

02 APR 2007

Carmen Powell  
President  
Dandenong & District Historical Society  
The Houlahan Community Centre  
186 Foster Street East, Dandenong VIC 3175

Dear Sir/Madam,

|                                 |   |
|---------------------------------|---|
| <b>Property Details</b>         | <b>157-163 Lonsdale Street DANDENONG VIC 3175</b>   |
| <b>Legal Description</b>        | <b>Lot 1 TP 133187 Por 3 Sec 21 Vol 9022 Fol 918<br/>Lot 2 TP 133187 Part Por 4 Sec 21 Vol 9022 Fol 918</b>   |
| <b>Proposed Use</b>             | <b>Buildings &amp; Works In Association With Retail Premises,<br/>Accommodation (Serviced Apartments x 56) Dwellings x 18,<br/>Place of Assembly (Conference Centre), Food &amp; Drink<br/>Premises, Office, Demolition of a Building &amp; Waiver of<br/>Carparking &amp; Loading Bay Requirements</b> |
| <b>Planning Application No.</b> | <b>PDA06/0082</b>   |

I enclose your copy of a Notice of Decision to issue a permit for this application, subject to the conditions shown in the Notice. A permit will be issued in accordance with the Notice of Decision if there is no appeal against the Minister for Planning's decision.

You have a right to appeal against the Minister for Planning's decision. Such an appeal must be lodged with the Registrar, Victorian Civil and Administrative Tribunal, 55 King Street, Melbourne, Victoria, 3000, by the closing date for appeals by objectors stated in the Notice.

Any appeals must be in writing.

Yours sincerely,



Claudette Fahy  
**Manager South Sector**  
**Office of Planning and Urban Design**

**NOTICE OF  
DECISION TO  
GRANT A PERMIT**

*Application No:* PDA06/0082

*Planning Scheme:* Greater Dandenong  
Planning Scheme

*Responsible Authority :* The Minister for Planning

**The Responsible Authority has decided to grant a permit. The permit has NOT been issued.**

**ADDRESS OF THE LAND:** 157-163 Lonsdale Street Dandenong 3175  
(Lot 1 TP 133187 Por 3 Sec 21 Vol 9022 Fol 918)

**WHAT WILL THE  
PERMIT ALLOW?**

Demolition of a building in a Heritage Overlay.

Use of the land for a food and drink premises (ground floor), retail premises (ground floor), function centre (first floor – Lonsdale Street building), residential building (second, third, fourth and fifth floors – Lonsdale Street building).

Buildings and works in association with the uses above and dwellings (sixth and seventh floors – Lonsdale Street) and offices (third fourth and fifth floors of the Thomas Street building).

A reduction in car parking requirements associated with the retail premises, food & drink premises, serviced apartments and function centre under Clauses 37.02 Schedule 2 and 52.06 of the planning scheme.

A waiver of loading and unloading facilities requirements under Clause 52.07 of the planning scheme. Alteration of access to a road in a Road Zone Category 1.

Use of the café, function centre and serviced apartments (bar fridges) as shown on the endorsed plans to sell and consume liquor.

All in accordance with the endorsed plans.

**WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

Continued...

Date Issued 02 APR 2007

Signature for and on behalf  
of the Responsible Authority

*Claudette Faray*

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to grant a permit. The permit has not been issued.

This Notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

### WHAT ABOUT APPEALS?

#### For the Applicant -

- \* The person who applied for the permit may appeal against any condition in the notice of decision to grant a permit. The appeal must be lodged within 60 days of the giving of this notice.

#### For an Objector -

- \* An objector may appeal against the decision of the Responsible Authority to grant a permit. The appeal must be lodged within 21 days of the giving of this notice.
- \* If there is no appeal, a permit will be issued after 21 days of the giving of this notice.

#### For all appeals -

- \* An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- \* An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- \* An appeal must state the grounds upon which it is based.
- \* An appeal must also be served on the Responsible Authority.
- \* Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
- \* Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
- \* A Notice of Appeal form can be obtained from the Victorian Civil and Administrative Tribunal.
- \* The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne, 3000. The telephone number is 03 9628 9777.

