



**ORDINARY COUNCIL (TOWN PLANNING) MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 27 MARCH 2017

7.00 PM

**COUNCIL CHAMBER, HUME GLOBAL LEARNING CENTRE,
BROADMEADOWS**

OUR VISION:

Hume City Council will be recognised as a leader in achieving social, environmental and economic outcomes with a common goal of connecting our proud community and celebrating the diversity of Hume.

HUME CITY COUNCIL

**Notice of an
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL**
to be held on Monday, 27 March 2017
at 7.00 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council	Cr Drew Jessop Cr Ann Potter Cr Joseph Haweil Cr Jodi Jackson Cr Carly Moore Cr Leigh Johnson Cr Jack Medcraft Cr Naim Kurt Cr Geoff Porter Cr Karen Sherry Cr Jana Taylor	Mayor Deputy Mayor
b: Officers	Mr Domenic Isola Mr Peter Waite Mr Daryl Whitfort Ms Margarita Caddick Mr Kelvin Walsh Ms Sue Haviland	Chief Executive Officer Director Sustainable Infrastructure and Services Director Corporate Services Director Community Services Director Planning and Development Acting Director Communications, Engagement and Advocacy

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

"I would like to acknowledge that we are meeting on Gunung-Willam-Balluk land. The Gunung-Willam-Balluk of the Wurundjeri are the first and original people of this land. I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today."

ORDER OF BUSINESS

1. PRAYER

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Hume City.

Amen

2. APOLOGIES

3. DISCLOSURE OF INTEREST

Councillors' attention is drawn to the provisions of the Local Government Act 1989 in relation to the disclosure of conflicts of interests. Councillors are required to disclose any conflict of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the Chamber during discussion and not vote on the relevant item.

4. OFFICER'S REPORTS

The Mayor will ask the Councillors and gallery at the commencement of this section, which reports they wish to speak to. These reports will then be discussed in the order they appear on the notice paper. Reports not called will be dealt with in a block resolution at the end.

Item No **Title** **Page**

SUSTAINABILITY AND ENVIRONMENT

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5. CONFIDENTIAL ITEMS

The Meeting may be closed to members of the public to consider confidential matters.

RECOMMENDATION:

THAT the Council close the meeting to the public pursuant to Section 89(2) (sub sections as listed), of the Local Government Act 1989 to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for Confidential
COGE121	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE122	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person

6. CLOSURE OF MEETING

**DOMENIC ISOLA
CHIEF EXECUTIVE OFFICER**

23/03/2017

REPORT NO:	SU203
REPORT TITLE:	94-96 Horne Street, Sunbury- The use and development of a service station, display of advertising signage and variation of the requirements of Clause 52.12 of the Hume Planning Scheme.
SOURCE:	Kamal Hasanoff, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P19343
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Locality Map</i>2. <i>Aerial Map</i>3. <i>VCAT Consent Order</i>

Application No:	P19343
Proposal:	The use and development of a service station, display of advertising signage and variation of the requirements of Clause 52.12 of the Hume Planning Scheme.
Location:	94-96 Horne Street, Sunbury
Zoning:	Mixed Use Zone
Applicant:	Kenik Pty Ltd
Date Received:	9 February 2016

1. SUMMARY OF REPORT:

- 1.1 Council received an application for the use and development of a service station, display of advertising signage and variation of the requirements of Clause 52.12 of the Hume Planning Scheme at 94-96 Horne Street, Sunbury.
- 1.2 The application was advertised and 41 objections and a petition were received.
- 1.3 A Failure to Determine appeal was lodged with the Victorian Civil and Administrative Tribunal (VCAT) in relation to this matter and a Compulsory Conference was scheduled for 1 March 2017. Council determined a view to present to the Compulsory Conference, at its meeting on the 27 February 2017, which was to not support the proposed service station.
- 1.4 A Compulsory Conference is a formal opportunity to mediate an outcome of the matter facilitated by VCAT. Three objectors were formal parties to the Failure to Determine appeal at VCAT and attended the Compulsory Conference. Council's view was advised to all the parties at the Compulsory Conference and VCAT facilitated discussion between the parties on the matter.
- 1.5 Detailed negotiations at the Compulsory Conference concluded in the objecting parties to the appeal and the permit applicant reaching an agreement that a permit for the service station be issued (at direction of VCAT) subject to improved planning permit conditions and a side agreement related to improvements to the child care centre site to manage the interface of the uses.

REPORT NO: SU203 (cont.)

- 1.6 The agreement reached has been signed by the permit applicant and objecting parties to the appeal however it is not formal until Council consents to the agreement.
- 1.7 In the event Council consents to the agreement the full hearing scheduled for April will be cancelled and a permit will issue subject to the agreement reached. In the event Council does not support the agreement reached, the agreement will be null and void and the full hearing will occur in April.
- 1.8 The agreement reached by the parties is consistent with the officer's report to the 27 February 2017 Council meeting with improved and enhanced conditions and an opportunity for improvements to the child care centre to manage the interface of the uses. The agreement reached will ensure the proposed service station can adequately respond to surrounding land uses and the overall context of the planning controls relevant to the site under the Hume Planning Scheme and it is recommended the agreement be supported.

2. RECOMMENDATION:

That Council, support the consent order agreed at the Compulsory Conference of the 1 March 2017 for the Victorian Civil and Administrative Tribunal application P221/2016, related to planning application P19343, which allows a planning permit to issue for the use and development of a service station, display of advertising signage and variation of the requirements of Clause 52.12 of the Hume Planning Scheme at 94-96 Horne Street, Sunbury (the site) subject to the conditions and agreements in the consent order.

3. PROPOSAL:

- 3.1 It is proposed to develop and use the subject site for a service station operating 24 hours a day seven days per week. The service station would include a small convenience shop with a floor area of approximately 70sqm, a canopy with four double petrol bowsers below it, underground petroleum storage tanks, provision of nine car parking spaces and a loading zone.
- 3.2 The layout of the service station would consist of the convenience store being located toward the rear west of the site, off-set from the western common boundary by approximately 4.155 metres. Immediately adjacent to the north and east of the convenience store, nine car spaces would be located including the loading zone to its immediate south. An access way separates the convenience store and car spaces from the petrol bowser canopy which is centrally located within the site having a north-south alignment and setback approximately 9 metres from the eastern street frontage.
- 3.3 The centrally located canopy would have a dimension of approximately 31 metres in length and 8 metres wide. The canopy would have a height of 6.1 metres at its highest point along its elevation and reducing to 5.68 metres where it attaches to the convenience store. To the immediate east of the petrol bowser canopy and street frontage, three below ground petroleum storage tanks would be located.
- 3.4 A dedicated pedestrian path would be provided connecting from the footpath along the street frontage and extending along the south boundary toward the front entry of the convenience store.
- 3.5 Access into the site would be provided at the southern corner of the street frontage while exit would occur at the northern corner of the street frontage. The access arrangements are strictly one way in and one way out.
- 3.6 Landscaping would be provided along all title boundaries. A 3.44 metre wide landscaping strip would be provided along the street frontage, a 1.5 metre wide landscape strip along the north and south boundaries and a 4.15 metre wide landscape bed along the full length of the western title boundary.

REPORT NO: SU203 (cont.)

- 3.7 Air and water facilities would be provided at the north-western corner of the site.
- 3.8 Business identification signage would be provided throughout the site in the form of a 7 metre high pylon sign within the landscape bed along the street frontage and various fascia and shop front signs complemented with small scale panel signs.

4. SITE AND SURROUNDS:

- 4.1 The subject site is located on the west side of Horne Street, south of its intersection with Neill Street. The site has a frontage of 40.24 metres, a depth of 50.29 metres and an overall area of 2,023sqm.
- 4.2 The site experiences a fall of approximately 1.7 metres from the western boundary to the eastern street frontage. A 3 metre wide easement extends along the rear western boundary.
- 4.3 The subject site is currently vacant. There are a few trees sited adjacent to the southern boundary, however, these trees have no significance.
- 4.4 The site has two immediately abutting properties, a childcare centre to the north and an aged care centre to its west and south.
- 4.5 The childcare centre to the north has a layout where its building and part of its car park backs onto the subject site while its more potentially sensitive floor areas such as outdoor play areas are located further north or west of its building.
- 4.6 The aged care centre consists of a large building which is setback from the western common title boundary shared with the subject site by a minimum of 4.2 metres while the centres car park creates a natural buffer along the subject sites southern boundary.
- 4.7 An existing bus stop is located immediately opposite the street frontage toward the northern corner which is proposed to be relocated subject to the requirements of the Department of Transport Victoria.

5. PLANNING CONTROLS:

- 5.1 The following policies and provisions of the *Hume Planning Scheme* (“the Scheme”) are relevant in the consideration of the application:

State Policies: Clause 11: Settlement
Clause 12: Environment and Landscape Values
Clause 13: Environmental Risks
Clause 15: Built Environment and Heritage
Clause 18.01-2: Transport system

Municipal Strategies: Clause 21.03: Economy
Clause 21.04: Infrastructure
Clause 21.06-6: Local Areas

Local Policies: Clause 22.06: Sunbury Town Centre Local Policy
Clause 22.09: Advertising Signs Local Policy
Clause 22.16: Horne Street and Gap Road, Sunbury

Zones: Clause 32.04: Mixed Use Zone

Overlays: Clause 43.02: Design and Development Overlay Schedule 2

Particular Provisions: Clause 52.05: Advertising Signs
Clause 52.06: Car Parking
Clause 52.07: Loading and Unloading of Vehicles
Clause 52.12: Service Station

Clause 52.29: Land Adjacent to a Road Zone, Category 1, or a public Acquisition Overlay for a Category 1 Road

REPORT NO: SU203 (cont.)

General Provisions: Clause 65: Approval of an Application or Plan

6. REFERRALS:

- 6.1 The application was referred internally to Council's Sustainable Environment, Parks, Traffic and Civil Departments who support the application subject to permit conditions.
- 6.2 The application was referred to VicRoads, Environment Protection Authority (EPA), WorkSafe and Public Transport Victoria. All of the external referral authorities did not object to the proposal subject to relevant permit conditions being imposed (where applicable).

7. COMMUNITY CONSULTATION:

- 7.1 An application for review of Council's failure to determine this application was lodged after the application was advertised.
- 7.2 The application was advertised to all adjoining and nearby property owners and occupiers by mail and one notice board was erected along the street frontage for a period of 14 days. At the completion of the notification process, a total of 41 objections and one petition were received.
- 7.3 The grounds of objections are summarised as follows:
 - Increased traffic
 - Health and safety
 - Amenity concerns from potential emissions
 - 24 hours operation is disruptive and excessive
 - Car parking
 - Soil contamination
 - Safety relating to strangers frequenting the area as a result of the use
 - Location and the sensitive interface
 - Childcare centre would lose customers

8. DISCUSSION:

- 8.1 The application was subject to a Failure to Determine appeal at VCAT. Where such an appeal has been lodged the ultimate decision maker is VCAT, however, Council is obliged to form a view on the application to present to VCAT at future hearings. The hearing for the Failure to Determine appeal is set for the 18 April 2017 and Council formed a position to present to VCAT on the application, at its meeting of the 27 February 2017, which was not to support the proposed service station.
- 8.2 Of the original objectors to the planning application three people had formally requested to be party to the appeal proceedings at VCAT and had formal rights in the decision making process of VCAT. The broader group of objectors were either represented by these three people or not formally part of the VCAT proceeding. Two other objectors had advised VCAT that they wished their written views to be considered, however, they did not wish to attend any hearings and therefore their status in the proceeding was not that of a formal party to the proceeding pursuant to Clause 56 of Schedule 1 to the Victorian Civil and Administrative Act 1998.
- 8.3 VCAT scheduled a Compulsory Conference in a formal attempt to mediate outcomes between the parties that all parties to the proceeding had to attend and this occurred on the 1 March 2017.
- 8.4 Council's position on the application was presented to the Compulsory Conference and whilst Council's view was acknowledged as a result of detailed negotiations, the permit applicant and the three objector parties to the appeal reached an agreement in the form of:

REPORT NO: SU203 (cont.)

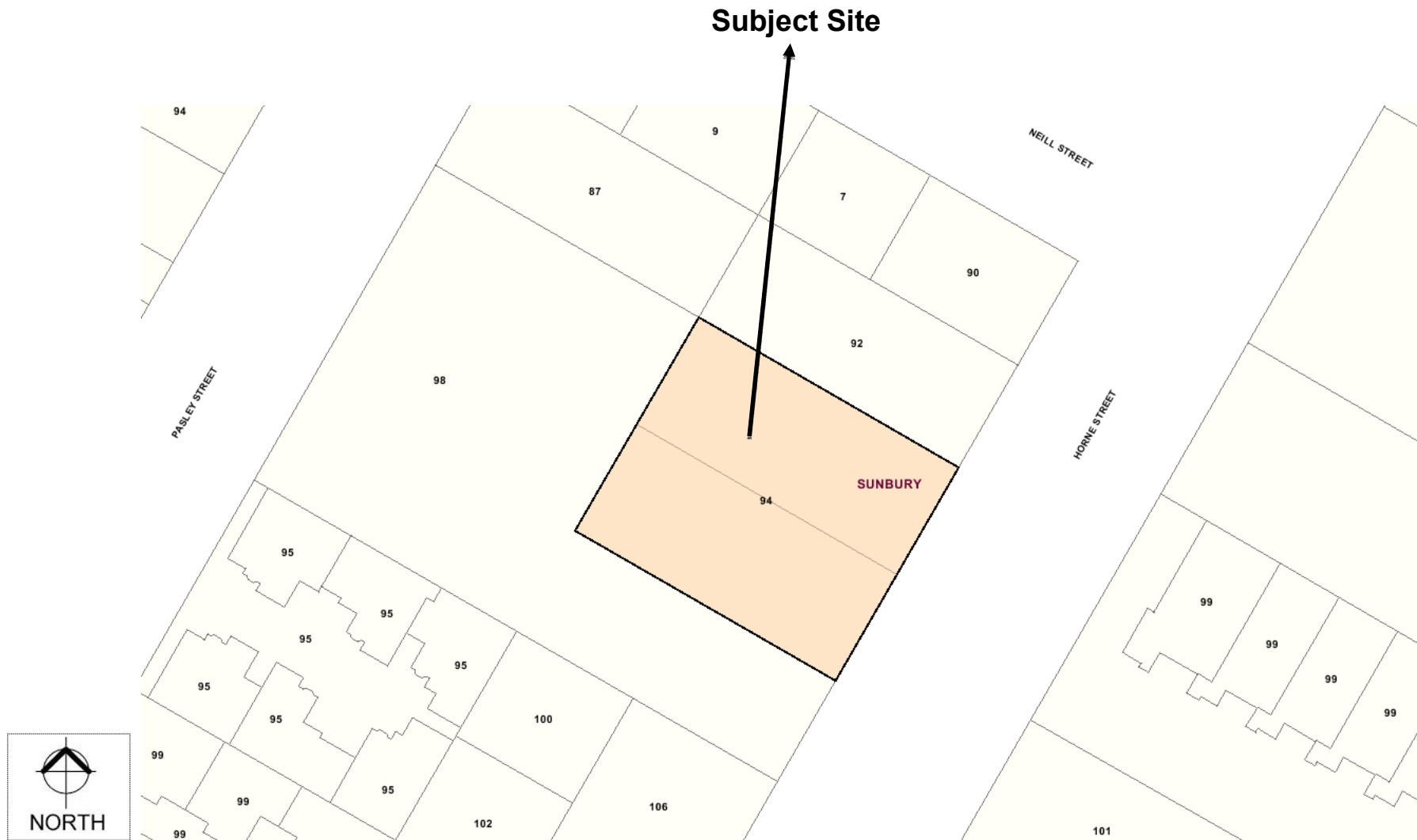
- Consent for VCAT to grant a planning permit for the proposed service station development subject to enhanced and improved planning permit conditions based on those recommended by officers in the Council report of 27 February 2017.
 - A side agreement that provides contributions to improvements to the child care centre to assist in managing the interface with the proposed service station.
- 8.5 The agreement reached between the permit applicant and objecting parties to the appeal is subject to Council support. In the event Council provides its consent to the agreement the full hearing in April is not required and a planning permit will issue, at the direction of VCAT, as agreed.
- 8.6 In the event Council does not consent to the agreement reached the agreement in total will be null and void (including the side agreement) and the matter will proceed to a formal hearing in April where the parties will need to defend their positions and seek a decision by VCAT.
- 8.7 The agreement reached is consistent with the original recommendation presented to the Council meeting of 27 February 2017 with enhanced outcomes to a level that will ensure issues of concern for the child care centre are responded to through:
- Improved landscaping.
 - Certainty of fuel delivery times.
 - Development of security management plans.
 - Transparency through access to reporting on petrol storage as required by the EPA.
 - Separate improvements to the child care centre.
- 8.8 These outcomes combined with the overall permit conditions will ensure all surrounding land uses are adequately provided for in relation to the proposed service station. The agreement reached reflects the support given for the service station proposal from external authorities such as the EPA and WorkSafe and supports the planning context of the site in a Mixed Use Zone on a major road. On the basis of the above, the agreement reached is considered a positive outcome and worthy of support.

9. CONCLUSION

- 9.1 In light of the detailed negotiations that have occurred concluding in the comprehensive agreement reached between the objecting parties to the VCAT appeal and the permit applicant, it is considered support for the agreement by Council would be beneficial and consistent with orderly planning outcomes pursuant to the Hume Planning Scheme.

Permit Application: P19343

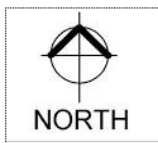
Site Address: 94-96 Horne Street, Sunbury



Permit Application: P19343

Site Address: 94-96 Horne Street, Sunbury

Subject Site





ADR method

- Half day Mediation
- Full day Mediation
- Compulsory Conference
- Telephone Mention
- Administrative Mention
- SMAH

TICK RELEVANT BOX –

- Building Property Owners Corp.
- Civil Claims Planning & Env.
- Guardianship Residential Tenancies
- Human Rights Review & Regulation
- Legal Practice

FILE NO: P2214 / 17016

Date of ADR: 1.1.2017

ADR REPORT

KENIK PTY LTD

v HUME CC

Attendance & / Or Representation

If further space required, please:

- attach extra sheet.; **OR** where applicable see appearance sheet

(*Daytime Contact number is required if the cooling off period applies).

APPLICANT(S)	NAME(S)	**PHONE NO	RESPONDENT(S)	NAME(S)	**PHONE NO
	<u>Ms S Brennan SC</u>			<u>V Pham</u>	
	<u>with Ms C Robertson</u>			<u>L Day</u>	
	<u>with Mr R O'Neill</u>			<u>K Walkie</u>	

Other Party(ies) eg. Responsible Authority

Hume CC

Contact Name

Mr Brydon King

Phone No.

BJK Planning

Actual Duration of Scheduled ADR

- Up to 1 hour
- 1 to 2 hours
- 2 to 3 hours
- 3 to 4 hours
- 4 to 5 hours
- 5 to 6 hours
- More than 6 hours

Admin - Please date & Initial once completed

ADR Outcome

- The mediation/compulsory conference was not held. Why?
- The matter was settled and final orders to be made. P.T.O. to outline final orders
- The matter was not settled (please ensure appropriate listing direction is selected below)
- The mediation/compulsory conf. was adjourned (please confirm required adjournment below)

Hearing Tab Duration updated

Orders Tab Outcome Updated

Listing Directions

- Hearing date of [date] 1/1/ for days is confirmed; or
- Please refer to a directions hearing asap / after [date] 1/1/; or
- List for a telephone / administrative mention (please circle) on 28/3/17; or
- List for a further mediation on 1/1/ for ½ day Full day
- List for a further compulsory conference on 1/1/
- Other (specify below)

Hearing Tab New Listing Entered

Event Tab Updated

Notices Sent

Consent Orders / Record of Settlement (if required/appropriate)

Where the matter settles, please confirm or amend the standard Consent Orders below, or indicate any specific orders / Record of Settlement* in the box provided:

[*Note: Confidential Terms of Settlement are NOT to be kept on file]

- The proceeding is struck out [with a right to apply for reinstatement]* *delete if not required
- The application is withdrawn.
- No order as to costs.
- Other (specify below)
- See attached sheet(s)

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✓ Please email the orders to Dominic Scally for best van
 d.scally@bestkoopw.com.au

- Unrepresented parties "ADR Agreement: Cooling off Period" handed and explained to all parties present; OR
- Cooling off Period - Not Applicable.

Mediator/Member *C. Miro* Signed

Attendance at Mediation / Compulsory Conference (if appropriate)

Name	Signature	Role
✓ VAN PHAM		Respondent
✓ Lee Dary		Respondent
Brydon King		Council by brydensbijkplanning.com.au
RACHAEL O'NEIL		rachael.o'neillconsulting.net.au

Consent order – S 77, s79 or s 82

Permit granted after REFUSAL OR NOD

PLANNING & ENVIRONMENT
LIST

Tribunal File No: P2214/2016
Permit Application No: P19343
Date of Comp. Conf: 1 March 2017
Member: S. R. Cimino

PARTIES

Responsible Authority: Hume City Council

Referral Authorities:

Applicant(s) for Review: Kenik Pty Ltd

Respondent (s) Present: V Pham, L Dang and K Wilkie

Other:

REQUEST FOR CONSENT ORDER

Subject to the Council confirming its consent subsequent to the Compulsory Conference in accordance with Appendix B, the parties request that the Tribunal make the following order:

The responsible authority's decision is set aside. .

In permit application P19343 a permit is granted and directed to be issued for the land at 94-96 Horne Street SUNBURY VIC 3429 in accordance with the endorsed plans and on the conditions set out in Appendix A:

The permit allows:

Use and development of a service station, display of advertising signage and variation of the requirements of Clause 52.12 of the Hume Planning Scheme.

The hearing listed to commence on 18 April 2017 is cancelled and the dates vacated.

APPENDIX A

The conditions contained in the officer's report of 27 February 2017 amended in accordance with the following:



Add to condition 1

Photocopy of this signed document to be handed to each party prior to departure

Level 7, 55 King Street, Melbourne Vic 3000
GPO Box 5408CC, Melbourne Vic 3001

DX 210576 Melbourne
Internet: <http://www.vcat.vic.gov.au>

Telephone 03 9628 9700
Facsimile 03 9628 9788



VP

m) provision of a capped, double sided, non permeable, acoustic post and paling northern boundary fence to a height of 3m and tapered within 3m of the frontage

n) replace northern boundary planting with lilly pilly hedge planted at a minimum height of 2m and maintained at a minimum height of 7m for the length of the northern boundary except for a length of 3m from the street frontage.

Amend condition 6 to add underlined words

"...Acoustic Report dated April 2016 commissioned by Watson Moss Growcott Acoustic Pty Ltd as amended by conditions 1(m) and 15 must be adhered to ..."

Replace Amend condition 15(b) to add with:

No more than 3 fuel deliveries per week are permitted, with at least one delivery on Saturday and any other deliveries on a weekday must only occur between 7am and 12 midday.

Amend condition 24 to add after 24(a):

(aa) replace northern boundary planting with lilly pilly hedge planted at a minimum height of 2m and maintained at a minimum of 7m height for the length of the northern boundary except 3m from the street frontage

Amend condition 25 to add the following words at the start of the condition:

"Prior to commencement of use, ..."

Amend condition 59 to add the following words at the end of the condition:

"...which must be maintained to the satisfaction of the EPA."

Add new condition after condition 62

At the request of the responsible authority, the records required to be kept by EPA publication 888.1 Underground Petroleum Storage Systems (UPSS) 2009 as amended must be provided to the responsible authority and the operator of any child care centre operating from 92 Horne Street Sunbury within 28 days.

Add new condition

Prior to commencement of the use, a security management plan must be prepared to the satisfaction of the responsible authority. The security management plan must be adhered to and complied with to the satisfaction of the responsible authority. The security management plan must include:

- a) provision for waste collection

[Handwritten initials]

- b) CCTV camera installation
- c) security lighting arrangements.

Other

The permit applicant and the first named respondent have entered into a side agreement to provide a contribution to additional works on the first named respondent's land..

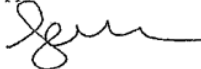
If the Council does not agree to the consent order, the permit applicant and first named respondent acknowledge that the side agreement is void..

APPENDIX B

This agreement for consent orders is subject to the Council confirming its consent in writing to the Tribunal, permit applicant and respondents by 28 March 2017. If Council consents, this agreement stands, ~~notwithstanding the submission of new statements of grounds by other persons.~~

If the Council does not consent to this agreement, the parties acknowledge that this agreement is void and the matter will proceed to hearing commencing on 18 April 2017.


SIGNED and dated 1/3/17
Applicant/s for Review


Responsible Authority

STEVE KENNEDY
DIRECTOR KENIX PTY LTD.

VAN PHAM on HER OWN BEHALF
AND FOR KRISTY WILKIE

LEE DANZ



Procedural orders

- Confirm the hearing
- Admin mention 28 March 2017 – RA to advise of its position.

VCAT Reference No.

Page 3 of 4


VP

- Expert reports served by 11 April 2017

VCAT Reference No.

Page 4 of 4




VP

REPORT NO:	SU204
REPORT TITLE:	450 Donnybrook Road, Mickleham - Multilot Subdivision
SOURCE:	Blake Hogarth-Angus, Town Planner (Growth Areas)
DIVISION:	Planning and Development
FILE NO:	P19913
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Locality Plan</i>2. <i>Proposed Plan</i>3. <i>Proposed Plan including PAO</i>

Application No:	P19913
Proposal:	Multi-lot Subdivision
Location:	450 Donnybrook Road, Mickleham
Zoning:	Urban Growth Zone Schedule 4 Development Contributions Plan Overlay Schedule 4 Public Acquisition Overlay Schedule 3
Applicant:	Contour
Date Received:	14 th September 2016

1. SUMMARY OF REPORT:

- 1.1 Approval has been sought for a multi lot subdivision of land including access to a road within a Road Zone Category 1. The site is located at 450 Donnybrook Road, Mickleham. The subject site is partially encumbered by a Public Acquisition Overlay Schedule 3 (PAO).
- 1.2 The application fails to take into consideration the objectives and provisions of the PAO3 which has resulted in VicRoads' objection to the application and therefore failure to comply with the provisions of the Hume Planning Scheme as a result refusal of the application is recommended.

2. RECOMMENDATION:

- 2.1 **That Council, having considered the application on its merits, resolves to issue a Refusal to Grant a Permit for the Multi lot subdivision at 450 Donnybrook Road, Mickleham on the following Grounds:**
 1. **The subdivision proposes residential development within Public Acquisition Overlay 3 (PAO3), which is inconsistent with the purpose of PAO3 (Outer Metropolitan Ring Road).**
 2. **The subdivision is proposed on land that is or may be required for a public purpose and is therefore contrary to the orderly and proper planning of the site and surrounding area.**
 3. **The proposed subdivision will prejudice the delivery of infrastructure of strategic significance at a regional and state level.**

REPORT NO: SU204 (cont.)

3. PROPOSAL:

- 3.1 The application proposes a multi-lot subdivision at 450 Donnybrook Road, Mickleham. The subdivision incorporates a total of 2,389 residential allotments, an active open space, two school sites, a community centre, a local town centre and a number of encumbered and unencumbered reserves.
- 3.2 The application proposes development of lots within the PAO3. All other matters relevant to the proposal, such as road and overall lot configuration, location of schools and public open space are not considered in this assessment because a separate application (P20008) have been lodged and is under consideration.
- 3.3 The development of the lots within the PAO3 results in an immediate failure for this application to satisfy the Hume Planning Scheme and has resulted in an objection from Vicroads.

4. SITE AND SURROUNDS:

- 4.1 The subject site is located on the northern side of Donnybrook Road, within the Merrifield residential estate. The location of the future Outer Metropolitan Ring Road (OMR) is partly within the western and northern portions of the proposed subdivision.
- 4.2 The site comprises five lots:
 - 450A Donnybrook Road (Lot 1 on PS714701)
 - 450E Donnybrook Road (Lot C on PS738841)
 - 450 Donnybrook Road (Lot 2 on PS 714700)
 - 450BB Donnybrook Road (Lot BB on PS746088W)
 - 180A Old Sydney Road (Lot 2 on PS714688)

Overall, the titled land is approximately 249.7ha in size, consisting of land under development (Merrifield Section A & B) and land under this permit (Merrifield Section C & E).

- 4.3 The land is generally flat, except for a gentle slope from the west down to the north east. The site has previously been used for agricultural purposes, which is now being phased out as residential development commences. The land is largely void of vegetation, apart from some hedgerows which traverse the site.
- 4.4 The surrounding area is mostly undeveloped, however Merrifield Section A and Section B are under construction to the south and south east. Further east beyond Section A is the future Merrifield City Centre Precinct, which will be flanked by the future Merrifield Employment Precinct. To the west and north west is land also owned by the Merrifield Corporation which will become future residential subdivisions.
- 4.5 Opposite the site on the southern side of Donnybrook Road are the Annandale and The Woods future residential developments which are currently under construction.

Restrictions on Title

- 4.6 There are no restrictions on title.

Planning History

- 4.7 The following subdivision permits have been determined within the Merrifield estate:
 - P16701 was issued on 22 May, 2013 allowing for a multi-lot subdivision and creation of access to a main road on land known as Merrifield Section A.
 - P18823 was refused by Council on 27 October 2015. The application related to a multi-lot subdivision and creation of access to a main road within Merrifield Section B. The application was refused at the request of VicRoads, as lots were being proposed within the Public Acquisition Overlay. It is noted that the current application seeks to do the same, albeit in Section C of Merrifield.

REPORT NO: SU204 (cont.)

- P19036 was issued 22 December 2015 allowing for a multilot subdivision and creation of access to a main road on land known as Merrifield Section B.

5. PLANNING CONTROLS:

- 5.1 The following policies and provisions of the *Hume Planning Scheme* (“the Scheme”) are relevant in the consideration of the application:

State Policies:

- Clause 11: Settlement
- Clause 15.01-1: Urban Design
- Clause 15.01-2: Urban Design Principles
- Clause 15.01-3 Neighbourhood and Subdivision Design
- Clause 15.01-5: Cultural Identity and Neighbourhood Character
- Clause 16.01-1 Integrated housing
- Clause 16.01-2 Location of residential development
- Clause 16.01-4 Housing diversity
- Clause 16.01-5 Housing affordability
- Clause 18.02-1 Sustainable personal transport
- Clause 18.02-2 Cycling

Municipal Strategies:

- Clause 21.06-8: Local Areas (Mickleham)

Local Policies: Nil

Zones:

- Clause 37.07: Urban Growth Zone Schedule 4

Overlays:

- Clause 45.01: Public Acquisition Overlay Schedule 3 (PAO3)
- Clause 45.06: Development Contributions Plan Overlay Schedule 4 (DCPO4)

Particular Provisions:

- Clause 52.01: Public Open Space Contribution
- Clause 52.29: Land adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road

General Provisions:

- Clause 65.02: Approval of an Application to Subdivide Land

- 5.2 It is also policy that any new developments provide safe, functional and good quality environments with a sense of place and cultural identity.
- 5.3 Subdivisions must be designed to be liveable, walkable, cyclable, diverse and sustainable neighbourhoods. A range of lot sizes is preferable to allow for a variety of dwelling types to meet the differing needs of the community.

Merrifield West Precinct Structure Plan (PSP), Development Contributions Plan (DCP) and Native Vegetation Plan (NVPP)

- 5.4 The subject land was incorporated into the Urban Growth Boundary as part of the Planning Scheme Amendment gazetted on 6 August 2010. The strategic growth area framework for the North Growth Corridor was released on 13 June 2012, identifying the subject land for future residential use.
- 5.5 The Merrifield West PSP, Merrifield West NVPP and Merrifield West Plan DCP came into effect on 28 June 2012 under Planning Scheme Amendment C162 which included rezoning the land to Urban Growth Zone 4.
- 5.6 The PSP, NVPP and DCP set the framework for developing the land, protecting vegetation and delivering and funding infrastructure. Each of the documents will be discussed in more detail below. The PSP acknowledges that the land is affected by a Public Acquisition Overlay to provide for the future Outer Metropolitan Ring Road.

REPORT NO: SU204 (cont.)

Permit Triggers

- 5.7 Under clause 37.07-10 of the scheme, a permit is required to subdivide land in the Urban Growth Zone (where a PSP has been approved).
- 5.8 Clause 52.29 of the scheme requires a permit to create access to a road within a Road Zone Category 1.
- 5.9 Under clause 45.01-1 of the scheme, a permit is required to subdivide land affected by a Public Acquisition Overlay. The PAO Schedule 3 sets out the Road Corporation (VicRoads) as the acquiring authority for the Outer Metropolitan Ring/E6 Transport Corridor.

6. REFERRALS:

- 6.1 The application was referred to the following external determining authorities under Section 55 of the *Planning and Environment Act 1987* (“the Act”):

Referral authority	Consent to permit issuing	Conditions requested on permit
VicRoads	No	No: grounds for refusal provided
Melbourne Water	Yes	No: the revised drainage strategy is being assessed under permit P20008
Public Transport Victoria	Yes	Yes
Department of Water Land and Planning	No response received	N/A
Tenix	Yes	Yes
Jemena	Yes	Yes
Yarra Valley Water	No response received	N/A

- 6.2 Pursuant to clause 45.01-3 of the scheme the application was referred to VicRoads, who have objected to the proposal. VicRoads as a Determining Authority under the Hume Planning Scheme and as an acquiring authority have objected to the application therefore Council must refuse the application.
- 6.3 The application was not referred internally as P20008 is currently being assessed.

7. ADVERTISING:

- 7.1 Clause 37.07-13 of the Hume Planning Scheme provides the public notice provisions under the Urban Growth Zone. This clause states the following:
“An application under clause any provision of this scheme (sic) which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act., unless the schedule to this zone specifies otherwise.”
- 7.2 The primary purpose of the subject application is to assess the proposal with particular emphasis on the lots within the Public Acquisition Overlay Schedule 3. The application is therefore exempt from the notice and review requirement.
- 7.3 Additionally, under the PAO provisions, an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, as per clause 45.01-2 of the scheme.

8. ASSESSMENT:

- 8.1 The proposed subdivision fails to adequately consider the Public Acquisition Overlay in its design, proposing residential allotments and local roads in an area affected by the overlay which sets aside the land to provide for the future Outer Metropolitan Ring Road. This will conflict with the objectives of the PAO3 and will significantly prejudice the delivery of strategically important infrastructure for the State and region.

REPORT NO: SU204 (cont.)

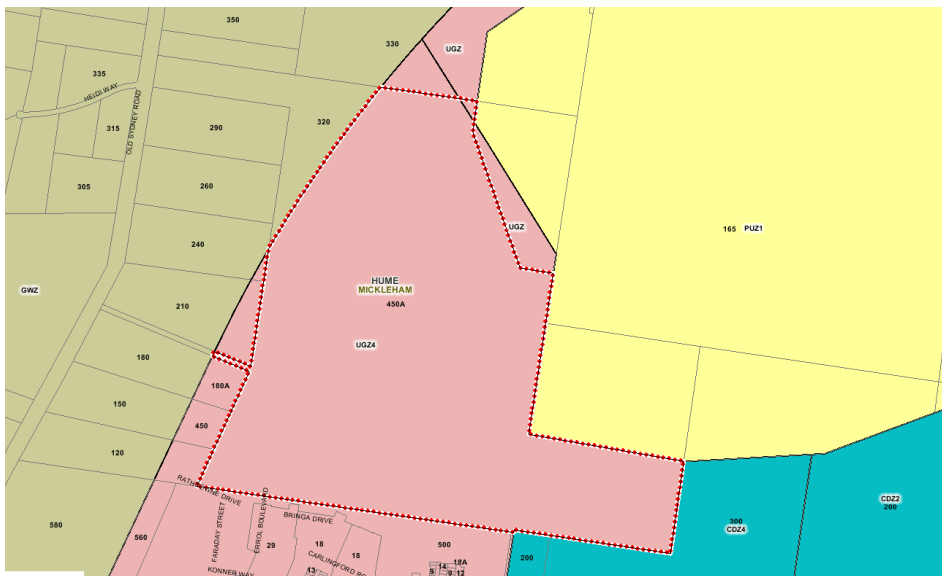
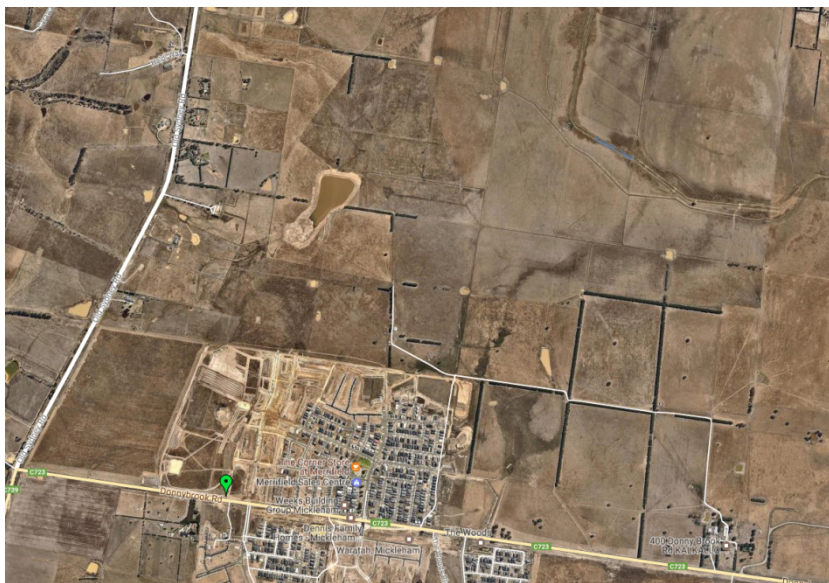
- 8.2 The other changes to the land budget, road and lot configuration and location of schools and public open space areas are not being assessed under this permit as this will be undertaken as part of a separate planning application (P20008) currently with Council for consideration.
- 8.3 VicRoads as a statutory referral authority have objected to the proposal and provided the following grounds for refusal:
- 1. VicRoads objects to the proposal to subdivide land over areas of PAO3 as the land affected by PAO3 is required for a public purpose. If created, these lots would create rights that are not consistent with the purpose of the PAO for Roads Corporation purposes (Outer Ring Road).*
- 8.4 The application proposes the subdivision of land within an area affected by the PAO, which has resulted in VicRoads objecting to the proposal, as a determining referral authority, under section 55 of the *Planning and Environment Act 1987*.
- 8.5 For this reason, the application should be refused.

9. CONCLUSION:

- 9.1 The proposed subdivision fails to consider the Public Acquisition Overlay Schedule 3 and has not considered the requirement to set land aside for the Outer Metropolitan Ring Road Transport Corridor.
- 9.2 VicRoads as a Determining Authority under the Hume Planning Scheme and as an acquiring authority have objected to the application.
- 9.3 The application should therefore be refused.

LOCALITY MAP

450 DONNYBROOK ROAD, MICKLEHAM P19913

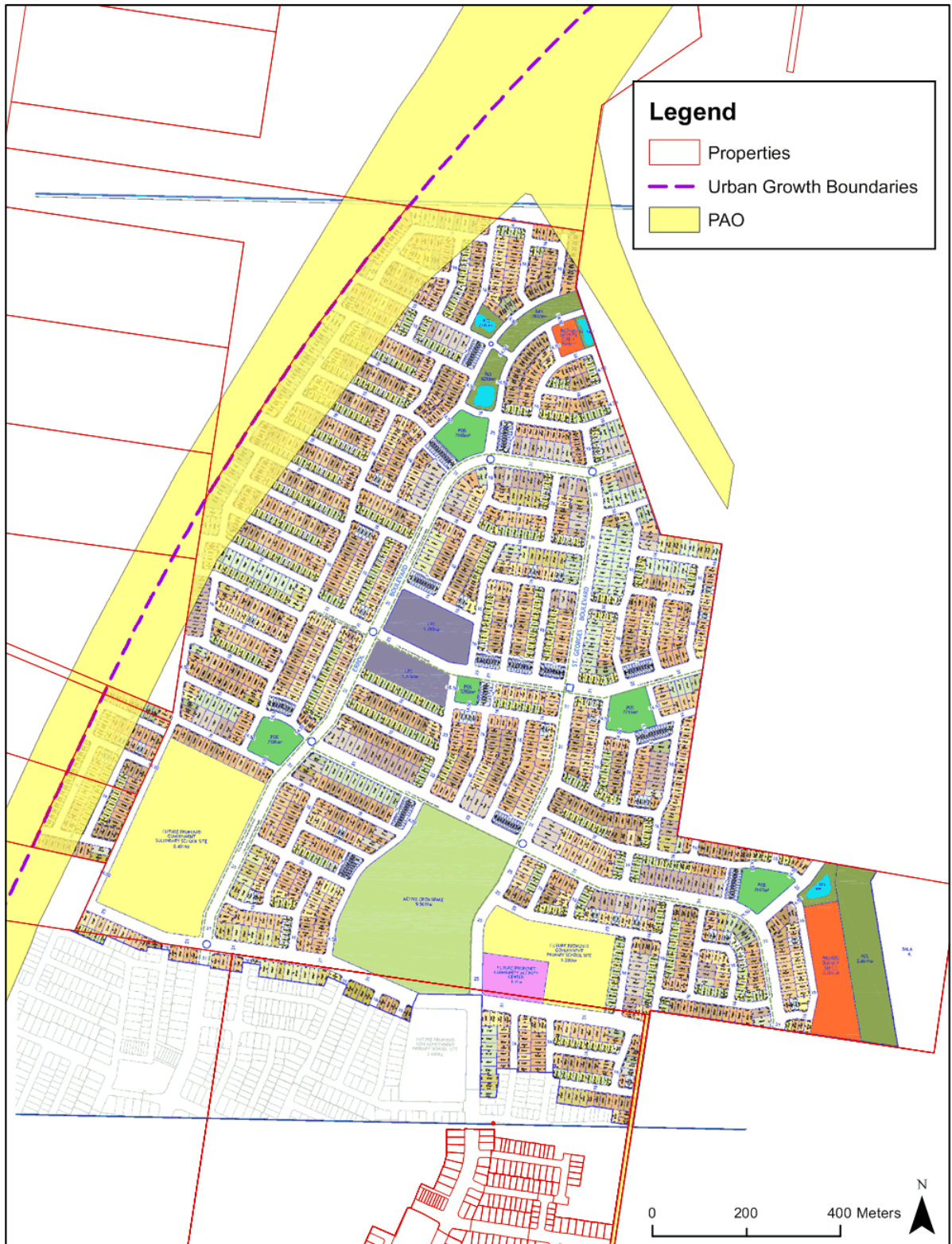




450 DONNYBROOK ROAD
SUBDIVISION CONCEPT PLAN



Note: This design is conceptual only and is based on the PSR supplied by the CAA. This design is subject to further investigation (flora, archaeological, drainage, survey, traffic, etc) and also planning approval.



REPORT NO:	SU205
REPORT TITLE:	21 Norcal Court Greenvale - Development of five triple storey dwellings and waiver of the visitor car parking requirement
SOURCE:	Henry Dong, Town Planner
DIVISION:	Planning and Development
FILE NO:	P19901
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Locality Plan</i>2. <i>Proposed Development Plan</i>3. <i>Survey Plan</i>4. <i>Colour Schedule</i>

Application No:	P19901
Proposal:	Development of five triple storey dwellings and waiver of the visitor car parking requirement
Location:	21 Norcal Court Greenvale
Zoning:	General Residential Zone 1
Applicant:	Archsign Pty Ltd
Date Received:	05 September 2016

1. SUMMARY OF REPORT:

- 1.1 Planning approval is being sought to develop five (triple storey) dwellings and to have a visitor car parking waived at 21 Norcal Court, Greenvale.
- 1.2 Pursuant to Section 79 of the *Planning and Environment Act 1987*, the applicant has lodged with the Victorian Civil and Administrative Tribunal (VCAT) an application for review of the responsible authority's failure to grant a permit within the prescribed time.
- 1.3 Where a failure to determine appeal has been lodged Council cannot issue a formal decision, however Council is required to form a view to present to VCAT at future hearings.
- 1.4 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme (the Scheme)* and it fails to comply with key policy objectives. In particular, the proposal is incompatible with the prevailing neighbourhood character, it fails to demonstrate site responsive design and its bulk and massing would contribute negatively to the adjoining and abutting properties. The lack of visitor parking and accessibility concerns would further result in unreasonably low levels of on-site amenity. Accordingly, it is recommended that the application not be supported.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to advise VCAT that a view has been formed to not support the application for the development of five triple storey dwellings at 21 Norcal Court, Greenvale, on the following grounds:

1. **The proposal does not comply with a number of the requirements of Clause 52.06 of the Hume Planning Scheme; namely:**

REPORT NO: SU205 (cont.)

- a) **Clause 52.06-5 Number of Car Parking Spaces** required under Table 1 for visitor parking
- b) **Clause 52.06-8 Design Standard for Car Parking** and in particular **Design Standard 2: Car Parking Spaces, Design Standard 5: Urban Design, Design Standard 6: Safety, Design Standard 7: Landscaping**

2. **The proposal does not comply with a number of objectives of Clause 55 of the Hume Planning Scheme; namely:**

- a) **Clause 55.02-1: Neighbourhood character**
- b) **Clause 55.03: Site Layout and Building Massing**
- c) **Clause 55.04: Amenity Impacts**
- d) **Clause 55.05: On-Site Amenity and Facilities**
- e) **Clause 55.06-1: Design detail**

3. **PROPOSAL:**

3.1 It is proposed to develop the land as follows:

- The development of five triple storey dwellings.
- The existing crossover would be removed and reinstated with kerb and channel and a new crossover proposed along the south-east boundary to provide access to all of the dwellings.
- Dwellings would feature the following:
 - Basement level
 - Dwelling 1 – Double car garage, bedroom with an ensuite, laundry and service courtyard.
 - Dwelling 2 - Double car garage, study, laundry and 6m³ storage.
 - Dwelling 3 - Double car garage, study, laundry and 6m³ storage.
 - Dwelling 4 – Double car garage, laundry, and 30m³ storage.
 - Dwelling 5 - Double car garage, recreation room, laundry, courtyard and 6m³ storage.
 - Ground level
 - Dwelling 1 – combined kitchen/living/dining area, study nook, powder room and 24m² terrace
 - Dwelling 2 - combined kitchen/living/dining area, powder room and 24m² terrace
 - Dwelling 3 - combined kitchen/living/dining area, powder room and 24m² terrace
 - Dwelling 4 - combined kitchen/living/dining area, powder room and 19m² terrace
 - Dwelling 5 - combined kitchen/living/dining area, powder room, 13m² terrace, bedroom with ensuite and walk in robe.
 - First floor level
 - Dwelling 1 – two bedrooms, bathroom and study
 - Dwelling 2 - three bedrooms, one with an ensuite, bathroom and study
 - Dwelling 3 - three bedrooms, one with an ensuite, bathroom and study

REPORT NO: SU205 (cont.)

- Dwelling 4 - three bedrooms, one with an ensuite, bathroom and study
- Dwelling 5 - two bedrooms, bathroom and study nook
- The dwellings would adopt simple contemporary architecture featuring a combination of pitched and flat roofs, eaves and standard contemporary fenestration. Construction materials would be facebrick at the basement level and a combination of rendered cement sheet cladding and Scycon cladding at the ground and first floors.
- The following table provides further information of the proposal:

Site Area	1214sqm
Dwelling Density	1:242sqm
Site Coverage	38% (60% max.)
Permeability	35% (20% min.)

4. SITE AND SURROUNDS:

Site and Surrounds

- 4.1 The site is located on the northern side at the end of Norcal Court, Greenvale. It is irregular in shape with a 51.83 metre frontage to Norcal Court and a total area of 1214sqm.
- 4.2 The land is currently vacant. A single width crossover is located in the north-west corner of the site and a two metre wide easement traverses the rear boundary abutting a reserve.
- 4.3 The land does not have any significant vegetation.
- 4.4 The site is steep with an approximate 10 metre fall from the front of the site down toward the rear as it nears the Greenvale Drain.
- 4.5 The immediate area is characterised by modest single and double storey detached dwellings.
- 4.6 The site abuts a reserve to the north-east for drainage, sewerage and municipal purposes.
- 4.7 From the court bowl is a 5 metre wide concrete road, which provides access to the reserve.
- 4.8 The adjoining property to the north-west is vacant, benching of this site has occurred and temporary fencing has been erected.
- 4.9 The subject site forms part of a small undeveloped area that has only recently been subdivided within a wider established residential area located at the end of Barrymore Road, Greenvale.
- 4.10 A number of educational facilities exist within proximity of the site, including St Carlo Primary School (west) and Aitken College (southwest). The subject site is located within easy access to local neighbourhood shops and higher order shops at Barrymore Road (Greenvale Central) and Greenvale Shopping Centre to the north-west.

5. RESTRICTIONS ON TITLE

- 5.1 No registered restrictive covenants are recorded on title.
- 5.2 The site is encumbered by a 2 metre wide drainage and sewerage easement traversing the north-east (rear) boundary.

REPORT NO: SU205 (cont.)

Planning History

5.3 Available Council records do not reveal any previous planning permits pertaining to the land.

6. PLANNING CONTROLS:

6.1 The following policies and provisions of the Scheme are relevant to the application:

State Policies: Clause 15.01-1: Urban Design
Clause 15.01-2: Urban Design Principles
Clause 15.01-4: Design for Safety
Clause 15.01-5: Cultural Identity and Neighbourhood Character
Clause 15-02-1: Energy and Resource Efficiency
Clause 16.01-1: Integrated Housing
Clause 16.01-2: Location of Residential Development
Clause 16.01-4: Housing Diversity
Clause 16.015: Housing Affordability
Clause 18.02-5: Car parking
Clause 19: Infrastructure

Municipal Strategies: Clause 21.02-1: Housing
Clause 21.02-2: Health and Safety
Clause 21.06-5: Greenvale, Attwood and Westmeadows neighbourhood

Local Policies: None relevant

Zones: Clause 32.08: General Residential 1 Zone

Overlays: Nil

Particular Provisions: Clause 52.06: Car Parking

Clause 55: Two or More Dwellings on a Lot

General Provisions: Clause 65.01: Approval of an Application or Plan

6.2 It is State policy to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity, and to achieve urban design outcomes that contribute positively to the local urban character.

6.3 It is also policy that new housing is to be designed to respond to community needs by providing affordable higher density housing developments which are strategically located close to transport corridors and activity centres.

6.4 It is a municipal strategy to provide access to a range and quality of housing opportunities that meet the varied needs of existing and future residents. In delivering urban growth, it should be cost effective, orderly, and achieve the greatest social benefits to the community, without diminishing the unique character and identity of the municipality.

6.5 In relation to Housing, Clause 21.02-1 seeks:

- *“To provide access to a range and quality of housing opportunities that meet the varied needs of existing and future residents”*; and
- *“To deliver urban growth that is cost effective, orderly and achieves the greatest social benefits to the community, without diminishing the unique character and identity of the City”*.

6.6 The Local Areas policy at Clause 21.06-5 shows that the site forms part of the Greenvale, Attwood and Westmeadows Neighbourhood. This clause encourages *high quality urban environments with convenient access to a range of social and physical infrastructure and services that are linked by attractive open space networks and streetscapes*.

REPORT NO: SU205 (cont.)

- 6.7 The land is located in a General Residential Zone. In addition to implementing State and Local policy, a purpose of the zone is to *‘encourage development that respects the neighbourhood character of the area’*.

Aboriginal Cultural Heritage

- 6.8 Section 6 of the Victorian Aboriginal Heritage Regulations 2007 requires an Aboriginal Cultural Heritage Management Plan to be prepared for a proposed activity, if:
- a) “All or part of the activity area for the activity is an area of cultural heritage sensitivity (not subject to significant ground disturbance); and,
 - b) All or part of the activity is a high impact activity.”
- 6.9 The land is not located in an area of Aboriginal Cultural Heritage sensitivity, consequently a Cultural Heritage Management Plan is not required to be prepared.

6.10 Major Electricity Transmission Line

- 6.11 The land is not located within 60 metres of a major electricity transmission line.

Planning Permit Trigger/s

- 6.12 A permit requirement is triggered by Clause 32.08-4, which relates to buildings and works associated with the construction of two or more dwellings on one lot located within a General Residential Zone.
- 6.13 A permit requirement is also triggered by Clause 52.06-5 which relates to the number of visitor car parking spaces that are required for the development.

7. REFERRALS:

- 7.1 The application was referred to Council’s Asset department for comment. Concerns were raised in relation to the angle between the proposed crossover, the access road and the insufficient width of the accessway in front of the garage to dwelling 5. The plans are not supported in their current form.

8. ADVERTISING:

- 8.1 The application was not advertised to the adjoining properties by Council. VCAT has since directed the applicant to give notice to the adjoining properties owners and occupiers.

9. ASSESSMENT:

- 9.1 A detailed discussion of the proposal against the particular requirements of Clauses 52.06 and 55 is provided below. In short, the proposal fails to comply with the relevant objectives of these clauses of the Scheme.

