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AGENDA

Planning Committee Meeting to be held at
Preston Town Hall,
284 Gower Street Preston
on Monday 9 August 2021 at 6.30pm.

This meeting will be open to the public in line with current health restrictions. The number of people in the public gallery will be restricted to ensure attendees can social distance. Social distancing and the wearing of masks is mandatory. This meeting will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.



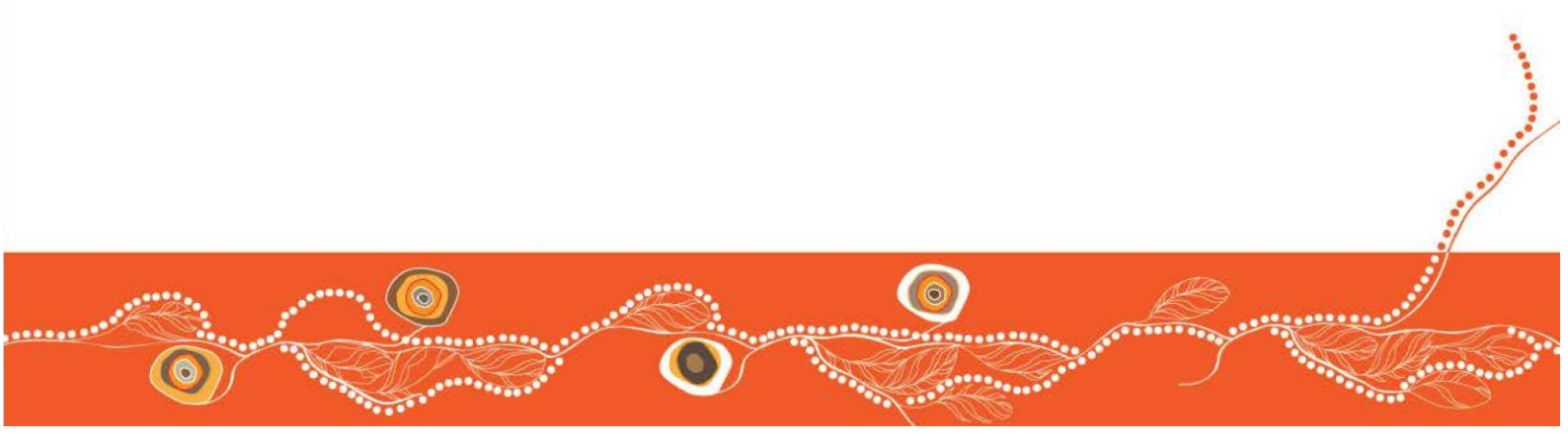
ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

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

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

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

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



English

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

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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Agenda

1. MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 12 July 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 PLANNING SCHEME AMENDMENT C200DARE - REQUEST FOR INTERIM HERITAGE OVERLAY TO 331 HEIDELBERG ROAD NORTHCOTE

Author: Principal Strategic Planner

Reviewed By: General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report seeks endorsement from Council to submit Planning Scheme Amendment C200dare (C200) to the Minister for Planning for preparation and approval, pursuant to section 20(4) of the *Planning and Environment Act 1987*. C200 proposes to apply an interim heritage overlay to 331 Heidelberg Road, Northcote (the subject site).

The property is part of the Heidelberg Road Corridor. The subject site is one of seven properties in the Corridor identified as an individually significant heritage place. The subject site is a rare and intact Queen Anne style building constructed in 1913, with its own Statement of Significance (see image at Figure 1).

Council is currently consulting on a proposed planning approach for the corridor including zoning, built form and heritage controls for this area. The heritage proposals for the corridor are well advanced and draft citations and heritage report already established and out for comment. During this consultation period, on 28 June 2021, Council's building department received an application for demolition (Section 29A) for the subject site.

This amendment is required to place interim heritage controls over the subject site, the proposed individually significant heritage place to protect the property from being demolished while Council is progressing heritage controls. This demolition responsive interim HO reflects current practice in managing heritage amendments.

A report for permanent heritage controls for the Heidelberg Road Corridor will be considered at the September Council Meeting and in advance of the land use and built form controls in the Heidelberg Road Corridor project. This is required to back up our request for an interim Heritage Overlay and remove the risk of proposed significant heritage places from being demolished while further work is being undertaken on the land use and built form controls for the corridor.

Recommendation

That Council:

- (1) Request the Minister for Planning prepare and approve Amendment C200dare to apply an interim heritage overlay to the Darebin Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987* (**Appendices A-D**).
- (2) Authorise the Manager City Futures to make minor alterations and corrections, where necessary, to the Amendment C200dare material as attached (**Appendices A-D**) prior to the lodgement of the request with the Minister for Planning

- (3) Note that the affected landowner will have the opportunity to present their case and participate in the planning scheme amendment process for permanent heritage controls.
-

BACKGROUND / KEY INFORMATION

Heidelberg Road Corridor Project

In response to recent development pressure, Council, in collaboration with Yarra City Council, has recently develop a Local Area Plan for the Heidelberg Road Corridor. Technical studies on land use, built form and heritage have also been undertaken. These four documents have informed proposed planning responses, that were considered by Council in April.

From 22 June to 3 August 2021, consultation on the proposed planning responses was undertaken.

This report does not document the findings from this consultation process: this will be provided at a future meeting. This report is focused on the proposed response to a demolition request for 331 Heidelberg Road.

