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AGENDA

Planning Committee Meeting to be held on
Monday 12 October 2020 at 6.00 pm.

This Planning Committee Meeting will be held virtually

This measure is in accordance with the COVID-19 Omnibus (Emergency Measures) Bill 2020, passed by the Victorian Government to allow Meetings of Council and Committees to be held by electronic means.

The meeting will be available for the public to watch through livestreaming via Councils website www.darebin.vic.gov.au

The Council Chambers at 350 High Street, Preston will remain closed during this time.



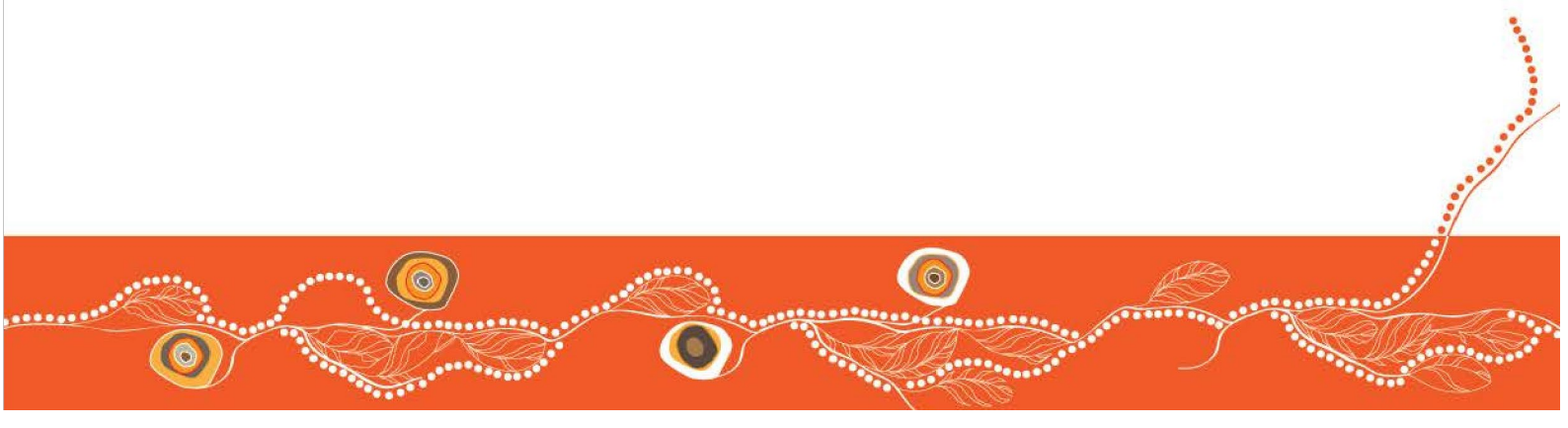
ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

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

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

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

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



English

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

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Nil

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT 16 Hunter Street Northcote

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Caretaker Statement

In accordance with Councils Election Period Policy the recommended decision is not an Inappropriate Decision as defined in Section 69(2) of the Local Government Act 2020, or an inappropriate Decision within the meaning of the Election Period Policy

Applicant	Owner	Consultant
Shouman Pty Ltd	Nick Petroulas and Elpida Elizabeth Petroulas	Gum & Maple Consulting

SUMMARY

- This application is for the construction of a double storey dwelling on a lot less than 300 square metres. It is noted that the demolition of the existing dwelling does not form part of this application as it does not require planning permission. Secluded private open space is provided in the form of a garden to the rear of the dwelling and provision is made for two (2) on site car parking spaces, one of these being under cover.
- The site is zoned General Residential Zone, Schedule 2
- There is no restrictive covenant on the title for the subject land.
- 10 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 54 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Assets and Capital Delivery, Climate Emergency and Sustainable Transport, and the Arboricultural Planning Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/524/2019 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TP103, First Floor Plan TP104, Roof Plan TP105, Elevations TP106, and Elevations TP107 – all plans revision D, dated 18/05/2020 and prepared by Shouman) but modified to show:
 - (a) Annotations detailing Tree Protection Zones, associated tree protection fencing and tree protection measures in accordance with the requirements of Condition Nos. 4 and 5 of this Permit.
 - (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the existing crossover to Hunter Street. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
 - (c) Details of the fence on the southern boundary. The fence must be a minimum of 1.8 metres above natural ground level, except where within the front building setback.
 - (d) Dimensions specifying the height of the front fence.
 - (e) The wall of the retreat setback from the northern property boundary in accordance with Standard A10 of Clause 54.04-1 (Side and Rear Setbacks) without the further reduction of setbacks to any other boundaries.
 - (f) Details of compliance with Standard A15 of Clause 54.04-6 (Overlooking) confirmed as follows:

North facing first floor windows:

 - Obscure glazing to the master bedroom and bedroom 2 windows to read: *fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.*
 - The retreat and stairwell windows confirmed to have a sill height of at least 1.7 metres above finished first floor level.

South facing first floor windows:

 - All south facing first floor windows confirmed to have a sill height of at least 1.7 metres above finished first floor level.
 - (g) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.

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

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1	Naturestrip	2.0 metres
Trees 2-10,	Adjoining property (south)	2.0 metres
Tree 11	Adjoining property (south)	2.4 metres
Tree s 13 & 14	Adjoining property (north)	2.0 metres
*as defined in Arborist Report by Gum & Maple (06/02/2020)		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites and to the satisfaction of the Responsible Authority.
 - (b) Protection fencing must be installed around the trees prior to any work on-site. Fencing must remain in place for the duration of construction and be installed in accordance with Australian Standard AS4970 – 2009: **Protection of trees on development sites** and to the satisfaction of the Responsible Authority.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) All demolition/excavation works within the TPZ of Trees 2-14 must be supervised by a qualified arborist
 - Any roots <40mm uncovered must be pruned with sharp/sterile tools
 - (e) Ground protection is installed between the property boundary and dwelling footprint immediately following demolition works
 - (f) It is imperative that pathways within TPZs are fully constructed above grade (strictly no further excavation)
 - Paths are constructed using a permeable/porous material within TPZs

- (g) Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs
- (h) Any required canopy pruning must be carried out by a qualified arborist in accordance with the Australian Standard AS4373 - 2007: **Pruning of Amenity Trees** and to the satisfaction of the Responsible Authority.
- (i) Except with the written consent of the Responsible Authority:
 - (i) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (ii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
- (j) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
- (k) The construction of any other buildings and works within a TPZ must be undertaken under the supervision and direction of a qualified arborist.
- (l) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- (m) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.

Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans

6. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 7. The land must be drained to the satisfaction of the Responsible Authority.
 8. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 9. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 10. Provision must be made on the land for a letter box and receptacle for newspapers to the satisfaction of the Responsible Authority.
 11. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat; and
 - (d) drainedto the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
12. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority.

13. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.

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

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
-

INTRODUCTION AND BACKGROUND

Planning permit application number D/151/2005 for *Construction of a single storey extension to the existing dwelling on a lot less than 300 square metres* was withdrawn by the applicant on 06/12/2005. It appears that this was a result of an inadequate response to a request for information from Council at the time.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 29.72 metres in length and 9.14 metres in width with a site area of 271.64 square metres.
- The land is located within the General Residential Zone, Schedule 2 and is covered by the Development Contribution Plan Overlay and the Design and Development Overlay, Schedule 14.
- The land is located on the East side of Hunter Street, between Dennis Street and Langwells Parade in Northcote.
- The site contains a single storey weatherboard dwelling with garden beds to the rear and several small outbuildings on the site. There are no substantial trees on the site itself; however, both adjoining sites contain trees that should be afforded some protection during construction.
- To the east is the car park of the Northcote Plaza.
- To the west is the Hunter Street frontage and single storey weatherboard cottages opposite the development site.
- To the north is a single storey weatherboard dwelling.
- To the south is a single storey weatherboard dwelling.
- On street parking restrictions apply along Hunter Street and allow only 1 hour parking between 9am – 11pm Monday to Saturday (except for permits).
- The surrounding area contains a mix of residential and commercial buildings and land uses. The site backs on to the Northcote Plaza car park to the east and is situated approximately 140 metres east of High Street. Public transport is in close proximity on High Street to the west, and Croxton Train Station on the Mernda line is approximately 425 metres northwest of the site. There is also a large public park (All Nations Park) approximately 90 metres east of the subject site.

Proposal

- The proposal involves the demolition of the existing dwelling on the site and the construction of a two-storey weatherboard dwelling containing four bedrooms. The maximum overall height of the proposal is 7.99 metres.
- The dwelling contains an open plan living area at ground floor which adjoins secluded private open space to the rear. A guest bedroom with ensuite, a study, powder room and laundry are also located at ground floor. The first floor contains a further three bedrooms (including master with ensuite), a retreat and a shared bathroom.
- The design references built form elements in the area and includes a combination of hipped and gabled roof forms with prominent eaves and fascias.
- Cladding materials include horizontal weatherboard, corrugated metal roofing, and timber windows and door frames. Timber shingles and stucco are proposed to the ground floor gable end along the façade.

- Vehicle access is provided via the existing crossover to Hunter Street, servicing two parking spaces. One of these spaces is to be accommodated in an attached carport with the second a tandem space in front of the car port.

Objections

10 Objections were received against the application.

Objections summarised

- Loss of cultural heritage by allowing demolition/redevelopment
- Introduction of a new building into a street with all single storey period homes
- Reduction in property values
- Overshadowing
- Visual bulk
- Jeopardises ability to install solar panels on adjoining dwelling in the future
- Original appearance of street is degraded
- Impacts on amenity/ loss of on street parking during construction
- Inconsistency with neighbourhood character
- The proposal will set a precedent for inappropriate development

Officer comment on summarised objections

Loss of cultural heritage by allowing demolition/redevelopment

The demolition of the existing dwelling does not require a planning permit (only building approval) as the site is not covered by a Heritage Overlay. Whilst demolition of the dwelling is required to enable the development of the new dwelling there is no planning permit trigger for the demolition. Demolition and redevelopment of the site is not prohibited and only the redevelopment of the site for a new dwelling requires a planning permit.

Introduction of a new building into a street with all single storey period homes

The planning scheme does not prohibit two storey development of this height and scale, despite the street containing exclusively single storey dwellings. The relevant question is whether a reasonable transition in scale is achieved through built form, setbacks, visual bulk, articulation and the like. This is considered in detail later throughout this report.

Reduction in property values

Fluctuations in property prices are not a relevant consideration in assessing medium density development under the provisions of the Planning & Environment Act 1987, or the Darebin Planning Scheme.

Overshadowing

Overshadowing of neighbouring properties has been assessed under Clause 54 later in this report and is considered to meet this clause and to not cause unreasonable overshadowing impacts.

Visual bulk

The dwelling subject to conditions includes appropriate street setbacks, articulation, side and rear boundary setbacks, and materials to ensure that visual bulk is kept within acceptable limits.

Jeopardises ability to install solar panels on adjoining dwelling in the future

The impact on efficiency of future solar energy systems is not regulated under the planning scheme. This is therefore not a consideration under this assessment.

Original appearance of street is degraded

The proposal, while an increase in scale, is considered to strike the balance between respecting the established streetscape while accommodating a larger new dwelling.

Impacts on amenity/ loss of on street parking during construction

Noise from trucks and loss of some on street parking during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse development.

Inconsistency with neighbourhood character

The development demonstrates general compliance with the planning scheme and is in keeping with neighbourhood character guidelines as discussed in detail in this report.

The proposal will set a precedent for inappropriate development

As the development is compliant with the planning scheme and represents a reasonable increase in scale, it is considered that a negative precedent will not be set for future residential development in the street.

PLANNING ASSESSMENT**Clause 32.08-10 – Maximum building height requirement for a dwelling or residential building**

A building must not be constructed for use as a dwelling or a residential building that:

- *exceeds the maximum building height specified in a schedule to this zone; or*
- *contains more than the maximum number of storeys specified in a schedule to this zone.*

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- *the building height must not exceed 11 metres; and*
- *the building must contain no more than 3 storeys at any point.*

It is noted that the maximum building height proposed is 7.99 metres, with the dwelling being no more than 2 storeys at any point. The proposal therefore complies with the above clause.

Clause 43.02 – Design and Development Overlay, Schedule 14

This pertinent section of this overlay as regards the present application is as follows:

Precinct A10 Low Change Residential

The future role and character of these areas will continue to reflect Northcote's signature small-scale relatively dense, conventional housing, minor infill development and larger family dwellings in the eastern parts of the Activity Centre.

Design outcomes**General:**

- Development will reflect the need to maintain rear yards and streetscape elements as part of the character of these areas.
- Dwellings of heritage significance and/or that contribute to the valued character of the area should be retained and incorporated in new development.
- Development will recognise the sustainability benefits of maintaining areas of terrace housing stock.
- Buildings on properties described as 1, 2, 3, 4 & 6 Kellett Street and 3, 3A and 5 Brickworks Lane should not exceed 8 metres.
- Development should be designed to accord with Clause 55 of the planning scheme, and the *Northcote Activity Centre Structure Plan Neighbourhood Character Guidelines –Low Change Residential Precinct*.

The proposal is considered to be generally in accordance with the above requirements. The design includes an adequately sized private open space area to the rear and maintains a front setback distance in keeping with the streetscape. A detailed assessment of the proposal is provided later in the report against neighbourhood character guidelines, as well as Clause 54 (which is equivalent to Clause 55, but rather relates to single dwellings instead of medium density developments).

Neighbourhood Character Precinct Guideline Assessment - Northcote Activity Centre Structure Plan (Neighbourhood Character Guidelines)Buildings of Heritage Significance

Objectives:

To encourage consideration of the retention of heritage dwellings that contribute to the valued character of the area in the design of development proposals.

To respect the identified heritage qualities of adjoining buildings

Officer comment:

It is noted that the site is not within a heritage overlay and therefore these objectives are not relevant to the proposal.

Not applicable

Height and building form

Objectives:

To ensure that buildings and extensions respect the dominant building scale and forms, through the use of innovative architectural responses.

To allow more compact dwelling types in proximity to the core convenience retail area of Northcote Activity Centre.

Officer comment:

The two-storey design represents an increase of one storey above the established built form in the street. The first floor element is recessed from the street and side boundaries, and provides articulation to ensure that an appropriate transition between surrounding single storeys buildings and the proposed dwelling. The site's proximity to the core convenience retail area of the Northcote Activity Centre should be noted with the Northcote Plaza carparking abutting the rear boundary of the site.

CompliesVegetation

Objective:

To maintain and strengthen the small garden settings of the dwellings and the presence of trees in the streetscape.

Officer comment:

Front setbacks are consistent with the setback patterns in the street and will allow space for gardens. The low, visually permeable front fencing will also maintain the small garden setting of the street.

The street tree in front of the site will not be adversely impacted by the proposed works, provided that standard tree protection measures are implemented during construction. A permit condition will ensure these measures are undertaken.

Complies subject to conditionSiting

Objectives:

To provide space for front gardens.

To maintain the rhythm and spacing of buildings.

To minimise the loss of front garden space from the dominance of car parking structures and vehicular crossovers.

Officer comment:

The front setback proposed allows adequate space for a front garden to soften the impact of the new dwelling.

The proposal includes an open carport at ground floor, which will allow for visual permeability of the streetscape despite the boundary to boundary construction. The first-floor side setbacks will create separation between adjoining dwellings and maintain the rhythm of built form within the street.

No new vehicle crossovers are proposed, and the carport element ensures that car parking structures will not appear visually dominant.

Complies

Materials and design detail

Objectives:

To ensure that the use of materials and design detail in new development complements that of the predominant building styles in the street.

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

Officer comment:

Materials and design detail includes horizontal weatherboard, corrugated metal roofing, and timber windows and door frames. Timber shingles and stucco are proposed to the ground floor gable end along the façade.

While the design is more traditional in nature, the façade is well articulated with materials and form to provide visual interest.

