	ASSESSMENT
	<p>Further information is required to confirm measures to be put in place restricting usage of Elm Street to the satisfaction of the Responsible Authority</p> <p>Complies subject to condition</p>
<p><i>Car parking for the uses should be limited in general supply, consistent with the transit oriented nature of the development.</i></p> <p><i>The level, allocation and location of car parking on the lands.</i></p>	<p>Car parking is limited in general supply, consistent with the transit oriented nature of the development.</p> <p>The proposed allocation of car parking is:</p> <ul style="list-style-type: none"> - Retail – 3 spaces per 100 square metres - Office – 2.5 spaces per 100 square metres - Residential – 0.97 spaces per apartment <p>The last endorsed rate for the Development plan in 2014 was:</p> <ul style="list-style-type: none"> - 1 bedroom dwellings – 0.8 spaces per dwelling. - 2 bedroom dwellings – 1 space per dwelling. - Retail – 3 spaces per 100m² floor area. - Office – 3 spaces per 100m² floor area. - Supermarket – 5 spaces per 100m² floor area. <p>The rates proposed are considered acceptable.</p> <p>Complies</p>
<p><i>The location of car parking spaces should be situated at basement level or in structures. Visibility from the street should be limited to small sections of (generally short term) parking.</i></p>	<p>The car parking spaces are generally located within basement structured that are of limited visibility from the street.</p> <p>Complies</p>
<p><i>Impacts on the arterial and local roads and any mitigating works required.</i></p> <p><i>Any proposed off-site traffic management treatments.</i></p>	<p><u>Mitigating works required:</u></p> <p>The Transport Management and Planning Unit have assessed the Development Plan and specified that measures to restrict traffic movements to Elm Street are required. It is therefore recommended that traffic management measures are in place to restrict usage of Elm Street to the satisfaction of the Responsible Authority as a condition of any approval.</p> <p>In addition, VicRoads Transport and Traffic Management Plan for VicRoads approval. The</p>

OBJECTIVE	ASSESSMENT
	<p>plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.</p> <p>Complies subject to condition</p>
<p><i>Any changes identified for public transport stops, pedestrian or bicycle access ways.</i></p>	<p>No identified changes have been highlighted by VicRoads or Public Transport Victoria.</p> <p>Complies, subject to condition</p>
<p><i>Provision for secure bicycle storage for residents, and workers with end of bicycle trip facilities for workers.</i></p> <p><i>Provision for short term bicycle parking for visitors to the sites.</i></p> <p><i>Provision for loading and unloading of vehicles.</i></p>	<p>Secure bicycle storage; short term bicycle parking; and loading/unloading of vehicles has been committed to. The detail of this will need to be assessed at the Planning Permit stage.</p> <p>Complies</p>
<p><i>Measures that can be adopted to reduce private car usage across the development.</i></p>	<p>A Green Travel Plan is required as a condition of any approval.</p> <p>Car sharing details are to be provided as a condition of any approval.</p> <p>Various other walking, cycling and public transport encouragement mechanisms as provided in the Green Travel Plan.</p>
<p><i>The responsible authority must consult with the relevant roads authority and relevant public transport authority prior to approving the plan.</i></p>	<p>VicRoads have been consulted.</p> <p>VicRoads advises that its previous comments relating to the approved Development Plan remain valid for the revised Development Plan.</p> <p>Conditions of any approval will require the conditions, as set out on the approved Development Plan, to be included as part of this revised Development Plan.</p> <p>Public Transport Victoria has not objected to, or provided any recommended conditions for the proposed Development Plan.</p> <p>Complies, subject to condition</p>
<p>Landscape Plan:</p>	
<p><i>The development plan must</i></p>	<p>A schematic landscape plan has been provided</p>

