



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

MONDAY, 25 FEBRUARY 2019

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.

This meeting of the Hume City Council will be recorded and published in accordance with Council's Audio Recordings of Council Meetings Policy.

HUME CITY COUNCIL

**Notice of an
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL**
to be held on Monday, 25 February 2019
at 7.00 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council Cr Carly Moore Mayor
 Cr Naim Kurt Deputy Mayor
 Cr Joseph Haweil
 Cr Jodi Jackson
 Cr Drew Jessop, OAM
 Cr Leigh Johnson
 Cr Jack Medcraft
 Cr Geoff Porter
 Cr Ann Potter
 Cr Karen Sherry
 Cr Jana Taylor

b: Officers Mr Domenic Isola Chief Executive Officer
 Mr Peter Waite Director Sustainable Infrastructure and Services
 Mr Daryl Whitfort Director Corporate Services
 Mr Hector Gaston Director Community Services
 Mr Michael Sharp Director Planning and Development
 Ms Kylie Ezzy 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. CONDOLENCE MOTIONS

5. 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.

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6. CONFIDENTIAL MATTERS

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
COCC027	2019 Broadmeadows Street Festival Community Grants Allocation	(a) personnel matters
COCC028	Contract No. 30 18 2883 - Principal Architect for the Design, Documentation and Contract Administration of Merrifield West Northern Community Hub Project and Lockerbie Southern Community Hub	(d) contractual matters
COSU124	Contract No. 30 18 2852 - Provision of Land Management Services	(d) contractual matters
COGE228	Capital Works Report 2018/19 - December 2018 Update	(d) contractual matters
COGE230	Designation of Information Provided at a Strategy and Policy Briefing as Confidential Information - February 2019	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE231	Rates Arrears as at 31 December 2018	(b) the personal hardship of any resident or ratepayer

7. CLOSURE OF MEETING

**DARYL WHITFORT
ACTING CHIEF EXECUTIVE OFFICER**

20/02/2019

REPORT NO:	HE089
REPORT TITLE:	Sports Aid Grants - February 2019
SOURCE:	Bruce Fordham, Manager Leisure Centres and Sports; Jarrod Smith, Sports Development & Inclusion Officer
DIVISION:	Corporate Services
FILE NO:	HCC07/110
POLICY:	-
STRATEGIC OBJECTIVE:	2.1 Foster a community which is active and healthy.
ATTACHMENT:	1. <i>Sports Aid Grants - Guidelines</i>

1. SUMMARY OF REPORT:

It is proposed that Council award one individual Hume City Council Sports Aid Grants to the recipient listed in this report. It is proposed that a presentation of the Sports Aid Grant will be made at the beginning of the Council meeting to be held on Tuesday 12 March 2019.

2. RECOMMENDATION:

That Council award one individual a Hume City Council Sports Aid Grant:

Name	Sport	Travel Category	Amount
Hunter Kelly	Softball	Local	\$150.00

3. LEGISLATIVE POWERS:

Not applicable to this report.

4. FINANCIAL IMPLICATIONS:

4.1 The funding of \$150 for the Sports Aid Grants - February is allocated from the 2018/2019 Leisure Centres and Sport Department recurrent operating budget.

4.2 A total of \$21,115 has been allocated to the 2018/2019 Sports Aid Grants program. The proposed grants fall within the budget allocated for this program.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

There are no considerations that impact on the environmental sustainability as a result of this report.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

There are no considerations that impact on climate change adaptation as a result of this report.

7. CHARTER OF HUMAN RIGHTS APPLICATION:

There are no considerations that impact on Human Rights as a result of this report.

8. COMMUNITY CONSULTATION:

The Sports Aid Grants are advertised on Council's Web site and also through information provided to sports clubs and schools in Hume. Advertising will be distributed again at the start of the 2019 school year.

9. DISCUSSION:

9.1 All applicants recommended for a Sports Aid Grant met eligibility criteria as detailed in the Sports Aid Grant Program Application Guidelines (Attachment 1).

REPORT NO: HE089 (cont.)

9.2 Recategorised / Ineligible Applications

Three applications were received in the December/January period. Further details on each application and their eligibility are discussed below.