Complies

Front boundary treatment

Objective:

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

Officer comment:

The front boundary treatment is consistent with the existing street, with the fence height and materials and building setback ensuring that the openness of the streetscape and views to established gardens and dwellings will be maintained.

Complies

Clause 52.06 - Car Parking

Number of Parking Spaces Required

Two car parking spaces are provided for the four bedroom dwelling, with one space under cover.

Design Standards for Car parking

The car parking spaces, carport, and accessway all have appropriate dimension to enable efficient use and management.

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

The carport dimensions of 6.0 metres length x 3.5 metres width complies with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

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

Complies subject to condition**Clause 54 Assessment**

The following sections provide discussion on fundamental areas of Clause 54 including variations of standards and matters informing conditions of the recommendation above.

54.03-1 A3 Street Setback

Under this standard, the required street setback is 2.79 metres, being the average of the front walls of the adjoining dwellings. The proposed front setback is 2.85 metres at ground floor, which complies with this standard.

Additionally, the first floor has been setback 5.86 metres, which ensures the first floor is substantially behind the building line established by the dwellings fronting the eastern side of Hunter Street. This ensures that the proposed dwelling will not appear as a visually intrusive presence in the street.

Complies54.03-2 A4 Building Height

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

As discussed in Clause 32.08-10 above, the maximum building height is specified in the General Residential Zone as 11 metres and three storeys at any given point. The development is a maximum of 7.99 metres high at no more than two storeys at any given point.

Complies

Clause 54.04-1 A10 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
<i>Northern</i>	3.0 – 3.2 metres	1.0 metres	N/A – wall on boundary
<i>Southern</i>	3.1 – 3.2 metres	1.0 metres	N/A – wall on boundary
Eastern	3.2 metres	1.0 metres	4.4 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
<i>Northern</i>	6.0 metres	1.7 metres	1.4 – 1.7 metres
<i>Southern</i>	6.0 metres	1.7 metres	1.7 – 2.4 metres
Eastern	6.0 metres	1.7 metres	4.4 – 4.8 metres

As is shown above, compliance with this standard is achieved except for the northern first floor setback of the retreat and stairs. Given this, it is considered appropriate that a permit condition require the wall of the retreat be setback to comply with the standard. However, the stair element is an allowable exception to this standard for the following reasons:

- This is a short section of wall being approximately 2.5 metres wide, meaning that this encroachment will not add undue visual bulk along the northern elevation
- The variation represents a relatively minor encroachment of 300mm.
- Setting the stairs back would create internal amenity impacts by compromising the layout of the floorplan, for minimal benefit with respect to neighbouring amenity.
- The section of wall is not adjacent to secluded private open space and would not create overbearing or overshadowing impacts on the adjoining property to the north.

For the above reasons, the proposal is considered to comply with the objective of this clause, subject to condition.

Complies with objective, subject to conditionClause 54.04-4 A13 North Facing Windows

There are existing north-facing habitable room windows setback 2.5 metres from the southern boundary of the site, which are within 3.0m of the common boundary. The standard therefore requires that the proposed development adopt a minimum setback of 1.0 metre from the common boundary at ground level and a minimum setback of 2.44 metres at the first floor. A minimum setback of 0.0 metres at ground level and 1.71 metres at the first floor is proposed. The proposal therefore does not comply with the standard.

The development must therefore be assessed against the objective of this clause to determine if it is acceptable:

Objective - To allow adequate solar access to existing north-facing habitable room windows.

Image 1 below highlights the areas of non-compliance with the standard. At ground floor, the length of the carport side on the boundary that doesn't comply is approximately 3.5 metres, with a height of 3.1 metres. At first floor, the ensuite is non-compliant for a section of wall approximately 0.6 metres in length with a wall height of 6.0 metres.

As can be seen on the image 4 below, there are three north facing windows of number 14 Hunter Street to the south, and the areas of non-compliance relate chiefly to the western-most window. It is considered that the first floor encroachment of the ensuite is of a minor nature (2.44 metre setback required under the standard and 1.71 metre setback proposed) such that it would not cause an unreasonable loss of direct solar access to this particular window.

Likewise, the impact on direct solar access to the western-most window as a result of the carport along the boundary is likely to be minor (1 metre setback required under the standard and a zero setback proposed). Furthermore, there are trees within the side setback area of the dwelling at 14 Hunter Street, which currently cause a level of overshadowing of these north facing windows (see image 2 below). Finally, it is noted that the proposed carport replaces an existing carport along the boundary, and although it is acknowledged that the existing carport is a lower structure, the fact of there being a carport constructed to this section of boundary will not change (see image 3 and 4).

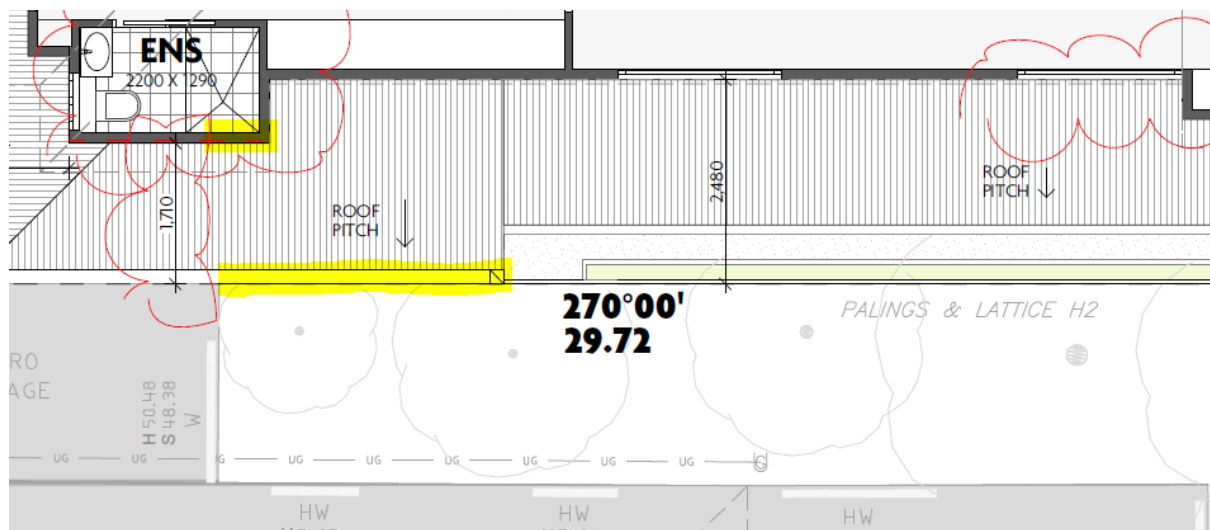


Image 1 – first floor plan and adjacent north facing habitable room windows



Image 2 – trees in side setback of 14 Hunter Street (left)

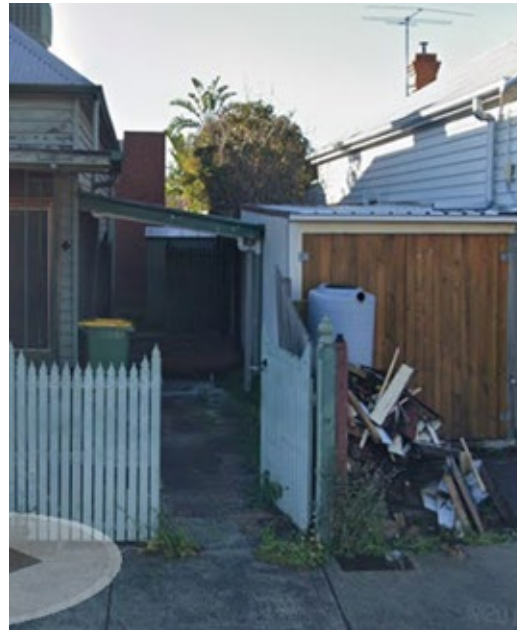


Image 3 – existing car port on subject site (left)

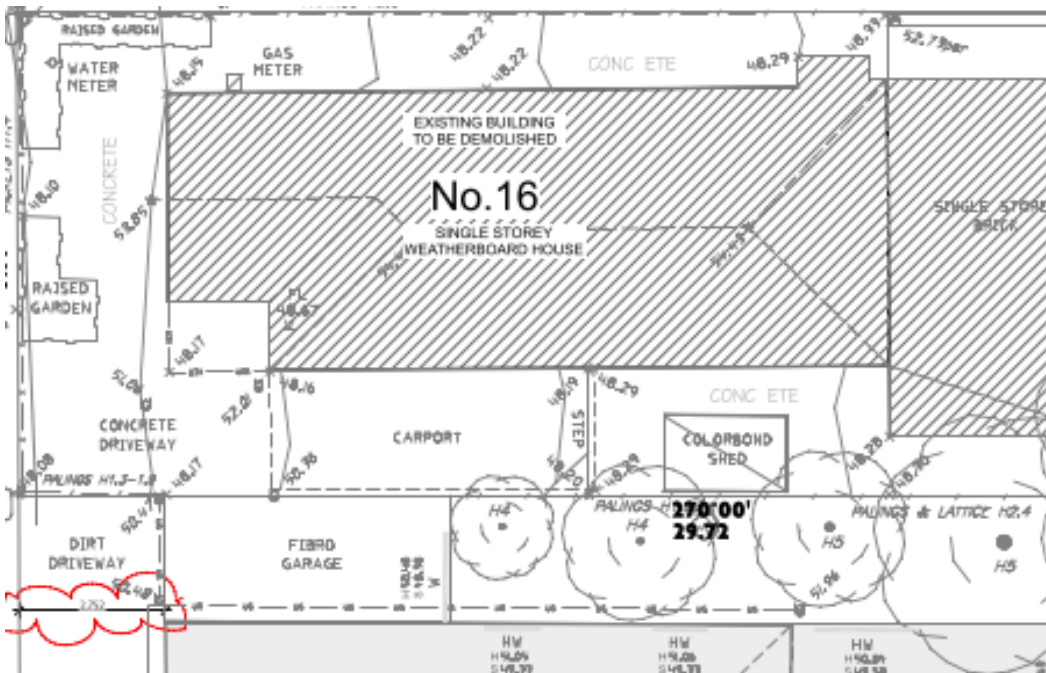


Image 4 – location of existing carport on the subject site

Based on the above discussion, it is considered that the proposed development allows adequate solar access to neighbouring north facing habitable room windows and would meet the objective of this clause.

Complies with objective

Clause 54.04-5 Standard A14 Overshadowing Open Space

The neighbouring dwelling to the south of the proposed dwelling is unlikely to currently comply with this requirement give the extent of trees within this property that overshadow this space.

The shadow diagrams provided show that the additional overshadowing of this as a result of the development space would not be excessive.

It is also apparent that at least 40 square metres 14 Hunter Street's secluded private open space, with a minimum dimension of 3.0 metres *would* receive a minimum of five (5) hours sunlight between 9am and 3pm on 22 September, even with the construction of the proposed dwelling, if it were not for the presence of the trees at number 14 Hunter Street.

Given the above considerations, refusing the application for non-compliance with this standard would be unreasonable in this instance, particularly as the objective of the Clause to *ensure buildings do not unreasonably overshadow existing secluded private open space* is met.

Finally, it is noted that the development does not cast any shadows on the secluded private open space of the dwelling to the north of the site.

Complies

Clause 54.04-6 A15 Overlooking

The ground floor of dwelling has finished floor levels less than 0.8 metres above natural ground level at the boundary. A proposed 2.0 metre high fence on the northern boundary will sufficiently limit overlooking of 18 Hunter Street. A condition of the permit will require details of fencing along the southern side boundary to be confirmed as at least 1.8 metres above natural ground level in to ensure accordance with this standard in respect to 14 Hunter Street.

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

All upper storey windows are generally appropriately designed and/or screened to ensure no overlooking. However, a permit condition will require compliance with this standard to be demonstrated for the following windows:

North facing first floor windows

- Details of frosting specified, including maximum transparency of no more than 25% for the master bedroom and bedroom 2 windows
- The retreat and stairwell windows confirmed to have a sill height of at least 1.7 metres above finished first floor level.

South facing first floor windows

- All south facing first floor windows confirmed to have a sill height of at least 1.7 metres above finished first floor level.

Complies subject to condition

Clause 54.05-2 A17 Private Open Space

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

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

Total POS	Secluded POS	Minimum dimension of secluded POS
73 square metres	40 square metres	4.4 metres

The secluded private open space areas has direct access to a living room.

Complies

54.06-1 A19 Design detail

The design detail of the development respects the preferred neighbourhood character through: façade articulation; window and door proportions; roof form; verandah treatment; and eave widths

In addition the carport is designed to be visually compatible with the development, non-intrusive when viewed from the street, and respectful of the preferred neighbourhood character.

Complies

CLAUSE 54 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
54.02-1	A1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
54.02-2	A2	Integration with the street		
		The dwelling appropriately integrates with the Street.	Y	Y
54.03-1	A3	Street setback		
		Please see assessment in the body of this report.	Y	Y
54.03-2	A4	Building height		
		Please see assessment in the body of this report	Y	Y
54.03-3	A5	Site coverage		
		57.2% proposed, 60% maximum permitted	Y	Y
54.03-4	B9	Permeability		
		24.4% proposed, 20% minimum required	Y	Y
54.03-5	A7	Energy efficiency		
		The dwelling is considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
54.03-6	A8	Significant trees		
		There are no significant trees on the site to be retained. All adjoining trees will be protected via appropriate measures under a permit condition.	Y	Y

Clause	Std		Compliance	
54.04-1	A10	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y
54.04-2	A11	Walls on boundaries		
		<p><u>North</u> Length:4.97 metres Height:3.05 metres</p> <p><u>South</u> Length: 6.0 metres Height: 3.10 metres</p> <p>The standard allows 14.93 metres maximum length of wall on each of the above boundaries.</p> <p>Walls on boundaries comply with the requirements of this standard.</p>	Y	Y
54.04-3	A12	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
54.04-4	A13	North-facing windows		
		Please see assessment in the body of this report.	N	Y
54.04-5	A14	Overshadowing open space		
		Please see assessment in the body of this report.	Y	Y
54.04-6	A15	Overlooking		
		Please see assessment in the body of this report.	Y	Y
54.05-1	A16	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
54.05-2	A17	Private open space		
		Please see assessment in the body of this report.	Y	Y
54.05-3	A18	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
54.06-1	A19	Design detail		
		Please see assessment in the body of this report	Y	Y
54.06-2	A20	Front fences		
		The front fence proposed is generally in keeping with the front fence heights of the street, being approximately 1.2 metre high, which is appropriate in the neighbourhood context. Nevertheless, a condition confirming the height of this fence has been recommended for the sake of accuracy.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Assets and Capital Delivery	No objection, subject to condition included in recommendation
Climate Emergency and Sustainable Transport	No objection, subject to condition included in recommendation
Arboricultural Planning Unit	No objection, subject to condition included in recommendation

PLANNING SCHEME SUMMARY**Darebin Planning Scheme clauses under which a permit is required**

- Clause 32.08-5 – Construction of one dwelling on a lot under 300 square metres
- Clause 43.02-2 – Construct a building or construct and carry out works.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.01-1R, 11.02-1S, 11.03-1S, 11.03-1R, 13.07-1S, 15, 15.01-1S, 15.01-5S, 15.02-1S, 16, 18, 19, 19.01, 19.02, 19.03
LPPF	21.01-2, 21.01-4, 21.01-6, 21.02, 21.02-3, 21.02-4, 21.03, 21.04, 21.05
Zone	32.08
Overlay	43.02, 45.06
Particular provisions	52.06, 54
General provisions	65.01
Neighbourhood Character Precinct	N/A – note: <i>Neighbourhood Character guidelines taken from Northcote Activity Centre Structure Plan</i>

POLICY IMPLICATIONS**Environmental Sustainability**

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

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

[List any related documents](#)