OBJECTIVE	ASSESSMENT
<p><i>include a schematic landscape plan for the whole of the sites. It must be consistent with all other development plan requirements. This plan is to indicate:</i></p> <ol style="list-style-type: none"> <i>1. Design philosophy.</i> <i>2. The identification of any sensitive interfaces and proposed treatments.</i> <i>3. The treatment of street edge spaces and internal spaces for vehicular and pedestrian access, bicycle parking, recreation and solar access.</i> <i>4. The treatment of footpaths in Elm Street, Herbert Street, Arthurton Road and Helen Street as applicable.</i> 	<p>and is generally consistent with all other development plan requirements.</p> <p>The plan indicates:</p> <ol style="list-style-type: none"> 1. An acceptable design philosophy. 2. Sensitive interfaces and proposed treatments. 3. The treatment of street edge spaces and internal spaces. 4. The treatment of footpaths in Elm Street, Herbert Street, Arthurton Road, and Helen Street. <p>Further detailed landscape plans will be required as part of the Planning Permit process.</p> <p>Complies</p>
<p><i>Environmental Management:</i></p>	
<p><i>The development plan is to include an assessment by a suitably qualified environmental professional. The assessment must include:</i></p> <p><i>The nature of the previous uses or activities on the sites.</i></p> <p><i>The length of time the activities took place.</i></p> <p><i>What is known about contamination present on the land.</i></p> <p><i>How the contamination is distributed.</i></p> <p><i>The assessment may deal with the site in stages.</i></p>	<p>A preliminary environmental assessment has been provided by Golder Associates Pty Ltd.</p> <p>The nature of the previous uses is that the site has been used for industrial and commercial purposes including textile operations and clothing manufacturing, offices, warehousing and distributions activities.</p> <p>The activities have generally taken place since the 1940-1950's to the present.</p> <p>What is known about contamination is that following a preliminary site inspection (walk over), no evidence of fill, odorous material, or potential point sources of contamination were identified. However, the previous uses undertaken on the site have a 'high' potential to result in contamination. Therefore further investigations are required to determine the extent of (any) contamination.</p> <p>It is considered that it is acceptable for this process to continue during the Planning Permit process as the site is subject to the provisions of the Environmental Audit Overlay.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p>Construction Management Plan:</p> <p><i>The development plan must include an outline of a construction management plan which sets out the principal construction issues and how the anticipated processes will be managed.</i></p> <p><i>The construction management plan must include a construction staging program and must outline:</i></p> <ol style="list-style-type: none"> 1. <i>Measures to protect the amenity of surrounding areas through the construction period against dust, noise and stormwater control and security lighting.</i> 2. <i>The management of construction worker vehicles.</i> 3. <i>The delivery and storage of materials on the site.</i> 4. <i>Addressing any site contamination (if relevant).</i> 5. <i>A schedule of hours of work during the normal week.</i> 6. <i>A procedure to seek specific out of hours work to deal with special construction requirements.</i> 7. <i>Construction access to the site.</i> 8. <i>The management of traffic operation that might affect Arthurton Road.</i> 9. <i>Measures to limit construction vehicle activity on Elm Street.</i> 	
<p>A condition of any approval will require the Construction Management Plan to be generally in accordance with that which forms part of the approved Development Plan.</p>	

Design and Development Overlay – Schedule 14

In accordance with the guidelines as set out in Schedule 14 of the Design and Development Overlay, in assessing the development plan the responsible authority should consider the relevant guiding principles under precinct A1 (Arthurton Road):

1. New development should provide an integrated public, pedestrian and street-based continuous retail and commercial edge along Arthurton Road between High Street and Herbert Street – Complies.

The design outcomes; permeability and access; detailed redevelopment fronting Arthurton road (north side); specific Elm and Helen Street interfaces will be considered at planning permit stage.

Strategic Justification

The proposal is consistent with State Planning Policy Framework, in particular Clause 16.01-2 ‘Location of residential development’. The clause emphasises the need to concentrate new housing development in and around:

1. Activity Centres:
2. Employment corridors; and
3. Strategic Redevelopment Sites.

Within a one kilometre radius of *Arthurton Row*, the services and infrastructure available within a walkable catchment includes:

1. Tram route 11
2. Tram route 86
3. Tram route 112
4. South Morang railway line (via Northcote Station)
5. Bus route 508
6. Bus route 510
7. Bus route 552
8. Bus Route 567
9. Bus route 958
10. High Street Retail Spine
11. Northcote Plaza
12. Batman Park
13. All Nations Park

The abovementioned services and infrastructure located within the vicinity of the subject site make the area highly serviceable and appropriate for significant redevelopment.

The proposal is consistent and will achieve the objectives identified in the Municipal Strategic Statement (MSS) in particular Clause 21.03 Housing (substantial change), Clause 21.03-3 Housing Diversity and Equity, and Clause 21.04-3 Retail and Commercial Activity. The site is located in the 'Arthurton Road precinct', within the Design and Development Plan Overlay and the Northcote Central Structure Plan (2007). The proposal is generally consistent with the preferred future vision of the precinct, including building heights of up to 8 storeys. A mix of commercial uses and a range of 1, 2 and 3 bedroom dwellings are proposed.

The *Darebin Economic Land Use Strategy (2014)* notes that larger format retail opportunities are particularly difficult to accommodate in established centres such as Northcote due to the prevailing subdivision pattern and high level of land fragmentation and states:

"... the Northcote Major Activity Area is the subject of interest from developers and retail operators seeking to expand retail activity."

The revised Development Plan is in accordance with the purpose of the Mixed Use Zone and the Development Plan Overlay – Schedule 10 in that it provides a range of residential and commercial uses which complement the mixed use function of the locality.

Car Parking

In addition to the assessment under the Development Plan Overlay – Schedule 10 and comments received from VicRoads and Public Transport Victoria, the application has been referred to Council's Transport Management and Planning Unit.

