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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 9 December 2019
at 6.00pm.



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 and waters we now call Darebin and pays respect to their Elders, past, present and future.

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 Planning Committee meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

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

Chinese

这是规划委员会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

यह योजना समिति 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 comitato di pianificazione. 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 Одборот за градежно планирање (Planning Committee). За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

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

Punjabi

ਇਹ 'ਯੋਜਨਾਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) 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 Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

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

Urdu

یہ پلاننگ کمیٹی 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 Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 18 November 2019 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

**5.1 PLANNING PERMIT APPLICATION D/262/2019
7 Eunson Avenue, Northcote (Lot 17 on TP663071N)**

Author: Urban Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
John Mercuri – ODR Architects	Charles Soosaipillai	MGA Traffic Sian M Bloom – Consultant Arborist

SUMMARY

- It is recommended that the application be supported and that a Notice of Decision be issued subject to conditions.
- As detailed in this assessment report the proposal is considered consistent with the objectives of the Darebin Planning Scheme.
- 13 objections were received against this application.
- The site is located in the Neighbourhood Residential Zone – Schedule 1 and is affected by the Development Contributions Plan and Environmental Significance Overlays.
- The lot size is less than 400 square metres, and therefore garden area requirements do not apply to the proposal.
- There is no restrictive covenant on the title for the subject land.
- A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) was not required as the development of a single dwelling is exempt.
- The site is currently subject to Planning Enforcement proceedings regarding tree removal and importing fill. These proceedings run separately to this planning permit application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Arboricultural Planning, Transport Engineering and Strategy, Property Management, and Public Places units.
- This application was referred externally to the Merri Creek Management Committee.
- The subject site is not affected by the Land Subject to Inundation Overlay (LSIO). However, informal notice of the application was provided to Melbourne Water after unapproved works (addition of fill) at the site.

Recommendation

That Planning Permit Application on D/262/2019 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 TP.102, TP.103, TP.201, TP.202, TP.203, TP.301, TP.302, TP.303, TP.304, TP.305, TP.306, and TP.501, all revision B, dated 3/10/2019, received by Council 4/10/2019, and prepared by ODR Architects) but modified to show:
 - a) Provision of a minimum 5.13 metre and 7.19 metre set back from the southern boundary of the secluded private open space to the ground and first floor walls north of this space respectively. No other setbacks are to be reduced in achieving this and the modifications shall only result in a reduction to the footprint of the dwelling.
 - b) Confirmation of the FFL of the south facing balcony and screening in accordance with the requirements of Standard A15 at Clause 54.04-6 of the Darebin Planning Scheme to the eastern, southern, and western perimeter of the balcony.
 - c) The light court to the first floor Bedroom 3 habitable room window amended to a minimum dimension of 1 metre clear to the sky, in accordance with Standard A16 at Clause 54.05-1 of the Darebin Planning Scheme.
 - d) Annotations regarding the construction and drainage of the right-of-way in accordance with Condition No. 4 of this Permit.
 - e) Amendments regarding tree protection in accordance with Condition No. 5 of this Permit.
 - f) A landscape plan in accordance with Condition No. 6 of this Permit.
 - g) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 9 of this Permit.
 - h) Annotations regarding the Environmental Management Plan in accordance with Condition No. 10 of this Permit.
 - i) The location of all plant and equipment (including air conditioners, water/gas/electricity meters etc.). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

Constructed items such as letter boxes, garbage bins, lighting, clotheslines, tanks, storage and bike racks must be located with dimensions and storage capacity shown where appropriate.

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- j) A revised schedule of materials, colours and finishes to be applied to all elevations (including the west elevation to Merri Creek) to reduce the extent of dark colours including the extent of black brick veneer.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Prior to the occupation of the development:
 - a) Plans must be submitted to, and approved by Council, detailing the construction and surfacing (including drainage) of the unmade portion of right of way abutting the southern boundary of the subject site (Lot 17 on TP663071N).
 - b) The right of way abutting the southern boundary of the property (Lot 17 on TP663071N), must be constructed and surfaced in accordance with the approved plans.

All works must be to the satisfaction of, and at no cost to the Responsible Authority.

5. Before the development starts, a revised Arborist Report to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. The document is to be amended as follows:
 - a) Specific tree protection measures for Tree 15 on 3 Clarke Street, Northcote.
The development must be constructed in accordance with the requirements/recommendations of the revised Arborist Report and Condition No. 9 of this Permit to the satisfaction of the Responsible Authority.
6. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Provision of a minimum of three small canopy trees within the private open space areas of the dwelling.
 - b) Any modifications as required at Condition No. 1 of this Permit
 - c) Indigenous (locally native) planting to the satisfaction of the Responsible Authority. The landscape plan must reflect local native plant communities appropriate to the location and site conditions. The landscape plan must not incorporate environmental weed species.
 - d) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 9 of this Permit.
 - e) All paved areas within Tree Protection Zones are constructed with permeable pavers at or above grade using root sensitive techniques to prepare the substrate.

- f) Full details of all fences to include materials and heights.
- g) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. Tree Protection guidelines must be provided where appropriate.
- h) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- i) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- j) Where further opportunity exists, an appropriate number and size of additional canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available.
- k) All canopy trees are to have a minimum height of 2.0 metres in 50 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).
- l) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- m) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- n) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Constructed items such as letter boxes, garbage bins, lighting, clotheslines, tanks, storage and bike racks must be located with dimensions and storage capacity shown where appropriate.
- o) Hard paved surfaces at all entry points to dwellings.
- p) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- q) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- r) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- s) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- t) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- u) Landscape Specification Notes including general establishment and maintenance requirements.

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

<i>Tree (as defined in Figure 1: Preliminary Arboricultural Report - 7 Eunson Avenue, Northcote Lots 17-20, dated May 2018, and prepared by Sian M Bloom – Landscape Design and Arboricultural Consulting, dated November 2018 and received by Council 8 August 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 14 – <i>Corymbia maculata</i> (Spotted Gum) – Located within Lot 18 of 7 Eunson Avenue, Northcote to the west of the subject site.	5.5 metres
Tree 15 – <i>Eucalyptus cladocalyx</i> (Sugar Gum) – Located within the adjoining property to the south (3 Clarke Street, Northcote).	13.2 metres

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.

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

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

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

10. Before the development starts, an Environmental Management Plan must be submitted to, and approved by, the Responsible Authority. The Environmental Management Plan must be to the satisfaction of the Responsible Authority and must address the following matters:
 - a) All vehicles to be free of weed seed (good vehicle hygiene to prevent the spread of undesirable plants).
 - b) Areas of temporary or permanent bare soil (including fill areas) treated to prevent runoff into the creek, by mulching, gassing, or matting.
 - c) All storm water drains to be sufficiently protected from sediment run off through the site being bunded, ensuring sediments and other substances do not enter the storm water (EMP to ensure appropriate hazardous substances are cleaned appropriately in case of a spill e.g. oil, fuel, etc.)
 - d) All spoil and waste material to be stored appropriately on site to ensure they do not enter the reserve via wind or other means (using sediment fencing and shade cloth around the site preventing windblown litter).
 - e) The site to be fenced to prevent windblown litter.
 - f) Baffling to prevent light spillage into the creek environs.
11. 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.
12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - 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.

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

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 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 This planning permit 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 History

- Council issued planning permits for applications D/312/2018, D/313/2018, and D/315/2018 on 8/7/2019, 29/10/2018, and 15/11/2018 respectively. These applications all sought permission for new two storey, dwellings on Lots 14, 15, and 16 of 7 Eunson Avenue. All the approved planning permits adopt a similar architectural design.
- Council issued endorsed plans for applications D/312/2018, D/313/2018, and D/315/2018 on 26/09/2019, 14/01/2019, and 6/03/2019 respectively.

Tree Removal

- Following the approval of the above planning permits, the owner/developer of the land removed a number of trees from the wider site in August 2019. This occurred without permission on Lots 17-20 of 7 Eunson Avenue. On Lots 14-17 of 7 Eunson Avenue tree removal was undertaken in breach of protection granted under the approved planning permits.
- The current application seeks permission for the removal of a number of these trees retrospectively. Given the non-permitted removal of trees from Lot 17, the Tree Protection conditions within Planning Permit D/315/2018 for the subject site (Lot 17) were breached.
- The matter of tree removal from the land without permission and/or in breach of existing planning permit conditions will be heard at the Magistrates Court of Victoria in December 2019.

Further Works

- Further works (specifically, the addition of fill to site) have been undertaken across 7 Eunson Avenue in the months following the removal of trees. This was also undertaken without planning permission. Planning permission is required under both the Environmental Significance Overlay affecting the entire site and also the Land Subject to Inundation Overlay which affects Lots 18-20).
- As a result of these works, notice of the application was provided to Melbourne Water (the relevant determining referral authority in the Land Subject to Inundation Overlay) under Section 52 of the *Planning and Environment Act 1987*.
- This current planning permit application is for Lot 17, where the LSIO does not apply. Melbourne Water's comments are more relevant to Lots 18-20 (where they are a determining referral authority given the LSIO).

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 26.82 metres in length and 6.1 metres in width. The site area is 163.6 square metres.
- The land is located on the southern side of Eunson Avenue, approximately 63 metres west of the intersection with St Georges Road.
- The subject site is one of seven separately transferable lots that make up Title Plan 663071N.
- The subject site (Lot 17) is located within the Neighbourhood Residential Zone – Schedule 1 and is affected by the Development Contributions Plan (expired) and Environmental Significance overlays.

- The lots to the west of the subject site (Lots 18, 19, and 20) are affected by the Land Subject to Inundation Overlay.
- The lots to the east of the subject site (Lots 14, 15, and 16) have Planning Permits approved for double storey dwellings.
- The subject site is currently vacant. A single storey weatherboard dwelling was removed from the subject site in August 2019. This dwelling was partially located across Lots 14-17.
- Vehicle access to the site is available via the right of way (R.O.W) to the rear of the site.
- To the north of the site across Eunson Avenue are four single storey dwellings and Northcote High School.
- To the south of the site, across the R.O.W, are the rear yards of dwellings fronting Clarke Street, Northcote.
- To the east of the site is a single storey weatherboard dwelling with outbuildings.
- To the west of the site is the Merri Creek and its environs.
- Eunson Avenue is subject to 2-hour on-street parking restrictions between 9am and 3pm, Monday to Friday.
- The site has good access to public transport including the Route 11 Tram (along St Georges Road), the Route 504 Bus, and the Mernda Railway Line (Merri Station is approximately 450 metres walk from the subject site). St Georges Road Bike Path is located nearby the site.
- The site is located approximately 1km south-west from the nearest activity centre (Northcote Activity Centre). The site is approximately 800 metres north-west of the Westgarth Neighbourhood Centre.

Proposal

- The existing single storey weatherboard dwelling on site has been demolished (no planning permit required).
- A new double storey dwelling is proposed.
- At the ground floor the dwelling is arranged with a bedroom 1 (with ensuite), powder room, and combined kitchen/living/dining.
- At the first floor the dwelling features bedrooms 2 and 3, a bathroom, rumpus, and balcony.
- Private open space is provided at the ground floor to the south of the dwelling.
- Vehicle access is to be provided from the rear of the site. A double storey garage/workshop is proposed.
- A single car parking space is provided in the garage/workshop. The application seeks permission for reduction of the statutory car parking rate (one space).
- A single bicycle parking space is provided within the garage in support of the car parking reduction sought.

Objections summarised

- Planning Permit application process is “piecemeal”.
- Owner/Developer has displayed contempt for the planning process.
- Removal of vegetation from the subject site.

- Council should seek an enforcement order for the replacement of already removed vegetation.
- Compliance with requirements of the Environmental Significance Overlay – Schedule 1 (Merri Creek and Environs).
- Accuracy of the submitted arborist report.
- Accuracy of the advertised plans - specifically references to already removed vegetation.
- Lack of replacement planting.
- Car parking provision does not comply with the Planning Scheme/availability of on-street car parking.
- Vehicle access and safety issues (Eunson Avenue and R.O.W at the rear).
- Ownership of the R.O.W is unclear.
- Impact of traffic generated by the development on pedestrian use the R.O.W (including walk to school corridor).
- Proposal is not in keeping with neighbourhood character.
- Visual bulk/double storey form.
- Overdevelopment.
- Heritage issues have not been addressed.
- Impact of the development on creek side environs (including wildlife).
- Impact of the development on the amenity of local community/neighbouring residents.
- Plans lack detail of the proposed development on the remaining lots of 7 Eunson Avenue.
- Development will impact on pedestrian access to the Merri Creek.
- Compliance with Clause 54.03-1 (Street setback).
- Compliance with Clause 54.03-2 (Building height).
- Compliance with Clause 54.03-3 (Site coverage).
- Compliance with Clause 54.03-5 (Energy efficiency).
- Compliance with Clause 54.04-2 (Walls on boundary).
- Compliance with Clause 54.04-3 (Daylight to existing windows).
- Compliance with Clause 54.04-5 (Overshadowing open space).
- Tree removal within the R.O.W.
- Application should be refused based on compliance with other Acts.

Officer comment on summarised objections

Planning Permit application process is “piecemeal”

The subject site is made up of seven separately transferable lots. Advice from the Victorian Titles Office confirms this. Given the nature of these individual parcels of land, separate planning permit applications can be applied for. While this is not the most efficient way for Council to assess the proposed development on the site, Council must assess planning permit applications as they are submitted. The current application cannot be refused on this basis as such.

It is noted that the applications, whilst separate, have been designed to integrate across the lots to form a cohesive development.

Owner/Developer has displayed contempt for the planning process

Council notes the ongoing Planning Enforcement proceedings for the removal of trees from the land, either without permission or in breach of existing planning permits. Council in no way condones the actions of the owner/developer of the site. Regardless, Council has a duty to assess every planning permit application before it on its merits, within the requirements of the Planning and Environment Act 1987 and the Darebin Planning Scheme.

As such, Council is bound to assess any planning applications on planning merit and decisions are unable to be influenced by the past and/or ongoing actions of the individual.

Removal of vegetation from the subject site

Council is aware of the removal of trees from the broader subject site in August 2019. This was undertaken either without planning permission (as is the case on the current subject site and neighbouring lots to the west – Lots 17-20) and/or in breach of existing planning permit conditions relating to Tree Protection Zones. As has already been noted, Council's Planning Enforcement Unit are progressing these breaches through the Magistrates Court, with a hearing scheduled for early December 2019.

This permit application and any future application on Lots 18-20 will be seeking retrospective approval for the removal of vegetation within an Environmental Significance Overlay. With regard to the trees that have been removed on Lot 17 only (the planning permit application being assessed herein), Council's Arboricultural Planning Unit have reviewed the submitted arborist report and confirmed that given the size, species, and condition of Trees 7-10, removal can be supported subject to the provision of replacement planting.

Council should seek an enforcement order for the replacement of already removed vegetation

Council's Planning Enforcement Unit to date has not engaged in an enforcement order proceeding. Rather, the removal of trees from the subject site and the legality of these actions (as well as any financial/criminal repercussions for the individuals that undertook this vegetation removal) will be heard in the Magistrates Court in early December 2019.

Compliance with requirements of the Environmental Significance Overlay – Schedule 1 (Merri Creek and Environs)

Refer to the assessment against Clause 42.01 provided below.

Accuracy of the submitted arborist report

Council's Arboricultural Planning Unit has reviewed the submitted arborist report, which was prepared by a suitably qualified arborist.

Council's Arborist generally agrees with the recommendations made within the arborist report. An acceptable methodology appears to have been followed and data collection for the trees reviewed was undertaken in accordance with Australian Standards.

While Council notes it is regrettable that trees were removed from the land without permission or in breach of existing permit conditions, this should not call in to question the accuracy of the arborist report. The report was prepared as a reference document to inform Council's decision making and was not provided by the author as any form of approval for the removal of the relevant trees.

Accuracy of the advertised plans, specifically references to already removed vegetation

The removal of trees without planning permission or in breach of existing planning permit conditions is extensively addressed within this report. Planning Enforcement proceedings are underway separately to this application, with the removal of trees across 7 Eunson Avenue, Northcote to be heard in the Magistrates Court in December. As detailed below, the assessment considers the suitability of tree removal on Lot 17 in the same way that this

assessment would be made if the trees had not been removed. Any permission for tree removal would as such be retrospective.

Lack of replacement planting

Council's Arborist has required replacement planting, in the form of 3 suitable small canopy trees and an appropriate landscaping response in open space areas.

Car parking provision does not comply with the Planning Scheme/Availability of on-street car parking

Permission for a reduction of the standard car parking rate for a single dwelling with 3 bedrooms (2 car parking spaces) is sought. Council's Transport Engineering and Strategy unit reviewed the proposed reduction of one space, as justified in the submitted Car Parking Demand Assessment, and considered it to be acceptable considering the need for parking.

Future occupants of the proposed dwelling will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme. Any planning permit issued for the proposal will include a notation to this effect. Car parking restrictions exist in Eunson Avenue. Residents of the proposed dwelling will have to comply with these restrictions and any future extension of these on-street restrictions.

Vehicle access and safety issues (Eunson Avenue and R.O.W at the rear)

Council's Transport Engineering and Strategy unit has considered the adequacy of vehicle access. Based on the submitted swept path assessment, ingress/egress via the R.O.W to the rear of the site is supported. The use of a R.O.W for access to car parking facilities is entirely acceptable. While driving conditions on a R.O.W are different to those on a standard road, the proposal is not expected to create any further safety issues than currently exist for residents using the R.O.W.

Ownership of the R.O.W is unclear

It is understood that the R.O.W is a registered Council road. Subject to a condition requiring the unmade portion of the laneway being built at the cost of the developer, the use of the laneway is acceptable. The application was referred to the Property Management Unit, with no objection received.

Impact of traffic generated by the development on pedestrian use of the R.O.W (including walk to school corridor)

Traffic generated by the development of a single dwelling is not expected to have unacceptable impacts on the R.O.W or the surrounding road network.

Pedestrian movement within the area is better suited to standard roads, which include footpaths. These provide adequate separation of vehicles on carriageways and pedestrians to ensure safety. While Council cannot restrict pedestrian use of laneways, it also cannot restrict use of these roads by vehicles. Council recommends against the use of laneways, indeed any carriageway, as a play space, given the associated risks relating to vehicle traffic.

Proposal is not in keeping with Neighbourhood Character

State and Local Planning Policies encourage increased densities in established areas that have access to facilities and services. Therefore, over time the character of established areas is likely to change.

The test of neighbourhood character under the Darebin Planning Scheme is for development to respect the existing character or to contribute to a preferred future character. This is considered having regard to the relevant policies within the Scheme (including Clause 22.02 – Neighbourhood Character) relative to the physical context of the site itself.

Neighbourhood character, design, form, materials and height are addressed within the assessment section of this report with particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines (Precinct A1).

The proposed development has been assessed against Council's Neighbourhood Character Study and as detailed in the assessment below it is considered that the development is generally acceptable, subject to conditions.