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

Attachments

- Plans (**Appendix A**)
- Arborist's Report (**Appendix B**)

DISCLOSURE OF INTEREST

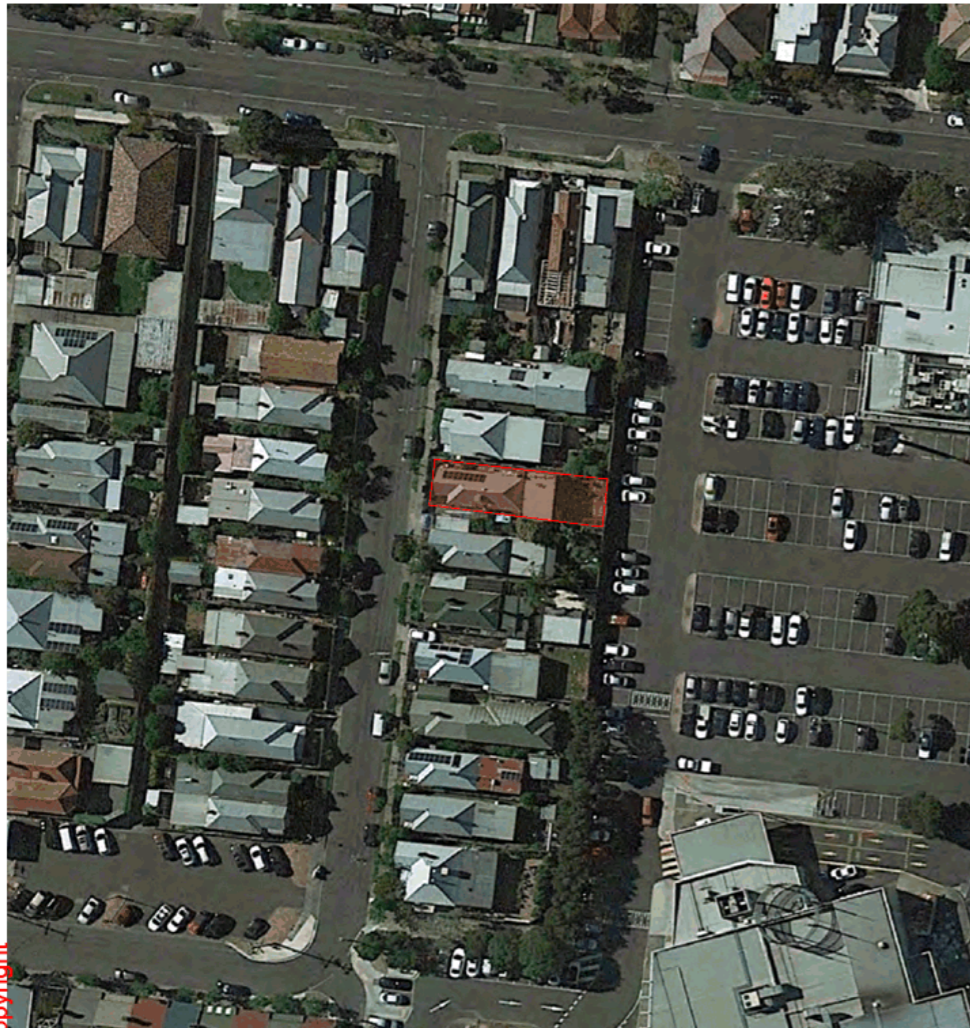
Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

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16 HUNTER ST, NORTHCOTE NEW RESIDENTIAL DWELLING

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DRAWING LIST

DRAWING LIST	SCALE
TP 001	COVER PAGE
TP 101	SITE PLAN 1:100
TP 102	SITE CONTEXT ANALYSIS 1:200
TP 103	GROUND FLOOR PLAN 1:100
TP 104	FIRST FLOOR PLAN 1:100
TP 105	ROOF FLOOR PLAN 1:100
TP 106	ELEVATIONS 1:100
TP 107	ELEVATIONS 1:100
TP 201	SHADOWS 22 SEPT 9AM 1:100
TP 202	SHADOWS 22 SEPT 12PM 1:100
TP 203	SHADOWS 22 SEPT 3PM 1:100
TP 301	3D IMAGES

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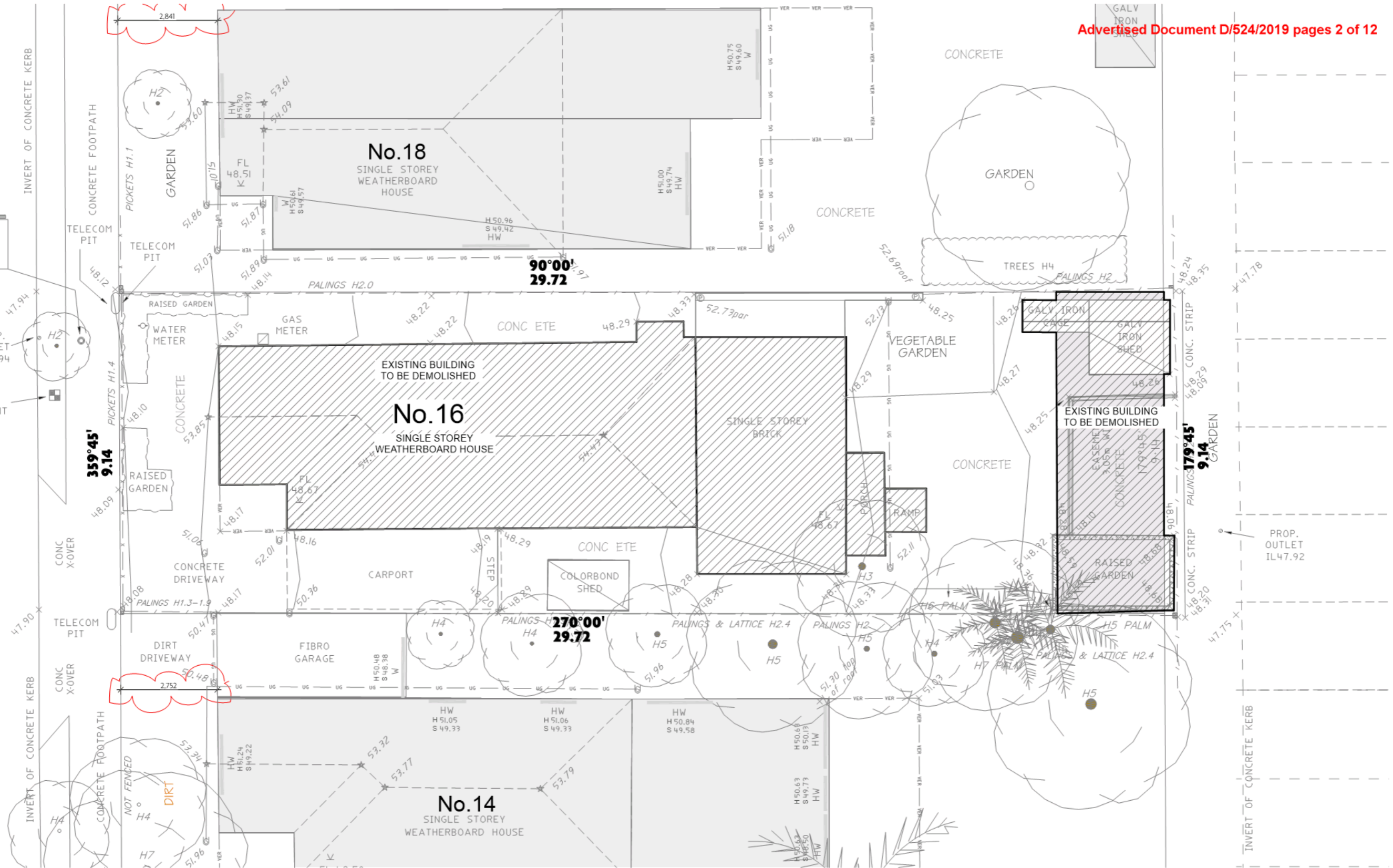
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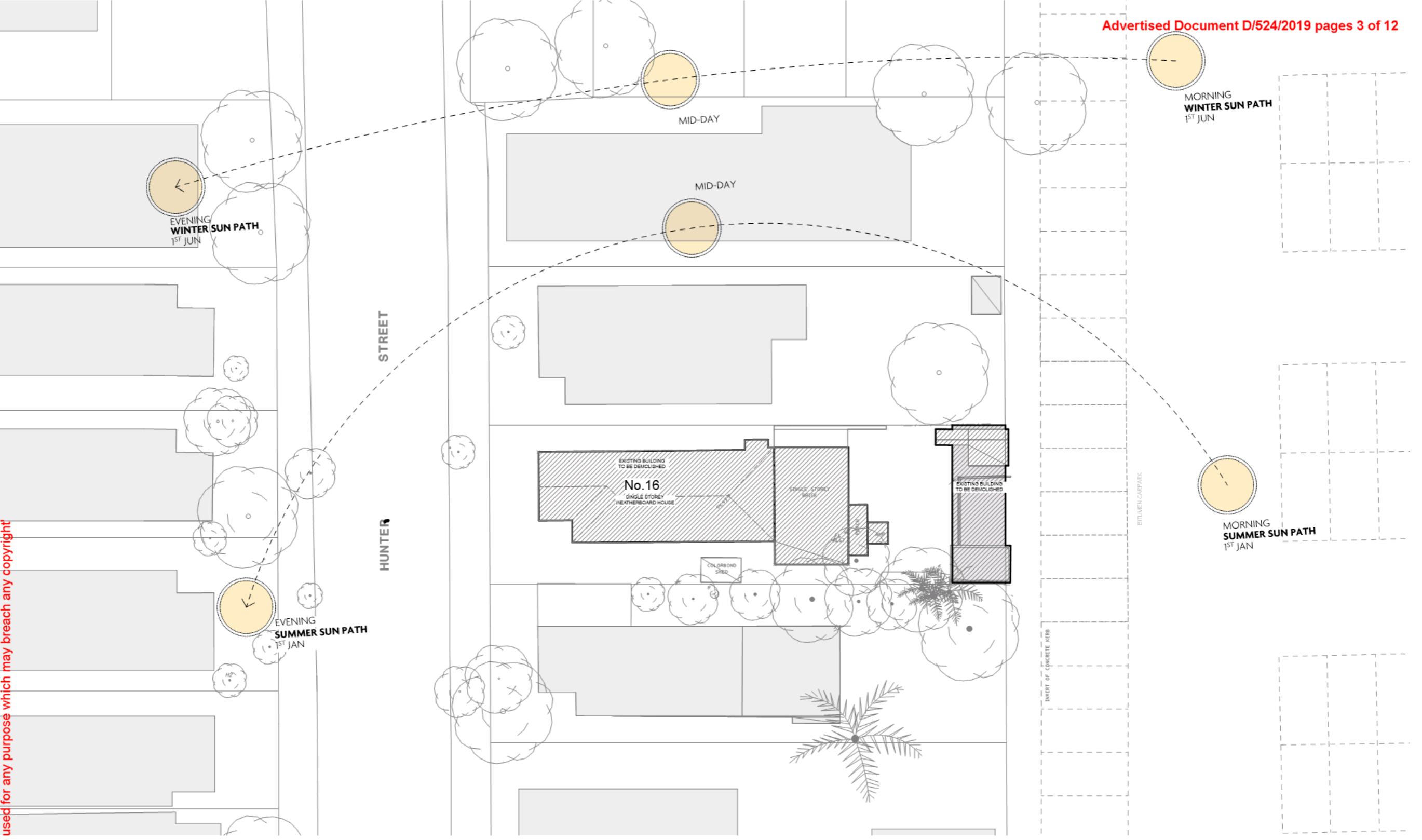
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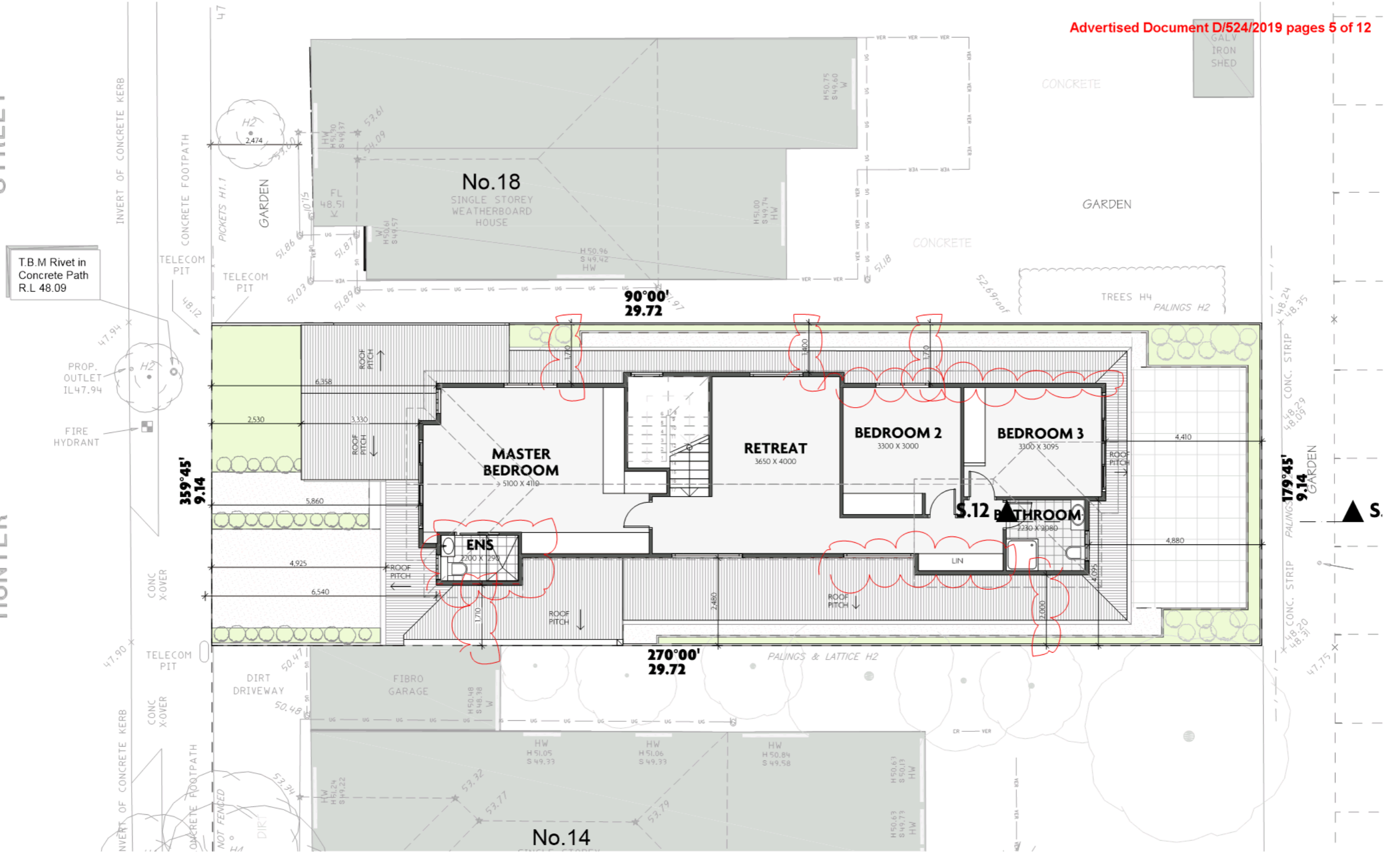
CONTEXT PLAN
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HUNTER STREET

HUNTER STREET



FIRST FLOOR PLAN
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FIRST FLOOR PLAN