Heritage Considerations along the Corridor

Council engaged heritage consultants Context to carry out a study of heritage value along Heidelberg Road, as part of the larger strategic planning project. In total, seven properties along Heidelberg Road were identified as locally significant and worthy of individual protection in the Heritage Overlay, including the property detailed as part of this request.

The Context Heritage Assessment was released publicly, along with the other technical reports, as part of the consultation process. Council has now received a request under Section 29 (a) of the *Building Act 1993* to demolish the subject property at 331 Heidelberg Road.

Heritage significance of 331 Heidelberg Road, Northcote

The dwelling at 331 Heidelberg Road (refer images below) has been identified as being individually significant in the Heritage Assessment. The dwelling was constructed in 1913 and is consistent with the Queen Anne style of architecture. It is largely intact with some degree of change visible.

The Heritage Assessment notes that Queen Anne style of architecture is relatively under-represented in Darebin. Other examples are largely located in Preston and are of a more modest design than the subject site.

The Heritage Assessment recommends that the property be included in the Schedule to the Heritage Overlay as an individually significant place.

Figure 1: Image of the No.331 Heidelberg Road Northcote



(Source Context, May 2020)

Figure 2: aerial image of the property



(Source: Commercial Real Estate 2021 in Context Report 2020).

Applications under s29A of the Building Act 1993

An application for demolition is made under Section 29A of the *Building Act 1993*. This application requires referral to the local authority and advice is sought as to whether a planning permit is required before the issuing of a demolition permit. The Responsible Authority is required to provide a response within the prescribed time of 16 days.

Council may suspend an application for demolition under Section 29B of the *Building Act 1993*, where an application is made to the Minister for Planning to prepare an amendment to a planning scheme affecting the land.

In the absence of approval of permanent heritage controls Council officers have tentatively lodged a planning scheme amendment (C200dare) applying an interim heritage overlay to 331 Heidelberg Road, Northcote. This decision will enable Council to formally suspend the demolition permit application until a decision is made by the Minister for Planning on C200dare.

The affected landowners/applicants have been notified of the temporary suspension, and that they can appeal the decision under Section 29B to the Building Approval Board (BAB). If landowners/applicants are not satisfied with the BAB decision, a further opportunity for appeal is available at the Victorian Civil Administrative Tribunal (VCAT).

This approach is necessary to protect the identified heritage values until a permanent heritage precinct overlay is approved and reflects current practice in managing heritage amendments.

Permanent Heritage Controls for Heidelberg Road Corridor

Any request for an Interim Heritage Overlay must be accompanied by a request for permanent controls. To that end, officers will present a further report to Council that seeks to commence a planning scheme amendment for permanent controls. This will be presented to Council in the coming months and will include the findings from recent community consultation in relation to heritage.

Previous Council Resolution

At its meeting held on 26 April 2021, Council resolved:

'That Council:

1. *Engage the community on the proposed planning response for the Heidelberg Road Corridor, including the Draft Heidelberg Road Corridor Local Area Plan (**Appendix B**) and background studies (**Appendix C, D and E**).*
2. *In the engagement, consult also on a second option that varies the proposed response to:*
 - a. *retain the current industrial zones, and*
 - b. *make the maximum overall building heights and street wall heights mandatory*
 - c. *ask relevant stakeholders what they recommend the maximum building heights and street wall heights should be*
3. *Report back to Council on community feedback and technical advice in regards to both options.'*

COMMUNICATIONS AND ENGAGEMENT

Consultation

Heidelberg Road Corridor project

As noted above, community consultation in relation to the planning responses for Heidelberg Road, including the proposed heritage controls for this property, was undertaken from 22 June to 3 August 2021.

This consultation was extensive and involved tailored information to landowners affected by potential changes, and general information to approximately 1700 properties in proximity to the corridor. A local pop-up event was held, as well as two online information sessions.

At the time of writing, 98 submissions have been received in relation to the project. A report documenting and analysing the engagement findings will be presented to Council in due course.

The landowner and occupier of 331 Heidelberg Road was sent a letter about the proposed heritage overlay (mail drop took place between 22-23 June), and the demolition request was received on 28 June.

Interim Heritage Overlay

This proposed amendment seeks to respond to an urgent need to protect sites with identified heritage value and to ensure that heritage considerations form part of the decision making. The amendment itself has not been through a community consultation process given the time limitations and the forthcoming consultation for the permanent heritage controls.

More detailed engagement is proposed for the permanent heritage controls of the Heidelberg Road corridor, and will be detailed in the forthcoming report relating to the permanent controls.

Other consultation

The following units/organisations have been consulted in developing this report:

- DELWP;
- Building Unit; and
- Statutory Planning.

Communications

Officers have communicated directly with the landowner of the subject site. Further information is included under the Discussion section of this report. Subject to the decision of the Minister for Planning, notice of the approval of the Interim Heritage Overlay will be sent to the landowner.

ANALYSIS

Alignment to Council Plan / Council policy

Strategic Direction 2 - Prosperous, Liveable and Flourishing

We will ensure development, and the built environment, is designed for our liveability and sustainability.

Environmental Sustainability Considerations

The proposed planning scheme amendment seeks to protect heritage places and supports the retention and conservation of heritage elements.

Climate Emergency

The retention of heritage fabric supports the reduction of emissions by supporting reuse and adaptation of existing building stock. New development will be delivered within Council's environment and climate policy framework, including ESD Building Policy 2018 which sets out ESD standards for different types of building projects.

Equity, Inclusion and Wellbeing Considerations

The heritage protection of a precinct of historic significance within the City of Darebin will provide net benefit to the community.