Name	Sport	Funding sought for	Comment
Anastaisia Ramel	Soccer	Calder United NPL	Athlete has previously received a Sports Aid Grant in this category. 'Local Representation travel within Victoria. Under section four of the application guidelines <i>'Athletes will be funded by Council only once in each category'</i> therefor this application is deemed ineligible.
Hunter Kelly	Softball	Victorian State Softball Team	Athlete has previously received a Sports Aid Grant in the category applied for. 'State Representation with Interstate Travel'. Athlete is ineligible for further funding in this category under section four of the application guidelines. Athlete provided evidence that the participation can be re-categorised to the local category.
Leah Denko	Dance	Commonwealth Dance Cup Championships	It is not clear if the Commonwealth Dance Cup Championships are recognised by DanceSport Australia. Further evidence is being sought from DanceSport Australia on the status of this event. This application will be processed with the next intake of Sports Aid Grants once evidence from DanceSport Australia is received.

10. CONCLUSION:

It is proposed that the successful Sports Aid Grant recipient will be presented with their award and a certificate of achievement at the beginning of the Council meeting scheduled for Tuesday 12 March 2019. All applicants will be notified in writing of the results of their applications.



APPLICATION GUIDELINES AND INFORMATION

The Sports Aid Grant Program is designed to encourage high achievement and excellence in sport by financially supporting young Hume athletes with the expenses associated with attending representative level sporting events.

1. Objectives:

- 1.1. To provide individuals with support and encouragement that will help them to develop to their full potential within their chosen sport.
- 1.2. To provide financial assistance to individuals to assist with the costs associated with attending representative level sporting events.
- 1.3. To encourage greater participation in sport by promoting positive role models to the community.

2. What will be funded:

- 2.1. Competition and tournament entry fees.
- 2.2. Travel and accommodation costs associated with event participation.
- 2.3. Other costs associated with participation in the competition/tournament may be considered.

3. What will not be funded:

- 3.1. Tours and competitions that are friendship/exposure competitions. Including international and interstate tours organised by schools and private tour groups.
- 3.2. Participation in tournaments that are not recognised by the relevant National or State Sporting organisation as a part of their athlete development pathway.
- 3.3. Any tournaments or competitions where the participants are not selected based on merit with a fair and transparent selection process available to all residents.
- 3.4. Expenses associated with the travel costs of accompanying family members.

4. Eligibility Criteria:

- 4.1. Applicants must be permanent residents of the City of Hume (evidence of residential address is required at the time of application).
- 4.2. Applicants must be under 21 years of age at the time of application.
- 4.3. Applications must be received seven days prior to the event taking place. Late applications will not be considered.
- 4.4. Applicants must be competing in a sporting event that is competitive in nature and has a set of rules and a code of conduct.
- 4.5. Applicants must be competing in a sport that has a recognised National Sporting Organisation as assessed by the Australian Sports Commission. This includes Disability Sports Organisations.
- 4.6. Applicants must provide a letter of support verifying their selection from the relevant accredited National or State sporting association. Applications at a regional level may provide a letter from their local club. School Sport Australia and School Sport Victoria events are eligible for funding.
- 4.7. Applicants can apply for one category of funding per application.
- 4.8. Athletes will be funded by Council only once in each category.
- 4.9. Applicants agree to supply evidence as requested by Council within 30 days following the event/competition. Evidence can be provided in the form of photos, media articles, printed results, receipts or a letter from the relevant Governing Body.



5. Funding Available:

National Representation with International Travel - Maximum grant \$750

Example: An athlete representing Australia, a State Association, or Club at an endorsed international event that is a part of a recognised development pathway.

State Representation with Interstate Travel - Maximum grant \$400

Example: A member of the Victorian State under 16 Soccer Team competing at the national championships in Brisbane.

Regional Representation - Maximum grant \$150

Example: Member of the Broadmeadows Broncos representative basketball team competing at a State level competition within Victoria.

In cases where several Hume residents have applied for funding for the same sport, Hume City Council reserves the right to cap total funding for that sport at \$2000 for the financial year.

6. Celebration Evening

A Celebration Evening will be arranged once per year to celebrate the achievements of Sports Aid Grant recipients. Attendance at this event is COMPULSORY for all successful applicants.

7. Closing Dates:

Applications are open throughout the year until allocated funding is exhausted.

Applications must be submitted seven days prior to the event taking place.

Once allocated funding is exhausted the program will be closed until the next financial year.