**PLANNING APPLICATION NO. PDA06/0082**

**Before the development of the site**

*Amended plans (\*Some VicRoads conditions require action before endorsement of plans – see below)*

1. Before the development starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, or some other specified plans, but modified to show:

- 1.1. flues, exhausts and other on-site noise and emission sources.
  - 1.2. all bedroom room windows/doors with recessed balconies to have a minimum glazed width of 1 metre or to have a glazed area of sufficient dimension so as to allow sufficient daylight.
  - 1.3. provide detail of storage at car spaces 4 through 9 to demonstrate a useable storage space or provide alternative storage arrangements.
  - 1.4. Canopies/awnings to extend to cover a majority of the pedestrian paths on Foster street, Thomas Street and Lonsdale Street.
  - 1.5. Inclusion of material representation of the former building and use on the site within the foyer area of the Lonsdale Street building deriving from, but not limited to the archival record requested under this permit.
  - 1.6. Improved resolution of the Foster Street façade through the use of, but not limited to, materials and/or articulation in order to minimise blank walls and create visual interest and an appropriate response to the street corner with reference to the building's prominence.
  - 1.7. The height of the proposed Foster Street verandah align with the existing shop verandahs on the adjacent property to the south unless otherwise agreed to in writing by the Responsible Authority.
  - 1.8. Provision for a proportion of the proposed car spaces to be set aside for disabled parking in accordance with the relevant Australian Standard or other arrangements as agreed in writing by the Responsible Authority.
  - 1.9. Land marked for the creation of a right-of-way easement in favour of properties adjoining Wagstaff Lane.
- All to the satisfaction of the Responsible Authority.

*Provision of Heritage archival material*

2. Prior to the heritage place being demolished an archival record must be prepared to the satisfaction of the Responsible Authority in consultation with Greater Dandenong City Council and four copies of the archival record must be provided to the Responsible Authority without limitation on the potential distribution or display of the archival record.

*Waste Management Plan*

3. A Waste Management Plan must be submitted to and approved by the Responsible Authority in consultation with the City of Greater Dandenong. The Waste Management Plan must include, but not be limited to:
  - 3.1. Methods used to reduce waste generation on site.
  - 3.2. Methods used to enable separation of waste for recycling.
  - 3.3. Provision for removal of all waste generated on the site.
  - 3.4. The number, location and type of bins required for users of the site.
  - 3.5. Details of waste management in relation to each separate use allowed under this permit.
  - 3.6. Appropriate methods for the internal movement of waste between dwellings and internal common bin storage.
  - 3.7. Provision for ventilation and drainage in any enclosed bin storage area.All to the satisfaction of the Responsible Authority.

*Environmentally Sensitive Design Plan*

Date Issued 02 APR 2007

Signature for and on behalf  
of the Responsible Authority

*Claudette Fahy*

**PLANNING APPLICATION NO. PDA06/0082**

4. Before development commences an Environmentally Sustainable Design Plan (ESD Plan) must be submitted to, and approved by the Responsible Authority. The ESD Plan must be prepared by a suitably qualified person and address, but not be limited to, the following:
  - 4.1. Measures to minimise water consumption and/or re-use water captured on site.
  - 4.2. Measures to minimise the energy consumption of the building's users.
  - 4.3. Measures to maximise access to natural light and natural ventilation where appropriate.
  - 4.4. Selection and use of building materials.
  - 4.5. Measures to encourage travel other than by private vehicle.

All to the satisfaction of the Responsible Authority.

*Parking Management Plan*

5. A Parking Management Plan must be submitted to and approved by the Responsible Authority. The Parking Management Plan must include, but is not limited to, the following:
  - 5.1. Safety and security, both within the car park and its interface with the public realm,
  - 5.2. Hours of access,
  - 5.3. Staffing,
  - 5.4. Allocation of dedicated car spaces for dwellings and office and methods of enforcing allocations. This includes, but is not limited to, an integrated, legible, signage strategy for the car park, restrictions on public movement within part of the car park.
  - 5.5. Maintenance and management of parking controls.