Car parking on the site is proposed to be provided as follows:

2013 Development Plan Rate		2017 Development Plan Rate	
Use	Rate	Use	Rate
1 bedroom	0.8 per dwelling	1, 2 and 3 bedroom dwellings	0.97 per dwelling
2 and 3 bedroom dwellings	1 per dwelling		
Retail	3 spaces per 100m ² floor area	Retail	3 spaces per 100m ² floor area
Office	3 spaces per 100m ² floor area	Office	2.5 spaces per 100m ² floor area
Supermarket	5 spaces per 100m ² floor area	Supermarket	N/A

While a slight reduction in car parking for the dwellings is proposed when compared against the 2013 development plan rates, Council does not object to the above rates having taken under consideration the following matters:

- Removal of the supermarket will generate less trips than the retail and office space.
- The proximity to public transport, walking and cycling routes and the provision of appropriate end-of-trip facilities that will encourage reduce dependence on private vehicles.
- Proximity to the Northcote Activity Centre, and the convenience access to many services which further diminishes private vehicle use.
- Empirical data that indicates there is a market for dwellings that do not provide car parking spaces, with ABS data identifying 39% of one-bedroom dwellings, 21% of two-bedroom dwellings and 19% of three-bedroom dwellings do not have a vehicle.
- There are limited opportunities for on-street car parking given the majority of the surrounding streets are subject to parking restrictions.

Further detail on the car parking layout and design will be required as part of the Planning Permit process.

Bicycle Parking

It is acknowledged that a definitive development schedule has not yet been determined. However based on the *anticipated* proposed development schedule contained within the 2017 Traffic report, the site is calculated to have a bicycle parking requirement as follows:

Use	Rate		Employee / Resident Requirement	Visitor / Shopper Requirement
	Employee / Resident	Visitor / Shopper		
Dwelling (four or more storeys)	1 resident space to each 5 dwellings	1 visitor space to each 10 dwellings	80	40
Office (if net floor area >1000 square metres)	1 to each 300 square metres	1 to each 1000 square metres	5	2
Retail	1 to each 300 square metres	1 to each 500 square metres	10	6
Total Requirement			95	48

It is noted that the *Off-street Bicycle and Motorcycle Parking Review* (March 2016) prepared by Phillip Boyle & Associates for City of Melbourne found that the current planning scheme provisions were not adequate, that the requirements for bicycle and motorcycle parking should be increased, and that the quality of the spaces and facilities should be better regulated.

The review recommended that in Clause 52.34 Bicycle Facilities (relevant to bicycle parking) the City of Melbourne seek to:

- *Modify the Decision Guidelines to provide clearer guidance for responsible authorities so that that the importance of bicycle parking is emphasised.*
- *Increase the rates for users (Employee/resident and Visitor/shopper/student) especially for dwellings. It is recommended that the current rate of '1 for every 5 dwellings' be changed to '1 to each 1 bedroom in a dwelling' with the option to vary with a permit.*
- *Require a bicycle parking space for each 100m² of Net Floor Area for most uses.*
- *Change the design guidelines to provide clearer guidance for developers and designers to increase the effectiveness, safety, security and access of the parking that is provided.*

Given the proposal is located close to cycle connections and public transport, provides a range of travel choices apart from private vehicles, and that a car parking waiver is being sought as part of the application, the provision of one dedicated bicycle parking space for each apartment is considered appropriate for the apartments. Provision of bicycle of parking for the Office and Retail uses as per the Planning Scheme rates is considered appropriate.

Ideally bicycle parking should be on the ground floor and easily accessible and bicycle parking for visitors or shoppers must be provided near the main entrances to the development.

Showers & Change Rooms

Clause 52.34 of the Darebin Planning Scheme requires 1 shower for the first 5 employee bicycle parking spaces, and 1 shower for each subsequent 10 spaces. As yet no details on the provision of shower facilities has been made.

TRAFFIC

- Further information is requested from the applicant in relation to existing and expected traffic volumes to Elm Street. It recommended that access to the development be retained from Herbert Street and further infiltration to Elm Street and the local street network is limited.

Pedestrian Design

While definitive designs has not yet been determined, based on the Master Plan prepared by the applicant the site will provide multiple pedestrian interfaces along all street frontages – Arthurton Road, Herbert Street and Elm Street.

As part of the development, a public pedestrian link is proposed towards the eastern end of the subject site providing a connection between Elm Street and Arthurton Road. In addition, a future pedestrian link to High Street has also been planned for. Further details around how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link, will be confirmed when the Planning Permit applications are lodged.

Schedule 10 to the Development Plan Overlay notes *the provision of pedestrian operated signals within the vicinity of the Arthurton Road/Herbert Street intersection*. The proposed signalised pedestrian crossing has been annotated on the Master Plan but has not been discussed within the Transport Impact Assessment (April, 2017).

Whilst supportive of the provision of the pedestrian operated signals; further consideration around the location of the facility is warranted. Council has recently constructed a pedestrian refuge on Arthurton Road adjacent to the railway lines that provides a safe connection between Northcote Train Station and the north side of Arthurton Road. The operation of the boom gates also acts as a “shadow” providing crossing opportunities for pedestrians. Exact layout of pedestrian crossing will be confirmed as part of a Planning Permit application.