Clause 52.06 – Car Parking

- 9.2 The provisions of Clause 52.06 set out required rates and design standards for parking.
- 9.3 The number of car parking spaces (being two car spaces to each three or more bedroom dwelling) provided on the site complies with the rate requirements of the provision at Clause 52.06-5.
- 9.4 Clause 52.06-5 also requires one car space for visitors for every five dwellings for developments of five or more dwellings. For this development no on-site visitor parking has been provided. Given that there is no opportunity for any on-street parking in front of the site and the number of dwellings proposed, it is considered unacceptable and an overdevelopment of the site particularly given the size of the site and the topography.
- 9.5 The internal dimensions of each double car garage satisfy the requirements. The width of the accessway in front of the southern most car space in Garage 5 is insufficient, such that a vehicle using this space would need to reverse into the space and then exit in a forward direction. This is unsatisfactory and is a result of the proposal being an over development of the site.

REPORT NO: SU205 (cont.)

9.6 Council's Assets Department made the following comments:

"The angle between the proposed crossover and the access road is acute and does not allow vehicles to enter or exit the site in one manoeuvre, it is estimated that a minimum of three manoeuvres would be required which is not supported".

9.7 The design response fails to promote efficiency, safety and accessibility to and from the development. This view is supported by Council's Assets Department.

Clause 55.02 – Neighbourhood Character and Infrastructure (Standards B1 to B5)

9.8 The north side of Norcal Court has only recently (2015) been subdivided into 10 lots. The adjoining land to the south-west and north-west has already been developed. This surrounding residential area is characterised by modest single and multi-level dwellings on medium to large sized allotments.

9.9 Neighbourhood character objectives seek to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and that the development responds to the features of the site and the surrounding area.

9.10 This site is generally appropriate for a medium density development, however given the constraints of the site being the slope of the land and the limited opportunity for on street parking in front of the site, the development as proposed is considered an overdevelopment and out of character with the area.

9.11 The development does not have appropriate regard for the slope of the land and broader pattern of residential development within this existing subdivision.

9.12 The development does not have appropriate regard for the character of the area and the pattern of residential development within the neighbourhood. Particularly by providing five triple storey dwellings with no physical separation. The siting of the dwellings also does not maintain the open space corridor along the rear of the site which is a characteristic of the area.

9.13 The proposal presents a poor design which would likely result in an intrusive development that is not respectful of the existing character of the area, particularly when viewed from the rear yards of the adjoining properties and from the public open space along the Greenvale Drain.

9.14 In this case, the impact of the bulk of the development would be of significant detriment to the existing and preferred character of the area which is considered to be a justified ground upon which to oppose the development.

9.15 The development also does not integrate well with the street in terms of the dwelling frontages not being visible due to being constructed below pavement level.

Clause 55.03 – Site Layout and Building Massing (Standards B6 to B15)

9.16 Although the front setbacks satisfy Standard B6, it is considered that the objective has not been met which is to *respect the existing or preferred neighbourhood character and make efficient use of the site.*

Dwellings 1 and 2 are particularly set so far back from the street and below the pavement level that they are not visible from the street.

9.17 Standard B7 permits the overall dwelling height.

9.18 Site coverage (38%) and permeability levels (35%) satisfy Standards B8 and B9 respectively.

9.19 The orientation, layout and bulky nature of the design do not make appropriate use of solar energy. Dwelling 1 is the only dwelling with any real opportunity for north facing windows, yet due to its proximity to the northern boundary and the potential for overlooking, the number of windows is minimal and highlight windows to habitable

REPORT NO: SU205 (cont.)

rooms are proposed. Furthermore the use of a light well between Dwellings 2 and 3 is a further example the proposal is an overdevelopment of the site. The lack of north-facing windows for each of the dwellings would also diminish the internal amenity of the dwellings.

- 9.20 With the size of the land it is considered that there is an excellent opportunity to maximise access to northern light. The failure of the proposal to do so is indicative of its inability to satisfy the requirements of Standard B10 (Energy efficiency).
- 9.21 The proposed development does not attempt to ensure that the layout of the dwellings provides for the safety and security of residents and property (Standard B12). This is through a lack of clearly identifiable entrances for the dwellings, which are obscured and do not present to the street due to the difference in levels from the road reserve to the dwelling entries. There are no habitable room windows which provide an outlook to the street for active interaction and passive surveillance.
- 9.22 The layout of the development has extremely poor integration with the open space to the rear (north-east). A combination of a poor design response with the dwellings not stepping down with the slope of the land and with the use of fill along the north-eastern boundary, the development presents as extremely dominating and visually bulky when viewed from the open space to the rear and from adjoining properties.
- 9.23 The layout allows for limited landscaping opportunities along the interface with the open space (rear boundary) due to associated hardstand areas for the accessway and the drainage easement along the length of the rear boundary. There is therefore limited scope to suitably landscape with canopy trees and provide screening to soften the bulk and massing of the development. This is due to the limited dimension and the potential impact to the existing easement. Deficiency in landscaping opportunities to the rear of the dwellings further reinforces the proposal is an overdevelopment of the site.
- 9.24 The proposed development does not ensure that the layout of the dwellings provide for the safety and security of residents and property.
- 9.25 There is no detail on any lighting proposed in the development. It is unclear whether any lighting will be installed at the entries of each of the dwellings.
- 9.26 Each of the finished floor levels of the entrances to the five dwellings are obscured from the street frontage, sitting well below pavement level.

Clause 55.04 – Amenity Impacts (Standards B17 to B24)

- 9.27 The first floor setbacks from side and rear boundaries satisfy the requirements of Standard B17. Compliance with B17 however, does not automatically equate with a suitable outcome, and the extent of visual bulk presented to the side and rear of the adjoining properties is considered to be a poor outcome in this instance. The lack of stepping down the proposal coupled with the slope of the land and the limited landscaping opportunities further accentuates this bulk.
- 9.28 Due to the orientation of the site and the abuttal on two boundaries with roads and public open space, the layout would not overshadow adjoining properties or obstruct daylight into existing or future habitable room windows.
- 9.29 First floor windows are suitably screened to minimise overlooking and the proposal satisfies Standard B22. However the use of screening (highlight windows predominantly) along the side boundaries, results in a poor internal amenity for future residents.
- 9.30 No internal views are apparent, demonstrating compliance with Standard B23, due to the internal fencing/screening and highlight windows.
- 9.31 Noise generated by residential use is expected within this context and is not considered detrimental and therefore meets standard B24.

Clause 55.05 – On-Site Amenity and Facilities (Standards B25 to B30)

REPORT NO: SU205 (cont.)

- 9.32 The dwellings have limited accessibility for persons with limited mobility due to the use of stairs to access the entries and within the dwellings.
- 9.33 These entrances are not easily identifiable due to the finished floor level below pavement level and the entries to Dwellings 1-4 are lacking in their own sense of identity with no variation in the finishes, materials and colours of the facades.
- 9.34 All windows would receive adequate access to daylight.
- 9.35 The secluded private open space of each dwelling meets the minimum requirements of Standard B28 in terms of dimensions for a balcony, however this is considered inadequate for the size of three bedroom dwellings and the character of the area. This is a further example that the proposal is out of character with the area.
- 9.36 With regard to Standard B29 (Solar access to open space), the secluded open space of Dwellings 1-5 have a north-easterly orientation.
- 9.37 Each dwelling is allocated an external storage area that accords with Standard B30.

Clause 55.06 – Detailed Design (Standards B31 to B34)

- 9.38 Window and door proportions, roof form and eaves are all generally consistent with dwelling forms in the surrounding area.
- 9.39 Although there are some variations in external finishes, on balance, the lack of any separation between the dwellings combined with the length of built form along all elevations would be an unacceptable introduction into this particular neighbourhood setting. Further to this, the five double width garages with no variation in the colour, materials or setbacks and with the finished floor level essentially sitting above the fence line, further exacerbates the visual bulk and massing when viewed from the public open space to the rear
- 9.40 A 0.9m high picket front fence is proposed.
- 9.41 Common property and site services can be reasonably achieved in accordance with Standards B33 and B34.

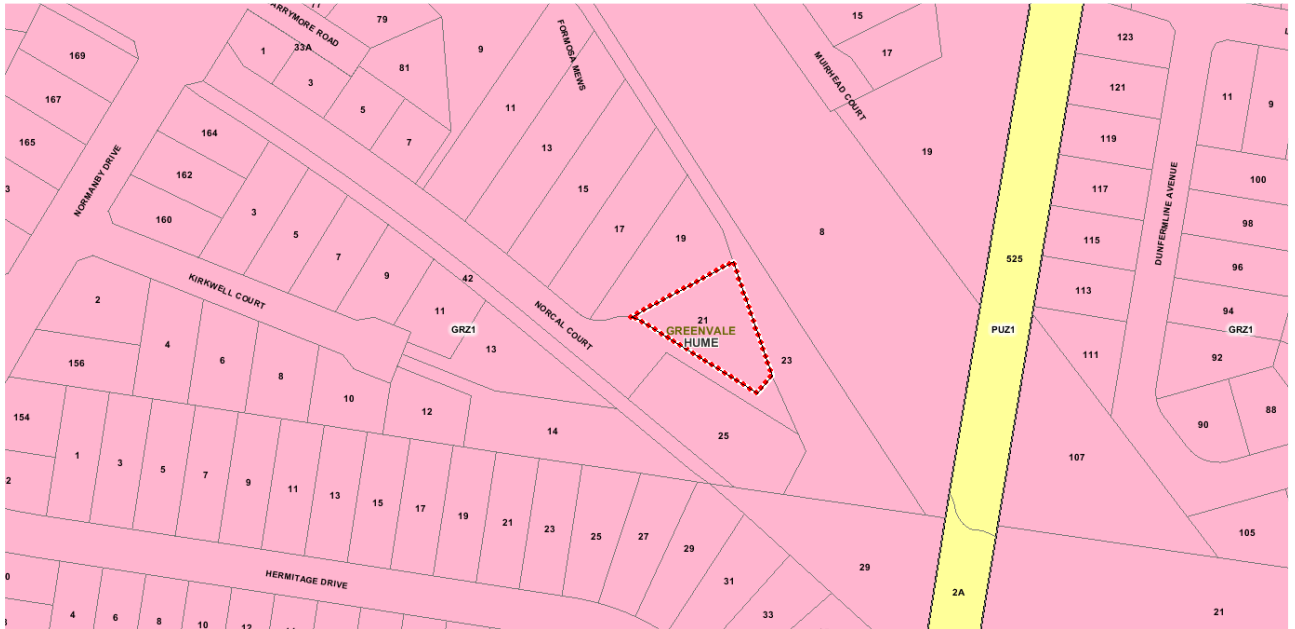
10. CONCLUSION

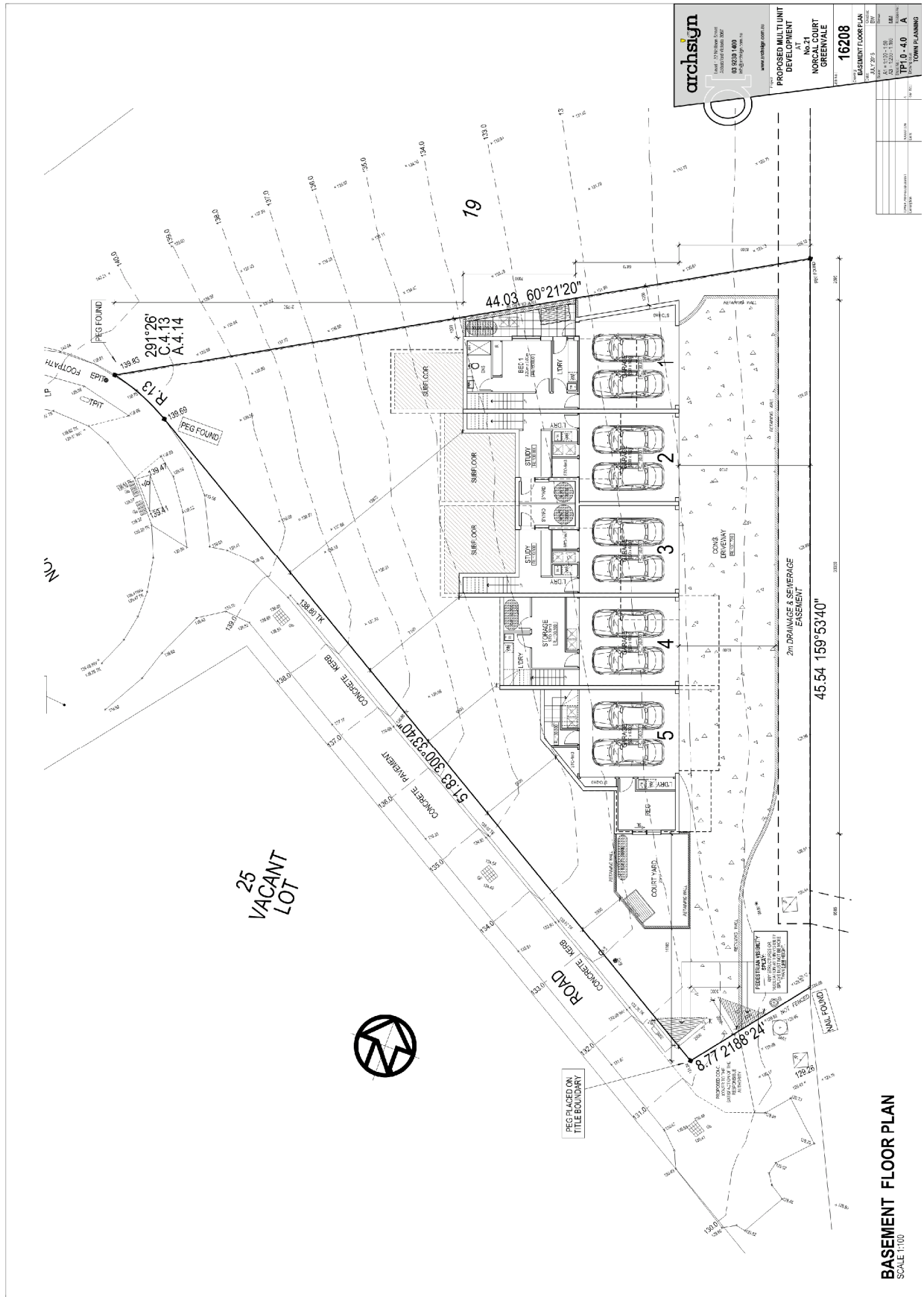
- 10.1 The development fails to consider the key attributes of neighbourhood character, both in the context of the public realm as well as the backyard character. The proposal presents bulk and limited on-site amenity. The difficulty to gain reasonable and safe access to the site is unacceptable and a further example that the proposal is an overdevelopment of the site.
- 10.2 Additional concerns with the proposal include the failure to comply with key energy efficiency, lack of private open space for the size and location of the dwellings and design detail objectives. The deficiencies in the proposal suggest that it is essentially a poor design response. It is considered that the combined failings of the proposal are beyond the scope of what could reasonably be addressed as permit conditions. It is therefore recommended that Council not support this application.

LOCALITY PLAN

P19901

21 Norcal Court Greenvale

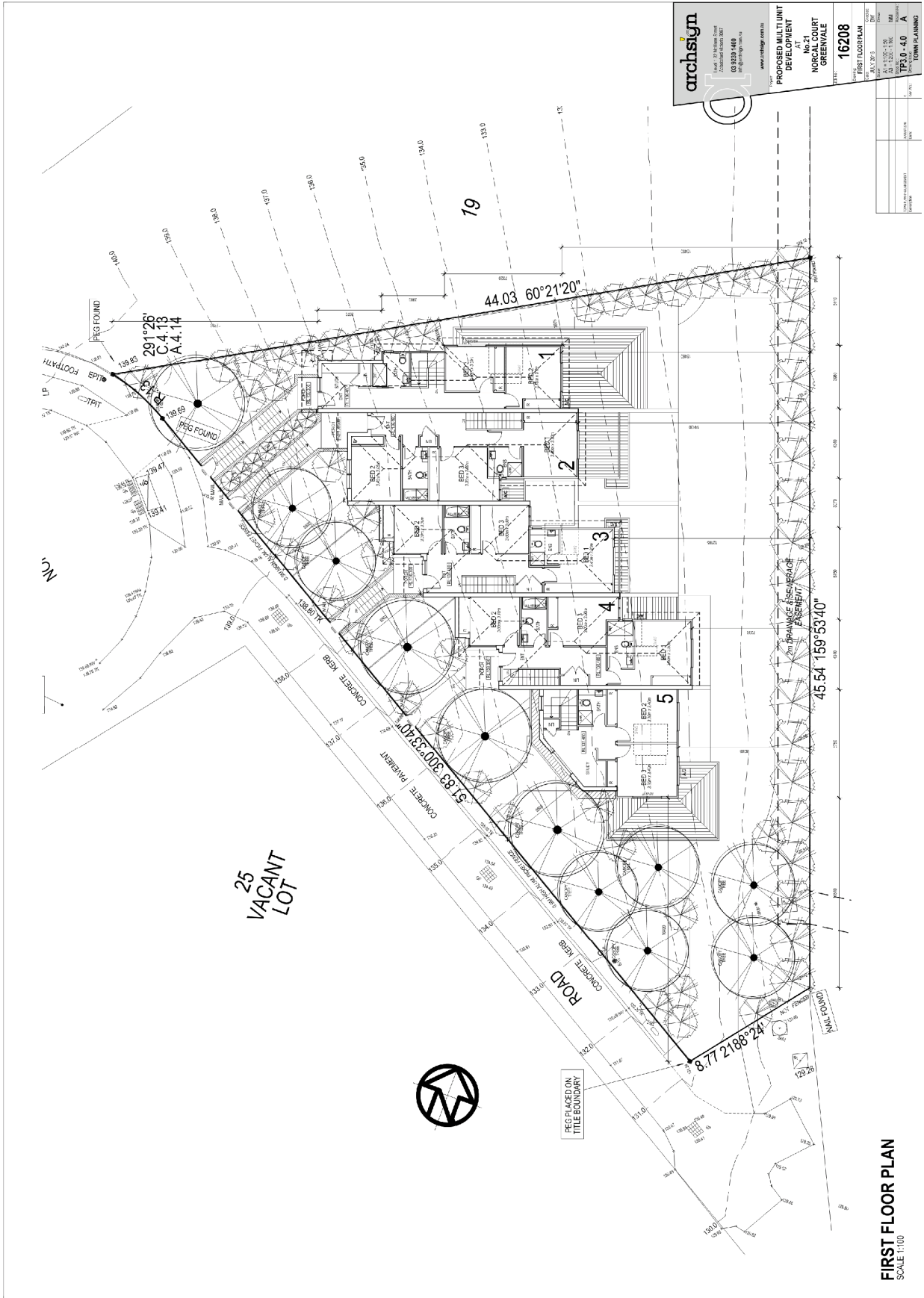


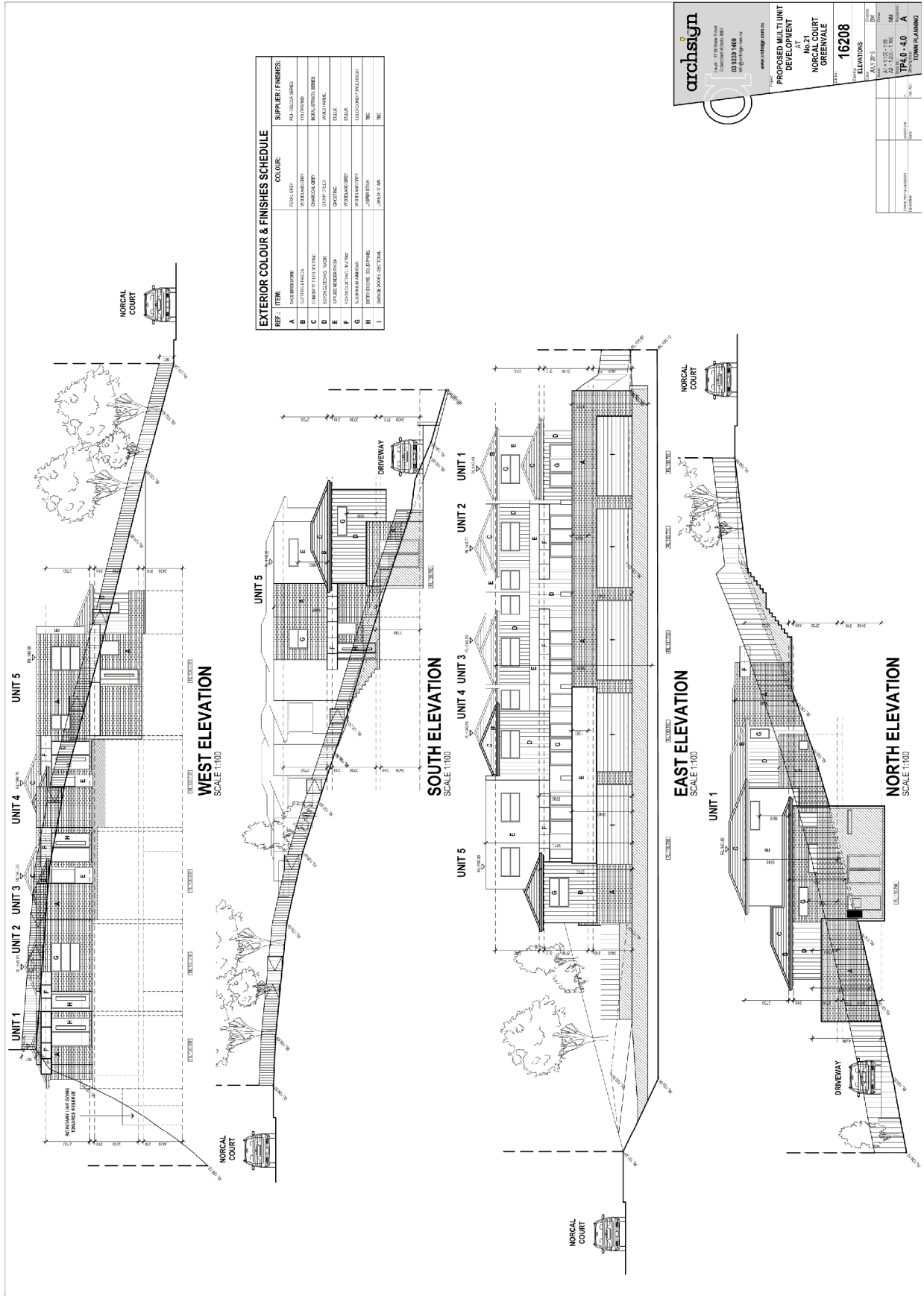


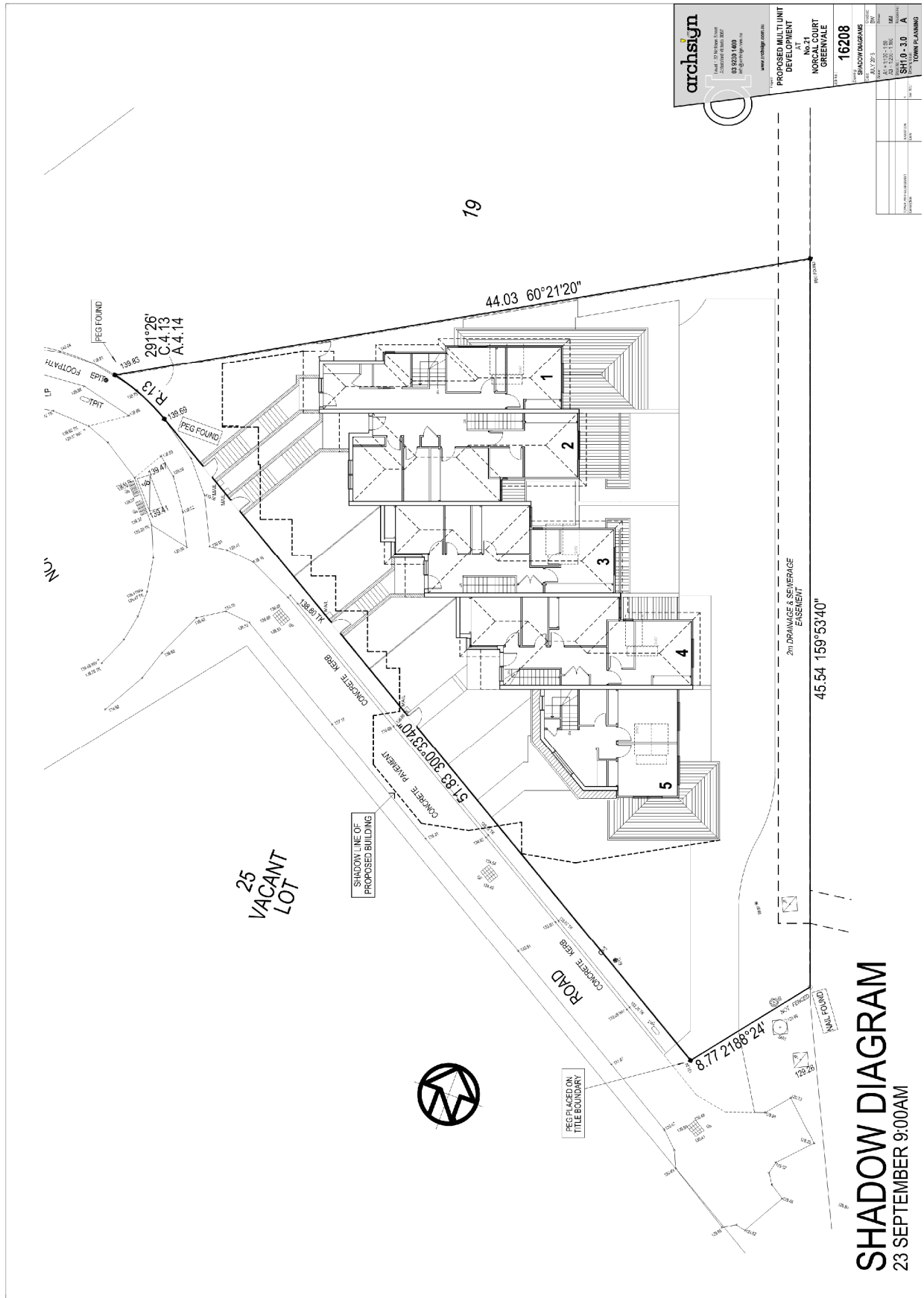
archsign
www.archsign.com.au
03 9339 1400

PROPOSED MULTI UNIT DEVELOPMENT
No. 11
NORCAL COURT
GREENVALE
16208

BASEMENT FLOOR PLAN
DATE: 27/03/17
DRAWN BY: J.S.
CHECKED BY: J.S.
SCALE: 1:100
TOWN PLANNING



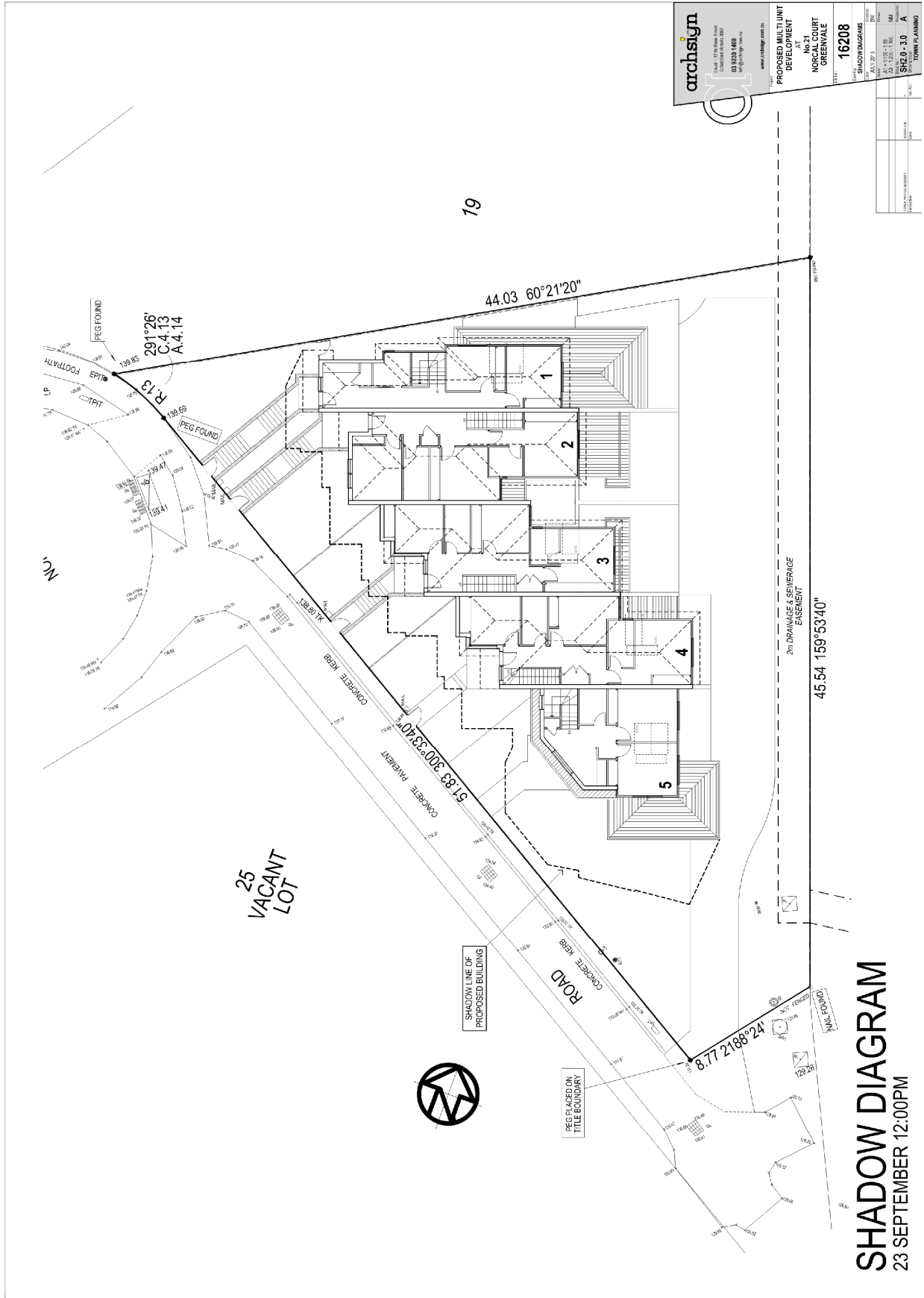


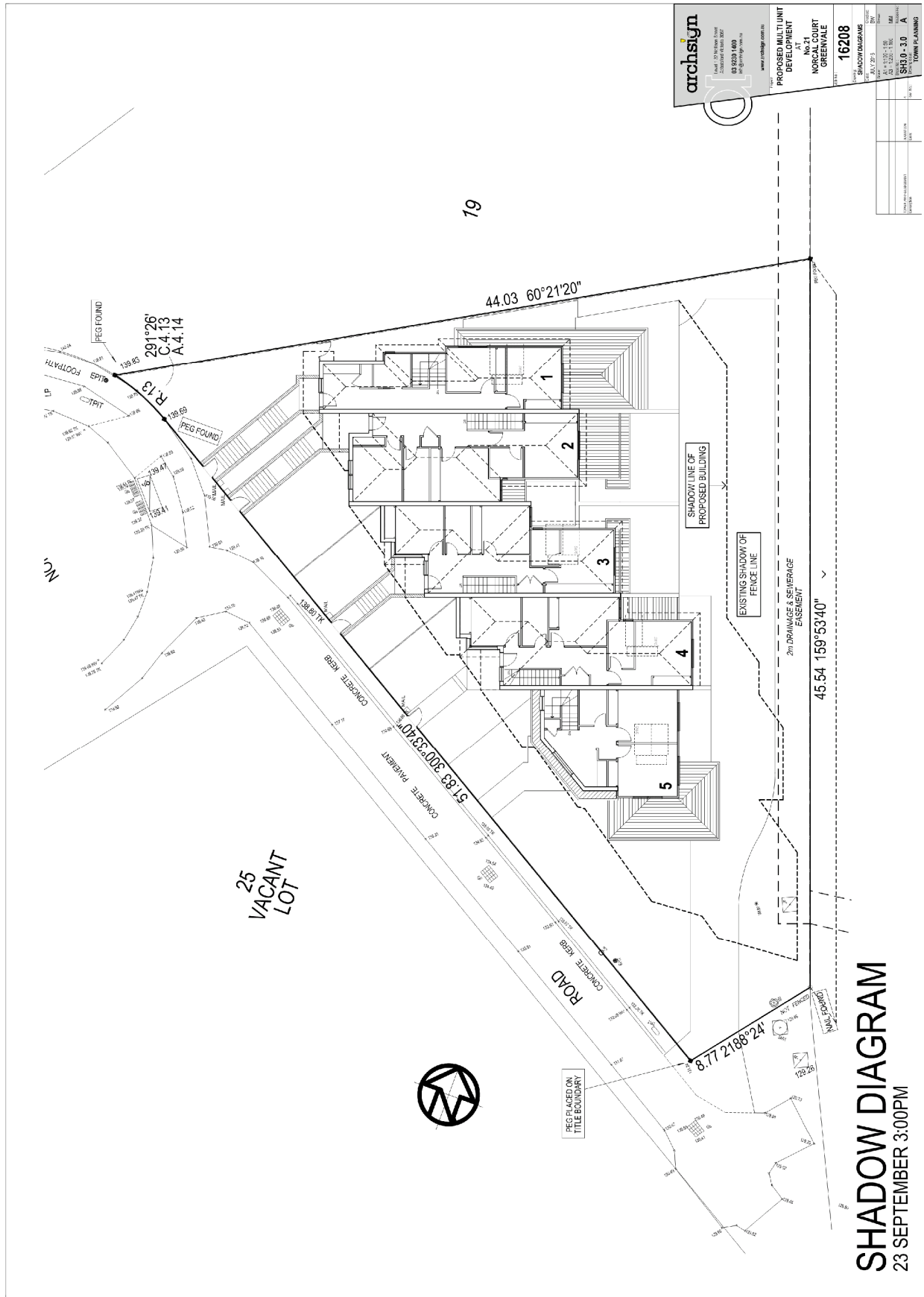


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PROPOSED MULTI UNIT DEVELOPMENT
 No. 71
 MORCAL COURT
 GREENVALE

DATE: 16/208
 SHEET: 16208
 SCALE: 1:100
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TOWN PLANNING





Job Address: 21 Norcal Court
Greenvale



**COLOUR SCHEDULE
MULTI UNIT DEVELOPMENT**

(A) Face Brickwork – *PGH*, 'Pearl Grey Velour'



(B) Gutters/Fascias – *Colorbond*, 'Woodland Grey'



(A) Concrete Tile Roofing – *Boral-Striata Series*, 'Charcoal Grey'



(D) James Hardie Axon Cladding w/ Paint Finish – *Dulux*, 'Stony Creek'



(E) Applied Textured Render Finish 01 – *Dulux*, 'Ghosting'



(F) James Hardie Matrix Cladding w/ Paint Finish – *Dulux*, 'Woodland Grey'



(G) Aluminium Windows – *Colorbond*, 'Woodland Grey'



(H) Timber Entry Doors – *TBC*-'Hardwood Timber Panel w/ Jarrah Stain'



(I) Garage Sectional Door – *Gliderol*, 'Timber Cladding' w/ Jarrah Stain



REPORT NO:	SU206
REPORT TITLE:	22-38 Malcolm Street, Kalkallo - Use and development as an education centre (primary school) and removal of native vegetation
SOURCE:	Eliana Demetriou, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P18144
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	1. <i>Locality Plan</i> 2. <i>Development Plans</i>

Application No:	P18144
Proposal:	Use and development as an education centre (Primary School) and removal of native vegetation
Location:	22-38 Malcolm Street, Kalkallo
Zoning:	Township Zone, Urban Growth Zone, Restructure Overlay No.1, Floodway Overlay, Land Subject to Inundation Overlay
Applicant:	Ratio Consultants
Date Received:	10 September 2014 (Amended 6 August 2015 and 21 September 2015)

1. SUMMARY OF REPORT:

- 1.1 Planning approval is sought to use and develop the land for the purpose of an education centre (primary school) and removal of native vegetation at 22-38 Malcolm Street, Kalkallo.
- 1.2 The application was amended on 17 August 2016 to include vehicle access to the site from a two lane private access road onto Mitchell Street, incorporating a low-level bridge across Kalkallo Creek and into the western part of the site.
- 1.3 Following notification of the amended application, a total of 28 objections and one petition containing 44 signatures have been received. The application has been assessed against the relevant policies, the concerns of the objectors and provisions of the *Hume Planning Scheme (the Scheme)* and fails to comply with a number of key objectives. Refusal of the application is recommended.

2. RECOMMENDATION:

That Council, having considered the application and the objections received, resolves to issue a Notice of Refusal to Grant a Permit for the use and development of the land for the purpose of an education centre (primary school) and removal of native vegetation subject to the following grounds:

- 1. The proposal is not consistent with Clause 22.04 of the *Hume Planning Scheme (Townships Local Policy)*.**
- 2. The proposal is not consistent with Clause 32.05 of the *Hume Planning Scheme (Township Zone)*.**

REPORT NO: SU206 (cont.)

3. The proposal is not consistent with Clause 37.07 of the *Hume Planning Scheme* (Urban Growth Zone).
4. The proposal is not consistent with Clause 45.05 of the *Hume Planning Scheme* (Restructure Overlay).
5. The proposal is an over-development of the site.

3. PROPOSAL:

3.1 The application is for the use and development of the land for the purpose of an education centre (primary school) at 22-38 Malcolm Street, Kalkallo. Details of the proposal are as follows:

- The proposed primary school is to accommodate years Prep to Year 6.
- The proposed buildings include seven portable classrooms, the administration office (the existing dwelling located on site will be converted for this purpose) and toilet facilities.
- It is intended that the development of the school will be staged and begin initially in portables with two prep grades in the first year.
- With each year, as the first students graduate, the school will add two more classrooms (in the form of one portable building) until the school comprises years Prep to year 6.
- The school is expected to eventually accommodate 280 students.
- A total of 40 on-site car parking spaces will be provided (13 staff, 12 parent “stay a while”, six drop off/pick-up and nine unallocated spaces).
- Three bus spaces are proposed as well as a bicycle compound to accommodate 20 bicycles.
- Active recreation spaces are proposed including basketball/netball courts and playground areas.
- The main access to the site will be via a private access road located off Mitchell Street incorporating a low-level bridge across Kalkallo Creek. A secondary access will be from Malcolm Street.
- The existing dams on the site are to be filled in.
- A level of vegetation removal will also occur (both indigenous and non-indigenous species). The Flora and Fauna Due Diligence Assessment prepared by *Ecology and Heritage Partners Pty Ltd* (August 2014) confirms that there are no native trees on the site.

3.2 The intention is to split the development of the site into two stages as follows:

- Stage 1 includes the establishment of the proposed use of the site, and allows for the construction of the P1 and P2 buildings in the first year, as well as toilets and works associated with the construction of school grounds, landscaping, access ways, car parking etc. The existing dwelling located on the site will be converted into an administration building with the only external alteration to the dwelling being the replacement of the garage door and windows.
- Stage 2 will comprise six portable buildings which are to be erected over the following six year period.

3.3 It is intended that a future planning application for the permanent school buildings on the site will be lodged as the school continues to grow.

REPORT NO: SU206 (cont.)

- 3.4 Following the completion of the Stage 1 works, the school is expected to accommodate approximately 40 students and 2 staff members. The table below illustrates the expected number of staff and students for the first seven years of operation.

Year	Students	Staff	Total
1	40	2	42
2	80	4	84
3	120	7	127
4	160	9	169
5	200	11	211
6	240	14	254
7	280	16	296

- 3.5 The converted administration building features a hipped tiled roof and is finished in face brick and render. This building will have a maximum height of 5.1 metres.
- 3.6 The portable classrooms and toilet blocks will be finished with a mix of timber and colorbond cladding in brown and cream. The colorbond cladding will be fitted both horizontally and vertically to add visual interest and minimise bulk. These buildings will have a maximum height of 4.65 metres.
- 3.7 The buildings are proposed to be set back a minimum distance of 7.5 metres from Malcolm Street and 89 metres from Mitchell Street.
- 3.8 A Traffic Impact Report prepared by Ratio Consultants (August 2016) concludes as follows:
- *“It is proposed that the primary vehicular route to the site is provided via Donnybrook Road and the southern part of Mitchell Street. A private access driveway will be constructed across Kalkallo Creek, consistent with the habitat requirements of the Growling Grass Frog and the hydrology requirements of the creek. This will mean there will be no need for vehicular access across the one-lane Malcolm Street bridge, the school’s need for the bridge would be for pedestrians and cyclists only.*
 - *It is proposed to provide a total of 40 parking spaces and three bus bays on the site. The parking has been designed in accordance with the requirements set out in AS/NZS 2890.1:2004.*
 - *The proposed new car park plus additional adjacent parking along Mitchell Street will provide sufficient car parking to cater for the estimated future staff and parent parking demands during the AM and PM peak periods up to the seventh year.*
 - *Up to 216 vehicular trips during the AM peak hour and 200 vehicular trips during the PM peak hour will be generated, based on future student and staff numbers. Traffic generated by the proposed development will be dispersed onto the surrounding road network, in particular the southern part of Mitchell Street. Providing it is widened to a sealed width of 5.4 metres, Mitchell Street (south) has the capacity to accommodate the additional traffic volumes in a safe and satisfactory manner.*
 - *Overall the proposed development is appropriately designed and is not expected to create any adverse safety or operational impacts to the traffic conditions on the surrounding road network.”*

REPORT NO: SU206 (cont.)

- 3.9 A waste management plan dated August 2016 has been prepared for the proposed education centre by Ratio Consultants. The report states that it is proposed for waste collection to be undertaken by a private waste collection operator with weekly collection for both general waste and co-mingled recycling. Waste collection is to be conducted within the proposed car park. Waste collection vehicles will enter and exit the car park via Mitchell Street. Collection shall be undertaken during off peak times when traffic activity associated with the school is low (e.g. between 6:00am to 7:00am).
- 3.10 A flora and fauna due diligence assessment dated August 2014 has been prepared for the site by Ecology and Heritage Partners Pty Ltd. With respect to native vegetation on site, this report stated the following:
- *“There are no remnant patches of native vegetation on the site, as confirmed by the DEPI Biodiversity Interactive Map, and the site survey of July 2, 2014.*
 - *A planning permit is required for the removal of scattered native grasses only. As these grasses are not mapped by DEPI, there is no requirement for offsets relating to their removal. This removal would fall under the ‘low risk’ category as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines.”*

4. SITE AND SURROUNDS:

Certificate of Title

- 4.1 The site is not subject to any covenants or Section 173 agreements.

Planning History

- 4.2 Planning Permit P9257 was issued by Council on 28 July 2004 for buildings and works associated with the development of a dam.
- 4.3 Planning Permit P10307 was issued by Council on 27 January 2006 for buildings and works to allow for the construction of a shed.
- 4.4 Planning Permit P12159 was issued by Council on 13 December 2007 for buildings and works associated with a dwelling in a Green Wedge Zone.

Site and Surrounds

- 4.5 The site is bounded by Malcolm Street to the north, Hunter Street to the east (unmade road), Stawell Street to the south and Mitchell Street to the west. The site is rectangular in shape and has a frontage to Malcolm Street of 282.10 metres, a depth of 100.58 metres and an overall area of 2.83 hectares.
- 4.6 The site is currently occupied by a single dwelling and associated outbuildings. The site is currently accessed via a crossover to Malcolm Street.
- 4.7 There are no native trees on the site. However as stated earlier in this report, scattered native grasses exist on the site.
- 4.8 There are a number of existing ornamental dams located in the eastern portion of the site.
- 4.9 The site is subject to the requirements for Area 34 of the Biodiversity Conservation Strategy, and includes Category 1 and Category 2 habitat for the Growling Grass Frog.
- 4.10 The topography of the site varies, with the portion fronting Mitchell Street to the west being flat. A section of the steeper topography is located in the south-eastern corner of the site.
- 4.11 Land to the north of the site across Malcolm Street comprises a number of parcels of subdivided land occupied by two single storey dwellings and associated outbuildings.

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- 4.12 To the immediate east across Hunter Street is vacant land in the Public Use Zone, Schedule 5 (Cemetery/Crematorium). The land is to accommodate future growth of the Kalkallo cemetery to the north.
- 4.13 Land to the south of the site is vacant land.
- 4.14 To the west of the site across Mitchell Street are a number of dwellings between Mitchell Street and the Hume Freeway, with a truck sales business fronting the Hume Freeway.

Aboriginal Cultural Heritage

- 4.15 A Cultural Heritage Due Diligence Assessment was undertaken by Michael Lever dated 9 April 2015. The report finds that *‘there is no requirement for a mandatory Cultural Heritage Management Plan (CHMP) at 22 Malcolm Street, Kalkallo. The proposed activity is in part a high impact activity; however the study area at 22 Malcolm Street, Kalkallo is not within an area of Cultural Heritage Sensitivity. On this basis Council is able to issue statutory authority for the proposed works to proceed without the need for a CHMP.’*

Major Electricity Transmission Line

- 4.16 The site is not within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.

5. PLANNING CONTROLS:

- 5.1 The following policies and provisions of the *Hume Planning Scheme (the Scheme)* are relevant in the consideration of the application:

<i>State Policies:</i>	Clause 9.01: Plan Melbourne Interpretation Clause 12: Environment and Landscape Values Clause 13: Environmental Risks Clause 14: Natural Resource Management Clause 15: Built Environment and Heritage Clause 19: Infrastructure
<i>Municipal</i>	Clause 21.01: Municipal Profile
<i>Strategies:</i>	Clause 21.05: Natural Environment and Built Environment Clause 21.06: Local Areas Clause 21.08: Particular Uses and Development
<i>Local Policies:</i>	Clause 22.04: Townships Local Policy
<i>Zones:</i>	Clause 32.05: Township Zone Clause 37.07: Urban Growth Zone
<i>Overlays:</i>	Clause 44.03: Floodway Overlay Clause 44.04: Land Subject to Inundation Overlay Clause 45.05: Restructure Overlay
<i>Particular</i>	Clause 52.06: Car Parking
<i>Provisions</i>	Clause 52.17: Native Vegetation Clause 52.34: Bicycle Facilities
<i>General</i>	Clause 65: Decision Guidelines
<i>Provisions</i>	

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- 5.2 Council is obliged to consider the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and the local planning policies of the Scheme.
- 5.3 Clause 21.06-6 of the Scheme relates to Rural Areas and has the following objectives:
- *“To recognise the demand for rural residential and rural living developments, and to provide for this development where it is closely integrated with an existing township or urban areas.*
 - *To provide for sustainable development of the Bulla, Kalkallo and Mickleham townships having regard to their environmental and servicing constraints.”*
- 5.4 Stated strategies include:
- *“Contain the development of Bulla and Kalkallo within the existing township boundaries, as shown on the rural areas Structure Plan.*
 - *Encourage the consolidation of smaller allotments where necessary to achieve adequate on-site effluent disposal.*
 - *Discourage the widespread conversion of rural land to residential use.*
 - *Encourage rural residential developments within existing urban areas, townships and areas already zoned for rural living purposes.”*
- 5.5 Clause 22.04 of the Scheme relates to the Townships Local Policy. Of particular relevance to this proposal it is policy that:
- *“Kalkallo Creek and its environs and the Kalkallo grasslands are conserved and protected from inappropriate land use and development.*
 - *New development and uses that have the potential to cause the spread of salinity are discouraged.*
 - *New development is to be accessible by a formed road.*
 - *New development is to have appropriate storm water drainage.”*

Zoning

- 5.6 The site is located partly located within the Township Zone. The purposes of the Township Zone are:
- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
 - *To encourage development that respects the neighbourhood character of the area.*
 - *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”*
- 5.7 Pursuant to Clause 32.05-1 of the Scheme, education centre is a Section 2 (permit required) use. In addition, pursuant to Clause 32.05-8 of the Township Zone, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-1. A permit is further required under the Restructure Overlay at Clause 45.05 of the Scheme for the construction of a building.

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- 5.8 The site is also partly located within an Urban Growth Zone. The purposes of the Urban Growth Zone are:
- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.*
 - *To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.*
 - *To contain urban use and development to areas identified for urban development in a precinct structure plan.*
 - *To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.*
 - *To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.”*
- 5.9 The provisions of clauses 37.07-8 to 37.07-9 the Scheme applies as no Precinct Structure Plan (PSP) applies to the land. Pursuant to Clause 37.07-1, an education centre is a Section 2 (permit required) use.

Overlays

- 5.10 The subject site is located within a Floodway Overlay. The stated purposes of the Floodway Overlay are:
- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
 - *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
 - *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a Declaration has been made.*
 - *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
 - *To ensure that development maintains or improves river and wetland health”.*
- 5.11 Pursuant to Clause 44.03-1 of the Scheme. a permit is required to construct a building or to construct or carry out works.
- 5.12 The subject site is located within the Land Subject to Inundation Overlay. The stated purposes of the overlay are:
- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To identify land in a flood storage or flood fringe area affected by the 1 in100 year flood or any other area determined by the floodplain management authority.*
 - *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and*

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local drainage conditions and will not cause any significant rise in flood level or flow velocity.

- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a Declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.”*

5.13 Pursuant to Clause 44.04-1 of the Scheme, a permit is required to construct a building or to construct or carry out works.

5.14 The subject site is included within a Restructure Overlay. The stated purposes are:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify old and inappropriate subdivisions which are to be restructured.*
- *To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.”*

5.15 Pursuant to Clause 45.05-2 of the Scheme, a permit is required to construct or extend a dwelling or other building. A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay.

Particular Provisions

5.16 Clause 52.06 of the Scheme relates to car parking. A primary school requires 1 car space to each employee that is part of the maximum number of employees on site at any one time.

5.17 Clause 52.17 of the Scheme relates to native vegetation. A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

5.18 Clause 52.34 of the Scheme relates to the provision of bicycle facilities. A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

6. REFERRALS:

Internal Referral

6.1 The application was referred to Council's Sustainable Environment Department for comment. The department expressed concerns in relation to the absence of a Precinct Structure Plan for the Kalkallo Township and that this proposal may impact on the ability to reconfigure the creek crossings of Kalkallo Creek. The department also raised concern in relation to the pressure this development would place on the heritage bridge.

6.2 The application was referred to Council's Community and Activity Centre Planning department who expressed concern in relation to integration with the Kalkallo neighbourhood in relation to connectedness, shared pathways and open space. The loss of the oval and what space has been identified to meet the sporting/active recreational needs of students is also a concern.

6.3 The application has been referred to Council's Landscape Planner who advised that a safety audit on the proposed design should be provided in relation to the man-made water bodies. In addition, details of the waste water dispersal area and modifications to the landscape plan would be required.

REPORT NO: SU206 (cont.)

- 6.4 The application was referred to Council's Health department who advise that all waste water is to be managed in compliance with the Environmental Protection Act 1970. Approval must be sought to install and use the septic tank.
- 6.5 The application was further referred to Council's Assets Department. The department object to the application as the traffic generated by the school will have a significant impact on the existing road infrastructure. The one-lane heritage bridge currently has an AM peak volume of 22 vehicles. The development is anticipated to generate a significant traffic demand across the existing Malcolm Street Bridge. It is a one way bridge and will not be able to accommodate the level of traffic proposed. These volumes will also create a safety hazard at the one-lane bridge and increase conflict of two way travel approaching the bridge. The surrounding road network is classified as rural access roads and has traffic volumes permitted to allow a one-lane road width. The schools projected traffic will significantly increase the daily volume on all surrounding roads, being Malcolm Street, Mitchells Street and Cameron Street to a volume that will require road widening and upgrades of these roads.
- 6.6 In addition, Council's Assets department state that the traffic assessment submitted with the application suggests that all parent traffic (400 vehicular movements per day) will enter from the south via Donnybrook Road then Mitchell Street and return via the same route, but has not provided any justification for this traffic distribution assumption. Whilst an additional entry is proposed onto Mitchell Street, the set-up of the car park allows for parents to enter via one access and depart via the other. As such, it is very likely that the traffic generated by the school will enter via Mitchell Street and depart via Malcolm Street or vice versa.
- 6.7 The application was referred to Council's Strategic Planning Department who object to the proposal. Strategic Planning advise that until an urban structure plan for Kalkallo is confirmed in a Precinct Structure Plan, it is premature to be able to fully determine the appropriateness of an education centre on the subject site at this time. No formal planning has commenced for the Kalkallo Township PSP, however, the *Hume Corridor HIGAP Spatial Strategy* nominates the site for low density residential living. The proposal is considered premature given that a PSP has not been prepared for the Kalkallo Township.
- 6.8 In addition, Council's Strategic Planning Department advise that the Victorian Planning Authority (VPA) have prepared planning guidance notes for non-government education facilities in growth areas. This guidance note acknowledges the challenges for educational providers to find sites but includes the following similar locational criteria:
- Located near other schools and community facilities,
 - Located either close to a neighbourhood activity centre or with good visual and physical links to a town centre,
 - Linked to cycling and walking network, and local bus service (primary schools),
 - Located away from potential hazards such as sources of noise and high traffic volumes.
- 6.9 These strategies and the guidance note clearly point to a planning policy preference for educational facilities to be located on sites with greater levels of accessibility and connectivity than the subject site. These include sites (in preference order):
- In large activity centres
 - In smaller activity centres
 - On major roads with good road and public transport access
 - In locations with a range of good walking and cycling options.
- 6.10 This proposal does not have any of these preferred locational attributes. The accessibility of this site is poor notwithstanding the commitment to provide buses.