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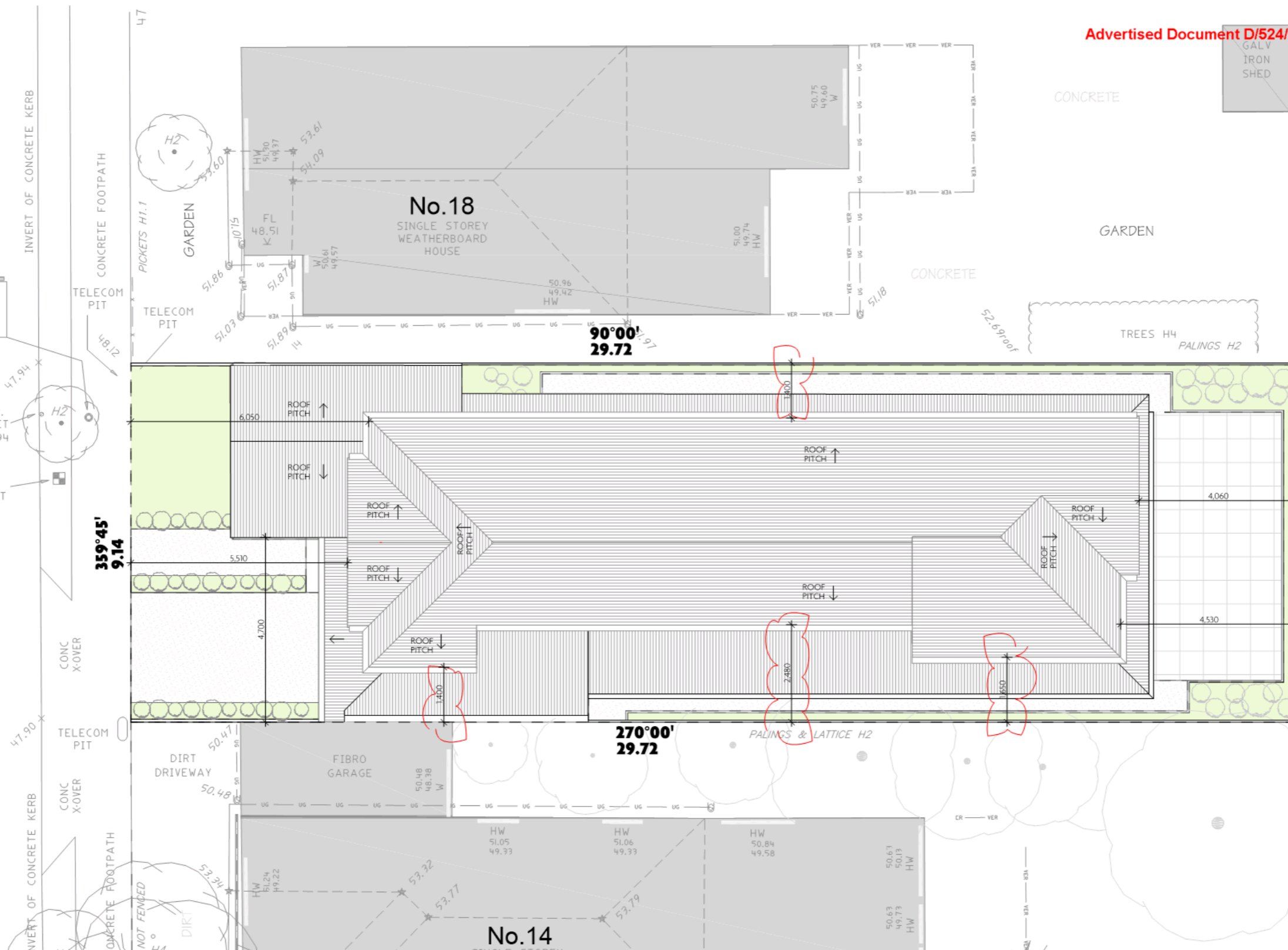
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HUNTER STREET

HUNTER STREET

T.B.M Rivet in Concrete Path R.L 48.09

PROP. OUTLET IL 47.94
FIRE HYDRANT



ROOF PLAN
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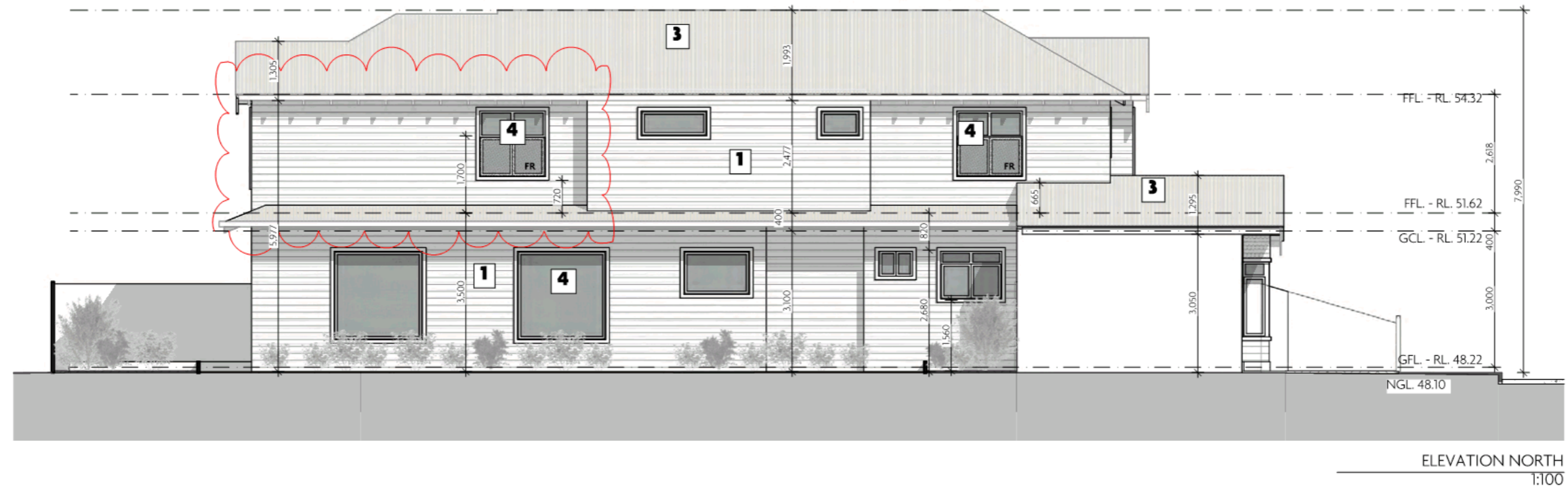
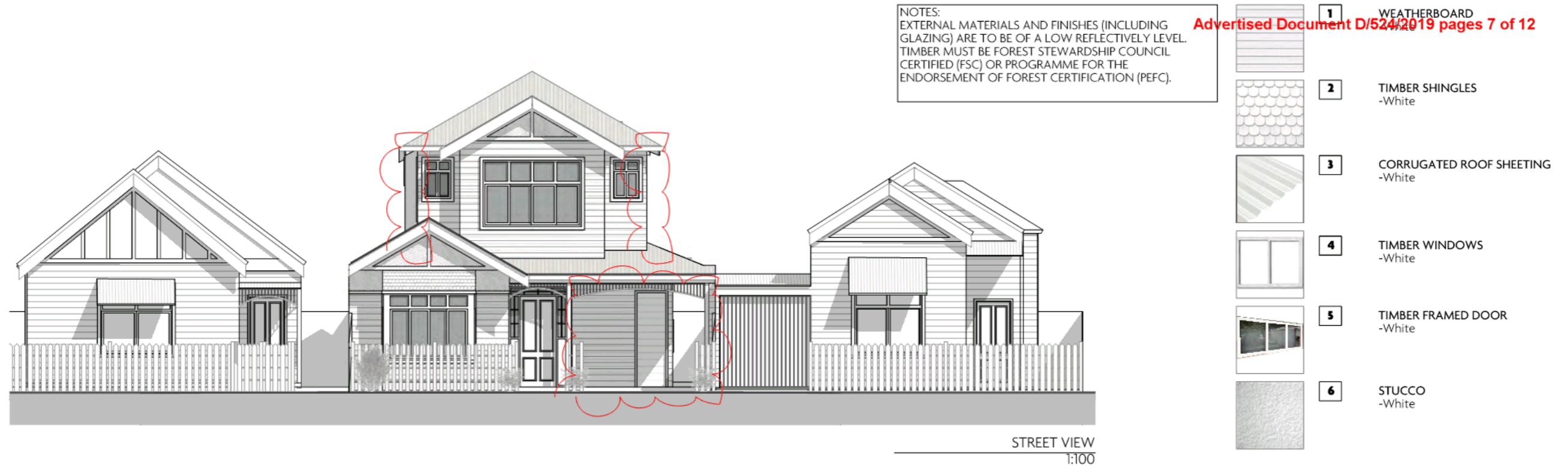
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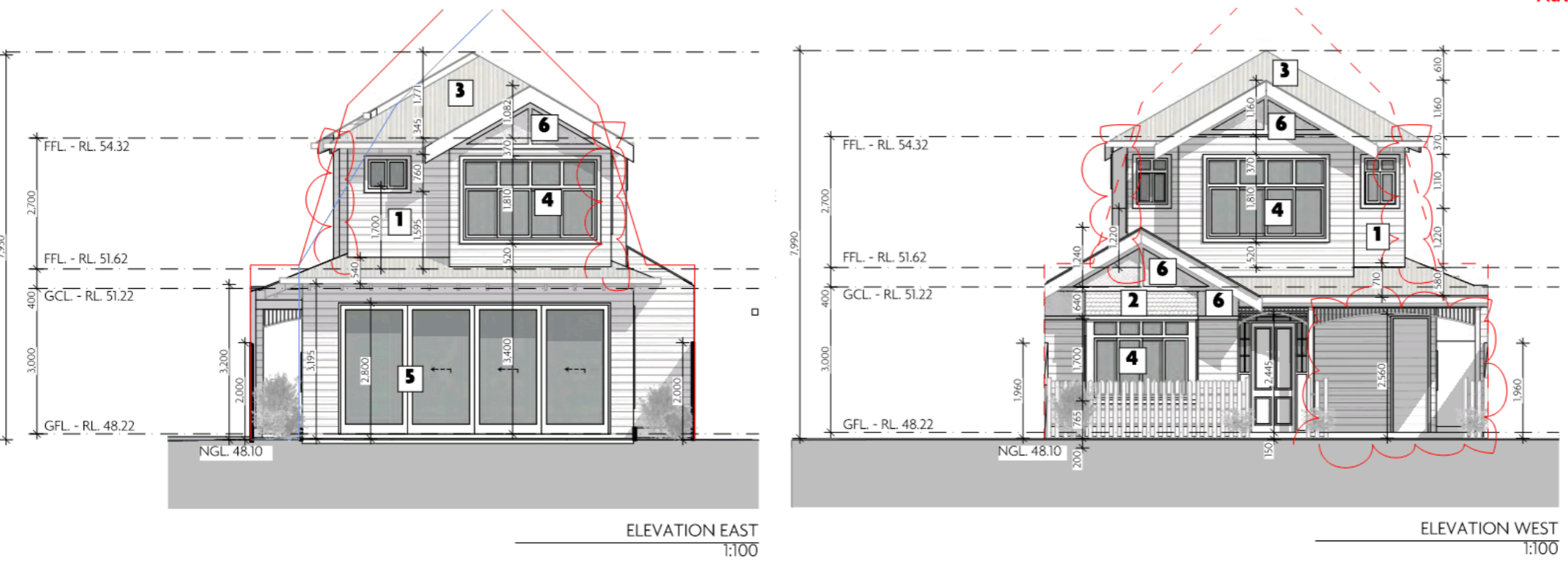
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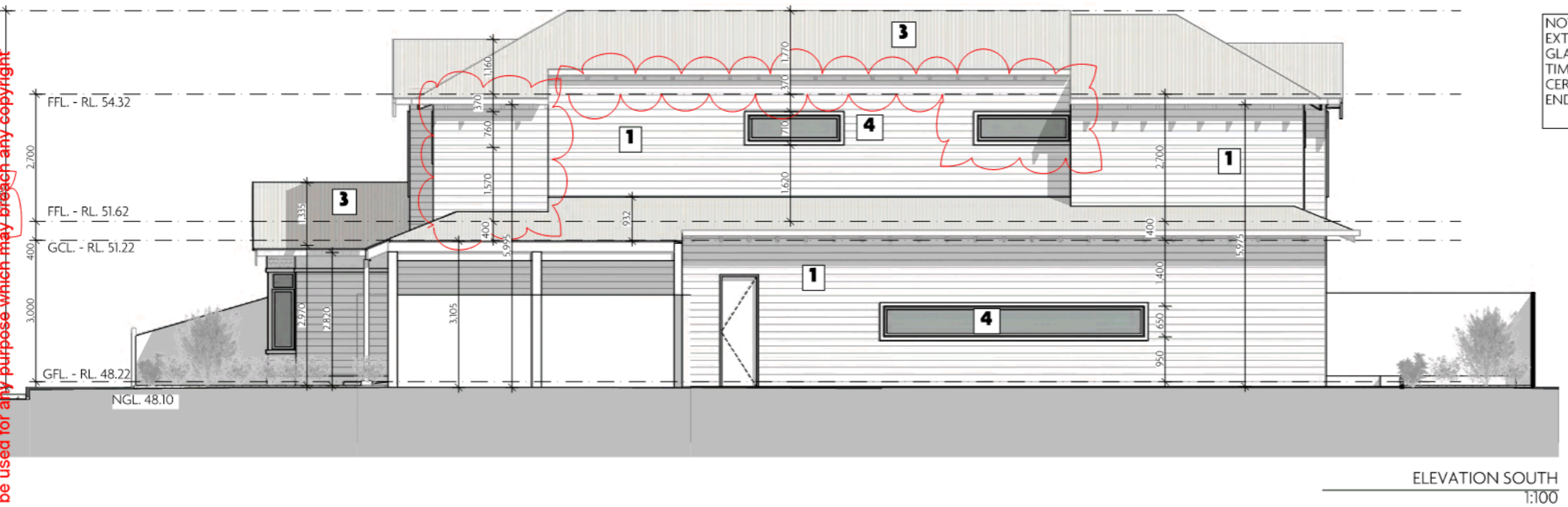
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- 2** TIMBER SHINGLES -White
- 3** CORRUGATED ROOF SHEETING -Surfmist
- 4** TIMBER WINDOWS -White
- 5** TIMBER FRAMED DOOR -White
- 6** STUCCO -White