8. Application Procedure:

The Sports Aid Grants are administered by Hume City Council as follows:

- 8.1. Applicants must read the Guidelines thoroughly;
- 8.2. Applicants must complete and return the Grant Application form and required documents at least seven days prior to the event taking place.
- 8.3. Applications will be assessed by Council Officers. The selection panel will, where necessary, consult with the applicants club, coach or sporting association.
- 8.4. All applicants will receive notification of the outcome in writing within 28 days of receipt of their application.
- 8.5. Applicants that receive a Sports Aid Grant and do not attend their event must return the grant in full.

FURTHER INFORMATION

Hume City Council
Sport Development & Inclusion Officer
Ph: 9205 2510 Email: leisure@hume.vic.gov.

REPORT NO:	CC084
REPORT TITLE:	Support for Local VICSES Units
SOURCE:	Bernadette Thomas, Manager Waste
DIVISION:	Sustainable Infrastructure and Services
FILE NO:	HCC12/309
POLICY:	-
STRATEGIC OBJECTIVE:	3.1 Foster socially connected and supported communities.
ATTACHMENTS:	Nil

1. SUMMARY OF REPORT:

The Victorian State Emergency Service (VICSES) provide a vital support role to the Hume community. Changes introduced by the state government provides an opportunity for Council to continue to support local units via an annual financial payment.

2. RECOMMENDATION:

That Council:

- 2.1 Endorse the continued support of Sunbury and Craigieburn VICSES units with an annual payment of \$30,691 each (from 2019/2020) increasing by CPI each year following, and the provision of a maximum 10 year Lease Agreement for the occupancy of the Council facilities.**
- 2.2 Notes that a similar agreement will be negotiated and brought to Council for consideration for the Broadmeadows VICSES unit prior to the end of the Licence Agreement concluding on 30 June 2019.**

3. LEGISLATIVE POWERS:

The VICSES operates under the *Victoria State Emergency Service Act (2005)* and is a Statutory Authority accountable to the Minister for Emergency Services.

4. FINANCIAL IMPLICATIONS:

- 4.1 Council currently supports three VICSES units with financial contributions to operations, vehicles, and buildings, totaling \$92,000 per annum. It is proposed that the Sunbury and Craigieburn units each receive an annual payment of \$30,691, starting in the 2019/2020 financial year (and with a CPI increase each year following). A similar arrangement can be negotiated with the Broadmeadows unit prior to the end of Licence which concludes on 30 June 2019.
- 4.2 For 2019/2020 the total contributions for the two units as proposed would be \$61,385 and should be referred to the 2019/20 budget process.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

VICSES units provide support to the community following natural disasters such as flooding events.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

It is expected that climate change will bring more intense rain events and hotter drier weather, potentially leading to greater support from the VICSES units for the Hume community.

REPORT NO: CC084 (cont.)

7. CHARTER OF HUMAN RIGHTS APPLICATION:

No human rights consideration is needed.

8. COMMUNITY CONSULTATION:

Council has consulted with VICSES in the preparation of this report. No further consultation with the community is required.

9. DISCUSSION:

9.1 Background:

9.1.1 On 20 December 2017 a Memorandum of Understanding (MoU) was executed between the State of Victoria and the Municipal Association of Victoria, to support VICSES volunteer units. Under this new MoU, the State Government, through VICSES, committed to fully fund the operational and maintenance requirements for all VICSES units (including volunteer unit facility operations and maintenance costs). Effective 1 July 2017 Council has not been obligated to provide financial support to local units. The MoU does, however ask councils to provide long term (forty year) leases at peppercorn rents to allow units to continue to operate from existing facilities.

9.1.2 This new MoU replaces the previous arrangement that was in place since December 1989, in which the State Government and MAV agreed that *“the state would fund 50% of the operational costs of VICSES Units, and relevant Municipal Councils would fund 50% of the operational cost of the VICSES Units located in their municipality”*. Hume has directly funded local units to the value of approximately \$16,500 per annum (2017/18 figures).

9.1.3 Council has, over many years, provided in-kind and financial support in addition to that required under the previous agreement. Refer to table 1 below which shows a breakdown of the financial and in-kind support provided.

9.1.4 VICSES provide a range of services to the community, including responding to building damage, flooding, trees, rescue, incident management, RAIR (road, rail, air, industrial), and regularly assists other agencies in emergency situations.