REPORT NO: SU206 (cont.)

- 6.11 Strategic Planning advise that there are many alternative locations for non-government schools (Lockerbie PSP, Merrifield West PSP, Donnybrook/Woodstock PSP, Craigieburn R2 PSP, Craigieburn West PSP (future), Lockerbie North PSP and Beveridge Central PSP (future). These sites have been carefully planned for as part of the PSP process.
- 6.12 Strategic Planning also advise that the Kalkallo Township includes significant natural heritage including the Kalkallo commons, cemetery, grasslands and Kalkallo Creek. The biodiversity values of the Kalkallo Creek which traverses the subject site, need to be incorporated into an open space network for the entire precinct. The details of the network are yet to be planned. The Craigieburn North Employment PSP was recently approved by the Minister for Planning, and is located south of the subject site and also surrounds the Kalkallo Creek. The PSP directs that there needs to be an appropriate interface with the conservation area along the creek. No such interface is proposed as part of this application. It is premature to allow a private creek crossing as proposed in this application given that it may prejudice the ability to plan for additional public creek crossings in the future.

External Referral

- 6.13 The application was referred to the Environmental Protection Authority (EPA) for comment under Section 52 of the *Planning and Environment Act, 1987*. The EPA has no concern with the proposal and has recommended Council considers placing a condition if a permit were to issue, relating to the requirement of a Works Approval if the total wastewater load exceeds 5000 litres before sewer is available.
- 6.14 The application was referred to the Department of Environment, Land, Water and Planning (DELWP) for comment under Section 52 of the *Planning and Environment Act, 1987*. DELWP state that the application shows an access road from Mitchell Street which crosses the Kalkallo Creek and Conservation Area 34 from west to east. To ensure there is no impact to the future dispersal of Growling Grass Frog through the conservation area, any future crossing of the Kalkallo Creek must be designed and constructed in accordance with passage design standards outlined in Design and Construction Standards for Growling Grass Frog Passage Structures (25 August 2015) to the satisfaction of DELWP. DELWP does not object to the proposal subject to conditions relating to the road crossing of the Kalkallo Creek, land management, protection of conservation areas and native vegetation, environmental management and salvage/translocation.
- 6.15 The application was referred to VicRoads under Section 52 of the *Planning and Environment Act, 1987* for comment. VicRoads does not object to the proposal.
- 6.16 The application was referred to Melbourne Water pursuant to Section 55 of the *Planning and Environment Act 1987*. Melbourne Water does not object to the proposal subject to conditions relating to drainage and site environmental management.
- 6.17 The application was referred to the Victorian Planning Authority (VPA) pursuant to *Section 55 of the Planning and Environment Act 1987*. VPA has no objection to the proposal.
- 6.18 The application was referred to Public Transport Victoria (PTV) pursuant to *Section 55 of the Planning and Environment Act, 1987*. PTV advise that they do not object to the proposal and further advise that:

'The site is not currently serviced by public transport and there are no plans to extend any local bus services near the proposed school site. It is PTV's experience that primary schools do not usually generate significant demand for route bus services as prep to Grade 6 students do not usually travel independently and it is rare for parents to accompany their children on their commute to school.'

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6.19 The application was referred to the Country Fire Authority (CFA) for comment under Section 52 of the *Planning and Environment Act, 1987*. CFA advise that any proposed crossing of the Kalkallo Creek and associated roads must be designed and constructed to accommodate fire fighting vehicles: Load limit 20 tonnes and trafficable width of 3.5 metres and clear of encroachments of 0.5 metres either side and four metres above.

6.20 CFA also advise that the Kalkallo area is within a grassfire risk area. This means that fast running grassfires will occur from time to time. It is important that school management is aware of this and takes appropriate actions in preparing a detailed emergency management plan for the site.

7. ADVERTISING:

7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* by way of letters to adjoining land owners and occupiers and three notice boards placed on site. A total of 28 objections and one petition containing 44 signatures were received in response. The grounds of objection can be summarised as follows:

- Traffic/condition of existing roads/bridge
- Safety for north bound traffic via Hume Highway and referral to Vic Roads/Traffic Engineers
- Impact on the nearby cemetery/parking on Malcolm Street/closure of the bridge
- Impact on natural drainage line
- No town infrastructure such as water, sewerage, shops, community facilities and public transport
- Fire risk
- No mention made in the submission of the Victorian Registration and Qualifications Authority (VRQA) report on independent schools.
- Proposal does not meet the guidelines for non-government schools as per the Metropolitan Planning Authority PSP notes for non-government schools
- School to cater for Muslim students only
- Not an appropriate location for an education centre
- Will have a detrimental impact to the natural sensitive areas of Kalkallo/environmental impact
- Removal of native vegetation from the site/impact on flora and fauna/no landscape plan
- The application will have no net benefit to the residents of the Kalkallo Township
- Future use of road located between Kalkallo Commons and Donnybrook/Kalkallo Cemetery can only be used as pedestrian/bike linkage to the Lockerbie precinct.
- Over use and development of the site/not in keeping with the Restructure Overlay
- Not within an approved Precinct Structure Plan
- There are government and non-government schools in the Lockerbie Precinct where there are appropriate services
- Unsympathetic to the rural character of Kalkallo Township
- Noise from the school
- There has been no consultation with residents of Kalkallo Township
- Insufficient CHMP undertaken

8. OBJECTIONS:

8.1 The above objections are addressed below:

REPORT NO: SU206 (cont.)

Traffic and condition of existing roads/bridge

- 8.1 The concern relates to the increase in the amount of traffic on the roads in Kalkallo and the one lane Malcolm Street bridge. The residents state that even though there is a plan to erect a new bridge to allow access to the school, it is inevitable that different traffic movements will take place simultaneously accessing both bridges greatly impacting on Kalkallo. The new crossover/bridge is very close to the corner of the Malcolm/Mitchell Street intersection. The residents advise that this is a dangerous blind corner with numerous accidents and daily near misses.
- 8.2 In addition, Mitchell Street currently carries too much traffic and the one layer of bitumen continuously breaks up. These concerns are substantiated and reinforced in the assessment section of this report.
- 8.3 There is also concern that no detail has been provided on the bridge with respect to materials of construction and its capacity.

Safety for north bound traffic via Hume Highway and referral to Vic Roads/Traffic Engineers

- 8.4 The concern relates to the traffic of the school causing queuing and turning right into an 80km road to access Cameron Street during morning/afternoon peak. The application has been referred to VicRoads who has no objection to the application.

Impact on the nearby cemetery/Parking on Malcolm Street/closure of the bridge

- 8.5 The concern relates to the parking outside of the school boundary on the road and blocking access to the cemetery for funerals passing the street. Large funerals result in parking on Malcolm Street and many funerals occur between 3 and 4pm.
- 8.6 If the bridge was closed, this would be a major problem for funeral directors and others coming to the Kalkallo cemetery. Most funerals come along Mitchell Street and then Malcolm Street to gain access.

Natural drainage line

- 8.7 The natural drainage line that flows around and through the cemetery flows through the site for the proposed school. Closure of this water channel could impact on the cemetery grounds causing flooding in the grave area.
- 8.8 Conditions are required from both Melbourne Water and Council's Asset Department in relation to drainage and stormwater flow should a Notice of Decision to Grant a Permit be issued.

Flooding of Kalkallo Creek and the west end of subject site

- 8.9 The concern relates to the flooding of the proposed bridge and car park. The application has been referred to Melbourne Water who has no objection to the application and have requested that conditions be placed on any permit issued relating to drainage and stormwater.

No town infrastructure such as water, sewerage, shops, community facilities and public transport

- 8.10 The concern relates to the suitability of establishing a school with a future projection of approximately 2 students on potable water. The application has been referred to the EPA and Melbourne Water who do not object to the proposal subject to conditions relating to a Works Approval if the total wastewater load exceeds 5000 litres before sewer is available and drainage and site environmental management.

Fire risk

The concern relates to placing a primary school in a restricted area with country roads and potable water supply. Whilst a statutory referral is not required to the CFA, the application was referred to the CFA for comment and the response is provided in the referral section above.

REPORT NO: SU206 (cont.)

No mention made in the submission VRQA/independent schools have not survived recently

8.11 The concern relates to no mention in the planning submission to VRQA to grant approval to the school. This approval is a separate approval and is not required under the *Hume Planning Scheme*.

Proposal does not meet the guidelines for non-government schools as per the Metropolitan Planning Authority PSP notes for non-government schools

8.12 The concern relates to there being no access to transport, community facilities, street siting, connector streets carrying a local bus service and three road frontages. As discussed under the assessment section of this report, this site is not an ideal location for a school given its access arrangements and absence of a Precinct Structure Plan.

School to cater for Muslim students only

8.13 The concern relates to the school being restricted to Muslim students only. Denomination is not a relevant Town Planning consideration, what is under consideration is the use and development of the land for the purpose of an education centre (primary school).

Not an appropriate location for an education centre

8.14 This concern is substantiated and is discussed further in the assessment section of this report.

Will have a detrimental impact to the natural sensitive areas of Kalkallo/environmental impact

8.15 The Department of Environment, Land, Water and Planning (DELWP) and Melbourne Water have not objected to the application. DELWP does not object to the proposal subject to conditions relating to land management, protection of conservation areas and native vegetation. Melbourne Water does not object to the proposal subject to conditions relating to drainage and site environmental management.

Removal of native vegetation from the site/impact on flora and fauna/no landscape plan

8.16 DELWP does not object to the proposal subject to conditions relating to land management, protection of conservation areas and native vegetation.

The application will have no net benefit to the residents of the Kalkallo Township

8.17 The proposed use of the site for an education centre (primary school) would be targeted to the population selected by the school. The proposal is not an ideal location for a school given its current access arrangements and absence of a PSP.

Future use of road located between Kalkallo Commons and Donnybrook/Kalkallo Cemetery can only be used as pedestrian/bike linkage to the Lockerbie precinct.

8.18 The Lockerbie Precinct Structure Plan (May 2012) currently shows this area as encumbered open space.

Over use and development of the site/not in keeping with the Restructure Overlay

8.19 This ground is substantiated and discussed further in this report.

Not within an approved Precinct Structure Plan

8.20 This ground is substantiated and discussed further in this report.

There are government and non-government schools in the Lockerbie Precinct where there are appropriate services

8.21 This ground is substantiated and discussed further in this report.

Unsympathetic to the rural character of Kalkallo Township

REPORT NO: SU206 (cont.)

8.22 This ground is substantiated and discussed further in this report.

Noise from the school

8.23 Noise from children playing is not a relevant Town Planning consideration and this has been reinforced in numerous VCAT cases. Noise from traffic would likely be for a limited time in the AM and PM peak periods.

There has been no consultation with residents of Kalkallo Township

8.24 Whilst the applicant appears to not have undertaken any community consultation prior to lodging the application with Council, this is not mandatory. Council gave notification of the application pursuant to Section 52 of the *Planning and Environment Act 1987*.

Insufficient CHMP undertaken

8.25 As stated earlier in this report, a cultural heritage due diligence assessment was undertaken by Michael Lever dated 9 April 2015. The report found that *'there is no requirement for a mandatory Cultural Heritage Management Plan (CHMP) at 22 Malcolm Street, Kalkallo. The proposed activity is in part a high impact activity, however the study area at 22 Malcolm Street, Kalkallo is not within an area of Cultural Heritage Sensitivity. On this basis Council is able to issue statutory authority for the proposed works to proceed without the need for a CHMP.'*

9. ASSESSMENT:

Clause 22.04 - Townships Local Policy

9.1 Clause 22.04 of the *Hume Planning Scheme* applies to land in the Kalkallo and the Bulla Townships. The policy basis for this policy is as follows:

"The Bulla and Kalkallo townships were established in the pre-1851 squatting era and are excellent examples of early rural town settlements. They contain many natural and cultural heritage sites of significance, including churches, hotels, monuments, bridges, waterways and, in the case of Kalkallo, important grasslands. These sites, together with the town's essentially subdivision grid layout, location on a main road and near creeks, predominance of low-rise building forms and surrounding rural landscape, contribute greatly to their historic ambience and character. It is important therefore, that new development in the towns is designed and sited in a manner sympathetic with these features and complements this 'rural town' character."

9.2 The stated objectives for the Townships Local Policy are:

- *"To preserve and enhance significant natural and cultural heritage features that contribute positively to the character of the townships.*
- *To ensure that new buildings are sympathetic with the 'rural town' character of the townships.*
- *To preserve and enhance the amenity of the townships and reduce the environmental impacts of new dwellings and other development."*

9.3 It is policy amongst other things that *"buildings intended for a commercial, business or similar use should be designed in a rural town style, incorporating such features as bull-nose verandahs, brick face work and colourbond style roofing."*

9.4 Whilst the portable classrooms and toilet blocks are to be finished with a mix of timber and colourbond cladding in brown and cream to respond to the earthy tones of the area, the proposed buildings do not incorporate features such as bull-nose verandahs, brick face work or colourbond style roofing and therefore are not consistent with the rural town character of the township.

9.5 In addition, the development is to be accessed by surrounding roads that are not formed roads. This will be discussed further in the assessment section below.

REPORT NO: SU206 (cont.)

Clause 32.05: Township Zone

- 9.6 One of the stated purposes of the Township Zone is *‘to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations’*. Further to this, under clause 32.05-11 of the Scheme, the responsible authority must consider as appropriate, *“the safety, efficiency and amenity effects of traffic to be generated by the proposal”*.
- 9.7 As stated earlier in this report, the proposal has been assessed by Council’s Assets Department who object to the proposal. The department advise that the proposed primary school will generate significant traffic that cannot be serviced by the existing infrastructure. The revised traffic report undertaken by Ratio Consultants in August 2016 shows that the primary vehicular route to the site is provided via Donnybrook Road and the southern part of Mitchell Street. Up to 216 vehicular trips during the AM peak hour and 200 vehicular trips during the PM peak hour will be generated, based on future student and staff numbers. Traffic generated by the proposed development will be dispersed onto the surrounding road network, in particular the southern part of Mitchell Street. Council’s Assets department advise that no justification has been provided by the applicant for this traffic distribution assumption. Whilst an additional entry is proposed onto Mitchell Street, the layout of the car park allows for parents to enter via one access and depart via the other. As such, it is very likely that the traffic generated by the school will enter via Mitchell Street and depart via Malcolm Street or vice versa.
- 9.8 Whilst the application states that there will be no need for vehicular access across the one-lane Malcolm Street bridge and that the school’s need for the bridge would be for pedestrians and cyclists only, the bridge is to remain open and school traffic will choose to traverse the bridge. The bridge is in no condition to cope with an increase in traffic volumes and this will be impossible to enforce. The development is anticipated to generate a significant traffic demand across the existing Malcolm Street Bridge. It is a one-way bridge and will not be able to accommodate the level of traffic proposed.
- 9.9 The Malcolm Street bridge is of heritage significance and is protected under a Heritage Overlay (HO249 – Blue stone and iron bridge) in the *Hume Planning Scheme*. Council is unable to restrict access to the school over the bridge without restricting access to the residents of the Kalkallo Township who rely on the bridge to access services to the south.
- 9.10 Additionally, the road network proposed to service the school is not to the standard required. Additionally, channelling more vehicles to the un-signalised intersections with the Hume Freeway should be discouraged, given the freeway’s significantly large traffic volumes.

Clause 37.07: Urban Growth Zone

9.11 The stated purpose of the Urban Growth Zone is as follows:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.*
- *To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.*
- *To contain urban use and development to areas identified for urban development in a precinct structure plan.*
- *To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.*

REPORT NO: SU206 (cont.)

- *To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.”*
- 9.12 The proposed use and development of a primary school is not consistent with the stated purpose of the Urban Growth Zone. Particularly the following two purposes:
- *“To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.*
 - *To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.”*
- 9.13 No PSP applies to the land. The subject site has been brought within the Urban Growth Boundary in the past decade. A portion of the Kalkallo Township, including the bulk of the site, is included within the Urban Growth Zone. It is therefore subject to a future PSP and Development Contribution Plan (DCP). The PSP will give guidance on future developments within the township. No formal planning has commenced for the Kalkallo Township PSP, however, the *Hume Corridor HIGAP Spatial Strategy* nominates the site for low density residential living.
- 9.14 The proposal is considered premature given that a PSP has not been prepared for the Kalkallo Township. The proposed use and development of the land for the purpose of a primary school may prejudice the future use and development of the land.
- 9.15 Council’s Strategy does not envisage an upgrade to the Malcolm Street bridge and shows the bridge being converted to one-way with traffic restricted to travelling east only over the bridge. The strategy shows that access from the Kalkallo Township directly onto the Hume Freeway will eventually be closed and restricted. All access from properties east of the Kalkallo Creek out of the township will need to rely on future roads through the Lockerbie Precinct.
- 9.16 Any significant development in the township will warrant a change in the access arrangements in the township. This means that either new roads in the Lockerbie precinct will need to be brought forward, or an upgrade to the Malcolm Street bridge will be required.
- 9.17 Future development within the township will warrant significant upgrade to the road network to an urban standard. If warranted, a new two-way bridge would replace the existing heritage bridge. The costs of these works would be evenly spread across the land owners within the precinct through a DCP. As the PSP process has not commenced, there is no certainty at this point what these costs would be.
- 9.18 In the absence of a PSP and DCP any upgrade to the road network to support the proposal would need to be contributed entirely by the proponent. This would include an upgrade to Mitchell Street and Cameron Street, and the construction of a new two-lane bridge. Malcolm Street would also be required to be upgraded.
- 9.19 Additional development in the township, such as to the scale proposed in this application, may warrant a closure of the access to the Hume Freeway from the Township. This would be a very complex process involving a whole of government approach, including guidance and leadership from the Victorian Planning Authority and VicRoads.
- 9.20 Whilst the application proposes a private access driveway across the Kalkallo Creek, the biodiversity values of the Kalkallo Creek needs to be incorporated into an open space network for the entire precinct. The details of the network are yet to be planned. As stated earlier in the report, the Craigieburn North Employment PSP was recently approved by the Minister for Planning, and is located south of the subject site and also surrounds the Kalkallo Creek. The PSP directs that there needs to be an appropriate

REPORT NO: SU206 (cont.)

interface with the conservation area along the creek. No such interface is proposed as part of this application. It is premature to allow a private creek crossing as proposed in this application given that it may prejudice the ability to plan for additional public creek crossing in the future.

9.21 It is considered that the subject site is not an ideal location for an education centre (primary school) given the current access arrangements and the absence of a PSP. The proposal may prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.

9.22 There are many alternative locations for non-government schools (Lockerbie PSP, Merrifield West PSP, Donnybrook/Woodstock PSP, Craigieburn R2 PSP, Craigieburn West PSP (future), Lockerbie North PSP and Beveridge Central PSP (future). These sites have been carefully planned for as part of the PSP process.

Clause 45.05: Restructure Overlay

9.23 One of the stated purposes of the Restructure Overlay is *'to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.'* Decision guidelines include the design of buildings. As stated earlier, the portable classrooms and toilet facilities are not in keeping with the rural town character of the area.

Over-development of the site

9.24 The proposed use and development of the primary school is an over-development of the site as the site is not suitable for the proposal. In addition, with the removal of the oval from the west of the site due to the requirement from DEWLP to protect the Growling Grass Frog conservation area, no further area has been designated on site for a sports oval.

10. CONCLUSION

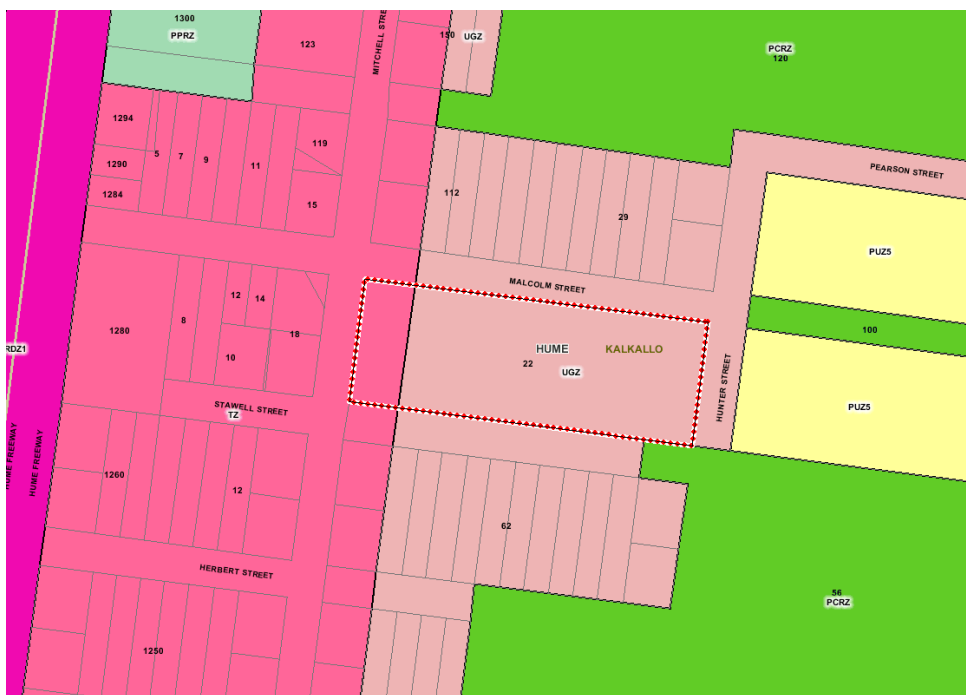
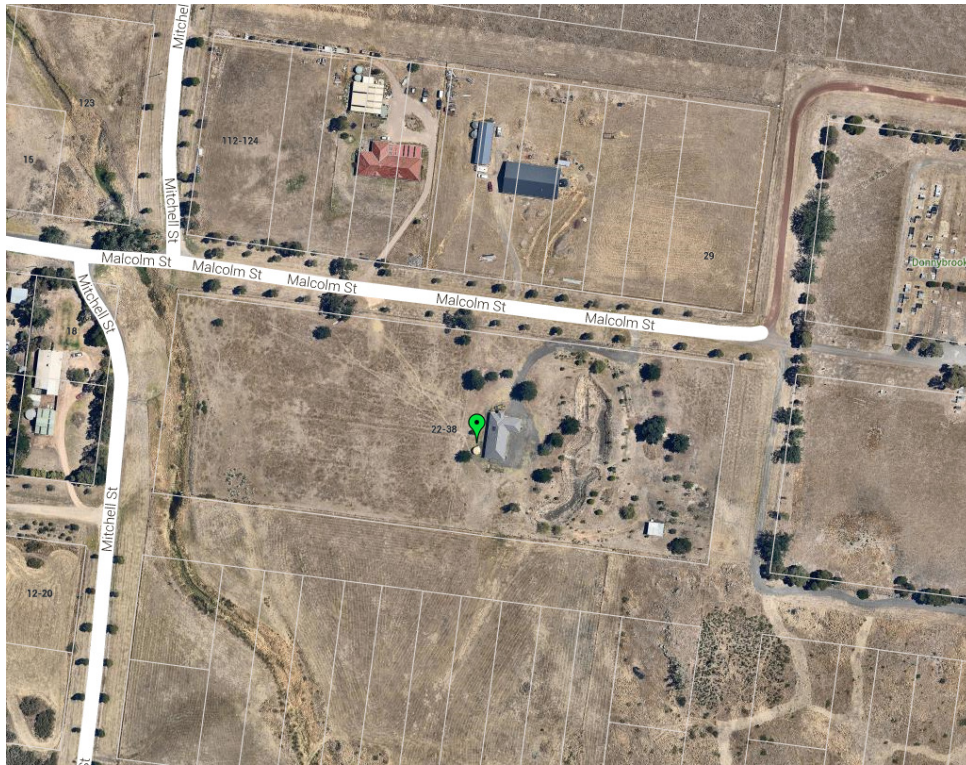
10.1 The application has been considered against the relevant policies and provisions of the *Hume Planning Scheme* and the site and surrounding context. It is considered that the site is not an ideal location for an education centre (primary school) given the current access arrangements and in the absence of a PSP may prejudice the future urban use and development of the land.

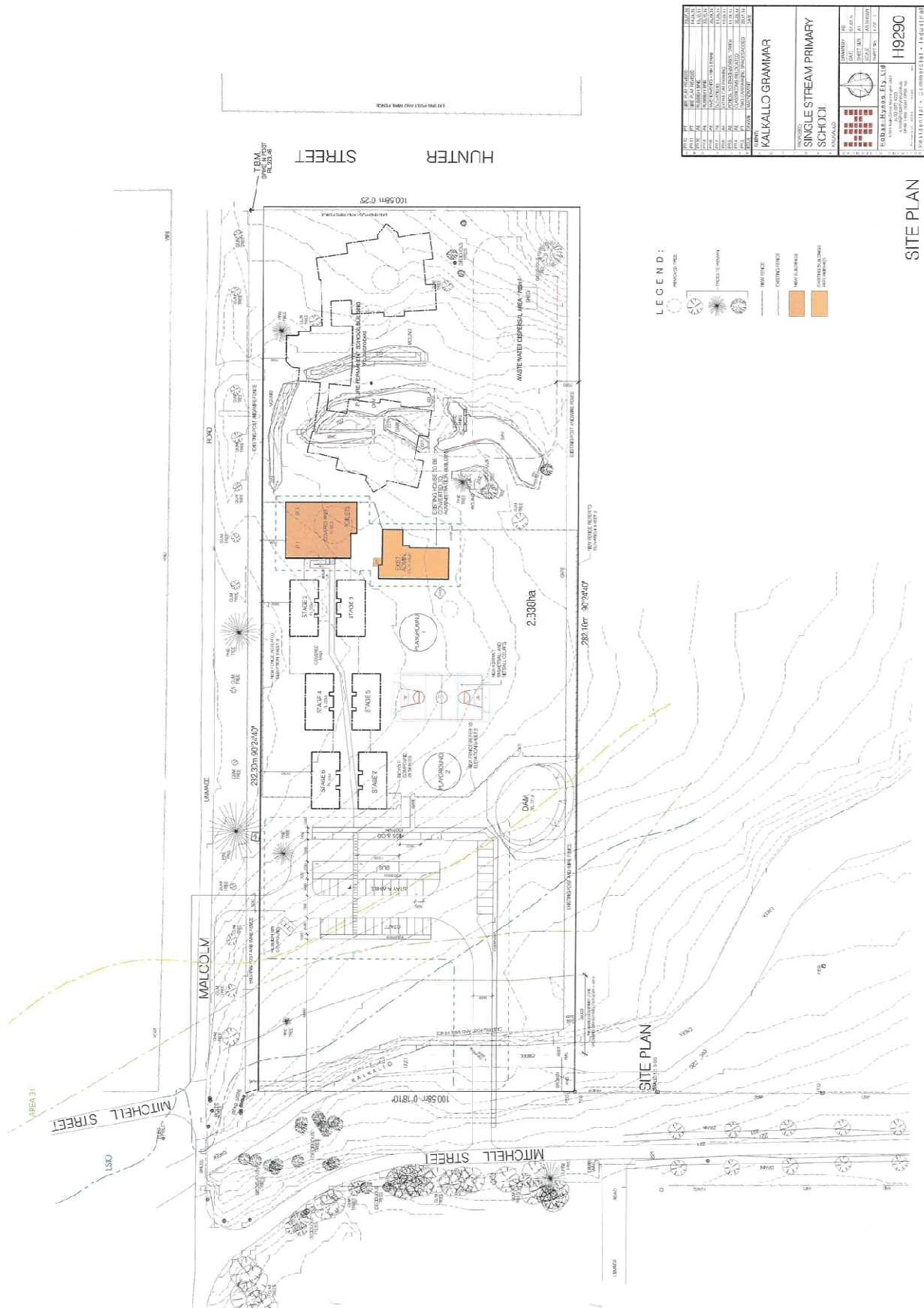
10.2 It is recommended that a Notice of Refusal to Grant a Permit be issued.

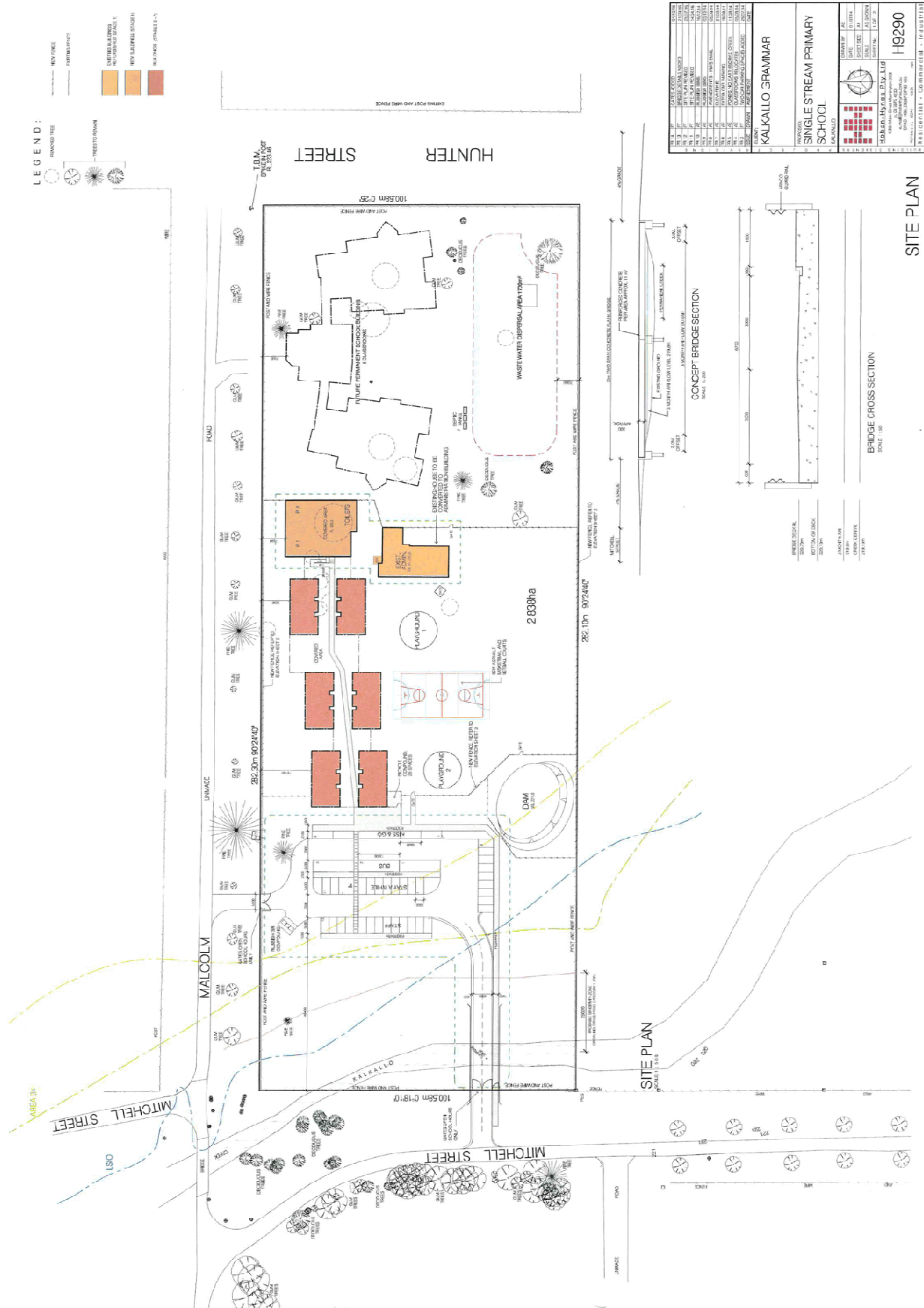
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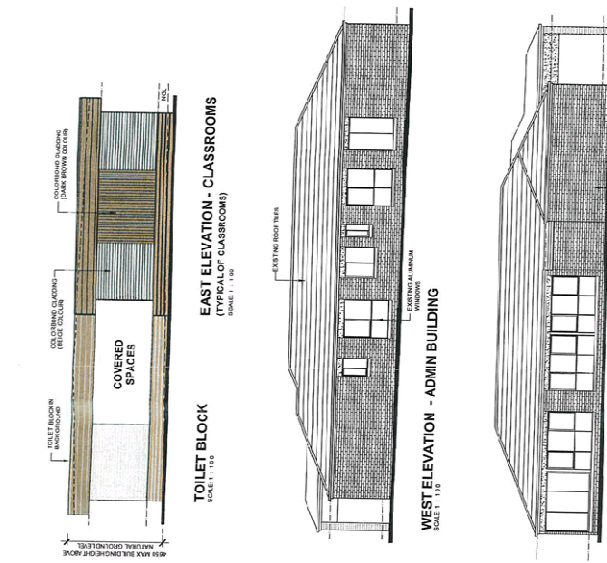
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22-38 Malcolm Street, Kalkallo









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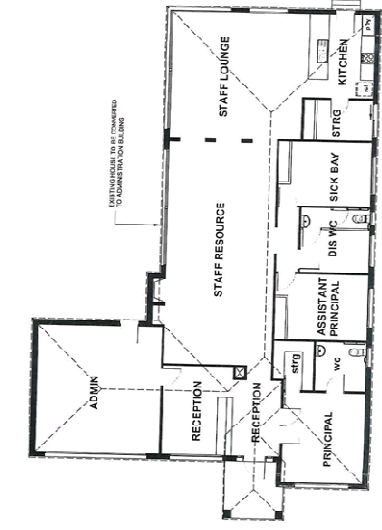
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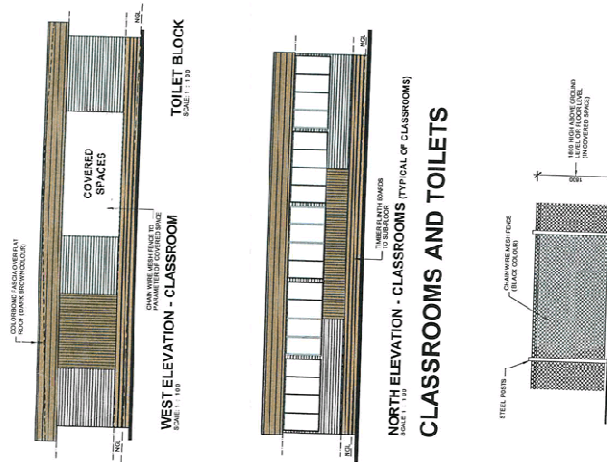
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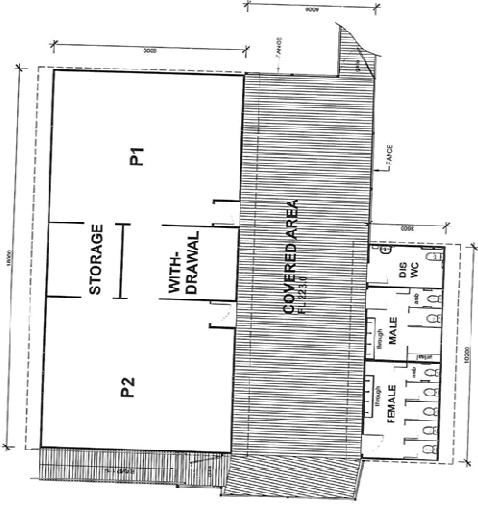
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ADMINISTRATION - FLOOR PLAN
SCALE 1:150



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CLASSROOMS & TOILET BLOCK - FLOOR PLAN
SCALE 1:150

REPORT NO:	SU207
REPORT TITLE:	340 Craigieburn Road, Craigieburn - Buildings and works associated with an outdoor seating area
SOURCE:	Fenella Kennedy, Town Planner
DIVISION:	Planning and Development
FILE NO:	P20036
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	1. <i>Locality Plan</i> 2. <i>Development Plans</i>

Application No:	P20036
Proposal:	Buildings and works associated with an outdoor seating area.
Location:	340 Craigieburn Road, Craigieburn
Zoning:	Comprehensive Development Zone, Schedule 1
Applicant:	ASA Building Consultants
Date Received:	13 October 2016

1. SUMMARY OF REPORT:

- 1.1 Planning approval is sought for buildings and works associated with the construction of an outdoor seating area at 340 Craigieburn Road, Craigieburn (Craigieburn Central Shopping Centre). The application is exempt from the statutory public notification process under the relevant provision of the *Hume Planning Scheme* and as a result, there are no objectors to this application.
- 1.2 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme*, and fails to comply with key policy objectives. The proposal also fails to comply with Section 173 Agreement AJ893547R registered on the certificate of title. Accordingly, it is recommended that the application not be supported.

2. RECOMMENDATION:

- 2.1 **That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Planning Permit for buildings and works associated with the construction of an outdoor seating area at 340 Craigieburn Road, Craigieburn for the following reasons:**
 1. **The proposal is not consistent with Clause 15.01 of the Hume Planning Scheme (Urban Environment).**
 2. **The proposal is not consistent with Clause 21.07 of the Hume Planning Scheme (Activity Centres and Retailing).**
 3. **The proposal is not consistent with the Craigieburn Town Centre Development Plan.**
 4. **The proposal is not consistent with Section 173 Agreement AJ893547R.**

REPORT NO: SU207 (cont.)

3. PROPOSAL:

3.1 The application proposes buildings and works to construct a permanent outdoor alfresco area adjacent to Lonestar Rib House (tenancies E004, E005 and E006) which is located within High Walk. High Walk is an open pedestrian path which extends from the east to the west through the centre of Craigieburn Central Shopping Centre. The proposed buildings and works comprise the following:

- A 13.4 metre long by 3 metre wide structure (40.20 square metres), with a maximum overall height of 3 metres. The structure will include translucent roofing and 1 metre high partitions along its east and west parameters. The partitions on the side closest to the Lonestar Rib House (west) will include breaks to allow for entry and exit to the structure, and either end of the structure will remain open. The partitions along the side facing away from the restaurant (east) will not include any breaks.
- The proposed structure can accommodate seating for 48 customers, in addition to the 159 seats that are located inside the restaurant.
- The structure is to be located within High Walk, and setback from the Lonestar Rib House frontage by 3 metres.
- The proposed structure would require the removal of some seating and landscaping within High Walk, however the amount of seating and landscaping required to be removed is unclear as detailed information has not been provided by the permit applicant.

4. SITE AND SURROUNDS:

4.1 The Site

The subject site is located on the north side of Craigieburn Road and is bounded by Aitken Boulevard to the west and Central Park Avenue to the north.

4.2 The Surrounding Area

The surrounding properties include a mix of residential, community and commercial land uses. On the opposite side of Craigieburn Road to the south is a golf course and residential subdivision.

Restrictions on Title

4.3 A total of three Section 173 Agreements registered on the certificate of title apply to the land (AJ893547R, AJ893551B and AL583277G). These agreements include extensive requirements with respect to centre access, use of spaces for public and private events, maintenance, security, insurance, public art, developer contributions, public transport and infrastructure provision.

4.4 Of particular relevance is Section 173 Agreement AJ893547R which includes specific requirements in relation to High Walk, including a number of requirements with potential conflict. These requirements have been detailed below:

- *“The Pedestrian Laneway (High Walk) must have a ‘clear to the sky’ design, not roofed or covered over, but allowing for awnings and similar weather protection provided solar access to the satisfaction of the Responsible Authority is provided and maintained to the Pedestrian Laneway (High Walk)...The Owners however are entitled to allow tenants to install umbrellas, seating, menu boards, heating lamps, and other similar items of tenant furniture outside their tenancies in a style of keeping with a typical Melbourne Laneway.”*
- *“The Pedestrian Laneway (High Walk) will be trafficable for a service or emergency vehicle of a regular car size.”*

REPORT NO: SU207 (cont.)

- 4.5 These requirements will be discussed in detail under the 'Assessment' heading within this report.

Planning History

- 4.6 Planning Permit P15564 was issued for the construction of buildings and works associated with the first stage of development of the civic and retail core of the Craigieburn Central Town Centre, to reduce/vary car parking and bicycle requirements and to create access to a Road Zone – Category 1 at 340 Craigieburn Road, Craigieburn.
- 4.7 Numerous amendments have been undertaken following the grant of permit P13564 including entry canopies on the Main Street and High Walk entrance, amendments to the internal layout of the shopping centre, amendments to the car parking layout and cinema.
- 4.8 It is worth noting that the afore mentioned amendments have occurred to the 'parent permit', and the applicant has chosen to lodge the current proposal as a new planning permit application, rather than amending the original permit. As such, the history relating to the site exists under P15564 and not under the new application.
- 4.9 Council issued an amendment to Planning Permit P15564.07 on 27 June 2016 which allowed a 180 square metre extension to tenancies E004, E005 and E006 (Lone Star Rib House). In this amendment, a Traffic Report prepared by GTA Consultants identified a peak car parking demand within the centre of 2467 spaces and an existing 2761 spaces within the centre, resulting in a total of 294 spaces which exceed the peak period demand. As a result it was concluded that the additional 7 car parking spaces required by the 180 square metre extension was negligible and would not result in car parking issues on the site.
- 4.10 The current amendment to Planning Permit P15564 is for proposed car parking canopies and vertical wind barriers at the Craigieburn Central Shopping Centre. This amendment has been to a compulsory conference and is currently under review by VCAT.

Background

- 4.11 Planning application P20036 was lodged on 13 October 2016 for buildings and works associated with an outdoor alfresco.
- 4.12 A letter was sent to the applicant on 11 November 2016 requesting the submission of additional information and raising concerns with the proposed buildings and works. No further information has been submitted to date.
- 4.13 Since the issue of Council's letter on 11 November 2016, the applicant's Town Planner (Taylors) and Council have been conversing over the phone and via email with a number of relatively minor variations to the initial proposal put forward.
- 4.14 Council officers have maintained their position throughout discussions stating that a permanent structure such as the one proposed, would not receive support, but that temporary structures such as movable tables and chairs would be supported by Council in principle.

5 PLANNING CONTROLS:

- 5.1 The following policies and provisions of the *Hume Planning Scheme* are relevant in the consideration of the application:

<i>State Policies:</i>	Clause 11:	Settlement
	Clause 11.01:	Activity Centres
	Clause 15:	Built Environment and Heritage

REPORT NO: SU207 (cont.)

	Clause 15.01-1: Urban Environment
	Clause 15.01-2: Urban Design Principles
	Clause 17: Economic Development
	Clause 17.01: Commercial
	Clause 17.01-1: Business
<i>Municipal Strategies</i>	Clause 21.06-2: Craigieburn and Roxburgh Park Neighbourhood
<i>Local Policies</i>	Clause 21.07: Activity Centres and Retailing
<i>Zones:</i>	Nil
<i>Overlays:</i>	Clause 37.02: Comprehensive Development Zone (schedule 1) Development Plan Overlay (Schedule 7)
<i>Particular Provisions</i>	Clause 52.06: Car Parking
<i>General Provisions</i>	Clause 65.01: Approval of an Application or Plan

- 5.2 Clause 11 (Settlement) of the State Planning Policy Framework states that it is State policy to *'recognise the need for, and as far as practicable contribute towards a high standard of urban design and amenity.'*
- 5.3 It is also State policy at Clause 15.01 (Urban Environment) *'to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.'* Two stated strategies relevant to this application are:
- *'To promote good urban design to make the environment more liveable and attractive; and*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.'*
- 5.4 Clause 15.01-2 (Urban Design Principles) of the *Hume Planning Scheme* has the following objective:
- 'To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.'*
- 5.5 One of the stated strategies in relation to architectural quality is *'new development should achieve high standards in architecture and urban design.'*
- 5.6 Clause 21.07 (Activity Centres and Retailing) of the *Hume Planning Scheme* states the following relevant strategies:
- *'Craigieburn Town Centre has been recognised by the State Government as a Major Activity Centre.'*
 - *'Develop Craigieburn Town Centre to a high quality level of urban design and present a high quality, safe and functional environment.'*
- 5.7 The subject site is located within the Craigieburn and Roxburgh Park Neighbourhood. The stated objective for Craigieburn at Clause 21.06-2 of the *Hume Planning Scheme* is:
- 'To protect significant environmental and topographical features in the neighbourhoods that give Craigieburn and Roxburgh Park their identity and character.'*

Craigieburn Town Centre Development Plan

- 5.8 The Craigieburn Town Centre Development Plan (May 2011) was prepared by Hansen Partnership in collaboration with Lend Lease. The vision statement in the Development Plan is as follows:

REPORT NO: SU207 (cont.)

'The civic and retail core precinct of the Craigieburn town centre will be a unique and sustainable regional hub offering a balance of retail, business, civic, community, leisure and residential uses which promote social interaction and employment for 2030 and generations into the future.'

5.9 Guiding values relevant to this application include:

- *'Consider urban planning and design elements that constitute and reinforce the concept of 'main street'.*
- *Create a legible, clear and safe streetscape to allow simple way finding for both pedestrian and vehicular movement.*
- *Create a landscape pattern that brings the open space network close to all urban development, providing access and amenity, and that correlates closely with the broader natural landscape setting.'*

5.10 Guidelines specifically relating to High Walk:

- *'It will be predominantly open to the sky and semi weather protected, with an overall dimension incorporating the use of canopies to allow for natural light penetration and natural ventilation. A projecting canopy (of around 2.6 metres) on each side of High Walk combined with a central landscaped and tree lined zones, will create desirable weather protection and a micro-environment for this linear space.*

Aboriginal Cultural Heritage

5.11 The site is not located within an area of Aboriginal Cultural Heritage Sensitivity and thus a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

5.12 The site is not located within 60 metres of a major electricity transmission line.

Planning Permit Triggers

5.13 The subject site is located within the Comprehensive Development Zone, Schedule 1. Clause 37.02-4 of the Comprehensive Development Zone states that a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. Schedule 1 to the Comprehensive Development Zone, does not specify otherwise and as such a planning permit is required under the Comprehensive Development Zone for buildings and works.

6 REFERRALS:

6.1 The application does not trigger external referral requirements pursuant to Section 55 of the *Planning and Environment Act 1987* or clause 66 of the *Hume Planning Scheme*.

6.2 Further information was never submitted in response to Council's letter of request, including Council's request for a traffic report. As a result, the application was never referred to Council's Assets Department for assessment by a Traffic Engineer. The assessment of car parking requirements in relation to the proposal is considered under the 'Assessment' heading within this report and is based on the most recent car parking variation (amendment P15564.07 dated 27 June 2016) which included submission of a traffic report.

7 ADVERTISING:

7.1 Clause 43.04-2 (Development Plan Overlay) of the *Hume Planning Scheme* states that an application required under any provision of the *Hume Planning Scheme* which is generally in accordance with the Development Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987*.

REPORT NO: SU207 (cont.)

8 ASSESSMENT:

- 8.1 The proposed alfresco structure presents design issues that will be incompatible with High Walk and which fail to satisfy relevant provisions of the *Hume Planning Scheme*, including several objectives and design principles outlined in the Craigieburn Town Centre Development Plan.
- 8.2 The Craigieburn Town Centre Development Plan describes High Walk as being *'predominantly open to the sky and semi weather protected, with an overall dimension incorporating the use of canopies to allow for natural light penetration and natural ventilation. A projecting canopy (of around 2.5 metres) on each side of High Walk, combined with a central landscaped and tree lined zone, will create desirable weather protection and a micro-environment for this linear space.'*
- 8.3 While it is acknowledged that the proposed structure incorporates a translucent roof, there are significant concerns in relation to the impact such a structure will have on the open, pedestrian friendly feel attributed to High Walk currently and as envisaged in the Craigieburn Town Centre Development Plan. The provision of a fixed structure will create significant separation down the centre of High Walk, rather than allowing pedestrians to cross freely between the shops on either side. The proposed structure is also likely to reduce the existing landscaping and informal public seating area within High Walk.
- 8.4 This is considered problematic and will result in a physical and visual break in the linear landscaping and seating strip which extends along the centre of High Walk. Council is supportive of temporary seating and other temporary structures such as menu boards, heating lamps etc (as listed in Section 173 Agreement AJ893547R) but considers the provision of a fixed permanent structure as contrary to the objectives and vision of the Craigieburn Town Centre Development Plan.
- 8.5 Section 173 Agreement AJ893547R includes a section which specifically relates to High Walk and states that *'owners...are entitled to allow tenants to install umbrellas, seating, menu boards, heating lamps, and other similar items of tenant furniture outside their tenancies in the style of keeping with a typical Melbourne laneway.'* While the agreement does not prohibit fixed structures, such as the proposed outdoor seating area, it does encourage more movable type structures which can be taken inside at the end of the day and which allow for more visual permeability along High Walk. The proposed structure is not considered to be in keeping with a typical Melbourne Laneway, where furniture and petitions are temporary in nature and generally taken inside at the end of each day.
- 8.6 Section 173 Agreement AJ893547R also requires that the *'Pedestrian Laneway (High Walk) will be trafficable for a service or emergency vehicle of a regular car size.'* As further information was never submitted detailing the proposed structure in the context of High Walk as a whole, it is difficult to determine whether or not the proposal will allow for an emergency vehicle to travel along High Walk or not. Based on the plans provided it appears that a 3 metre wide area will remain for vehicles to traverse High Walk, however, a width such as this leaves little room for error in manoeuvring vehicles along this stretch in an emergency.
- 8.7 If the proposed structure were to receive support it would set a undesirable precedent for future development, essentially creating an opportunity for similar applications for permanent structures along High Walk. Approval of one such structure diminishes Council's ability and credibility in discouraging similar applications in future. Approval of additional structures along High Walk would further erode the objectives of the Development Plan and Section 173 Agreement and directly contribute to eroding the open pedestrian friendly feel which is currently experienced along High Walk.

REPORT NO: SU207 (cont.)

- 8.8 The proposed would also result in additional negative impacts upon public seating provisions and linear landscaped zones which currently extends along the centre of High Walk. It is important to note that all existing seating within the public realm consists of movable structures which align with the objectives and vision of the Craigieburn Town Centre Development Plan.
- 8.9 In relation to Clause 52.06 of the Hume Planning Scheme, a Food and Drink Premises requires the provision of 4 car parking spaces to every 100 square metres of net floor area. For the proposed 40 square metre extension, this attracts the need for an additional 1.6 car parking spaces on site. Clause 52.06 states that if the requisite number of spaces is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number. In this instance, the requisite 1.6 car parking spaces would be rounded down to an additional 1 car parking space.
- 8.10 Although no traffic assessment was submitted with the application or provided in response to Council's request for additional information, a recent amendment to the original application (P15564.07) considers the provision of car parking at Craigieburn Shopping Centre. Under this amendment the Traffic Report identified a demand of 2467 car parking spaces compared to the 2761 spaces that exist on site. Accordingly, the 1 additional car parking space required as a result of the proposed extension falls well within the number of spaces provided on site. The proposed buildings and works are acceptable in relation to the provision of car parking.