All to the satisfaction of the Responsible Authority.

*Construction Management Plan*

6. Prior to the commencement of development a Construction Management Plan must be submitted to and approved by the Responsible Authority that includes, but is not limited to:
  - 6.1. Timing and staging of construction;
  - 6.2. Hours of construction;
  - 6.3. Maintenance and security of the site;
  - 6.4. Waste management associated with construction;
  - 6.5. Protection of adjacent and nearby public assets;
  - 6.6. Traffic management and parking arrangements.

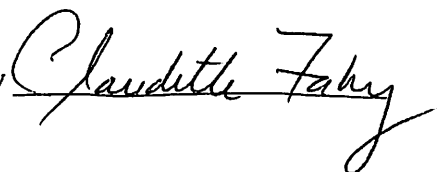
All to the satisfaction of the Responsible Authority.

*Development of the site*

7. The development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.
8. Once the development has started, it must be continued and completed all to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without the further written consent of the Responsible Authority.
10. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.
11. Access to the site and any associated roadworks must be constructed to the satisfaction of the Responsible Authority.
12. No compensation shall be payable by the Responsible Authority or Greater Dandenong City Council for any buildings and/or works carried out pursuant to this permit.
13. Before use of the site under this permit

Date Issued 02 APR 2007

Signature for and on behalf  
of the Responsible Authority



**PLANNING APPLICATION NO. PDA06/0082**

14. Prior to use of the land under this permit, an easement that allows right-of-way over part of land as shown on the endorsed plans must be created on the relevant Plan of Subdivision in favour of all properties adjoining Wagstaff Lane to the satisfaction of the Responsible Authority and the City of Greater Dandenong.
15. The permitted uses must not commence and the subject site must not be occupied for that use until all buildings and works and the conditions of this permit have been complied with, unless with the further written consent of the Responsible Authority.
16. Before the use of the land starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - 16.1. Constructed in accordance with the endorsed plan/s.
  - 16.2. Line-marked to indicate each car space and all access lanes.All to the satisfaction of the Responsible Authority.  
Parking areas and access lanes must be kept available for these purposes at all times.
17. Prior to the commencement of use all bicycle racks shown in public road reserves must be installed to the satisfaction of the relevant road manager.

*VicRoads conditions*

18. All redundant vehicular crossovers on Lonsdale Street must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

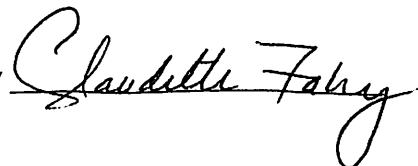
*Ongoing compliance with permit*

19. The function centre may operate only between the hours of 6am through 12am on any day unless with the written consent of the Responsible Authority.
20. Without the written permission of the Responsible Authority, no more than 250 persons shall be permitted to use the function centre at any time.
21. The noise measured in sleeping areas of the proposed dwellings must not exceed 45db(A) with the windows closed and in other habitable rooms must not exceed 50 db(A) with the windows closed.
22. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:
  - 22.1. Transport of materials, goods or commodities to or from the land,
  - 22.2. Appearance of any building, works or materials,
  - 22.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - 22.4. Presence of vermin,All to the satisfaction of the Responsible Authority.
23. All external lighting of the site, including car parking areas and buildings, must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
24. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
25. The carparking provided on the land must always be used in accordance with an approved Parking Management Plan approved under this permit.
26. The carparking area must be lit if in use during hours of darkness, and all lights must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, all to the satisfaction of the Responsible Authority.
27. The car parking spaces for disabled persons designated on the endorsed plans must be clearly set aside for such a purpose and must not be used for any other purpose.