9.2 Discussion:

9.2.1 Following the signing of the new MoU, the VICSES has written to Victorian councils seeking to ensure that local units have access to ongoing, long term lease arrangements for their facilities. Specifically asking councils to commit to long term, forty year leases with VICSES at peppercorn rates of \$1 per annum plus GST.

9.2.2 VICSES units currently operate at premises owned by Council under a licence arrangement (on a five year term), with a rental fee between \$500 and \$600 per annum. The Broadmeadows VICSES site can be occupied until 30 June 2019, pending redevelopment of the site. VICSES is currently negotiating to procure a replacement site in Fawkner. Under the terms of the licence, Council and VICSES Broadmeadows share the cost of outgoings; Council provides building maintenance as required.

9.2.3 VICSES has also suggested that councils consider continuing to support local units financially or in-kind to assist them to continue to work within their communities. Following the move of the Broadmeadows VICSES Unit to a new site in Fawkner, a review of the level of support provided by Council is warranted.

REPORT NO: CC084 (cont.)

9.3 Ongoing support:

9.3.1 As a result of the new MoU, there is no obligation for Council to provide support (financial or in-kind) to local VICSES units. However, given the valuable role that volunteers play in providing support across the Hume community, some level of ongoing support would ensure that local units continue to support communities during emergency situations.

9.3.2 The following level of support is recommended for the Sunbury and Craigieburn VICSES units:

Annual Funding - VICSES Units			
	Sunbury	Craigieburn	Broadmeadows
Site address	21 McDougall Road Sunbury VIC 3429	151A Craigieburn Road Craigieburn VIC 3064	434 Mahoneys Road Campbellfield VIC 3061
Financial Contribution 2019/2020 and ongoing	<p>\$30,691 to contribute to: (plus CPI post 2019/20)</p> <ul style="list-style-type: none"> • Vehicles: purchase, fuel, insurance, registration • Building maintenance: reactive maintenance, fire extinguisher maintenance, essential services (exit signs, air-conditioning, gutter cleans etc.) • Building lease and all outgoings (phone, internet, water, parks charge, electricity, gas) 	<p>\$30,691 to contribute to: (plus CPI post 2019/20)</p> <ul style="list-style-type: none"> • Vehicles: purchase, fuel, insurance, registration • Building maintenance: reactive maintenance, fire extinguisher maintenance, essential services (exit signs, air-conditioning, gutter cleans etc.) • Building lease and all outgoings (phone, internet, water, parks charge, electricity, gas) 	To be determined.
Licence Agreement	<ul style="list-style-type: none"> • Current, fully executed written lease with expiry date 14/06/21. • Current lease to be surrendered; new lease arrangement created. • Offer a maximum 10 year term lease. 	<ul style="list-style-type: none"> • No current, fully executed written lease. • New lease arrangement to be offered. • Offer a maximum 10 year term lease. 	Overholding Licence Agreement until 30 June 2019.
Agreement	<ul style="list-style-type: none"> • Annual application online via SmartyGrants. • Signed Service Agreement outlining level of support and activities to be funded. 	<ul style="list-style-type: none"> • Annual application online via SmartyGrants. • Signed Service Agreement outlining level of support and activities to be funded. 	To be determined.

REPORT NO: CC084 (cont.)

10. CONCLUSION:

10.1 VICSES volunteer units provide a valuable community service during times of emergency. In continuing to provide support to local units, Council will ensure that those most vulnerable within our community receive emergency support in times of need.

REPORT NO:	SU368
REPORT TITLE:	76-78 Kyabram Street, Coolaroo - Transfer Station (Building Waste Material)
SOURCE:	Natalie Calleja, Town Planner
DIVISION:	Planning and Development
FILE NO:	P21118
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 Plans</i> 2. <i>Plans</i>

Application No:	P21118
Proposal:	Use and Development of a Transfer Station (Building Waste Material)
Location:	76-78 Kyabram Street, Coolaroo
Zoning:	Industrial 3
Applicant:	SDA Modular
Date Received:	1 February 2018

1. SUMMARY OF REPORT:

Planning approval (retrospective) is sought to use and develop the land for a transfer station (building waste material) on the land commonly known as 76-78 Kyabram Street, Coolaroo. The application was advertised and three objections received. The application has been assessed against the relevant policies and the provisions of the *Hume Planning Scheme* including the issues raised in the objections and does not comply with the key policy objectives. Accordingly, it is recommended that a Notice of Refusal to Grant the permit be issued.