As required under DPO10; further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided to the satisfaction of the Responsible Authority.

Vehicle Access

Vehicle Access Management

The current development plan (2017) proposes vehicular access from Herbert Street and from Elm Street via two single access points. The proposal therefore seeks a reduction in the number of access points from the previous development plan (2011) which in addition to the access to Herbert Street and Elm Street also proposed two (2) crossovers to Arthurton Road. The proposed access arrangements **are not** supported (refer to the section below for further discussion around this issue). Notwithstanding, the removal of the access points from Arthurton Road will provide a safer environment, especially given the proposal seeks to establish a bicycle lane on Arthurton Road. It is also preferable that the number of access points to a road in a Road Zone is reduced.

The Master Plan also makes reference to vehicle access from the existing ROW located adjacent the eastern boundary of the development. Further information is requested in terms of how this access will work. The applicant is requested to give due consideration to existing and **future** traffic volumes along the ROW as a result of expected future development within the area. Any application for development will confirm the arrangement.

Traffic Impact

The applicant has undertaken a review of existing and future traffic volumes at the following three intersections;

- Arthurton Road / St Georges Road;
- Arthurton Road / Herbert Street; and
- Arthurton Road / High Street.

In relation to the subject site, future traffic volumes on Herbert Street and Elm Street are expected to be as follows:

	AM Peak Hour	PM Peak Hour
Herbert Street	304	409
Elm Street	271	330

Assuming that peak hour volumes are 10% of average daily volumes, post development Herbert Street is anticipated to carry approximately 3,000 to 4,000 vehicles per day and Elm Street is expected to accommodate 2,700 to 3,300 vehicles per dY. These volumes are beyond the carrying capacity of local streets which typically accommodate volumes in the range of 2,000 to 3,000 vehicles per day. As part of any Planning Permit the layout and access from the proposed basements will confirm useage. The rates generated from the development are less than what the Panel allowed (3,402 trips per day) whereas approximately 3,200 trips will be generated by the proposal.

The development proposes 508 car parking spaces located within two basement level car parks accessed from Herbert Street and Elm Street. On this basis it is expected that Elm Street could accommodate a significant volume of post development traffic. Elm Street is a local road and predominately residential in nature and continues to experience significant growth in traffic from future development in the area.

To adequately manage traffic, it is Councils preference that access to the development is prioritised to Herbert Street and further traffic infiltration to Elm Street and the surrounding local road network is discouraged. To achieve this outcome, traffic should be directed back towards Arthurton Road rather than penetrating the local street network as far as practically possible. A condition will require details of this to be included on the Development Plan.

The applicants traffic memo that was supplied following Councils RFI (16 August 2017) assessed the implications of restricting the Herbert Street access to left-out only. This assessment was conducted under the assumption that the Elm Street access would remain. This is incorrect and Council requires that the development must prioritise access to Herbert Street and not Elm Street.

Given the expected post development traffic volumes, Councils would expect the applicant to contribute towards traffic management improvements within the area. There are opportunities to improve the street environment at the Herbert Street / Elm Street and the Herbert Street / Arthurton Road intersections particularly in relation to pedestrian access and permeability. This is particularly relevant given the expected increase in pedestrian volumes post development.

On the basis of the foregoing discussion, the applicant is requested to provide the following information in part as part of the amended Development Plan and design detail as part of Planning Permit applications:

- The development must prioritise access to Herbert Street and not Elm Street.
- Further details of how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link.
- Further assessment of locating the pedestrian operated signals midpoint along Arthurton Road, given there are no safe opportunities to cross Arthurton Road between High Street and Herbert Street.
- Further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided to the satisfaction of the Responsible Authority.
- Consideration of a revised cross-section that removes on-street car parking along the northern kerb and reallocates this space to the footpath and bicycle lane (minimum bicycle lane width of 2m recommended).
- The development to provide bicycle parking at a rate of one dedicated bicycle parking space for each apartment is considered appropriate for the apartments.

- Further information in regard to how the access to the ROW will operate. The applicant is requested to give due consideration to existing and future traffic volumes along the ROW .
- Given the size of the development, the car parking waiver and proximity to sustainable transport modes; it is recommended that a Green Travel Plan be prepared for the site.

Environmental Audit Overlay

The subject site is affected by an Environmental Audit Overlay. The purpose of the Environmental Audit Overlay is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Please see assessment under the Development Plan Overlay earlier in this report.