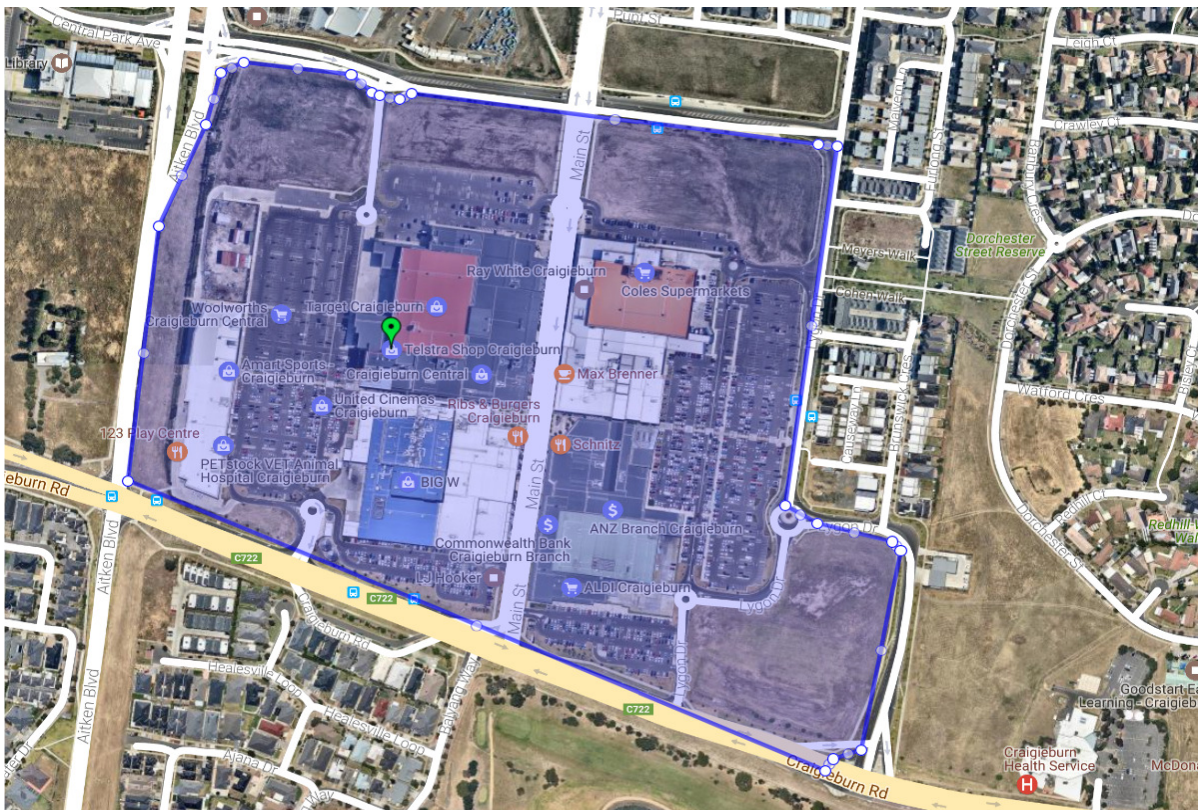
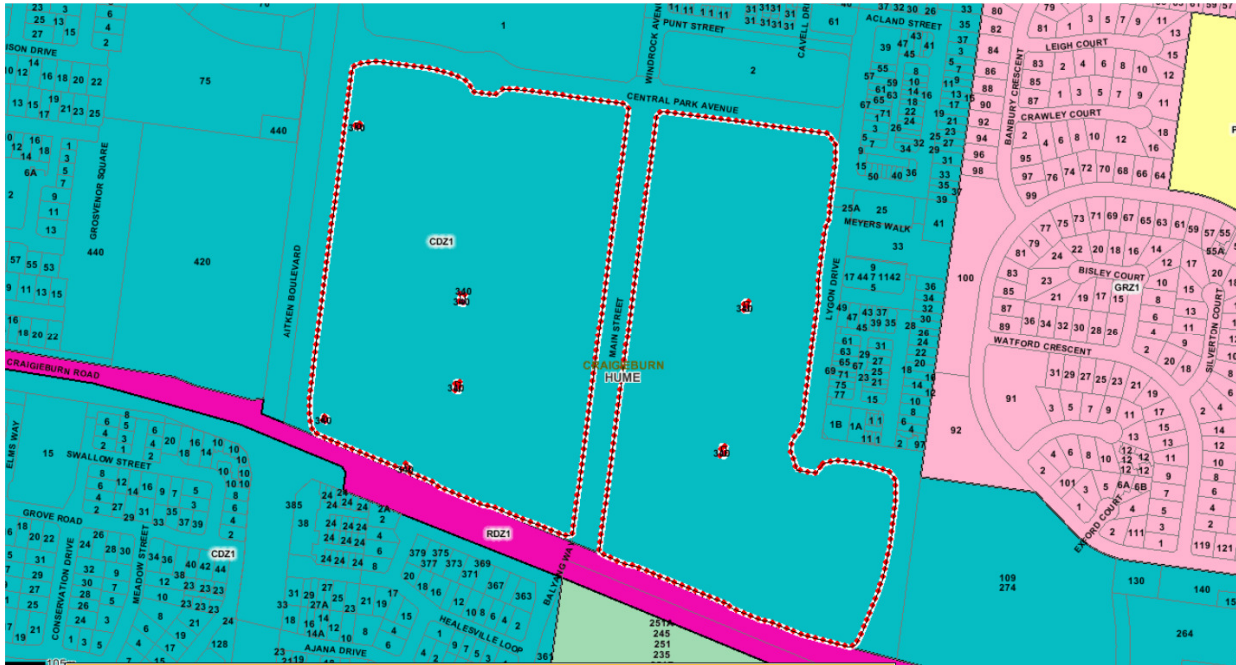
9 CONCLUSION

- 9.1 While Council is supportive of (temporary) outdoor seating, the concerns relate predominantly to the permanent nature of the proposed structure and the impacts that this will have on the overall feel and form, pedestrian pathways, landscaping and public usability of the thoroughfare.
- 9.2 Concerns are also held in relation to emergency vehicle access and the precedent that such an approval would set for High Walk in general and the cumulative restriction or barrier it has the potential to create.
- 9.3 The proposal is not acceptable when assessed in relation to the Craigieburn Town Centre Development Plan as well as relevant provisions of the *Hume Planning Scheme* and the requirements of Section 173 Agreement AJ893547R.

LOCALITY PLAN

P20036

340 Craigieburn Rd Craigieburn





70.02 ROOM SCHEDULE

Number	Name	Perimeter (mm)	Height (mm)	Area	Wall Area
01	DINING ROOM	92118	2438	281.30 m ²	224.61 m ²
02	BAR	17433	2438	14.96 m ²	42.51 m ²
03	KEG ROOM	9881	2438	5.98 m ²	24.09 m ²
04	COLD ROOM	15425	2438	10.64 m ²	37.61 m ²
05	FREIZER	8862	2438	4.90 m ²	21.61 m ²
06	KITCHEN	51154	2702	62.25 m ²	138.23 m ²
07	OFFICE	8234	2438	4.23 m ²	20.08 m ²
08	ALFRESCO	32800	2438	40.20 m ²	79.98 m ²

LONESTAR RIB HOUSE
 DRAWN: GLENN
 CHECKED: GLENN
 SCALE: 1:100
 TENDER
 REVISION: B

LONESTAR RIB HOUSE
 PROJECT TITLE: LONESTAR RIB HOUSE
 SITE ADDRESS: EMANCY ECO-COACH-05-05 CRAIGIEBURN SHOPPING CENTRE CRAIGIEBURN VICTORIA
 ROOMS / AREAS PLAN
 SCALE: 1:100
 DATE: 17.05.16
 PROJECT NO: LS1512
 DRAWING NO: 20.09

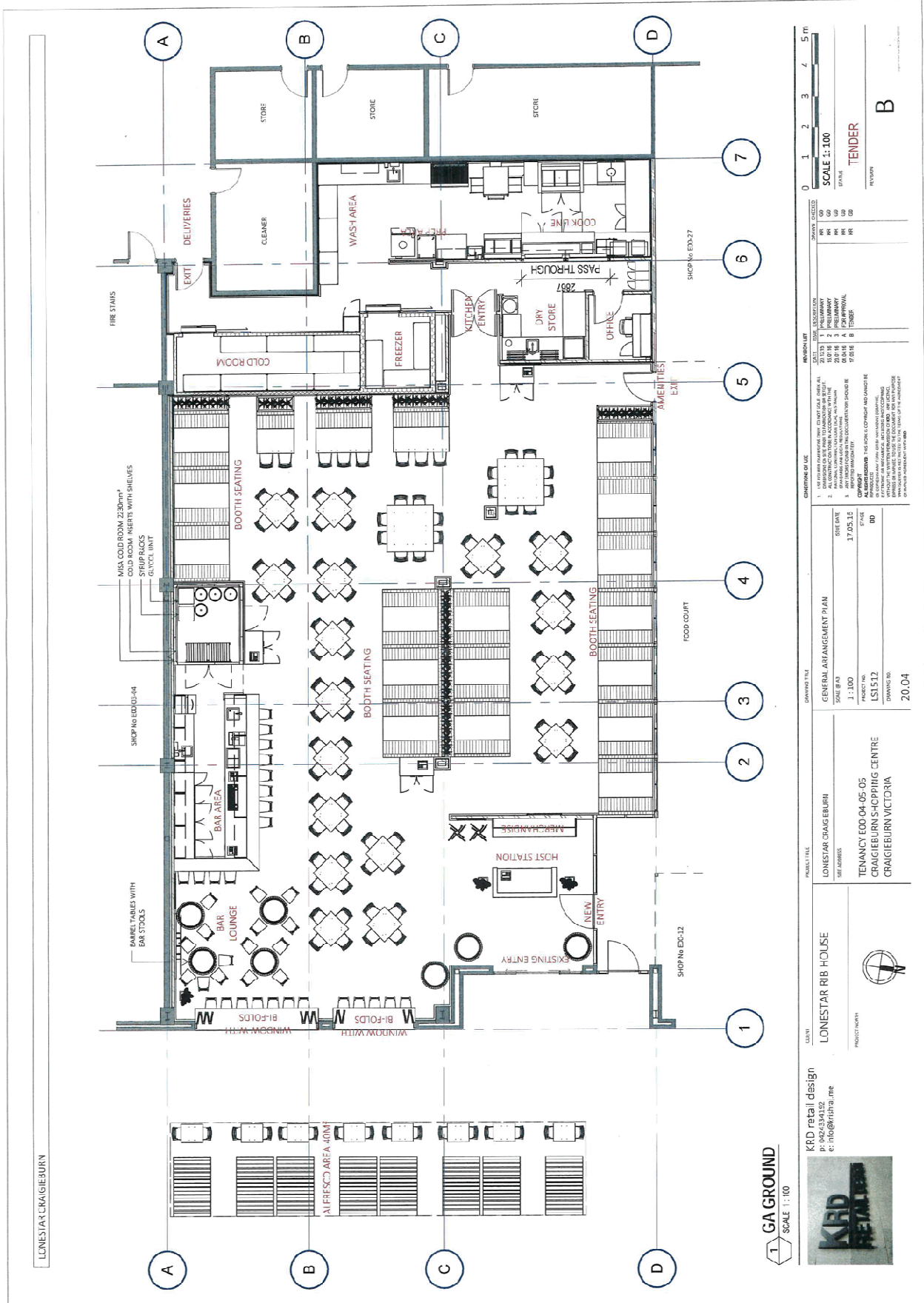
KRD retail design
 p: 0423354152
 e: info@krdrib.com

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 PROJECT NO: LS1512
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KFD retail design
p: 0429 911102
c: info@kfd.com.au



CLIENT: LONESTAR RIB-HOUSE
PROJECT THEORY



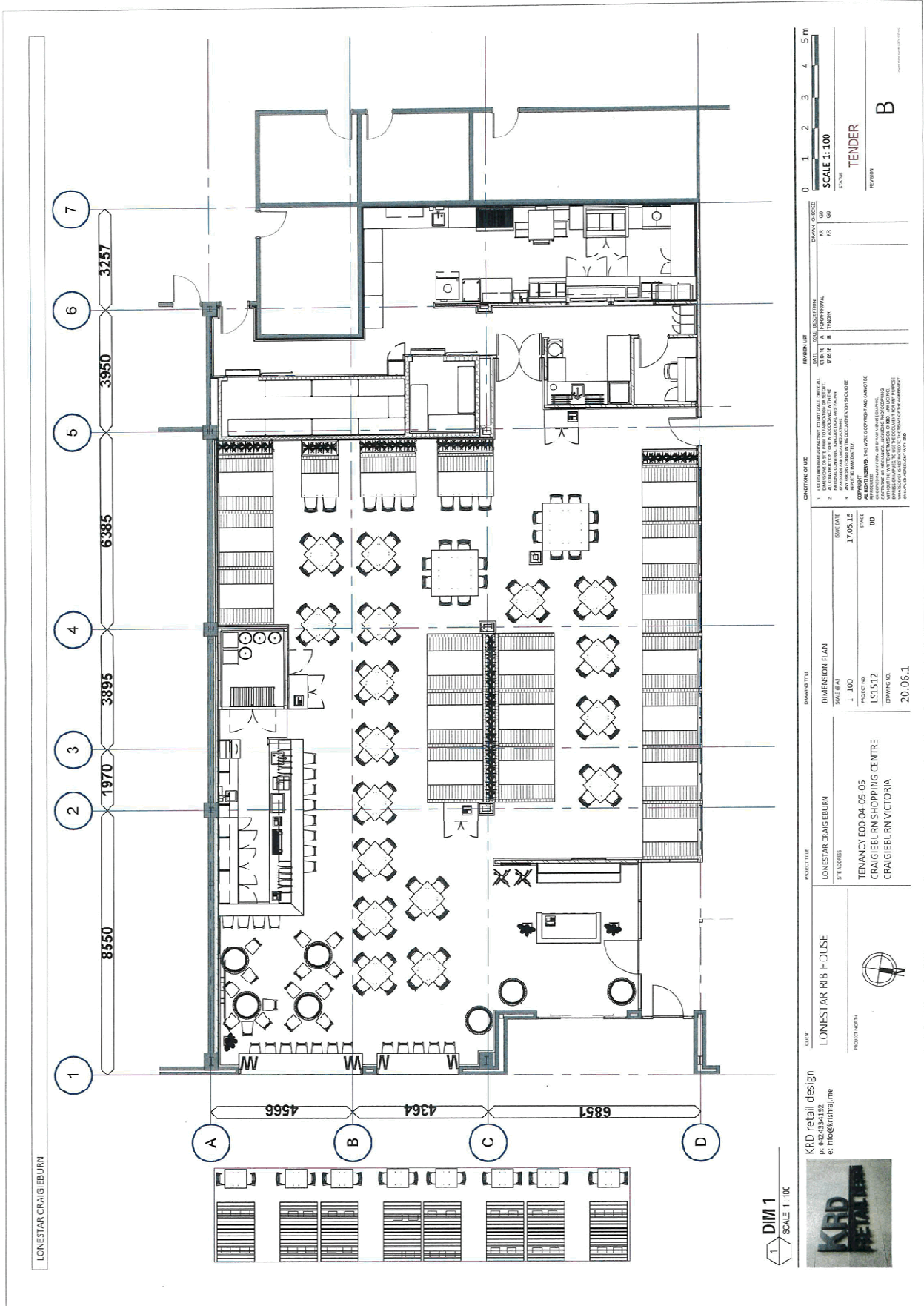
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CRAIGEBURN SHOPPING CENTRE
CRAIGEBURN VICTORIA

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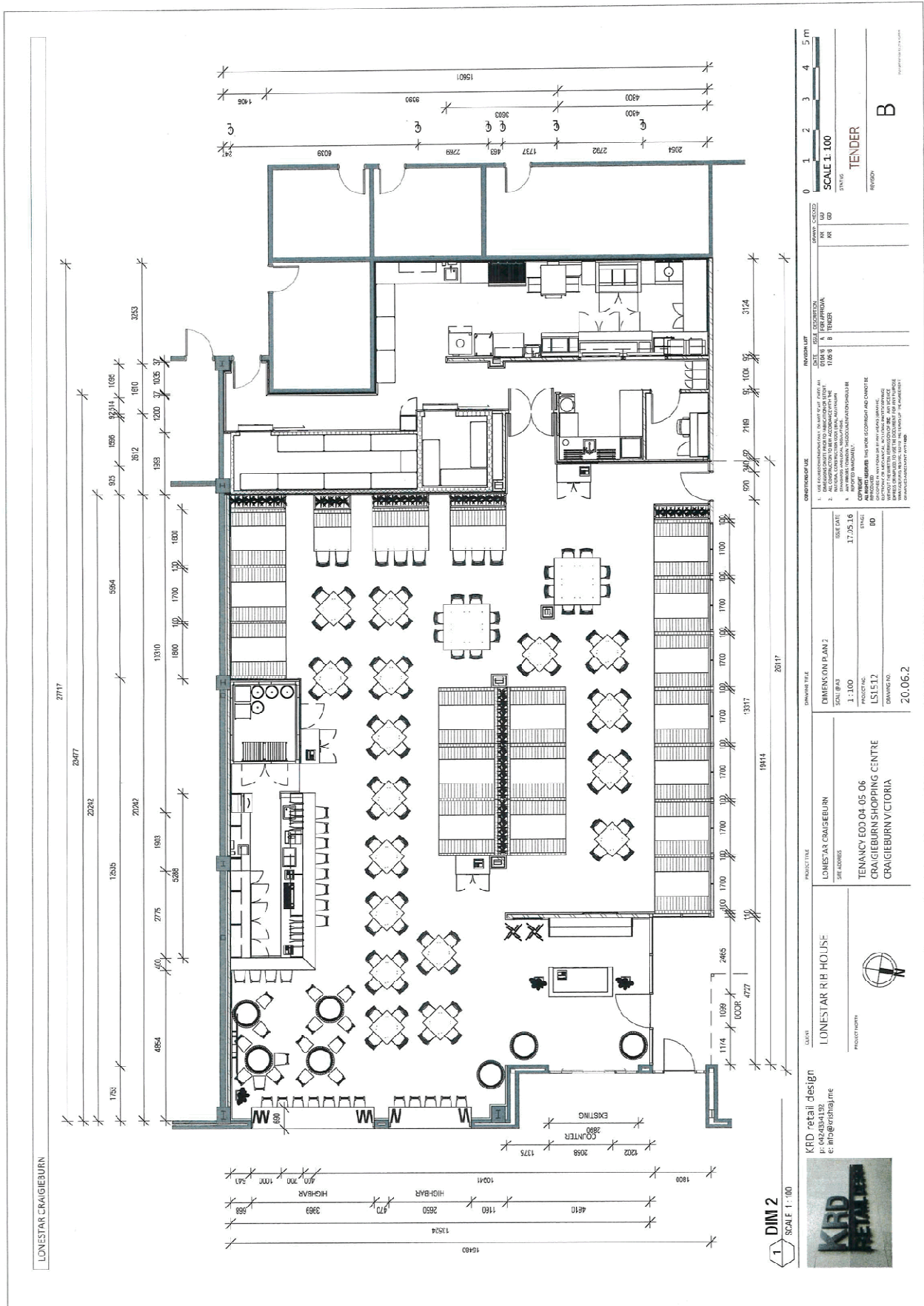
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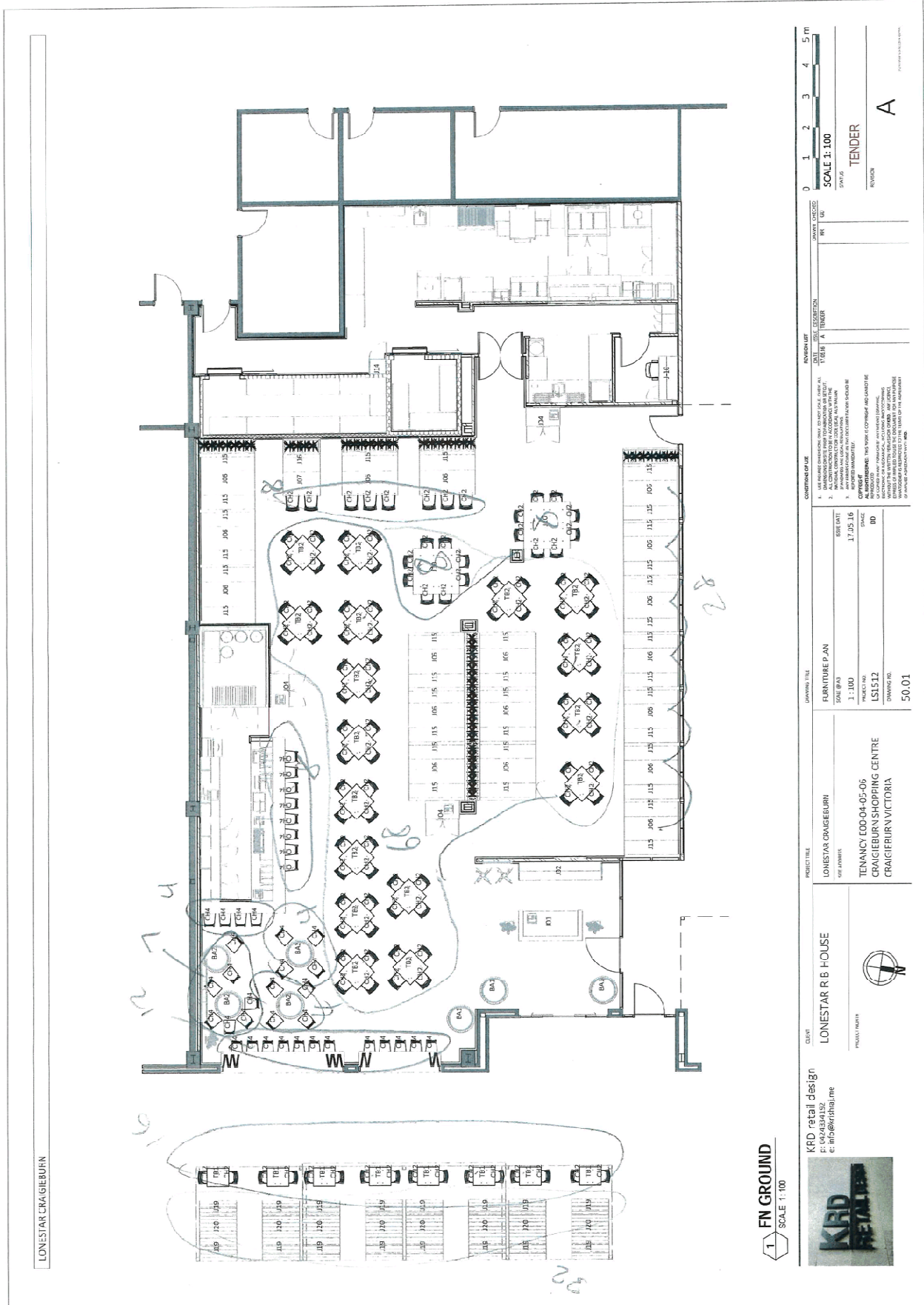
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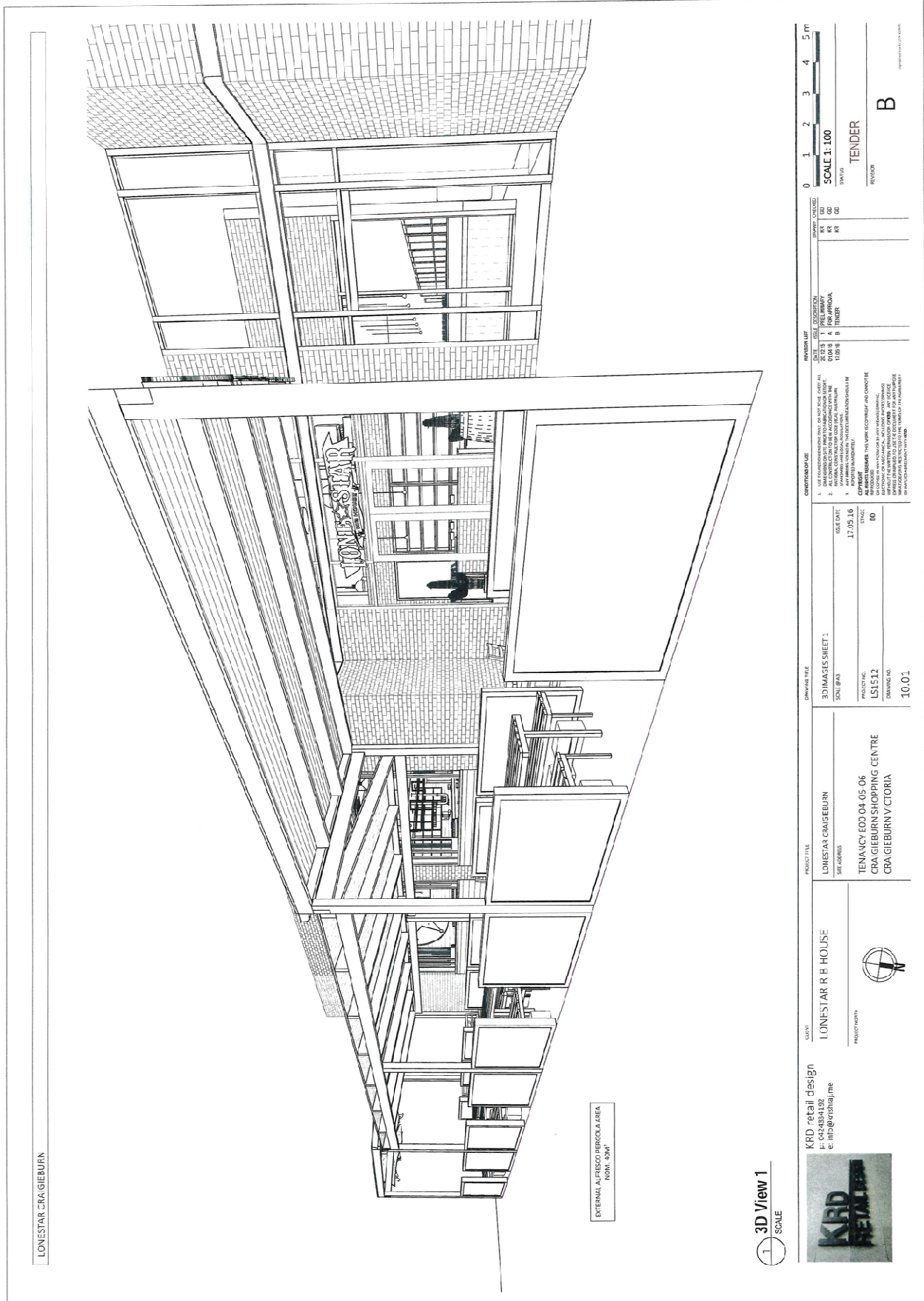


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LONESTAR CRAIGIEBURN

EXTERNAL ALFRESCO PERGOLA AREA
FROM SOUTH

3D View 1
SCALE



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E: info@krdtdj.me

CLIENT
LONESTAR R & P HOUSE



PROJECT TITLE

LONESTAR CRAIGIEBURN
SITE ADDRESS
TENANCY E04 04 05 06
CRA GIEBURN SHOPPING CENTRE
CRA GIEBURN VICTORIA

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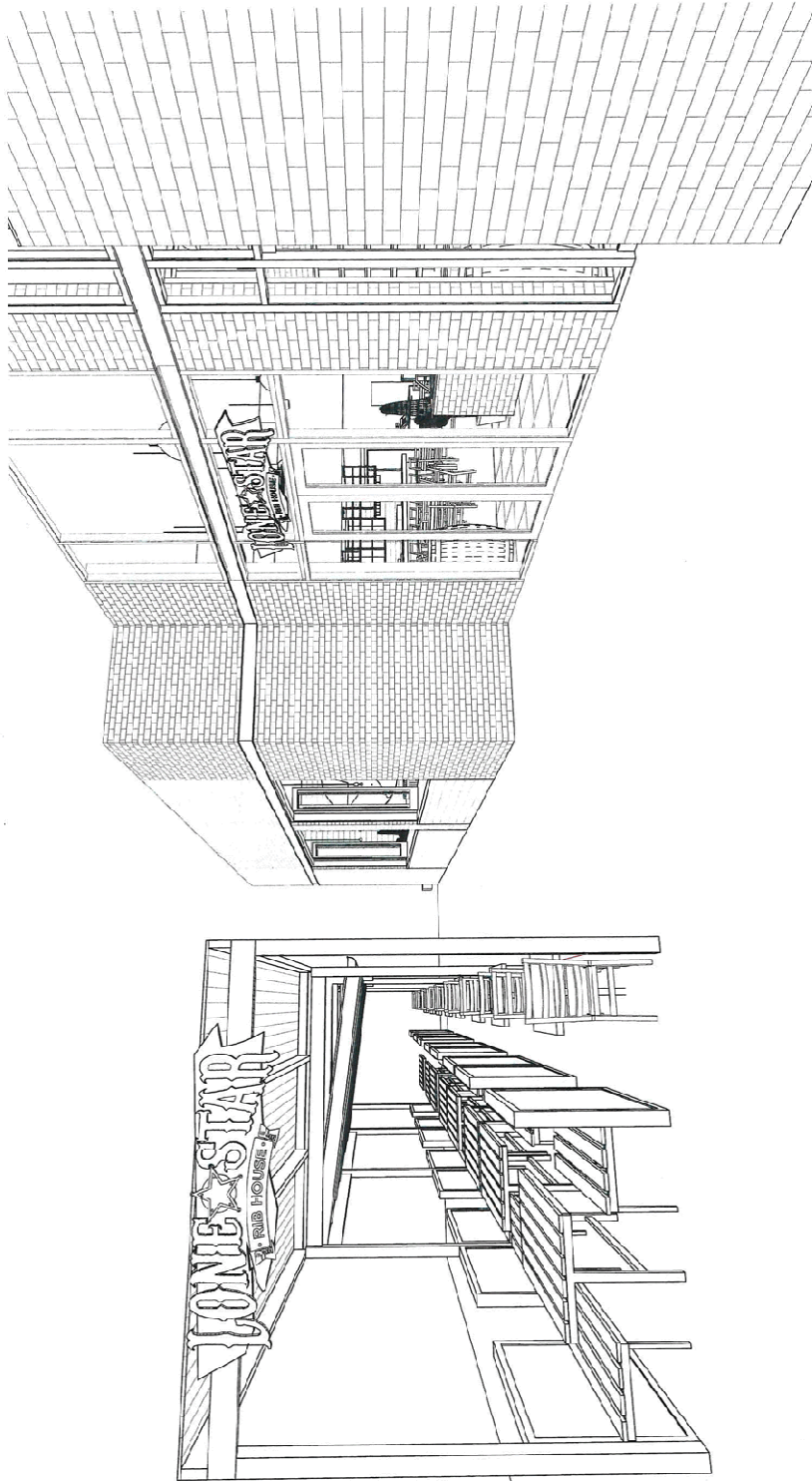
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LONESTAR CRAIGIEBURN



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p: 0929334192
e: info@krdrajd.com

CLIENT
LONESTAR FIB HOUSE



PROJECT NORTH

PROJECT TITLE
LONESTAR CRAIGIEBURN
SET ADDRESS
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CRAIGIEBURN SHOPPING CENTRE
CRAIGIEBURN VICTORIA

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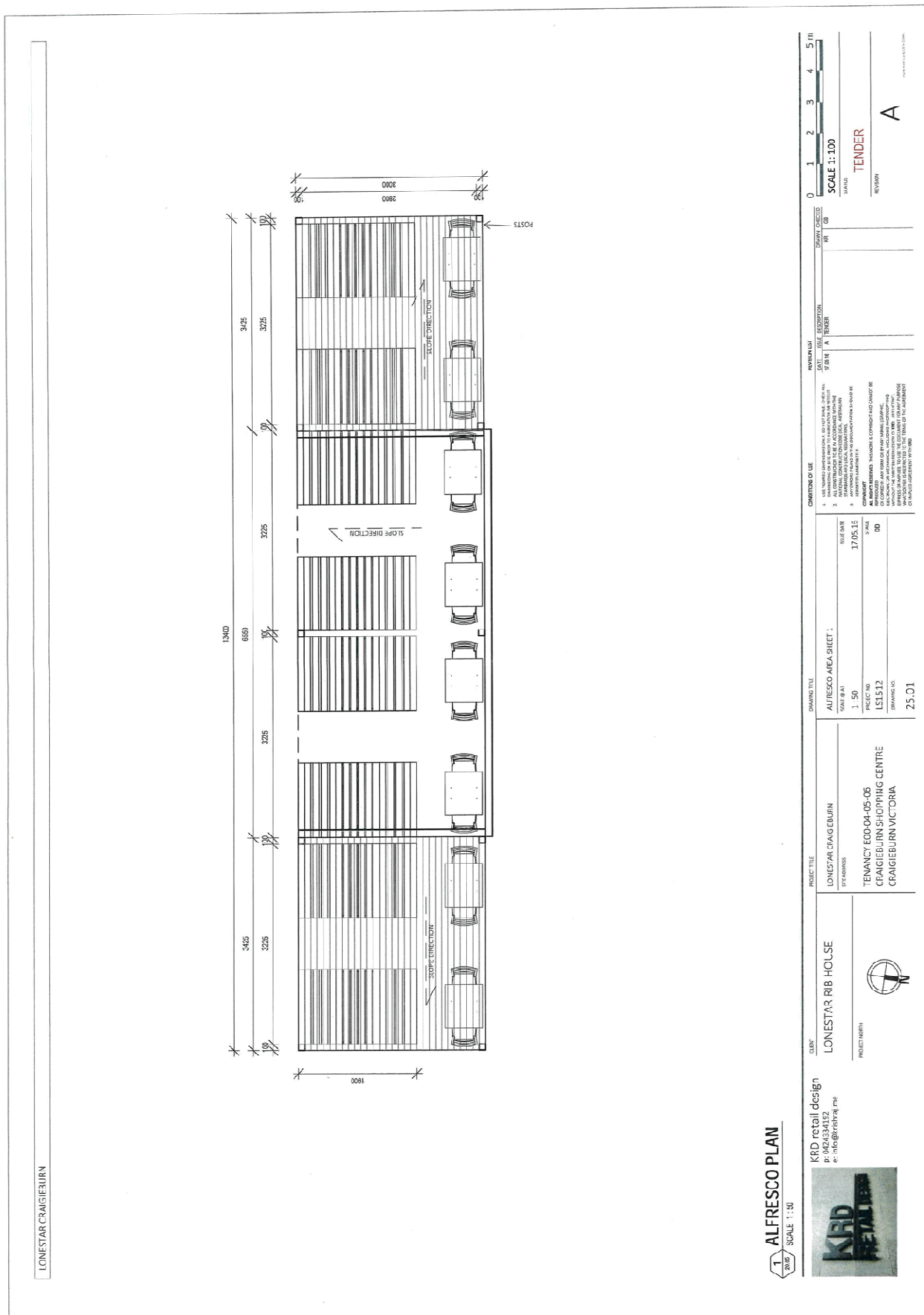
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LONESTAR CRAIGIEBURN

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ALFRESCO PLAN
SCALE 1:50

KRD retail design
p: 042834192
e: info@krdretail.com.au



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LONESTAR RIB HOUSE



PROJECT TITLE
LONESTAR CRAIGIEBURN
SITE ADDRESS

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CRAIGIEBURN SHOPPING CENTRE
CRAIGIEBURN VICTORIA

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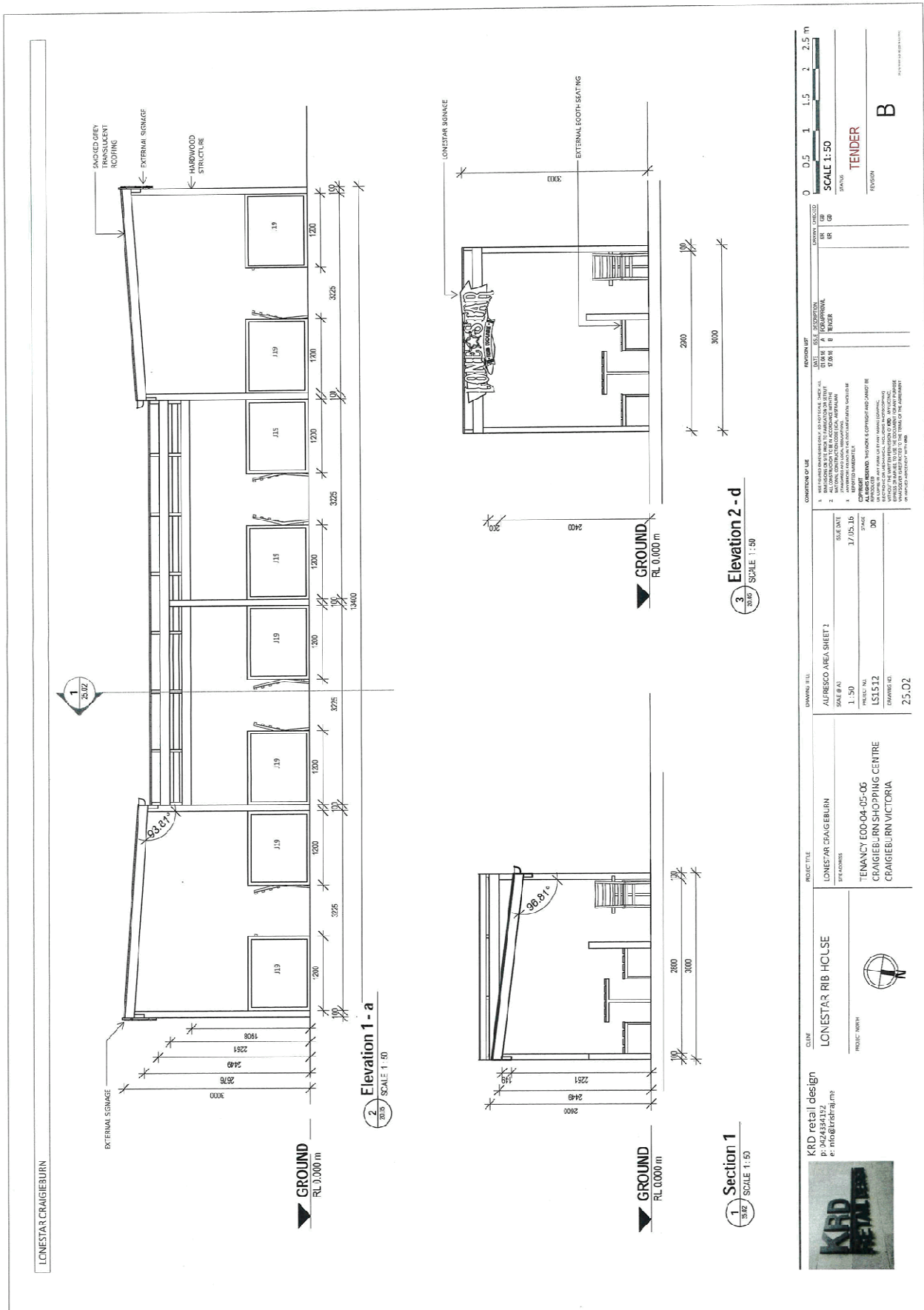
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PROJECT NO: LS1512

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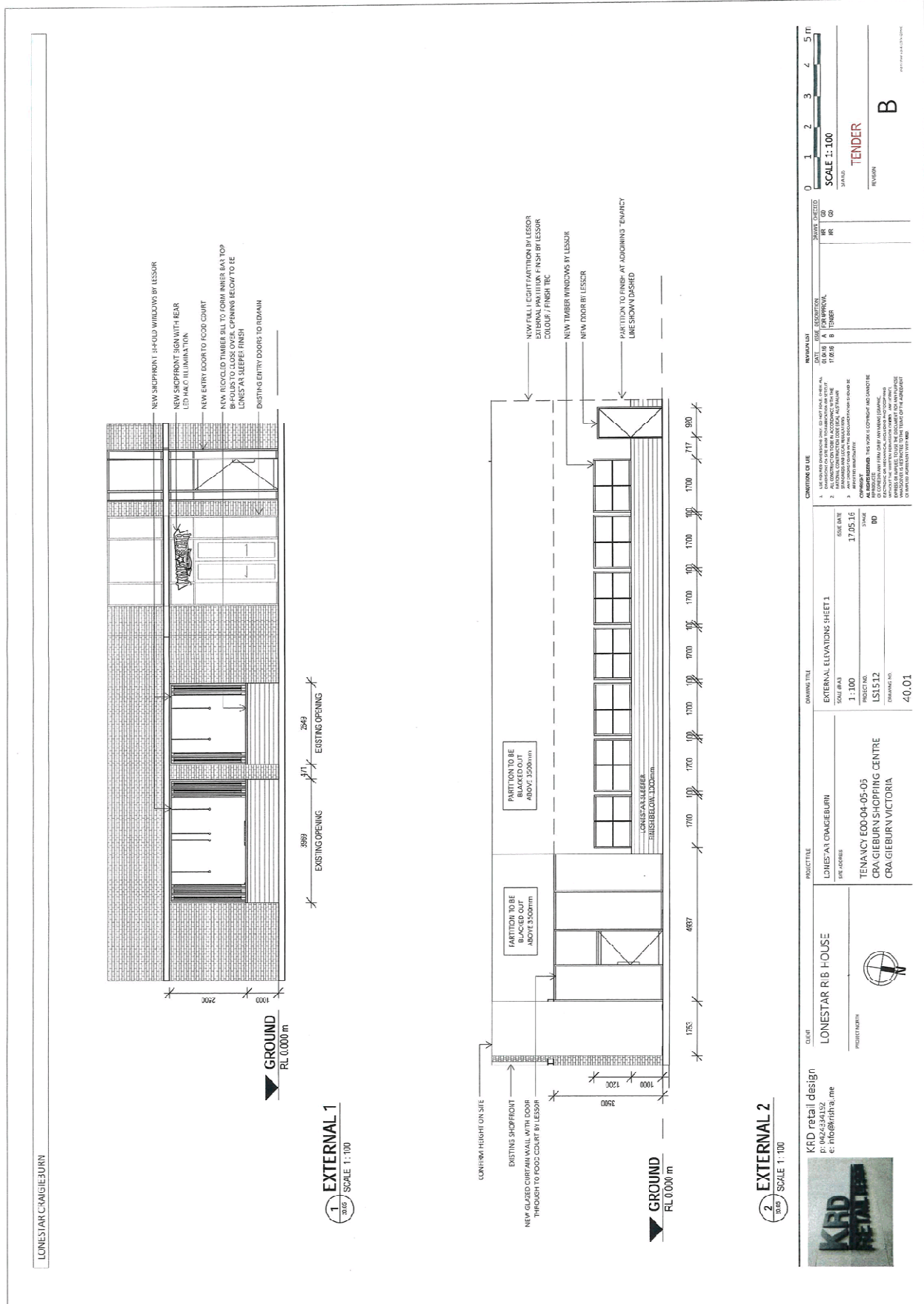
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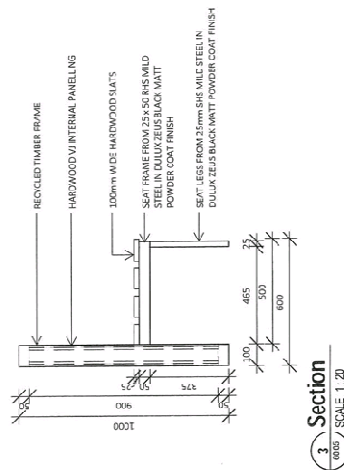
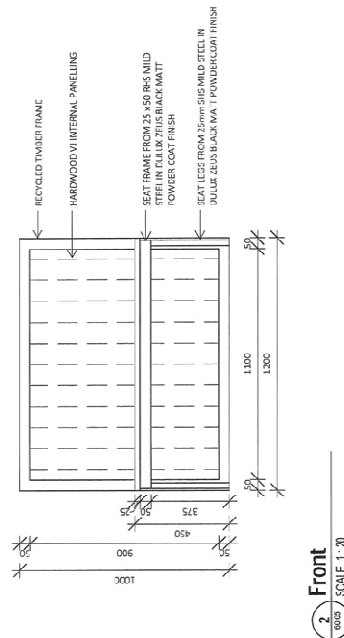
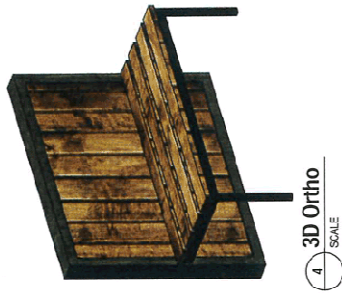
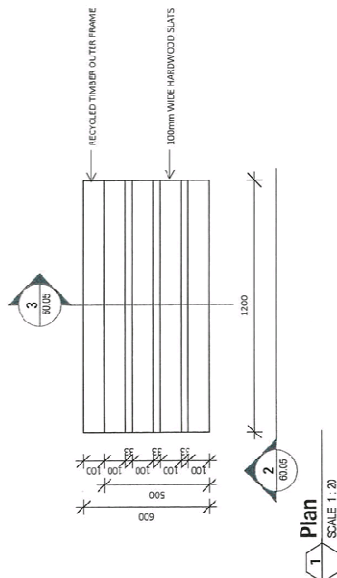
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LONESTAR TYPICAL DETAILS

ALL RECYCLED TIMBER ELEMENTS TO BE FINISHED IN 30% GLOSS 219AC. ALL KNOT HOLES & CRACKS TO BE FILLED WITH CLEAR EPOXY



CLIENT: LONESTAR RIB HOUSE
PROJECT NAME: LONESTAR RIB HOUSE
PROJECT NUMBER: 60.05



PROJECT FILE: LONESTAR TYPICAL DETAILS
JOB NUMBER: 60.05

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SCALE: 1:20
PROJECT NO.: 60.05.10
LISTYP: DD
DRAWING NO.: 60.05

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SCALE: 1:20

INDIVIDUAL USE: DATE: 10/05/16
SCALE: 1:20

0 200 400 600 800 1000 mm

STATUS: TENDER ISSUE
REVISION: B

LONESTAR TYPICAL DETAILS

1 DISC FINISHED IN DULUX ELECTRO SILVER POWDER COAT FINISH
DISC BACKING FINISHED IN DULUX ELECTRO SILVER POWDER COAT FINISH WITH REAR MOUNTED ILLUMINATION

2 TIMBER SLAB BACKING BOARD IN 30% CLEAR (Shape of backing slab will vary depending on slab available)

3 LASER CUT 3mm ALUMINIUM LETTERS ON BLACK SANDY POWDER COAT FINISH WITH REAR MOUNTED LED ILLUMINATION

4 3D Ortho SCALE

3 Left SCALE 1:10

REAR FED LED HALO ILLUMINATION BEHIND SIGNAGE
12mm STAND-OFFS
RECYCLED TIMBER SLAB
20AC FINISHED LASER CUT ALUMINIUM SIGN

164. SIGN WIDTH
3978. TIMBER BACKING

2 TIMBER SLAB BACKING BOARD IN 30% CLEAR (Shape of backing slab will vary depending on slab available)

LASER CUT 3mm ALUMINIUM LETTERS ON BLACK SANDY POWDER COAT FINISH WITH REAR MOUNTED LED ILLUMINATION

DISC FINISHED IN DULUX ELECTRO SILVER POWDER COAT FINISH WITH REAR MOUNTED ILLUMINATION

20mm STAND-OFFS

23

53

20mm STAND-OFFS

SCALE 1:10

TYPICAL SIGN BACKINGS TO BE SHOWN ON HOW THE SIGN BACKING IS TO BE MOUNTED TO BRICK WALL UNLESS TO TAKE UP THE NATURAL FORM OF THE WALL PROVIDED SLAB MAY BE CUT TO ACHIEVE LENGTHS (Not to be square/corner)
SLAB TO BE FINISHED IN 30% CLEAR GLOSS 20AC

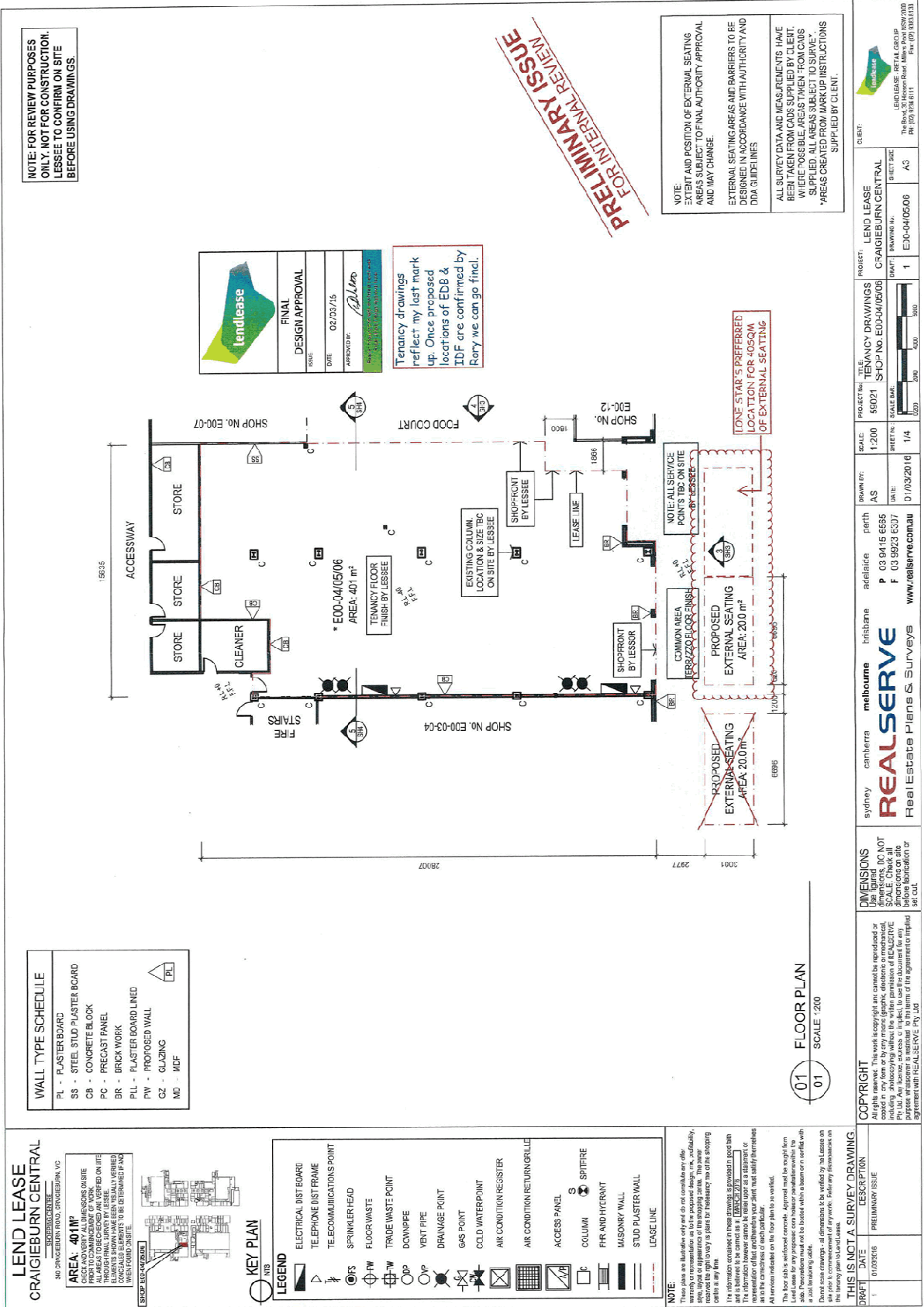
3 SIGNS REQUIRED IN TOTAL
2 COVER GLAZED SHOPFRONT
1 ON UPPER SIDE BRICK WALL

PROJECT: LONESTAR R.G. HOUSE
PROJECT NUMBER: 10/15
PROJECT DATE: 03/05/16
PROJECT NO: LSTYP
DRAWING NO: 80.02

PROJECT TITLE: LONESTAR TYPICAL DETAILS
SCALE: 1:10
PROJECT NO: LSTYP
DRAWING NO: 80.02

KRD retail design
P: 0248659130
E: info@krdm.com

0 100 200 300 400 500 mm
SCALE 1:10
TENDER ISSUE
REVISED
A



NOTE: FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION. LESSEE TO CONFIRM ON SITE BEFORE USING DRAWINGS.

FINAL DESIGN APPROVAL
DATE: 02/03/15
APPROVED BY:

Tenancy drawings reflect my last mark up. Once prepared locations of EDB & IDF are confirmed by Rory we can go final.

PRELIMINARY ISSUE FOR INTERNAL REVIEW

NOTE: EXTENT AND POSITION OF EXTERNAL SEATING AREAS SUBJECT TO FINAL AUTHORITY APPROVAL AND WAY CHANGE.

EXTERNAL SEATING AREAS AND BARBERS TO BE DESIGNED IN ACCORDANCE WITH AUTHORITY AND DDA GUIDELINES

ALL SURVEY DATA AND MEASUREMENTS HAVE BEEN TAKEN FROM CADS SUPPLIED BY CLIENT. WHERE POSSIBLE AREAS TAKEN FROM CADS SUPPLIED ALL AREAS SUBJECT TO SURVEY. *AREAS CREATED FROM MARK UP INSTRUCTIONS SUPPLIED BY CLIENT.

DRAWN BY: AS	DATE: 10/02/2016	SCALE: 1:200	PROJECT No: 56021	TENANCY DRAWINGS: SHD-NO. EDD-04/05/06	CLIENT: CRAIGIEBURN CENTRAL
PIETH: 03 9416 6655	ADAILAH: P 03 9416 6655	ADAILAH: F 03 9523 6337	PROJECT: 1	PROJECT: EDD-04/05/06	CLIENT: CRAIGIEBURN CENTRAL
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COPYRIGHT All rights reserved. This work is copyright and cannot be reproduced or copied in any form or by any means, graphic, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of REALSERVE Pty Ltd. Any further, express or implied, to use the information for any purpose, without the prior written permission of REALSERVE Pty Ltd.	DIMENSIONS Use figured dimensions on site drawings only. Check all dimensions on site drawings for accuracy. Dimensions are subject to the accuracy of the original drawings and may vary slightly from the printed drawings.	SCALE 1:200	PROJECT: 1	PROJECT: EDD-04/05/06	CLIENT: CRAIGIEBURN CENTRAL

REPORT NO:	SU208
REPORT TITLE:	175 Arundel Road, Keilor - Use and development of a sawmill (kindling production) and a reduction of the car parking requirements
SOURCE:	Jeffery Krafft, Town Planner
DIVISION:	Planning and Development
FILE NO:	P19416
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	1. <i>Locality Map</i> 2. <i>Development Plans</i>

Application No:	P19416
Proposal:	Use and development of a sawmill (kindling production) and a reduction of the car parking requirements
Location:	175 Arundel Road, Keilor
Zoning:	Green Wedge Zone
Overlays:	Environmental Significance Overlay – Schedule 1 Melbourne Airport Environs Overlay – Schedules 1 & 2
Applicant:	Glossop Town Planning
Date Received:	11 March 2016

1. SUMMARY OF REPORT:

Planning approval is sought for the use and development of a sawmill (kindling production) and a reduction of the car parking requirements at 175 Arundel Road, Keilor. The proposal has been assessed against relevant policies and provisions of the Hume Planning Scheme (Scheme) as well as consideration of the site and surrounding context. The application was advertised and received seven objections. On balance, the proposal is considered acceptable and it is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant a Planning Permit pursuant to Section 64 of the *Planning and Environment Act 1987* for the use and development of a sawmill (kindling production) and a reduction of the car parking requirements at 175 Arundel Road, Keilor, subject to the following conditions:

- 1. Before the use commences, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed to form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans, received by Council 14 November 2016, but further modified to show:**
 - a) Details of the internal layout of the shed, including:**
 - 1. The location(s) of machinery;**
 - 2. The location(s) of bagged and palletised kindling;**
 - 3. A loading bay in accordance with Clause 52.07 of the Hume Planning Scheme.**

REPORT NO: SU208 (cont.)