Finally, it is noted that the Tribunal considered matters of neighbourhood character compliance for the development on Lot 14 of 7 Eunson Avenue, Northcote in *Ward v Darebin CC [2019] VCAT 1019*.

Broadly, the Tribunal found that Eunson Avenue does not present as consistent Victorian or Edwardian streetscape. Built form is mixed throughout the street which lends weight to the proposal adopting a contemporary design detail.

Visual Bulk/Double storey form

The development provides a height of two (2) storeys, which is appropriate in a suburban context. Issues surrounding the bulk and scale of the development are assessed below in the Clause 54 assessment and the neighbourhood character study assessment.

Overdevelopment

Generally, the development of a single double storey dwelling on residentially zoned lot is not considered to be an overdevelopment.

The consideration of a development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development. The assessment against Clause 54 is an indicator as to whether the proposal is an overdevelopment. The proposal complies with the objectives of Clause 54 and is considered to be acceptable.

Plan Melbourne sets targets for established areas of Melbourne to absorb a high proportion of Melbourne's expected growth. State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

Heritage issues have not been addressed

The subject site is not located in a Heritage Overlay.

Impact of the development on creek side environs (including wildlife)

Refer to the assessment against Clause 42.01 provided below.

Impact of the development on the amenity of local community/neighbouring residents

Refer to the assessment against Clause 54 provided below.

Plans lack detail of the proposed development on the remaining lots of 7 Eunson Avenue

The proposed development is sited on Lot 17 of the Title Plan. There are no current applications lodged with Council for the lots to the west of Lot 17 (Lots 18-20). Council cannot speculate on the potential future redevelopment of these lots. Any proposed development on these lots would need to be assessed against the relevant planning controls that apply to the land at the time. Melbourne Water have noted that development on Lots 18-20 will be challenging, given the LSIO that affects the lots.

Development will impact on pedestrian access to the Merri Creek

The proposed development is sited on private property. Existing pedestrian access to the Merri Creek Trail is maintained.

Compliance with Clause 54.03-1 (Street setback)

Refer to the assessment against Clause 54.03-1 (Street setback) provided in the assessment below.

Compliance with Clause 54.03-2 (Building height)

Refer to the assessment against Clause 54.03-2 (Building height) provided in the assessment below.

Compliance with Clause 54.03-3 (Site coverage)

Refer to the assessment against Clause 54.03-3 (Site coverage) provided in the assessment below.

Compliance with Clause 54.03-5 (Energy efficiency)

Refer to the assessment against Clause 54.03-5 (Energy efficiency) provided in the assessment below.

Compliance with Clause 54.04-2 (Walls on boundary)

Refer to the assessment against Clause 54.04-2 (Walls on boundary) provided in the assessment below. It is noted that the proposed eastern walls on boundary for this development will directly abut the walls on boundary for the approved development on the adjoining lot (Lot 15 of 7 Eunson). The interface of the western walls on boundary that form part of this development and the Merri Creek environs are discussed in further detail below.

Generally, given no application to develop the remaining land to the west has been received (or an indication of what may be developed), Council considers it appropriate to require an amended material/colours/finishes schedule to the western façade to better integrate the proposal with the Merri Creek environs. A condition on any permit granted will require an appropriate design treatment to the western walls on boundary (namely, a reduction in the use and extent of dark colours and materials, as per the considerations of the Tribunal in *Ward v Darebin CC [2019] VCAT 1019*).

Compliance with Clause 54.04-3 (Daylight to existing windows)

Refer to the assessment against Clause 54.04-3 (Daylight to existing windows) provided in the assessment below.

Compliance with Clause 54.04-5 (Overshadowing open space)

Refer to the assessment against Clause 54.04-5 (Overshadowing open space) provided in the assessment below.

Tree removal within the R.O.W

Council has not received any application for the removal of any tree/s within the laneway south of the subject site. Any removal of trees without a permit, where planning permission may be required under the ESO, is a matter for planning enforcement.

Application should be refused based on compliance with other Acts

This application is lodged pursuant to the *Planning and Environment Act 1987* (the Act). The Act requires Council to assess an application in regard to this legislation. It would not be appropriate for Council to refuse a planning application based on other Acts.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct A1

The subject site is included within Precinct A1 of the Darebin Neighbourhood Character Study. The preferred character for this area is as follows:

Victorian and Edwardian dwellings will continue to be set behind established gardens that match the era of development and make the most of limited front setbacks. These two architectural styles will dominate the housing type in the Precinct. Infill buildings will acknowledge the form, scale, siting and materials of surrounding Victorian or Edwardian era

buildings. Low or transparent front fences will contribute to the openness of streetscapes and allow views to front gardens and dwellings.

This will be achieved by:

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

The characteristics of Eunson Avenue, being a short street with a mixture of buildings provides support for the construction of further contemporary terrace style building on Lot 17. This is further reinforced by the already approved dwellings on the neighbouring lots (Lots 14-16) that exhibit a near identical design detail to this proposal.

Existing Buildings

Objective

- *To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.*

Comment

- The site is not located in a Heritage Overlay, therefore a building may be demolished without planning permission. The single dwelling that occupied part of Lot 17 was demolished in August 2019.
- The replacement building is sufficiently respectful of the scale and character of the street and broader neighbourhood character precinct, subject to conditions.

Complies

Vegetation

Objective

- *To maintain and strengthen the garden settings of the dwellings and the presence of trees in the streetscape.*
- *To integrate garden settings with creek-side environs.*

Comment

- The subject site and broader area adjacent the Merri Creek features significant vegetation.
- An arborist report was provided with the application. The report recommends removal and protection of various trees on and off site.
- The report was reviewed by Council's Arborist and received conditional support.

- Trees have been removed from the land without planning permission and/or in breach of existing planning permit conditions. Planning Enforcement proceedings are pursuing these matters.
- The open space areas at the front and mid-site provides sufficient space for landscaping given the size of the site.
- Conditions on permit will require the provision of replacement planting (canopy trees in private open space areas) to offset the loss of the trees removed.
- A landscape plan will be required by condition.
- Any future development of the remaining lots (18-20) towards the Merri Creek will require planning permission for the removal or lopping of any further vegetation and any works. The interface to the Merri Creek will need to be further considered. Given those lots are also affected by the LSIO, a referral and approval from Melbourne Water will be required.

Complies subject to conditionSiting*Objective*

- *To provide space for front gardens.*
- *To maintain and reinforce the existing rhythm of spacing between dwellings.*
- *To minimise the loss of front garden space and the dominance of car parking structures.*

Comment

- The front setback is large enough for the planting of vegetation
- The dimension of the front setback is 2.0 metres. This is consistent with the front setback pattern evident in the neighbourhood character precinct, being between 1.0 and 6.0 metres. This setback also matches the approved front setback dimension for the approved single dwellings east of the subject site. As noted by the Tribunal in *Ward v Darebin CC [2019] VCAT 1019* the proposed “setback will allow for efficient use of the site and will still provide a small garden space similar to that available on adjoining properties to the east”.
- The proposed dwelling, built to both side boundaries, adopts a building profile evident throughout the street and broader precinct.
- Car parking is proposed to the rear of the site in a double storey garage/workshop. Access is via the R.O.W (to be constructed at the cost of the developer).
- The car parking location ensures the frontage of the dwelling is not dominated by car parking structures. Rather, the frontage features habitable spaces which overlook the street.
- While site coverage is high at 73.34%, this is consistent with the existing and emerging pattern of development in the area. The dwelling is provided with two permeable garden areas at the frontage and in the mid-site area.

Complies subject to condition

Height and Building Form

Objective

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

Comment

- The streetscape has a varied built form typology.
- The proposed built form, being a double storey dwelling, constructed boundary to boundary, is consistent with the style of development sought in the preferred character study.
- This built form is also consistent with built form evident in the surrounding area, being an inner urban environment with buildings occupying the majority of the lot.
- The first floor of the dwelling is not set back the depth of a room front the front façade. This is consistent with the emerging character of the area and is reflected in the recent medium and high-density apartment developments nearby, as well as the new Northcote High School building recently completed on Eunson Avenue.
- The dwelling incorporates a contemporary interpretation of the pitched roof styles evident within the streetscape, with a single pitch of increasing height graduating from west to east.

Complies subject to condition

Materials and Design Detail

Objective

- *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.*
- *To use materials and finishes that harmonise with the Merri Creek setting for dwellings within close proximity of the creek.*

Comment

- The dwelling features a mixture of materials, with brick veneer, timber, and powder coated metal across the ground and first floor. The materials and colour palette is contemporary, however is generally appropriate in its response to the defining elements of the nearby dwellings. Importantly, the streetscape is mixed in terms of built form and materials.
- In order to improve the interface of the development with the Merri Creek environs, a condition on permit will require amendments to the dark black finishes/colours proposed. This is consistent with the requirements of the Tribunal in the decision for *Ward v Darebin CC [2019] VCAT 1019*.
- The dwelling is appropriately articulated through materials and form, thus avoiding unacceptable visual bulk impacts.

Complies subject to condition

Front Boundary Treatment*Objective*

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

Comment

- *A low and open front fence is proposed, which will allow views into the front setback area of the dwelling and maintains the openness of the streetscape.*

Complies**Clause 42.01 (Environmental Significance Overlay) Assessment**

The subject site is located within the Environmental Significance Overlay (ESO), the purpose of which is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

Specifically, Schedule 1 to the ESO applies to the Merri Creek and Environs. The statement of environmental significance for this area is as follows:

The Merri Creek is an environmental, heritage and recreation corridor that draws its significance from its role as a continuous corridor as it does from the qualities of individual reaches. All areas of the Creek are important because they contribute to the linking of areas of environmental, heritage and recreational value along the Creek. The Merri Creek and its immediate surrounds is host to some of the most threatened ecosystems in Australia. The Creek has a unique role to play in the preservation of threatened flora and fauna and the maintenance of vegetation communities that in other places have almost been totally destroyed. The creek is the focus of a large number of pre and post contact archaeological sites which as a group is highly significant. Many unknown sites are likely to exist and the areas likely to have the greatest density of these are sensitive to development. Revegetation works and parkland development including path construction have created a linear park of outstanding quality and landscape character – one which plays an important role in the park system of the metropolitan region.

The relevant decision guidelines for applications within the ESO1 are set out below:

- *The Merri Creek and Environs Strategy as adopted in principle by the responsible authority in May 1998.*
- *Development Guidelines for the Merri Creek (Merri Creek Management Committee).*
- *The views of the Merri Creek Management Committee, Melbourne Water and Aboriginal Affairs Victoria Heritage Services Branch, as deemed appropriate by the Responsible Authority. The relevant provisions of any adopted municipal Open Space Strategy and in particular, the relevant open space category and preferred recreational uses and development guidelines.*
- *The effect of the proposed removal of vegetation on the habitat value, wildlife corridor, and long - term viability of remnant and revegetated areas along the creek corridor.*
- *The significance of the native vegetation area, including significance of plant communities or significance of plant and animal species supported.*

- *The reasons for removing the vegetation and the practicality of alternative options which do not require the removal of the native vegetation.*
- *The effect of the height, bulk, and general appearance of any proposed buildings and works on the environmental values and visual character of the creek.*
- *The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.*
- *The need for landscaping or vegetation screening.*
- *The need to ensure that buildings or works do not disturb known sites of Aboriginal heritage or areas likely to contain Aboriginal heritage.*
- *The need to protect trees with Aboriginal trunk or branch scars.*
- *The need to retain vegetation and natural features which contributes to the health and water quality of the creek and the visual character of the creek corridor.*
- *The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.*
- *The need for a retention pond that acts as a filter and collector of sediment and litter.*

It is noted that the base provision requires consideration be given to the Municipal Planning Strategy and Planning Policy Framework, as well as the relevant statement of environmental significance in deciding upon applications in the overlay. The intent of State and Local Policies, including Clauses 12.05-1S, 12.05-2S, 14.02-1S, and 21.02, are also reflected in objectives of Clause 42.01.

The application was referred internally to the Arboricultural Planning unit and externally to the Merri Creek Management Committee.

While Council notes the removal of various trees across 7 Eunson Avenue, Northcote in August 2019 by the owner of the land, it is necessary to confine this assessment against Clause 42.01 to the subject site (Lot 17). The subject site is currently vacant and as such any permission for removal of vegetation would be retrospective. Council's Planning Arborist commented that in reviewing the submitted arborist report, Trees 7-10 can be removed, subject to provision of replacement planting. This is due to the size, species, and overall condition of the trees. The following factors are noted in relation to Trees 7-10:

- All trees to be removed on Lot 17 are non-indigenous species.
- Trees 8 and 9 are both identified as weed species in Darebin's Integrated Weed Management Strategy, 2008. Within this policy Tree 8 is also noted as a 'High Priority Established Weed'.
- While Tree 10 is of relatively good structure, as the Arborist Report notes the trees "*have been allocated a low SULE (Safe Useful Life Expectancy) and correspondingly, only a moderate retention value. These trees are inappropriate for the location due to the species ultimate size at maturity, which is too large for suburban gardens and potentially unsafe close to homes, especially as it tends to be brittle and break apart easily in winds*".

The applicant will be required to provide replacement vegetation on site (three suitable small canopy trees) as a condition of any planning permit granted. It is noted that no significant native vegetation has been removed from Lot 17 to accommodate the proposal. This should not be interpreted as approval for the removal of any remaining trees on Lots 18-20. Nor should this assessment be considered as judgement on the legality of the tree removal without permission in August 2019. Those matters will be addressed separately to this planning permit application, via planning enforcement and any associated legal proceedings.

In responding to Council's referral, the Merri Creek Management Committee (MCMC) objected to the proposal. Broadly, the MCMC have expressed concern that the proposed development is *"inconsistent with the purpose of the ESO and does not achieve the standards outlined in the Development Guidelines for Merri Creek (2004), MCMC's key policy document that provides guidance in achieving the objectives of the State Planning Policy Framework and the ESO"*. The MCMC outlined some key compliance issues with the relevant standards of the *Development Guidelines for Merri Creek (2004)*. These are discussed below. Further consideration of other relevant development standards is also provided.

03-1 Landform objectives

MCMC Comment

"This objective seeks to protect natural landforms and to create a more natural and visually attractive landform. The development requires the use of fill above the natural ground level and the construction of a concrete retaining wall to contain the fill area".

Officer's Comment

While the proposal requires the use of fill, the extent proposed is not unreasonable and is considered to comply with the objective.

Melbourne Water commented that the buffer to the creek side environs provided by Lots 18-20 (which maybe challenging to develop) means the small amount of fill and modest retaining wall proposed is acceptable.

Complies with objective

04-1 Building height and setback objective

MCMC Comment

"The proposal does not meet the setback standard of at least 30m from the top of bank of the Merri Creek and at least 12m from the top of the escarpment. This standard reflects Clause 14.02-1S of the State Planning Policy Framework which encourages the retention of a vegetated buffer zone at least 30 m wide along waterways. The majority of the built form is closer than 30m to the top of bank. A portion of the built form, primarily the two-storey garage/workshop, is closer than 12m from the top of the escarpment. These setbacks are clearly shown on the applicant's plans".

Officer's Comment

The objective seeks *"to ensure that development does not undermine the sense of remoteness along the creek"*. The siting of portions of the dwelling within the 30 - metre top of bank and 12 metre top of escarpment setbacks considered to be within reasonable limits. While the development doesn't comply directly with the recommended setback, it is noted that the majority of the dwelling sits outside of the 12 - metre top of escarpment setback zone. Despite the garage, rear yard, and a small portion of the rear of the dwelling do sitting within this setback, this is an acceptable encroachment in context of the site. Comments from Melbourne Water indicate that the remaining vegetation on the land and along the creek edge provide a sufficient visual buffer for the development. In support of maintaining a sense of remoteness along the creek, a condition on the permit will also seek an amended external material, colours and finishes schedule for the development.

Complies subject to condition

04-2 Building interface objectiveMCMC Comment

"This objective seeks to protect and enhance the natural and visual character of the waterway corridor. With the exception of the fenced courtyard, the proposal presents a blank, two-storey interface to the creek environs, and a concrete retaining wall. This is clearly shown on the west elevation".

Officer's Comment

The remaining vegetation on the land to the west of Lot 17 provides a sufficient visual buffer. This has been confirmed by Melbourne Water. A condition on permit will seek an amended external material, colours and finishes schedule for the development to further improve the interface of the building to the creek side environs.

Complies subject to condition

The MCMC also raised concerns regarding the impact of the proposed development on Tree 14 (within Lot 18) and Tree 15 (within the rear yard of 3 Clarke Street south of the subject site across the laneway). These trees can be appropriately protected through conditions that establish adequate tree protection zones during construction, as well as any other required specific tree protection measures.

Objective 5 (Landscape) of the Merri Creek Development Guidelines (2004) targets the restoration of open space to a more natural environment. Native vegetation should be protected (no indigenous trees have been removed from Lot 17), with no use of environmental weed species (Trees 8 and 9 were weed species) and revegetation should provide for native species. A condition on permit for a landscape plan will include a requirement for planting to be reflective of local native plant communities.

Objective 6 (Water Quality) of the Guidelines seeks *"to ensure the health and vitality of natural systems of the creek"*. The removal of tress and illegal works (addition of fill) have not been appropriately managed on site to date to prevent runoff of soil, sediment, and seeds etc. into the Merri Creek system. Council's Bushland Unit and Melbourne Water have commented that this should be rectified. An Environmental Management Plan will therefore be requested by condition to manage these factors on Lot 17. Melbourne Water consider the rectification of illegal works on Lots 18-20 as a key outcome for the land. This, however, cannot be addressed under the current planning permit application. Further Planning Enforcement action will as such be necessary.

Further, any future application on Lots 18-20 will be formally referred to Melbourne Water for comments and conditions. Melbourne Water have commented that development on Lots 18-20 is unlikely to be supported.

The future development of Lots 18-20 was raised by the MCMC. As opposed to the continued lot by lot development process adopted by the owner, the MCMC noted that a single cohesive development application for Lots 17-20 would likely result in an improved outcome for the Merri Creek. While Council certainly sees the benefit in this approach to development, the application as lodged must be considered on its merits. The nature of the applications received for the site and the acceptability of this application process has already been discussed.

In summary, the proposed dwelling is considered to respond acceptably to the Merri Creek interface. Importantly, the dwelling complies with the two-storey maximum height, with the height reducing substantially towards the creek (east to west). Melbourne Water have commented that sufficient visual screening by retained vegetation and setbacks are

provided. A condition on permit will ensure an appropriate presentation of the western boundary walls to the creek side environs.

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.