Special Building Overlay

The site is partially affected by a Special Building Overlay. Whilst there is no requirement under section 55 of the Act to refer the application, a letter was sent to Melbourne Water seeking their views on the proposal. As Melbourne Water’s advice is of a more technical nature, it has been passed on to the applicant for future reference and to inform them as part of any future Planning Permit process.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection
Transport Management and Planning	Following comments: <ul style="list-style-type: none"> - (summarised) The development must prioritise access to Herbert Street and not Ethel Street. - Further details of how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link. - Further assessment of locating the pedestrian operated signals midpoint along Arthurton Road, given there are no safe opportunities to cross Arthurton Road between High Street and Herbert Street. - Further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided to the satisfaction of the Responsible Authority. - Consideration of a revised cross-section that removes on-street car parking along the northern kerb and reallocates this space to the footpath and bicycle lane (minimum bicycle lane width of 2m recommended).

Department/Authority	Response
	<ul style="list-style-type: none"> - The development to provide bicycle parking at a rate of one dedicated bicycle parking space for each apartment is considered appropriate for the apartments. - Further information in regard to how the access to the ROW will operate. The applicant is requested to give due consideration to existing and future traffic volumes along the ROW. - Given the size of the development, the car parking waiver and proximity to sustainable transport modes; it is recommended that a Green Travel Plan be prepared for the site. <p>Officer's Comment:</p> <p>Condition will require additional restrictions in place for the layout and vehicle access to Elm Street. No planning permit for development can be issued until this arrangement has been confirmed.</p> <p>Concern over access off the right of way for building F would be managed by the Planning Permit application process.</p> <p>Details for pedestrian access would be confirmed under the Planning Permit applications.</p> <p>Treatment of the cross section to the Arthurton Road extension are not endorsed under the Development Plan and would be dealt with as part of a Planning Permit application.</p> <p>Bicycle rates would be confirmed under a Planning Permit application.</p>
Economic Development Unit	<ul style="list-style-type: none"> - (summarised) No objection to the proposed amendment, commercial properties should be designed to accommodate a large type of uses.
Environmentally Sustainable Development Officer	<ul style="list-style-type: none"> - (summarised) Use separate waste and recycling chutes for all apartments. - Bike parking for residents should be on the ground floor and/ or basement 1. It must be convenient to access, secure and provide a variety of bike holds. - West glazing should be minimised and external adjustable shading installed. - Whole site to meet CSIRO Best practice Stormwater guidelines in MUSIC tool. - The ESD report uses a Green Star tool and the SDS tool that is no longer available. The Green Star Design and As Built or Green Star Communities tool and BESS tool would need to be used as part of the planning submission.

Department/Authority	Response
	<ul style="list-style-type: none"> - Lighting to be LED, not compact fluorescent. - The water rating of the toilets to be increased to a minimum of 4 stars, 5 stars is preferred. - The location of the clothes lines to the bathroom is not an ideal outcome. The development should be designed so on ground units have access to a POS for clothes lines, vegie gardens, etc. The balconies should be large enough to accommodate an external adjustable clothes line. - The waste area must be easy to access. No bins are to be stored on council land at anytime. Bins need to be collected on-site and the number of collections limited to reduce the noise and pollution impact on surrounding residents. - The ESD report mentions a swimming pool however it appears to have been removed. Provide more details. - The Green Star report and SDS assessment lists many sustainable features however further assessment will be required when plans are submitted. The plans are too general for a thorough analysis. - Borrowed light bedrooms are not allowed. - Battle axe bedrooms should be avoided. Where they must be used the BADS guidelines are applicable. - Unit living/ kitchen areas should be no more than 8m deep and 5m deep for south facing based on the BESS guidelines. - Operable windows to be maximised. - Daylight and natural ventilation to common areas such as corridors and lobbies. - The development needs 3 bedroom units for families. - NatHERS cooling loads not to exceed the BADS guidelines. - Ensure a bike can access the whole site. <p>Officer's comment: Planning Permit for mixed use development will be subject to Clause 21.12 Environmentally Sustainable Development. Comments can be dealt with detailed design at time of an application for Planning Permit.</p>
Public Realm Unit	<ul style="list-style-type: none"> - (summarised) Lack of communal open space for the proposed number of dwellings. - Clarification is needed on how the proposed development will interface with Arthurton Road frontage, including: <ul style="list-style-type: none"> o How the proposed will activate this frontage with

Department/Authority	Response
	<p>consideration of high foot traffic.</p> <ul style="list-style-type: none"> ○ Proposed planting in consideration of solar access along Arthurton Road. ○ Consider opportunities to increase medium to large canopy trees as well as consideration of formal streetscape planting for increased amenity and visual aesthetics. ○ How will the proposed encourage/invite the public into the space through spatial form. <ul style="list-style-type: none"> - Consider opportunities for passive activity spaces along the main public north/south pedestrian link for residents to gather/socialise and to increase communal open space in the development. - Details on how pocket parks, playspace and communal terraces will provide for all access & mobility impaired. - Details on north square and playspace design and spatial function including the interface between the north square and Elm Street. - Details for exterior lighting to provide a safe environment for residents and increase amenity. - Site permeability details and provision of medium and large tree canopies to suit a development of this size, see comments overpage regarding Amendment VC136 requirements. - There is concern that the outdoor/indoor communal facilities may not be workable solutions given the scale of the development, such as relying on residents to maintain worm farms and composting facilities. A diverse mix of communal facilities including provision of barbeques, outdoor dining facilities, garden plots, seating, multi-function spaces, bicycle workshops and other community facilities is encouraged. <p>Officer's comment</p> <p>General Comments from the Public Realm Unit will be subject to Planning Permit Application. Condition will require the deletion of the numerical and percentage value of deep soil area.</p>
Strategic Asset Management	<ul style="list-style-type: none"> - No objection to use of Right of Way
Strategic Planning Unit	<ul style="list-style-type: none"> - (summarised) Support the proposal - In this regard the proposal meets the objective under 'requirements for development plan' in DPO10 "to encourage the development of the sites for residential, commercial, retail, service and related uses that will increase the economic and social functions of the centre."