2. RECOMMENDATION:

That Council, having considered the application on its merits, including referral responses and the objections received, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a transfer station (waste building material) at 74-76 Kyabram Street, Coolaroo subject to the following grounds:

1. The proposal fails to satisfy policies at:

- **Clause 13.05-1S (Noise abatement),**
- **Clause 13.06-1S (Air quality management),**
- **Clause 13.07-1S (Land use compatibility),**
- **Clause 15.01-1R (Urban Design – Metropolitan Melbourne),**
- **Clause 17.03-2S (Industrial development siting),**
- **Clause 19.03-5S (Waste and resource recovery),**
- **Clause 21.03 (Liveable neighbourhoods & housing),**
- **Clause 21.04-1 (Urban Design),**
- **Clause 22.01 (Industrial Local Policy) and**
- **Clause 22.19 (Industrial Stormwater Management Plan) of the *Hume Planning Scheme*.**

REPORT NO: SU368 (cont.)

2. The applicant has failed to provide sufficient information for a full and comprehensive assessment of the proposal.
3. The proposal will have a detrimental impact on the amenity of the surrounding residential properties.
4. The proposal fails to meet the purpose and decision guidelines of the Industrial 3 Zone (Clause 33.03) of the *Hume Planning Scheme*.
5. The proposal fails to provide sufficient car parking on site in accordance with the requirements of Clause 52.06 (Car parking) of the *Hume Planning Scheme*.
6. The proposal fails to meet the purpose and threshold distance of Clause 53.10 (Uses with adverse potential) of the *Hume Planning Scheme*.
7. The proposal fails to meet the purpose and decision guidelines of Clause 53.14 (Resource recovery) of the *Hume Planning Scheme*.
8. The Environmental Protection Authority (EPA) as a Determining Authority under the provisions of Clause 66.03 of the *Hume Planning Scheme* and Section 55 of the *Planning & Environment Act 1987* has objected to the application.
The following reasons for refusal (9-14) are provided by the EPA
9. The proposal poses an unacceptable risk to off-site amenity impacts given its physical proximity to established sensitive uses.
 - a. The proposal does not meet the recommended separation distance of 250m for a transfer station, as listed in EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518). The first reiteration of this publication is a policy guideline under Clause 13.04-1 Air Quality of the Hume Planning Scheme.
 - b. The Applicant's justification supporting a reduction in the recommended separation distance is insufficient to demonstrate any potential offsite impacts can be managed to an acceptable degree. Further, the justification given is not consistent with the principles for varying a recommended separation distance, outlined in section 9 of EPA Publication 1518.
 - c. The 100 metre threshold distance in Clause 53.10 has not been met, measured from the land parcel where the industry is proposed to the nearest residential zone. This distance does not act as a statutory buffer, rather triggers further assessment the need to obtain a planning permit. Notwithstanding, this 100m threshold distance provides an indication of the risk profile posed by the transfer station.
 - d. The proposal does not represent best practice for controlling the environmental risks associated with a transfer station, particularly management of surface waters by failing to include surface treatment that minimises water absorption.
10. The proposal is inconsistent with the purpose of Clause 33.03 - Industrial 3 Zone, which is to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.
11. The proposal is inconsistent with the objectives and strategies in Clause 13.07-1S - Land Use Compatibility which aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects by directing land uses to appropriate locations and using land use separation measures. Both the 100 metre threshold distance in Clause 53.10 measured from the land parcel where the industry is proposed to the nearest residential zone and the 250 metre recommended separation distance in EPA Publication 1518 have not been met.

REPORT NO: SU368 (cont.)

12. This objection is consistent with the decision guideline established in Clause 33.03-2 Use of Land;
13. The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

3. PROPOSAL:

- 3.1 The land is to be used as a transfer station.

Pursuant to Clause 74 a transfer Station is defined as *“land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere”*.