Clause 54.03-1 A3 Street Setback

There are no existing dwellings on either of the adjoining lots. The lot to the east of the subject site has an existing approved planning permit and endorsed plans for a near identical double storey dwelling. The proposed dwelling under this application maintains the 2.0 metre setback of the neighbouring proposal. While the proposed front setback of 2.0 metres does not comply with the standard, the design response is considered to be acceptable given the following:

- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping and a minimum setback of between 1.0 and 6.0 metres. This will allow a continuation of the garden setting of Eunson Avenue.
- The dwelling's front façade is appropriately articulated through form and materials.
- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The existing streetscape is not consistent in terms of setbacks, with the neighbouring dwellings' carport and verandah sitting well forward of the front wall at 5 Eunson Avenue for example.
- The dimension of the proposed front setback at 2.0 metres matches the approved front setback dimensions for the single dwellings to the east of the subject site. As noted by the Tribunal in *Ward v Darebin CC [2019] VCAT 1019* the proposed "setback will allow for efficient use of the site and will still provide a small garden space similar to that available on adjoining properties to the east (given the intrusion of verandas)".

Complies with objective

Clause 54.03-2 A4 Building Height

The maximum building height requirement for a dwelling or residential building in the Neighbourhood Residential Zone are as follows:

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

- *The building height must not exceed 9 metres; and*
- *The building must contain no more than 2 storeys at any point.*
- *A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.*

The subject site exhibits a slope greater than 2.5 degrees. As such, the building height can be a maximum of 10 metres. The proposed dwelling will have a maximum height of two storeys and 9.7 metres, which complies with the requirements of the zone.

Complies

Clause 54.03-3 A5 Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 73.34%.

While site coverage does not comply with the requirements of the Standard it is considered to be acceptable with respect of the relevant decision guidelines for the following reasons:

- High site coverage is evident in the broader neighbourhood character precinct.
- Adjacent properties within Eunson Avenue also display high site coverage. Dwellings are generally built to the side boundaries and are provided with minimal front setbacks.
- The design response provides appropriate built form breaks at the frontage and through the mid-site areas.
- Sufficient landscaping is provided on site.
- The proposed built form typology responds to the features of Lot 17, being a narrow and deep lot.

Complies with objective

Clause 54.03-6 A8 Significant Trees

Four trees have been removed from the subject site in the past 12 months. This was undertaken without planning permission.

The trees removed from the land contributed to the amenity of the site and local area. Council's Arborist has reviewed the proposal and advised that tree removal is acceptable on the subject site. Three replacement trees must be provided on the site to offset the loss of the existing trees.

Complies subject to condition

Clause 54.04-2 A11 Walls on Boundaries

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

The development is sited along the majority of the sites eastern and western boundaries. The garage is proposed to be built across the full extent of the southern boundary. This built form typology has been argued as representing the subject sites 'inner city nature' by the permit applicant. It is accepted that the subject site is located in an increasingly dense area of the municipality.

Boundary & length	Maximum length allowable	Proposed length
Eastern: 26.82 metres	14.20 metres	20.15 metres (in two sections of 14.18 metres and 5.97 metres)
Western: 26.82 metres	14.20 metres	20.155 metres (in two sections of 14.18 metres and 5.97 metres)
Southern: 6.1 metres	10.00 metres	6.10 metres

The walls on boundary exceed the maximum length, average height (3.2 metres), and maximum overall height (3.6 metres) sought under the standard.

Given the development proposes to site the new walls on boundary immediately adjacent to the approved walls on boundary under application D/315/2018, the non-compliant lengths, average heights, and maximum heights to the eastern boundary are considered to be acceptable.

The adjacent lot to the west is vacant. The interface of the dwelling to the Merri Creek has been discussed above and it is considered that there remains an acceptable level of vegetation screening to this extent (subject to a condition). As such, the non-compliant lengths, average heights, and maximum heights to the western boundary are considered to be acceptable.

Complies with objective subject to condition

Clause 54.04-3 A12 Daylight to existing windows

There are no existing habitable room windows on the adjoining lots (Lot 16 and 18) that will be affected by the proposed development. The land to the south of the site across the R.O.W does not feature any habitable room windows that could be affected by the proposed dwelling.

The habitable room windows of the approved dwelling on adjacent Lots 16 of 7 Eunson Avenue, Northcote will not be unreasonably affected by this development. Importantly, there are no habitable room windows in conflict with the proposed location and extent of walls on boundary for both developments.

Complies

Clause 54.04-6 A15 Overlooking

The ground floor of the dwelling has finished floor levels less than 0.8m above ground level at the boundary. A proposed 1.8-metre-high fence on the eastern boundary, will sufficiently limit overlooking to the dwelling east of the site.

There is no requirement to screen for overlooking to the west at the ground floor, as the adjacent land towards Merri Creek is vacant. The following areas at first floor will be required to be screened to limit views in to adjoining residential properties:

- First Floor south facing balcony edge.

A condition on any permit granted will also require confirmation of the balcony FFL's in elevation.

Complies subject to condition

Clause 54.05-1 A16 Daylight to new windows

Adequate daylight will be available to the windows within the dwelling subject to condition.

The entertainment area at ground floor and the rumpus area at first floor are both provided with secondary light sources. Bedroom 3 at first floor is provided with a single window fronting a light court that does not meet the requirements of the standard. A condition on permit will require the provision of a minimum 1 metre width to the light court adjoining the bedroom.

Complies subject to condition

Clause 54.05-2 A17 Private Open Space

Total POS	Secluded POS	Minimum dimension of secluded POS
38 square metres (plus 12 square metre balcony)	25 square metres	4.5 metres

The dwelling has a minimum private open space area of 38 square metres which is more than 20% of the total lot area (163.602 square metres = minimum 32.72 square metres of POS). An area of at least 25 square metres with a minimum dimension of 3.0 metres has been provided to the rear of the lot, which has convenient access to a living room.

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

It is noted that the dwelling also features an additional 12 square metres of POS (balcony) at the first floor.

The secluded private open space area has direct access to the living room.

Complies with objective

Clause 54.05-3 A18 Solar Access to Open Space

Solar access is provided to the secluded private open space of the dwelling as follows:

Wall Height to North	Required Depth*	Proposed Depth
4 metres (Ground Floor)	5.13 metres	4.66 metres
6.653 metres (First Floor)	7.19 metres	6.7 metres

The depths outlined above applies to an area of secluded private open space of no less than 25 square metres with a minimum dimension of 3.0 square metres.

*The dwelling has been provided with solar access in accordance with the true angle of the sun at the equinox (52 degrees). This dictates a calculation of $0.7813h + 2$, as opposed to the standard calculation under ResCode ($0.9h + 2$).

It is considered appropriate to adopt the above calculation for solar access to open space as this was used for the previously approved applications on the neighbouring lots to the east. Nonetheless, amendments to the proposed built form are required in order to comply with the varied calculation for setbacks of built form to the north of the SPOS. A condition on permit will require the provision of the required setbacks as detailed in the table above.

Complies with objective subject to condition

Clause 52.06 Car Parking

Number of Parking Spaces Required

The car parking requirement for the proposed three-bedroom dwelling with rumpus room, is two car parking spaces, one of which must be undercover. One car parking space is provided for the three-bedroom dwelling within the garage at the rear of the site.

As such the applicant seeks a waiver of one car parking space (a permit is required to reduce the number of car parking spaces required under Clause 52.06-5).

Where an application seeks to reduce the number of car parking spaces required under Clause 52.06-5, a Car Parking Demand Assessment must be provided. Council’s Transport Engineering and Strategy unit have reviewed the Car Parking Demand Assessment and consider the waiver of one space to be acceptable given the excellent access to public transport and active transport options near the site (St Georges Road bike path particularly).

Design Standards for Car parking

The proposed garage dimensions of 6 metres length x 5.7 metres width minimum comply with the minimum requirements of the relevant design standard at Clause 52.06-9. The submitted plans include a swept path assessment for vehicle ingress and egress from the R.O.W. This has been reviewed by Council’s Transport Engineering and Strategy unit and is considered to comply with the design standards.

Right-of-Way

A condition of approval would require that the R.O.W is constructed and drained to Council requirements and at the cost of the developer.

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, with habitable rooms fronting Eunson Avenue and no high front fencing.	Y	Y
54.03-1	A3	Street setback		
		The required setback is 4 metres, the dwelling is set	N	Y

Clause	Std		Compliance	
		back 2 metres from the street frontage (with a reduced first floor setback above due to the architectural window shroud). The neighbouring lots to the east are subject to approved planning permits and endorsed plans for similar developments. These also incorporate a front setback of 2 metres as is proposed for this application.		
54.03-2	A4	Building height		
		9.7 metres	Y	Y
54.03-3	A5	Site coverage		
		73.34%	N	Y
54.03-4	A6	Permeability		
		24.83%	Y	Y
54.03-5	A7	Energy efficiency protection		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
54.03-6	A8	Significant trees		
		The proposed development on Lot 17 requires removal of Trees 7-10. Council's Arborist reviewed the submitted arborist report and considered the removal of Trees 7-10 on Lot 17 to be acceptable given their size, species, and overall condition. Consideration of Standard A8 relates only to the lot in question. The nature and legality of the removal of the trees from the subject site and broader land is discussed throughout this report. These matters are being reviewed by Council's Planning Enforcement unit and will be heard at the Magistrates Court in December. Three suitable small canopy trees are required to be provided to offset the removal of Trees 7-10 as per the recommendations of Council's Planning Arborist.	Y	Y
54.04-1	A10	Side and rear setbacks		
		The majority of the building is constructed to the side and rear boundaries. The first floor light is setback in accordance with the standard.	Y	Y
54.04-2	A11	Walls on boundaries		
		Please see assessment in the body of this report.	N	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		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
54.04-5	A14	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y

Clause	Std		Compliance	
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 subject to condition.	Y	Y
54.05-2	A17	Private open space		
		Please see assessment in the body of this report.	N	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		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
54.06-2	A20	Front fences		
		A 1.2-1.4 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Infrastructure and Capital Delivery Unit	No objection, subject to standard drainage condition included in recommendation. Right-of-way must be constructed and drained to the satisfaction of Council
Transport Engineering and Strategy Unit	No objection or conditions. Proposed car parking waiver and vehicle access arrangements are acceptable.
Arboricultural Planning Unit	No objection, subject to conditions included in recommendation.
Bushland Unit	No objection, subject to conditions included in recommendation.
Merri Creek Management Committee (MCMC)	Objection to the grant of a permit. The MCMC object to the proposal on the basis that it is inconsistent with the purpose of the ESO and does not achieve the standards outlined in the Development Guidelines for Merri Creek (2004), MCMC’s key policy document that provides guidance in achieving the objectives of the State Planning Policy Framework and the ESO. Refer to the assessment against Clause 42.01 (ESO) provided in the assessment above.
Melbourne Water	The subject site (Lot 17) is not affected by the Land Subject to Inundation Overlay, and therefore does not trigger a formal referral to Melbourne Water under Section 55 (referrals) of the P&E Act 1987. The remaining lots to the west that form 7 Eunson Avenue, Northcote are subject to the requirements of this overlay. Any future development on these lots will require a formal referral to Melbourne Water. The views of Melbourne Water were sought for this application, given its potential

	<p>impact on the Merri Creek environs, as well as the non-permitted works conducted across the broader subject site. On balance, Melbourne Water considered the proposal on Lot 17 acceptable. Melbourne Water have highlighted the challenge of any development being approved on the remaining lots.</p>
--	--

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.09-5 (Neighbourhood Residential Zone – Schedule 1) – construction or extension to a dwelling on a lot with an area of less than 300 square metres.
- Clause 42.01-2 (Environmental Significance Overlay – Schedule 1) – Construct a building or construct or carry out works (as the building is greater than 6 metres above ground level).
- Clause 42.01-2 (Environmental Significance Overlay – Schedule 1) – Remove, destroy or lop any vegetation, including dead vegetation.
- Clause 52.06-3 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- The requirement for a development contribution under the Development Contributions Plan Overlay does not apply to works associated with single dwellings (including the replacement of a single dwelling).

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
PPF	11.01-1S, 11.01-1R1, 11.02-1S, 12.05-1S, 15, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-5S, 15.02, 16.01, 19.03-1
LPPF	21.02, 21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.09
Overlay	42.01, 45.06
Particular provisions	52.06, 54
General provisions	65.01
Neighbourhood Character Precinct	A1

*As noted throughout this report, the Land Subject to Inundation Overlay affects part of the land identified as 7 Eunson Avenue, Northcote – specifically Lots 18-20 of TP663071N.

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme.
- Planning and Environment Act 1987.
- Development Guidelines for Merri Creek (2004).
- Ward v Darebin CC [2019] VCAT 1019.

Attachments

- 7 Eunson Avenue Northcote (Lot 17) - Aerial (**Appendix A**) [↓](#)
- 7 Eunson Avenue Northcote (Lot 17) - Plans (**Appendix B**) [↓](#)

DISCLOSURE OF INTEREST

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

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

Darebin City Council
7 Eunson Avenue, Northcote (Lot 17)



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TP : TOWN PLANNING
ISSUE: Rev C

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Lot 17

Townhouse
7 Eunson Avenue Northcote

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ARCHITECTS
5 / 109 HAWKESBORN VICT

TITLE RE-ESTABLISHMENT NOTES:

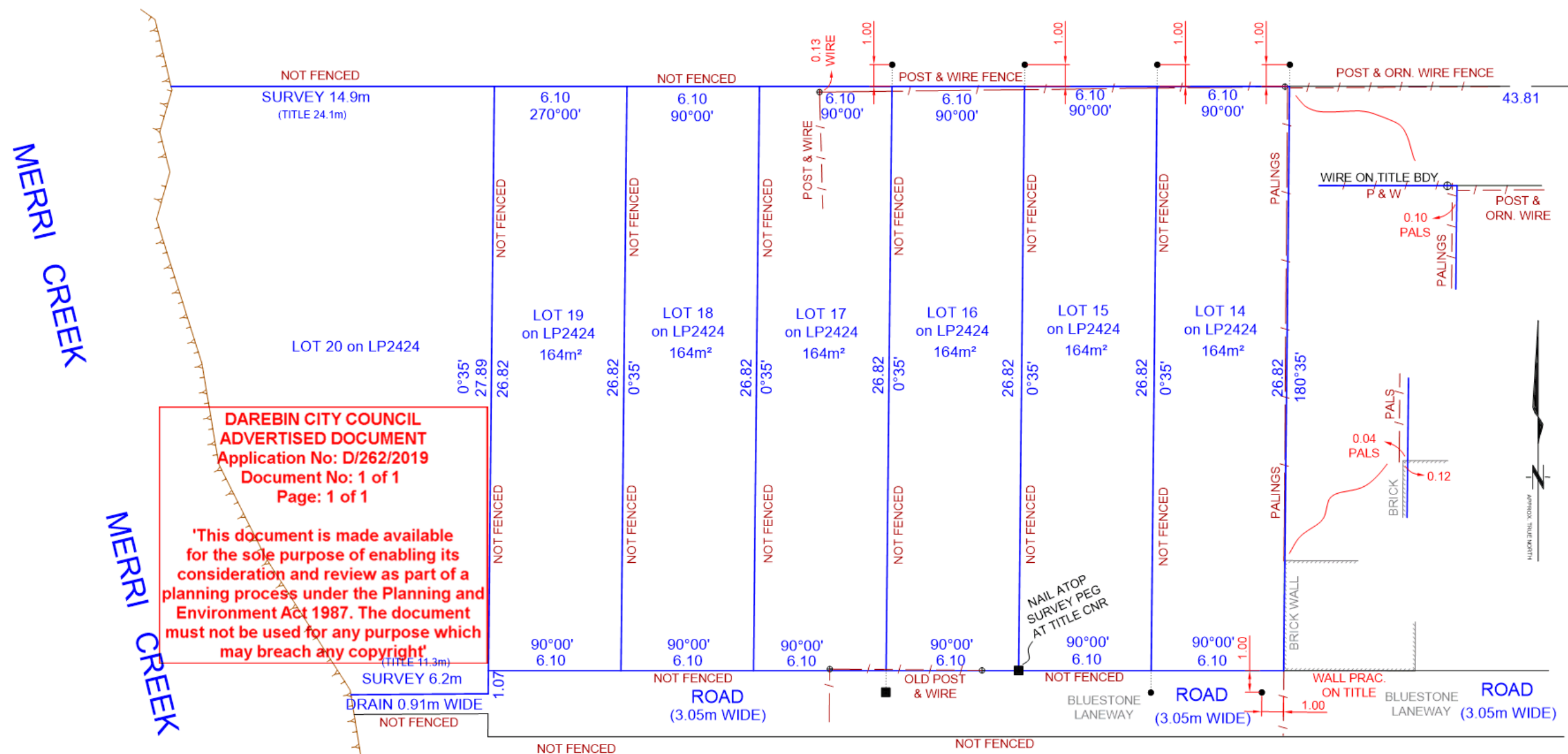
1. Source of Information : Land Victoria
2. For clarity, some occupation may not be shown to scale. Refer to offset distances from title boundary for actual position of fencing and occupation.
3. Possessory Rights may have accrued where occupation does not coincide with the title boundaries
4. Footing locations and subsurface structures have not been located.
5. Offsets shown on this plan are to the subject site's title boundaries
6. Refer to Certificate of Title for further detailed title and easement information
7. This note is an integral part of the plan.