Cultural Considerations

The amendment is expected to have a positive social impact by providing protection for buildings identified as being of heritage significance. The recognition of heritage streetscapes and precincts will contribute to an understanding of Melbourne's social and architectural history, for present and future generations.

Economic Development Considerations

The application of an interim Heritage Overlay may create additional costs for landowners/developers if they wish to develop their property in circumstances where there were previously no planning permit requirements.

Financial and Resource Implications

The preparation of the amendment has been accommodated within the existing project budget for 2021/22 financial year.

Legal and Risk Implications

Council is obligated to conserve places of cultural heritage value and failing to apply appropriate controls places a risk to the significance of the heritage precinct.

The owner of 331 Heidelberg Road, Northcote has been informed of the suspension of their demolition application.

Operational Impacts

The proposed application of an interim Heritage Overlay may increase the number of planning permit applications because additional permit triggers will exist. This impact is considered to be negligible.

DISCUSSION

Applying the Interim Heritage Overlay

Under the *Planning and Environment Act 1987*, local government has a responsibility to protect local cultural heritage. These protections are generally in the form of a heritage overlay in the planning scheme. Interim Heritage Overlays seek to protect sites with identified heritage values while more permanent controls are being considered.

Development pressure along the Heidelberg Road corridor puts the properties at risk of being demolished and losing their heritage value. Timely action, including the application of interim heritage overlays on a site-specific basis, is required to ensure that heritage is considered when assessing applications within the proposed heritage precinct.

The proposed interim Heritage Overlay for 331 Heidelberg Road assists in preventing the loss of a significant heritage place along the Heidelberg Road corridor by suspending the demolition permit request and requiring heritage consideration for new planning applications.

Impact of interim Heritage Overlay on landowner

The landowner has expressed concern that the interim Heritage Overlay will have a significant impact on their plans to develop the property. A requirement to retain the existing facade will have an impact on the development potential of the site, however modifications to the rear could still be made with a permit. However, this is not the main consideration for Council when determining whether to apply heritage protection to a property.

There is a substantial body of case law that addresses this matter. In Stonnington C157, the panel determined that the impact on individual owners was not relevant in determining the heritage significance of a place. The panel for La Trobe C14 further emphasised that heritage assets are often irreplaceable, and their loss should not be based on personal preference or desire, particularly in a continually changing economic and financial environment.

Forthcoming permanent heritage controls

In order for an Interim Heritage Overlay to be supported by DELWP and the Minister for Planning, there must be evidence that Council is pursuing permanent heritage controls.

Officers will prepare a report recommending Council seek permanent controls for all identified properties along Heidelberg Road via a new planning scheme amendment. This will be presented to Council in September Council Meeting and will include the findings from community consultation related to heritage matters.

OPTIONS FOR CONSIDERATION**Option 1 – apply interim Heritage Overlay (Recommended)**

Request that the Minister for Planning prepare and approve amendment C200dare, which seeks to apply interim heritage overlay to one property, 331-333 Heidelberg Road, Northcote. This will enable Council to suspend the current demolition application until a decision by the Minister for Planning is made.

Following this, permanent controls for the heritage places along Heidelberg Road will be sought. A report recommending this will be presented to Council for consideration in the coming months. This report would include the findings from community consultation related to heritage. Council is not being asked to consider these permanent controls as part of this decision.

Option 2 – do nothing (Not Recommended)

Council has the option not to request an interim Heritage Overlay. Officers would withdraw the request that has been lodged with DELWP, and the demolition application would be approved.

This will mean the property can be demolished, which will impact significantly on the heritage significance of the dwelling. Council would not be upholding its duty to protect local heritage under the *Planning and Environment Act 1987*.

IMPLEMENTATION STRATEGY

Details and timeline

Next steps are expected to occur as follows:

- August onwards - The Minister for Planning considers interim heritage controls (Amendment C200dare) for 331 Heidelberg Road, Northcote.
- September 2021 - Council to consider request to the Minister for Planning to authorise the preparation and exhibition of permanent heritage controls to the Heidelberg Road corridor.

Communication

The applicants have been notified that their application for demolition has been suspended as a planning scheme amendment to apply an interim heritage overlay has been made to the Minister for Planning.

Applicants will be notified of the Minister for Planning's decision on whether an interim heritage overlay is granted.

Residents along the Heidelberg Road corridor will be notified during the public exhibition of the proposed permanent heritage controls, including opportunities to provide submissions to be considered by Council and an independent planning panel if required.

RELATED DOCUMENTS

- Applying the Heritage Overlay Planning Practice Note 1, DELWP
- Heritage Issues: Summaries from Panel Reports, DELWP

Attachments

- Amendment C200 - Explanatory Report (**Appendix A**) [↓](#)
- Amendment C200 - Heritage Overlay Schedule (**Appendix B**) [↓](#)
- Amendment C200 - HO Map (**Appendix C**) [↓](#)
- Amendment C200 - Instruction Sheet (**Appendix D**) [↓](#)

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.

Planning and Environment Act 1987

**DAREBIN PLANNING SCHEME
AMENDMENT C200 DARE
EXPLANATORY REPORT**

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the request of Darebin City Council.