- 3.2 The proposed use is summarised below:

- Bins on site range from 5-30m³ and will contain mostly benign, non-flammable, non-toxic building demolition waste.
- Wheel wash is proposed at the entry/exit of the site.
- Bins will be covered to reduce dust emissions.
- It is anticipated that bins will be turned around in a 48-72 hour cycle.
- No. of staff – No more than 3 employees on the premises at any one time.
- Hours of Operation –6:00am – 6:00pm each day including Saturday.
- Works Approval or licence requirements from the EPA – Not required.
- Traffic Generation – 3 tonne loaders and domestic vehicles.
- Only the Stage 1 area applies to this planning application, Stage 2 will form a separate planning application.

- 3.3 The proposed development is summarised below:

- Crushed rock surface.
- An office and a retail recycling building.
- Three or four car parking spaces are proposed, none of which are a disabled car space.
- Area of buildings are not indicated.
- No landscaping has been indicated.
- No screening has been indicated.

- 3.4 The plans submitted are not to scale and contain a number of discrepancies which make it difficult to provide a detailed description of the proposal.

4. SITE AND SURROUNDS:

Site and Surrounds

- 4.1 The site known as 76-78 Kyabram Street, Coolaroo and formally described on Certificate of Title as Lot 49 on LP 56989 is located on the east side of Kyabram Street, Coolaroo between the intersections with Flynn Crescent to the north and Almurta Avenue to the south.
- 4.2 The regular shaped site has a frontage of 33.52 metres and a depth of 137.16 metres with an overall site area of 4597m². Title particulars are described below.
- 4.3 The site has been operating as a transfer station without planning approval.

REPORT NO: SU368 (cont.)

- 4.4 The site currently contains two sheds, one toward the northwest corner and the larger of the two sheds located toward the southwest corner of the site.
- 4.5 The site has a fall of approximately 4 metres across the length of the block with a high point in the front north west corner and a low point along the rear east boundary. The site currently comprises buildings within the frontage of the site. One crossover is located somewhat centrally along the frontage of the site.
- 4.6 There are a handful of scattered trees on the site however, it is unclear in the submission as to whether they are native. A small number of planted trees are located within the “landscaped” front setback.
- 4.7 Street trees are located along the frontage of the site.
- 4.8 The neighbourhood generally comprise the following general characteristics:
- To the north and south is land zoned Industrial 3.
 - Land to the rear (east) which has frontage to Maffra Street is zoned Industrial 1.
 - Directly opposite the site to the west, on the other side of Kyabram Street is zoned General Residential.

Restrictions on Title

- 4.9 A title search produced on 30 January 2018 reveals that the land is not encumbered with any covenants or other restrictions.
- 4.10 A 3.04m wide easement (E-2) is located along the rear east boundary.

Enforcement Action

- 4.11 This planning application has been subject to enforcement action, as the use was operating without planning approval. The operator was advised to clear the site and apply for a planning permit by 2 March 2018, a planning application was lodged on 1 February 2018. The site has not been cleared.

5. PLANNING CONTROLS:

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

Planning Policy

Framework: Clause 13.05-1S: Noise abatement
Clause 13.06-1S: Air quality management
Clause 13.07-1S: Land use compatibility
Clause 15.01-1R: Urban Design – Metropolitan Melbourne
Clause 17.03-2S: Industrial development siting
Clause 19.03-5S: Waste and resource recovery

Local Planning policy: Clause 21.03: Liveable neighbourhoods & housing
Clause 21.04-1: Urban Design
Clause 21.06-1: Economic Development
Clause 22.01: Industrial Local Policy
Clause 22.19: Industrial Stormwater Management Plan

Zones: Clause 33.03: Industrial 3 Zone

Overlays: Nil

Particular Provisions: Clause 52.06: Car Parking
Clause 52.34: Bicycle Facilities
Clause 53.10: Uses with Adverse Amenity Potential
Clause 53.14: Resource Recovery

REPORT NO: SU368 (cont.)

<i>General</i>	Clause 65.01: Approval of an Application or Plan
<i>Provisions:</i>	Clause 66: Referral and Notice Provisions

- 5.2 It is policy to consider the *risk to off-site amenity impacts given its physical proximity to established sensitive uses*.
- 5.3 A detailed assessment against the relevant planning controls is included in the main body of the report.

Aboriginal Cultural Heritage

- 5.4 The land is not located within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007*.

Major Electricity Transmission Line

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

Planning Permit Trigger/s

- 5.6 A planning permit is required under the provisions of the Industrial 3 Zone to use the land as a transfer station pursuant to Clause 33.03-1 and for building and works pursuant to Clause 33.03-4.