- b) Dimensions between each windrow, as shown on the 19M Articulated Vehicle Design Car Swept Paths prepared by Traffix Group (sheets 1 and 2), shown on the plans.
 - c) The northern boundary of the landscape buffer relocated 20 metres north of the windrows in the air log storage area.
 - d) The notation that the drainage trenches will be designed and manufactured by the responsible authority removed from the plans.
 - e) A stormwater management plan to the satisfaction of the responsible authority, for the outdoor log storage area and indoor work area, which includes the following:
 - 1. Details of the drainage layout and type, including constructed dimensions, and the location and use of the areas serviced by each device.
 - 2. Details of water sensitive urban design devices, including type and constructed dimensions, and the location, use and dimensions of the areas draining to each device. Water sensitive urban design devices may include raingardens, rainwater tanks, permeable gross pollutant (litter) traps and landscape elements.
 - 3. Schedule of establishment and maintenance procedures for water sensitive urban design devices.
 - f) Notation on the plans that semi-permanent walls will be constructed in the immediate area of kindling production.
 - g) Upgrades to the westernmost crossover and accessway as required by condition 20 and 21.
2. Before the use commences, an Operational Site Environmental Management Plan (OEMP), must be submitted to and approved by the responsible authority. When approved, the OEMP will be endorsed and will then form part of the permit. The approved OEMP must be implemented and complied with at all times to the satisfaction of the responsible authority. The OEMP must address the potential impacts of the operation as follows:
- a) Methods for site supervision;
 - b) Operation hours;
 - c) Location and maintenance of stormwater treatment facilities;
 - d) Maximum number of truck movements per hour per day;
 - e) Emergency provisions (i.e. fire prevention, fire access, spills, etc.);
 - f) Staff and contractor induction and training;
 - g) Reporting and testing processes;
 - h) Dust;
 - i) Erosion and sediment control;
 - j) Waste and chemical management;
 - k) Flora/fauna protection;
 - l) Weed control;
 - m) Archaeological/heritage impacts;
 - n) Mowing or maintaining the height of grass;
 - o) Any other matter required by the responsible authority.
3. The landscape buffer shown on the endorsed plans must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose.
4. The layout of the site and/or the size of the existing buildings and works and/or the internal layout and use of the buildings as shown on the endorsed plans must not be altered or modified except with the written consent of the responsible authority.

REPORT NO: SU208 (cont.)

5. The stormwater management solutions shown on the endorsed plans must be installed and maintained to the satisfaction of the responsible authority.
 6. The endorsed Operation Site Environmental Management Plan must be implemented to the satisfaction of the responsible authority.
 7. The use of the site must at all times be in accordance with:
 - a) The plans and documents endorsed under this permit; and
 - b) The endorsed Operational Site Environmental Management Plan.
 8. The front end loader used to transport logs from the storage area to the shed must only be operational and used between the following times:
 - Monday to Wednesday, 7:30A.M. to 5:00 P.M.
 9. Except with the prior written consent of the responsible authority, the sawmill permitted by this permit must only operate between the following times:
 - Monday to Friday, 7:30 A.M. to 5:00 P.M.
 10. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the site or in any other way to the satisfaction of the responsible authority.
 11. Except with the prior written consent of the responsible authority a maximum of 4 staff members shall be employed on the premises at any one time.
 12. The subject land must be maintained in an orderly and neat manner at all times and its appearance must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.
 13. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
 14. The logs must only be stored in the windrows in the air log storage area shown on the endorsed plans. The maximum height of any windrow utilised for the storage of logs must be no greater than 3 metres in height.
 15. The air log storage area must comply with and be managed in accordance with any requirements of the Metropolitan Fire Brigade or Country Fire Authority (as relevant) at all times.
 16. All doors to the shed are to remain closed when log splitting machinery is operational.
 17. No production of kindling is to take place concurrently with the unloading of wood to the subject site.
 18. Noise emitted from the premises must be in accordance with SEPP N-1 EPA Victoria noise levels.
 19. The use hereby permitted must be operated in accordance with the Environmental Noise Assessment report prepared by SLR Global environmental solutions (Report Number 640.11324-R01-v.01, 25 August 2016) at all times.
 20. All machinery with reverse beepers must use broadband reversing beepers, or a similar mechanism, and must not use tonal reversing beepers.
- Traffic and Engineering Conditions:**
21. Before the use commences, the westernmost crossover to Arundel Road must be upgraded to a minimum width of 6 metres wide in accordance with Council standard drawing 'Industrial Vehicle Crossing' SD302 and splayed to a minimum total width of 16 metres in order to accommodate the manoeuvring of a 19 metre articulated semi-trailer. Some kerb modification will be required.
 22. Before the use commences, the accessway must be sealed for a minimum length of 30 metres from the southern boundary into the site.

REPORT NO: SU208 (cont.)

23. All loading vehicles are to enter and exit the site in a forward motion.
24. Prior to the commencement of the use all parking bays are to be line marked to the satisfaction of the responsible authority.
25. Stormwater from all paved areas must be retained within the property and drained to the site's underground stormwater system.
26. Any cut or fill must not interfere with the natural overland stormwater flow.
27. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Council drains or watercourses during construction.
28. This permit will expire if one of the following circumstances applies:
 - The use and development are not started within three years of the date of this permit; or
 - The development is not completed within six years of the date of this permit; or
 - The use is discontinued for a period of two years.

The responsible authority may extend the periods referred to if a request is made in writing:

- Before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Notes:

- If a request for an extension of commencement/completion dates is made out of time allowed by the condition, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- Any modifications to existing vehicle crossings require an application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details must be attached to the application. Any service relocations are to the approval of the service authority and at the owners cost.
- A 'Legal Point of Stormwater Discharge' permit is required to be obtained from Council prior to the commencement of building and works.
- Prior to any works carried out within the road reserve (nature strip), a 'Non-Utility Minor Works within Municipal Road Reserve' permit must be obtained from Council.

3. PROPOSAL:

- 3.1 The application proposes the use and development of a sawmill (kindling production) and a reduction of the car parking requirements. The proposal entails the following:
 - Pre-cut logs will be delivered and stored in windrows located immediately north of the existing shed. A front-end loader will then transport the logs to the shed where the logs will be processed into kindling. The movement of materials between the outdoor area and the shed will be restricted between Monday to Wednesday, 7:30am – 5pm.
 - Once the pre-cut logs are split into kindling, they will be bagged and palletised. These internal operations are proposed to occur Monday to Friday, 7:30am – 5pm
 - Bagged and palletised kindling will then be collected and sold wholesale from the premises. Collection and delivery will occur as required and vary seasonally.

REPORT NO: SU208 (cont.)

- It is noted that the proposed activity will not saw or mill the pre-cut logs. Rather, the machinery uses pressure to split the logs into smaller pieces.
- The most appropriate term for this type of activity is 'sawmill', which Clause 74 of the Scheme defines as '*Land used to handle, cut, and process timber from logs*'.
- The processing of timber from logs is the key of the proposed land use. The storage of the logs to be processed is an incidental part of the use along with the wholesale distribution of the finished product.
- A maximum of 4 staff will be working on the premises at any one time.
- A total of 5 car spaces are proposed to be provided.
- It is also noted that the existing building sited immediately east of the shed is not included in this proposal.

4. SITE AND SURROUNDS:

- 4.1 The subject site is located on the north side of Arundel Road. The site is irregular in shape with a 112.67 metre frontage to Arundel Road and a total area of approximately 40,480 square metres (4.048 hectares).
- 4.2 The site is occupied by two large sheds. An existing dam and double storey dwelling are located to the west and are contained within the title boundaries of the site.
- 4.3 Vehicle access to the site is via three crossovers along the frontage to Arundel Road.
- 4.4 An extensive area of agricultural land is located to the rear (north) of the property.
- 4.5 Adjoining the subject site to the north and east, at 321 Arundel Road, is a single storey dwelling that is set back approximately 110 metres from the subject building.
- 4.6 Adjoining the subject site to the east, at 179 Arundel Road, is a single storey dwelling that is set back approximately 85 metres from the subject building.
- 4.7 Adjoining the subject site to the west (on the corner of Arundel Road and Browns Road), at 171 Arundel Road, is a double storey dwelling that is set back approximately 90 metres from the subject building.
- 4.8 Also adjoining the subject site to the west, at 12 Browns Road, is a single storey dwelling that is set back approximately 135 metres from the subject site. An extensive area of agricultural land is located to the rear (north) of this property.
- 4.9 Opposite the subject site to the south (south side of Arundel Road), is the Maribyrnong River.

Restrictions on title

- 4.10 No registered restrictive covenants are recorded on title and the site is not encumbered by any easements.

Aboriginal Cultural Heritage

- 4.11 The site is located within an area of Aboriginal Cultural Heritage sensitivity.
- 4.12 A cultural heritage assessment prepared by Andrew Long & Associates (dated 22 November 2014) suggests that whilst the activity area does fall within an area of cultural heritage sensitivity and the proposed activity is defined as one of high impact, the land has been subject to significant ground disturbance. In particular, the front portion of the land has been developed with warehouses and concrete driveways; the rear portion has been subject to robust ploughing and deep ripping in the past.
- 4.13 As such, a mandatory cultural heritage management plan (CHMP) is not considered by the permit applicant to be required in this instance.

Major Electricity Transmission Lines

- 4.14 The site is not within 60 metres of a major electricity transmission line (220 kilovolts or more).

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5. SITE HISTORY

- 5.1 Planning permit P7201 was issued on 3/10/2001 for 'building and works to allow extensions to the existing storeroom (market gardening)'
- 5.2 Planning permit P8667 was issued on 1/10/2003 for 'building and works associated with a shed associated with an existing market garden'
- 5.3 Planning permit P10951 was issued on 1/06/2006 for 'building and works to allow the construction of a dam'
- 5.4 Planning permit P11016 was issued on 17/05/2006 for 'building and works to allow for an extension to an existing building used for storage'
- 5.5 Planning permit P12344 was issued on 31/01/2008 for 'use of an existing farm shed/cool rooms and carpark for the purpose of selling produce'
- 5.6 Planning permit P17985 was issued on 19/01/2016 for 'use and development of land as a market including the construction of a carpark, display of advertising signage and reduction of car parking requirements'

6. PLANNING CONTROLS:

- 6.1 The following policies and provisions of the Hume Planning Scheme ("the Scheme") are relevant in the consideration of the application:

<i>State Policies:</i>	Clause 11.04-7: Green Wedges Clause 15.01-5: Cultural Identity and Neighbourhood Character Clause 15.03-2: Aboriginal Cultural Heritage Clause 17.01-1: Business Clause 18.02-5: Car Parking
<i>Municipal Strategies:</i>	Clause 21.03-1: Employment Clause 21.03-2: Business Clause 21.03-3: Agriculture Clause 21.03-4: Melbourne Airport Clause 21.05-6: Heritage
<i>Local Policies:</i>	Nil
<i>Zones:</i>	Clause 34.04: Green Wedge Zone
<i>Overlays:</i>	Clause 42.01: Environmental Significance Overlay – Schedule 1 Clause 45.08: Melbourne Airport Environs Overlay – Schedules 1 & 2
<i>Particular Provisions:</i>	Clause 52.06: Car Parking Clause 52.07: Unloading and Loading of Vehicles Clause 52.10: Uses with Adverse Amenity Potential Clause 57: Metropolitan Green Wedge Land
<i>General Provisions:</i>	Clause 65.01: Approval of an Application or Plan

- 6.2 The proposal is deemed to be responsive to the above policies, objectives and decision guidelines which will be further discussed below.

7. PERMIT TRIGGER/S:

- 7.1 The subject land is zoned Green Wedge.
- 7.2 The purposes of the Green Wedge Zone are as follows:
 - *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To provide for the use of land for agriculture.*
 - *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*

REPORT NO: SU208 (cont.)

- *To encourage use and development that is consistent with sustainable land management practices.*
 - *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
 - *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
 - *To protect and enhance the biodiversity of the area.*
- 7.3 Pursuant to Clause 35.04-1, the use of the land as a sawmill (rural industry) is a Section 2 (Permit required) land use.
- 7.4 Pursuant to Clause 35.04-5, a permit is required to construct or carry out a building or works associated with a use in Section 2.
- 7.5 The subject site is affected by an Environmental Significance Overlay – Schedule 1.
- 7.6 The purposes of the Environmental Significance Overlay are:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To identify areas where the development of land may be affected by environmental constraints.*
 - *To ensure that development is compatible with identified environmental values.*
- 7.7 Pursuant to Clause 42.01-2 of the Scheme, a permit is required to construct a building or construct or carry out works.
- 7.8 The subject land is also affected by a Melbourne Airport Environs Overlay – Schedules 1 & 2.
- 7.9 The purpose of the Melbourne Airport Environs Overlay is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.*
 - *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwelling and other noise sensitive buildings.*
 - *To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure.*
- 7.10 The purpose of the Melbourne Airport Environs Overlay – Schedule 1 is:
- *To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure.*
- 7.11 The purpose of the Melbourne Airport Environs Overlay – Schedule 2 is:
- *To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.*
- 7.12 Pursuant to Schedule 1 & 2 of the Melbourne Airport Environs Overlay, a permit is not required for the proposed land use.

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8. PARTICULAR PROVISIONS:

- 8.1 Pursuant to Clause 52.06-3 (Car parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
- 8.2 Clause 52.07 (Unloading and loading of vehicles) emphasises the provision of appropriate loading and unloading facilities.
- 8.3 Clause 52.10 (Uses with adverse amenity potential) ensures sufficient threshold distances from sensitive land uses.
- 8.4 Pursuant to Clause 57 (Metropolitan Green Wedge Land) a sawmill is not a prohibited land use within green wedge areas.

9. REFERRALS:

- 9.1 The application was internally referred to Council's Health, Sustainable Environment and Assets Departments for comment.
- 9.2 Council's Health officer did not object to the proposal subject to conditions.
- 9.3 Council's Environmental officer did not object to the proposal subject to conditions.
- 9.4 Council's Traffic engineer did not object to the proposal subject to conditions.
- 9.5 The application was not required to be externally referred to any of the statutory authorities listed under Clause 66 of the Scheme or in accordance with Section 55 of the Act.

10. ADVERTISING:

- 10.1 Notification of the application was provided to Melbourne Airport who did not object to the proposal subject to conditions.
- 10.2 Notification was provided to the Metropolitan Fire Brigade who offered no comment on the proposal.
- 10.3 Public notification of the proposal was also given on 13 December 2016 by way of:
 - Letters to all property owners and occupiers within a 500 metre radius of the subject site; and
 - A sign posted on site for a period of 28-day.
- 10.4 Seven objections to the proposal were received at the completion of the notification process. One letter of support was received.
- 10.5 The following is a summary of the grounds of objection:
 - Compliance with the Green Wedge Zone
 - Amenity impacts to nearby dwellings
 - Increase in traffic
 - Intensification of the land
 - Hours of operation
 - Fire hazard
 - Incompatibility with the approved market use on the subject land (P17985)

11. OBJECTIONS:

- 11.1 The above grounds of objection are addressed as follows:
Compliance with the Green Wedge Zone
- 11.2 Clause 75 of the Scheme classifies 'sawmill' as a rural industry use. The Scheme also classifies the Green Wedge Zone as a rural zone and the rural characteristics of green wedge areas are ideal to accommodate such uses.
- 11.3 Whilst the proposed activity is not specifically listed in the purposes of the Green Wedge Zone, it is not a prohibited land use. A sawmill is a discretionary Section 2 use whereby a planning permit is required, and it is therefore acceptable for Council to consider the application on its merits.

REPORT NO: SU208 (cont.)

Amenity impacts to nearby dwellings

- 11.4 An Acoustic report has been prepared by SLR Global Environmental Consultants (dated 25 August 2016). The report assesses the proposal's potential noise impacts to nearby dwellings and concludes that the level of noise from the proposed use is acceptable subject to revised operational practices, ongoing compliance with the Acoustic Report and relevant EPA regulations.
- 11.5 The logs that arrive will be pre-cut and treated. Logs will not be cut to size on the premises. It is important to note that no saw will be used in the production of kindling. Rather, the machinery uses pressure to split the logs into smaller pieces. As such, the levels of dust will not be similar to those of a traditional sawmill. The Operational Environmental Management Plan (OEMP) will include additional dust management conditions.

Increase in traffic

- 11.6 A Traffic Engineering Assessment prepared by Traffix Group (dated August 2016) assessed the impact of the proposal. The report concludes that the proposed traffic arrangements are satisfactory for the following reasons:
- Traffic movements associated with the use are expected to be low. They will be confined to log deliveries, kindling collection and staff vehicles.
 - The level of traffic is negligible and will not have any material impact on the capacity and operation of Arundel Road.
 - Trucks for loading and unloading can appropriately enter and exit the site in a forward direction.
- 11.7 The report concludes the proposed traffic arrangements are satisfactory and there are no traffic engineering reasons why a permit should not be issued.

Council's Assets Department concurs with the above findings and has offered no objection to the proposal on traffic grounds.

Fire hazard

- 11.8 To mitigate a potential fire hazard, the following provisions will be in place:
- No flammable gas or liquid will be stored onsite.
 - Provision of fire extinguishers in accordance with relevant requirements.
 - An OEMP will manage grass onsite to help minimise the associated fire risk.
 - The OEMP will ensure staff undertakes appropriate training in emergency management procedures.

Incompatibility with the approved market use on the subject land (P17985)

- 11.9 Planning permit P17985 was issued by Council on 19 January 2016 for the 'use and development of land as a market including the construction of a carpark, display of advertising signage and reduction of car parking requirements.' The permit allows the use to operate only between Thursday to Sunday, 7am – 5pm.
- 11.10 The current proposal would require the approved layout of the northern car park of the market to be adjusted. The car spaces north of the shed would be relocated to form tandem car parking spaces further east within the car park. These tandem car spaces would be marked for staff only. This rearrangement is supported by Council's traffic engineer and will ensure sufficient car parking onsite is available for each land use.
- 11.11 Log transport from the storage area to the shed will be restricted between Monday to Wednesday, 7:30am – 5pm, when the market is closed. The production of kindling and the collection of bagged kindling will be restricted to Monday to Fridays, 7:30am – 5pm.

REPORT NO: SU208 (cont.)

12. ASSESSMENT:

12.1 A detailed discussion of the proposal against the specific requirements of Clause 35.04, Clause 42.01, Clause 52.06, Clause 52.07 and Clause 52.10 is provided below. In short, the proposal is able to appropriately respond the requirements of the respective provisions subject to the inclusion of relevant permit conditions and modifications to the plans.

Clause 35.04 – Green Wedge Zone

12.2 The proposal addresses the relevant decision guidelines in Clause 35.04-6 of the Green Wedge Zone as follows:

12.3 The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies:

- The proposal is consistent with relevant State and Local planning policies.

12.4 How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism:

- Clause 75 of the Scheme classifies 'sawmill' as rural industry and it is determined that the expansive and rural characteristics of green wedge areas are ideal to accommodate such rural uses.

12.5 Whether the site is suitable for the use or development and whether there will be any adverse impact on surrounding land uses:

- The proposed sawmill, pursuant to the provisions of the Green Wedge Zone, is not a prohibited use.
- The proposal would have minimal impact on the landscape as it makes efficient use of an existing building.
- The restricted hours of operation and broader permit conditions will minimise any potential adverse impacts on surrounding properties.

12.6 The need to protect the amenity of existing residents:

- As above, the Acoustic Report (prepared by SLR Global Environmental Consultants, dated 25 August 2016) assesses the proposal's potential noise impacts to nearby dwellings and concludes that the level of noise from the proposed use is acceptable.
- Relevant permit conditions will restrict processes onsite so that certain operations do not occur concurrently. This will further mitigate noise.
- The restricted hours of operation accord with the *Environment Protection (Residential Noise) Regulations 2008*.
- No significant traffic volumes would be generated by the proposal.

12.7 The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty or importance:

- The external appearance of the existing building will remain unchanged. There will be limited impact on the existing outlook of the site as the logs are proposed to be stored to the rear of the shed which assists in concealing the outdoor storage area from view of the street.

12.8 The need to prepare an integrated land management plan:

- An integrated land management plan is not required as the application proposes to use existing buildings onsite while vast areas of the site, to the north, will remain for agricultural use.

12.9 The impact on the existing and proposed rural infrastructure:

REPORT NO: SU208 (cont.)

- It is considered that the proposal will not have significant impact on existing infrastructure due to the low-scale nature of the use and the restricted operating hours of the site.
 - The application was referred to Council's Health Department who did not object to the proposal subject to appropriate permit conditions.
 - Council's Assets Department have also viewed the application and concur with the findings of the Traffic report submitted with the application. Council's Traffic engineer has requested the vehicular crossing to be upgraded to ensure the continued safe flow of traffic along Arundel Road.
- 12.10 The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses:
- The use is not expected to expand beyond what is currently being proposed. The recommended approval does not allow for intensification of the proposal without further consent of the responsible authority. In the event expansion of the use was sought it would have to be assessed on its merits and a decision made accordingly.
- 12.11 Protection and retention of land for future sustainable agricultural activities:
- Whilst some agricultural land will be occupied by external storage area, the proposal retains land to the north (rear) of the property for agriculture, where produce is seasonally grown.
 - The external storage area does not prejudice or undermine the future agricultural capabilities of the site as the subject area can easily revert back to agriculture land due to the absence of any fix or permanent structures.
- 12.12 The impact of the use or development on the flora and fauna on the site and its surrounds:
- Significant vegetation is not proposed to be removed.
- 12.13 The need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the revegetation of land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline recharge and discharge areas:
- Due to the utilisation of existing buildings and infrastructure, the proposal represents no threat to the biodiversity of the area.
- 12.14 How the use or development relates to sustainable land management and the need to prepare a Sustainable Land Management Plan:
- It is considered that a Sustainable Land Management Plan is not required to be submitted as the proposed sawmill would utilise the existing building.
- 12.15 The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas:
- The proposed works are confined to the internal fit-out of the existing building. As such, the design, height and siting of the building will remain unchanged.
- 12.16 The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape:
- The existing site conditions will remain relatively unchanged with the exception of minor upgrades to the entry of the site along Arundel Road.
 - The upgrades to improve vehicle access to the site would not result in any visual impacts on the landscape.

REPORT NO: SU208 (cont.)

- 12.17 The need to minimise adverse impacts on the character and appearance of the area or features or archaeological historic or scientific significance or of natural scenic beauty or importance:
- As outlined above, a Cultural Heritage Assessment prepared by Andrew Long & Associates (dated 22 November 2014) indicates that a CHMP is not required.

Clause 42.01 – Environmental Significance Overlay (Schedule 1)

- 12.18 The proposal addresses the relevant decision guidelines in Clause 42.01 (Schedule 1 Clause 4) of the Environmental Significance Overlay as follows:
- 12.19 The effect of the proposed removal of any native vegetation on the habitat value, wildlife corridor, and long term viability of remnant and revegetated areas along the waterway corridor; The significance of the native vegetation area, including the significance of plant communities or significant plant and animal species supported; The reasons for removing the native vegetation and the practicality of alternative options which do not require the removal of the native vegetation.
- No native vegetation is proposed to be removed as part of the application.
- 12.20 The effect of the height, bulk and general appearance of any proposed buildings and works on the environmental values and visual character of the waterway.
- The proposal will utilise the existing building onsite. No new built forms are proposed.
- 12.21 The need for landscaping or vegetation screening.
- It is proposed to provide a landscape buffer around the perimeter of the air log storage area. This will assist to obscure the area from view of adjoining properties.
- 12.22 The need to ensure that buildings or works do not disturb known sites of Aboriginal heritage or areas likely to contain Aboriginal heritage.
- A Cultural Heritage Assessment prepared by Andrew Long & Associates (dated 22 November 2014) indicates that a CHMP is not required.
- 12.23 The need to protect trees with Aboriginal trunk or branch scars.
- No trees with Aboriginal trunk or branch scars will be disturbed.
- 12.24 The need to retain native vegetation and natural features which contribute to the health and water quality of the waterway and the visual character of the waterway corridor:
- Natural features of the land are not proposed to be drastically altered.
 - Council's Environmental officer has concerns that woodchips could enter the Maribyrnong River and disrupt natural processes if not properly addressed. For this reason, a permit condition will require details of all drainage and water sensitive urban design devices to be submitted to Council for approval before the use commences.

Clause 52.06 – Car Parking

- 12.25 Pursuant to Clause 52.06 of the Scheme, the proposal requires a planning permit for the reduction in car parking.
- 12.26 Clause 75 of the Scheme indicates that the land use term 'sawmill' is nested under 'Rural industry', which is nested under 'Industry'.
- 12.27 Neither 'Sawmill' nor 'Rural industry' is specifically listed in Table 1 to Clause 52.06-5; however, the list does specifically include 'Industry'.
- 12.28 Table 1 to Clause 52.06-5 of the Scheme requires land used for industry be provided with 2.9 car spaces to each 100 square metres of net floor area.

REPORT NO: SU208 (cont.)

- 12.29 The net floor area of the shed is 1,185 square metres resulting in a statutory car parking requirement of 34 car spaces.
- 12.30 A total of 5 car parking spaces are provided on-site.
- 12.31 In light of the above shortfall, a reduction in the statutory car parking requirement is required as part of this proposal.
- 12.32 The shortfall in car parking is considered appropriate given:
- The traffic movements associated with the development are expected to be minimal. The development is anticipated to generate six vehicle movements per day associated with delivery trucks and four vehicle movements per day associated with staff.
 - There will be no retail sales from the premises. The bagged and palletised kindling will be collected by a truck utilising an internal loading bay.
 - The level of traffic to be generated by the proposed use will not have any detrimental impacts on the capacity and operation of Arundel Road.
 - The car parking rate utilised in the table of Clause 52.05-6 (Industry) is designed for core industrial factories within Industrial zones.
 - No objections were raised by Council's Traffic engineer, though conditions are required to be included in any permit that is issued.

Clause 52.07 – Loading and Unloading of Vehicles

- 12.33 The pre-cut logs will be delivered to the site by a 19 metre truck and unloading will occur at the rear of the site within the open storage area.
- 12.34 Truck swept paths provided by Traffix Group (Sheets 1 and 2) indicate there is adequate space for the vehicles to unload in this location whilst entering and exiting the site in a forward motion.
- 12.35 Council's Traffic engineer requires that the existing crossover be modified to a minimum of 6 metres wide in accordance with Council's standard drawing 'Industrial Vehicle Crossing SD302' to accommodate the manoeuvring of a 19 metre articulated semi-trailer. This will be required via a permit condition.
- 12.36 The proposal is considered to satisfy the overall objectives of Clause 52.07 of the Scheme.

Clause 52.10 – Uses with Adverse Amenity Potential

- 12.37 Clause 52.10 specifies threshold distances from sensitive land uses such as residential zones, Capital City or Docklands Zone or land used (or to be used) for a hospital or an education centre.
- 12.38 The threshold distance for a sawmill is 500 metres and the proposal satisfies this threshold distance.
- 12.39 It is important to note that a sawmill must be 500 metres from a *residential zone* and as the dwellings in the vicinity of the subject site are located within a *green wedge zone*, the threshold distance does not apply to these dwellings.

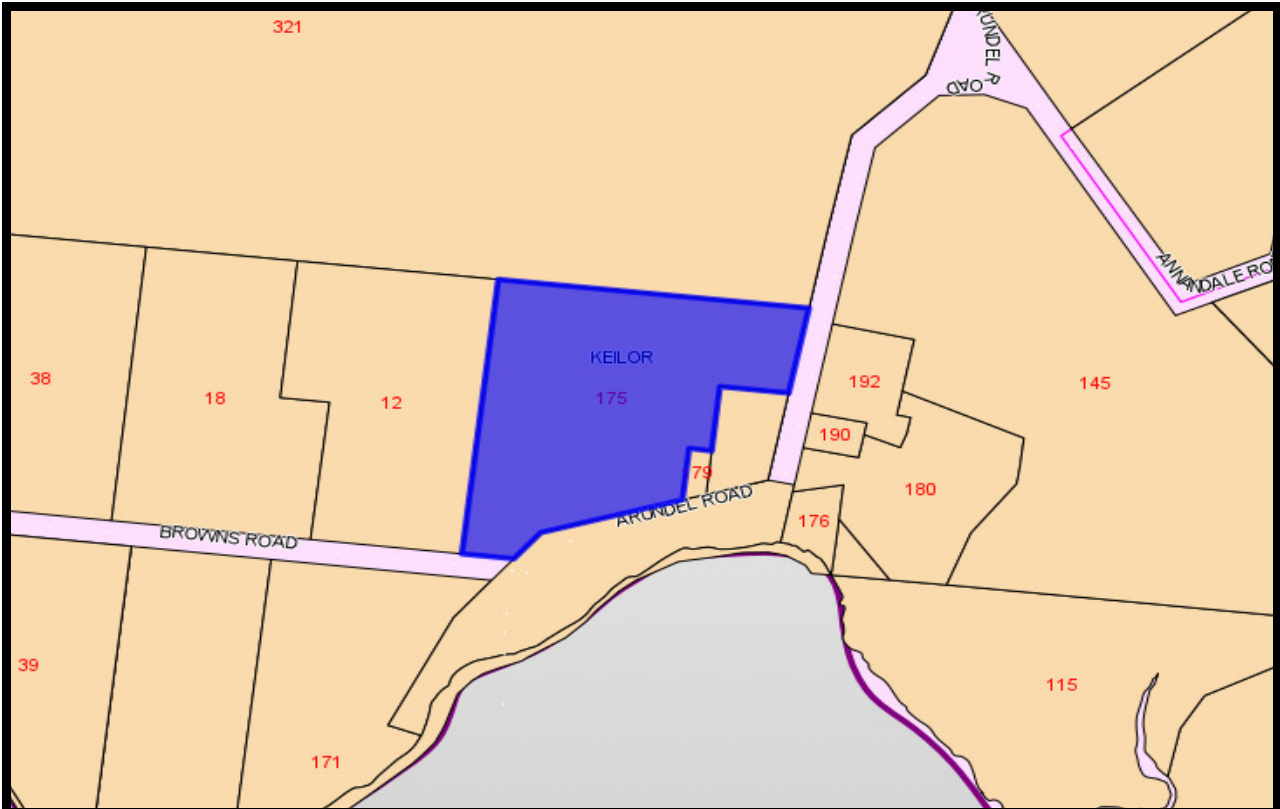
13. CONCLUSION

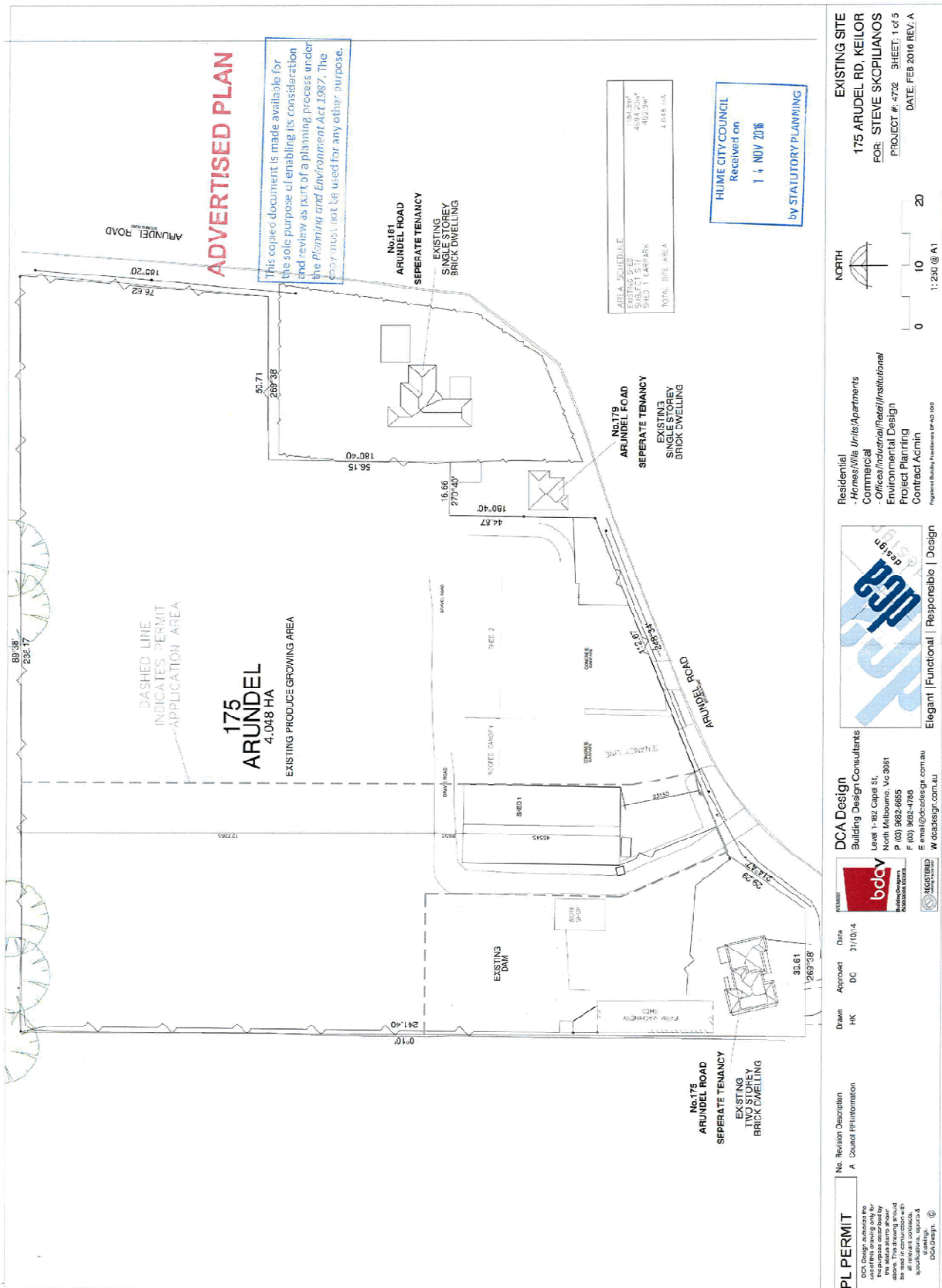
- 13.1 The application has been assessed against the relevant policies and provisions of the Hume Planning Scheme, including the State and Local Planning Policy Frameworks (inclusive of the Municipal Strategic Statement) and is considered to be generally consistent with the relevant purposes and strategies.
- 13.2 It is considered that an approval, with the recommended permit conditions, would allow the proposal to operate safely and efficiently from the premises, in tandem with a market use, and at minimal amenity detriment to surrounding residences.
- 13.3 On this basis, the application should be approved with a Notice of Decision to Grant a Planning Permit issued, subject to conditions.

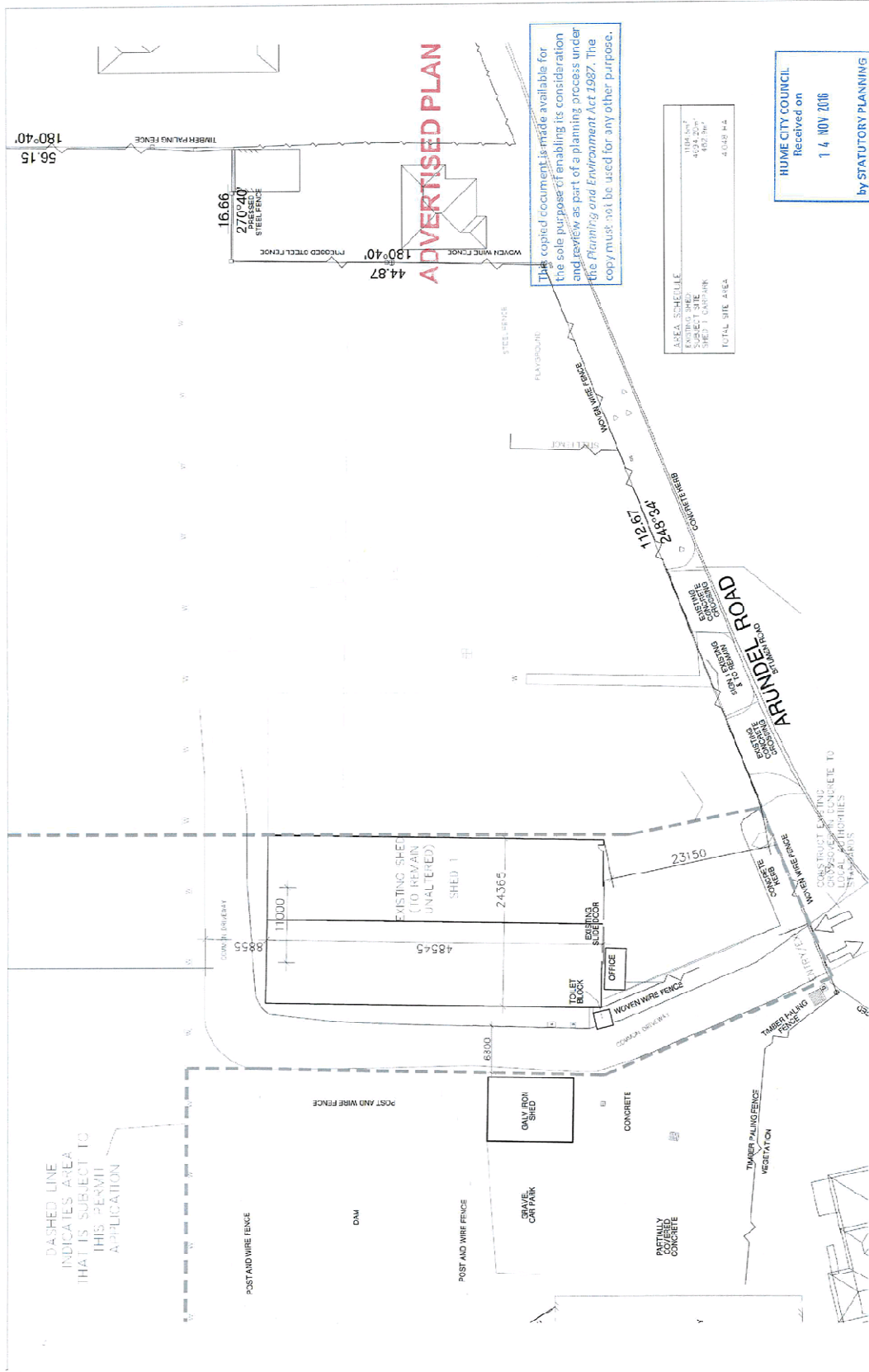
LOCALITY MAP

175 ARUNDEL ROAD, KEILOR

P19416=: USE OF LAND AS A SAWMILL (KINDLING PRODUCTION) AND A REDUCTION OF THE CAR PARKING REQUIREMENTS







HUME CITY COUNCIL
Received on
14 NOV 2016
by STATUTORY PLANNING

AREA SCHEDULE	1104 6-2
PROJECT NO.	4024 20-1
SHEET NO.	402 5b-1
SHEET 1 OF 2	402 5b-1
TOTAL SITE AREA	4.038 HA

PL PERMIT
DCA Design certifies the information contained in this plan for the purpose stated and by accepting this plan the applicant agrees to be bound in conjunction with the specifications, notes & conditions.
DCA Design ©

No.	Revision/Description	Drawn	Approved	Date
1		RM	DC	12/02/2016

bdv
Building Design
North Melbourne, Vic. 3051
P (03) 9392-9555
F (03) 9392-4700
E email@bdvdesign.com.au
W www.bdvd.com.au

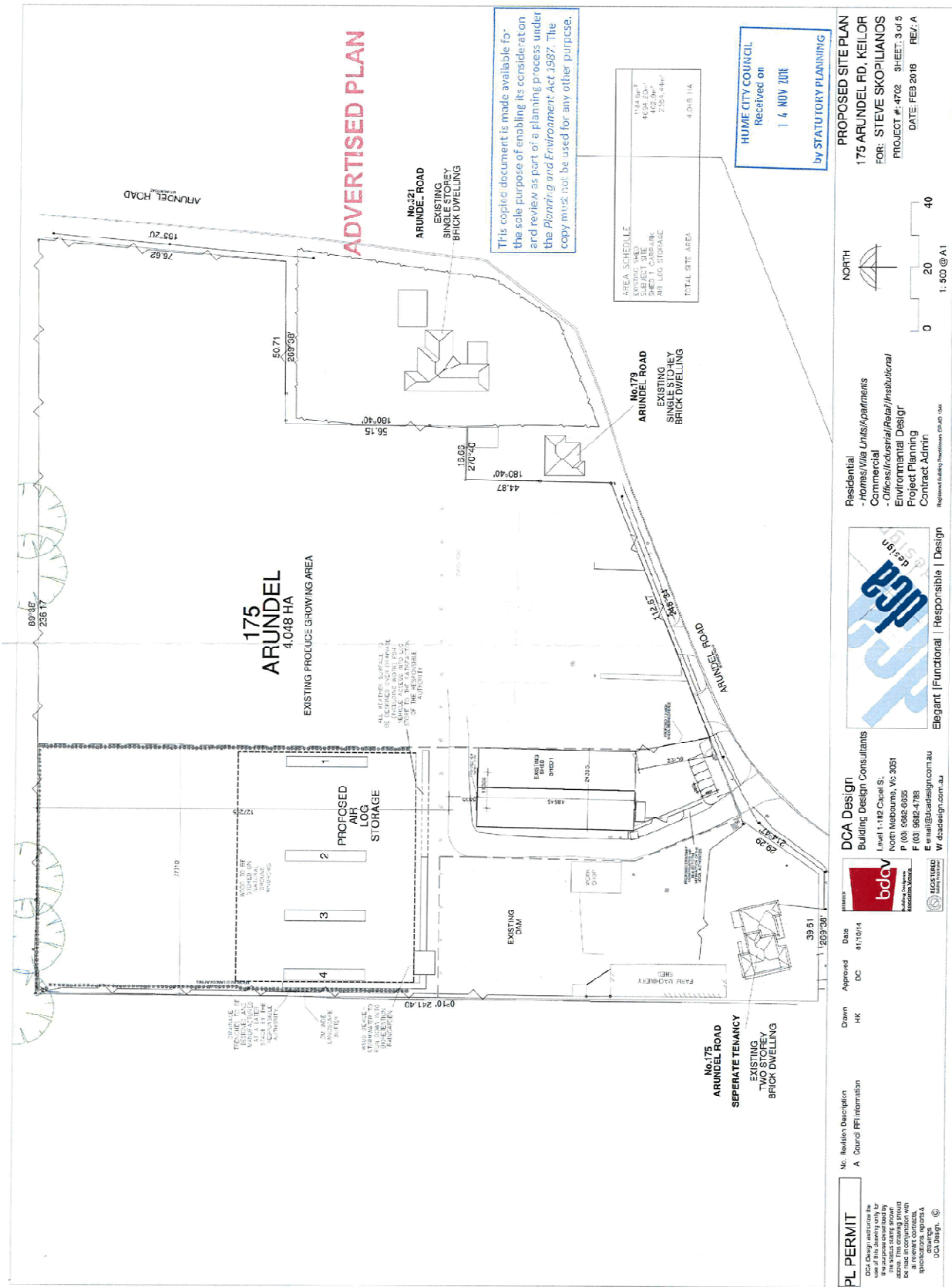
DCA Design
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W www.dcaesign.com.au

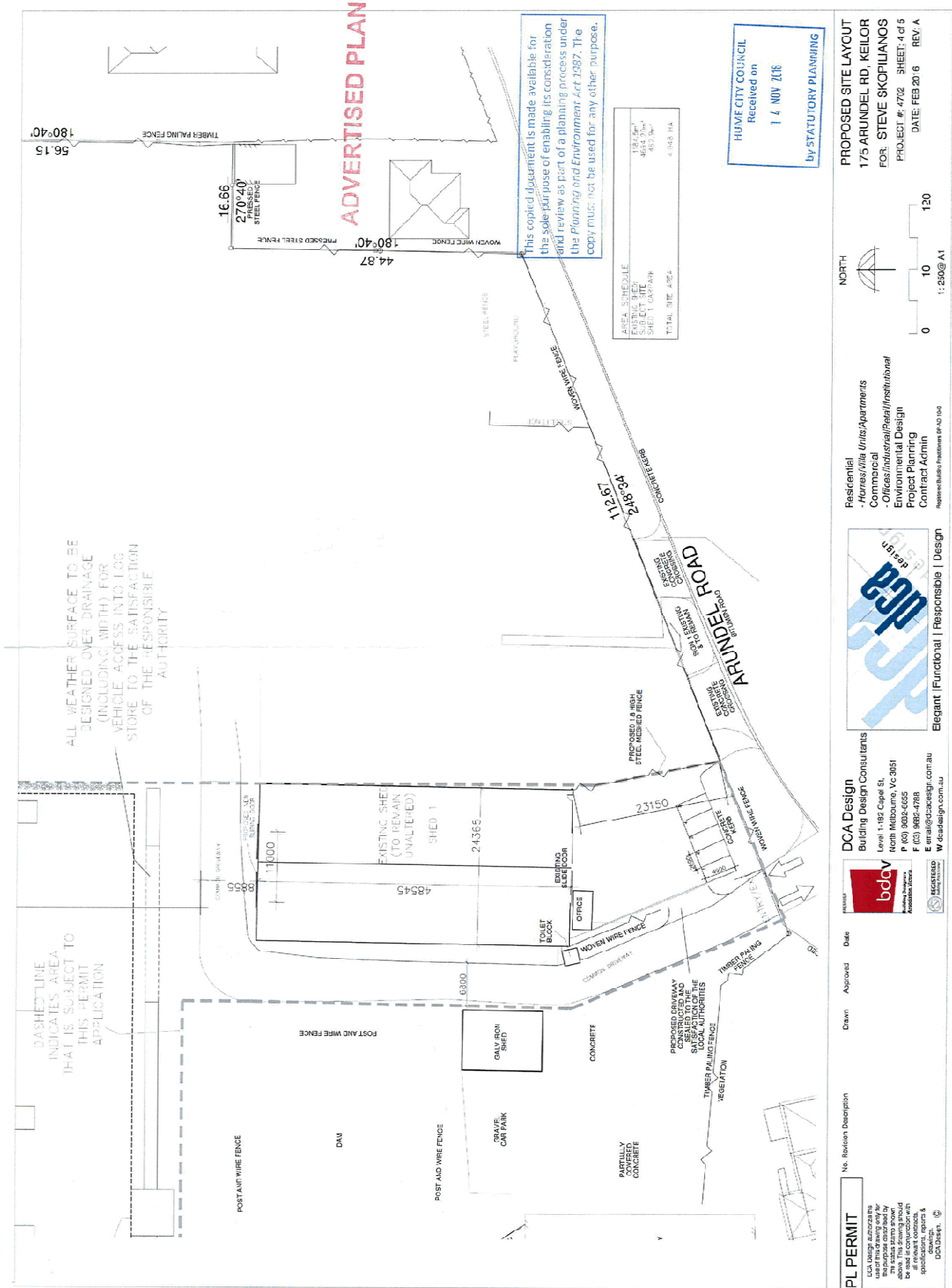
Elegant | Functional | Responsible | Design

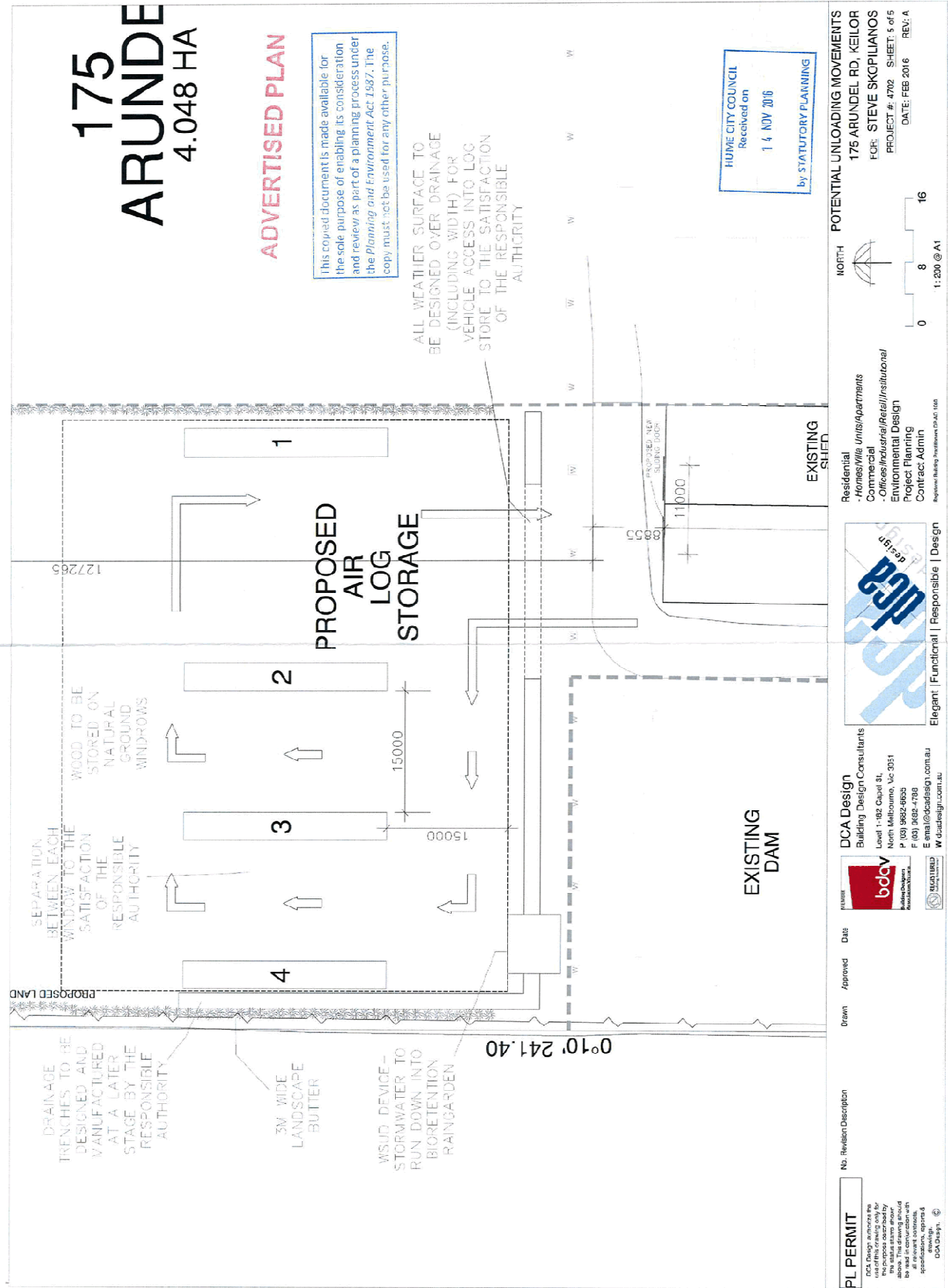
Residential
- Houses/Villa/Units/Apartments
Commercial
- Offices/Industrial/Retail/Institutional
Environmental Design
Project Planning
Contract Admin
Registered Planning Practitioner No. 201 046