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Date Issued 02 APR 2007

Signature for and on behalf  
of the Responsible Authority



**PLANNING APPLICATION NO. PDA06/0082**

*Timing of permit*

28. This permit will expire if:-
- 28.1. The development does not start within two (2) years of the date of this permit, or
  - 28.2. The development is not completed within five (5) years of the date of this permit, or
  - 28.3. The use does not start within one (1) year of the completion of the development, or
  - 28.4. The use is discontinued for a period of two (2) years.
29. Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

End of Proposed Conditions

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Date Issued 02 APR 2007

Signature for and on behalf  
of the Responsible Authority

*Gaudette Fahy*



2  
2  
See attached  
"correspondence"  
with this letter

2  
copy only  
posted 14/12/06  
copy sent to Matthew Kerivan  
as well

The Honourable Justin Madden  
Minister for Planning  
Level 17  
8 Nicholson Street,  
EAST MELBOURNE VIC 3002

13 December 2006

Dear Mr Madden,

**RE: PLANNING APPLICATION (REF NO PDA06/0082) FOR ARKANA SITE IN DANDENONG**

The Dandenong and District Historical Society hereby lodge an objection to the proposed development by Deal Corporation of the Arkana site.

The significance of the Arkana site (also known as the Cosy Corner Café) was noted in the City of Greater Dandenong Heritage Study of 1998 and we quote from this study.

*The Cosy corner Café and adjoining shops in Foster Street are significant to Dandenong for the following reasons:*

- *the Cosy Café's long-term role as a well preserved major corner element in the early 20<sup>th</sup> century Lonsdale Street development*
- *the Cosy Café's landmark and distinctive architectural qualities among more recent construction [1912]*
- *the architectural value of the corner building with its tower and detailed shopfronts*
- *the contributory role of 126-134 Foster Street as obviously early shops in Dandenong and part of Russell's development of the corner.*

*The buildings adjoining the Cosy Corner Café are of contributory significance when viewed as a group of buildings supporting the heritage significance of the original central café.*

The Arkana site falls within the boundaries of the Revitalising Dandenong Project which has the support of the Historical Society. However, we believe it is imperative that developers be required to preserve significant architectural elements of the past and to incorporate them within new developments. For example, the Cosy Corner Café itself could be retained within a forecourt thus blending the old with the new.

We urge you to consider this objection and act to preserve this iconic corner façade.

Yours sincerely,

Carmen Powell  
President

20 December 2006.

Dandenong and District Historical Society  
PO Box 8029  
DANDENONG VIC 3175

Dear Carmen Powell,

**ARKANA BUILDING AND ITS HERITAGE OVERLAY**

I refer to your letter dated 15 November 2006 and note your comments in respect of the proposed redevelopment of the site and demolition of the buildings thereon.

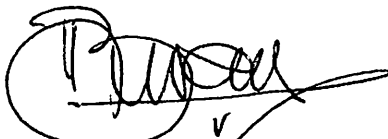
As noted in previous correspondence from my office in respect of heritage matters, please be assured that this application and its heritage issues will be thoroughly and fully evaluated.

While the application will be processed by the Minister for Planning as the Responsible Authority for central Dandenong, the Council as a stakeholder in the planning process for the city will make a recommendation to the Minister in terms of its ultimate conclusions on the matter once its evaluation of all issues have been completed. In that process the recommendations by various heritage architects and consultants will be evaluated by Council officers, before an opinion is formed and a recommendation is given.

Your comments are gratefully received and will most certainly be taken into account in the process.

I have also passed on to the Minister's delegate a copy of your letter and am assured by the Minister's delegate that its contents will similarly be taken into account by the Responsible Authority in their evaluation of the application, and the decision that they will ultimately make in this regard.

Yours faithfully,



Mr Jody Bogman  
Manager Planning and Design

Customer Service  
Springvale  
397-405 Springvale Road  
Dandenong  
39 Clow Street  
Noble Park  
18-32 Buckley Street

Keysborough  
Shop A7  
Parkmore Shopping Centre  
Business Development Centre  
Suite 1, 4th Floor  
329 Thomas Street  
Dandenong

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