TITLE PARTICULARS:
C/T VOL.2919 FOL.742
LOTS 14, 15, 16, 17, 18, 19, 20 on LP242

PLAN OF SURVEY
No.72 VIEW STREET,
CLAYTON

EUNSON AVENUE

ST GEORGES ROAD



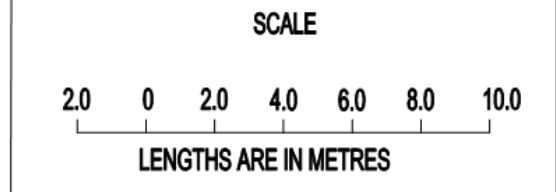
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I, DEAN MATTHEW LONEY of 21 Stubble Court, Greensborough certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the **Surveying Act 2004** and completed on 04/04/2018, that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.
 Date: 13/04/2018

DML LAND SURVEYS

PO Box 136, Lower Plenty 3093
 E: enquiries@dmlsurveys.com.au
 www.dmlsurveys.com.au
 M: 0422 741 385



ORIGINAL SCALE
 1:200

SHEET SIZE
 A3

SURVEYORS REF. 2018-56
 DWG FILE. 2018-56 Plan of Survey
 DATE OF SURVEY 09/02/2018

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LEGEND

- SURVEYED TITLE
- FENCING
- BRICK WALL
- TOP OF BANK
- : DENOTES WHITE PAINTED RIVET IN CONC/BLUESTONE AT 1.00m OFFSET TO TITLE BOUNDARY
- DENOTES NAIL ATOP SURVEY STAKE WITH PINK RIBBON AT 1.00m OFFSET TO TITLE BOUNDARY

PUBLIC TRANSPORT

- TRAIN**
 - South Morang Line, Merri Railway Station (0.75km)
 - South Morang Line, Northcote Railway Station (1.00km)
 - Upfield Line, Jewell Station (3.5km)

- TRAM**
 - West Preston to Victoria Harbour & Docklands (Route 11) stops 26 & 27 (0.15km)
 - Bundoora RMIT - Waterfront City Docklands (Route 86) stop 30 (1.10km)
 - East Brunswick to St. Kilda Beach (Route 96) stop 22 (2.20km)

- BUS**
 - Moonee Ponds to Westgarth Station (Route 506) (0.30km)
 - City to La Trobe University (Route 250) (0.70km)
 - City to Northland Shopping Centre (Route 251) (0.70km)

SCHOOLS

- PRIMARY SCHOOLS**
 - Merri Creek Primary School (0.26km)
 - Northcote Primary School (0.78km)
 - Fitzroy North Primary School (1.21km)
 - Brunswick East Primary School (1.46km)
 - Brunswick South Primary School (1.56km)

- SECONDARY SCHOOLS**
 - Northcote High School (0.12km)
 - Fitzroy High School (1.1km)
 - Princess Hill Secondary College (2.31km)
 - Sydney Road Community School (2.46km)

BICYCLE TRACKS

- St. Georges Road bike path(0.10km)
 - Capital City trail (1.05km)

PARKS & RECREATIONAL RESERVES

- Merri Park (0.10km)
 - Ottery Reserve (0.17km)
 - Merri Creek Reserve (0.23km)
 - Sumner Park (0.3km)
 - Peters Reserve (0.47km)
 - Park St Reserve (0.67km)
 - Fisher Reserve (0.79km)
 - Batman Park (0.80km)

CHILDCARE CENTRES & KINDERGARTENS

- Clifton Childcare Co-op (1.2km)
 - Time Out Childcare Centre (1.2km)
 - Annie Dennis Children's Centre (1.5km)
 - East Brunswick Kindergarten & Childcare (1.6km)
 - Westgarth Kindergarten (2.00km)

SHOPPING CENTRES

- Piedimonte's Supermarket & Liquor (1.3km)
 - Northcote Plaza (Aldi, Coles, K-mart) (1.5km)
 - IGA Northcote (1.8km)
 - Barkly Square (2.21km)
 - Northland Shopping Centre (6.9km)

HOSPITALS

- Olympia Rehabilitation Hospital (2.15km)
 - Fairfield Hospital (2.49km)
 - Brunswick Hospital (2.54km)

POLICE STATIONS

- Northcote Police Station (0.75km)
 - Brunswick Police Station (2.64km)
 - Fairfield Police Station (2.75km)

AIRPORTS

- Essendon Airport (9.25km)
 - Melbourne Airport (21km)

PLACES OF WORSHIP

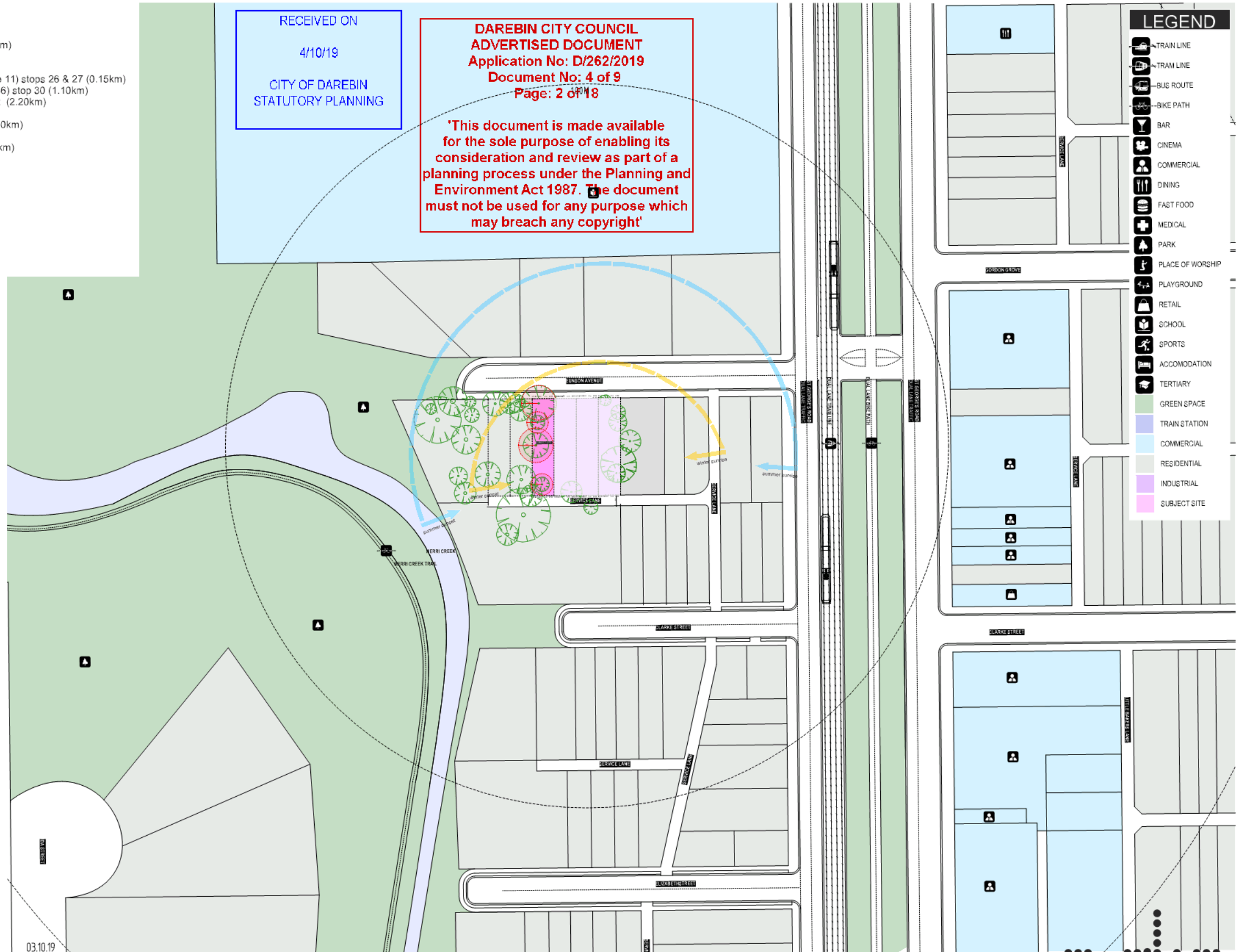
- The Uniting Church in Australia (0.83km)
 - Holy Trinity, Brunswick East (0.86km)
 - Bulgarian Eastern Orthodox Church (0.98km)
 - Our Lady Help of Christian's Catholic Church (1.4km)

rev C RFJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19

1:1000 @ A3

Site Plans : Neighbourhood Description

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



SITE CONTEXT PLAN

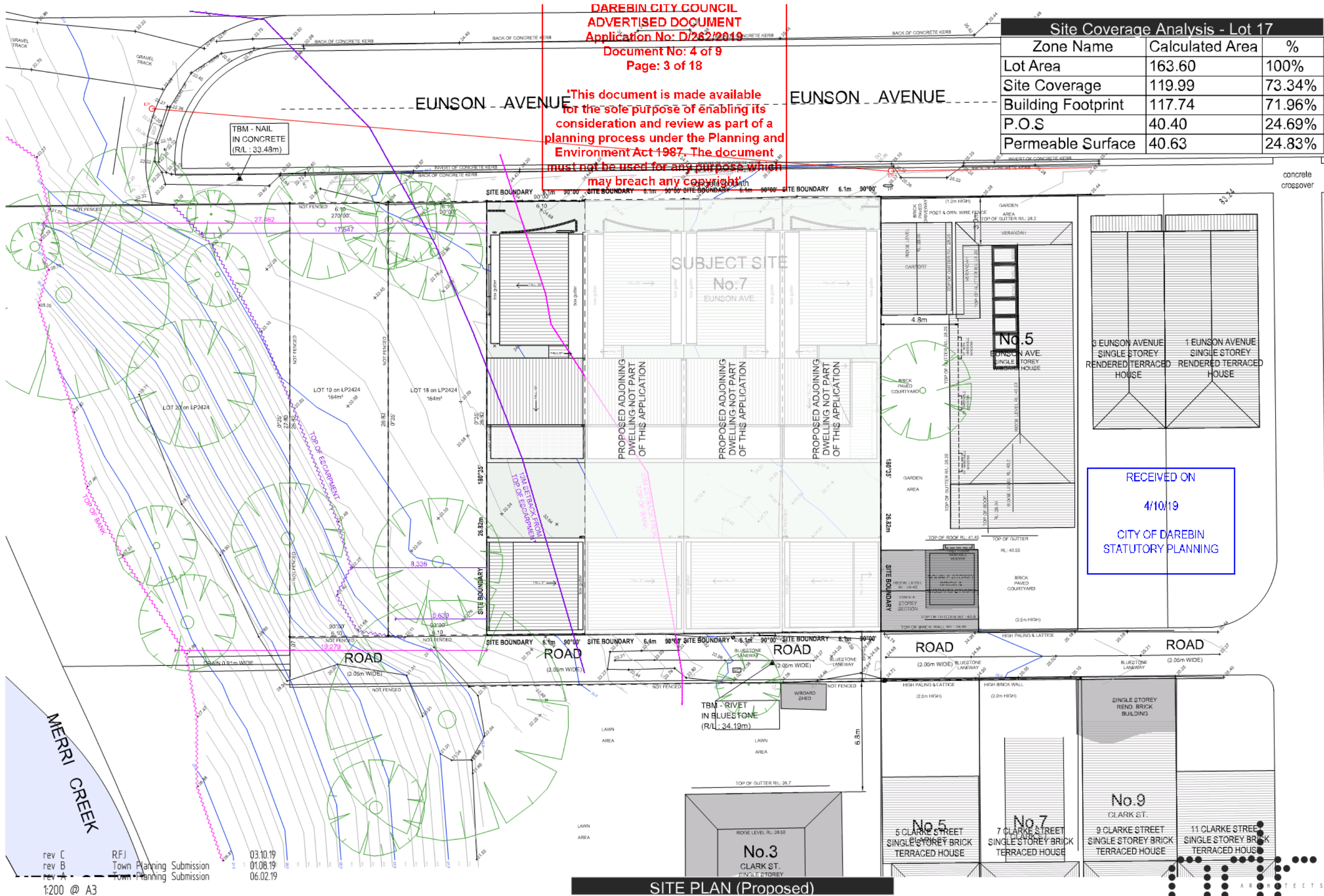


Townhouse 7 Eunson Avenue Northcote DWG No. TP.101 Rev B

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Site Coverage Analysis - Lot 17		
Zone Name	Calculated Area	%
Lot Area	163.60	100%
Site Coverage	119.99	73.34%
Building Footprint	117.74	71.96%
P.O.S	40.40	24.69%
Permeable Surface	40.63	24.83%



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SITE PLAN (Proposed)

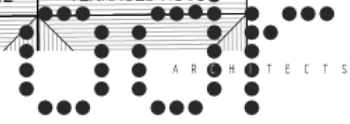
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rev A

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03.10.19
01.08.19
06.02.19

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Site Plans : Site (Proposed)
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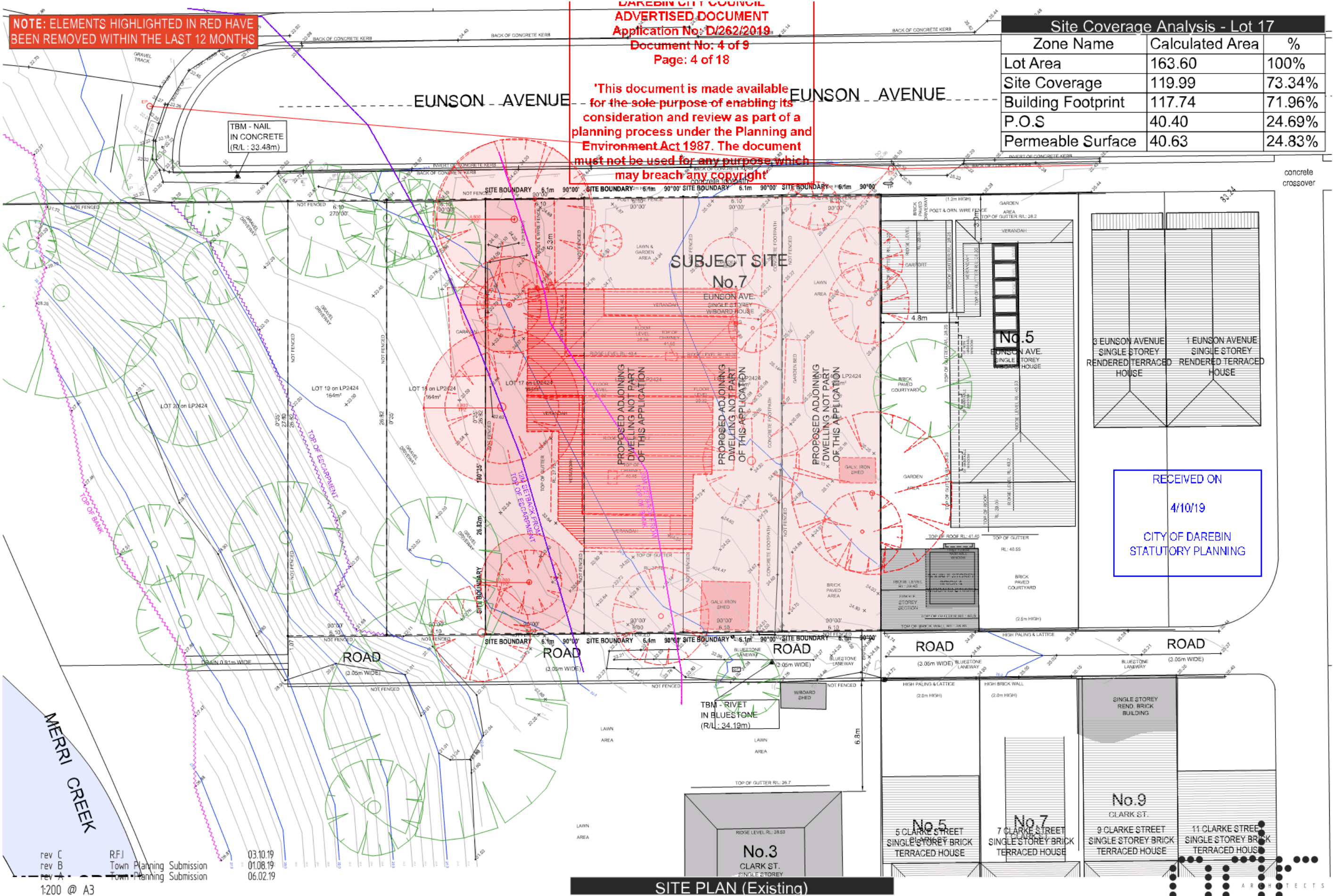


NOTE: ELEMENTS HIGHLIGHTED IN RED HAVE BEEN REMOVED WITHIN THE LAST 12 MONTHS

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Permeable Surface	40.63	24.83%



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SITE PLAN (Existing)

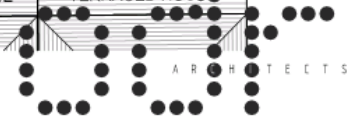
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 rev A

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03.10.19
 01.08.19
 06.02.19

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 Site Plans : Site (Existing)
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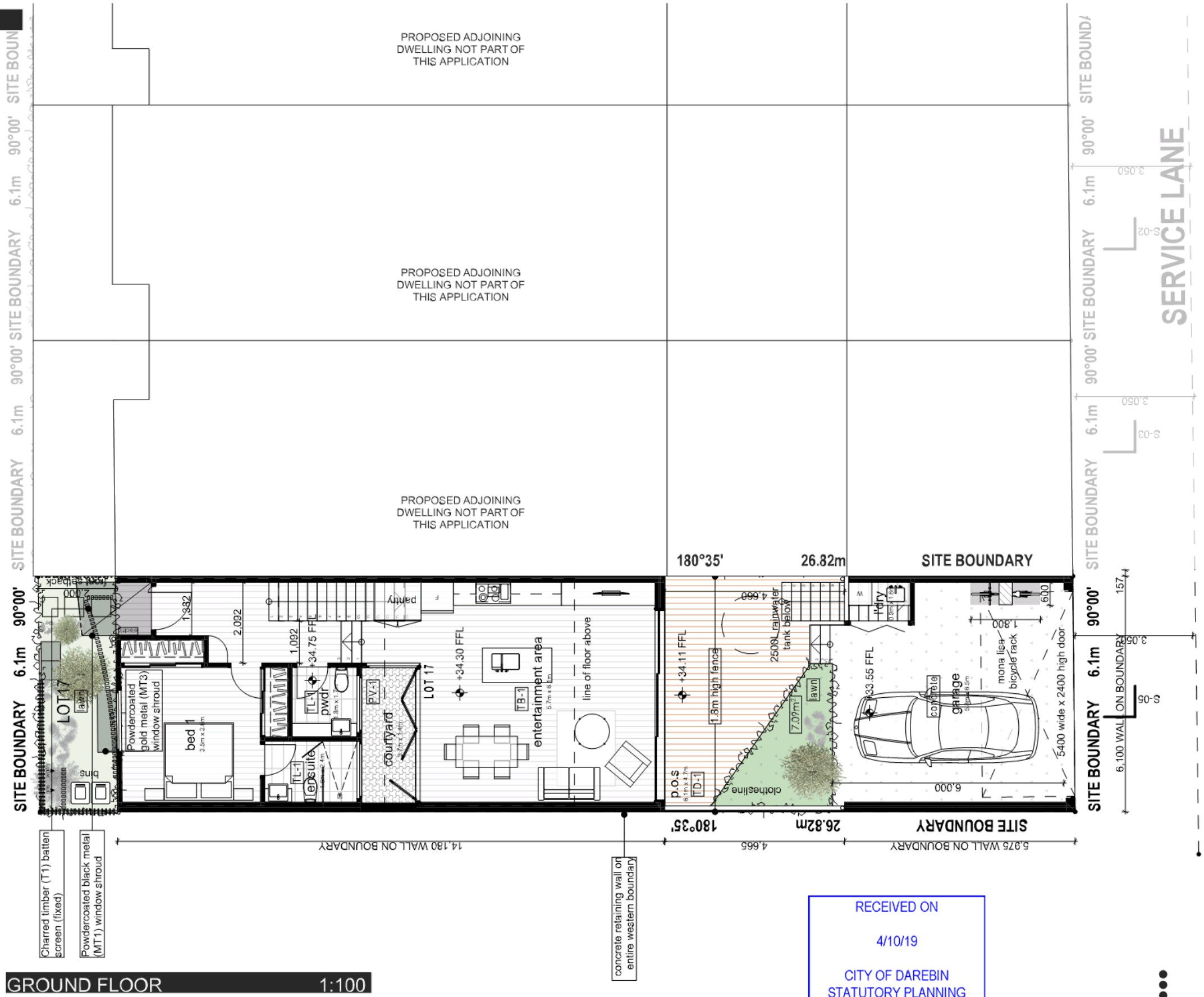