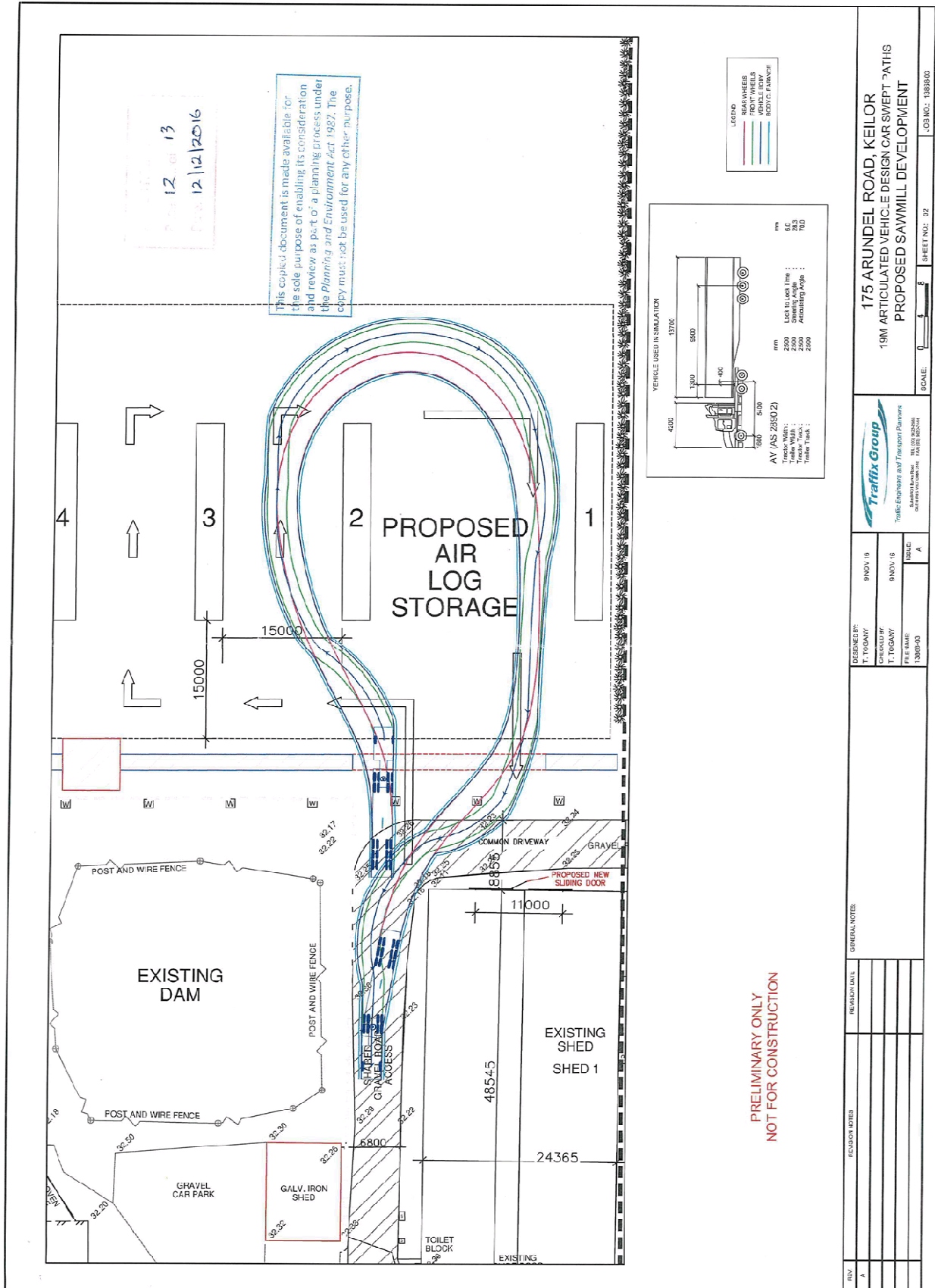
EXISTING SITE LAYOUT
175 ARUNDEL RD, KELIOR
FOR: STEVE SKOPIJANOS
PROJECT #: 4702 SHEET: 2 of 6
DATE: FEB 2013 REV: A

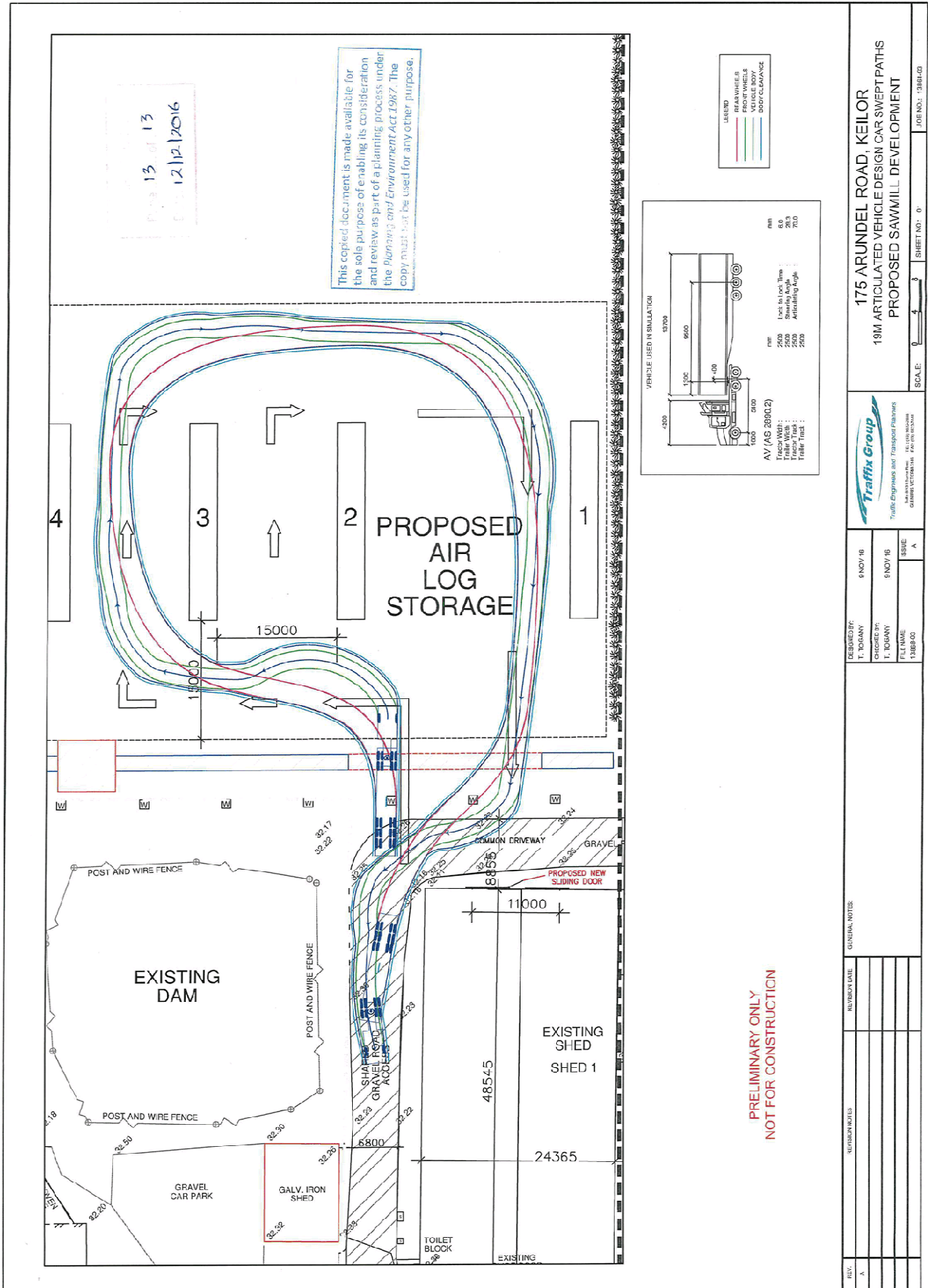
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PRELIMINARY ONLY
NOT FOR CONSTRUCTION

175 ARUNDEL ROAD, KEILOR 18M ARTICULATED VEHICLE DESIGN CAR SWEEP PATHS PROPOSED SAWMILL DEVELOPMENT		JOB NO.: 1388400	
Traffic Group Traffic Engineers and Transport Planners 100 WILSON ROAD, KEILOR VIC 3042 03 9397 1234		SCALE: 1:100	SHEET NO.: 0
DESIGNED BY: T. TOADAY	6 NOV '16	ISSUE	A
CHECKED BY: T. LODMAN	6 NOV '16	ISSUE	A
FILE NAME: 1388400		ISSUE	A
REVISIONS	REVISION DATE	GENERAL NOTES	

REPORT NO:	SU209
REPORT TITLE:	520 Mickleham Road, Greenvale - Building and works associated with the development of a horse arena
SOURCE:	Jeffery Krafft, Town Planner
DIVISION:	Planning and Development
FILE NO:	P20037
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	1. <i>Locality Map</i> 2. <i>Development Plans</i>

Application No:	P20037
Proposal:	Building and works for a horse arena
Location:	520 Mickleham Road, Attwood
Zoning:	Green Wedge Zone
Overlay:	Melbourne Airport Environs Overlay (Schedule 1)
Applicant:	Caddick Designs
Date Received:	12 October 2016

1. SUMMARY OF REPORT:

Planning approval is sought for building and works associated with the development of a horse arena at 520 Mickleham Road, Attwood. The application was advertised and received eight objections. The application has been assessed on its merits against relevant policies and provisions of the Hume Planning Scheme including consideration of the issues raised in the objections. On balance, the proposal is considered acceptable and it is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant a Permit pursuant to Section 64 of the *Planning and Environment Act 1987* for building and works associated with the development of a horse arena at 520 Mickleham Road, Attwood, subject to the following conditions:

- 1. The design of the development as shown on the endorsed plans shall not be altered or modified except with the written consent of the responsible authority.**
- 2. The development must be utilised at all times in a manner which ensures that the amenity of adjoining and nearby residential properties is not detrimentally affected.**
- 3. Existing trees on the subject land identified for retention on the endorsed plans must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the responsible authority. Such trees must be satisfactorily protected during building and construction works.**
- 4. No public address or sound system shall be used on the subject land except one which is audible only within the building on the land.**
- 5. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.**

REPORT NO: SU209 (cont.)

Conditions 5-8 imposed by Melbourne Airport

6. All roofed areas of the approved building must be coloured in non-reflective muted tones or constructed of suitable materials that absorb light rather than creating unnecessary glare.
7. Any structure or building activity (including construction cranes) on the subject land, either permanent or temporary, must not penetrate “prescribed airspace” surfaces without the approval of Melbourne Airport in accordance with the *Airports (Protection of Airspace) Regulations 1996*.
8. External lighting must be installed or baffled such that it does not cause light spillage above the horizontal plane or beyond the subject site in order to prevent potential visual distraction to pilots.
9. Any new landscaping must not compromise bird attracting species which may impact on safe aircraft operations and must comply with the *Melbourne Airport Planting Guidelines*.
10. This permit will expire if one of the following circumstances applies:
 - the development is not started within three years of the date of this permit; or
 - the development is not completed within six years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing:

- before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

NOTES:

- If a request for an extension of commencement/completion date is made out of time allowed by condition 10, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

3. PROPOSAL:

- 3.1 It is proposed to construct an open-sided horse arena on the land. The structure would be 28 metres in width, 45 metres in length (1,260 square metres) and 6.7 metres in height at its apex.
- 3.2 The horse arena would have six open bays along its western interface. No walls are proposed along the north, east or south elevations.
- 3.3 The structure would be constructed of colourbond steel in a ‘pale eucalypt’ colour. The roof is to be pitched at 7.5 degrees.
- 3.4 The land is presently used for horse training and dressage. There are between 20 – 40 horses on the site at any one time. The land use will remain a private endeavour as only horses of family members are agisted on-site.
- 3.5 The most appropriate land use characterisation is considered to be ‘animal husbandry’ which Clause 74 of the Scheme defines as ‘*Land used to keep, breed, board, or train animals, including birds*’.
- 3.6 ‘Animal husbandry’ is nested under the broader ‘agriculture’ term which is a Section 1 (Permit not required) use in the Green Wedge Zone.
- 3.7 The horse arena is proposed to protect the horses and riders from the natural elements whilst riding.

REPORT NO: SU209 (cont.)

4. SITE AND SURROUNDS:

Site and Surrounds

- 4.1 The subject site is located on the east side of Mickleham Road. It is rectangular in shape with a street frontage of 132 metres and an average depth of 878 metres which equates to a total area of 12.8 hectares.
- 4.2 The westernmost portion of the site (abutting Mickleham Road) is utilised as a rose garden.
- 4.3 The middle portion of the site comprises one dwelling, two sheds, horse stables and a horse round yard.
- 4.4 The remainder of the site contains horse paddocks with some scattered horse shelters. It is sparsely vegetated except for the canopy trees along the north and south boundaries of the site.
- 4.5 No easements encumber the site and no restrictive covenants are recorded on the certificate of title.
- 4.6 The site resides in the inter-urban break known as the Attwood Land. The site is outside the urban growth boundary.
- 4.7 A number of low density residential properties abut the site to the north.

Planning History

- 4.8 Planning permit P8334 was issued on 12 June 2003 for 'building and works associated with existing crop raising and the construction of an ancillary office'.
- 4.9 Planning permit P10727 was issued on 25 July 2007 for 'building and works to allow the use of an existing rose farm for primary produce sales (retail rose sales)'.
- 4.10 Planning permit P11909 was issued 4 October 2007 for 'business identification signage'.

5. PLANNING CONTROLS:

- 5.1 The following policies and provisions of the Hume Planning Scheme are relevant in the consideration of the application:

<i>State Policies:</i>	Clause 11.04-7: Green wedges Clause 12.04-2: Landscapes Clause 14.01-2: Sustainable agricultural land use
<i>Municipal Strategies:</i>	Clause 21.03-3: Agriculture Clause 21.05-4: Landscape Clause 21.05-5: Open space Clause 21.06-5: Local Areas (Greenvale, Attwood and Westmeadows Neighbourhood)
<i>Local Policies:</i>	Nil
<i>Zones:</i>	Clause 35.04: Green Wedge Zone
<i>Overlays:</i>	Clause 45.08: Melbourne Airport Environs Overlay
<i>Particular Provisions:</i>	Clause 57: Metropolitan Green Wedge Land
<i>General Provisions:</i>	Clause 65.01: Approval of an Application or Plan

- 5.2 It is State policy to protect green wedge areas of Metropolitan Melbourne from inappropriate development. Policy further seeks to support development in the green wedge that provides for environmental, economic and social benefits.
- 5.3 It is also State policy to improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.

REPORT NO: SU209 (cont.)

5.4 A municipal strategy (Clause 21.05-5: Landscape) is to ensure that land is developed for a range of open space functions to meet community needs and protect the environment.

5.5 The subject site is located within the Greenvale, Attwood and Westmeadows Local Areas Policy. A stated objective for the area at Clause 21.06-5 is:

To protect the open, rural character of the area by limiting new urban development to designated areas, and by protecting and maintaining the significant heritage and environmental features of the area.

Aboriginal Cultural Heritage

5.6 The site is not located in an area identified as having Aboriginal Cultural Heritage Sensitivity.

Major Electricity Transmission Line

5.7 The site is not located within 60 metres of a major electricity transmission line.

Planning Permit Trigger

5.8 The permit trigger in this instance is Clause 35.04-5 which relates to the construction of a building that is within 100 metres of a dwelling not in the same ownership.

5.9 The current land use of animal husbandry does not require planning consent as it is a Section 1 (Permit not required) land use.

6. REFERRALS:

Internal referral

6.1 The application was internally referred to Council's Sustainable Environment Department who did not object to the proposal or recommend any conditions.

External referral

6.2 Notice of the application was provided to Melbourne Airport who offered no objection subject to conditions placed on any permit granted.

7. ADVERTISING:

7.1 The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by way of letters to adjoining land owners and occupiers and a notice board placed on site for a minimum fourteen day period.

7.2 Eight objections to the proposal were received.

7.3 The following is a summary of the grounds of objection:

- Horse odour
- Noise
- Inconsistent with the purposes of the Green Wedge Zone
- Obscured view
- Not notifying all adjoining properties
- Increased traffic
- Land degradation
- No right of access
- Dust emissions

8. OBJECTIONS:

8.1 The grounds of objection are addressed as follows:

8.2 *Horse odour*

This objection relates to the use of the land and is not relevant as Animal husbandry is a Section 1 (Permit not required) use pursuant to Clause 35.04-1 of the Green Wedge Zone.

REPORT NO: SU209 (cont.)

8.3 *Noise*

This objection relates to the use of the land and is not relevant as Animal husbandry is a Section 1 (Permit not required) use pursuant to Clause 35.04-1 of the Green Wedge Zone.

8.4 *Inconsistent with the purposes of the Green Wedge Zone*

The Green Wedge Zone seeks to provide land for agricultural uses and sustainable land management practices. The protection, conservation and enhancement of rural landscapes are strong themes within the zoning.

The Hume Planning Scheme categorises the use of the land for the purpose of 'Animal husbandry' as an agricultural land use. The fact that the land use does not require planning permission demonstrates that it is a suitable as-of-right use within the Green Wedge Zone. A horse arena that provides shelter for the animals is not considered to be discordant with the purposes of the zone.

8.5 *Obscured view*

VCAT has long held the principle established in the decision *Tashounidis v Shire of Flinders* (1987) that there is no legal right to a view. This objection is therefore not a valid planning concern.

8.6 *Not notifying all adjoining properties*

Notice of the application was provided under Section 52 of the Act. Section 52(1)(a) states, '

(1) Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—

(a) to the owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person;' (emphasis added)

The subject site has a northern boundary of 880.6 metres. It is abutted by 21 residential properties to the north. Notice of the application was sent to the seven dwellings immediately north of the proposed structure; as these properties span a distance of 275 metres. Council's delegate and supervisors were satisfied that the structure would not cause material detriment to all adjoining properties to the north beyond the seven properties notified due to the expansive nature of the area.

Notwithstanding, a notice board was placed on the property frontage on 18 November 2017 for a minimum period of 14 days.

In light of the above, it is considered notice of the application was provided in accordance with Section 52 of the Act.

8.7 *Increased traffic*

The applicant has maintained that the horse arena is for private use only. As the structure will not be utilised for commercial purposes, it is considered that traffic volumes will not increase and will not have a significant impact on the amenity of the dwellings to the north.

8.8 *Land degradation*

The structure will effectively protect the ground on which the horses trot from rain erosion. The construction of the structure is highly unlikely to inhibit the capability of the land.

8.9 *No right of access*

REPORT NO: SU209 (cont.)

The plans submitted indicate an existing 3 metre wide all-weather access driveway. The accessway extends from the rose garden car park to the dwelling and proposed horse arena. No evidence has been submitted to Council by objectors in relation to vehicle access rights to the site or lack thereof.

8.10 *Dust emissions*

As noted above, the plans submitted indicate an existing all-weather accessway on the site. The accessway finished in gravel will minimise the emission of dust from vehicles. Further, since the operation is for private use only, and not a commercial operation, the number of vehicles utilising the road will not increase from current levels.

9. **ASSESSMENT:**

9.1 Discussion of the proposal against the relevant decision guidelines of the Green Wedge Zone is provided below.

Clause 35.04-6 – Decision Guidelines of the Green Wedge Zone

9.2 *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*

The subject site is 12.8 hectares in size and offers ample space for the development of the horse arena. It is recognised that the proposal is extensive, however the structure will be set back 38.5 metres from the northern property boundary, 351 metres from the eastern boundary, 71 metres from the southern boundary and 480 metres from the eastern boundary to ensure sufficient buffer from adjoining properties.

It is noted that no native vegetation will be removed as part of the proposal. The expansive nature of the site, the lengthy setbacks proposed and rural setting ensures the suitability of the proposal, particularly from nearby residential properties.

9.3 *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

The proposed arena is to be grouped with an existing stable on the property. This will concentrate the built form amongst existing structures and lessen the impact on the local landscape. No native vegetation is to be removed as part of this application. There appears to be no specific significant architectural or scientific merit to the site that would be impacted upon.

9.4 *The impact of the use or development on the flora and fauna on the site and its surrounds.*

Council's Sustainable Environment Department have confirmed the proposed location of the arena is within a heavily disturbed area, and it is unlikely that any native vegetation or habitat of rare or threatened flora species would be present within the subject area.

It is proposed to set the proposed arena back approximately 4 metres from the large, planted trees to the north. A notation on the plans states that these trees are to remain and Council's Sustainable Environment Department have confirmed the proposed structure would have no impact on the future health of these trees.

9.5 *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*

The proposal is considered to be appropriately located in that it will utilise an existing horse paddock that is adjacent to existing horse stables. In this way, built forms within the site are clustered together rather than inappropriately scattered over the site.

The arena will be 5 metres high on its east and west elevations with a maximum height of 6.7 metres at the apex of the roof. The generous setbacks proposed and the rural setting ensures no adverse built form impacts will occur.

REPORT NO: SU209 (cont.)

The horse arena will be constructed of colourbond steel in a 'pale eucalypt' colour. This is suitable as the muted, earthy green colour will blend in with the landscape features of the site and surrounds.

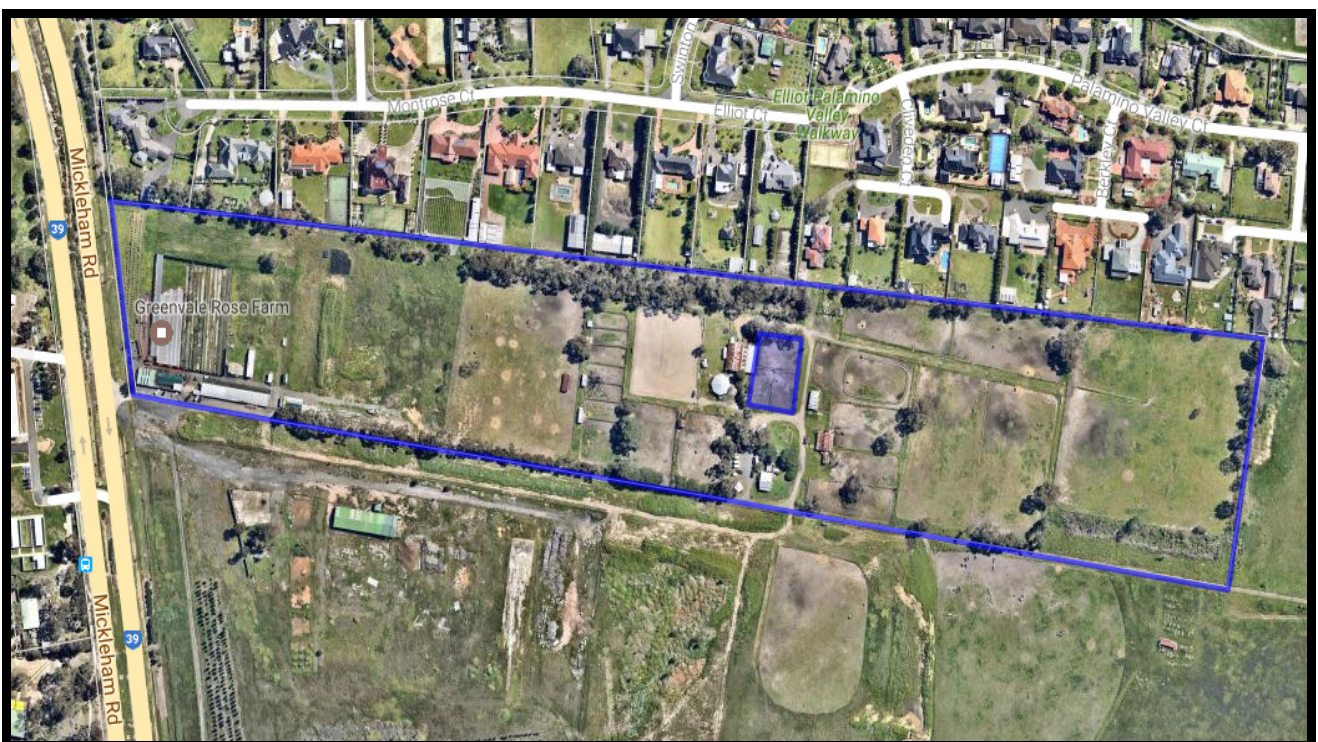
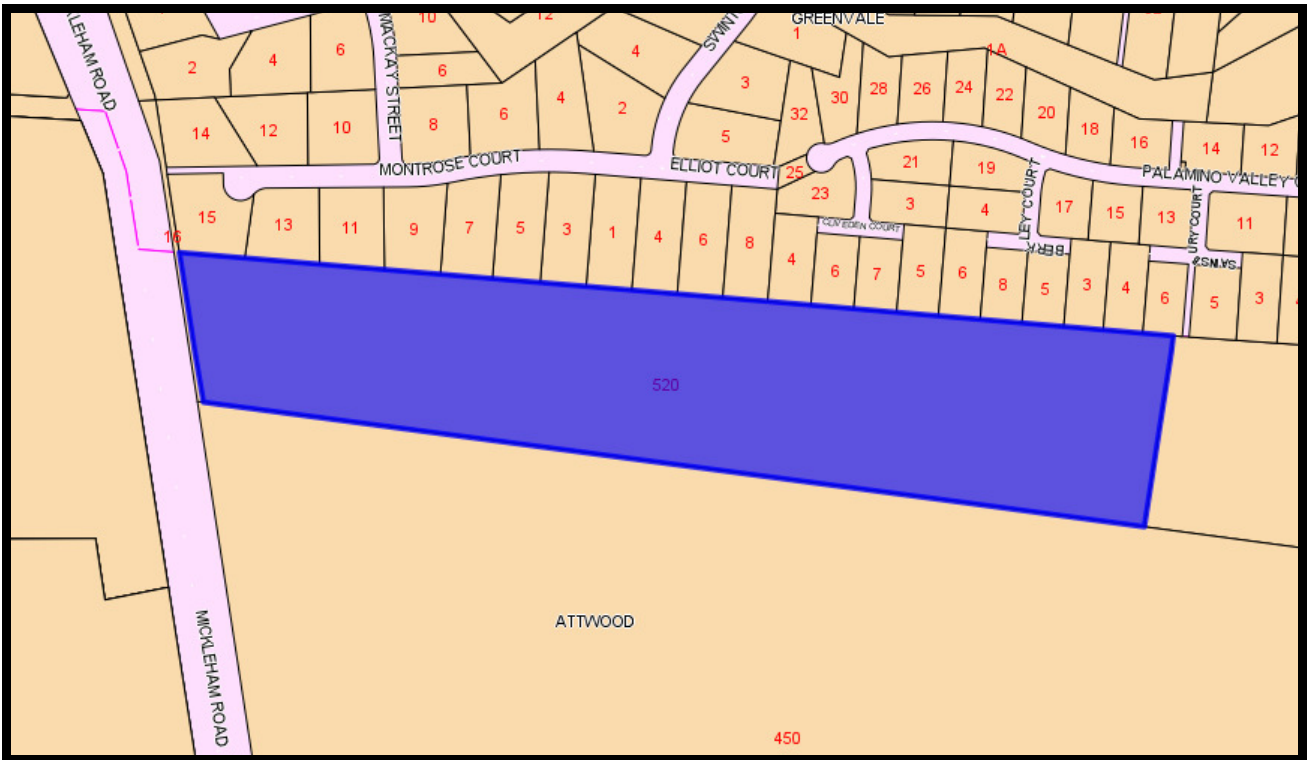
10. CONCLUSION

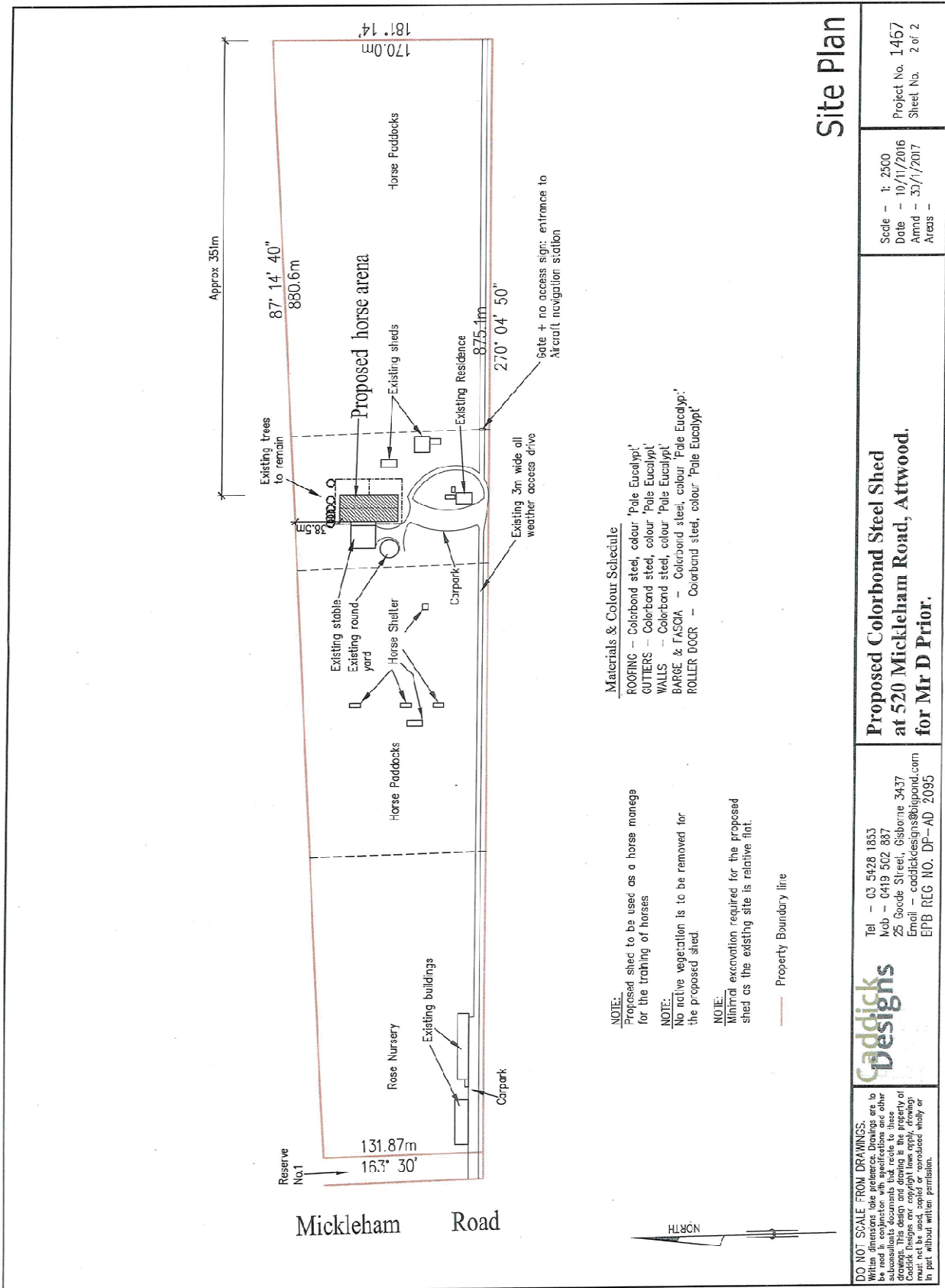
- 10.1 The proposal for a horse arena at 520 Mickleham Road, Attwood satisfies the decision guidelines of the Green Wedge Zone of the Hume Planning Scheme and relevant state and local policies.
- 10.2 Objector concerns were taken into consideration and have been addressed. The proposal offers an appropriate design response and does not detract from the amenity of the area. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

LOCALITY MAP

520 MICKLEHAM ROAD, ATTWOOD

P20037=: BUILDING AND WORKS FOR A HORSE ARENA





Site Plan

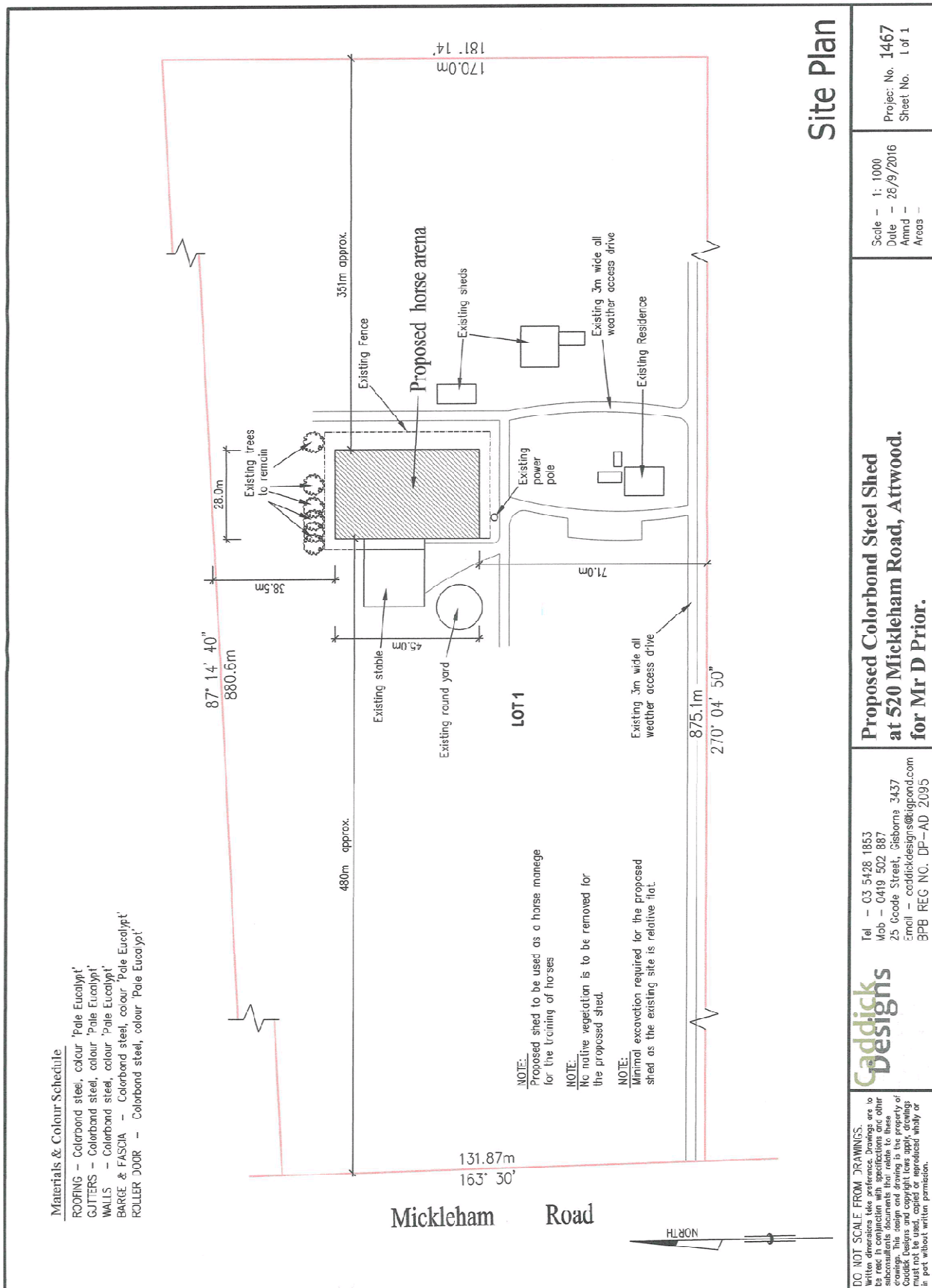
<p>Proposed Colorbond Steel Shed at 520 Mickleham Road, Attwood, for Mr D Prior.</p>	<p>Scale – 1: 2500 Date – 10/11/2016 Amd – 30/1/2017 Areas –</p>	<p>Project No. 1457 Sheet No. 2 of 2</p>
<p>Caddick Designs</p>	<p>Tel – 03 5428 1853 Mob – 0419 502 887 25 Goode Street, Gisborne 3437 Email – caddickdesigns@bigpond.com EPB REG NO. DP-AD 2095</p>	<p>DO NOT SCALE FROM DRAWINGS. Written dimensions take precedence. Drawings are to be read in conjunction with other submittals/documents and relate to these drawings. This design and drawing is the property of Caddick Designs and copyright laws apply. Drawings to be used without written permission.</p>

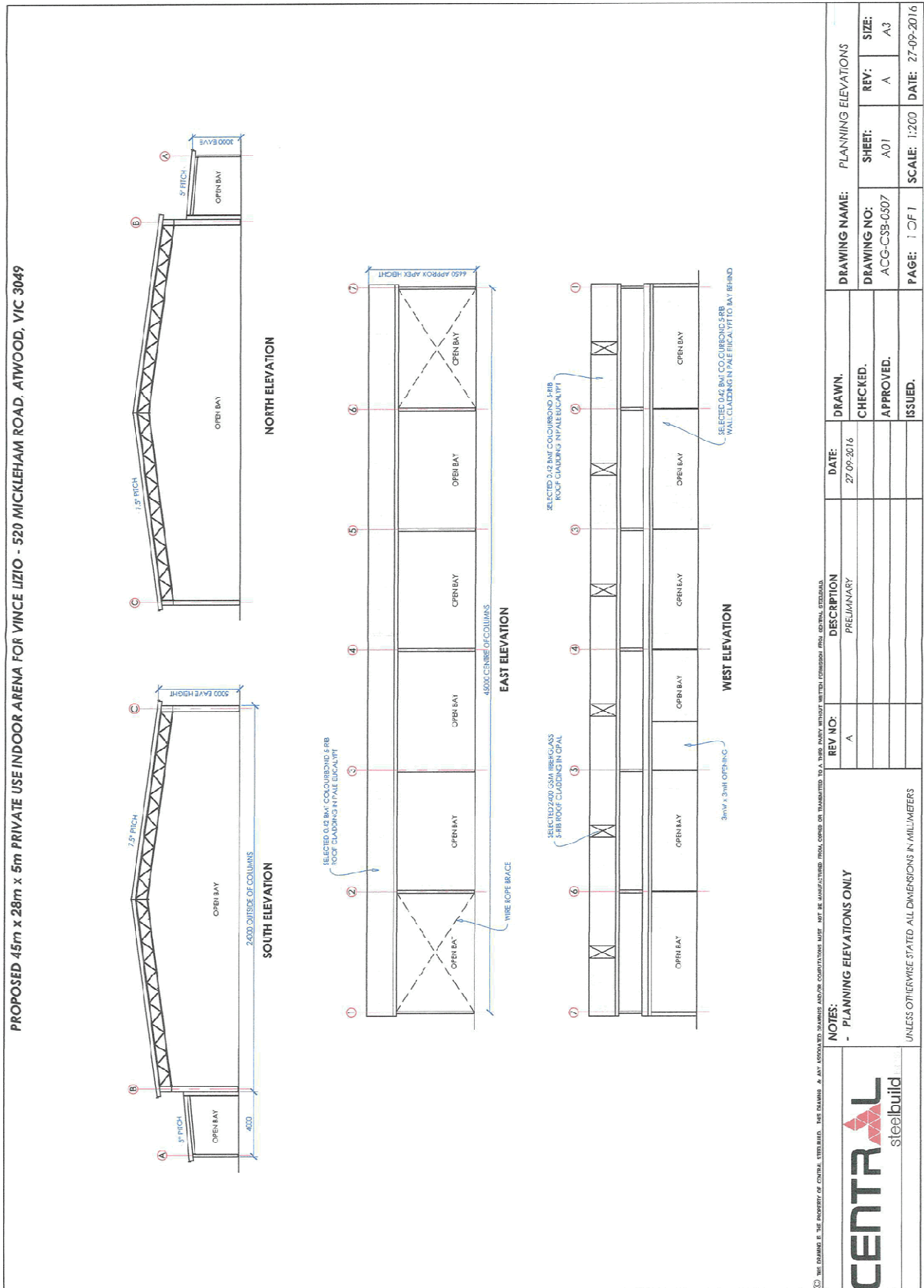
Materials & Colour Schedule

- ROOFING – Colorbond steel, colour 'Pale Eucalypt'
- GUTTERS – Colorbond steel, colour 'Pale Eucalypt'
- WALLS – Colorbond steel, colour 'Pale Eucalypt'
- BARGE & FASOA – Colorbond steel, colour 'Pale Eucalypt'
- ROLLER DOOR – Colorbond steel, colour 'Pale Eucalypt'

- NOTE:** Proposed shed to be used as a horse manege for the training of horses
- NOTE:** No native vegetation is to be removed for the proposed shed.
- NOTE:** Minimal excavation required for the proposed shed as the existing site is relative flat.

— Property Boundary line





REPORT NO:	SU210
REPORT TITLE:	Statutory Planning Monthly Report March 2017
SOURCE:	Richard Siedlecki, Coordinator Statutory Planning
DIVISION:	Planning and Development
FILE NO:	-
POLICY:	Hume Planning Scheme
STRATEGIC OBJECTIVE:	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
ATTACHMENTS:	Nil

1. SUMMARY OF REPORT.

This report incorporates the VCAT appeals update and decisions made by Council officers under delegation. This report also details some performance indicators.

1.1 Performance

Included within this report are bar charts illustrating the following key performance Indicators:

- Planning applications received and determined in the previous month.
- Outstanding applications.
- Average gross days in dealing with planning applications.
- Percentage of applications issued in 60 days or less.
- Percentage of applications issued in 60 days or less based on difficulty of applications.

The number of permit applications received in February 2017 was 42% higher than that received in January 2017. Permits issued in February fell by approximately 3.5% compared to January. The number of outstanding applications rose in February by 2.6% compared to January.

The average number of gross days taken to determine planning applications in 60 days increased in February by approximately 2%, still well below that of growth and metropolitan Councils. The percentage of applications issued in 60 days or less fell by approximately 5% in February.

The percentage of simple applications issued in 60 days or less decreased by 10% in February. Average applications issued in 60 days or less increased by 20% in February compared to January. Not enough complex applications were determined in February for inclusion in this report.

The table representing this data has been adjusted to accurately represent time frames and other reporting frameworks available to Council.

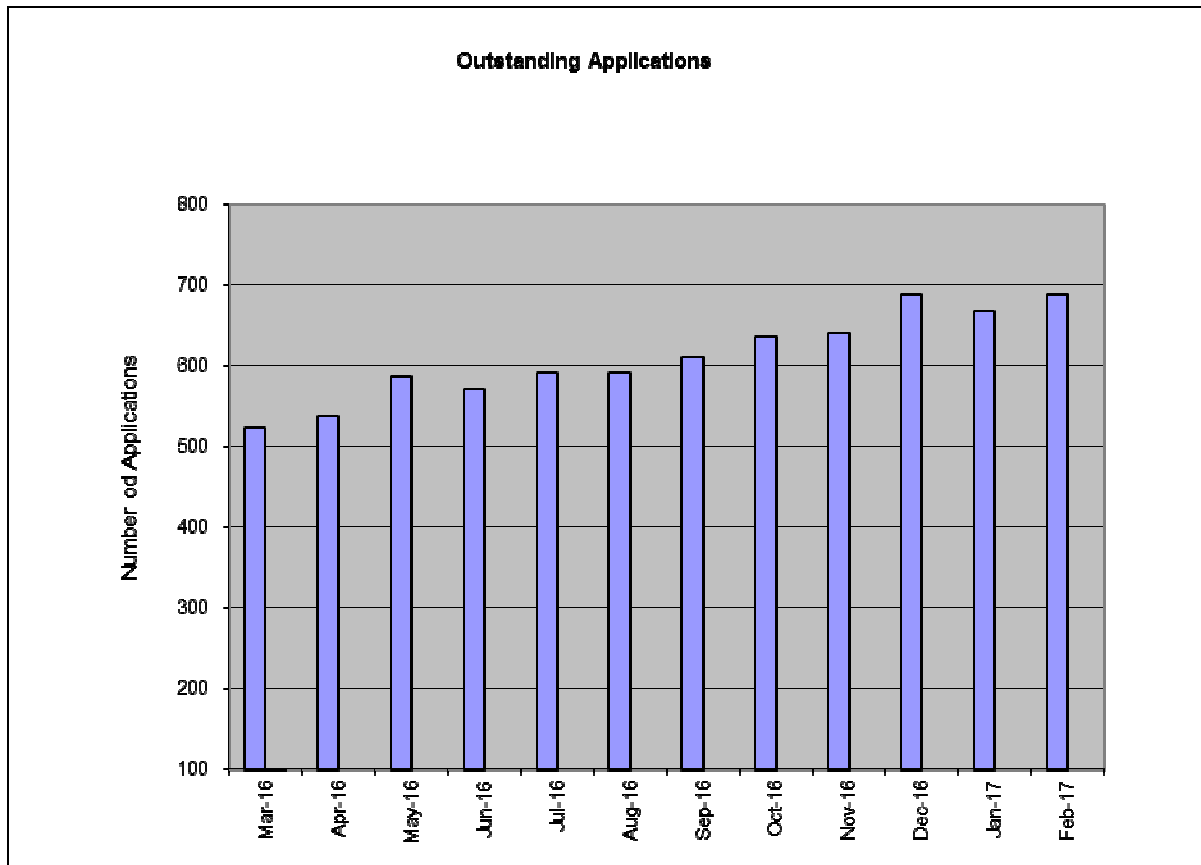
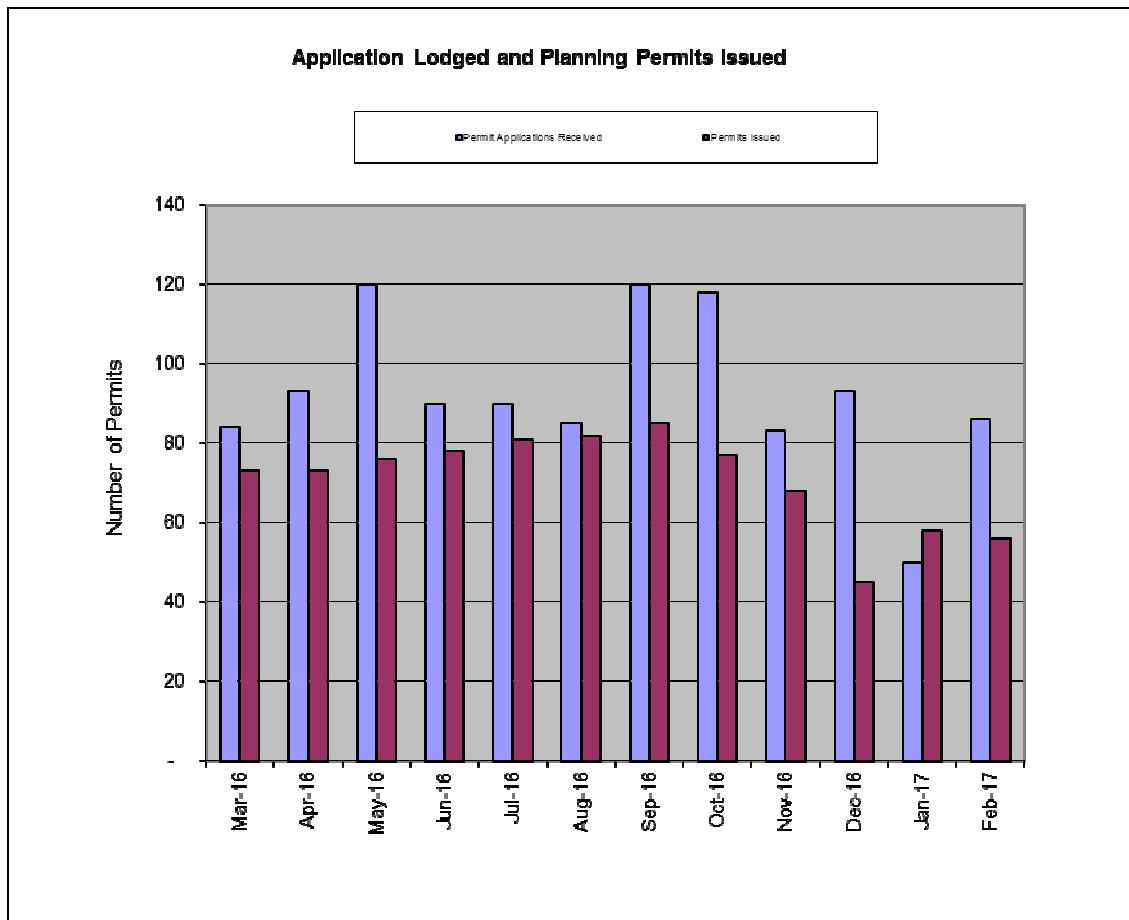
1.2 Delegated matters

The table within Section 4 of this report further details applications that have been determined under delegated authority including planning applications that receive two objections or less, applications to amend planning permits or plans, applications to extend planning permits, applications to certify plans of subdivision, and the issuing of Statements of Compliance under the Subdivision Act and Section 173 Agreements signed under delegation.

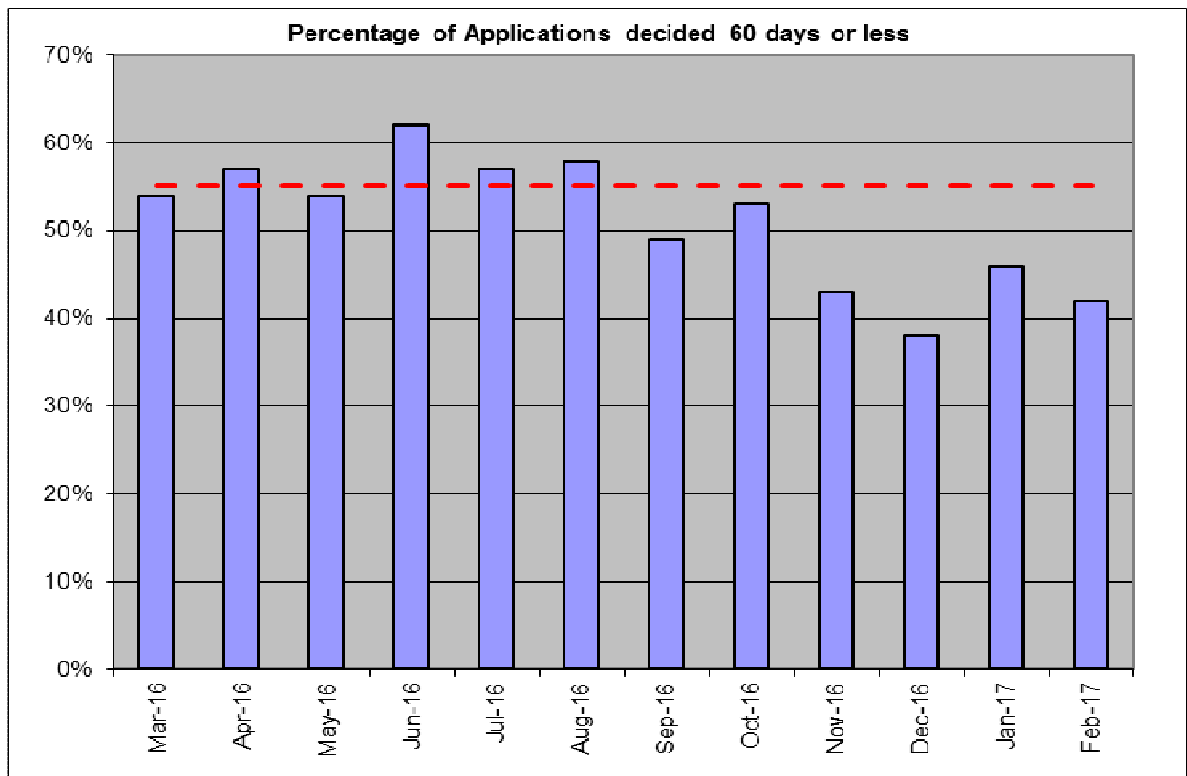
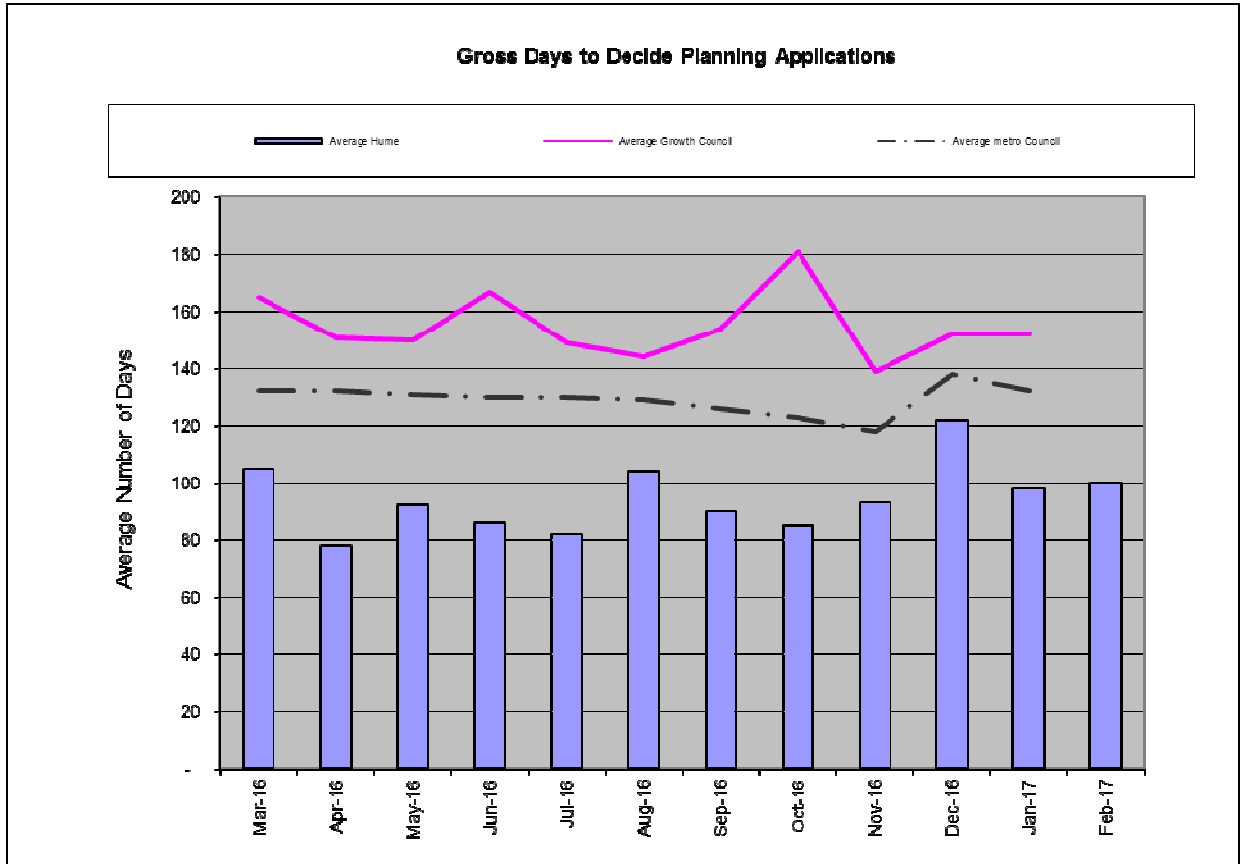
2. RECOMMENDATION:

That the report be noted.