Department/Authority	Response
Urban Design	- (summarised) Urban Designer provided initial guidance in accordance with Design and Development Overlay – Schedule 14 (Clause 43.02) and Development Plan Overlay – Schedule 10 (Clause 43.04) and the proposal generally complies.
Public Transport Victoria	No objection
Melbourne Water	No objection see body of report for details
VicRoads	No objection, subject to condition included in recommendation see body of report for details

PLANNING SCHEME SUMMARY

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	(Clauses 11, 13.03, 15.01, 15.02, 16, 17.01, 17.03, 18.01, 18.02)
LPPF	(Clauses 21, 21.03, 21.04-3 21.05-1, 21.05-2, 21.05-3, 21.05-5, 22.03, 22.07, 22.10, 22.11)
Zone	Mixed Use Zone (Clause 32.04)
Overlay	Design and Development Overlay – Schedule 14 (Clause 43.02) Development Plan Overlay – Schedule 10 (Clause 43.04) Special Building Overlay (Clause 44.05) Public Acquisition Overlay (Clause 45.01) (Site 2 only) Environmental Audit Overlay (Clause 45.03) Development Contributions Plan Overlay (Clause 45.06 expired)
Particular provisions	(Clauses 52.06, 52.07, 52.34, 52.36)
General provisions	(Clause 65.01)
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

In accordance with the requirements of the Development Plan Overlay – Schedule 10, proposed buildings must be capable of achieving a minimum 5 star GreenStar rating under the Green Building Council of Australia’s Green Star Building Design Rating Tools or any successor of Green Star.

Social Inclusion and Diversity

Council has advised Meydan Group that a proportion of the proposed dwellings should be made available for social housing. No commitment has yet been provided, other than the developer expressing willingness to explore all/any relevant options. The issue may again be addressed under any planning permit application.

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

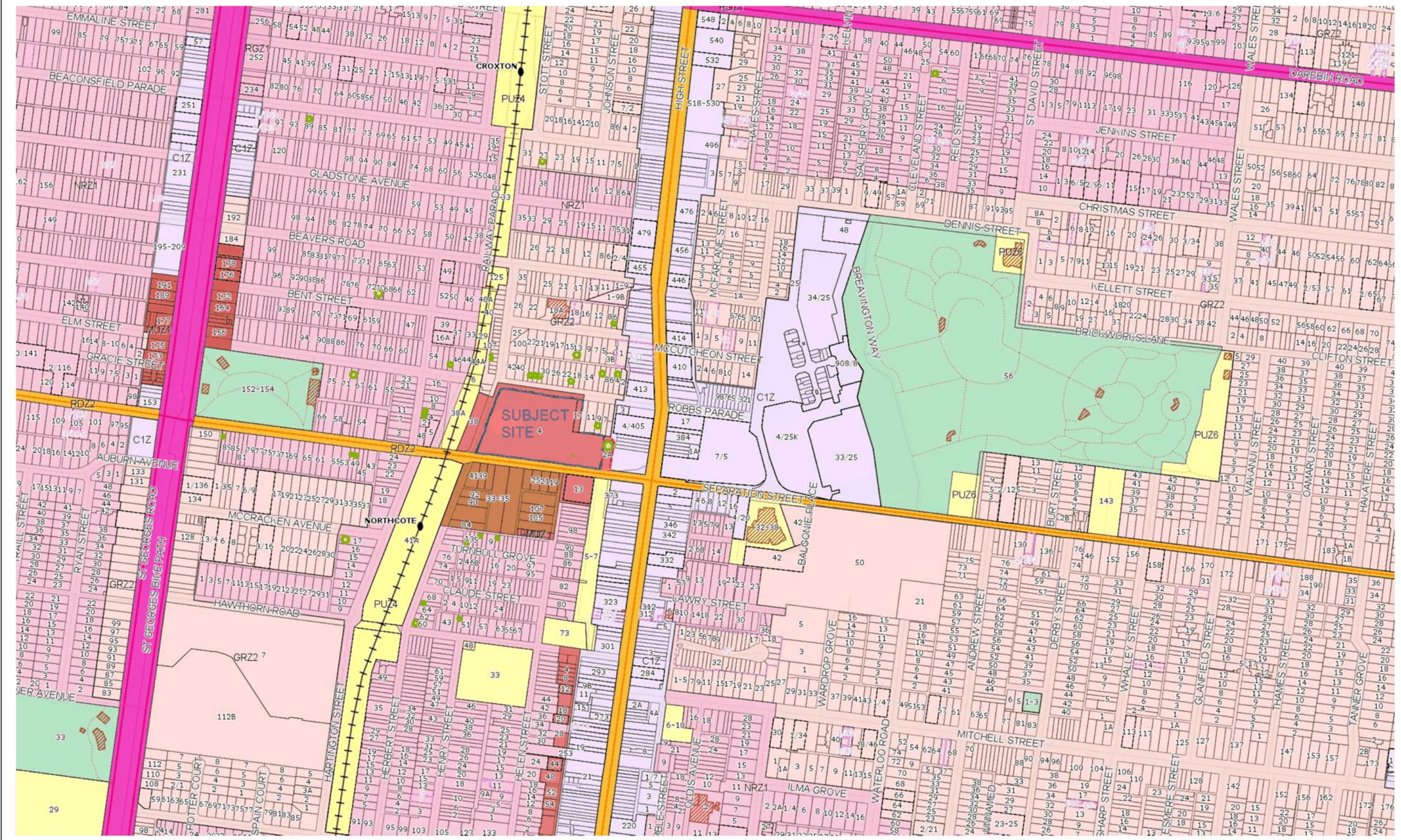
- Darebin Planning Scheme.
- Municipal Strategic Statement.
- *Planning and Environment Act 1987* (as amended).
- Northcote Activity Centre Structure Plan April 2007.
- Darebin Economic Land Use Strategy 2014.
- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
- Amendment C81 and C92 Adoption Council Report 15 March 2010.
- C81 and C92 Proposed Adoption Council Report (post Survey) 16 August 2010.
- Darebin C81 and C 92 Panel Report.
- Approval Arthurton Row Development Plan Council Meeting Approval 21 November 2011.
- Delegate report for 9-13 Arthurton Road (Site 2), Northcote (Planning Permit D783/13).