Gross Floor Coverage - Lot 17	
Zone Name	Calculated Area
Balcony	11.97
First Floor	69.44
Garage	36.28
Ground Floor Area	85.42
Porch	1.27
Workshop	36.28
	240.66 m ²

Floor Finishes Schedule	
TB-1	Timber floor finish
TD-1	Timber deck floor finish
TL-1	Selected tile finish
PV-1	Selected permeable outdoor paving
PV-2	Exposed concrete aggregate paving
lawn	Green groundcovers and grasses
concrete	Concrete finish

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GROUND FLOOR 1:100

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rev A Town Planning Submission 06.02.19
1:100 @ A3

Floor Plans : Lot 17 - Ground Floor Plan
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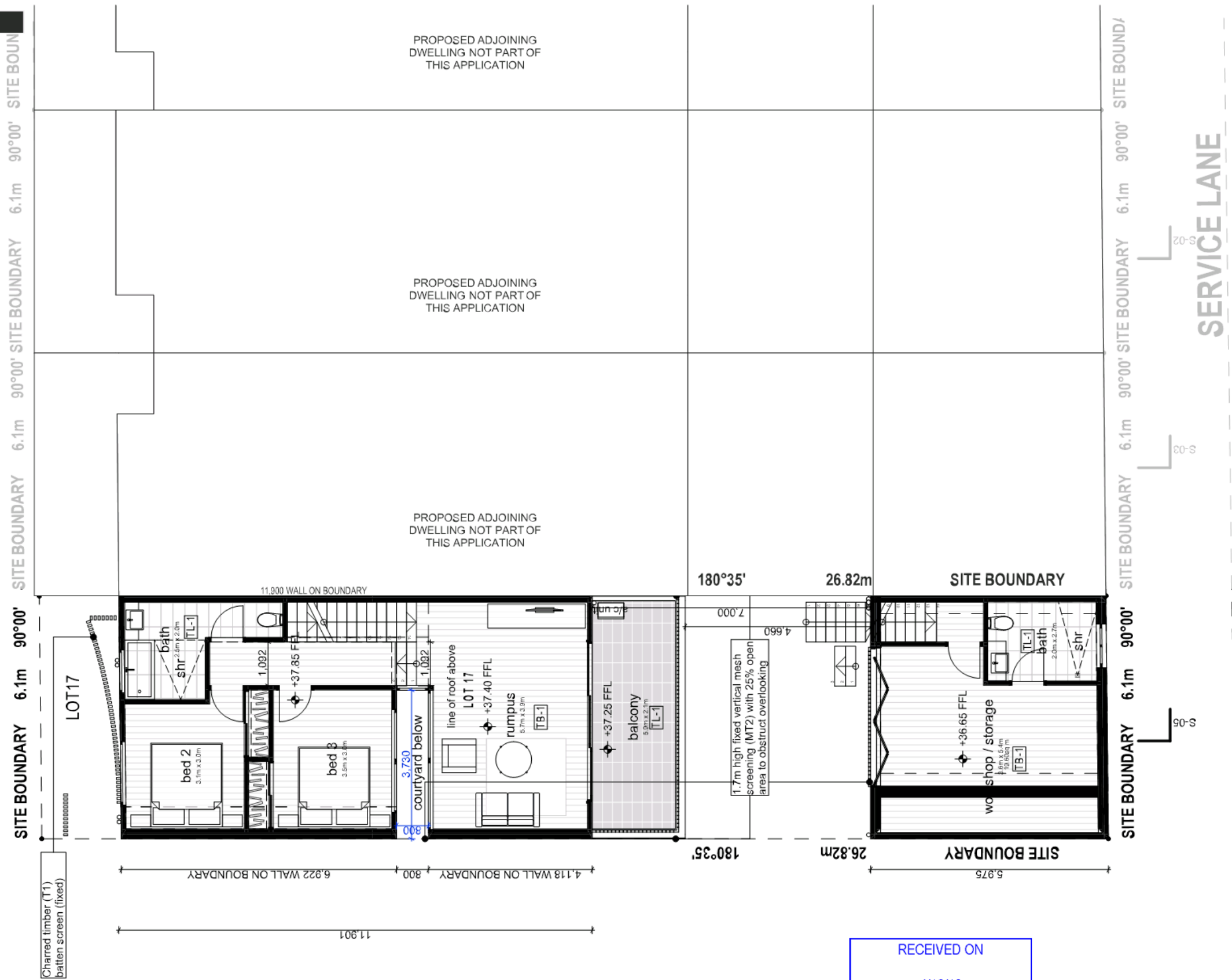
Townhouse 7 Eunson Avenue Northcote DWG No. TP.201 Rev B

Gross Floor Coverage - Lot 17	
Zone Name	Calculated Area
Balcony	11.97
First Floor	69.44
Garage	36.28
Ground Floor Area	85.42
Porch	1.27
Workshop	36.28
	240.66 m ²

Floor Finishes Schedule	
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TD-1	Timber deck floor finish
TL-1	Selected tile finish
PV-1	Selected permeable outdoor paving
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lawn	Green groundcovers and grasses
concrete	Concrete finish

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FIRST FLOOR 1:100

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Floor Plans : Lot 17 - First Floor Plan

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Townhouse 7 Eunson Avenue Northcote DWG No. TP.202 Rev B

Gross Floor Coverage - Lot 17

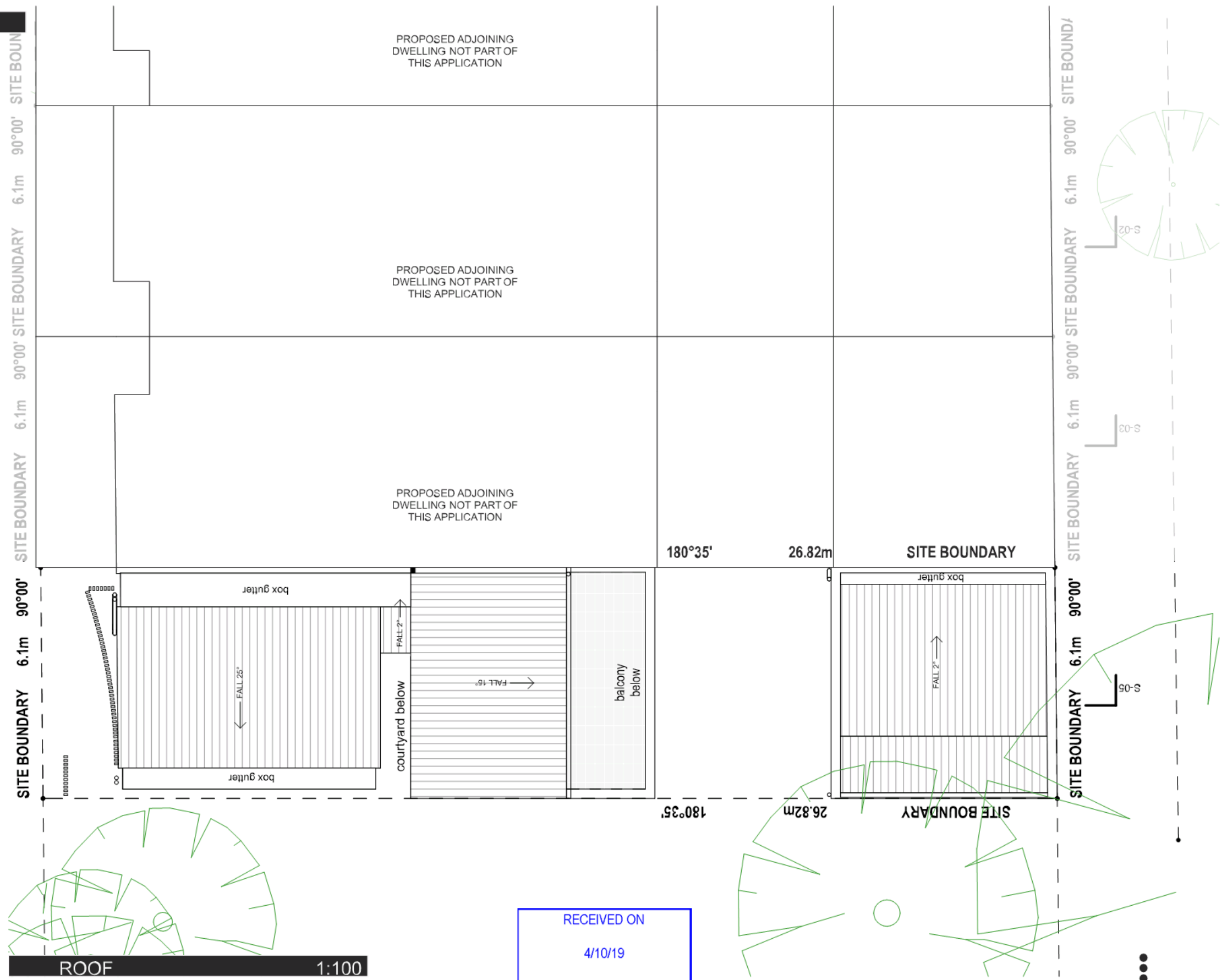
Zone Name	Calculated Area
Balcony	11.97
First Floor	69.44
Garage	36.28
Ground Floor Area	85.42
Porch	1.27
Workshop	36.28
	240.66 m ²

Floor Finishes Schedule

- TB-1 Timber floor finish
- TD-1 Timber deck floor finish
- TL-1 Selected tile finish
- PV-1 Selected permeable outdoor paving
- PV-2 Exposed concrete aggregate paving
- lawn Green groundcovers and grasses
- concrete Concrete finish

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ROOF 1:100

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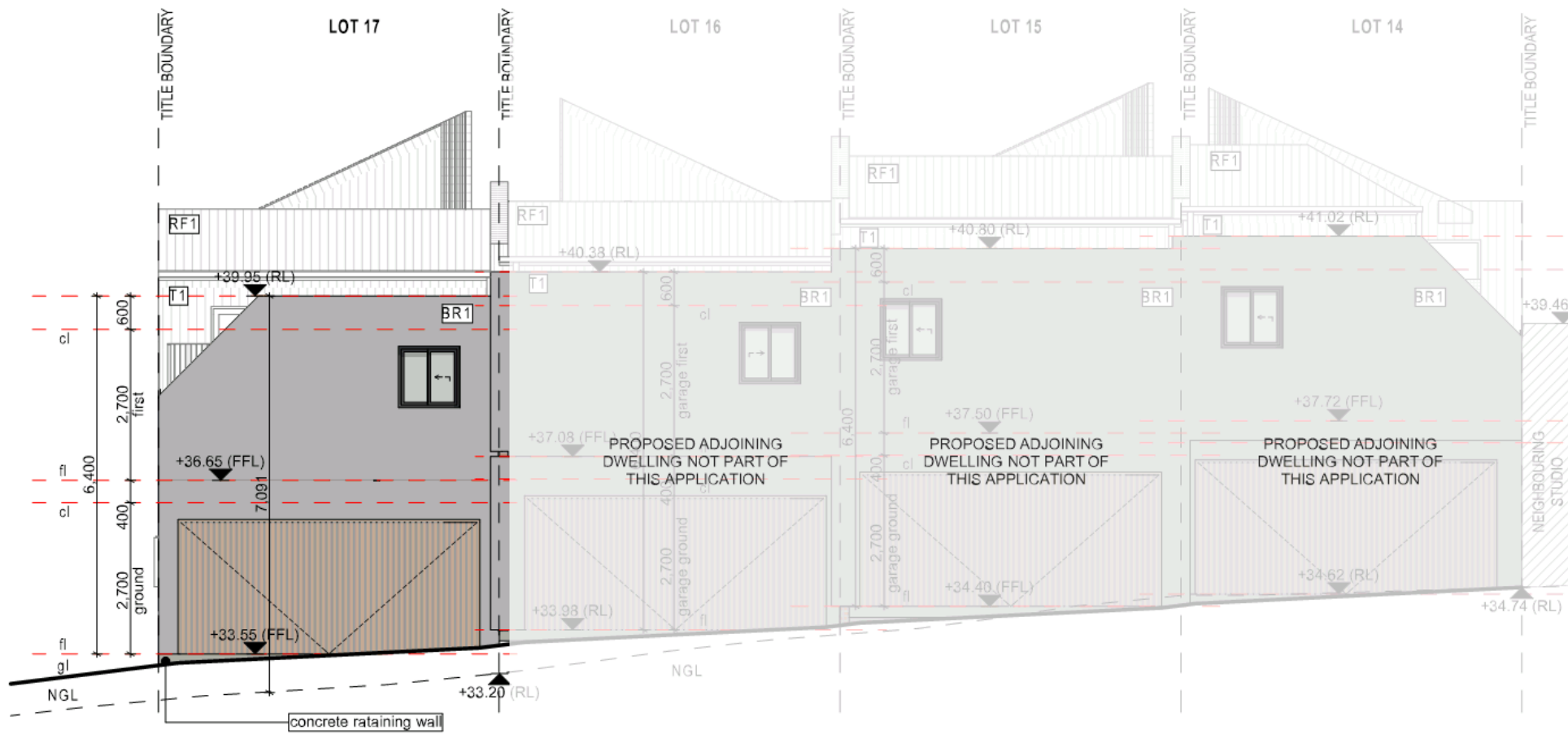
rev C RfJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19

1:100 @ A3
Floor Plans : Lot 17 - Roof Plan

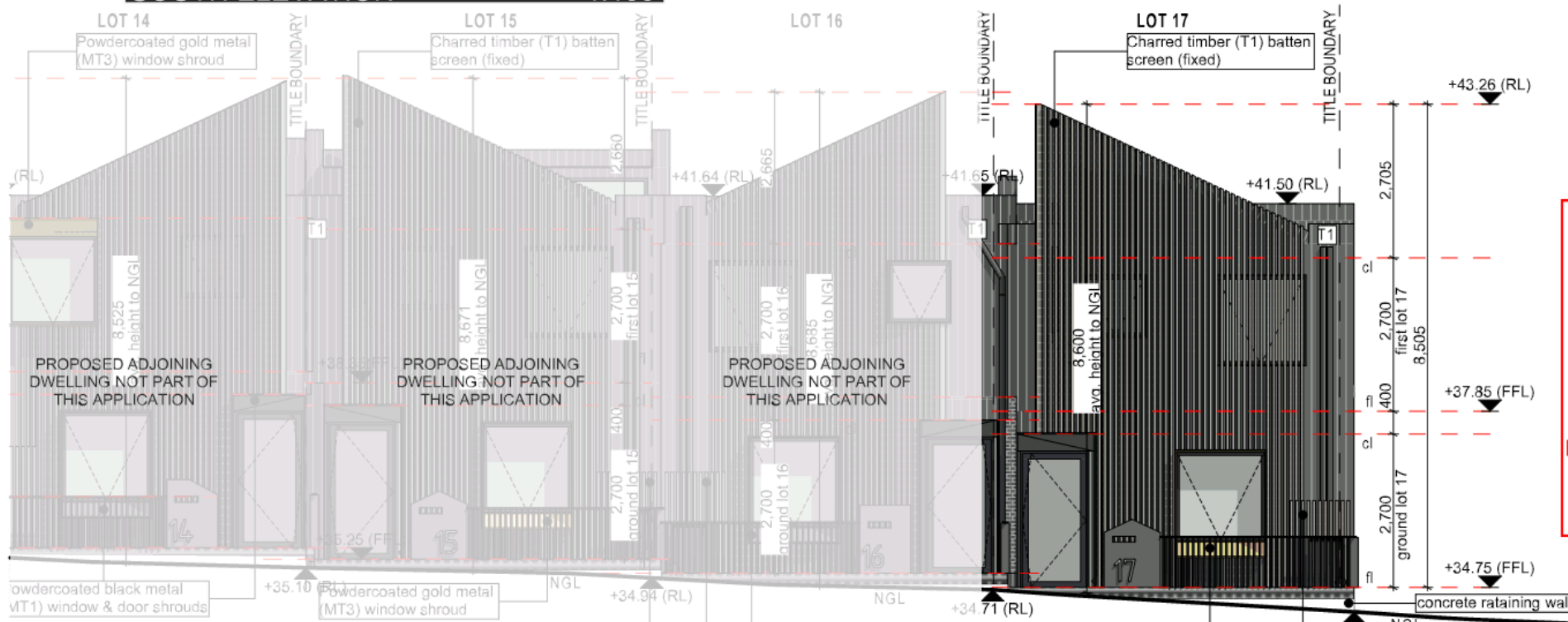
ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



Townhouse 7 Eunson Avenue Northcote DWG No. TP.203 Rev B



SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100

rev C	RF1	03.10.19
rev B	Town Planning Submission	01.08.19
rev A	Town Planning Submission	06.02.19

1:100 @ A3

Elevations : Elevations

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

Finishes Schedule

- G1 All glazing to be clear unless specified
- G2 Obscure glazing
- BR1 Recycled brick veneer
- BR2 Black brick veneer
- BR3 Grey brick veneer
- T1 Charred timber cladding
- RF1 Black corrugated roof sheet
- MT1 Powdercoated black aluminium window / door frames & shrouds
- MT2 Powdercoated gold metal screen 25% open area

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Document No: 4 of 9
Page: 8 of 18

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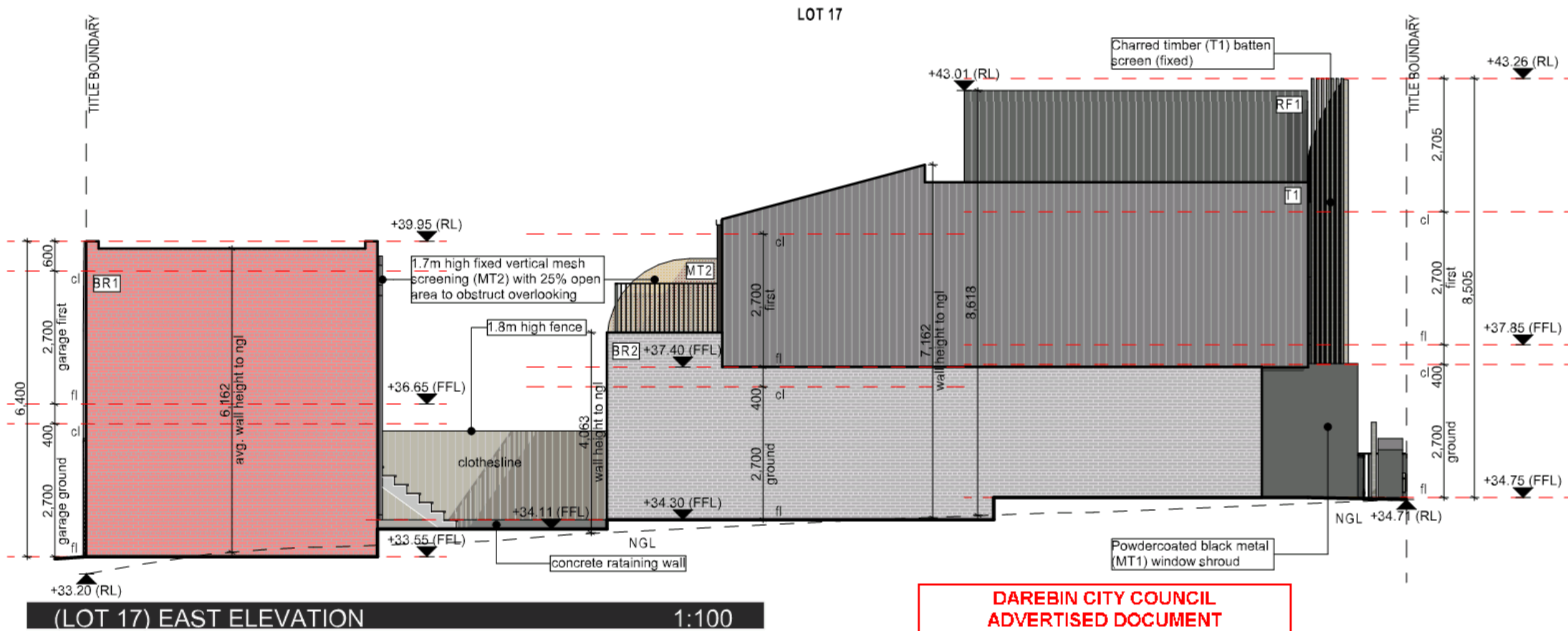
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Eunson Street Perspective