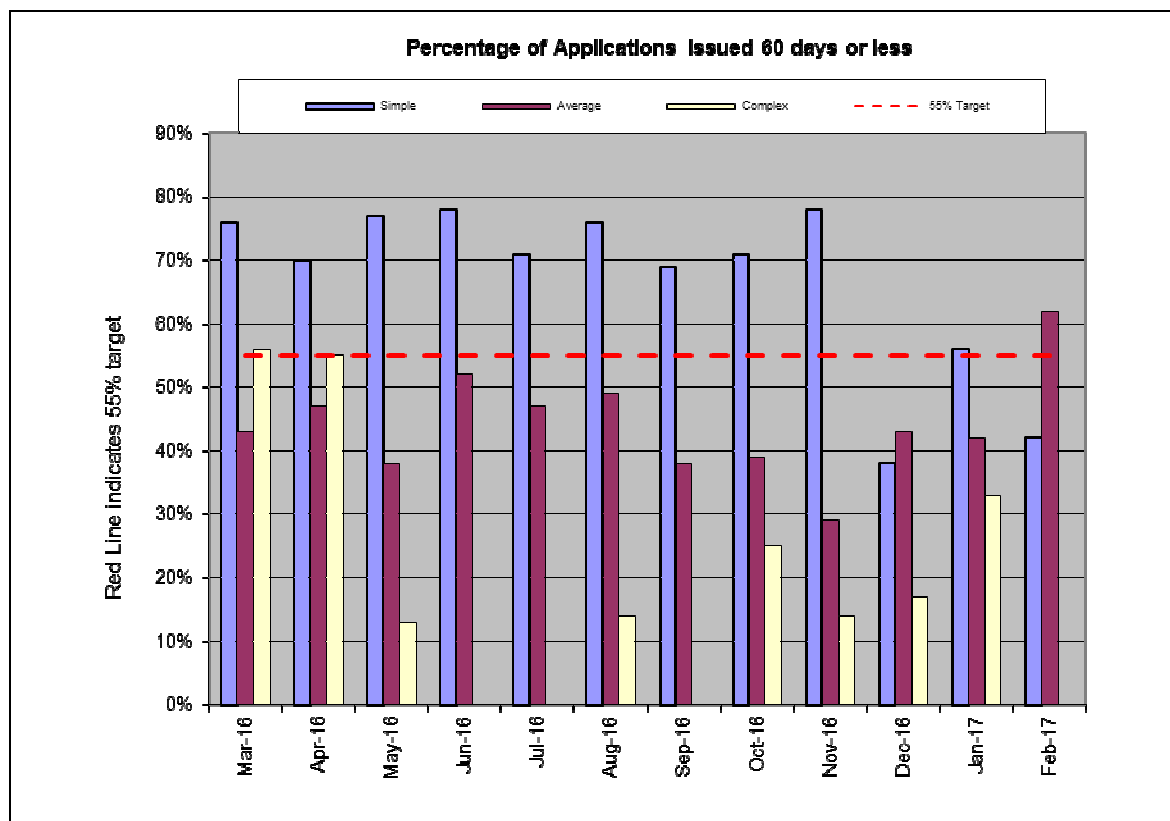
REPORT NO: SU210 (cont.)



REPORT NO: SU210 (cont.)



REPORT NO: SU210 (cont.)



3. APPEAL DECISIONS TO DATE.

- 3.1 This report includes all VCAT decisions received in the month of February 2017 and includes the current month prior to the Council meeting to give Council a more up to date report on VCAT decisions.
- 3.2 Following a consent order signed by Council’s officer and the applicant seeking the cancellation of planning permit P17268 to use land at 80A and 80-90 Blair Street, Broadmeadows for a community market, the Tribunal has directed Council to cancel the permit. The cancellation was initially sought by the applicant on the basis that there had been a material change in circumstances which occurred since the grant of the permit which would likely make the proposal financially unviable.
- 3.3 In the appeal against Council’s failure to determine an application for 53 dwellings at 11-33 Sommeville Drive, Roxburgh Park, the Tribunal directed that a permit be issued. The Tribunal considered that lots of the size of the proposal can develop a distinct residential character rather than needing to reflect a standard subdivision proposed to the south of the subject site. The Tribunal were also of the opinion that the overall design response of the proposal is acceptable.
- 3.4 In the appeal against Council’s failure to determine an application for the installation and display of two floodlit major promotion signs at 70-90 Garden Drive, Tullamarine, the Tribunal directed that a permit be issued. No reasons were given by the Tribunal in regard to their decision.

REPORT NO: SU210 (cont.)

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
Aitken Ward	P17604	Clean fill site	350 Konagaderra Road, Oaklands Junction	Failure to determine	Appeal by applicant	22/2/2017	Awaiting decision
Aitken Ward	P19248	Development of land for 54 dwellings	11-33 Sommeville Drive, Roxburgh Park	Failure to determine	Appeal by applicant	30/11/2016	VCAT have directed that a permit be issued.
Jacksons Creek Ward	P19343	Service station and advertising signage.	94-96 Horne Street, Sunbury	Failure to determine	Appeal by applicant	Compulsory conference 1/3/2017	Full hearing 18-20 April 2017
Jacksons Creek Ward	P19377	Two floodlit major promotional sky signs	70-90 Garden Drive, Tullamarine.	Failure to determine	Appeal by applicant	14/2/2017	VCAT directed that permit be issued
Aitken Ward	P19438	Two lot subdivision	29 Haddington Crescent, Greenvale	Notice of Refusal to Grant a Permit	Appeal by applicant	26/5/2017	To be heard
Aitken Ward	P19545	Service station, signage, convenience shop, vegetation removal, access to main road and car parking reduction.	565 Mickleham Road, Greenvale	Failure to determine	Appeal by applicant	Preliminary Hearing 16/3/2017	Full hearing 3-4 April 2017
Aitken Ward	P19584	Multi-lot subdivision	50 and 80 Carroll Lane, Greenvale	Failure to determine	Appeal by applicant	Compulsory conference 15/2/2017	Full hearing 3-4 April 2017
Aitken Ward	P18739	Landscaping works using clean fill	335 Old Sydney Road, Mickleham	Appeal against several conditions	Appeal by applicant	16/6/2017	To be heard
Aitken Ward	P18003	Application to amend ingress-egress arrangements.	765-785 Mt.Ridley Road, Yuroke and 1775 Mickleham Road. Oaklands Junction.	Failure to determine.	Appeal by applicant	Practice day hearing 17/3/2017 Compulsory Conference 16/5/2017 Hearing Date 26-28/6/2017	Awaiting further orders from VCAT
Meadow Valley Ward	P17268	Community market with associated business identification signage and reduction in car parking.	80A and 80-90 Blair Street, Broadmeadows	Application to VCAT to cancel permit	Application by land owner	Practice day hearing 3/2/2017	Awaiting further orders from VCAT
Aitken Ward	P15564	Car park canopies and vertical wind barriers.	340 Craigieburn Road, Craigieburn	Failure to determine	Appeal by applicants	Full hearing 18/5/2017	To be heard
Meadow Valley Ward	P20112	Residential hotel and waiver of bicycle requirements	133-141 western Avenue, Westmeadows	Failure to determine	Appeals by applicants	Practice day hearing 31/3/2017 Compulsory conference 18/5/2017 Full hearing 14/7/2017	To be heard
Aitken Ward	P20075	166 lot subdivision	805 Somerton Road and 125 Bonds Lane Greenvale.	Failure to determine	Appeal by applicants	Compulsory conference 1/5/2017 Full hearing 5/6/2017	To be heard

REPORT NO: SU210 (cont.)

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
Aitken Ward	P19901	Five two storey dwellings	12 Norcal Court, Greenvale	Failure to determine	Appeal by applicants	Full hearing 15/5/2017	To be heard
Aitken Ward	P19663	Two lot subdivision	32 Drummond Drive, Greenvale	Notice of Refusal to Grant a Permit.	Appeal by applicant	Full hearing 24/4/2017	To be heard

4. MATTERS DETERMINED UNDER DELEGATION

The following table lists all matters dealt with under delegation between 7 February 2017 and 6 March 2017.

MATTERS DEALT WITH UNDER DELEGATION			
P11197	7 restricted retail premises	1640 Pascoe Vale Rd, Coolaroo	Amended plans endorsed (Secondary Consent)
P14557	3 double storey dwellings	1023 Pascoe Vale Rd, Jacana	Extension of Time issued
P15293	7 dwellings	36-44 Emu Pde, Jacana	Extension of Time issued
P15564	Stage 1 Craigieburn Town Centre, reduction car parking & bicycle requirements & creation of access to Road Zone 1	340 Craigieburn Rd, Craigieburn	Amended plans endorsed (Secondary Consent)
P16224	4 double storey dwellings	15 Colin Ct, Broadmeadows	Extension of Time issued
P17315	3 double storey dwellings & 1 single storey dwelling	34 Banksia Gr, Tullamarine	Extension of Time issued
P17874	2 dwellings on a lot	21 Bliburg St, Jacana	Extension of Time issued
P18716	Four double storey dwellings and partial removal of easement	31 Robinson St, Jacana	Amended plans endorsed (Secondary Consent)
P6925.02	Grocery store, car park, signage, consolidation of lots and variation of easements	112-126 Gap Rd, Sunbury	Amended plans endorsed (Secondary Consent)
P16388.02	Staged residential subdivision	1085 Mickleham Rd, Greenvale	Amended plans endorsed and amended permit issued
P18852.01	Four double storey dwellings and subdivision of land into four lots	132 Greenvale Dr, Greenvale	Amended plans endorsed and amended permit issued
P14784.01	10 double storey dwellings	93 Rokewood Cres, Meadow Heights	Amended plans endorsed
P19188.01	Additions and alterations to administration, staff, library and learning area to existing education facility	227 Blair St, Dallas	Amended plans endorsed
P19193.01	Temporary place of assembly (community centre including pre-school service, meeting space and maternal and child health services) and reduction in car parking	25 Ellscott Bvd, Mickleham	Amended permit issued

REPORT NO: SU210 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P18344	Two warehouses with offices and reduction in car parking	29 Yellowbox Dr, Craigieburn	Permit issued
P19272	Three double storey dwellings and two single storey dwellings	26 Birch Ave, Tullamarine	Permit issued
P19281	Removal of native vegetation and buildings and works within the LSIO and ESO	420 Hume Hwy, Craigieburn	Permit issued
P19533	Four double storey dwellings	130 Kitchener St, Broadmeadows	Permit issued
P19567	Two warehouses with mezzanine levels and reduction in car parking	11 Burnett St, Somerton	Permit issued
P19600	Multi-lot subdivision	495 Donnybrook Rd, Mickleham	Permit issued
P19636	Four double storey dwellings	59 Lahinch St, Broadmeadows	Permit issued
P19672	Single storey dwelling to the rear of an existing dwelling	72 Langdon Cres, Craigieburn	Permit issued
P19677	Two lot subdivision	1/1 Edmund St, Dallas	Permit issued
P19688	One dwelling on a lot in a Melbourne Airport Environs Overlay	27 Mildura Cres, Dallas	Permit issued
P19724	14 double storey townhouses and 23 apartment complex in two stages	2 Fortitude Dr, Craigieburn	Permit issued
P19767	Two single storey dwellings	25 Reverence Dr, Craigieburn	Permit issued
P19771	Electronic major promotion sign and removal of existing internally illuminated major promotion sign	Railway Bridge, Western Ring Rd, Campbellfield	Permit issued
P19781	Verandah to existing restaurant	50/217-219 Mickleham Rd, Westmeadows	Permit issued
P19782	Change of use for the purpose of restricted recreation facility (24 hr/7 day week gymnasium)	12 Kurrle Rd, Sunbury	Permit issued
P19788	Warehouse with first floor office and reduction in car parking	48 Rushwood Dr, Craigieburn	Permit issued
P19794	Display of advertising signage	340 Craigieburn Rd, Craigieburn	Permit issued
P19838	Five warehouses with reduction in car parking	9 Frog Ct, Craigieburn	Permit issued
P19850	Four double storey dwellings	31 Stanhope St, Broadmeadows	Permit issued
P19878	Colourbond shed	58 Decarla Cres, Roxburgh Park	Permit issued
P19887	One double storey dwelling	10/1-5 Heversham Gr, Greenvale	Permit issued
P19897	Use of land for materials recycling, buildings and works associated with additional sheds, canopy and plant room	245-249 Rex Rd, Campbellfield	Permit issued
P19914	Three double storey dwellings	21 Cooper St, Broadmeadows	Permit issued
P19933	Two warehouses	40 Zakwell Ct, Coolaroo	Permit issued
P19939	Two warehouses with office space	7 Burnett St, Somerton	Permit issued
P19944	Two lot subdivision, creation of road reserve and carriageway easement	120 Whites Lane, Craigieburn	Permit issued
P19962	Buildings and works to construct first floor office to existing factory	45 Cooper St, Campbellfield	Permit issued

REPORT NO: SU210 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P19963	Replacement dwelling and removal of native vegetation	75 Providence Rd, Greenvale	Permit issued
P19977	Child care centre and signage	111-143 Mitchells Lane, Sunbury	Permit issued
P20003	Place of worship, associated buildings and works and signage	1 Cooper St, Campbellfield	Permit issued
P20024	Shed in restructure overlay	26 Mitchell St, Kalkallo	Permit issued
P20061	Single storey dwelling on lot less than 300m ²	18 Sorrel Cct, Sunbury	Permit issued
P20074	Warehouse with reduction in car parking	1 Bubeck St, Sunbury	Permit issued
P20093	Warehouse with office	69 Metrolink Cct, Campbellfield	Permit issued
P20116	Installation of signage	27-37 Anderson Rd, Sunbury	Permit issued
P20198	Buildings and works to existing warehouse in Melbourne Airport Environs Overlay	3 Aerolink Dr, Tullamarine	Permit issued
P20232	Five lot subdivision	26-28 Mitchells Lane, Sunbury	Permit issued
P20251	Construction mezzanine level to existing warehouse	13/72-724 Lambeck Dr, Tullamarine	Permit issued
P20255	Installation of site entry identification signage	10 Stubb St, Somerton	Permit issued
S007616	Three lot subdivision	10 Meredith Street, Broadmeadows	Plan certified with Statement of Compliance on 8 February 2017
S008032	58 lot subdivision Cloverton Estate - Stage 206	150 Dwyer Street, Kalkallo	Plan certified on 9 February 2017
S007409	Three lot subdivision	3 Bronco Court, Meadow Heights	Plan certified with Statement of Compliance on 10 February 2017
S007897	48 lot subdivision Trillium Estate - Stage 26(17)	535 Mt Ridley Road, Mickleham	Plan certified on 10 February 2017
S007691	Three lot subdivision	44 Trumpington Terrace Attwood	Plan certified with Statement of Compliance on 13 February 2017
S007222	Two lot subdivision	29 Ophir Street, Broadmeadows	Statement of Compliance issued on 13 February 2017
S007479	Two lot subdivision Dual Occupancy	10 Ross Court, Sunbury	Plan certified on 13 February 2017
S007816	24 lot subdivision Multi unit – Greenvale Gardens Estate Stage 4C	12-24 River Rose Street Greenvale	Plan certified on 14 February 2017
S007661	Two lot subdivision	4 Dhemre Place, Dallas	Plan certified with Statement of Compliance on 14 February 2017
S007904	37 lot subdivision Trillium Estate - Stage 27(18)	535 Mt Ridley Road, Mickleham	Plan certified on 14 February 2017
S007692	Two lot subdivision	18 Export Drive, Craigieburn	Statement of Compliance issued on 14 February 2017
S007996	Three lot subdivision	47 Emu Parade, Jacana	Plan certified with Statement of

REPORT NO: SU210 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
			Compliance on 16 February 2017
S008067	42 lot subdivision Cloverton Estate - Stage 207	Lot G Moxham Drive, Kalkallo	Plan certified on 17 February 2017
S008033	Three lot subdivision Merrifield Business Park Stage 2	50-60 Donnybrook Road, Mickleham	Plan certified on 17 February 2017
S007394	Seven lot subdivision	39 Clarendon Avenue, Craigieburn	Plan certified on 20 February 2017
S007934	27 lot subdivision Rosenthal Estate – Stage 10	100 Vineyard Road, Sunbury	Plan certified on 21 February 2017
S007546	Two lot subdivision	118 Malmsbury Drive, Meadow Heights	Plan certified with Statement of Compliance on 21 February 2017
S007895	Two lot subdivision	59 McDougall Road, Sunbury	Plan certified with Statement of Compliance on 23 February 2017
S007837	Two lot subdivision	6 Weemala Court, Meadow Heights	Plan certified with Statement of Compliance on 22 February 2017
S007540	Three lot subdivision	9 Boort Street, Dallas	Plan certified with Statement of Compliance on 23 February 2017
S007238	Three lot subdivision	27 Gerbert Street, Broadmeadows	Statement of Compliance issued on 23 February 2017
S007549	Two lot subdivision	44 Natural Drive, Craigieburn	Plan certified with Statement of Compliance on 24 February 2017
S007754	24 lot subdivision Rosenthal Estate - Stage 8B	100B Vineyard Road, Sunbury	Statement of Compliance issued on 24 February 2017
S007389	13 lot subdivision	106-110 Gap Road, Sunbury	Plan certified on 24 February 2017
S007955	Four lot subdivision	30 Meredith Street, Broadmeadows	Plan certified with Statement of Compliance on 27 February 2017
S006341	Three lot subdivision	10 Aberdeen Avenue, Greenvale	Statement of Compliance issued on 27 February 2017
S007880	Eight lot subdivision	10-12 Paris Road, Broadmeadows	Plan certified with Statement of Compliance on 27 February 2017
S006970	Two lot subdivision	175 Donald Cameron Drive, Roxburgh Park	Plan certified with Statement of Compliance on 28 February 2017
S007945	Variation of easement	256-262 Craigieburn Road, Craigieburn	Plan certified with Statement of Compliance on 1 March 2017

REPORT NO: SU210 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
S008047	Two lot subdivision	75 Langdon Crescent, Craigieburn	Plan certified with Statement of Compliance on 2 March 2017
S008023	93 lot subdivision Highlands Estate - Stage 222	Lot B Grand Boulevard, Craigieburn	Plan certified on 3 March 2017
S007466	31 lot subdivision Kallo Estate - Stage 4	Lot A Mulgrave Boulevard, Kalkallo	Plan re-certified on 6 March 2017
S007964	Two lot subdivision	730 Elizabeth Drive, Sunbury	Statement of Compliance issued on 6 March 2017

MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
P19297	Childcare centre and creation of access to Road Zone Category 1	1 Riddell Rd, Sunbury	Notice of Decision to Grant a Permit issued
P19586	Three double storey dwellings and one single storey dwelling	41 Coopers Hill Dr, Westmeadows	Notice of Decision to Grant a Permit issued
P19712	Two double storey dwellings to the rear of an existing dwelling	47 Hales Cres, Jacana	Notice of Decision to Grant a Permit issued
P19854	Five double storey dwellings and four single storey dwellings	30 Fawkner St, Westmeadows	Notice of Decision to Grant a Permit issued
P19973	Child care centre, reduction car in parking requirements and display of business identification signs	40 Hothlyn Dr, Craigieburn	Notice of Decision to Grant a Permit issued
P19976	Two double storey dwellings to the rear of an existing dwelling	17 Jackson St, Sunbury	Notice of Decision to Grant a Permit issued

SECTION 173 AGREEMENTS SIGNED UNDER DELEGATION			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
	Nil		

VICSMART PERMITS SIGNED UNDER DELEGATION			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
P20126	Two lot subdivision	3 Blaxland Dr, Sunbury	Permit issued
P20278	Two lot subdivision	7 Frontier Ave, Greenvale	Permit issued
P20283	Two lot subdivision	48 Mitford Cres, Craigieburn	Permit issued
P20290	Two lot subdivision	17 Kinloch Gr, Greenvale	Permit issued
P20318	Two lot subdivision	58 Yellowbox Dr, Craigieburn	Permit issued

REPORT NO:	GE179
REPORT TITLE:	William Canning Reserve Naming Proposal
SOURCE:	Peter Faull, Coordinator Governance and Corporate Support; Brad Mathieson, Governance Support Officer
DIVISION:	Corporate Services
FILE NO:	HCC16/354
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENTS:	1. <i>Aerial Image - Fordson Road and Sycamore Crescent, Campbellfield</i> 2. <i>Council Report from Meeting of 22 August 2016</i>

1. SUMMARY OF REPORT:

- 1.1 Council has received a proposal to name an officially unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield the 'William Canning Reserve'. An aerial image of this reserve is provided as Attachment 1.
- 1.2 At its meeting held on 22 August 2016, Council resolved to approve the progression of this naming proposal to the community consultation stage to seek the community's views on the proposed name.
- 1.3 This report provides a summary of the results of this community consultation process.

2. RECOMMENDATION:

- 2.1 **THAT Council notes the results of the community consultation process on the proposal to name an officially unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield the 'William Canning Reserve'.**
- 2.2 **THAT Council endorses the proposal to name this officially unnamed reserve the 'William Canning Reserve', and submits the name to the Registrar of Geographic Names for review and registration in VICNAMES.**

3. LEGISLATIVE POWERS:

Geographic Place Names Act 1998 (the Act)

4. FINANCIAL IMPLICATIONS:

- 4.1 Expenditure associated with the naming proposal will include administration costs and signage.
- 4.2 Both the costs of administration and any signage will be funded from Council's operational budget.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

There are no environmental sustainability implications in respect to this report.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

There are no climate change adaptation implications in respect to this report.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The rights protected in *The Charter of Human Rights and Responsibilities Act 2006* were considered and it was determined that no rights were engaged in this naming proposal.

REPORT NO: GE179 (cont.)

8. COMMUNITY CONSULTATION:

- 8.1 When consulting with the community, Council officers coordinating the naming proposal followed the procedures outlined in the *Guidelines for Geographic Place Names 2010* (the Guidelines), and in particular, Principle I (M), Consulting with the public.
- 8.2 On Tuesday 15 November 2016 the following consultation processes began:
- (a) Consultation packs were sent to 322 directly affected property owners and residents in the vicinity of the unnamed reserve. The consultation packs contained a covering letter, a community survey, background information on the proposal and a reply paid envelope.
 - (b) The naming proposal was advertised in the Hume Leader local newspaper, and the Your Say section of Council's website, inviting residents to provide their feedback on the proposal.
- 8.3 As per the Guidelines, the period of time open to residents to provide their feedback on the proposal was 30 days from the start of the consultation period.

Survey Results

- 8.4 Proposal to name the unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield to the William Canning Reserve

Directly affected residents/ratepayers (322 Properties)	<u>322</u>	100%
Respondents who expressed consent	34	10.5%
Respondents who objected	2	0.70%
Residents/ratepayers who did not respond	286	88.8%

- 8.5 As per the Guidelines, it is assumed that all non-returned surveys have no objections to the naming proposal.

9. DISCUSSION:

- 9.1 Council received a proposal to name an officially unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield the 'William Canning Reserve' from the descendants of Mr Canning.
- 9.2 Proposals of this type are considered under by Council under the *Geographic Place Names Act 1998*.
- 9.3 The applicant's proposal, and officer's initial assessment of it, can be viewed in Attachment 2, which is a copy of the Council report from the meeting of 22 August 2016.

Views Expressed in Support of the Naming Proposal

- 9.4 Of the 36 surveys that were returned, 34 supported the naming proposal.
- 9.5 Many of the surveys in support of the proposal included comments. A sample of some (but not all) of the comments are:
- (a) 'What a wonderful history of my suburb!'
 - (b) 'Yes, we agree and support the proposal'.
 - (c) 'I believe it's an amazing idea'.
 - (d) 'By changing the name, means we're honouring William Canning's good (great) work'.

Views Expressed Objecting to the Naming Proposal

- 9.6 Of the 36 surveys that were returned, two objected to the naming proposal.

REPORT NO: GE179 (cont.)

- 9.7 The two objections received were as follows:
- (a) because the reserve is located between Fordson Road and Sycamore Crescent, that it instead be renamed to ‘Sycamore Crescent Reserve’;
and
 - (b) the reserve is ‘the work of mother nature’ and should therefore be named after a woman, with suggestions based on the objectors’ personal preference of names.
- 9.8 The proposal to name the reserve Sycamore Crescent Reserve, if it had been submitted prior to the proposal for William Canning Reserve, would have been compliant with the Guidelines and it could have been considered as an official name for this reserve. However, the Guidelines do not require Council to disregard a compliant proposal for another compliant proposal that was submitted at a later time, unless Council considers the second proposed name to be more appropriate for the feature that is being named.
- 9.9 For this proposal, it is not recommended that Council disregards the name William Canning Reserve in favour of Sycamore Crescent Reserve. However, if Council’s preference is for another name (be that Sycamore Crescent Reserve or any other name that may have been suggested during public consultation) then the Guidelines require Council to conduct a second round of public consultation to ascertain the community’s views on that name. The Registrar of Geographic Names will only consider approving a name that Council has endorsed if the public has been consulted on that name.
- 9.10 Under Principle 1(N) of the Guidelines (Lodging, considering and addressing objections), Council “need only consider objections that relate to concerns of non-conformance to the principles of these guidelines.”
- 9.11 The two objections received are based on alternate name suggestions and assessed as not being based on concerns that the naming proposal does not conform with the principles contained in the Guidelines, therefore no amendments to the naming proposal are proposed.
- 9.12 As is required by the Guidelines, Council will write to the two objectors informing them of the outcome of the naming proposal. If Council endorses the proposed name, the letter to objectors will include details of how they can appeal to the Registrar of Geographic Names. An appeal must be lodged within 30 days of the naming authority accepting the proposal and/or of sending the letter to the objector (whichever is later).

Endorsement Recommended

- 9.13 It is not unreasonable or uncommon to endorse the naming of a reserve after an individual, nor is it a requirement of the Guidelines that a reserve must refer to the name of the locality or neighbourhood in which it is located.
- 9.14 The late Mr William Canning was a local resident with a direct connection to the reserve that is proposed to be named after him. It is viewed as appropriate for Council to honour the contribution that Mr Canning made to the local community in which he lived and served by endorsing the proposed reserve name for this currently officially unnamed reserve.
- 9.15 If Council does endorse the proposed named, it will be submitted to the Registrar of Geographic Names for review, and if approved by the Registrar, for registration in VICNAMES.

If the name is approved by the Registrar it is anticipated that the Council will be asked to hold a ceremony to officially commemorate the new name for this reserve.

REPORT NO: GE179 (cont.)

10. CONCLUSION:

- 10.1 Public consultation on the proposal to endorse the name of William Canning Reserve for the officially unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield is now complete.
- 10.2 Council received significant feedback from the community on this naming proposal, with strong support for the name from residents during the public consultation period.
- 10.3 It is recommended that Council endorses the proposed name of William Canning Reserve for this currently unnamed reserve, and that it submits the name to the Registrar of Geographic Names.



REPORT NO:	GE140
REPORT TITLE:	Proposal to Name an Unnamed Reserve in Campbellfield the 'William Canning Reserve'
SOURCE:	Peter Faull, Coordinator Governance and Corporate Support
DIVISION:	Corporate Services
FILE NO:	HCC16/354
POLICY:	Place Names Policy
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Aerial view of proposed 'William Canning Reserve'</i>2. <i>Naming proposal for 'William Canning Reserve'</i>

1. SUMMARY OF REPORT:

- 1.1 A proposal has been received to name an unnamed reserve, located between Fordson Road and Sycamore Crescent in Campbellfield, the 'William Canning Reserve'.
- 1.2 An aerial image of this reserve is provided as Attachment 1.

2. RECOMMENDATION:

- 2.1 **THAT Council approves progression to the public consultation stage an application to name an unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield, which is made up of the parcels of land located at 33 Sycamore Crescent Campbellfield and 40 Fordsons Road Campbellfield.**
- 2.2 **That Council notes the name proposed for this unnamed reserve is 'William Canning Reserve'.**

3. LEGISLATIVE POWERS:

Geographic Place Names Act 1998

4. FINANCIAL IMPLICATIONS:

- 4.1 Expenditure associated with the naming proposal will include administration costs and signage.
- 4.2 Both the costs of administration and any signage will be funded from Council's operational budget.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

Climate Change adaptation has been considered and the recommendations of this report give no rise to any matters.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The rights protected in The Charter of Human Rights and Responsibilities Act 2006 were considered and it was determined that no rights are engaged in this naming proposal.

8. COMMUNITY CONSULTATION:

8.1 In accordance with the Guidelines for Geographic Place Names 2010 Version 2 Victoria (the Guidelines), and Hume City Council's Place Names Policy, Council is required to consult with the community when considering applications received under the *Geographic Place Names Act 1998*. The method and extent of consultation is dependent on the significance of the feature to be named.

8.2 Internal consultation was undertaken to seek advice from relevant Hume officers and there were no issues raised that would prevent the progression of this naming proposal to the community consultation stage.

8.3 It is recommended that Council consults with the local and wider community by placing public notices in local papers and on Council's website, and by writing to the properties that directly border this reserve.

8.4 The period of public consultation would be 30 days.

9. DISCUSSION:**Background**

9.1 Council has received a proposal from Suzanne Canning, a descendant of the late William Canning, requesting that Council names the officially unnamed reserve located between Fordson Road and Sycamore Crescent in Campbellfield the 'William Canning Reserve'.

9.2 This Council-owned reserve consists of 2 adjoining parcels of land, which are believed to be part of properties that were owned by William Canning. The parcels of land are located at 33 Sycamore Crescent Campbellfield and 40 Fordson Road Campbellfield.

9.3 The applicant has provided a detailed application in support of their proposal, which is provided for your information as Attachment 2.

9.4 The application states that William Canning bought and sold several parcels of land in the Parish of Will Will Rook. In January 1860 he purchased approximately 215 acres of land which he named 'Highclere'. William and Lucy Canning built their family home on this property, where it remained until demolished in 1963. In 1900 the property was transferred to their son Walter Moses Canning. Several photographs of the family home are included in the application.

9.5 A Moreton Bay Fig was planted by the Canning family which is still standing today. This can be seen in the aerial image provided in Attachment 1.

9.6 William Canning was a Trustee and Secretary of the Will Will Rook Pioneer Cemetery from 1858 to 1893 (35 years), a highly respected member of his church, and a person who was considered a pioneer in the area, having lived in the Campbellfield district for 61 years.

9.7 The application states that William Canning was a Councillor and three times President of the Broadmeadows Shire from 1874 to 1883. Historical Council records from this time period are scarce and inconclusive, and whilst the research conducted by officers established links between William Canning and the Broadmeadows Shire, officers cannot conclusively confirm that William Canning was a Councillor and/or Shire Secretary.

9.8 William Canning and his wife Lucy are buried at the Will Will Rook cemetery.

- 9.9 The application lists three preferences for a name for this unnamed reserve, with William Canning Reserve being the first preference, and the name that is recommended for public consultation.

Assessment against the Guidelines

- 9.10 An analysis of the naming proposal was conducted by Council officers against the Guidelines.
- 9.11 In particular, Council officers assessed the naming proposal against the following key principles:

<p>Principle 1(B): Recognising the public interest Regard needs to be given to the long- term consequences and effects upon the wider community of naming, renaming or adjusting the boundary of a feature, locality or road. Changes to existing names or boundaries will affect not only the current community but also future residents, businesses, property owners</p>	<p>Comment: As the reserve is currently unnamed and the proposal does not affect any boundaries it is not envisaged that the naming of this reserve will negatively affect the local community either now or in the future. Naming the reserve after a historically significant figure will enhance the local community.</p>
<p>Principle 1 (D): Ensuring names are not duplicated Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation.</p>	<p>Comment: There are no duplications of this name with any reserves located in the municipality of Hume.</p>
<p>Principle 1 (G): Linking the name to the place Place names should be relevant to the local area. When a feature is of greater than local significance the name should be relevant to the wider community.</p>	<p>Comment: William Canning is believed to have owned the land that this unnamed reserve is now located on.</p>
<p>Principle 1 (H): Using commemorative names Naming often commemorates a person. A commemorative name applied to a feature (reserve) can use the first name and surname of a person, although it is preferred that only the surname is used. The names of people who are still alive should be avoided because community attitudes and opinions can change over time.</p>	<p>Comment It is proposed to use both a first name and surname to name this reserve, which is a practice accepted by the Office of Geographic Names.</p>

Consideration of the proposal

- 9.12 The reserve between Fordson Road and Sycamore Crescent Campbellfield is currently officially unnamed, and the proposed naming appears to meet all of the requirements of the Guidelines under which this application is being considered.
- 9.13 It is recommended that Council consults with the local and wider community on this naming proposal by placing public notices in local papers and on Council’s website, and by writing to the properties that directly border this reserve.
- 9.14 Should Council approve the progression of this request to the public consultation stage, Council officers would provide a report to Council following the public consultation period with a summary of the feedback received and a final recommendation on the proposal.

10. CONCLUSION:

It is recommended that Council approve the progression of this request to the public consultation stage, to seek the community’s views on the proposal to name the officially unnamed reserve located between Fordson Road and Sycamore Crescent, Campbellfield, ‘William Canning Reserve’.

ATTACHMENT 1 – AERIAL VIEW OF UNNAMED RESERVE BORDERING FORDSON ROAD AND SYCAMORE CRESCENT, CAMPBELLFIELD



Mr Peter Faull
Coordinator Governance and Corporate Support
Hume City Council
PeterFa@hume.vic.gov.au

24/05/2016

Subject - Proposed Naming of Public Reserve

Dear Peter,

Please find attached a Place Name Proposal for the land previous owned by William Canning in 1860 which currently sits as an 'unnamed reserve.'

The details provided in the submission are sourced from the Titles Office, Will Will Rook Pioneer Cemetery Committee, Canning Family research and the Broadmeadows Historical Society.

As a descendant of William and Lucy Canning I am privilege to be able to make this submission.

Please don't hesitate to contact me if you require any further details.

Kind regards

Suzanne Canning



Submission: Proposed Naming of unnamed reserve

Introduction:

We have read the Hume Council's Place Names Policy and make reference to paragraph 3.2 a) in preparing this proposal. We propose that the area latter defined in this submission be named one of the following 3 names. Additionally we acknowledge paragraph 5.2 a) not exceed three words and/or 25 characters.

The proposed names are.

1. William Canning Reserve;
2. Canning Highclere Reserve; or
3. Highclere Reserve

Supporting Historical records:

Time Line of events for William Canning

1842	Arrived at Port Phillip (now known as Victoria)
1844 -1904	Canning was a (60 years) Lay Preacher at the Primitive Methodism Church
14th August 1854	Canning purchased 75 areas from Thomas Clarke in Will Will Rook Parish.
December 1854	Canning sold 75 areas to James Hounslow.
December 1854	Canning bought more land from Thomas Clarke.
1854	Canning sold a piece of land to Rev. Peter Gunn
1858 - 1893	Canning was Trustee and Secretary of Will Will Rook Cemetery.
1860	Canning purchased 215 acres from Thomas Clark
1863 & 1883	Broadmeadows District Rate Book: William Canning 215 acres house and land.
1874 - 1883	Canning was a Broadmeadows Councillor and 3 times secretary.
1900	Canning Land Title transferred 215 acres to son Walter Moses Canning.
8 th February 1902	Golden Wedding Anniversary.
1903	Electoral Rolls show Canning owner of property "Highclere"
19th July 1904	Canning passed away and buried at Will Will Rook Pioneer Cemetery, Broadmeadows.
14 th January 1905	Lucy Canning (wife) passed away and buried at Will Will Rook Pioneer Cemetery, Broadmeadows.

Australian Pioneers – William and Lucy Canning

William Canning	Bef: 29/04/1821 - 19/07/1904	died at property "Highclere" Campbellfield.
Lucy Canning nee Mason	04/03/1824 - 14/01/1905.	died at property "Highclere" Campbellfield.
Married	08/02/1842	East Woodhay, England.

The Journey Begins

Naming Proposal for Reserve.

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The Journey begins

William and Lucy Canning boarded "The Earl Durham" on 12th February 1842 at Hobson's Bay, England and arrived at Port Phillip on 18th June 1842 after a voyage of 126 days.

William and Lucy applied for free passages and had to produce certificates of good character from two respectable householders who were not publican's or dealers in beer or spirits, and of good health by a physician or surgeon, and a further certificate by a magistrate or clergyman that the householders and the physician or surgeon were worthy of credit.

Land Purchase

Portion XIII passed to the possession of Thomas Clark, who subdivided the land. On 14th August 1854 William Canning appears to have been the first to buy from Thomas Clark. William Canning purchased 75 acres with a frontage of approximately half a mile to the Merri Creek and extending westward along Barry's Road for 29 chains. paid £2081/5/-.

In December 1854 William Canning sold the 75 acres to James Hounslow.
sold £2175/0/0-

In 1858 Canning bought a piece of land extending from the Sydney Road of 11 chains behind the church site and sold it to the Rev. Peter Gunn charging him £89 for this piece of land.

In January 1860 Canning bought what seems to have been the rest of Thomas Clark's subdivision not sold up at that time, 16 perches being part of Crown Portion X111 at Will Will Rook Parish, County of Burke on the south east corner of Sydney Road and Barry Road extending east to Merri Creek. worth £3211/10/10-

In 1900 William Canning transferred 215 acres which he purchased in 1860 to his son Walter Moses Canning.

In 1963 "Highclere" The Canning home was demolished for land subdivision. There are now many new homes to be seen on the eastern portion of the property with street names such as Mason Street, (named after Lucy Canning nee Mason). Sycamore Cres, Citrus Crt, Rosemary Crt, Almond Crt, Cedar Crt etc possibly in relation to the names of English trees that were planted on the property "Highclere": by William and Lucy Canning.

A strip of the property has been set aside for a future reserve. This reserve may have been the entrance to their property. There is a healthy Morton Bay Fig tree still standing (Melways Ref: Map 7 G 6)

**Source: Australian Pioneers The Burkett and related families,
by Leslie A Schumes 1975
attached - Title Applications of Will Will Rook Parish
Melways Edition 4 - Ref: Map 7 G 6**

Property named “Highclere”

Named after Highclere Castle England, folklore has it that William and Lucy had worked there.

William and Lucy built a two storey Bluestone house on their property "Highclere" Campbellfield which contained five rooms and 4 attic rooms.

On their property they had a dairy, weatherboard store room and wash-house, stone barn and wooden cart shed, 4 stall stable cow shed and man's hut all very old.

William and Lucy reared 7 boys and 5 girls.

In the early days William Canning and his eldest son Thomas Canning used to drive a bullock wagon to Sydney for provisions and later Thomas took on doing the trips alone. The distance today is 650 miles by highway however in those days it was mainly only tracks winding through the bush and the distance of course much greater.

**Source: Will and Probate of William Canning,
Argus newspapers.**

1863	William Canning was rated for a house and land
1871	The shire of Broadmeadows was proclaimed.
1883	Rate book gives the area of the land held by William Canning was 215 acres.
1900	“Highclere” property of 215 acres was transferred into William Canning’s son Walter Moses Canning.
1903	Australian Electoral Rolls William and Lucy Canning "Highclere", Campbellfield

William Canning a Pioneer of the Campbellfield district

1858 - 1893 William was a Trustee and Secretary for 35 years of the Will Will Rook Pioneer Cemetery, Camp Road, Broadmeadows.

source: Argus newspapers.

1874 - 1883 William Canning was councillor and three times secretary at the Broadmeadows Shire Council.

source: Argus Newspapers

1844 -1904 William Canning was one of principal and noble breed of men and women pioneers who introduced Primitive Methodism into these parts of Kilmore and Campbellfield.

William Canning was a pioneer of the Campbellfield District which he had lived in for 61 years. William Canning was thrifty, quiet, a good listener and was well respected in the district.

source: Argus Newspapers

DEATH OF WILLIAM CANNING OF CAMPBELLFIELD recorded in the minutes of the Primitive Methodist Church September 1904

The senior Stewart reported the death of Mr. WILLIAM CANNING since the last meeting. In referring to the departed brother he stated it had been his pleasure to become acquainted with him soon after he came to reside at Campbellfield. *That he was one of principal and noble breed of men and women pioneers who introduced Primitive Methodism into these parts of Kilmore Primitive Methodism covered a very large area an of which Campbellfield was a part.*

That through the long connexion with this church of his choice until the infirmities of age compelled him a few years back to stay his hand he had with unceasing energy stood by his Superintendent and colleagues to sustain and forward the work of God.

And that it seems almost to be regretted the failing of the outer man should have barred him with fully participating in the joys of organised Methodist Union and the developments following.

It was resolved that a minute be recorded in Memory of WILLIAM CANNING of CAMPBELLFIELD who died at his residence 19th July, 1904 age 83 years. Our departed brother's connexion with Methodism dates back to the time when the Kilmore Primitive Methodist Circuit stretches out its agencies in the four points of the compass included Campbellfield which soon became a center of activity and eventually the head of what continued to be Campbellfield Circuit for several years. Then Mission Station until Methodist Union, then Home Mission until its new development into the Campbellfield Circuit in the Methodist Church of Australia.

From the first our brother became an active worker. A Local Preacher through not a gifted orator it was a pleasure to sit under his ministrations. As Stewart he served for many years with fidelity always ready to help his Superintendent as far as lay in his power. As Trustee for various Station Trusts he did much and was rewarded while in life to know them safe. His interest in the young people was evidenced by his devotedness to Sunday School work in connexion with the cause at Campbellfield. As a worshiper his seat in the Sanctuary was occupied when possible. And in his was always found an attentive listener. It is only as a brother in the flesh we mourn his departure and express of sympathy for the bereaved ones.

The Senior Stewart was asked to convey to the widow and family the substance of the Minute.

Signed by T. Saunders. Senior Stewart.
Confirmed by H.M.C Fowler Rev. Minister.

Signed by T. Saunders Senior Steward, confirmed by H.M.C. Fowler. Rev. Minister.

Historical Images



Pioneer's of the Campbellfield district William Canning and Lucy Canning nee Mason
c. 1902

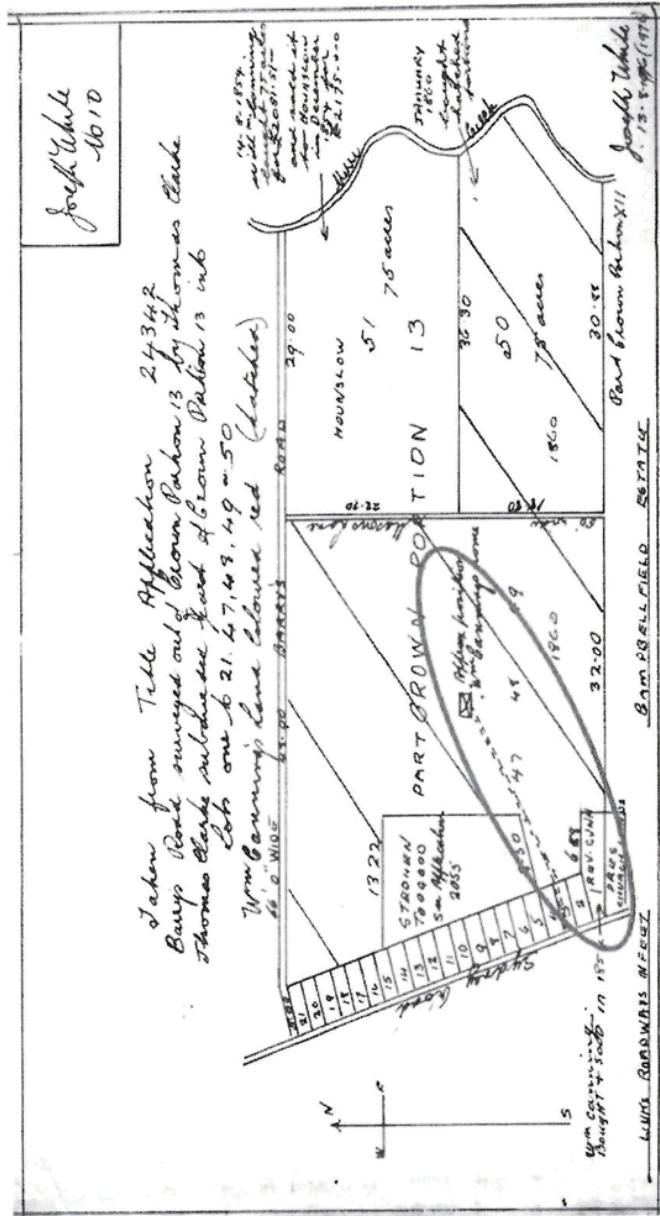


Image shows where William Canning's home once stood

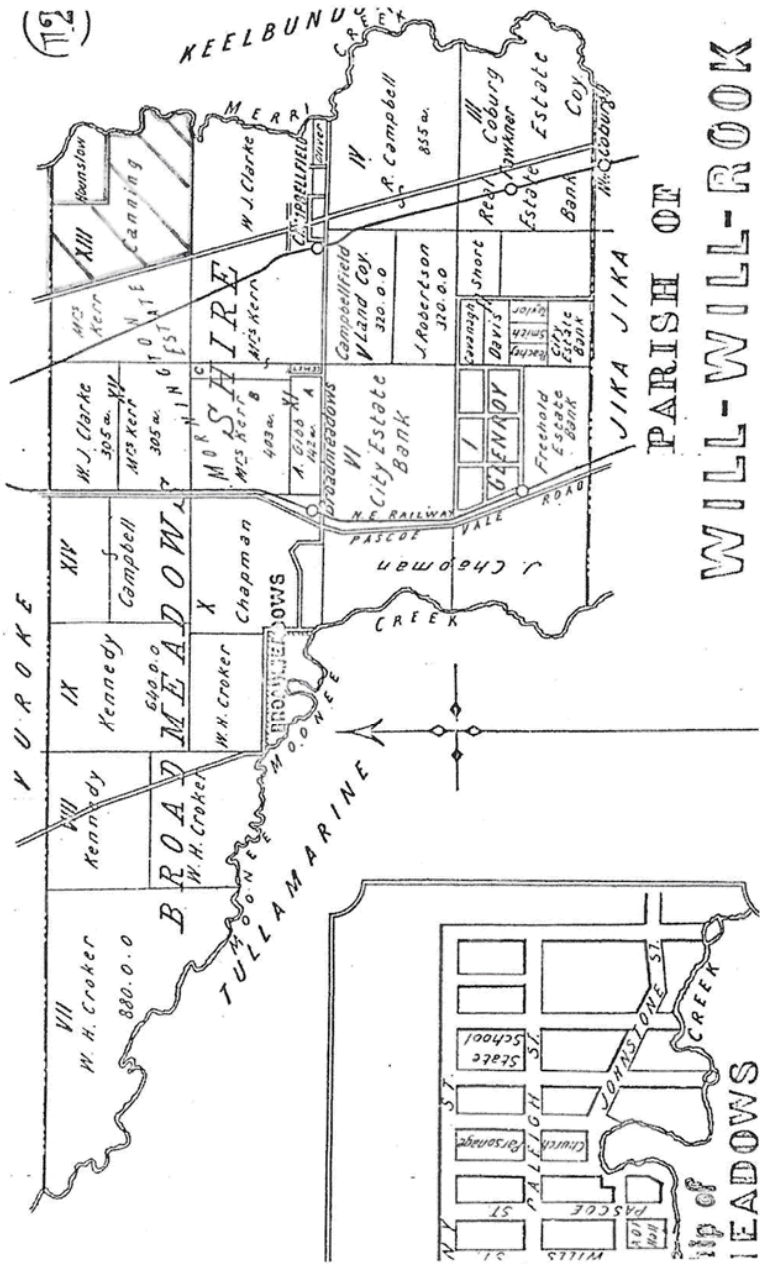


Image shows Canning's property top right corner.

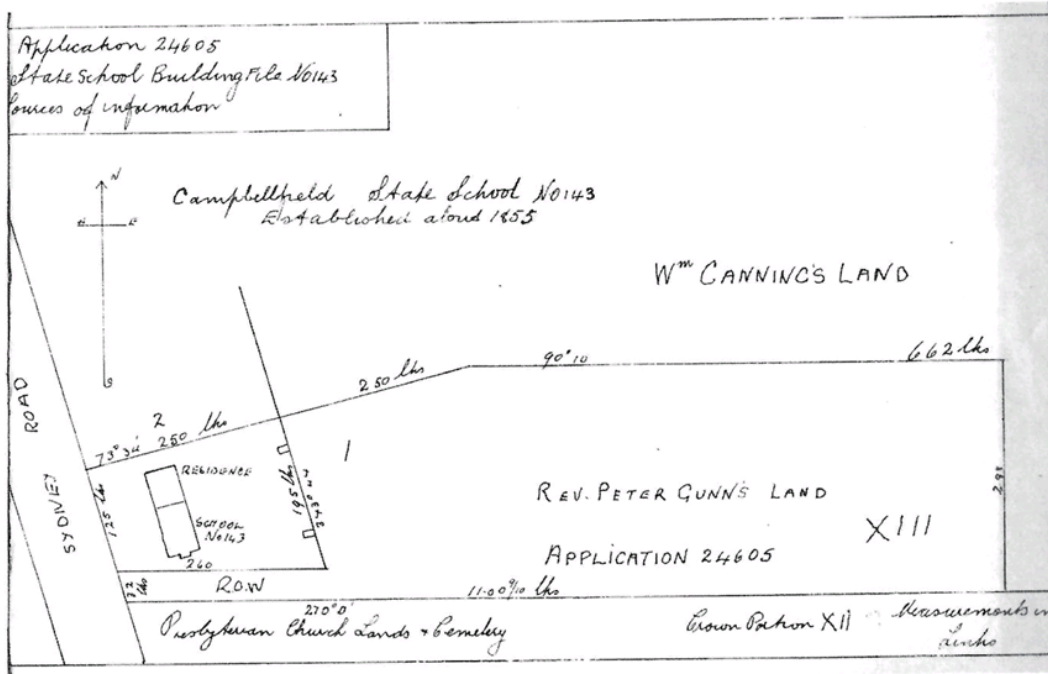


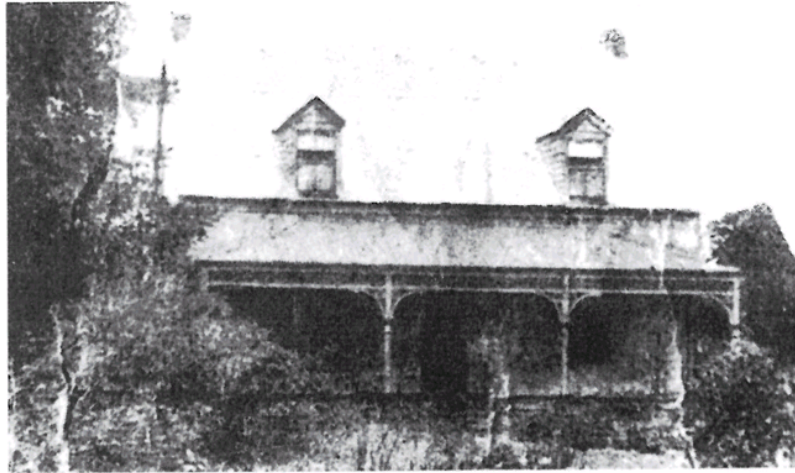
Image shows Canning's property and the land sold to Rev. Gunn.



Naming Proposal for Reserve.



"Highclere" Campbellfield. home built abt 1863



"Highclere" Campbellfield home with a veranda



Reserve were the Canning family planted the Moreton Bay Fig



view looking up the reserve to the Moreton Bay Fig

Naming Proposal for Reserve.

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Will Will Rook Pioneer Cemetery,
Camp Road, Broadmeadows. grave. R11. G2

Naming Proposal for Reserve.

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Summary of Proposal

I have provided all historical information which shows the connection of William Canning to the property known as “Highclere” situated in the Will Will Rook Parish. To my best endeavours these fact are correct and substantiated where possible.

Our preference for the names is according to the numbered list.

- First preference - William Canning Reserve;
- Second preference - Canning Highclere Reserve; or
- Third preference - Highclere Reserve.

Proposal prepared by Suzanne Canning



REPORT NO:	GE180
REPORT TITLE:	Adoption of Setting of Fees and Charges Policy
SOURCE:	Fadi Srour, Manager Finance and Property Development
DIVISION:	Corporate Services
FILE NO:	-
POLICY:	Setting of Fees and Charges
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Setting of Fees and Charges Policy</i>

1. SUMMARY OF REPORT:

The current Setting of Fees and Charges Policy has been reviewed and updated. In addition, the Policy is no longer classified as confidential.

2. RECOMMENDATION:

That Council revoke the previous Setting of Fees and Charges Policy adopted by Council on 27 March 2006 and adopt the attached Setting of Fees and Charges Policy.