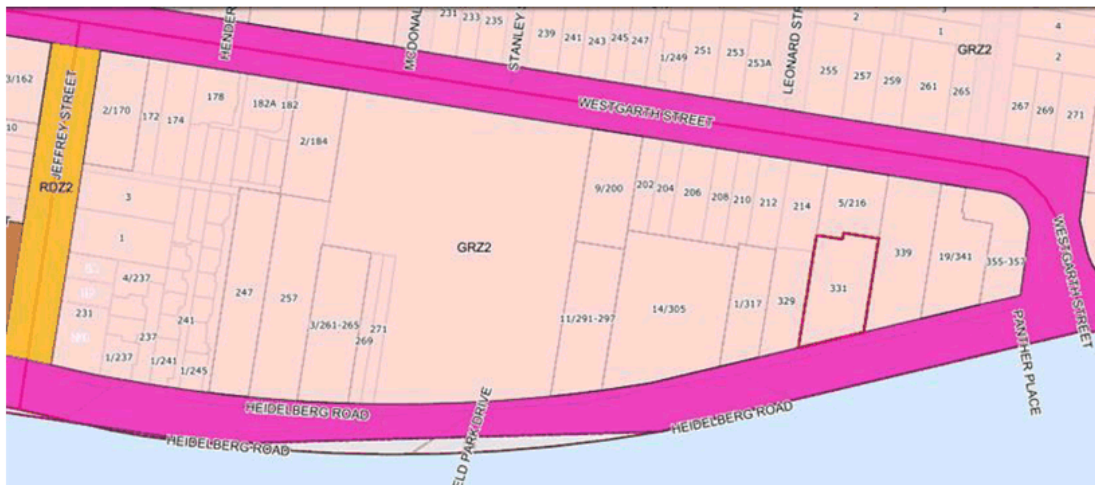
Land affected by the amendment

The amendment applies to the land at 331-333 Heidelberg Road, Northcote, Victoria.

Please see the maps below highlighting the subject property.



Map 1- Existing HO17 Map within the Darebin Planning Scheme showing the subject property proposed to be covered by an interim heritage overlay with a blue arrow and x.



Map 2: Existing Darebin GIS map showing the subject property perimeter outlined in red.

What the amendment does

The amendment applies a Heritage Overlay (HO319) to the subject site on an interim basis until 14 July 2022 (12 months from the date of this application).

Specifically, the Amendment makes the following interim changes to the Darebin Planning Scheme:

1. Amends the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 17HO to apply an Interim Heritage Overlay (HO319) to land identified as having individual heritage significance

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to place interim heritage controls over the proposed individually significant heritage place within the Heidelberg Road corridor as identified in *Context Heidelberg Road Heritage Assessment- Final Report, September 2020*. An amendment for permanent heritage controls will be prepared and submitted shortly for consideration by the Minister for Planning. Given the imminent threat of demolition through the Section 29A demolition request received by Council, this amendment will ensure protection of the heritage values of the individual place until a decision is made by the Minister on permanent controls.

Council engaged heritage consultants Context to carry out a study of heritage value along Heidelberg Road. This formed part of a larger strategic planning project for the corridor, which involves proposed rezonings and built form controls not related to this amendment. In total seven properties along Heidelberg Road were identified as locally significant and worthy of individual protection in the Heritage Overlay, including the property detailed as part of this request.

Council is currently undertaking community engagement that has included releasing the reports that have been prepared for the Heidelberg Road Corridor and the proposed planning responses. This process has seen the Context report along with the other technical background study documentation become publicly available. Council promptly received a request under S. 29 (a) to demolish the subject property at 331-33 Heidelberg Rd, Northcote.

This amendment is critical to protect local heritage. Council is progressing permanent controls and intends to progress these ahead of the other strategic planning matters. Given the individual heritage significance of this property as demonstrated by the Statement of Significance, intervention by the Minister for Planning is considered necessary and justified to protect the property from being

demolished while permanent heritage controls are underway. The application of the interim controls will provide net community benefit to the community through the protection of valued heritage buildings.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*, in particular:

- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To balance the present and future interests of all Victorians.*
- *To facilitate development in accordance with the objectives outlined above.*

Further the amendment implements Section 12 (1)(a), which is to implement the objectives of planning in Victoria, in this case to protect heritage values.

These objectives are implemented through the identification and interim protection of heritage built form while an amendment for permanent protection is eventually submitted for formal approval.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to have a positive environmental impact by providing interim protection of this place of historic significance and thereby supporting the reuse of existing building stock when permanent controls eventually come into effect.

The amendment will have positive social effects by helping to safeguard benefits to the community (while the amendment for permanent controls is eventually submitted) by protecting fabric that adds to the understanding of cultural history, providing a link to the past and giving a sense of place.

The Heritage Overlay does not prohibit development, but instead requires the significance of a place to be considered when assessing applications. These impacts are offset by the benefit to the community provided through the protection of heritage places over many generations.

Does the amendment address relevant bushfire risk?

The municipal area of Darebin does not have any designated bushfire prone areas.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

The amendment is consistent with Ministerial Direction No.9 – Metropolitan Strategy pursuant to Section 12 of the Act, that requires planning authorities to have regard to the Metropolitan Strategy (Plan Melbourne 2017-2050).

The amendment is consistent with Direction 4.4 of Plan Melbourne: Respect Melbourne's heritage as we build for the future. The amendment is consistent with this direction as it proposes to make minor changes to enable the Planning Scheme to continue to guide appropriate development in the municipality, and that the built heritage of the municipality is maintained.

The amendment is consistent with Ministerial Direction No.11 – Strategic Assessment of Amendments, as the requirements of this direction have been followed in the preparation of this amendment.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the Planning Policy Framework (PPF), in particular Clause 15.03-1S (Heritage Conservation) by providing interim heritage protection for identified heritage places to minimise the loss of local heritage whilst more permanent heritage protection is eventually considered.