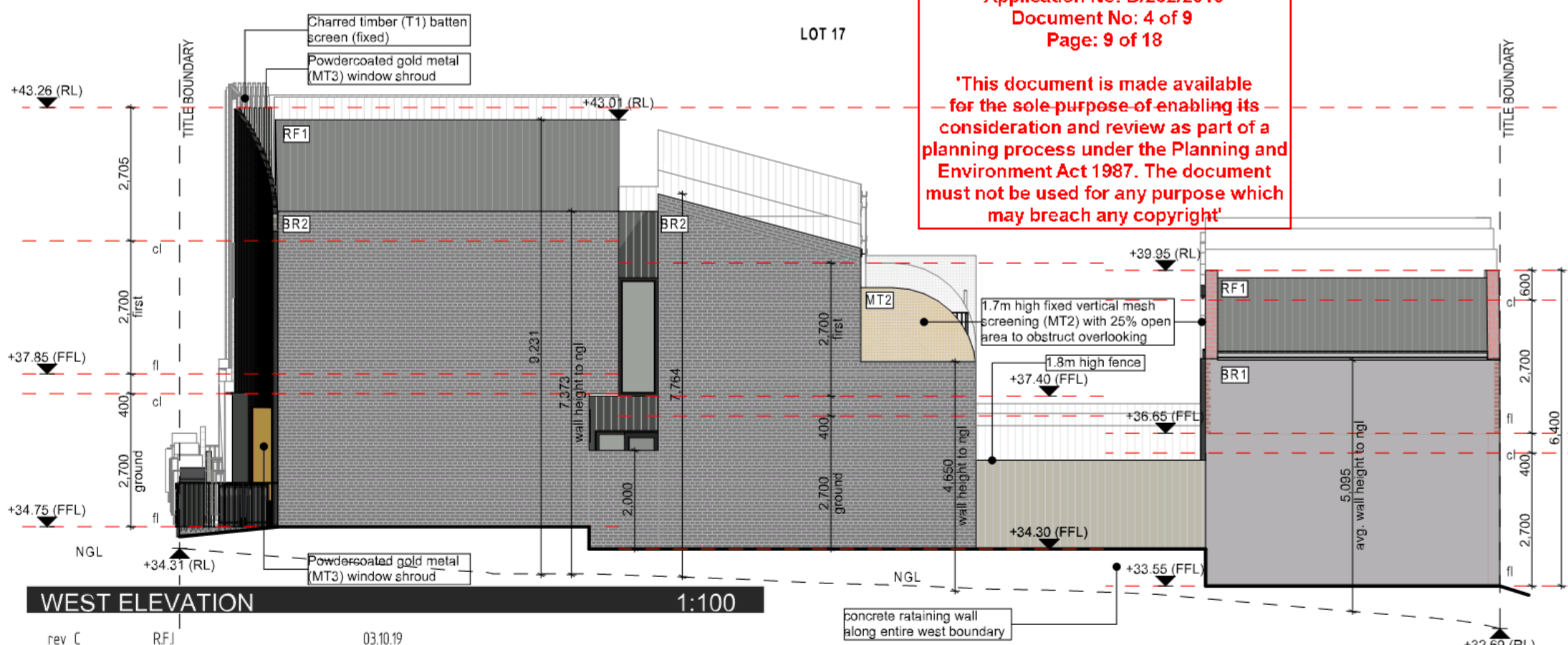




Finishes Schedule	
G1	All glazing to be clear unless specified
G2	Obscure glazing
BR1	Recycled brick veneer
BR2	Black brick veneer
BR3	Grey brick veneer
T1	Charred timber cladding
RF1	Black corrugated roof sheet
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MT2	Powdercoated gold metal screen 25% open area

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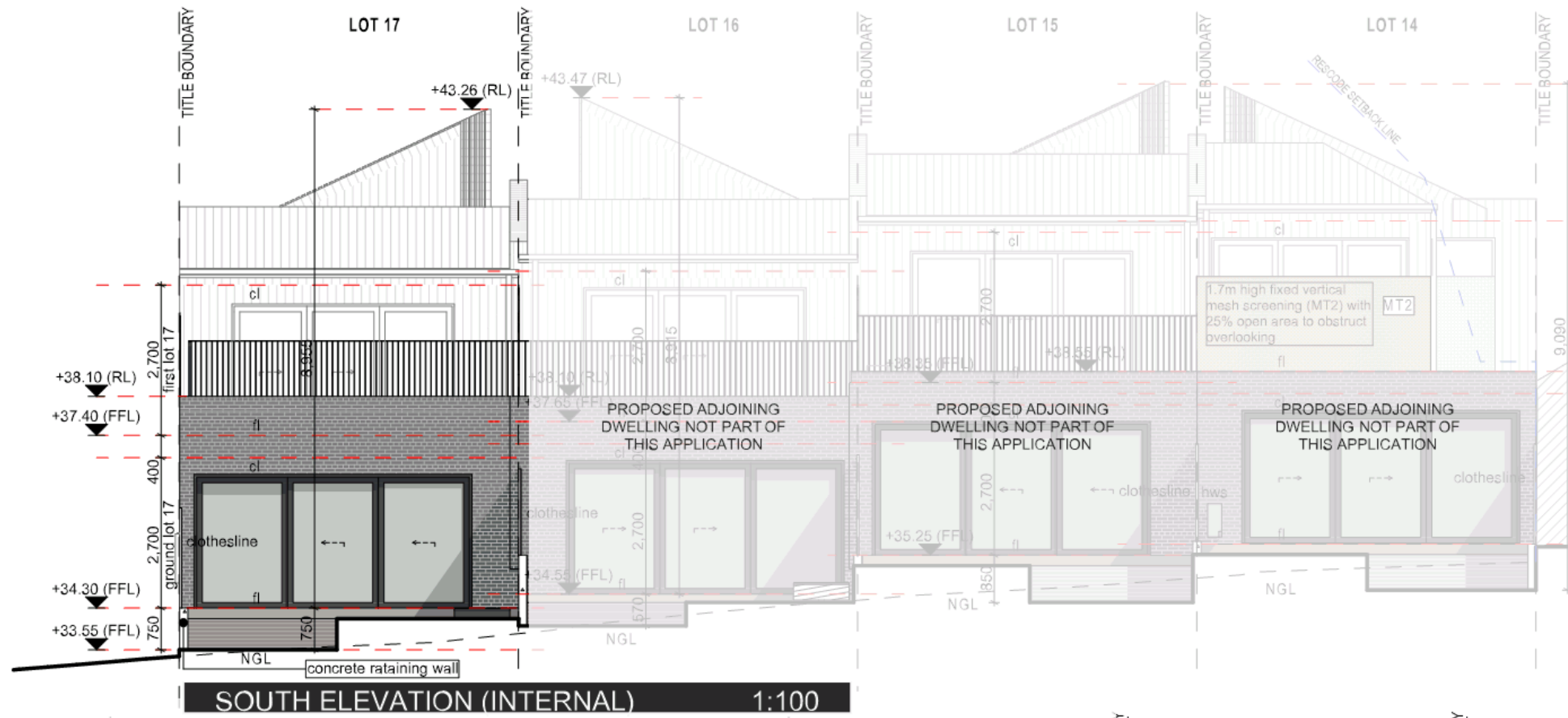
rev C RFJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19

1:100 @ A3
Elevations : Elevations

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

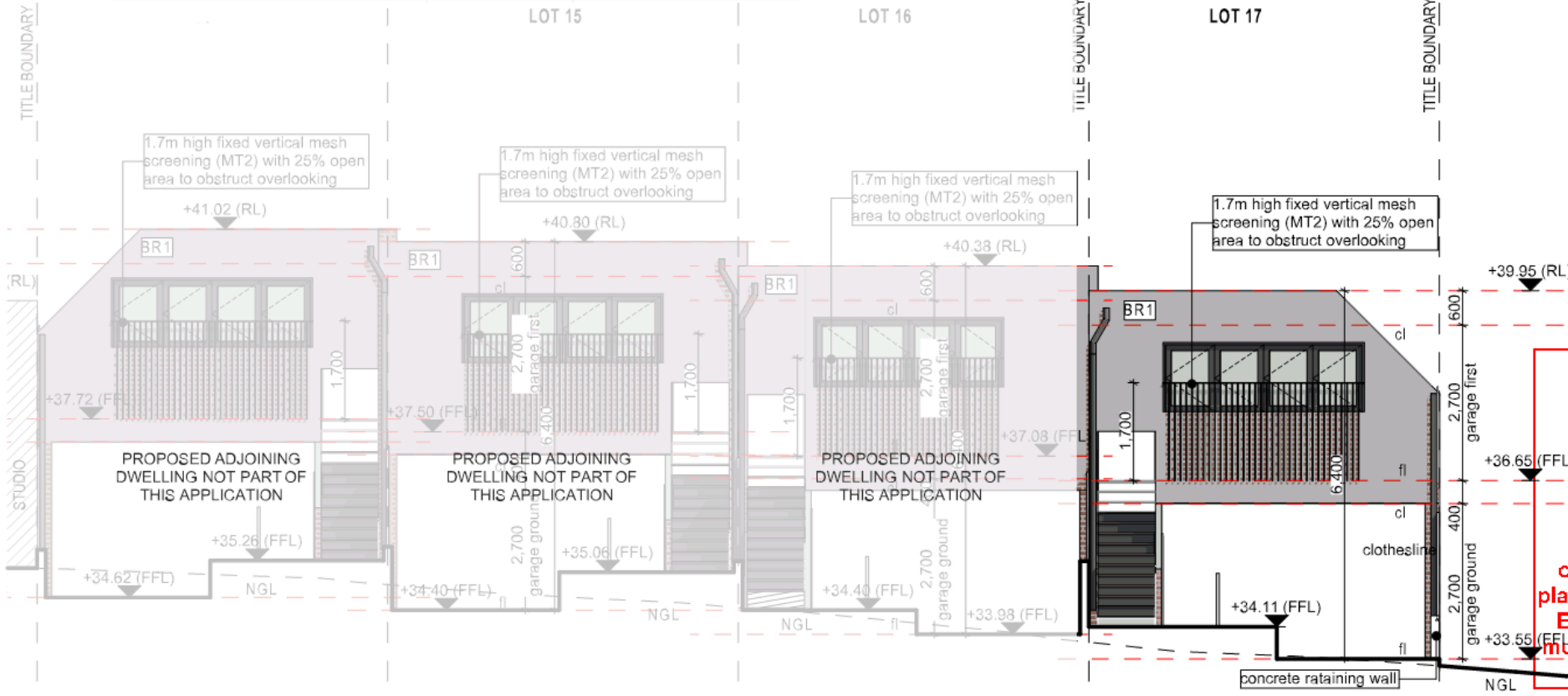


Townhouse 7 Eunson Avenue Northcote DWG No. TP.302 Rev B



SOUTH ELEVATION (INTERNAL) 1:100

Finishes Schedule	
G1	All glazing to be clear unless specified
G2	Obscure glazing
BR1	Recycled brick veneer
BR2	Black brick veneer
BR3	Grey brick veneer
T1	Charred timber cladding
RF1	Black corrugated roof sheet
MT1	Powdercoated black aluminium window / door frames & shrouds
MT2	Powdercoated gold metal screen 25% open area



NORTH ELEVATION (INTERNAL) 1:100

rev C	RFJ	03.10.19
rev B	Town Planning Submission	01.08.19
rev A	Town Planning Submission	06.02.19

1:100 @ A3
Elevations : Elevations Internal Courtyard

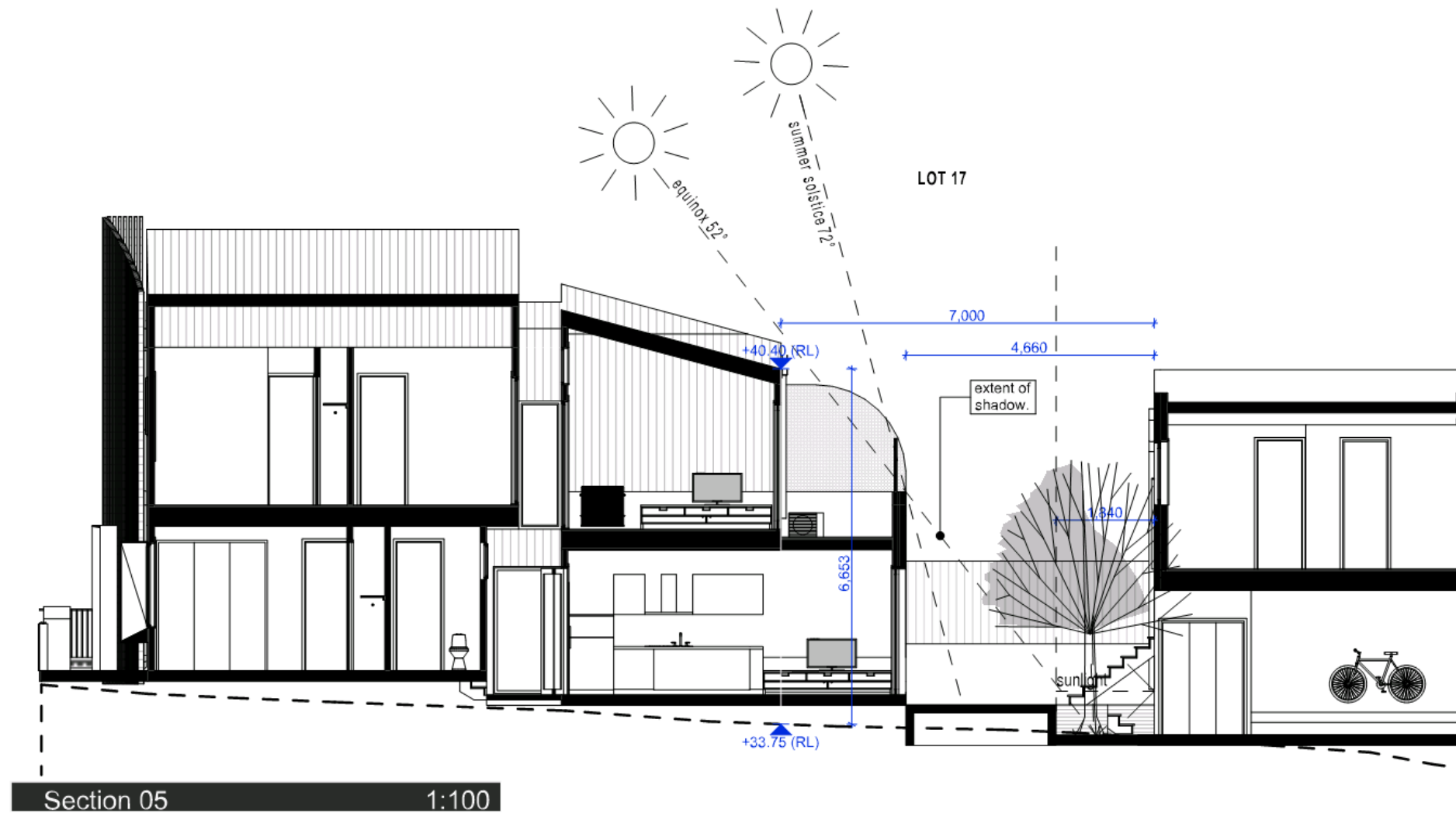
ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

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rev B Town Planning Submission 01.08.19
rev A Town Planning Submission 06.02.19

1:100 @ A3
Elevations : Section 05

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



Townhouse 7 Eunson Avenue Northcote DWG No. TP.304 Rev B

No.3

EUNSON AVE.
SINGLE STOREY
RENDERED
RACED HOUSE

No.5

EUNSON AVE.
SINGLE STOREY
W/BOARD HOUSE

SUBJECT SITE No.7

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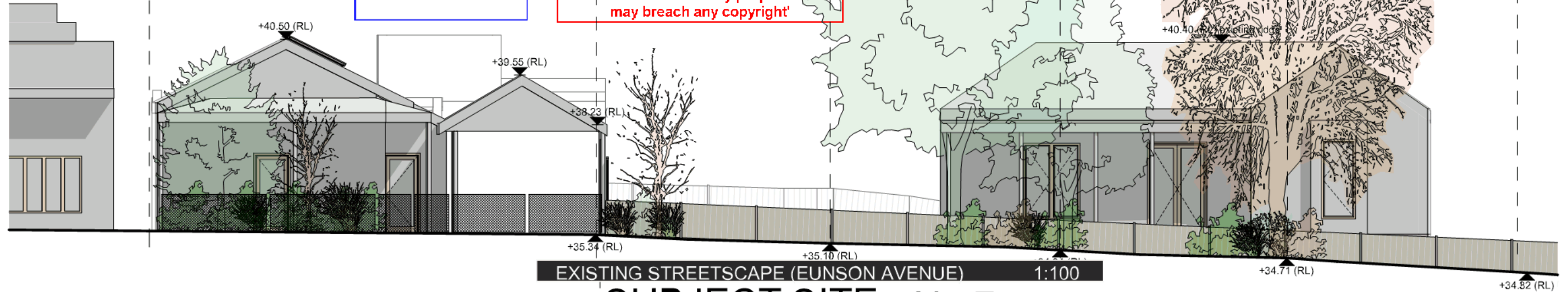
EUNSON AVE.
SINGLE STOREY
W/BOARD HOUSE
LOT 15