3. LEGISLATIVE POWERS:

Local Government Act 1989

4. FINANCIAL IMPLICATIONS:

4.1 The cost of the development of this Policy is included in Council's operating budget.

4.2 Setting fees and charges that will aim to recover the costs associated with the provision of service will maximise the financial return to Council.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

Climate Change Adaptation has been considered and the recommendations of this report give no rise to any matters.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The Charter of Human Rights and responsibilities have been considered and the recommendations of this report give no rise to any matters.

8. COMMUNITY CONSULTATION:

A formal notification process under S223 of the Act will not be required.

9. DISCUSSION:

The following changes have been made to the Setting of Fees and Charges Policy:

- 9.1 the Policy is no longer a confidential policy – this means that it can be referred to in decisions made in open Council meetings
- 9.2 reference to the existing suite of sundry debtors policies has been removed and replaced with reference to the new proposed Debtor Management Policy
- 9.3 reference to a 'Pricing Template' has been removed as no such template existed
- 9.4 reference to Best Value Principles has been included

REPORT NO: GE180 (cont.)

9.5 reference has now been made to corporate overheads/indirect costs which represent an average of 12.5% of total direct costs of providing services. This will provide for a more equitable pricing mechanism which includes both direct and indirect costs associated with the delivery of Council services.

10. CONCLUSION:

The revised Setting of Fees and Charges Policy provides for a more equitable method of pricing by providing current guidance to users of the policy.



Setting of Fees and Charges Policy

Policy Reference No:

File Reference No:

Strategic Objective: Provide responsible and transparent governance, services and infrastructure which responds to and support community

Date of Adoption:

Date for Review: February 2022

Responsible Officer: Manager Finance & Property Development

Department: Finance & Property Development

Setting of Fees and Charges Policy

1. POLICY STATEMENT

- 1.1. It is the responsibility of each Manager to determine and review annually their Fees and Charges during the Annual Budget process according to the responsibilities and principles documented in this policy.
- 1.2. The setting of Fees and Charges are to be established using an appropriate **pricing method** and **pricing category** which will require an assessment of the services to be provided and the recipient of those services with reference to:
 - 1.2.1. equity of access to Council services and the user's capacity to pay
 - 1.2.2. Council's community service obligations
 - 1.2.3. cost recovery principles
 - 1.2.4. benchmarking of similar services, and
 - 1.2.5. statutory limitations.
- 1.3. It is the responsibility of all Directors and Managers to ensure that their budgetary responsibilities are met. This includes ensuring that all goods and/or services provided by Council are charged for at the level of fees and charges adopted during the Annual Budget.

2. PURPOSE

The purpose of this policy is to ensure that:

- 2.1. guidance is provided to each manager involved in setting and reviewing fees for its services, which are consistent, transparent, fair and equitable and comply with the Trade Practices Act and National Competition Policy (NCP)
- 2.2. the most efficient and effective provision of Council's services consistent with its social, economic and environmental policy objectives
- 2.3. appropriate recovery of costs associated with the supply of services
- 2.4. equity of access to Council services, facilities and programs to people with low or moderate incomes.
- 2.5. compliance with all other Council policies affecting the service in question is achieved.

3. SCOPE

This policy applies to all Hume City Council employees who are responsible for determining fees and charges for services (excluding rates) provided by Council.

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Review Date: February 2022	Responsible Officer: Manager Finance & Property Development
Department: Finance & Property Development	
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Setting of Fees and Charges Policy

4. OBJECTIVE

- 4.1. One of Council's Strategic Objectives is for a well-governed and engaged community achieved through providing responsible and transparent governance services and infrastructure which responds to community needs.
- 4.2. The effective setting of fees and charges will contribute to this objective being achieved by maximising the income Council receives for providing services whilst ensuring access to community services particularly for essential services provided under Council's community service obligations.
- 4.3. Council's role is to determine the extent of cost recovery for particular services consistent with the level of individual and community benefit that the services provide and with the community's expectations. Council's services are very diverse and there are widely differing levels of need and ability to pay among the various client groups. Council's role in pricing varies accordingly.

5. POLICY IMPLEMENTATION

This policy will be implemented by determining the most appropriate pricing method and pricing category to apply to fees and charges based on an assessment of the service to be provided and the recipient of that service.

5.1. Pricing methods

Council's services are provided on the basis of one of the following pricing methods:

- 5.1.1. **Full Council Subsidy** (zero cost to users) - services provided under Council's community service obligations are funded from Council's rate revenue, and therefore receive a Full Council Subsidy.
- 5.1.2. **Partial Council Subsidy** - services provided by Council as part of a policy objective are often priced at less than the full cost of providing the service. The subsidy is funded from Council's rate revenue and in some cases from external sources, such as government grant funding. Other justifications for a partial Council subsidy may be:
 - where the service benefits the community as whole as well as the individual customer
 - as a short term approach to stimulate demand for a service
 - where charging prices at full price may result in widespread evasion or inappropriate adoption
 - where the service is targeted at low income earners (for example Pensioners and Health Care Card holders), and
 - where there is a low number of other service providers and Council believes there is merit in the service being provided

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Setting of Fees and Charges Policy

- 5.1.3. **Full Cost Recovery** - services provided by Council that benefit individual customers specifically, rather than the community as whole, will be priced on a full cost recovery basis. Full Cost Recovery pricing will aim to recover all direct and indirect costs involved in providing a service.
- 5.1.4. **Market Pricing** - Services provided by Council that compete with the private sector may also be priced on the basis of the competitive prices of alternatives. These services will be priced on a full cost recovery basis as well as an allowance for profit. The setting of these fees will also be undertaken in accordance with National Competition Policy principles and the Trade Practices Act.
- 5.2. National Competition Policy (NCP)
- 5.2.1. For those Council services that are private in nature due to the user exclusively receiving the benefits, the market pricing of these services must be set in accordance with NCP. Therefore, Council is required to price services that compete in the open market on a 'level playing field' basis, and to make any decision to depart from a commercial basis for pricing of services, transparent.

In adhering to NCP principles, there are two independent and potentially conflicting requirements that need to be assessed in setting prices for private services.

- 5.2.2. **Competitive Neutrality Pricing** – The aim of Competitive Neutrality Pricing is to ensure that government businesses, including some Council services, do not enjoy any net competitive advantage simply by virtue of their public sector ownership. Competitively neutral pricing involves councils ascribing costs to their significant business operations, which would normally be paid by non-government businesses providing the same services. Such costs typically include rates, taxes and charges, and a rate of return on capital.
- 5.2.3. **Public Interest Test** – Competitive Neutrality Pricing as a part of NCP is not intended to override other social, economic or environmental policy objectives. Rather, it aims to foster better informed public policy choices based on a more transparent assessment of costs and benefits in the provision of services. Where Council believes that applying Competitive Neutrality Pricing could jeopardise the achievements of its policy objectives, it will need to conduct and document a Public Interest Test. Where required, Public Interest Tests involve consultation with the community to obtain their views on Council delivering or continuing to deliver a service at a subsidised price to achieve the documented community objectives.

5.3. Annual Review of Fees

The prices of all services will be reviewed on an annual basis as part of Council's Annual Budget process. This review will include an examination

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Setting of Fees and Charges Policy

of the full cost of a service regardless of the method of pricing used. The review will also take into account all factors affecting the price including:

- increases in the labour and non-labour cost of the service
- increases in corporate overhead costs
- changes in the grant subsidy to the service
- CPI increases
- benchmarking of the price of any similar services provided by other Council's or organisations
- any changes in market conditions
- any improved quality in the service delivered.

All fees and charges should be determined on a GST exclusive basis. This is due to Council's cost base for services also being calculated on a GST exclusive basis. Where required, GST will be added to fees and charges.

5.4. Pricing Categories

The fees and charges setting process, as shown below, requires the selection of an appropriate pricing method after consideration of the pricing categories that best describes the service being offered by Council. This will require the classification of fees and charges by the type of service provided (public, private, mixed or merit) as follows:

- 5.4.1. Public Services - where the consumption is applicable to the community as a whole, rather than having an exclusive benefit to individual users (Full or Partial Council Subsidy Pricing).
- 5.4.2. Merit Services - where a service is provided in relation to legislation or Council's Social Policy objectives (any pricing method depending on legislation and Council's objective).
- 5.4.3. Private Services - where the consumption exclusively benefits the user of the service (Full Cost Recovery or Market Pricing).

The following table provides examples of the linking of the Pricing Category and Pricing Method that can be applied to particular services. It should be noted that the Pricing Methods below are only examples and another Pricing Method may be applicable to that service.

Pricing Category	Service	Pricing Method
Public Service	Library Service	Full Council Subsidy
	Public concerts and festivals	
	Swimming pool facilities	Partial Council Subsidy
Hire of Council facilities		
Merit Service	Scheduled immunisations	Full Council Subsidy
	Health and Aged Services	Partial Council Subsidy
Merit / Private Service	Household garbage collection	Full Cost Recovery
	Preschool	Partial Council Subsidy
Private Service	Building Surveying Services	Market Pricing/ Full Cost Recovery
	Landfill fees	
	Gymnasium facilities	
	Room Hire (GLC)	
	Subdivision services	
	Sale of valuation data	

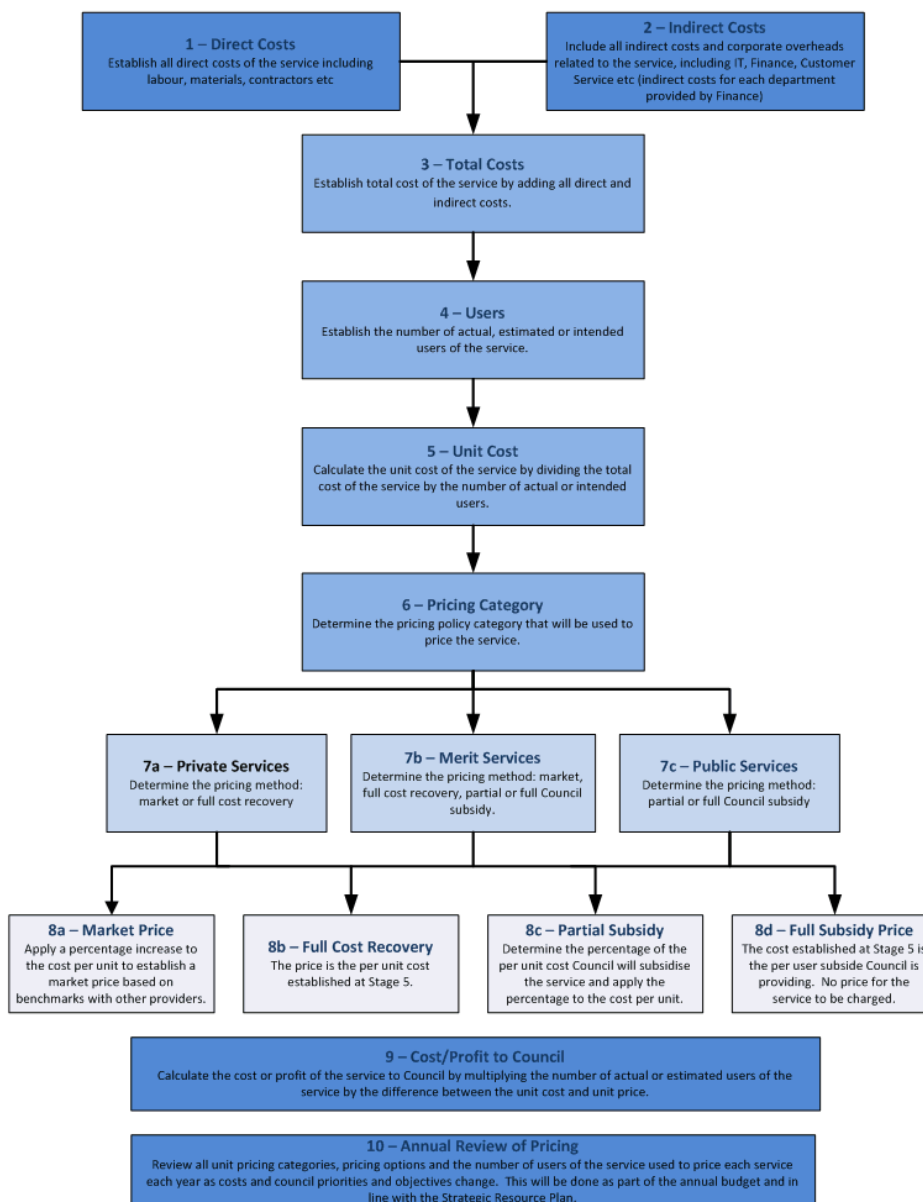
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Setting of Fees and Charges Policy

5.5. Setting of Fees & Charges process

The following decision making flowchart should be used to determine pricing.

Setting of Fees and Charges Process



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Setting of Fees and Charges Policy

6. DEFINITIONS AND ABBREVIATIONS

Accounts Receivable—an area within the Finance Department of Council responsible for the issuing of invoices and assisting with the collection of monies from customers provided with Credit for the provision of goods and / or services.

Coordinator—a member of staff who directly reports to a Manager and has the responsibility of staff below them.

Corporate Overhead costs—this represents the costs associated with the management of the Council service and other internal service providers (eg Finance, Human Resources, Records, IT) which are not directly charged to the service provider. An estimate of 12.5% of direct costs can be used as a proxy for corporate overhead costs.

CPI—this refers to the Consumer Price Index as published by the Australian Bureau of Statistics.

Goods and Services Tax (GST)—a 10% consumption tax on most goods and services.

Indirect Costs – this has the same meaning as corporate overheads.

Manager—a member of staff who directly reports to a Director.

National Competition Policy—NCP is a federal policy agreed to by the states of Australia. The main aim of the policy is improved economic efficiency through greater competition.

Services—where the term services is used it also includes any goods Council provides.

7. RELATED DOCUMENTS

- Sundry Debtors Management Policy
- Lease and Licence policy
- Best Value Principles
- Compliance Guide, Trade Practices Act

Policy Reference No:	Date of Adoption:
Review Date: February 2022	Responsible Officer: Manager Finance & Property Development
Department: Finance & Property Development	
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REPORT NO:	GE181
REPORT TITLE:	Audit Committee Instrument of Delegation Review 2017
SOURCE:	Gavan O'Keefe, Manager Governance
DIVISION:	Corporate Services
FILE NO:	HCC14/401
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Instrument of Delegation and Charter</i>

1. SUMMARY OF REPORT:

Council is required to review its delegations after an annual election. Council's Instrument of Delegation to the Audit Committee accordingly now requires review. The Audit Committee's Charter sets out the detail of the Committee's use of its delegation. Both of these documents have been reviewed by the Audit Committee and are presented for review and adoption by Council.

2. RECOMMENDATION:

That Council:

- 2.1 having conducted a review of its delegation to the Audit Committee under Section 86 of the Local Government Act 1989 adopts the amended Audit Committee Instrument of Delegation and Audit Committee Charter (attached)**
- 2.2 sign and seal the Instrument of Delegation pursuant to Section 86 of the Local Government Act 1989 for the establishment of Special Committee of Council – Audit Committee.**

3. LEGISLATIVE POWERS:

Section 139 of the Local Government Act 1989 requires councils to establish an Audit Committee as an advisory committee and provides for the Minister to make guidelines under this section. However, Council originally established the Audit Committee under Section 86 of the Local Government Act 1989 as a Special Committee of Council, which provides for powers to be delegated by an Instrument of Delegation. This decision was reaffirmed at the 10 October 2011 Council meeting.

4. DISCUSSION:

- 4.1 The Audit Committee at its meeting held 24 February, 2017 reviewed the Instrument of Delegation and the Audit Committee Charter. The committee has recommended the amendments as set out below. These amendments have been included in the updated Instrument and Charter which appear as attachment 1 to this report.
- 4.2 Review of Instrument of Delegation
 - 4.2.1 A review has been conducted and the following suggested amendment made:
 - (a) Paragraph 1 – new date to be inserted
 - (b) Paragraph 3 – insert the word '*annual*' and delete '*held in December each year*'
 - (c) Paragraph 6 – wording regarding the allowance paid to independent members has been updated.

REPORT NO: GE181 (cont.)

4.3 Audit Committee Charter review

4.3.1 In accordance with the Audit Committee Charter, Section 5, the Committee must conduct an annual review of its Charter each August. As Council is required to review Instrument of Delegation this year it is appropriate the Charter also be reviewed by Council at the same time.

4.3.2 The current Charter was adopted by Council on 25 February 2015.

4.3.3 The Charter was reviewed in November 2015. As only minor amendments were suggested it was agreed that these changes would be incorporated in the Charter at the next review to take place following the 2016 Council elections.

4.3.4 The following suggested amendments have been made to the document:

- (a) Formatting and cosmetic changes throughout the document.
- (b) Paragraph 3.1.8 – new paragraph inserted regarding Committee members' annual attendance at a Council Strategy and Policy briefing.
- (c) Paragraph 3.2 – list of standing agenda items removed from body of report and reformatted into a table.
- (d) Paragraph 5.3 – delete 'annually' and replace with 'biennially'

Suggested amendments to agenda reporting items:

- (e) Local Government Performance Reporting Framework – report also to August meeting.
- (f) Risk Management Framework – review to be conducted every three years rather than annually.
- (g) Report on Statutory Compliance and Council's compliance and ethic program incorporated into the one report.
- (h) Audit Committee self-assessment, now referred to as 'Annual 360° review' and reported to the August meeting.
- (i) The meeting cycle for some standing agenda items has changed to align with Council's reporting timeframes and budget review process.

5. CONCLUSION:

The current Audit Committee Instrument of Delegation was signed and sealed by Council on 18 January 2012. Council is required to conduct a review of the Instrument of Delegation within a period of 12 months following the Council election.

Instrument of Delegation pursuant to Section 86 of the Local Government Act 1989 for the establishment of a Special Committee of Council



In exercise of the power conferred by Section 86 of the Local Government Act 1989 the Hume City Council ('Council') **HEREBY DELEGATES TO THE AUDIT COMMITTEE**, the powers, duties or functions of the Council as set out forth in the Audit Committee Charter as per the attached schedule.

AND HEREBY DECLARES that:

1. This Instrument of Delegation (Instrument) is authorised by a resolution of Council passed on 14 March 2017.
2. The members of the Audit Committee shall be five members consisting of two Councillors and three independent members. The independent members shall hold senior accounting or IT qualifications (CISA, CGEIT, or comparable) and be experienced in audit in nationally recognised accounting firms or hold senior management qualifications and be experienced in management at a senior level.
3. The Councillors appointed to be Committee members shall retire at the annual Statutory meeting of the Council.
4. All members of the Committee shall be eligible for reappointment by Council. Independent members shall be appointed for a period of up to four years each term to a maximum of eight years.
5. One of the independent members appointed to the Committee shall be the Chairperson of the Committee.
6. The independent members appointed to the Committee shall be paid an allowance per annum as the Council may determine by resolution at its annual statutory meeting, with pro-rata payments paid quarterly following the expiration of the first month in each quarter. An additional annual amount as determined by Council will be paid to an independent member appointed Chairperson of the Audit Committee.
7. The conduct of the Committee meetings shall be as prescribed in Division 2 of Part 4 of the Local Government Act 1989 and in accordance with Council's

Audit Committee Instrument of Delegation		Page 1
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Governance Local Law 2013 and its associated codes, as amended from time to time.

8. The Committee shall meet at least four times in each year at such times and places as fixed by the Committee at its first meeting following the appointment of Committee members.
9. The Committee shall report to Council by the provision to the Council of a copy of each ordinary meeting minutes and an annual report.
10. The Instrument comes into force when the common seal of the Council is affixed to this Instrument and shall remain in force for an unlimited period until such time as the Council shall determine by resolution either to vary or revoke the delegations.
11. The Instrument will be reviewed within the period of six months following the Council election.

THE COMMON SEAL of **HUME**)
CITY COUNCIL was hereto affixed)
on the day of March 2017 in)
the presence of:

Councillor: _____

Chief Executive Officer: _____

Audit Committee Instrument of Delegation	Page 2
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Author: Manager Governance	Review date: February 2021

Audit Committee Charter



1. PURPOSE AND OBJECTIVE

- 1.1. The Audit Committee (the Committee) will assist Council in fulfilling its oversight responsibilities including financial management, OH&S, risk, privacy and governance for accountable management. The Audit Committee will review the year end reporting process, the system of internal control, management of financial and city operational risks and the internal and external audit process. The Committee will carry out its work bearing in mind Council's desire to operate in an ethical environment with good corporate governance practices.
- 1.2. In performing its duties, the Committee will maintain effective working relationships with Councillors, management and the internal and external auditors. To perform their roles effectively, each committee member will obtain an understanding of the responsibilities of committee membership as well as the council's business, operations and risks.

2. AUTHORITY

- 2.1. Council created an Audit Committee on 14 July 2003 pursuant to an Instrument of Delegation under Section 86 of the Local Government Act 1989. The Instrument sets out the basis of membership, terms of appointment and remuneration of committee members.
- 2.2. A key point in the Instrument of Delegation is the requirement that the Committee report directly to Council after each ordinary meeting of the Committee, through the minutes of the committee being presented and adopted by Council and annually.
- 2.3. The Committee does not exercise any executive powers but is entitled to receive whatever information it considers necessary to fulfil its responsibilities. In this regard, it may from time to time require presentations by Council officers and seek information from external parties.

3. COMMITTEE ORGANISATION

- 3.1. Meeting Procedures
 - 3.1.1. The frequency of committee meetings is set out in the Instrument of Delegation but should members of the Committee believe extra meetings are required, additional meetings may be scheduled.
 - 3.1.2. A quorum for any meeting will be three members, comprising at least one independent member and one Councillor.
 - 3.1.3. The internal and external auditors will be invited to make presentations to the Committee as considered appropriate by the Committee.

Audit Committee Charter			
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- 3.1.4. Members of Hume's management will be invited to make presentations to the Committee as considered appropriate by the Committee.
- 3.1.5. Pursuant to Section 89 of the Local Government Act 1989, the proceedings of the Committee will be open to the public, except to the extent that the Committee decides that the matters fall within the meaning of Section 89(2) of that Act.
- 3.1.6. The proceedings of all meetings will be minuted.
- 3.1.7. Committee members shall observe Council's meeting procedures with relation to conduct of meetings and declaration of any conflicts of interest in matters being addressed by the Committee.
- 3.1.8. Committee members will be invited to attend the Council Strategy and Policy Briefing held in September of each year for the purpose of confirming with Council their satisfaction with Council's processes and any other issues or comments the Committee or Councillors may have in relation to the Committee's operations. It is also an opportunity for a confidential discussion between the Audit Committee members and Councillors without officers being present.

3.2. Agenda Setting

To ensure the more effective coverage of the roles and responsibilities, a table listing agenda reporting items for each of the four meetings has been included as attachment 1.

4. ROLES AND RESPONSIBILITIES

The Committee will oversee:

4.1. Year End Financial reporting

- 4.1.1. Review significant accounting and reporting issues, including recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- 4.1.2. Review the financial statements and determine whether they are complete and consistent with the information known to committee members; assess whether the financial statements reflect appropriate accounting policies and comply with all relevant accounting standards and regulatory requirements.
- 4.1.3. Meet with management and the external auditors to review the financial statements and the results of the audit.
- 4.1.4. Review the other sections of the Annual Report before it is released and consider whether the information is understandable and consistent with members' knowledge about Council and its operation.
- 4.1.5. Review any legal matters which could significantly impact the financial statements.
- 4.1.6. Pay particular attention to complex and/or unusual transactions.
- 4.1.7. Focus on judgmental areas, for example those involving valuation of assets and liabilities; warranty, product or environmental liability; litigation reserves; and other commitments and contingencies.

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4.2. Internal Control

- 4.2.1. Determine whether all Directors and Managers receive and action the management information reports they require to carry out their governance responsibilities effectively.
- 4.2.2. Gain an understanding of whether internal control recommendations made by internal and external audit have been implemented by management.
- 4.2.3. Consider with the internal and external auditors and management any fraud, illegal acts, deficiencies in internal control or other similar issues.
- 4.2.4. Review the effectiveness of the Corporate Governance environment established by management.

4.3. Risk Management

- 4.3.1. Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management investigation and follow up of any fraudulent acts or non-compliances.
- 4.3.2. Review the findings of any examinations by regulatory agencies and monitor that they are appropriately actioned by management.
- 4.3.3. Review Council's framework for managing and monitoring enterprise wide risk and evaluate whether management have addressed, considered and managed risks throughout the organisation.
- 4.3.4. Gain an understanding of the current areas of greatest financial and operational risk and how management is managing these effectively.
- 4.3.5. Ask management and the internal and external auditors about significant risks and exposures and the actions in place or in progress of being implemented to mitigate such risks.
- 4.3.6. Consider how management is held to account for the security of computer systems and applications, and the contingency plans for processing financial information in the event of a system breakdown.
- 4.3.7. Gain an understanding of the operations of Council by having each Director provide a briefing of their Division.
- 4.3.8. Receive reports as to the status of the risk register and the actions being taken to manage the identified risks.
- 4.3.9. Monitor processes and practices to ensure effective business continuity.
- 4.3.10. Monitor commercial interests, including those interests established under Section 193 of the Local Government Act 1989.
- 4.3.11. Review the adequacy of insurance cover.

4.4. Internal Audit and External Audit Function

Internal Audit

- 4.4.1. Determine whether there are any restrictions on the internal audit function.
- 4.4.2. Where the internal audit function of Council is outsourced to an external service provider, before selection of the service provider is made, the

Audit Committee Charter			
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proposed appointee is appropriate and has the necessary skills and experience to undertake the internal audit function to the satisfaction of the Committee.

- 4.4.3. Monitor the effectiveness of the internal audit function on an ongoing basis.
- 4.4.4. Review and approve the annual internal audit plan and any suggested amendments to it during the year.
- 4.4.5. Establish whether significant findings and recommendations made by the internal auditors are reviewed and actioned by management on a timely basis.
- 4.4.6. Discuss matters arising from Internal Audits with the internal auditor or his agent in the absence of management at least once per year.
- 4.4.7. Consider the independence of the internal auditor in the context of any other services provided to Council.
- 4.4.8. Receive and review Internal Audit Reports.

External Audit

- 4.4.9. The appointment of the external auditor is controlled by the Auditor General and not by Council. The Committee therefore has limited opportunity to influence the scope of the work of the auditor. The Committee monitor the performance of the external auditor by:
 - 4.4.10. Reviewing the proposed audit scope and approach and consider whether any restrictions or limitations have been placed on the scope.
 - 4.4.11. Review the performance of the external auditors.
 - 4.4.12. Consider the independence of the external auditor in the context of any other services provided to Council.
 - 4.4.13. Monitor the progress of actions proposed in relation to significant findings and recommendations made by the external auditors.
 - 4.4.14. Discuss matters arising from the external audit with the external auditor or his agent in the absence of management at least once per year.
- 4.5. Ethical and Statutory Compliance
 - 4.5.1. Assess the procurement framework with a focus on the probity and transparency of policies and procedures.
 - 4.5.2. To monitor the effectiveness of Council's compliance and ethics program, including codes of conduct for councillors and staff.
 - 4.5.3. Review the processes for the identification, nature, extent and reasonableness of related-party transactions.

4.6. Emerging Issues

Review the CEO's report which by exception would include any changes to structure, senior personnel, compliance requirements and/or breaches, emerging business issues, Council decisions which may affect financial control or risk issues.

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5. OTHER RESPONSIBILITIES

- 5.1. Evaluate the Committee's performance against the Charter on an annual basis.
- 5.2. Perform other oversight functions as requested by Council
- 5.3. Review this Charter biennially and recommend any changes to Council for consideration.

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AGENDA REPORTING ITEMS					
	Feb	May	Aug	Nov	
Financial Reporting					
Quarterly Financial Report	✓	✓			✓
Year End Financial Reporting			✓		
	<ul style="list-style-type: none"> Review of Annual Financial Standard and Performance Statements and Notes and Report of Operations Review of the processes identification, nature, extent and reasonableness of related-party transactions 				
Internal Control					
Fraud Management Update		✓			✓
Management Status Report		✓			✓
Performance Reporting					
Local Government Performance Reporting Framework	✓			✓	
Risk Management					
Risk Management Framework	✓				
Risk Register Update	✓		✓		
	<ul style="list-style-type: none"> Every three years (commencing 2017) Progress report on actions taken to mitigate Corporate Risks and High and Significant Departmental Risks) Update on Fraud Risk Register 				
10-year Financial Plan Assumptions		✓			✓
Presentation by Director or Manager	✓	✓			✓
	<ul style="list-style-type: none"> On risks, responsibilities and actions within their area 				
Annual Insurance Renewal report		✓			
Report Statutory Compliance and Council's compliance and ethics program					✓
Review of finding by regulatory agencies					
	<ul style="list-style-type: none"> Self-assessment on VAGO, Ombudsman etc as required 				
Business Continuity					✓
	<ul style="list-style-type: none"> BCP testing every three years (commencing 2017) 				
Audit Committee Charter					
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AGENDA REPORTING ITEMS						
	Feb	May	Aug	Nov		
Internal Audit						
Internal Audit Activity Status Report	✓	✓	✓	✓		✓
Internal Audit Plan		✓				
Internal Audit Reports					• As required, as per internal audit plan	
External Audit						
Audit Strategy	✓					
Interim management letter to the Audit Committee		✓				✓
Management letter and Closing Report to the Audit Committee						
Information Services						
Hume's Information Communication Strategy Update	✓				• Information architecture, disaster recovery plan and current and planned projects.	
Emerging Issues						
CEO Update and Emerging Issues	✓	✓	✓	✓		✓
Other Responsibilities						
Annual Report on Audit Committee Business Undertaken			✓			
Review of Audit Committee Charter			✓		• Review by Committee and recommended changes to Council to take place biennially.	
Committee self-assessment Annual 360° Review			✓		• Review of Committees performance against the Charter	
Setting of meeting dates for the following year						✓
Proposed Agenda outline for next meeting	✓	✓	✓	✓		✓

Audit Committee Charter	Approval date:
Approved by: Council	Review date: February 2019
Author: Manager Governance	

REPORT NO:	GE182
REPORT TITLE:	Appointment of Audit Committee Chair
SOURCE:	Gavan O'Keefe, Manager Governance
DIVISION:	Corporate Services
FILE NO:	HCC14/401
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENTS:	Nil

1. SUMMARY OF REPORT:

- 1.1 Council, at its statutory meeting held 7 November 2016 appointed Mr Brian Keane to the position of Audit Committee Chair effective April 2017. Subsequent to this appointment Brian Keane has advised Council's Chief Executive Officer that due to workload and other commitments he is unable to accept the appointment.
- 1.2 This report proposes the appointment of Claire Filson for a further three year period as Chair of Council's Audit Committee.

2. RECOMMENDATION:

- 2.1 **That Council revoke paragraph 7.3 of its resolution 7 November 2016, Appointment of Audit Committee for the 2016/17 Year. That paragraph being:-
That Mr Brian Keane be appointed as Chairperson effective April 2017.**
- 2.2 **That Ms Claire Filson be appointed as Chairperson of the Audit Committee for a further three year period commencing April 2017.**

3. FINANCIAL IMPLICATIONS:

In accordance with the Instrument of Delegation of the Audit Committee, the Chair of the Audit Committee shall be paid an allowance per annum as Council may determine by resolution at its annual statutory meeting.

4. DISCUSSION:

- 4.1 Ms Claire Filson was appointed to the position of Audit Committee Chair for a period of two years at the Council meeting held 13 April 2015.
- 4.2 Council, at its statutory meeting held 7 November 2016 appointed Mr Brian Keane to the position of Audit Committee Chair effective April 2017. Subsequent to this appointment Brian Keane has advised Council's Chief Executive Officer that due to workload and other commitments he is unable to accept the appointment.
- 4.3 Following discussions with other Committee members, it has been agreed that Claire Filson's current position a Chair of the Audit Committee would be extended for a further three year period ending April 2020, being the end date of her second four year term as an Audit Committee member. Brian Keane would continue in his role as independent member.

REPORT NO:	GE183
REPORT TITLE:	Adoption of Risk Management Policy
SOURCE:	Gavan O'Keefe, Manager Governance
DIVISION:	Corporate Services
FILE NO:	HCC11/656
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Risk Management Policy</i>

1. SUMMARY OF REPORT:

- 1.1 A review and update of the Risk Management Framework and Risk Management Policy has recently been completed by the Risk Management Unit.
- 1.2 At its meeting of 24 February 2017, Council's Audit Committee resolved that the amended Risk Management Policy (Attachment 1) be recommended to Council for adoption in the open section of the Council Agenda.

2. RECOMMENDATION:

That Council revoke the previous Risk Management Policy adopted by Council on 14 July 2014 and adopt the attached Risk Management Policy.

3. DISCUSSION:

- 3.1 The Risk Management Policy was first developed in 2008 with the primary objective of embedding the Risk Management approach across Council, in accordance with best practice guidelines and the applicable Risk Management Standard - AS/NZS 4360: 2004.
- 3.2 The Risk Management Policy identifies the rationale and principles for managing risk and defines key accountabilities and responsibilities of the Audit Committee, Governance and Risk Management Committee, the Risk Management Unit and Council Officers.
- 3.3 The Risk Management Policy was later reviewed and updated in 2011 to reflect the introduction of Risk Management Standard – ISO 31000: 2009.
- 3.4 The Risk Management Standard – AS/NZS ISO 31000: 2009 remains the current applicable standard and has not changed since Council's Risk Management Framework and Policy was last reviewed in 2014. Since this review, there have been no significant changes to Council's business conditions or the internal control environment. Accordingly, no significant changes to the Risk Management Policy are recommended to be made.
- 3.5 In 8.6 of the Policy a minor explanation has been included to clarify that risk for contractors engaged through Council's tender process is managed through Council's contract management policy and procedures.
- 3.6 Council's commitment to Risk Management has been demonstrated through the ongoing efforts of management and Risk Management Unit to improve risk management awareness throughout the organisation, supported by a program of internal audit, which contributes to Council's objective of providing an integrated approach to managing risk within the organisation.

REPORT NO: GE183 (cont.)

- 3.7 The monitoring and review of Risk Management incorporates all aspects of the integration of Risk Management Framework across Council. This is reported on by way of quarterly reports to both the Governance and Risk Committee (internal), and the Audit Committee of Council.

4. CONCLUSION:

- 4.1 The review of the Risk Management Policy provides assurance that Council's commitment to Risk Management is representative of current best practice standards.
- 4.2 The next review of the Risk Management Policy has been scheduled to occur in 2020.



Risk Management Policy

Policy Reference No:	CP2011-11-21
File Reference No:	HCC11/656
Strategic Objective:	Provide responsible and transparent governance, services and infrastructure which respond to community needs
Date of Adoption:	
Date for Review:	March 2020
Responsible Officer:	Manager Governance
Department:	Governance

Risk Management Policy

1. POLICY STATEMENT

- 1.1. Council seeks to manage the financial resources and operations under its control in a prudent, risk averse manner. Risks will be identified, analysed and evaluated so that appropriate measures can be taken to treat the risk and manage the risk to minimise losses and maximise the opportunities of Council.
- 1.2. All risks to Hume City Council must be managed according to the principles, responsibilities, and supporting policy and procedure documented in this policy.

2. SCOPE

This policy is applicable to all staff and others, who undertake activities on behalf of Hume City Council. The policy principles apply to all of Council's operations.

3. BACKGROUND

- 3.1 Council has adopted and applied an organisation – wide risk management methodology. An organisation-wide risk management system examines all facets of an organisation's operations and ensures that everyone has a role to play in the management of risk. Emanating from this is an expectation that a risk management culture and responsibility will be embedded in Council.
- 3.2 The objectives of this policy are to:
 - 3.2.1 Embed the Risk Management approach across Council in accordance with best practice guidelines and the Risk Management Standard – ISO 31000: 2009
 - 3.2.2 Foster an environment where staff, assume responsibility for managing risks.
 - 3.2.3 Ensure that individual risks are appropriately managed.
 - 3.2.4 Ensure that adequate resources are provided to achieve risk management objectives.
 - 3.2.5 Assist in achieving Council's mission, values, role and key priorities as set out in its Council Plan.
 - 3.2.6 Help achieve good corporate governance outcomes.
- 3.3 The aim of this policy is to ensure that Council effectively manages risks across all Council activities by:
 - 3.3.1 Assigning specific roles, responsibilities and accountabilities to the Chief Executive Officer, Audit Committee, Governance and

Policy Reference No: CP2011-11-21	Date of Adoption:
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Risk Management Policy

Risk Management Committee (Executive Management Team),
Directors, Management and others.

- 3.3.2 Promoting an organisational culture where risk management is integrated into everyday business operations.
 - 3.3.3 Providing direction for the systematic identification, assessment, and control and monitoring of all current and potential risks to Council through the Risk Management Framework, Risk Management Manual and Risk Management System.
 - 3.3.4 Providing risk management training and promoting risk management through awareness initiatives.
 - 3.3.5 Utilising the risk management process and System during any phase of sourcing, evaluating, selecting and using assets and services
 - 3.3.6 Evaluating and improving the effectiveness of Council's approach to risk management at scheduled intervals.
- 3.4 To support this policy, the Risk Management Unit will coordinate and manage Council's risk management approach.
- 3.5 A Risk Management System is in place to ensure that all risks identified are prioritised, controlled and reported.
- 3.6 To ensure this Policy maintains its relevance and currency it will be reviewed on a three yearly cycle or as required to reflect changes to the context in which Council operates.

4. SUPPORTING DOCUMENTS

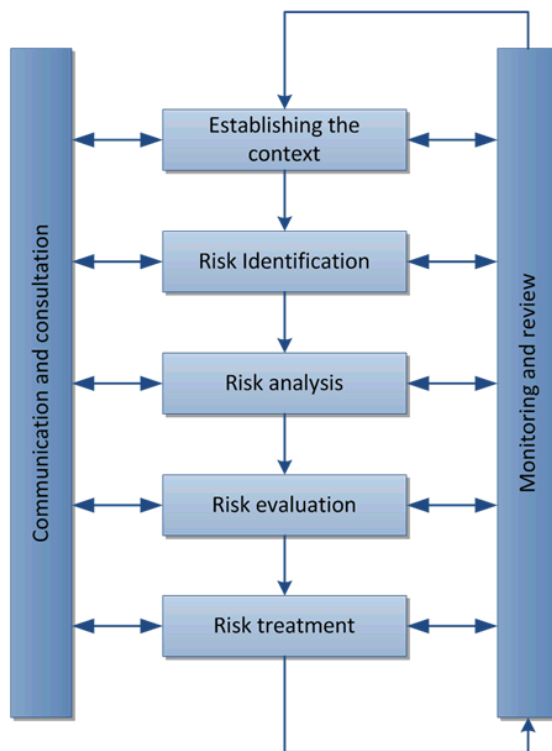
- Risk Management Framework.
- Risk Management Manual
- Risk Management System
- All other Council and Organisational Policies, Strategies and Procedures.
- Fraud Control Policy, Plan and Staff Guide
- ISO 31000: 2009 Risk Management – Principles and Guidelines on Implementation.
- Applicable State and Federal Government Legislation.

Policy Reference No: CP2011-11-21	Date of Adoption:
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	Department: Governance
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Risk Management Policy

5. PROCESS

5.1 The process underlying Council's approach to risk management is derived from ISO 31000: 2009: Risk Management.



5.2 This process provides a systematic approach to organisational wide risk management:

5.3 All key stakeholders will be recognised and as appropriate be included in the risk management process of:

5.3.1 **Establish the Context** - Establish the strategic, organisational and risk management context in which the rest of the process will take place. Criteria against which risk will be evaluated is established and the structure of the analysis defined

5.3.2 **Identify Risk** – the process of determining what can happen; what can go wrong, why and how. Identification must include all risks whether or not they are under the control of Council.

5.3.3 **Analyse and Evaluate Risks** – identified risks are analysed by considering the consequences and likelihood of an event

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	Department: Governance
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Risk Management Policy

occurring i.e. level of risk. This enables risks to be ranked, prioritised and actioned.

5.3.4 **Treatment of Risk** – determine the most effective treatment method(s) for the risk(s) based on the risk priority

6. PRIORITISING RISK TREATMENT METHODS:

6.1 The following are the defined levels of risk tolerance to guide Council how to determine the type and extent of actions required to treat risks, and the level of management attention required in managing and monitoring the risks.

- Elimination or avoidance of the threat, or if not practicable;
- Substitution of less threatening alternatives, or if not practicable;
- Isolate or other containment of the threat, and for any residual risk;
- Develop and apply administrative arrangements including policies, practices, processes, standard procedures, training and supervision; plus audit regimes to assure conformance with planned arrangements;
- Transfer a prudent level of remaining risk by taking out insurance; and
- Accept a residual level of risk (budget for excess).

6.2 It is critical that the implemented risk treatments are monitored and reviewed to verify that the risk has been appropriately managed. This process can also identify further improvements to the risk management process.

7. DEFINITIONS

CEO – Chief Executive Officer of Council

Audit Committee – Section 86 Committee of Hume City Council

Directors – Executive Officers of Council who report to the Chief Executive Officer

Governance and Risk Management Committee (Executive Management Team – comprising The CEO and Directors)

Management – includes Managers, Coordinators and Team leaders

Others – defined as those individuals performing Council directed activities e.g. contractors, consultants, volunteers, casual/temporary staff, work experience students.

Risk – the chance of something happening that will have an impact upon Council's objectives. It is measured in terms of consequences and likelihood.

Risk management – the culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects.

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Stakeholders – those people and organisations who may affect, be affected by, or perceive themselves to be affected by a decision, activity or risk

8. ACCOUNTABILITIES AND RESPONSIBILITIES

8.1. Chief Executive Officer (CEO)

8.1.1. The CEO is accountable to Council for Risk Management.

8.1.2. The CEO is responsible for ensuring that:

- a risk management program is in place
- Council's risk management performance is reviewed at scheduled intervals and reported to Council.

8.2. Audit Committee

8.2.1. Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management investigation and follow up of any fraudulent acts or non-compliance.

8.2.2. Review the findings of any examinations by regulatory agencies and monitor that they are appropriately actioned by management.

8.2.3. Review Council's framework for managing and monitoring enterprise wide risk and evaluate whether management have addressed, considered and managed risks throughout the organisation.

8.2.4. Gain an understanding of the current areas of greatest financial and operational risk and how management is managing those effectively.

8.3. The Governance and Risk Management Committee (The Executive Management Team - EMT)

8.3.1. The Committee is accountable to the CEO for the Risk Management program.

8.3.2. The Committee meets quarterly and meetings are generally held each February, May, August and November.

8.3.3. The Governance and Risk Committee is responsible for:

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- Risk Management Framework and Policy and supporting documents
- monitoring and reviewing the Council's Risk Management performance at scheduled intervals
- reporting to Audit Committee the result of the review

8.4. Directors

Directors are accountable for managing risks in their area of responsibility by:

- complying with the Risk Management Policy and applying the Risk Management Framework
- using and maintaining the Risk Management System
- ensuring human and financial resources are dedicated to risk management activities
- monitoring and reviewing risk management performance at scheduled intervals

8.5. Management

Management is accountable for managing risks in their area of responsibility by:

- complying with the Risk Management Policy and following the Risk Management Framework
- ensuring all risks are identified, assessed, controlled, monitored and reported through the Risk Management System
- integrating risk management principles into the modification of existing/development of new policies and procedures
- ensuring human and financial resources are dedicated to risk management activities
- notifying the Risk Management Unit of high risks.

8.6. Staff/Others

Staff/others are responsible for:

- complying with Council's Risk Management Policy, Framework, and supporting procedures
- Promptly reporting all risks to their Manager/Council contact person.
- Council requires all contractors engaged through Council's tender process to comply with Council's contract management policy and procedures which incorporate risk management processes.

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8.7. Risk Management Unit (the Unit)

8.7.1. The Unit is accountable to the Manager Governance for the coordination, maintenance and promotion of the Risk Management approach and System

8.7.2. The Unit is responsible for:

- the continual improvement of the Risk Management System
- ensuring that Risk Management is incorporated into the Council planning cycle
- improving organisational capability in managing risks through the provision of training, awareness initiatives and advice
- maintaining a database of all risks and their treatment, which is accessible to staff
- the coordination of Risk performance reporting to the Governance and Risk Committee.
- implementing continuous improvement actions.

9. REPORTING OF RISK MANAGEMENT PERFORMANCE.

9.1 Council has developed a range of Key Performance Indicators (KPIs) to measure, monitor and review the effectiveness of Risk Management performance.

Risk Management Key Performance Indicators (KPIs)		
Activity	Performance Indicator	Target
<i>Risk Management.</i>		
Review of Corporate Risks In the Risk Management System	Corporate Risks reviewed with Risk Owners annually.	100%
Review of Fraud Risk Register.	Fraud Risks reviewed with Risk Owners annually.	100%
Risk treatment actions overdue for High and Significant Risks in the Risk Management System	Percentage of risk treatment actions overdue associated with High and Significant Risks.	5% or lower
Ineffective control ratings assigned to a risk have at least one mitigation action.	All risks with a control rating of 'ineffective' have at least one active mitigating action.	100%
<i>Insurance</i>		
Days to respond to new insurance claims	Percentage of new claims responded to within seven days upon receipt of written claims notification.	100%

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Risk Management Key Performance Indicators (KPIs)		
Activity	Performance Indicator	Target
Insurance claims resolved; accepted, declined or referred onto other party.	Insurance claims completed within 45 days from receipt of the original correspondence.	75%
Insurance claim reviews which uphold the original liability decision.	Percentage of insurance claim reviews which uphold the original liability decision provided to the claimant.	90%
<i>Freedom of Information (FOI)</i>		
FOI applications for access to Council held documents	FOI applications are processed and a decision provided to the applicant within the statutory time limit. <i>(Subject to the provision of all documents from other Council departments, 14 days before the 45 day statutory time limit).</i>	100%

9.2 The monitor and review of Risk Management performance incorporates all aspects of the integration of Risk Management Framework across Council. This is reported on by way of quarterly reports of progress against KPIs to both the Governance and Risk, and the Audit Committees of Council.

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REPORT NO:	GE184
REPORT TITLE:	Recognition of Residents Policy
SOURCE:	Kirsty Pearce, Senior Governance Officer
DIVISION:	Corporate Services
FILE NO:	04/13
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Recognition of Residents Policy</i>

1. SUMMARY OF REPORT:

- 1.1 Council's Recognition of Residents Policy sets out the process for the nomination and selection by Councillors of a Hume Resident of the Month.
- 1.2 At its Meeting of 13 February 2017, Council resolved:
"That a review be undertaken of the current Resident of the Month award process to increase the award to two residents being awarded each month."
- 1.3 This report provides Council with the reviewed Recognition of Residents Policy.

2. RECOMMENDATION:

That Council adopts the Recognition of Residents Policy (Attachment 1).

3. LEGISLATIVE POWERS:

Nil.

4. FINANCIAL IMPLICATIONS:

If this policy is re-adopted with amendments, there will be some minor costs related to additional resident attendances at dinner, and presentation of certificates.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

Climate Change adaptation has been considered and the recommendations of this report give no rise to any matters.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered and it was determined that no rights were engaged in this proposal.

8. DISCUSSION:

- 8.1 The Recognition of Residents Policy aims to build community pride by recognising and promoting the achievements and outstanding contributions of Hume City residents. The opportunity to recognise residents through the Resident of the Month nomination process commenced in 2001 and has been continued by each elected Council since that time.

REPORT NO: GE184 (cont.)

- 8.2 Councillors currently take turns nominating a recipient for this award as per a schedule developed following the adoption of Council meeting dates and venues. Councillor rostering for nominating a resident is based, where possible, on the Meeting being held in the Councillor's ward.
- 8.3 Awards are presented at Ordinary Council Meetings (i.e. the first public council meeting of the month).
- 8.4 The proposed amended Policy now allows for the Councillor who is rostered to nominate the Resident of the Month to nominate up to two recipients for the award. This does not affect any other part of the nomination or presentation process.
- 8.5 A number of amendments were made to the wording and language of the existing policy to reflect current practice at Hume City Council.

9. CONCLUSION:

Council recognises that Hume residents work for the betterment of the Hume community. In re-adopting this policy, Council formally recognises those achievements and contributions.



RECOGNITION OF RESIDENTS POLICY

Policy Reference No:	CP2011-11-08
File Reference No:	HCC04/31
Strategic Objective:	Governance and Engagement
Date of Adoption:	
Date for Review:	
Responsible Officer:	Manager Governance
Department:	Governance

RECOGNITION OF RESIDENTS POLICY

1. POLICY STATEMENT

- 1.1. Council will recognise the achievements of Hume residents in support of a culture of community connection and engagement, caring for others, self-sacrifice and bringing about positive social change.

2. PURPOSE

- 2.1. To provide a guideline for:
- a) recognising the outstanding achievements of Hume residents in any field;
 - b) recognising the outstanding community contribution, high service of community duty and public spirit of Hume residents.

3. SCOPE

- 3.1. This policy applies to residents of Hume City, and non residents who show an outstanding commitment to the Hume Community.

4. OBJECTIVE

- 4.1. This policy is aimed at fostering community pride by recognising and promoting the achievements and outstanding contributions of Hume City residents.

5. POLICY IMPLEMENTATION

Criteria

- 5.1. The selection criteria for resident of the month is:
- Demonstrated commitment to building a strong Hume community;
 - Strong sense of community spirit and/or civic worth;
 - Caring for others;
 - Self sacrifice; or
 - Outstanding achievement in arts and culture/sports/academic/leadership/volunteering.

Process

- 5.2. Councillors take turns nominating up to two recipients per council meeting as per a schedule developed at the start of the Council year. The schedule is developed taking into consideration how many opportunities each Councillor has had to nominate in their electoral term, and the meeting venue i.e. for a meeting held in Craigieburn it would be appropriate for a Councillor from that ward to nominate a resident.

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RECOGNITION OF RESIDENTS POLICY

- 5.3. Councillors are to provide the Senior Governance Officer with their nominations for the monthly award together with a brief outline of the reasons for the nomination at least a week before the Council Meeting which the award will be presented at.
- 5.4. The successful nominee is invited, with a guest, to attend the next ordinary meeting of Council and the pre-meeting dinner.
- 5.5. The successful nominee is presented with a Certificate of Recognition by the Mayor at the commencement of the Council meeting.
- 5.6. If the successful nominee is unable to attend the meeting for which they have been nominated, they will invited to the next Ordinary Council Meeting, with a guest, to attend dinner and be presented with their Certificate of Recognition by the Mayor.

6. DEFINITIONS AND ABBREVIATIONS

Nil.

7. RELATED DOCUMENTS

Nil.

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REPORT NO:	GE185
REPORT TITLE:	Correspondence received from or sent to Government Ministers or Members of Parliament - February 2017
AUTHOR:	Paul White, Coordinator Knowledge Management
DIVISION:	Corporate Services
FILE NO:	HCC04/13
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Beautification of Jacana Railway Station</i>

1. SUMMARY OF REPORT:

This report presents a summary of correspondence relating to Council resolutions or correspondence that is considered to be of interest to Councillors received from and sent to State and Federal Government Ministers and Members of Parliament.

2. RECOMMENDATION:

That Council notes this report on correspondence sent to and received from Government Ministers and Members of Parliament.

3. DISCUSSION:

There is a range of correspondence sent to and received from State and Federal Government Ministers and Members of Parliament during the normal course of Council's operations. Correspondence of this nature registered in the Council recordkeeping system during February 2017 that is considered to be of interest to Councillors are summarised in the table below and copies of the documents are provided as attachments to this report.

REPORT NO: GE185 (cont.)

**CORRESPONDENCE RELATING TO COUNCIL RESOLUTIONS
OR OF INTEREST TO COUNCILLORS**

Direction	Subject	Minister or Member of Parliament	Date Received / Sent	Responsible Officer	Council Minute Reference	Attachment
Outwards	Beautification of Jacana Railway Station	Minister for Public Transport	17/02/2017	Manager Strategic Planning	POR115	1

Our File: 10241 (HCC-CM17/38)
Enquiries: Michael Sharp
Telephone:



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VICTORIA 3047

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Friday 17 February 2017

The Hon Jacinta Allan MP
Minister for Public Transport
Department of Economic Development, Jobs, Transport and Resources
GPO Box 2392
MELBOURNE VIC 3001

Dear Minister

RE: BEAUTIFICATION OF JACANA RAILWAY STATION

At its meeting of 13 February 2017 it was resolved that Council writes to you and any other relevant authorities, requesting works to clean up and 'green up' Jacana Railway Station.

Jacana station is well utilised by residents of our municipality. Significant improvements to the appearance and quality of train stations across Melbourne are needed to improve usage and personal safety. The upgrade of the Jacana Railway Station is vital to increase its attractiveness, accessibility and safety.

Council requests an upgrading of all the facilities at Jacana Railway Station and to improve maintenance in all the amenities at this location.

Should you require further information please contact Michael Sharp, Manager Strategic Planning on [redacted] or via email at [redacted]

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Drew Jessop', written over a white rectangular area.

**CR DREW JESSOP
MAYOR**

cc: Mr Warwick Horsley, Acting Executive Director, Performance & Contract Management - Public Transport Victoria
Mr Andrew Lezala, CEO - Metro Trains