The amendment assists in implementing the strategies of 15.03-1S for heritage conservation, through the application of an interim heritage overlay which implements the *Context Heidelberg Road Heritage Assessment- Final Report, September 2020*.

The study identifies, assesses and recommends protection of heritage places significant or contributory to the Heidelberg Road precinct.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Planning Policy Framework (PPF), in particular Clause 21.02-4 (Heritage) of the Darebin Planning Scheme. The amendment supports and is consistent with the local planning policy framework by seeking to protect, conserve and enhance places noted as being of local significance applying an interim heritage overlay. The amendment also seeks to discourage demolition or relocation of locally significant heritage buildings.

The amendment implements state and local planning policy as it seeks to protect identified heritage places on an interim basis whilst permanent heritage controls are eventually submitted for approval.

Further the amendment supports Clause 22.02 (Neighbourhood Character) as the amendment will retain and enhance important heritage characteristics that contribute to the character of the area.

The amendment will assist in conserving Darebin's built heritage while not significantly impacting upon the broader housing development objectives of the municipality as only those places identified as being of local heritage significance (significant and contributory to the precinct) are affected by the amendment.

How does the amendment support or implement the Municipal Planning Strategy?

The Municipal Planning Strategy is yet to be introduced into the Darebin Planning Scheme (Council is in the process of translating the scheme to the new Smart Planning provisions) and therefore the Municipal Strategic Statement and local policy applies (as addressed above).

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by utilising the Heritage Overlay to protect places of local heritage significance; an approach consistent with *Planning Practice Note 1 Applying the Heritage Overlay* and the Ministerial Direction - The Form and Content of Planning Schemes.

How does the amendment address the views of any relevant agency?

No relevant government agency was required to be consulted regarding this amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not likely to have an impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will increase the number of sites by one (1) subject to the provisions of the Heritage Overlay. The anticipated increase in planning applications, given this amendment only affects one property is not expected to have a significant detrimental impact on resourcing and administrative costs.

Where you may inspect this amendment

The Amendment is available for public inspection, free of charge, during office hours at the following place:

City of Darebin (Planning Counter), 274 Gower Street, Preston and website at www.darebin.vic.gov.au/haveyoursay

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

DAREBIN PLANNING SCHEME

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

28/02/2019
GC117

1.0 Application requirements

None specified.

28/02/2019
GC117

2.0 Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
VICTORIAN HERITAGE REGISTER								
HO19	Terrace Houses, 186-192 Clarke Street, Northcote	-	-	-	-	Yes Ref No H1774	No	No
HO312	Former Northcote Theatre 212-220 High Street, Northcote	-	-	-	-	Yes Ref No H2287	Yes	No
HO45	Former Northcote Cable Tramways Site 626-628 High Street, Thornbury	-	-	-	-	Yes Ref No H2129	Yes	No
HO144	Preston Tramway Workshops 16-18 Miller Street, Preston The heritage place includes Miller Street Tramway Bridge (part) (refer HO236)	-	-	-	-	Yes Ref No H2031	No	No
HO59	Former Mont Park Hospital and Avenue of Honour Ernest Jones Drive and Springthorpe Boulevard and Cherry Street Macleod	-	-	-	-	Yes Ref No H1872	Yes	No
HO74	Bundoora Park Homestead 7-27 Snake Gully Drive, Bundoora	-	-	-	-	Yes Ref No H1091	Yes	No

DAREBIN PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO93	60 Woolton Avenue Thornbury (House)	Yes	No	No	No	No	No	No
HO319*	331-333 Heidelberg Road, Northcote (House)	No	No	No	No	No	No	No
	Interim Control Expiry date: 14/7/2022							

*Denotes interim controls apply



*Planning and Environment Act 1987***DAREBIN PLANNING SCHEME****AMENDMENT C200****INSTRUCTION SHEET**

The planning authority for this amendment is the Darebin City Council.

The Darebin Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet

Overlay Maps

1. Amend Planning Scheme Map No 17HO to incorporate 331-333 Heidelberg Road, Northcote in the manner shown on the 1 attached map marked "Darebin Planning Scheme – Local Provision, Amendment C200dare".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – Clause 43.01 replace Schedule with a new Schedule 43.01 in the form of the attached document

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Recommendation

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

Related Documents

Nil

Attachments

- Scheduled VCAT Applications (**Appendix A**) [↓](#)

Delegate Decisions before VCAT

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	Council's position of refusal set aside – Permit granted.
Result	In deleting the permit condition requiring the provision of rooftop terraces, the Tribunal disagreed with Council's position that providing private open space within the front setback would not provide adequate privacy and size for the recreation needs of future occupants.				
19/10/2020 (Compulsory Conference)	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	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

9 AUGUST 2021

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	Council's decision varied (by consent) – Permit granted
Result	This matter was listed for an administrative mention on 15 December 2020 where Council advised the Tribunal of the outcome of the 14 December 2020 Planning Committee meeting.				
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	The matter did not settle.				

DECEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/12/2020 (Compulsory Conference)	D/668/2019	552-558 Plenty Road, Preston Cazaly	Use of land for the purpose of a childcare centre (100 places) and food and drink premises; construction of a four-storey building with food and drink premises at Ground Floor, five (5) dwellings and childcare centre at the upper floors; a reduction in the car parking requirement and alteration of access to a road in a Road Zone Category 1	Failure Appeal – Council is yet to formalise a position on the Application.	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JANUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by Council delegates were heard in January 2021				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

FEBRUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
17/02/2021	D/790/2018	600-606 Plenty Road, Preston Central	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	Withdrawn
Result	This application was withdrawn by the Applicant prior to the scheduled hearing.				
19/02/2021 (Compulsory Conference)	D/668/2019	78 Shaftesbury Parade, Thornbury South West	Medium density housing development comprising: •Double storey extension to the existing dwelling; •Construction of two triple storey dwellings (where the third storeys are roof decks and covered access areas) to the rear of the existing dwelling;	Notice of Decision – Objector Appeal.	Council's decision varied (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 decision could be varied by consent.				
24/02/2021	D/762/2018	560-562 High Street, Preston Central	Proposed five (5) storey (plus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	Council' decision set aside
Result	A permit was granted subject to some additional conditions.				
26/02/2021	D/522/2019	14-16 Wardrop Grove, Northcote Rucker	A 2-3 storey building comprising seven (7) dwellings	Conditions Appeal	Council's decision varied (by consent) – Permit granted
Result	The parties were able to reach agreement prior to the hearing as to a suitable form of development, as such, Council's decision was varied by way of consent order.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MARCH 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/03/2021	D/533/2019	191 Bell Street, Preston Central	A two (2) storey rooming house comprising 14 rooms.	Refusal – Applicant Appeal	Council's Decision set aside.
Result	The tribunal determined that the proposal was acceptable.				
3/03/2021 (Compulsory Conference)	D/349/2020	171-175 High Street, Northcote South	Proposed buildings and works to the existing building including extensions and an additional two storey's use of the for offices and a reduction in the standard car parking requirement	Failure Appeal – Council has formed a position to oppose the application.	
Result	The matter did not settle.				
4/03/2021 (Compulsory Conference)	D/188/2019/A	6A Christmas Street, Northcote South Central	Permit No. D/188/2019 for Construction of a single storey dwelling, a reduction in the standard car parking requirement and associated works	Refusal – Applicant Appeal	
Result	The matter did not settle.				
5/03/2021	D/211/2019	232 Albert Street, Reservoir North Central	A medium density housing development comprising the construction of four (4) dwellings over three (3) levels and alteration of access to road zone 1	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement prior to the hearing as to a suitable form of development, as such, Council's decision was varied by way of consent order.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MARCH 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/03/2021	D/384/2019	279-281 St Georges Road, Northcote South West	Buildings and works comprising the construction of a four (4) storey residential development (28 dwellings) and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.	Notice of Decision – Objector Appeal.	Council's decision varied (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, Council's decision was varied by way of consent order.				
11/03/2021 (Compulsory Conference)	D/327/2019	72 James Street, Northcote South	In accordance with the endorsed plans: • Demolish the existing dwelling, and • Construct a medium density housing development comprised of two (2) double storey dwellings.	Notice of Decision – Objector Appeal.	
Result	The matter did not settle.				
18/03/2021 (Compulsory Conference)	D/311/2003/A	73A Victoria Road, Northcote South Central	A medium density housing development comprised of a double storey dwelling to the rear of an existing dwelling	Notice of Decision – Objector Appeal.	
Result	The matter did not settle.				
18/03/2021	D/677/2019	71 Northernhay Street, Reservoir North Central	Proposed construction of two (2) double storey dwellings with double garage and studio above to rear of site	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal determined that it was appropriate to issue a Permit subject to conditions.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MARCH 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
19/03/2021	D/284/2019	53 William Street, Preston Central	Proposed construction of a second dwelling to the rear of the existing dwelling on land within a residential zone	Refusal – Applicant Appeal	Councils Decision to refuse the application is affirmed.
Result	No permit issued.				
19/03/2021	D/33/2019/A	158 Mansfield Street, Thornbury South Central	Amendment to Planning Permit D/33/2019 as follows: <ul style="list-style-type: none"> •Relocate the rear extension so that the new works are along the eastern boundary; •Reduce the length of wall along the western boundary to accommodate a west-facing courtyard; •Create a new room to the rear (south) of the block for the purposes of a main bedroom; •Create a car space within the front setback; •Changes to the internal layout changes. 	Refusal – Applicant Appeal.	Withdrawn
Result	This application was withdrawn by the Applicant prior to the scheduled hearing.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

APRIL 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/4/2021 (Compulsory conference)	D/668/2019	552-558 Plenty Road Preston South	Use of land for the purpose of a childcare centre (100 places) and food and drink premises; construction of a four-storey building with food and drink premises at Ground Floor, five (5) dwellings and childcare centre at the upper floors; a reduction in the car parking requirement and alteration of access to a road in a Road Zone Category 1	Failure Appeal – Council has formed a position to oppose the application	Withdrawn
Result	This application was withdrawn by the Applicant prior to the scheduled hearing.				
12/04/2021 (Compulsory conference)	D/311/2003/A	73A Victoria Road Northcote South	A medium density housing development comprised of a double storey dwelling to the rear of an existing dwelling	Notice of Decision – Objector Appeal.	Vacated
Result	Compulsory conference was vacated				
16/4/2021	D/601/2019	12 Faye Street Reservoir La Trobe	Construction of five dwellings on the lot in an RGZ3/DDO19	Refusal – Applicant Appeal	Decision adjourned for expert evidence
Result	Decision adjourned for expert evidence				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