Attachments

- POD-1-2011-B Arthurton ROW Development Plan - Advertised Document Development Plan (**Appendix A**) Enclosed under separate cover [⇒](#)
- Arthurton Road Development Plan Amendment Submission location (**Appendix B**) [↓](#)

Arthurton Road Development Plan Amendment
Darebin City Council
13/10/2017

Submission location



Whilst every endeavour has been made to ensure that the information in this product is current and accurate, the City of Darebin does not accept responsibility or liability whatsoever for the content, or for any errors or omissions contained therein. © City of Darebin

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS AD SIGNIFICANT 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).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

Recommendation

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

Related Documents

- Nil

Attachments

- General Planning Information - Scheduled VCAT Appeals and Significant 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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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.				

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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					
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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
7/09/2017	D/978/2012/A	138 Darebin Road, Northcote Rucker	Amendment to endorsed plans	Section 87A Application	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	
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	
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	
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	
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	
Result					
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	
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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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
Result					
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.					
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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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)	VCAT Decision Pending
Result					
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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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	VCAT Decision Pending
Result					
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	VCAT Decision Pending
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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)	
Result					
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

6 NOVEMBER 2017

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	
Result					
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

6 NOVEMBER 2017

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					
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)	
Result Further compulsory conference set down to see if new parties arising from notice (directed by the Tribunal)					
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
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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

6 NOVEMBER 2017

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	
Result					
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	
Result					
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	
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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	
Result					
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	
Result					
16/11/2017	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	
Result					

PLANNING COMMITTEE MEETING

6 NOVEMBER 2017

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)	
Result					

Matters completed and to be heard to 30/11/2017

SIGNIFICANT APPLICATIONS UPDATE

Below is a list of applications with a cost of construction of at least \$3,000,000 and their status.