LOT 16

LOT 17

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No.3

EUNSON AVE.
SINGLE STOREY
RENDERED
RACED HOUSE

No.5

EUNSON AVE.
SINGLE STOREY
W/BOARD HOUSE

SUBJECT SITE No.7

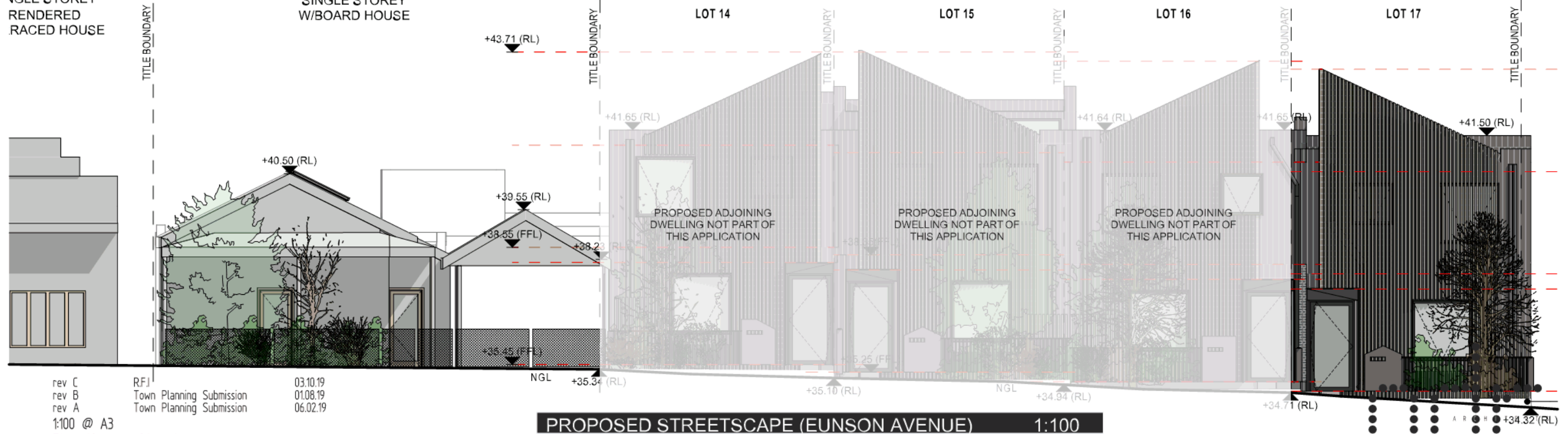
EUNSON AVE.
DOUBLE STOREY TOWNHOUSE

LOT 14

LOT 15

LOT 16

LOT 17



rev C RFJ 03.10.19
rev B Town Planning Submission 01.08.19
rev A Town Planning Submission 06.02.19

1:100 @ A3

Elevations : Streetscapes

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

Townhouse 7 Eunson Avenue Northcote DWG No. TP.305 Rev B

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BR1 Recycled Brick Veneer Cladding
BR2 Black Brick Veneer Cladding
T1 Vertical timber Cladding
RF1 Dark Corrugated Roofing
MT1 Powdercoated black aluminium window / door frames & shrouds
MT2 Powdercoated gold metal screen 25% open area
MT3 Powdercoated gold metal shrouds
GL1 Clear Glazing
GL2 Obscure Glazing
Louvres Timber louvre Metal frame
Front fence Timber slats Metal frame

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rev C RFJ 03.10.19
rev B Town Planning Submission 01.08.19
rev A Town Planning Submission 06.02.19

@ A3
Elevations : Materials

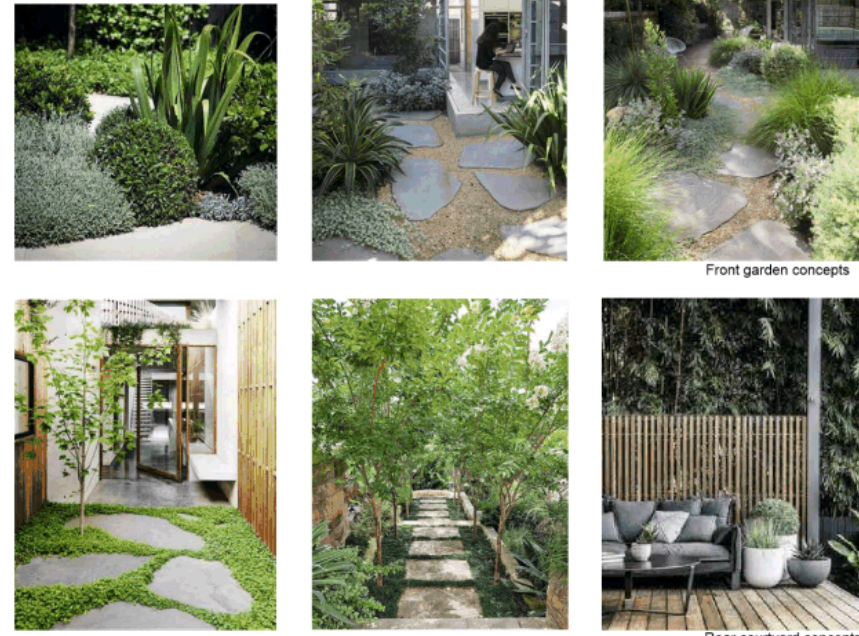
ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



Townhouse 7 Eunson Avenue Northcote DWG No. TP.306 Rev B

EUNSON AVENUE

SERVICE LANE



LEGEND

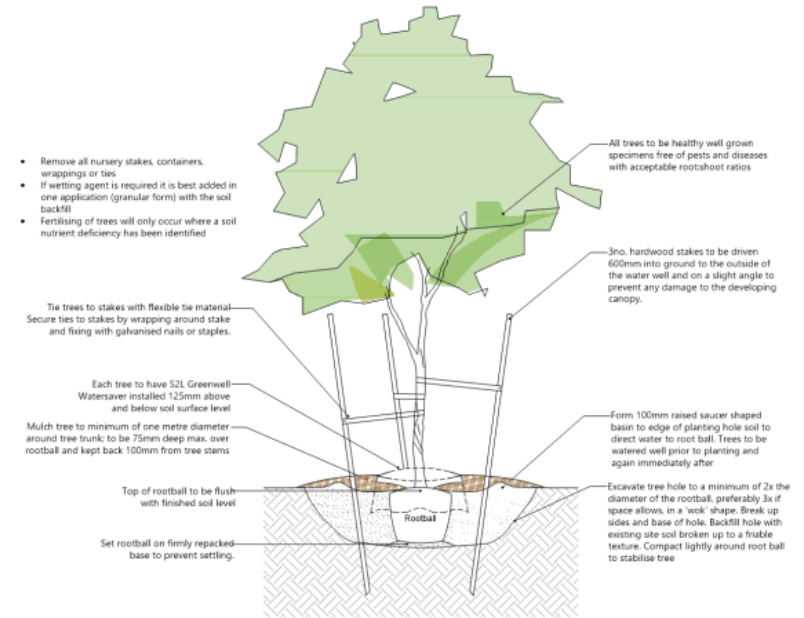
- Proposed New Evergreen Tree - Refer to Plant Schedule
- Proposed Deciduous Tree - Refer to Plant Schedule
- Proposed New Shrubs - Refer to Plant Schedule
- Proposed Groundcovers & Grasses - Refer to Plant Schedule
- Proposed Climbers - Refer to Plant Schedule
- Proposed Permeable Paving - Refer to Typical Detail Final specification to Architect
- Proposed Timber Decking - Refer to Cross-section Final design to Architect
- Proposed Flagstone Steppers - in pebble mulch or groundcovers where shown.
- Proposed Concrete Feature Paving & Steppers to Entrance
- Proposed Pebble Mulch Surface - Refer to Specification Notes

Site Permeability = 25% including mulched garden beds, decking, groundcover, pebbles and permeable paving areas

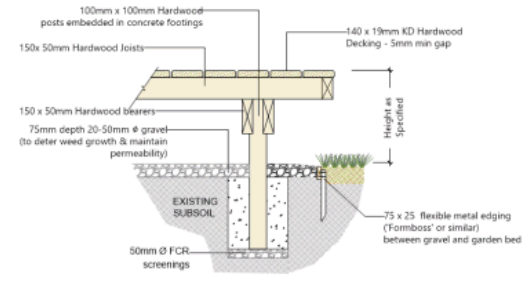
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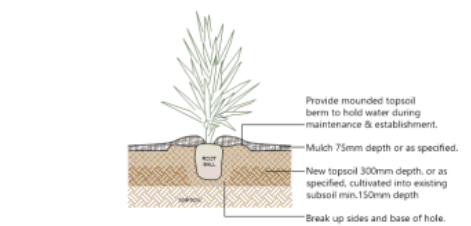
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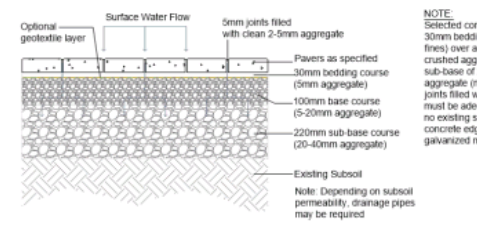
TREE PLANTING DETAIL
Section NTS



D4 TIMBER DECKING CROSS SECTION Final to Architect Design
Scale 1:20



D2 TYPICAL SHRUB PLANTING DETAIL
Scale N.T.S.



D3 TYPICAL PERMEABLE PAVING DETAIL
Scale 1:20

PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	D/E I/N/Ex*	HEIGHT X WIDTH AT MATURITY	MIN SUPPLY SIZE	QTY	SYM
TREES						
<i>Corymbia citriodora</i> 'Scentuos'	Dwarf Lemon-scented Gum	E/N	6-8 x 4-5m	50L/2.0mH	1	Cs
<i>Elaeocarpus reticulatus</i> 'Prima Donna'	Pink Flowering Blueberry Ash	E/N	5-8 x 3m	50L/2.0mH	1	ErP
<i>Lagerstroemia indica</i> x 'Biloui'	Biloui Crepe Myrtle	D/Ex	7-8 x 4-5m	50L/2.0mH	1	Lx8
TOTAL						3
SHRUBS						
<i>Banksia integrifolia</i> 'Sentinel'	Sentinel Banksia	E/N	2-4.0 x 0.6-1.0m	200mm pot	2	BS
<i>Chrysocephalum semipapposum</i>	Clustered Everlasting	E/I	0.4 x 0.4m	140mm pot	4	Cs
<i>Correa reflexa</i>	Common Correa	E/I	1.0 x 1.0m	140mm pot	3	Cr
<i>Euphorbia</i> 'Baby Charm'	Spurge 'Baby Charm'	D/Ex	0.4 x 0.4m	140mm pot	2	EB
<i>Hebe</i> 'Emerald Green'	Emerald Green Hebe	E/Ex	0.4 x 0.4m	140mm pot	2	HE
<i>Rhagodia parabolica</i>	Fragrant Saltbush	E/I	0.5-1.5 m x 0.5-1.5m	140mm pot	1	Rp
<i>Westringia</i> 'Aussie Box'	Native Box	E/N	0.6 x 0.6m	140mm pot	1	WA
TOTAL						15
GRASSES & STRAP-LEAF PLANTS						
<i>Bambusa textilis</i> 'Gracilis'	Slender Weaver's Bamboo	E/Ex	4 x 1.5m	200mm pot	3	Bt
<i>Beschomera yuccoides</i>	Mexican Lily	E/Ex	1 x 1.2m	200mm pot	1	By
<i>Dianella revoluta</i> 'Petite Marie'	Dwarf Dianella	E/N	0.25 x 0.25m	140mm pot	15	DP
<i>Dianella tasmanica</i>	Tasman Flax Lily	E/I	0.8 x 0.8m	140mm pot	8	Dt
<i>Lomandra</i> x 'Lime Tuff'	Lime Tuff Mat-rush	E/N	0.4 x 0.4m	140mm pot	15	LT
TOTAL						42
GROUNDCOVERS						
<i>Dichondra repens</i>	Kidney Plant	E/I	0.1 x 0.2-1m	50mm tube	17	DS
<i>Eriodictyon nutans</i>	Nodding Saltbush	E/I	0.3 x 1.2m	50mm tube	3	En
<i>Pratia pedunculata</i>	Matted Pratia	E/I	0.2 x 0.2-1m	50mm tube	12	GG
<i>Myoporum parvifolium</i>	Creeping Boobialla	E/N	0.2 x 1-3m	140mm pot	2	Mp
TOTAL						34
CLIMBERS						
<i>Ficus pumila</i>	Climbing Fig	E/Ex	Self-clinging Climber	140mm pot	2	Fp
TOTAL						2

*D/E = Deciduous/Evergreen I/N/Ex = Indigenous/Native/Exotic
Indigenous Plant to Darebin- All stock is to be sourced from local provenance.

Soil Preparation
Soil is to be appropriately controlled using...
Planting
Planting is to be carried out as per the species, size and quantities indicated on this Plan.
Organic Mulch
Organic mulch is to be supplied to plantings in rear yard only and is to be an organic type laid to a minimum depth of 75mm, consisting of fine dark coloured chipped or shredded pine bark or hardwood with not more than 5% fines content by volume (preferably zero fines). The average size of the woodchip must be approximately 10mm x 20mm x 5mm and the maximum length is not to exceed 30mm. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be stockpiled and thoroughly weathered prior to delivery.
Stoppers
Paving stoppers (flagstone or concrete where shown) are to be laid within pebble mulch or groundcovers as shown.
Garden Edges
Provide flexible metal edging ('Formboss' or similar) between gravel/garden bed edges at 100mm deep. Install as per manufacturer's instructions using components including 'smart connectors' and tapered stakes.
Maintenance and Establishment
Maintenance and Establishment implies the care and maintenance of the new planting area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. Typically the establishment period is for 13 weeks following the approval of Practical Completion by the responsible authority.

ISSUE	DATE	BY
A Town Planning BPI Issue	27.06.2019	SB

Siân M Bloom
Landscape Design & Arboricultural Consulting
Mob: 0452 541 972
SiânMBloom@outlook.com

NOT FOR CONSTRUCTION

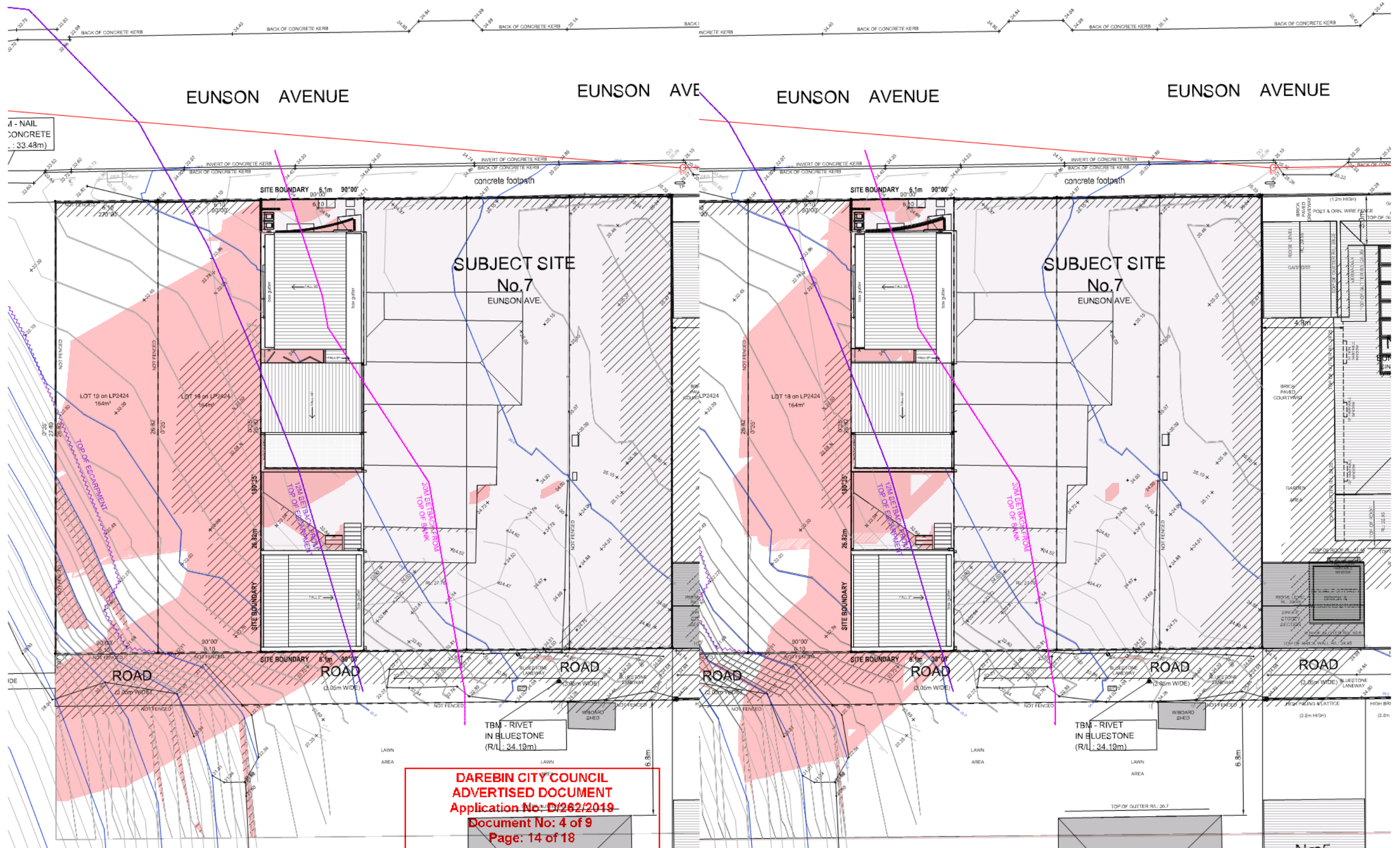
AILDM
Member of the Australian Institute of Landscape Designers & Managers Ltd

CLIENT
Charles Soosaipillai

PROJECT
Proposed Townhouse Development

7 Eunson Avenue, Northcote
LOT 17

SCALE 1:100 @A1
DATE Nov 2018
JOB NO 19-078
DRAWING
Landscape Plan for Town Planning DWG NO. TP01



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Existing shadow
Proposed shadow