APRIL 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
21/04/2021	D441/2019	108 Darebin Boulevard Reservoir Latrobe	A medium density housing development comprised of the construction of five (5) triple storey dwellings	Refusal – Applicant Appeal Plans amended to address grounds of refusal	Councils Decision Upheld
Result	No Permit Issued. Issues surrounding visual bulk, insufficient and overshadowed open space provision, excessive screening and overdevelopment of the site.				
21/04/2021	D/511/2011/A	76 & 78 Hutton Street Thornbury Cazaly	The amendments to the permit which have been refused are the following changes to the endorsed plans: <ul style="list-style-type: none"> • Enclosed garages to both dwellings • Non-permeable concrete driveways 	Refusal – Applicant Appeal	Awaiting decision
Result					
21/04/2021	D/601/2019	61 Edwardes Street Reservoir La Trobe	<ul style="list-style-type: none"> • 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	Vacated
Result	Settled by consent. Final Order dated 21 December 2020				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

APRIL 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
23/04/2021	D/349/2020	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.		Vacated
Result	Withdrawn by applicant				
26/04/2021	D/72/2020	1 Taylor Avenue Reservoir West	Construction of a double storey dwelling to the rear of the existing dwelling,	Notice of Decision – Objector Appeal	Vacated
Result					

MAY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/05/2021	D/188/2019	6A Christmas Street, Northcote South Central	Permit No. D/188/2019 for Construction of a single storey dwelling, a reduction in the standard car parking requirement and associated work.	Refusal – Applicant Appeal	Awaiting decision
Result					
12/05/2021	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	Application withdrawn by applicant.

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MAY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
Result	Application withdrawn.				
13/05/2021	D/349/2020	171-175 High Street, Northcote South	Proposed buildings and works to the existing building including extensions and an additional two storey's use of the for offices and a reduction in the standard car parking requirement	Refusal – Applicant Appeal	Awaiting decision
Result					
12/05/2021 (Compulsory Conference)	D/264/2020	133A Victoria Road, Northcote South	Extension to a dwelling on a lot containing two dwellings	Notice of Decision – Objector Appeal	
Result	Matter settled.				
27/05/2021 (Compulsory Conference)	D/472/2020	11 Highview Road, Preston Central	Use of land (Lots 2 & 3 on PS007741 and Lots 1 & 2 on TP868744T) for a place of worship and buildings and works for the construction of a reconfigured and extended carpark	Notice of Decision – Objector Appeal	
Result	Matter settled				
31/05/2021	VS/127/2020	34 Crawley Street, Reservoir West	Two (2) Lot Subdivision as shown on the plans accompanying the application	Permit issued – Applicant Appeal against conditions	Councils Decision is affirmed.
Result	Councils decision is affirmed by the Tribunal.				
31/05/2021	D/933/2001	205 Bell Street & 5 Harold Street, Preston Cazaly	Proposed Student Accommodation and associated car park	Refusal – Applicant Appeal	Adjourned to August 2021.
Result					

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JUNE 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/6/2021	D/356/2006/G	205 Bell Street, Preston Cazaly	Use and develop the land for the purpose of a residential building (student accommodation), office, conference centre, food and drink premises, licensed 140 seat restaurant and motel and to waive the car and bicycle parking requirements	Refusal – Applicant Appeal	Adjourned to August 2021.
Result					
3/6/2021 (Compulsory Conference)	D/407/2020	43 O'Connor Street, Reservoir North West	Construction of 3 double storey dwellings.	Notice of Decision – Objector Appeal	Additional CC scheduled for 30/6/2021
Result	Did not settle				
26/04/2021	D/809/2018	771 Plenty Road Reservoir North Central	A residential development comprised of the construction of nine (9) dwellings and alteration of access to a road in a Road Zone Category 1	Refusal – Applicant Appeal	Awaiting Decision
Result					
9/06/2021	D/511/2019	85 Summerhill Road Reservoir Cazaly	Construction of a three (3) storey apartment building comprising four (4) dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	Permit Issued.				
11/06/2021	D/243/2020	31 Fairfield Road, Fairfield South Central	Construction of 2 dwellings.	Refusal – Applicant Appeal	Adjourned until 25 October 2021
Result					
15/06/2021	D/384/2019	279-281 St Georges Road	Buildings and works comprising the construction of a four (4) storey	Notice of Decision – Objector Appeal	Vacated

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JUNE 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
		North Central	residential development (28 dwellings) and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.		
Result	Matter settled at CC				
17/06/2021	D/49/2020	38 Mansfield Street, Thornbury Rucker	Proposed construction of two (2) triple storey dwellings	Refusal – Applicant Appeal	Awaiting Decision
Result					
17/06/2021 (Compulsory Conference)	D/696/2020	48 High Street, Northcote South	Proposed multi storey mixed-use development (6 Storey)	Refusal – Applicant Appeal	
Result	Did not settle				
18/06/2021 (Compulsory Conference)	D/501/2020	86-88 Summerhill Road, Reservoir North Central	Proposed construction of twelve (12) three storey dwellings	S79 – Applicant Appeal	Did not settle. A further CC scheduled for 14/7/2021
Result					
30/06/2021	D/407/2020	43 O'Connor Street Reservoir North west	Construction of 3 double storey dwellings	Notice of Decision – Objector Appeal	
Result	Matter Settled				
30/06/2021	D/311/2003	73A Victoria Road, Northcote South	A medium density housing development comprised of a double storey dwelling to the rear of an existing dwelling	Notice of Decision – Objector Appeal	Awaiting Decision
Result					
30/06/2021	D/809/2018	72 James Street, Northcote	In accordance with the endorsed plans: • Demolish the existing dwelling, and	Refusal – Applicant Appeal	Vacated