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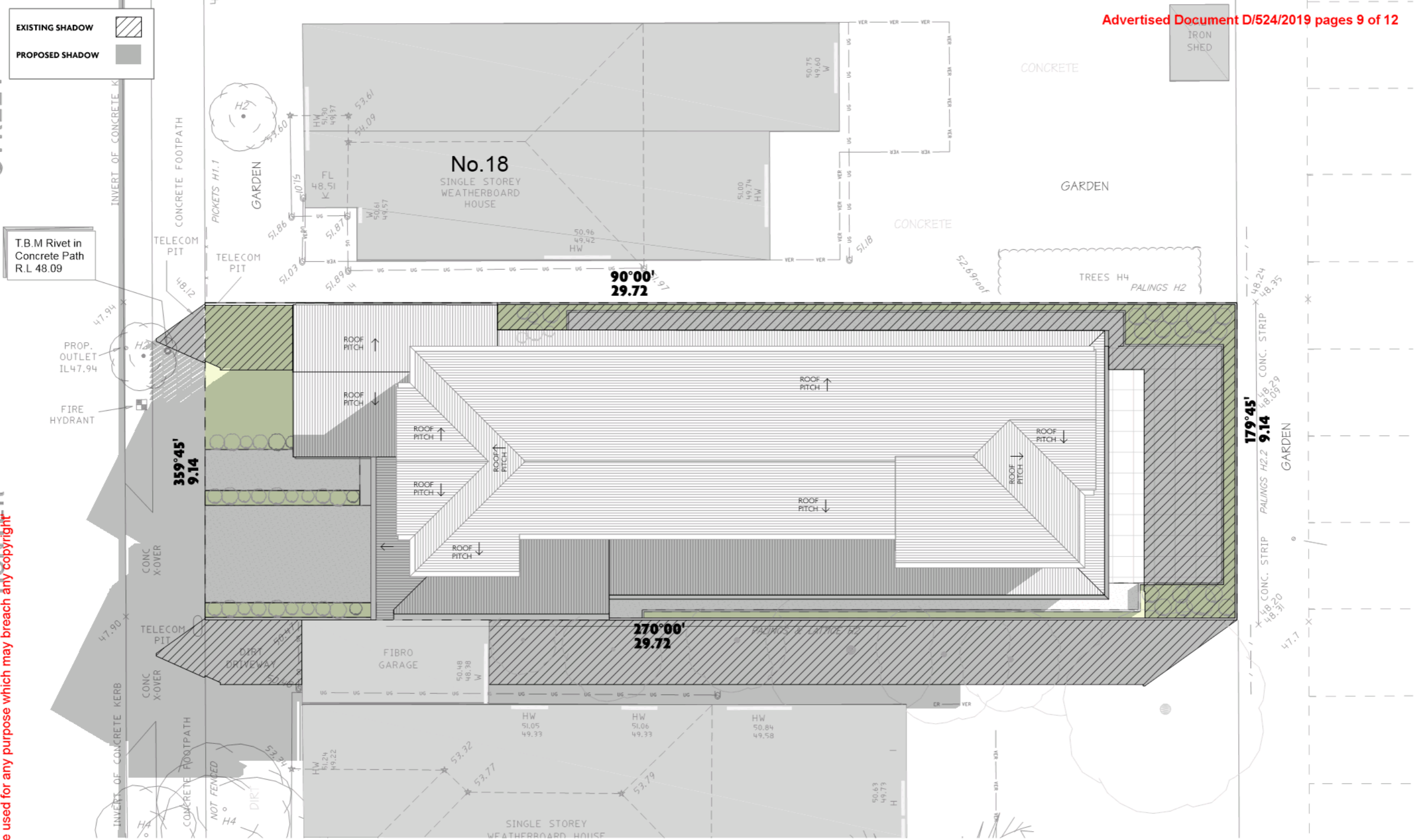
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SHADOW DIAGRAM 22 SEP 9AM
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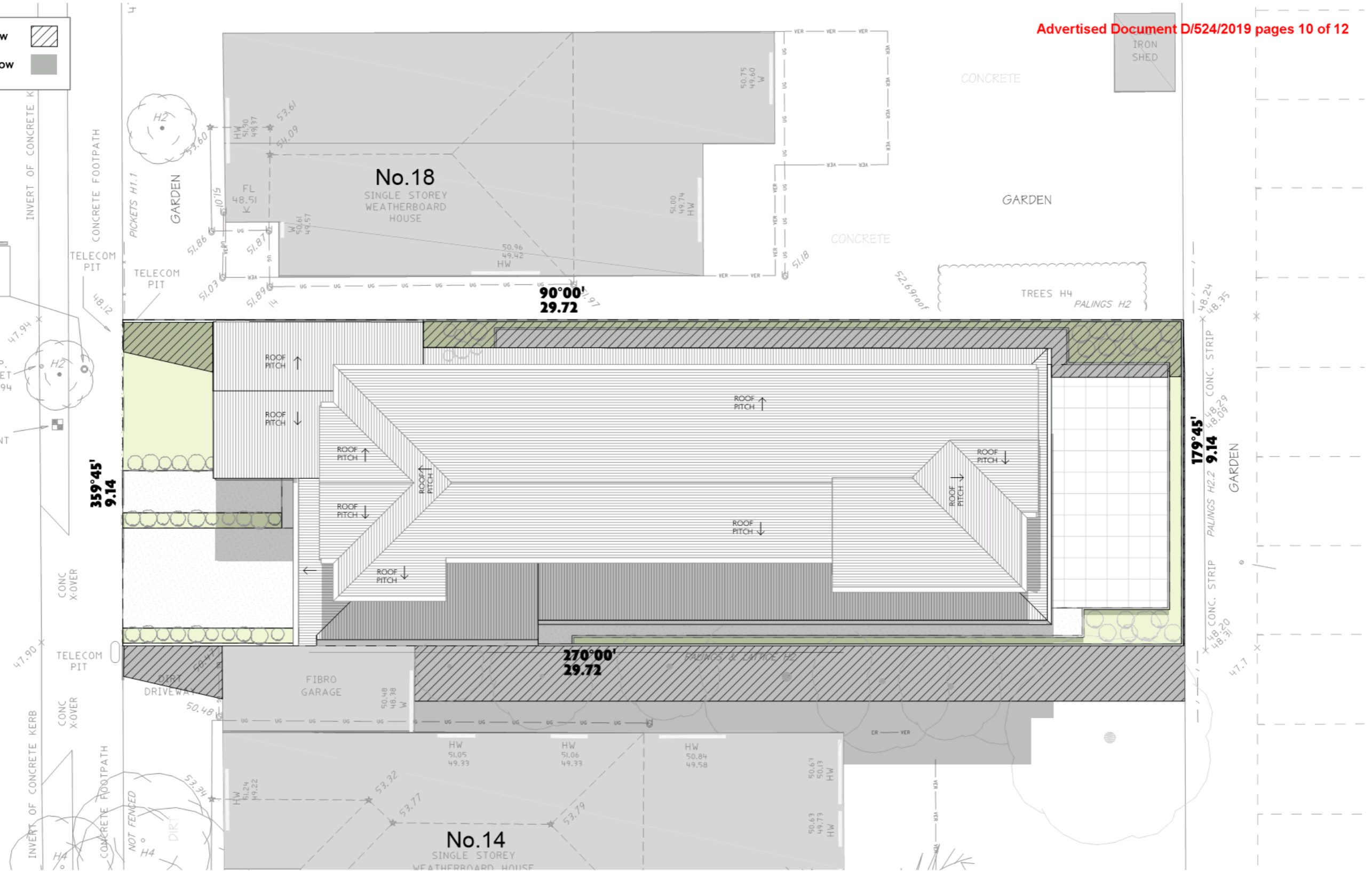
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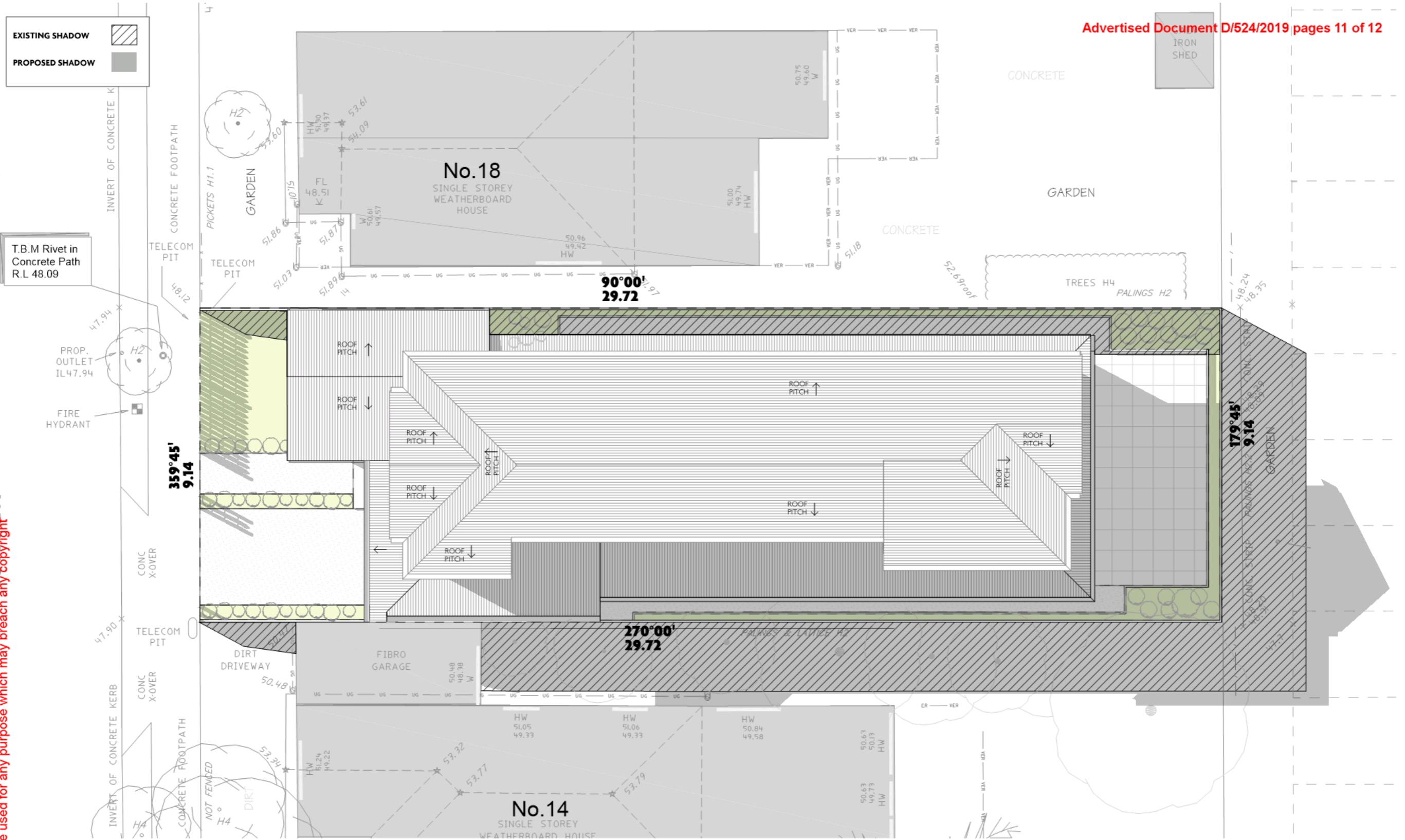
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STREET VIEW

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-White
-  **2** TIMBER SHINGLES
-White
-  **3** CORRUGATED ROOF SHEETING
-Surfmist
-  **4** TIMBER WINDOWS
-White
-  **5** TIMBER FRAMED DOOR
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-  **6** STUCCO
-White

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Arborist Report

Development Impact Assessment

Location: 16 Hunter Street Northcote

Reference number: LJK20-02-06_16Hunter

Prepared by:

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 ISA Tree Risk Assessment Qualified – Exp: 15 Sep 2023

Report Commissioned By: Nick Petroulas of Ridgeline Constructions

Report Date: 06 February 2020

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1. Introduction

Gum and Maple Consulting was contacted by Nick Petroulas of Ridgeline Constructions to review proposed site plans for a new single dwelling at 16 Hunter Street Northcote (the Property). The responsible authority – Darebin City Council (the Council) has recently requested via e-mail an Arborist Report to be supplied to accompany other application documents and proposed plans. The Arborist Report is to:

“assess all trees on adjacent properties (including street tree) that will be affected by the proposed development. The report must specify tree protection measures required for the trees on adjacent properties as per Australian Standard AS4970 - 2009: Protection of trees on development sites.”

1.1 Reviewed Documents

The following documents have been reviewed in preparation of this Report:

Responsible Authority – Darebin Council

- The Darebin Planning Scheme
- Darebin City Council - Tree Protection on Private Property Local Law No. 01 of 2019
- Darebin Council Policy document – [Management of Tree Protection on Private Property Policy 2019](#)
- Darebin City Council – Darebin Integrated Weed Management Strategy 2019-2023 (Draft)

Provided by Shouman

- Email request for Arborist Report from Darebin City Council
- Site Context Analysis (existing conditions) by Shouman dated 1 October 2019
- Proposed Site Plans (single dwelling) Ground Floor and Elevation drawings by Shouman dated 1 October 2019

1.2 Objectives

It is this report's primary purpose to inform the client/applicant and the Council's Planning Department by addressing their request for an Arborist Report. This report will:

- Identify (nomenclature) and number all relevant trees
- Provide for their location on a Site Map
- Provide their dimensions and calculated tree protection areas
- Identify each tree's protection status (planning or local law permit)
- Provide each tree with a retention value
- Assess the proposed development encroachment on each tree, and
- Comment and recommend any tree protection measure required

1.3 Procedure

All trees were assessed from ground level utilising internationally accepted techniques and methods of non-invasive visual tree assessment (VTA)¹. No invasive tests were conducted, or samples taken, and any assessments of decay are qualitative only. Data for neighbouring trees (height, canopy widths and stem measurements) were estimated from within the subject Property. The positioning of each assessed tree is taken from the Site Context Analysis (existing conditions) provided by Shouman and is considered to be correct in this report.

¹ Lonsdale, D (1999) The Principles of Tree Hazard Assessment and Management (Research for Amenity Trees). London: Her Majesty's Stationary Office Book.
Matheny, N. P & Clark, J. R (1994) A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas. 2nd Edition. International Society of Arboriculture

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The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for each tree was measured in accordance with the Australian Standards AS 4970-2009 *Protection of Trees on Development Sites*.

The assessment of these trees in terms of their overall condition has been made in accordance with the descriptors as set out in Appendix B. These must be referred to when reading this report.

Vegetation less than 2 metres in height has not been assessed or commented on in this report.

2. Planning & Local Law Context

2.1 General

From the town planning perspective, the *Planning and Environment Act 1987* provides controls with respect to the use and development of land. To achieve this objective the Victorian state government requires that all municipalities develop, administer and enforce their own planning scheme.

The Darebin Planning Scheme divides all land within the municipality into zones ranging from residential, commercial, industrial and other zones.

Each zone will allow for a number of land uses and development to occur without consent from Council's planning branch (as-of-right). Other land uses or development may require Council consent by way of a planning permit (discretionary), whereas other land uses and development may be prohibited all together.

In all instances it is the intent of the planning scheme to ensure that the underlying purpose of each zone is maintained by requiring that permitted land uses are compatible with neighbouring land uses.

In addition to the zone controls many parcels of land are also affected by overlay controls. These overlay controls are associated with specific development requirements which can include vegetation removal.

Some Councils including Darebin Council utilise local laws to regulate vegetation removal on private property. In these instances, it is the *Local Government Act 1989* (S1)(111) that provides authority to Councils. Irrespective of whether an overlay or a local law applies to privately owned trees, both must be addressed in a proposal to develop land.

2.2 The Property

The Property is considered a standard shaped, west facing residential allotment. The Property has an area of approximately 272 square metres. It is in a General Residential Zone – Schedule 2 (GRZ2) – Darebin General Residential Areas. No specific vegetation related overlays apply to the Property. However, Part 2 Clause 8(1)(a) & (b) of the Darebin City Council – *Tree Protection on Private Property Local Law No. 1 of 2019* (the Local Law) applies to all 'protected' trees on private land. In section 8 "Permit Requirement" it states:

"A person must not without a permit:

- a) prune, remove or do anything or allow pruning that could result in damage or the destruction of a protected tree on private property, or
- b) undertake any works within the Tree Protection Zone"

Limited exemptions apply.

To clarify, a 'protected' tree "means a tree with a single or combined trunk circumference greater than 100 centimetres measured at 1.5 metres above ground level and having a height greater than 8 metres, but excludes species that are declared Noxious Weeds"

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The 'tree protection zone' "means the radius of the Protected Tree being 12 times the trunk diameter of the tree at breast height (1.4m above ground level). The Australian Standard AS 4970 "Protection of Trees on Development Sites" prescribes how the Tree Protection Zone is calculated"

For the purposes of this report and to conform with the Australian Standards AS 4970-2009 *Protection of Trees on Development Sites*, I have taken diameter measurements at 1.4 metres from ground level. Please note that 100 centimetres in circumference equates to 31.8 centimetres in diameter.

Please note that none of the assessed trees exceed the height of 8 metres. As such none trigger a Local Law permit for their removal nor 'works' within their 'tree protection zone'.