Address	Ward	Application No	Proposal Description	Date Received	Status
716 High Street, Thornbury	Rucker	D/247/2017	Mixed use development – six storey, 36 dwellings, ground level shops and car parking reduction	27-Mar-17	Further information requested
69 South Crescent, Northcote	Rucker	D/228/2017	Medium density – construction of 8 dwellings at 3 levels	24-Mar-17	Further information requested
435 High Street, Northcote	Rucker	D/1069/2016	Mixed use development of 6 levels – 23 dwellings and 2 commercial tenancies	23-Dec-16	Further information requested
196 Albert Street, Reservoir	Cazaly	D/80/2017	Residential development – 4 levels containing 20 dwellings	16-Feb-17	Advertising completed
6-34 High Street, Preston	Cazaly	D/1007/2012	Mixed use development containing 209 dwellings, 7 retail tenancies and a gymnasium.	20-Dec-12	Advertising completed
55 Tyler Street Preston	Cazaly	D/87/2016	Construction of a swimming pool associated with an existing school.	16-Feb-16	Report in progress
387-393 High Street, Northcote	Rucker	D/377/2016	Mixed use development – 10 storey building with 93 dwellings and 2 retail tenancies.	4 May-16	S50 Amendment Received
345 Bell Street, Preston	Cazaly	D/566/2016	Mixed use development – six storey building with 30 dwellings and one retail tenancy	7 Jul-16	Awaiting decision
61 Johnson Street, Reservoir	LaTrobe	D/603/2016	Mixed use development – 4 storey building containing 74 dwellings and 11 commercial tenancies	13-Jul-16	Report in progress
531 St Georges Road, Thornbury	Cazaly	D/1089/2016	Residential development of 5 levels containing 42 dwellings	28-Dec-16	Initial assessment
629 Plenty Road, Preston	Cazaly	D/1083/2016	Mixed use development – 4 storey building containing 20 dwellings and 2 shops	23-Dec-16	Further information requested
112 Plenty Road, Preston	Cazaly	D/4/2017	Mixed use development – 4 storey building containing 17 dwellings and 1 shop	11-Jan-17	Further information requested
546-550 High Street, Preston	Cazaly	D/53/2017	Mixed use development – five storey building containing 20 dwellings and retail tenancies.	7-Feb-17	Further information requested
386 Bell Street, Preston	Cazaly	D/94/2017	Mixed use development – six storey building containing 40 dwellings and commercial tenancies	20-Feb-17	Initial assessment
43 Station Street, Fairfield	Rucker	D/179/2017	Residential development - 4 storey building containing 37 dwellings	20-Mar-17	Further information requested
143 High Street, Preston	Cazaly	D/364/2017	Multi-level mixed use development and use of the land for accommodation	15-May-17	Further information received
26 Pearl Street, Northcote	Rucker	D/347/2017	Proposed development of a Child Care Centre	15-May-17	Initial assessment
779-785 Heidelberg	Rucker	D/453/2017	Mixed use development – nine	22-Jun-17	Further information

Address	Ward	Application No	Proposal Description	Date Received	Status
Road, Alphington			storey building containing 39 dwellings and ground floor commercial tenancies		received
120 Chifley Drive, Preston	Cazaly	D/404/2017	Extension to an existing restricted retail premises, advertising sign and alteration to access to a Road Zone Category 1	31-May-17	Report in progress
4 Browning Street, Kingsbury	LaTrobe	D/402/2017	Construction of 4 residential buildings each containing 3 levels for student accommodation.	7-Jun-17	Initial assessment
70-82 High Street, Preston	Cazaly	D/492/2017	Mixed use development – 12 levels containing 99 dwellings and 4 commercial tenancies.	6-July-17	Initial assessment
63-71 Plenty Road, Preston	Cazaly	D/374/2004/C	Multi-level mixed use development	2-Dec-17	Allocated
200 Beavers Road, Northcote	Rucker	D/1007/2016	48 lot subdivision	8-Dec-16	Further information requested
50 Separation Street, Northcote	Rucker	D/520/2017	Extension to existing school	24-Jul-17	Further information requested
1 Matisi Street, Thornbury	Rucker	D/1040/2015	Amendment to planning permit for a warehouse	20-Jun-17	Advertising
716 High Street, Thornbury	Rucker	D/247/2017	Multi-level mixed use development - 6 levels comprising dwellings and retail tenancies.	27-Mar-17	Further information requested
42 Crevelli Street, Reservoir	Cazaly	D/629/2017	Medium density housing development comprising 12 dwellings.	28-Aug-17	Initial assessment
26 Pearl Street, Northcote	Rucker	D/347/2017	Childcare centre for 130 children.	15-May-17	Advertising completed
378 St Georges, Thornbury	Cazaly	D/681/2017	Medium density housing development comprising 11 dwellings.	12-Sep-17	Further information requested
211-243 Plenty Road, Preston	Cazaly	D/573/2017	Partial demolition of existing buildings and internal and external alterations and display of signs	14-Aug-17	Further information requested
630-642 High Street, Thornbury	Rucker	D/336/2017	68 Lot subdivision and removal of easement	11-May-17	Report in progress
445 High Street, Northcote	Rucker	D/319/2011/B	Mixed use development – 6 storey building comprising 90 dwellings and 5 shops	4-9-17	Allocated
10 Langwells Parade, Northcote	Rucker	D/109/2015/B	Partial demolition and construction of a 4 storey building comprising 8 dwellings.	22-Jun-17	To be advertised
55 Tyler Street, Preston	Cazaly	D/113/2011/A	Construction of a two (2) storey building and the removal of vegetation	14-Dec-16	Further information received
314 Bell Street, Preston	Cazaly	D/247/2017	Mixed use development – 6 levels with dwellings and shops	27-Sep-17	Initial assessment

7. URGENT BUSINESS

8. CLOSE OF MEETING