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JUNE 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
		Rucker	Construct a medium density housing development comprised of two (2) double storey dwellings.		
Result	Matter settled at CC				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JULY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/7/2021 (Compulsory Conference)	D/243/2020	31 Fairfield Road, Fairfield South East	Construction of two double storey dwellings	Refusal – Applicant Appeal	
Result	Matter settled at CC				
12/7/2021	D/519/2019	38 Crevelli Street, Reservoir North Central	Construction of a medium density housing development comprising of five (5) three (3) storey dwellings	Refusal – Applicant Appeal	Awaiting Decision
Result					
14/07/2021 (Compulsory Conference)	D/501/2020	86-88 Summerhill Road, Reservoir North Central	Proposed construction of twelve (12) three storey dwellings	Failure Appeal – Council has formed a position to oppose the application	
Result	Did not settle				
21/7/2021	D/54/2019	7 Arundel Avenue, Reservoir North West	Variation of restrictive covenant 1564773 to remove parts (a) and (d) and construction of two or more dwellings on a lot.	Refusal – Applicant Appeal	Awaiting Decision
Result					
27/07/2021 (Compulsory Conference)	D/280/2020	2 McNamara Street, Reservoir West	Construct a medium density housing development comprising of four (4) double storey dwellings	Refusal – Applicant Appeal	
Result	Did not settle				

Planning Committee Decisions before VCAT

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

PLANNING COMMITTEE MEETING

9 AUGUST 2021

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)	Council's decision set aside (by consent) – Permit granted
Result	This matter was listed for an administrative mention on 15 December 2020 where Council advised the Tribunal of the outcome of the 14 December 2020 Planning Committee meeting.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

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	The matter did not settle.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

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)	Adjourned
Result	Hearing date vacated.				
8/12/2020	EOT/31/2020 and EOT/32/2020	Preston Market, Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	Council's decision set aside – Extension of Time granted
Result	In balancing the relevant considerations, VCAT determined that there was insufficient reason to refuse the request for an extension based on the relevant legal principles. In particular, VCAT did not share Council's concern that the recent strategic work undertaken by the VPA on new planning controls or the LXP's work on elevated rail would prejudice the future vision for the site. Nor did VCAT share Council's concern that the Applicant was 'sitting on their hands' to see what the updated planning controls would entail. It was also noted that the circumstances of the COVID-19 Global Pandemic weighed in favour of extending the permits, because in VCAT's view, this may have contributed to the delays in commencing the development.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JANUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/12/2021 (Preliminary Hearing)	D/266/2019	10 Benambra Street, Preston West	Development of seven (7) double storey (plus basement) dwellings.	Committee (contrary Officer Recommendation)	Application Allowed
Result	The purpose of this preliminary hearing was to consider a question of law raised by an objector as to whether VCAT had jurisdiction to consider the Application having regard to Chapter III of the Australian Constitution. The question followed a recent decision by the Victorian Supreme Court of Appeal, which found that VCAT would not have jurisdiction in certain circumstances where Chapter III of the Australian Constitution was a relevant consideration to the 'matter'. The Tribunal found that current application requires the exercise of the Tribunal's administrative power and not judicial power, therefore Chapter III is not a relevant consideration. The Tribunal found that there is no jurisdictional issue preventing VCAT from hearing this Application.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

FEBRUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No matters determined by the Committee were heard in February 2021					

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MARCH 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by the Committee were heard in March 2021				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

APRIL 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/04/2021	D/266/2019	10 Benambra Street, Preston West	Development of seven (7) double storey (plus basement) dwellings.	Committee (contrary Officer Recommendation)	Council's decision set aside – Permit granted.
Result	The Tribunal indicated that the development met neighbourhood character guidelines and responded favourably to Rescode. Setbacks were appropriate to limit off site impacts. The basement allows for open space and a good level of landscaping to the boundaries of the site.				
19/04/2021	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)	Vacated
Result	Hearing vacated as parties consented at compulsory conference and VCAT order a permit to be issued on 22 December 2020.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

MAY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/05/2021	POD/1/2006/H	205 Bell Street, Preston Cazaly	Use and develop the land for the purpose of a residential building (student accommodation), office, conference centre, food and drink premises, licensed 140 seat restaurant and motel and to waive the car and bicycle parking requirements	Committee (contrary Officer Recommendation)	Council's decision set aside.
Result	The Tribunal did not agree that it was necessary for Student Accommodation at the site and that the LaTrobe Master Plan was a more appropriate way forward in providing the best possible student accommodation in the Municipality. The tribunal noted that the sites student accommodation did not play a substantial role in providing accommodation in the Municipality and other options existed. Providing hotel rooms was found to be acceptable in that it supports the on-site Function Centre, the mixed use area and tourism objectives.				
14/05/2021	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.	Committee (inline Officer Recommendation)	Council's decision varied.
Result	Councils decision to issue a planning permit supported subject to some additional conditions.				

PLANNING COMMITTEE MEETING

9 AUGUST 2021

JUNE 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/06/2021	POD/1/2019	1, 3, 5, 7, 9, 11, & 13 Railway Place, 1-6, 8-15, 17, 19, 21, 23-27 Stokes Street, 1-14 & 16 Penola Street, 56-66 Showers, 1-12 Kenwood Court, 20-30 Oakover Road, Preston Cazaly	Application for a Development Plan.	Refusal – Applicant Appeal	Withdrawn
Result	Withdrawn				

JULY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by the Committee were heard in July 2021				

All matters listed until 31 July 2021

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

NIL


8. CLOSE OF MEETING

**CITY OF
DAREBIN**

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

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