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3. Site Map



Figure 1: Aerial image of the Property (Eagleview) dated 01 January 2020.

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4. Tree Data

#	Species	Common Name	Height	DBH	TPZ	SRZ	Health	Structure	Form	Origin	Ownership	Permit Status	Retention Value
1	<i>Lagerstroemia indica</i>	Crape Myrtle	2.5	10	2.0	1.5	Fair	Good	Good	E	Council	PARKS	High
2	<i>Prunus sp.</i>	Flowering cherry	3	8	2.0	1.5	Fair	Fair	Fair	E	Neighbouring	NPR	High
3	<i>Magnolia sp.</i>	Magnolia	4	10	2.0	1.5	Good	Good	Good	E	Neighbouring	NPR	High
4	<i>Prunus sp.</i>	Flowering cherry	4	8	2.0	1.5	Poor	Fair	Poor	E	Neighbouring	NPR	High
5	<i>Photinia serratifolia</i>	Christmas Berry	5	15	2.0	1.5	Good	Good	Fair	E	Neighbouring	NPR	High
6	<i>Luma apiculata</i>	Chilean myrtle	5	12	2.0	1.5	Good	Good	Fair	N	Neighbouring	NPR	High
7	<i>Yucca gigantea</i>	Yucca	4	8	2.0	1.5	Fair	Fair	Fair	E	Neighbouring	NPR	High
8	<i>Musa acuminata</i>	Banana	4	15	2.0	1.5	Fair	Fair	Fair	E	Neighbouring	NPR	High
9	<i>Musa acuminata</i>	Banana	4	15	2.0	1.5	Fair	Fair	Fair	E	Neighbouring	NPR	High
10	<i>Musa acuminata</i>	Banana	4	15	2.0	1.5	Fair	Fair	Fair	E	Neighbouring	NPR	High
11	<i>Olea europaea</i>	Olive	6	20	2.4	1.7	Good	Fair	Poor	E	Neighbouring	NPR	High
12	<i>Pittosporum tenuifolium</i>	Kohuhu	5	10	2.0	1.5	Good	Fair	Fair	E	Neighbouring	NPR	High
13	<i>Pittosporum tenuifolium</i>	Kohuhu	4	8	2.0	1.5	Good	Fair	Fair	E	Neighbouring	NPR	High
14	<i>Pittosporum tenuifolium</i>	Kohuhu	5	10	2.0	1.5	Good	Fair	Fair	E	Neighbouring	NPR	High

Heading Definitions

~Height – metres

DBH (Diameter at Breast Height) – centimetres

TPZ & SRZ – metres

Origin

I – Indigenous | V – Victorian

N – Native | E – Exotic

LLP – Permit required under Tree Protection on Private Property Local Law No. 1 of 2019

NPR – No Permit Required – Tree could be removed 'as-of-right'

PARKS – Darebin Council Parks department owned and managed

5. Discussion

5.1 Tree Retention

Trees have an essential role in the built environment. A healthy well-positioned tree, along with being aesthetically pleasing, can provide tangible positive benefits from an environmental, social and financial perspective. In contrast, trees that are inappropriately positioned or that are in poor condition can pose significantly higher risks to built environments, people and can cause varying levels of nuisance or financial burden.

Property owners can unknowingly plant inappropriate trees without fully understanding their growth characteristics or maintenance requirements. Often in these instances, trees are neglected after planting and outgrow their position impacting upon or displacing built structures. There are also times where trees are not planted but readily germinate from seed carried by various methods. This uninformed or haphazard approach often provides for undesirable outcomes. These issues are evident for this Property with many species sprouting from seed or have been planted in inappropriate locations and poor managed. Many of the trees have been lopped.

From a development perspective due to competing pressures for above and below ground space, it is not suitable or reasonable to retain all trees. It is better to identify the more significant trees that have a greater contribution to the site and surrounding area and focus on protecting these well². Whether it be the tree's position, overall condition or its landscape contribution, a retention value is placed on all trees that may be impacted by a proposal to develop land.

This assessment categorises all trees into 4 main groups. They are:

- Hazardous
- Low retention
- Moderate retention
- High retention

As indicated in the first dot point above, trees that pose a high or extreme risk are considered hazardous. Please note, none of the trees assessed in this Report are deemed hazardous. However, risk and more crucially its level, is the most important determining factor when considering a tree's overall retention value.

Trees of low retention value contribute little to the site and surrounding area and are generally considered unsuitable for retention, they should not restrict appropriate development of the property.

Trees holding moderate retention value should be retained pending a thorough analysis of any potential constraints to developing the land (i.e. can the tree be incorporated with minor design changes). In these instances, the determination to retain a tree and incorporate it into the development should be based on a combination of the tree's position and the proposed essential or desirable spaces. An example of this is; a kitchen, living room or main bedroom is essential to a dwelling whereas, a gym, shed or swimming pool is not.

Trees of high retention value contribute greatly to the site and surrounding area and should be accommodated for at the preliminary design stage.

Neighbouring trees are categorised as high retention value in this Report. There are common law rights and obligations that are afforded to the owner/s of these assets, and any proposal to develop the land should give regard to their healthy safe retention. In saying this there may be instances where their removal can be negotiated with the owner/s whilst also satisfying any legislative requirements (if needed) with the Council.

² Matheny, N and Clark, J. 1998. *Trees and Development*. ISA, Champaign, Ill, USA

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As previously stated, none of the assessed trees trigger the requirement to obtain a Local Law permit for their removal nor works within their TPZ.

5.2 Proposed Plans & Construction Impacts

Trees have above ground parts (stem/s, branches and leaves) and below ground parts (woody and non-woody roots) both are essential for a tree's health and structure. It is a common misconception that a tree's canopy and roots mirror each other and that tree roots only extend to a tree's 'drip-line'. In actuality they differ greatly in their function and distribution.

When developing a site, tree roots are often forgotten or insufficiently considered, nonetheless they can be adversely impacted in various ways. To reduce these impacts, Arborists use the Australian Standard AS 4970-2009 - *Protection of Trees on Development Sites* (AS 4970-2009) to guide the integration between existing retained trees and proposed development construction.

AS 4970-2009 uses the tree's trunk or stem dimensions to equate a Structural Root Zone (SRZ) and a Tree Protection Zone (TPZ) for each assessed tree. These measurements are provided in section 4 of this report. Both zones are measurements taken from the tree trunk's centre and encompass the entire tree. These zones are illustrated as circles on the scaled site plan shown on page 10 and should not be confused with each tree's estimated canopy dimensions.

Development encroachment is all proposed construction within a tree's calculated TPZ. This includes but is not limited to; site cuts or excavation, built form (buildings), decking or hard landscaping, and surfaces (including permeable surfaces).

Development encroachment into these zones is assessed as either 'minor' encroachment (less than 10%) or 'major' encroachment (greater than 10%). In instances of minor encroachment and outside the SRZ, such construction is considered acceptable on the basis it can be compensated for elsewhere and is contiguous with the TPZ. If a proposed encroachment is greater than 10% of the TPZ, or inside the SRZ, a consulting Arborist must demonstrate that the tree will remain viable.

When strictly applying the standard, no tree can be given a greater TPZ radius than 15 metres and no tree can be given a TPZ radius of less than 2 metres. There are instances where this minimum TPZ radius is nominal in its application. Conflicts can arise when small neighbouring trees are planted along property boundaries for the purposes of screening. This minimum TPZ radius often extends into the subject property and can provide varying limitations to construction activities and/or design.

The severity of proposed development encroachment is assessed on a sliding scale. The removing of soil to install basement levels, ramps and retaining walls is considered most detrimental to trees as it can remove tree roots and the soil environment conducive for future root growth entirely. Surfaces, hard landscaping or decking is generally viewed at the opposing end of the scale and more tolerable. In saying this there are many factors that influence this determination. Some of these are listed below:

- The subject tree, its species, tolerances and condition
- Pre-existing site conditions that may limit the extent and distribution of root growth
- The type of proposed encroachment (as mentioned above)
- The level of proposed encroachment
- The design and methods of construction works

This assessment must be undertaken by a fully qualified consulting or project Arborist, with a minimum Australian Qualifications Framework – Level 5 Diploma in Arboriculture.

The proposed development encroachment of retained trees has been calculated based on the Proposed Site Plans (single dwelling) Ground Floor drawings by Shouman dated 1 October 2019.

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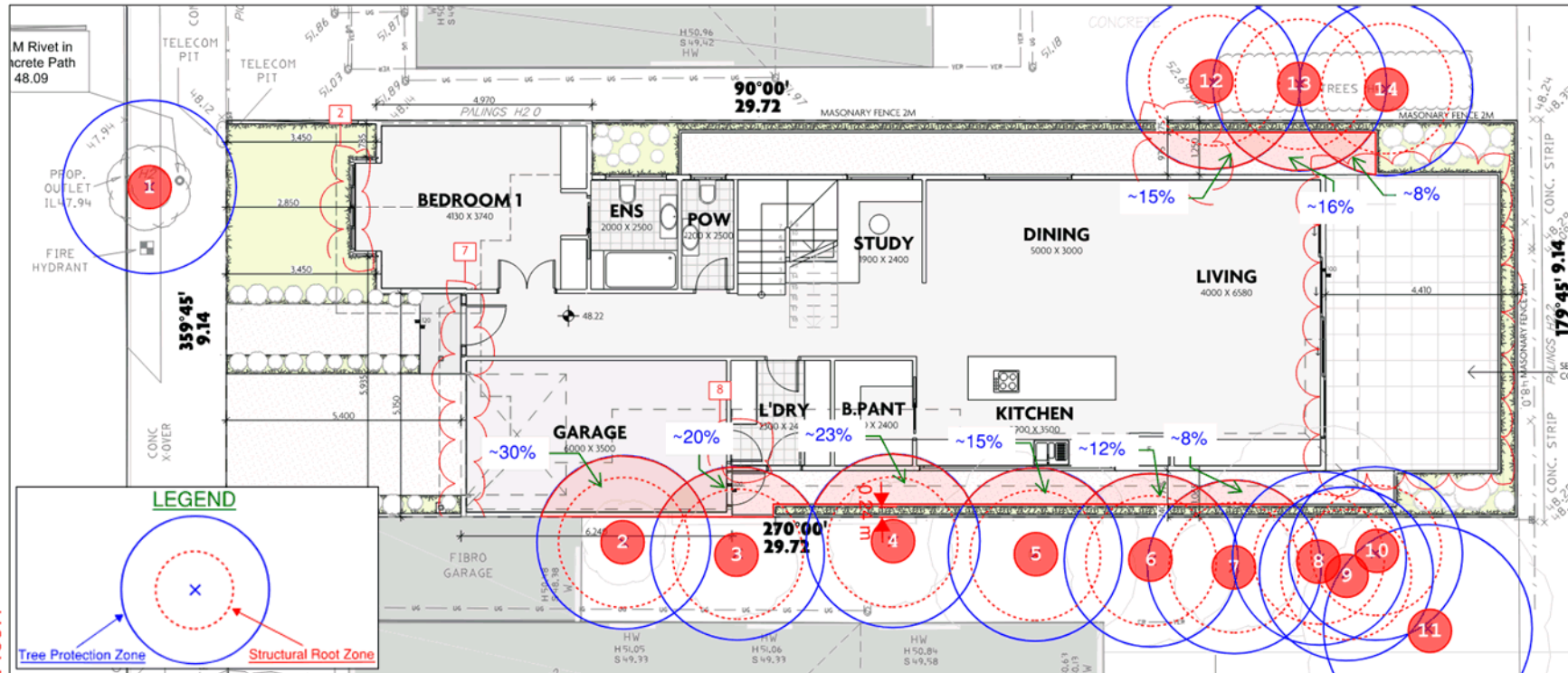


Figure 2: Proposed Ground Floor and Elevation drawings by Shouman dated 1 October 2019

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6. Conclusions

There are no trees located within the subject property and no remnant-indigenous vegetation on neighbouring properties. None of the assessed trees are classified as a 'protected tree' under the *Tree Protection on Private Property Local Law* as none exceed 8 metres in height. As such a local law permit is not required to conduct works within the TPZ of any neighbouring tree. All assessed trees are afforded 'high' retention value. This on the basis that they are under third party ownership. Aside from the street tree, the assessed trees provide low amenity and landscape value and can only be viewed from within the affected properties.

Tree 1 the street tree, is in good overall condition. No construction activities are proposed within the tree's TPZ. Provided that standard tree protection measures are afforded during the construction phases of development, the proposal will not impact on the tree's viability.

Tree 2 is a neighbouring flowering cherry in fair overall condition and is positioned 60cm from the southern property boundary. The proposed construction works (garage) provide for an approximate 30% incursion into the tree's TPZ which is technically deemed 'major' in accordance with AS 4970-2009 – *Protection of Trees on Development Sites*. Existing conditions directly north of the tree have limited the distribution of tree roots into those areas. A garage structure on an impervious concrete slab currently exists where a new garage is proposed. This like-for-like construction is considered favourable when considering the proposed impacts to the tree. On the basis that no further excavation takes place beyond the existing concrete slab, adverse impacts to the tree's viability is highly unlikely. Existing conditions directly north of tree 2 and other neighbouring trees along the southern boundary are illustrated below.



Figure 3 – existing garage structure

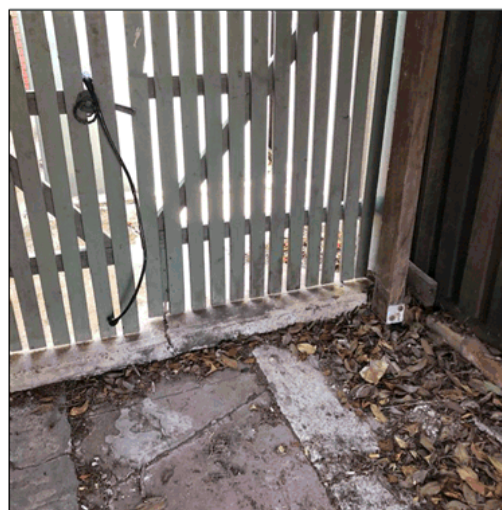


Figure 4 – existing garage structure and 120mm impervious concrete path along southern boundary of the property

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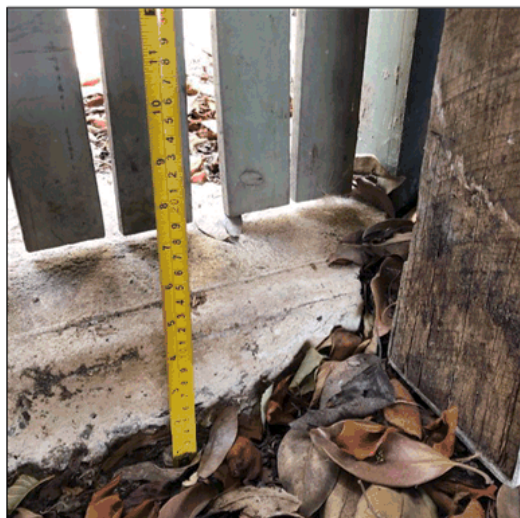


Figure 5 - 120mm concrete path along southern boundary which extends around the majority of the dwelling



Figure 6 – Side gate and existing garage structure

Tree 3 is a neighbouring Magnolia cultivar positioned along the northern property boundary of 14 Hunter Street. The proposed construction works provide for an approximate 20% encroachment to the tree’s TPZ. These works are proposed at the edge of the existing garage structure and paving along the southern boundary. As illustrated in Figure 4, 5 and 6 an impervious 120mm concrete slab and tin shed structure is located in this area. Based on these existing conditions, the likelihood of tree roots in this areas is significantly reduced. On the basis that no further excavation take place beyond the existing natural ground level (NGL) any impacts to tree 3 are deemed negligible.