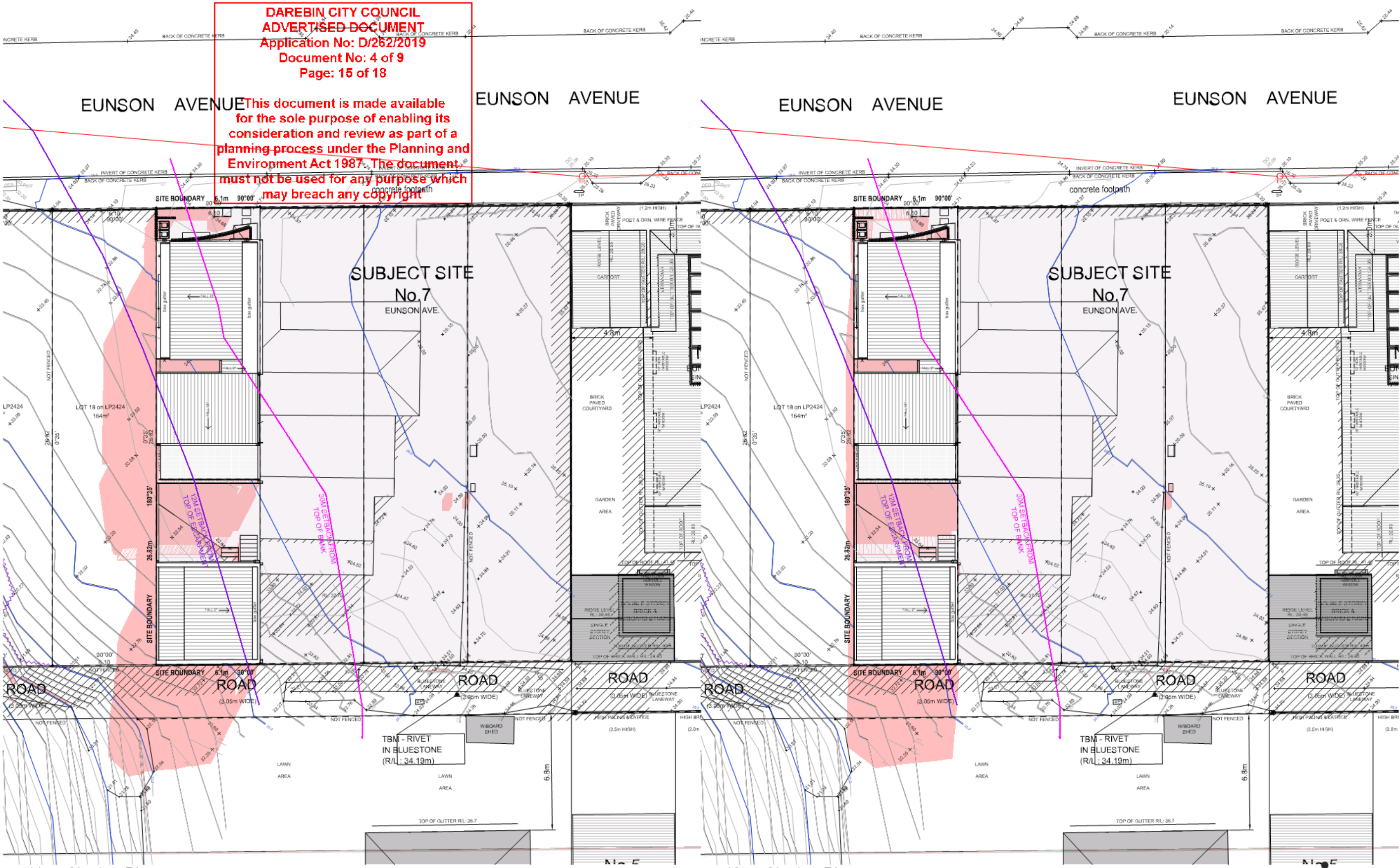


Townhouse 7 Eunson Avenue Northcote DWG No. TP.401 Rev B

9am Shadow Diagram
 rev C RFJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19
 1:200 @ A3
 Shadow Diagrams : Shadow Diagram - Sep 22 09am & 10am
 ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3005 PH: (03) 9023 9330

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11am Shadow Diagram

12pm Shadow Diagram

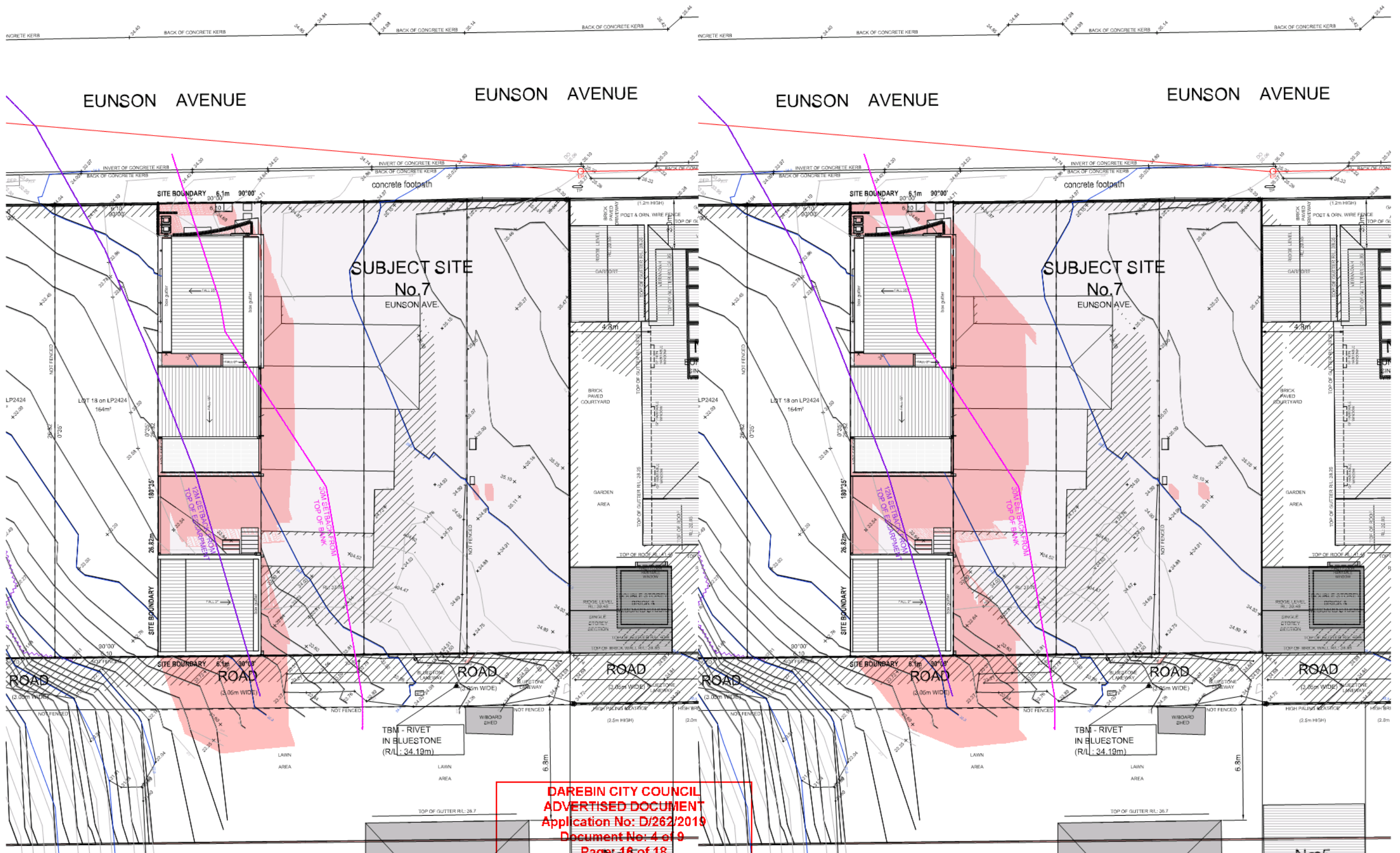
rev C RFJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19
 1:200 @ A3
 Shadow Diagrams : Shadow Diagram - Sep 22 011am & 12pm
 ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

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Existing shadow
 Proposed shadow



Townhouse 7 Eunson Avenue Northcote DWG No. TP.402 Rev B



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Existing shadow
Proposed shadow



Townhouse 7 Eunson Avenue Northcote DWG No. TP.403 Rev B

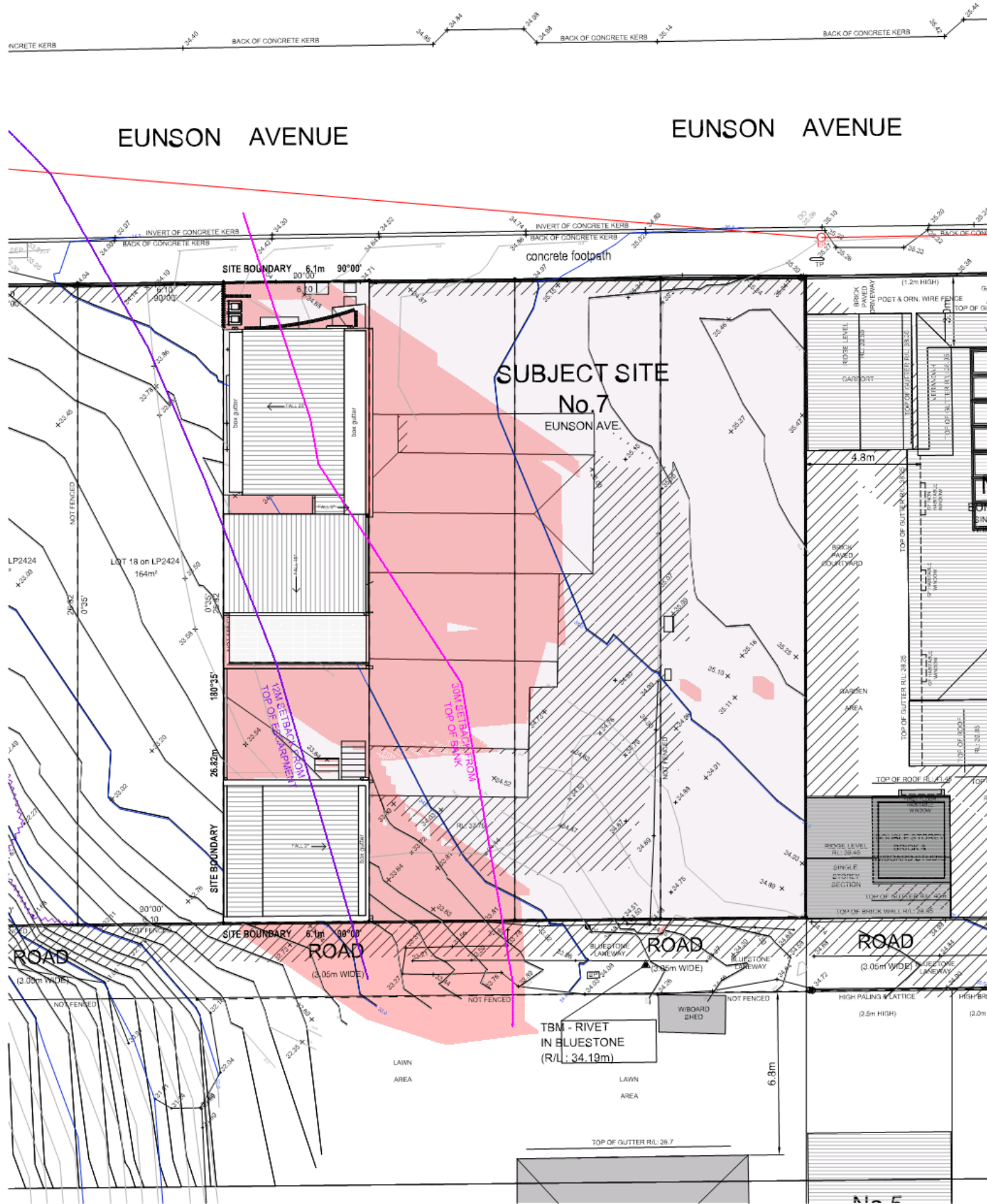
1pm Shadow Diagram

2pm Shadow Diagram

rev C RFJ 03.10.19
 rev B Town Planning Submission 01.08.19
 rev A Town Planning Submission 06.02.19

1:200 @ A3
 Shadow Diagrams : Shadow Diagram - Sep 22 01pm, 02pm

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



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3pm Shadow Diagram

rev C	RFJ	03.10.19
rev B	Town Planning Submission	01.08.19
rev A	Town Planning Submission	06.02.19

1:200 @ A3
Shadow Diagrams : Shadow Diagram - Sep 22 03pm

ORR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330

-  Existing shadow
-  Proposed shadow



Townhouse 7 Eunson Avenue Northcote DWG No. TP.404 Rev B



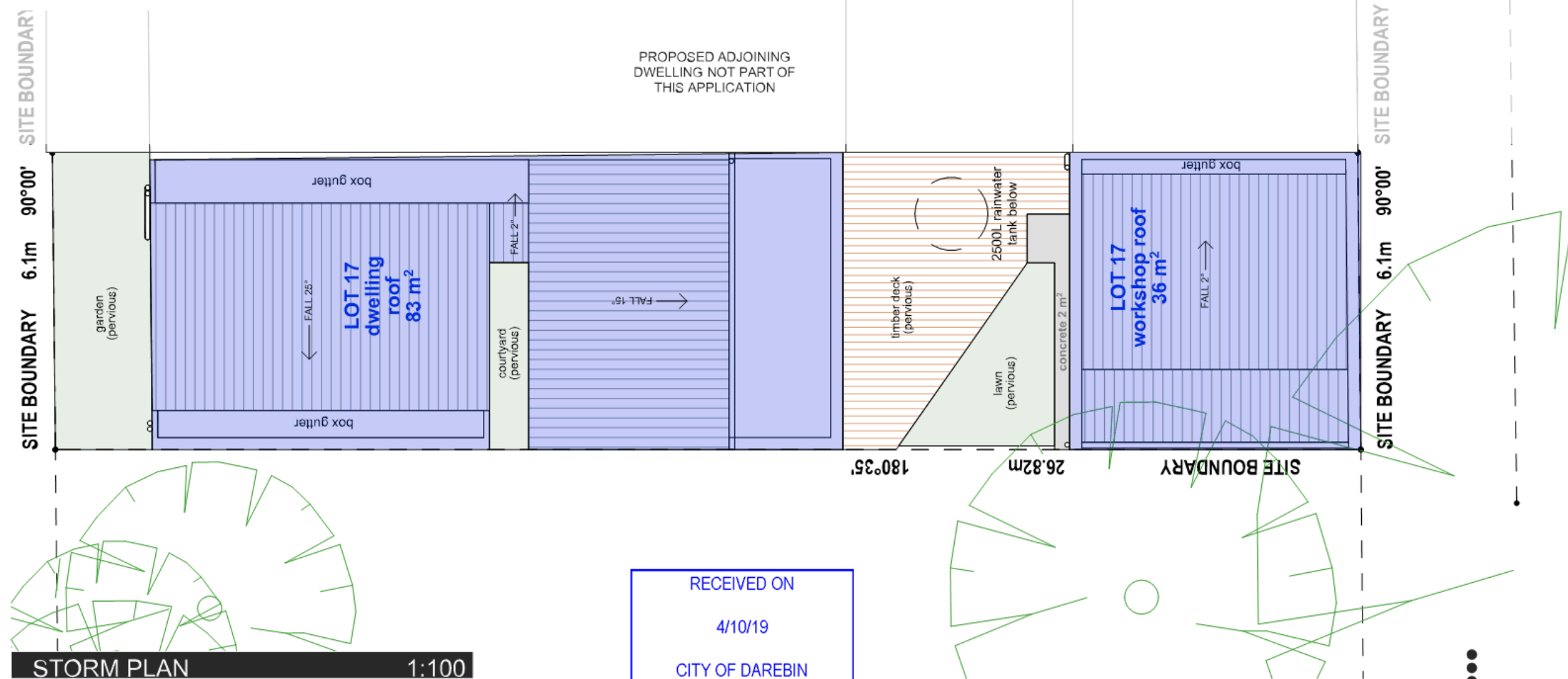
STORM Rating Report

TransactionID: 845004
 Municipality: DAREBIN
 Rainfall Station: DAREBIN
 Address: Lot 17
 7 Eunson Avenue
 Thornbury
 VIC VIC
 Assessor: Lindsay Fischer
 Development Type: Residential - Dwelling
 Allotment Site (m2): 163.60
 STORM Rating %: 104

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Lot 17 Dwelling Roof	83.00	Rainwater Tank	2,500.00	3	151.60	87.60
Lot 17 Workshop Roof	36.00	None	0.00	0	0.00	0.00
Concrete	2.00	None	0.00	0	0.00	0.00

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STORM PLAN 1:100

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Supporting Information : Lot 17 - STORM Plan

ODR ARCHITECTS - STUDIO 5 - 109 HAWKE STREET, WEST MELBOURNE, VIC. 3003 PH. (03) 9023 9330



Townhouse 7 Eunson Avenue Northcote DWG No. TP.501 Rev B

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Recommendation

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

Related Documents

- Nil

Attachments

- General Planning Information - Scheduled VCAT Applications (**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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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	Decision Pending
Result					
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

9 DECEMBER 2019

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

9 DECEMBER 2019

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
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

9 DECEMBER 2019

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

9 DECEMBER 2019

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.				
21/10/2019 (Compulsory Conference)	POD1/2007/E	1056-1140 Plenty Road, Bundoora La Trobe	Amendment to development plan	Failure Appeal – Subsequently Resolve to Oppose	Vacated
Result	This CC was vacated by agreement of the parties				
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

9 DECEMBER 2019

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	Decision Pending
Result					
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	Decision Pending
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

NOVEMBER 2019					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
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	Decision Pending
Result					
12/11/2019	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.				

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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					
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	Decision Pending
Result					
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					
3/12/2019 (Compulsory Conference)	D/787/2017	469-471 Gilbert Road, Preston Cazaly	Section 87A Amendment	Section 87A Amendment	
Result					
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

9 DECEMBER 2019

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	
Result					
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					
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	
Result					
20/12/2019	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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/01/2020 (Compulsory Conference)	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	
Result					
22/01/2020	D/170/2019	53 Liston Avenue, Reservoir La Trobe	Proposed development of two (2) double storey dwellings	Refusal – Applicant appeal	
Result					
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
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	
Result					
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					
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	
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

FEBRUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
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	
Result					
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	
Result					
27/02/2020	D/145/2018	480 Gilbert Road, Preston Cazaly	Section 87A Amendment	Application to Amend Direct to Tribunal	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					
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	
Result					
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. 6) Rear decking increased in width and arbor structure added above part of	Refusal – Applicant Appeal	

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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	
Result					
18/03/2020	D/637/2018	181 Hutton Street, Thornbury Cazaly	Construction of two (2) double storey dwellings	Refusal – Applicant appeal	
Result					
19/03/2020	D/667/2018	6 Bower Street, Northcote Rucker	Construction of two (2) double storey dwellings	Notice of Decision – Objector Appeal	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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					
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					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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

9 DECEMBER 2019

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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

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

9 DECEMBER 2019

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	
Result					
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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

JANUARY 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/01/2020 (Compulsory Conference)	D/945/2018	635 High Street, Preston Cazaly	Proposed use of the premises for the purpose of accommodation (Residential Hotel/backpackers hostel) in a Priority Development Zone (Schedule 2)	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					
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	
Result					
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

9 DECEMBER 2019

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	
Result					

PLANNING COMMITTEE MEETING

9 DECEMBER 2019

MARCH 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
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	
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	
Result					
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	
Result					

Matters completed and to be heard to 31 March 2020

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


8. CLOSE OF MEETING

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