Tree 4 is a cherry-plum which appears somewhat sparse in comparison to the other neighbouring trees. The proposed new footpath surface provides for a 23% encroachment. This is deemed acceptable and is a reduction on the existing footpath surface which extends to the property boundary. The proposed plans illustrate the footpath setback from the southern boundary by approximately 30cm.

Tree 5 is a photinia in fair overall condition. The proposed new footpath surface provides for a 15% encroachment. This is deemed acceptable and is a reduction on the existing footpath surface which extends to the property boundary. On the basis that no further excavation take place beyond the existing natural ground level (NGL) any impacts to tree 5 are deemed negligible.

Tree 6 is a Chilean myrtle in fair overall condition. The proposed construction work provides for an approximate 12% encroachment. Again, this will be a reduction on the existing surface encroachment. Provided there is no further excavation beyond the existing soil grade, the tree will be unaffected by proposed surfacing construction works.

Tree 7 a Yucca is a species commonly seen in recent years and often planted in urban areas due to its low maintenance requirements and high drought tolerance. Yuccas are often transplanted as mature plants due to their high tolerance to root pruning. The proposed construction activities will not impact the plant’s viability.

Trees 8-10 are banana plants which are evergreen perennials, not trees. Their stems are made up of tightly packed layers of leaf sheaths. It is highly unlikely the proposed surfacing construction will impact upon the viability of trees 8-10.

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Trees 11 is an olive located within the rear setback of 14 Hunter Street Northcote. All proposed works are located outside the tree's TPZ, as such the tree will be unaffected by the proposed construction activities.

Tree 12-14 are neighbouring trees located in the rear of 18 Hunter Street Northcote. All three are position approximately 50cm from the property boundary and are in good overall condition. The proposed surface construction provides for TPZ intrusions of 15% of tree 12, 16% for tree 13 and 8% for tree 14. This is a reduction of the existing surface encroachment and is supported from an arboricultural perspective on the basis that the proposed surface works are at or above the existing soil grade.

Canopy Pruning

Based on the proposed plans, a minor level of pruning (less than 5-10% of the total trees canopy) may be required for neighbouring Trees 2-16 to facilitate construction activities. The pruning of neighbouring trees to the property boundary line is a common law right of a property owner. This is reiterated in the Consultation Paper, Neighbourhood Tree Disputes (Victorian Law Reform Commission 2017)³ that states that residents may abate the issue of trees overhanging properties, a remedy developed under the common law (page 23). It goes on to further state that this type of abatement is a timely solution to a problem and that abating to the boundary line is encouraged where appropriate. A Local Law permit is not required for these pruning works, however in saying this all pruning should be undertaken within the Property and conform with the Australian Standard – *Pruning of Amenity Trees* AS 4373-2007.

7. Recommendations

Tree Protection Zones

Tree Protection Zones and associated fencing must be established around the street tree #1. Once installed to the satisfaction below the Tree Protection Zones must be maintained until the conclusion of works (or otherwise stated) to the satisfaction of the Responsible Authority and Project Arborist, and must meet the following requirements:

(a) Extent

Street tree 1: Tree Protection Zones are to be provided to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the nature strip.

(b) Management of works

A suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of neighbouring trees 12 and 15. Any root severance within the TPZ must be undertaken to their satisfaction using a clean sharp and sterilised pruning saw. There must be no root pruning within the SRZ unless consent is received in writing by the Responsible Authority.

(c) Fencing

Protective fencing must consist of chain wire mesh panels, held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*. The fences must not be removed or relocated without the prior consent of Council except for Council approved works.

(d) Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fencing, stating "Tree Protection Zone – No entry without permission from Council".

³ Victoria Law Reform Commission, 2017, *Neighbourhood Tree Disputes – Consultation Paper December 2017*, viewed 12 December 2019 <http://lawreform.vic.gov.au/sites/default/files/Neighbourhood_tree_disputes_CP_forweb_0.pdf>

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- (e) Access to Tree Protection Zone
 - (i) No persons, vehicles or machinery are to enter the Tree Protection Zone except with the consent of the Council;
 - (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the Tree Protection Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
 - (iii) No storage of material, equipment or temporary building is to take place within the Tree Protection Zone;
 - (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

Footpath Surface Design

Any proposed footpath surfaces that transect the nominal TPZ of neighbouring trees along the southern boundary (trees 2-12) and along the northern boundary (trees 12-14) should be constructed at or above the existing soil grade. Any excavation beyond the natural ground level within the TPZ of any neighbouring tree must be undertaken with the documented supervision of the project arborist.

Canopy Pruning

Any tree pruning works should be undertaken by a qualified arborist (minimum Australian Qualifications Framework – Level 3 in Arboriculture). Pruning methods must be carried out in accordance with Australian Standard AS 4373-2007 *Pruning of Amenity Trees*.

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Appendix A: Photographs



Panorama view of property frontage with street tree 1



Tree 1



Tree 2 – canopy



Tree 2 excessively lopped from service wire



Tree 3

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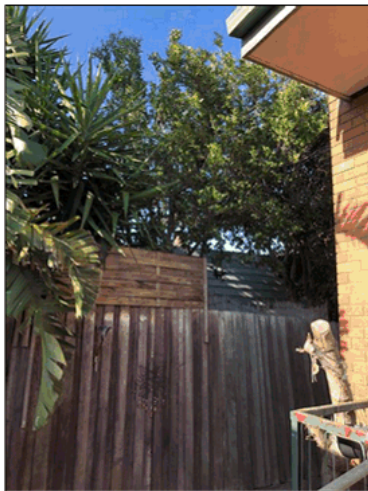
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Tree 4



Tree 5



Tree 6



Tree 7 – stems



Tree 8



Tree 9

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Tree 11



Trees 12 - 14

Appendix B: Definition of Terms

Maturity	
Juvenile	Tree is deemed to be less than 5 years old
Semi-mature	Tree yet to achieve 70% of typical mature height and canopy spread for its species
Mature	Tree has achieved greater than 70% of its expected size
Over-mature	Tree has achieved its mature expected size for species, and displays signs of natural decline in health and structure
Dead	Tree has completely defoliated and has no living sections

Health	
Good	A tree with leaf size, colour, density and intermodal growth typical for its species; minor deadwood and dieback caused by typical attrition may be present; no visible pathogen infestation.
Fair	A tree with reduced canopy density including foliage size and colour; uncharacteristic deadwood may present; infestation of pests or epicormic growth may be present at minor levels.
Poor	A tree with significantly reduced canopy and foliage density; significant amounts of deadwood; extensive infestation of pests; and is likely to decline further.
Dead	Foliage may have turned completely brown. No live foliage in the canopy.

Structure	
Good	Structurally sound scaffold limbs and branch unions; no major decay on trunk and scaffold branches. Scaffold limbs and branches display positive taper.
Fair	Structurally sound scaffold limbs and branch unions that may display; structurally stable bifurcated or co-dominant stems; prevalence of tight branch unions but with structurally sound attachments; previous limb failures caused by wind stress and structural issues have not destabilised remaining sections of canopy; trunk or limb decay present but currently not affecting structural integrity.
Poor	Structurally unstable bifurcated or co-dominant stem structure with excessive included bark characteristics; prevalence of structurally unstable scaffold or branch unions and attachments; prevalence of limb failures caused by wind stress and structural issues that have potentially destabilised other sections of canopy; excessive trunk or limb decay affecting structural integrity.

Form	
Good	Canopy form typical for species; symmetrical or minor asymmetrical canopy spread; missing canopy less than 25%
Fair	Canopy form atypical for species; asymmetrical canopy spread with minor directional bias; minor phototropic lean; missing canopy 25%-50%
Poor	Canopy form atypical for species; asymmetrical canopy spread with major directional bias; excessive trunk lean; missing canopy greater than 50%

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10. There is no warranty or guarantee, expressed or implied by the author, that the problems or deficiencies of the plants or site in question may not arise in the future.
11. All instructions (verbal or written) that define the scope of the report have been included in the report and all documents and other materials that the consultant has been instructed to consider or to take into account in preparing this report have been included or listed within the report.
12. To the authors' knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report have been fully researched and referenced and any such opinion not duly researched is based upon the writer's experience and observations.
13. This agreement supersedes all prior discussions and representations between the author and the client on the subject and is the entire agreement and understanding between the two parties.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

Caretaker Statement

In accordance with Councils Election Period Policy the recommended decision is not an Inappropriate Decision as defined in Section 69(2) of the Local Government Act 2020, or an inappropriate Decision within the meaning of the Election Period Policy

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

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

Recommendation

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

Related Documents

Nil

Attachments

- General Planning Information (**Appendix A**)

Delegate Decisions before VCAT

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/01/2020 (Compulsory Conference) and 30/01/2020 (CC)	D/526/2018	573-603 High Street & 30 West Street Cazaly	Construct two (2) buildings, with six (6) individual towers, containing dwellings, retail premises; and Reduce the car parking requirements; and Reduce the loading/unloading requirements.	Failure Appeal	Did not settle
Result	The Compulsory Conference was not successful.				
16/01/2020 (resumed Compulsory Conference)	D/456/2015/A	176-180 High Street, Preston Cazaly	Amendment to the Permit seeking the construct buildings and works for a mixed use development comprising twelve (12) stories plus three (3) basement levels accommodating comprising 94 dwellings and two restaurants at ground floor; reduction in car parking requirements and creation and alteration of access to a road in a Road Zone Category 1	Failure Appeal	Resumed CC Council's deemed refusal set aside – Permit granted
Result	At the resumed Compulsory Conference, the parties were in a position to settle the matter. In particular, the Permit Applicant dropped the height of the proposal from 12 to 10 storeys, provided some extra landscaping in the public realm and addressed the concerns of the adjoining resident.				
13/01/2020 (Compulsory Conference)	D/945/2018	635 High Street, Preston Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Refusal (contrary to officer recommendation) – Applicant appeal	Vacated by order dated 12 November 2019
Result	The matter was adjourned to 10 March 2020.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/01/2020	D/787/2017	469-471 Gilbert Road, Preston Cazaly	Section 87A Amendment	Application to Amend Direct to Tribunal	No longer required – resolved at Compulsory Conference (December)
Result					
22/01/2020	D/170/2019	53 Liston Avenue, Reservoir La Trobe	Proposed development of two (2) double storey dwellings	Refusal – Applicant appeal	Council's refusal confirmed
Result	The applicant withdrew their appeal to VCAT.				
24/01/2020	D/438/2018	162 Broadway, Reservoir Latrobe	Construction of five (5) triple storey and one (1) double storey dwellings	Refusal – Applicant appeal	Hearing moved to March 2020
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/02/2020 (Compulsory Conference)	D/382/2019	4-8 Browning Street, Kingsbury Latrobe	Development of a three (3) storey building (plus basement) comprising 67 student accommodation units	Refusal – Applicant appeal	Council's decision set aside (by consent) – Permit granted
The permit applicant was willing to make changes to their development to address Council and resident concerns. As such, the parties were in a position that a permit could issue.					
17/02/2020	D/894/2018	8 Anstey Avenue, Reservoir Latrobe	Development of a second dwelling to the rear of the existing dwelling	Conditions Appeal	Contentious conditions deleted
Result	The Tribunal provided oral reasons only.				
18/02/2020	D/617/2018	12 Carson Street, Reservoir Latrobe	Proposed mixed use development comprising the construction of a four (4) storey building with a shop and dwellings above and a reduction of the car parking requirements	Refusal – Applicant appeal	Council's decision affirmed – No permit granted
Result	While the Tribunal found the site has policy support for redevelopment, the critical failing of the proposal was the design response which involved a 4 storey building along the length of its site. The Tribunal found that the proposal was too tall and monolithic for its context and did not offer any visual relief.				
27/02/2020	D/145/2018	480 Gilbert Road, Preston Cazaly	Section 87A Amendment	Application to Amend Direct to Tribunal	No longer required – Permit amended by consent
Result	Following the Compulsory Conference, the parties continued discussions which resulted in further concessions offered by the Permit Applicant. As a result of these further concessions, the hearing was able to be vacated by consent.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
			6) Rear decking increased in width and arbor structure added above part of decking. Associated planters added. 6) Skylights above fireplaces removed from both units. 7) Landscaping to front setback of both units revised due to slope of site		
Result	While Council and the applicant were able to resolve a number of minor issues in dispute prior to the hearing through acceptable design treatments shown on amended plans, the key issue in dispute in this matter was the replacement of originally endorsed materials (scyon cladding) with venetian render. Ultimately, the Tribunal found the replacement material to be acceptable given that "[it] is attractive and would be durable. It would result in a high-quality presentation that would enhance the area."				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

APRIL 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/04/2020	D/888/2018	114 Elm Street, Northcote Rucker	Proposed partial demolition and alterations (including a double storey addition) to an existing dwelling on a lot less than 300m2 in a Heritage Overlay	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic to 31 August 2020.				
3/04/2020 (Compulsory Conference)	D/659/2018	64-74 Bell Street, 13-17 Bruthen Street & 19-23 Bruthen Street, Preston Cazaly	Use and development of the land for a Retail Premises (Bunnings Warehouse), including buildings and works, to create and/or alter access to a Road Zone Category 1, to display advertising signs and to reduce bicycle facilities	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic.				
8/04/2020	D/709/2018	1 Wardrop Grove, Northcote Rucker	Medium density housing development comprising the construction of four (4) triple storey dwellings	Notice of Decision – Objector Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic to a hearing on 16 September 2020.				
20/04/2020	D/111/2019	3 Agnes Street, Thornbury Rucker	Construction of two double storey dwellings on the lot	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	The matter was adjourned due to the COVID-19 pandemic – however in the interim the parties were able to resolve the matter without the need for a hearing due to provision of increased rear setbacks and additional landscaping.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

APRIL 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
21/04/2020	D/7/2019	5 Autumndale Avenue, Reservoir Cazaly	Proposed construction of a medium density development consisting of five (5) dwellings and a reduction in the car parking requirement (visitor space)	Failure Appeal – subsequently formed position to oppose	
Result	Adjourned to an 'on the papers' hearing on 12 June 2020.				
27/04/2020	D/382/2019	4-8 Browning Street, Kingsbury Latrobe	Development of a three (3) storey building (plus basement) comprising 67 student accommodation units	Refusal – Applicant appeal	No longer required – resolved at Compulsory Conference
Result					
28/04/2020 (Compulsory Conference)	D/1089/2016	531-535 St Georges Road, Thornbury Cazaly	A five (5) storey building (plus roof terrace and 2 basement levels) comprising 38 dwellings and a reduction to in car parking	Failure Appeal	
Result	The matter was vacated due to the COVID-19 pandemic by way of Order dated 2 April 2020.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

MAY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/05/2020 (Compulsory Conference)	D/364/2019	441-443 Plenty Road, Preston Cazaly	Proposed use of the land for dwellings, the construction of three shops and five dwellings and a reduction in the standard car parking requirements	Refusal – Applicant Appeal	
Result	Vacated by way of Order dated 17 April 2020.				
4/05/2020	D/212/2019	37 Bruce Street, Preston Cazaly	Medium density development comprising the construction of four (4) three storey dwellings	Refusal – Applicant Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic to a hearing on 16 September 2020.				
8/05/2020 (Compulsory Conference)	D/790/2018	600-606 Plenty Road, Preston Cazaly	Proposed use of land as a food and drink premises together with part demolition of the existing building, the construction of buildings and works for 11 dwellings and a reduction of the required car parking provision	Refusal – Applicant Appeal	
Result	The Compulsory Conference was vacated by way of Order dated 23 April 2020 due to the COVID-19 pandemic.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

MAY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/05/2020	D/385/2018/A	2 White Street, Reservoir La Trobe	Construct a medium density housing development comprised of four (4) double storey dwellings	Refusal – Applicant Appeal	
Result	The matter was adjourned due to the COVID-19 pandemic to an on the papers hearing on 10 July 2020.				
8/05/2020 (Practice Day Hearing – Strike out Application)	VS/21/2019	G01/7 Warrs Avenue, Preston Cazaly	Proposed height extension to front fence in a residential zone	Refusal – Applicant appeal	
Result	The matter was adjourned due to the COVID-19 pandemic to a hearing on 30 July 2020.				
14/05/2020	D/134/2019	635 High Street, Preston Cazaly	Construction of works to a car park associated with a Hotel use	Notice of Decision – Objector Appeal	Council's decision varied (by consent) – Permit granted
Result	While the hearing was originally adjourned to 10 June 2020 due to the COVID-19 pandemic, prior to the matter's relisting, the parties were able to agree to changes to the design (in particular relating to vehicle egress) which satisfied the objector's concerns. As such, the parties were in a position to lodge a consent order and avoid the need for a hearing.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/06/2020	D/659/2018	64-74 Bell Street, 13-17 Bruthen Street & 19-23 Bruthen Street, Preston Cazaly	Use and development of the land for a Retail Premises (Bunnings Warehouse), including buildings and works, to create and/or alter access to a Road Zone Category 1, to display advertising signs and to reduce bicycle facilities	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	The parties were able to agree to changes to the proposal (in particular, an additional 6.6m setback at second floor adjacent the objector's property) and as such, were in a position to resolve the matter by way of consent without the need for a contested hearing.				
9/06/2020	D/939/2018	46 Bourke Street, Reservoir Cazaly	Proposed medium density development consisting of (2) two dwellings	Refusal – Applicant Appeal	Council's refusal affirmed – no permit granted.
Result	The Tribunal found that the proposal did not adequately respect neighbourhood character through design responses such as a ground floor which presented as nearly boundary to boundary development. The porches of the proposal the Tribunal considered eroded the front setback character of the area. Finally, the Tribunal shared Council's concerns about the prominence of the upper levels which were only minimally set back from the levels below.				
9/06/2020	D/243/2019	2 McComas Street, Reservoir Cazaly	Construction of seven dwellings on the lot (6 triple storey, 1 double storey) affected by a Design and Development Overlay (DDO19) and a waiver of visitor car parking requirements	Refusal – Applicant Appeal	Council's refusal affirmed – no permit granted
Result	The critical failing identified by the Tribunal was the extent of tall building form through the site. It considered such a response not only uncharacteristic of the area, but also adversely impacted upon nearby properties through visual bulk. The Tribunal also found the internal amenity of the proposed dwellings unacceptable due to the extent of screening that would be required to mitigate overlooking.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/06/2020	D/945/2018	635 High Street, Preston Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Refusal – Applicant appeal	
Result	The hearing did not proceed as the Permit Applicant withdrew their application. The Tribunal confirmed this by way of Order dated 26 March 2020.				
12/06/2020 – On the papers	D/7/2019	5 Autumnvale Avenue, Reservoir Cazaly	Proposed construction of a medium density development consisting of five (5) dwellings and a reduction in the car parking requirement (visitor space)	Failure Appeal – subsequently formed position to oppose	Decision Pending
Result					
15/06/2020	PD478/A	Unit 1, 2, 3 and 4, 63 Grange Road, Fairfield Rucker	Garage doors to all dwellings; - Replacement of the garage to Unit 4 with a walk in robe and ensuite; - Allocation of the visitor space to Unit 4; - A shade sail carport to the proposed car space of Unit 4; and -A shed to Unit 4 (retrospective)	Notice of Decision – Objector appeal	Council's decision varied – permit granted
Result	The matter was able to be resolved without the need for a contested hearing as a suitable form of consent orders could be entered into.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/06/2020	D/705/2018/A	83 & 83A St Georges Road, Northcote Rucker	Amendment to Planning Permit D/705/2018 as follows: - Demolish entire existing industrial style building. - Rebuild part northern and southern (street) elevations of the industrial style building. - Increase the western boundary setback. - Increase the height of Townhouse 6. - Provision of a second storey to Townhouse 7. - Increase the area of the terraces to Townhouses 6, 7 and 8. - Layout changes to Townhouses 6, 7 and 8. - Associated alterations and additions.	Notice of Decision – Objector Appeal	Council’s decision varied (by consent) - Permit granted
Result	The Applicant was willing to make design changes which addressed objector concerns in relation to screening and a boundary wall.				
29/06/2020	D/1089/2016	531-535 St Georges Road, Thornbury Cazaly	A five (5) storey building (plus roof terrace and 2 basement levels) comprising 38 dwellings and a reduction to in car parking	Failure Appeal	No longer required - Council’s deemed refusal set aside (by consent) – Permit granted
Result	Following the lodgement of the failure appeal, Council subsequently formed the view to support the proposal subject to conditions. As there were no other actively participating parties in the proceedings, Council and the Applicant were able to resolve the matter by way of consent order without the need for a hearing.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/07/2020	D/364/2019	441-443 Plenty Road, Preston Cazaly	Proposed use of the land for dwellings, the construction of three shops and five dwellings and a reduction in the standard car parking requirements	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Notwithstanding that the site is located on Plenty Road where apartment developments up to 6 storeys are encouraged, the Tribunal found the part 4 part 2 storey townhouse development (above retail) an acceptable response to the site's strategic context and was not an underdevelopment.				
7/07/2020	D/324/2019	20 Barton Street, Reservoir Latrobe	Construction of four (4) double storey dwellings on the lot	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Upon the lodgement of amended plans which reduced the number of proposed dwellings from 4 to 3, together with increased street setbacks, the parties were in a position to resolve the matter by way of consent order without the need for a contested hearing.				
8/07/2020	D/790/2018	600-606 Plenty Road, Preston Cazaly	Proposed use of land as a food and drink premises together with part demolition of the existing building, the construction of buildings and works for 11 dwellings and a reduction of the required car parking provision	Refusal – Applicant Appeal	
Result	Adjourned to a hearing on 17 February 2021				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/07/2020	D/385/2018/A	2 White Street, Reservoir La Trobe	Construct a medium density housing development comprised of four (4) double storey dwellings	Refusal – Applicant Appeal	Decision Pending
Result					
23/07/2020 (Compulsory Conference)	D/513/2019	69 Mitchell Street, Northcote Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	
Result	The matter did not settle.				
27/07/2020 (Compulsory Conference)	D/260/2019	44 Tyler Street, Preston Cazaly	Construction of four (4) double storey dwellings on a lot within the Design and Development Overlay Schedule 19 (DDO19)	Notice of Decision – Objector Appeal	Council’s decision affirmed – Permit granted
Result	Resolved at the Compulsory Conference				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/07/2020	D/568/2019	67-69 High Street, Preston Cazaly	Proposed construction of an 8 storey (plus roof top terrace and basement car park) mixed use development comprising 62 dwellings and two shop tenancies, and a reduction in car parking requirements	Refusal – Applicant Appeal	Decision Pending
Result					
30/07/2020	VS/21/2019	G01/7 Warrs Avenue, Preston Cazaly	Proposed height extension to front fence in a residential zone	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal provided oral reasons only.				
30/07/2020 (Compulsory Conference)	D/673/2020	9-10 Griffiths Street , Reservoir Latrobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/08/2020 (Compulsory Conference)	D/145/2018	480 Gilbert Road, Preston Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	
Result	Matter vacated at the request of the parties - Order dated 28/07/2020.				
6/08/2020	D181/2013/B	1003 Plenty Road, Kingsbury Latrobe	A medium density housing development comprised of the construction of seven (7) dwellings; a reduction to the car parking requirement for Units 1, 2 & 3; and alteration of access to a road in a Road Zone Category 1	Refusal – Applicant Appeal	Decision Pending
Result					
11/08/2020 (Compulsory Conference)	D/673/2018	9-10 Griffiths Street, Reservoir La Trobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	
Result	Matter did not settle.				
12/08/2020 (Compulsory Conference)	D/513/2019	69 Mitchell Street, Northcote Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/08/2020	D/957/2018	12 Lawson Street, Reservoir La Trobe	Construction of a medium density development consisting of four (4) dwellings	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit Granted
Result	The Tribunal was satisfied that the proposal responded acceptably to its context and had no unreasonable amenity impacts on the Objector Applicants.				
18/08/2020	D/361/2019	60 Pickett Street, Reservoir Latrobe	Construction of five (5) double storey dwellings on the lot and a waiver of visitor car parking	Refusal – Applicant Appeal	Decision Pending
Result					
18/08/2020 (Compulsory Conference)	D/522/2019	14-16 Wardrop Grove, Northcote Rucker	A 2-3 storey building comprising seven (7) dwellings	Conditions Appeal	
Result	The matter did not settle.				
20/08/2020	D/343/2019	209 Broadway, Reservoir Latrobe	Proposed construction of six (6) double storey dwellings on land affected by the Special Building Overlay and adjacent to a Road Zone Category 1.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	After the lodging of amended plans by the Permit Applicant, the critical questions for the Tribunal boiled down to the proposal's built form response and whether acceptable landscaping was provided on site which it ultimately concluded it was.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/08/2020	D/789/2018	566-568 High Street, Preston Cazaly	Proposed construction of a five-storey (plus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	
Result	Adjourned to 12 May 2021				
28/08/2020	D/41/2016/B	154 High Street, Northcote Rucker	Amendment to Existing Permit which allows a 5 storey building comprised of 13 apartments, shop and car parking reduction to become a 5 storey building comprised of 4 dwellings and 2 apartments over a shop	Refusal – Applicant Appeal	Council's decision confirmed
Result	The Permit Applicant withdrew their application for review prior to the hearing (21 August 2020).				
31/08/2020	D/888/2018	114 Elm Street, Northcote Rucker	Proposed partial demolition and alterations (including a double storey addition) to an existing dwelling on a lot less than 300m2 in a Heritage Overlay	Notice of Decision – Objector Appeal	Decision Pending
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/09/2020	D/637/2018	181 Hutton Street, Thornbury Cazaly	Construction of two (2) double storey dwellings	Refusal – Applicant Appeal	Decision Pending
Result					
11/09/2020	D/492/2018/A	536 Murray Road, Preston Cazaly	Approved construction of a double storey out-building associated with use as a home-based business.	Notice of Decision – Objector Appeal	Decision Pending
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/09/2020	D/212/2019	37 Bruce Street, Preston Cazaly	Medium density development comprising the construction of four (4) three storey dwellings	Refusal – Applicant Appeal	Decision Pending
Result					
16/09/2020	D/709/2018	1 Wardrop Grove, Northcote Rucker	Medium density housing development comprising the construction of four (4) triple storey dwellings	Notice of Decision – Objector Appeal	Decision Pending
Result	The matter was adjourned due to the COVID-19 pandemic.				
24/09/2020	D/513/2019	69 Mitchell Street, Northcote Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/09/2020	D/673/2018	9-10 Griffiths Street, Reservoir La Trobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

OCTOBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/10/2020	D/145/2018	480 Gilbert Road, Preston Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	
Result					
19/10/2020	D/111/2020	439 Gilbert Road, Preston Cazaly	Proposed medium density development of six (6) double storey dwellings above a basement carpark and a waiver of the car parking requirements	Refusal – Applicant Appeal	
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

NOVEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/11/2020 (Compulsory Conference)	D/672/2019	61 Edwardes Street, Reservoir La Trobe	A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and Reduction of the car parking requirements	Notice of Decision – Objector Appeal	
Result					
11/11/2020 (Compulsory Conference)	D/605/2019	14-16 Storey Road, Reservoir La Trobe	Proposed construction of 12 double storey dwellings and a waiver of the visitor car space requirements	Refusal – Applicant Appeal	
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

DECEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by Council Delegates are presently scheduled to be heard in December 2020				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

Planning Committee Decisions before VCAT

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

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

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JUNE 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/06/2020	D/852/2018	37 Storey Road, Reservoir Cazaly	Development of five (5) double storey dwellings and a reduction of one (1) visitor car parking space	Refusal – Applicant appeal	Council's decision set aside – Permit granted
Result	Overall, the Tribunal considered that the design response of the proposal was in keeping with the neighbourhood character. An exception being the 'upright and bulky' two storey form of Dwelling 5. In setting aside the Council's decision to refuse the application, the Tribunal imposed a condition which substantially increased the upper floor setback of the rear dwelling from 4.25 metres to 8.9 metres, which results in the removal of two upper floor bedrooms.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/07/2020	D/526/2018	573-603 High Street & 30 West Street, Preston Cazaly	Construct two (2) buildings, with six (6) individual towers, containing dwellings, retail premises; and Reduce the car parking requirements; and Reduce the loading/unloading requirements.	Failure appeal – Council subsequently resolved to Oppose	Council's deemed refusal affirmed – No permit granted
Result	<p>The Tribunal found that the proposal simply did not respond to its varied street contexts and that the design was not sufficiently well resolved to be worthy of a permit. In particular, the Tribunal considered the following factors as critical in affirming Council's deemed refusal:</p> <ul style="list-style-type: none"> A. The poorly resolved street wall / podium / tower interface to High Street. B. The overall lack of consideration to the emerging character in High Street through building height and setbacks that better respond to this character. C. The intensity and verticality of the ground / mezzanine terrace style form close to both West and Olver Streets that lack design clarity. D. The built form facing West Street that will appear as continuous at ground and mezzanine level, with upper levels that are too dominating for its surrounding residential setting. E. A lack of resolution about the role, function and design of Auto Alley. <p>The Tribunal also criticised the internal amenity of a number of the dwellings due to their distance from storage spaces, poor private open space (which is co-located with the dwelling entry in some cases) and some dwellings having windowless rooms.</p> <p>Finally, the Tribunal noted that even if the Applicant were to volunteer affordable housing on the site, such a proposal would not outweigh the other shortcomings of its design.</p>				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

JULY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in July 2020					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/08/2020	D/262/2019	Lot 17, 7 Eunson Avenue, Northcote Rucker	Construction of a double storey dwelling on a lot (Lot 17 of 7 Eunson Avenue, Northcote) less than 300 square metres, removal of vegetation, and a reduction of car parking requirements	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's refusal affirmed – no permit granted
Result	The Tribunal considered the proposal did not respond sensitively to the Merri Creek environs due to its design. In particular, it did not mitigate sufficiently the proposal's visual impact on the Creek. In addition, the Tribunal was concerned about impacts on existing vegetation, which it found were unacceptable.				
20/08/2020	POD/1/2007/H	1056-1070 Plenty Road, Bundoora La Trobe	Application to amend the Polaris 3083 Development Plan in respect of Lot S3 (being precinct 1B. Building 1B-16)	Refusal (In line with Officer Recommendation)	Council's refusal affirmed – no changes to development plan
Result	The Tribunal considered the proposal to alter the building envelope of building 1B-16 from 2-3 storeys to 7 storeys unacceptable given the site's context. While acknowledging taller built form is to be expected along Plenty Road, the Tribunal noted the site did have sensitive interfaces, in particular dwellings to the south. It considered a building of 3 storeys, with 1-2 smaller recessed levels above would be appropriate.				

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee are presently scheduled to be heard in September 2020					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

OCTOBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/10/2020 (Compulsory Conference)	D/722/2018	800-802 & 820 Plenty Road, Reservoir Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary to Officer Recommendation)	
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

NOVEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/11/2020 (Compulsory Conference)	D/550/2019	35 Dean Street, Preston Cazaly	A medium density housing development comprised of the construction of three (3) double-storey dwellings, in accordance with the endorsed plans.	Notice of Decision (in line with Officer Recommendation) – Objector Appeal	
Result					

PLANNING COMMITTEE MEETING

12 OCTOBER 2020

DECEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/12/2020	D/722/2018	800-802 & 820 Plenty Road, Reservoir Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary Officer Recommendation)	
Result					
8/12/2020	EOT/32/2020	Preston Market , Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	
Result					
8/12/2020	EOT/31/2020	Preston Market , Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	
Result					

All matters listed until 31 December 2020

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

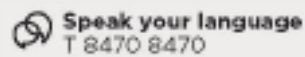
8. CLOSE OF MEETING

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