6. REFERRALS:

- 6.1 The application was referred to Council's Assets (Engineering and Traffic) Department. The Assets Department advised that they have no objection to the application subject to conditions and notations should a permit issue, including the accessway and car park being sealed a minimum of 10.0 metres in length from the frontage.
- 6.2 The application was referred to Council's Environment Department. The Environment Department advised that insufficient information is still outstanding and therefore they cannot provide a detailed referral response.
- 6.3 The application was referred to the EPA under Section 55 of the *Planning and Environment Act 1987* ("the Act").

The EPA objected to the application on the following grounds:

1. *The proposal poses an unacceptable risk to off-site amenity impacts given its physical proximity to established sensitive uses.*
 - a. *The proposal does not meet the recommended separation distance of 250m for a transfer station, as listed in EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518). The first reiteration of this publication is a policy guideline under Clause 13.04-1 Air Quality of the Hume Planning Scheme.*
 - b. *The Applicant's justification supporting a reduction in the recommended separation distance is insufficient to demonstrate any potential offsite impacts can be managed to an acceptable degree. Further, the justification given is not consistent with the principles for varying a recommended separation distance, outlined in section 9 of EPA Publication 1518.*
 - c. *The 100 metre threshold distance in Clause 53.10 has not been met, measured from the land parcel where the industry is proposed to the nearest residential zone. This distance does not act as a statutory buffer, rather triggers further assessment the need to obtain a planning permit. Notwithstanding, this 100m threshold distance provides an indication of the risk profile posed by the transfer station.*

REPORT NO: SU368 (cont.)

- d. *The proposal does not represent best practice for controlling the environmental risks associated with a transfer station, particularly management of surface waters by failing to include surface treatment that minimises water absorption.*
2. *The proposal is inconsistent with the purpose of Clause 33.03 - Industrial 3 Zone, which is to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*
3. *The proposal is inconsistent with the objectives and strategies in Clause 13.07-1S - Land Use Compatibility which aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects by directing land uses to appropriate locations and using land use separation measures. Both the 100 metre threshold distance in Clause 53.10 measured from the land parcel where the industry is proposed to the nearest residential zone and the 250 metre recommended separation distance in EPA Publication 1518 have not been met.*
4. *This objection is consistent with the decision guideline established in Clause 33.03-2 Use of Land;*

The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

7. **ADVERTISING:**

7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* (the Act) by way of letters to adjoining owners and occupiers and sign was placed on the site for a minimum of 14 days as prescribed under the Act. A total of three objections were received.

7.2 The grounds of objections can be summarised as follows:

- Health issues with potentially toxic waste (asbestos) stored on the site.
- Odour, noise and dust pollution issues.
- Mud and clay all over Kyabram street from trucks entering and exiting the site.
- Potential fire risk and health issue.
- Commencement hours (6.00am) of the operation are too early opposite a residential area.
- The use can operate up until 11pm at night.
- Property devaluation

8. **OBJECTIONS**

An assessment of the grounds of objection are detailed below:

8.1 Health issues with potentially toxic waste (asbestos) stored on the site.

It is unclear from the application as to whether toxic materials will be stored on site as the applicant says in his submission “these bins contain **mostly** benign non flammable non toxic building demolition waste” [*my emphasis*].

There are therefore concerns with the possibility of toxic materials being stored on site.

8.2 Odour, noise and dust pollution issues.

The applicant has advised in the submission that “dust/emissions/odour are restricted given the bins are covered”.

No details have been provided as to how the bins are to be covered.

REPORT NO: SU368 (cont.)

8.3 Mud and clay all over Kyabram street from trucks entering and exiting the site.

Current conditions of the site include a partial cover of loose gravel. The plans lodged with the application do not show a sealed surface on site. A site inspection and reviews of aerial imagery indicate mud across from the property across the road reserve in front of the site from exiting trucks. This is unacceptable in the neighbourhood setting.

It is noted that the applicant has advised in his submission that a wheel wash is proposed however, insufficient details have been provided with regards to its location and how the water will be collected and discharged. It is also acknowledged that Council's Asset's department require the accessway and car park to be sealed for a minimum length of 10.0 metres.

8.4 Potential fire risk and health issue.

This is acknowledged as a concern and given that an Operational Environmental Management Plan has not been prepared it is unclear as to what the emergency response procedures if any, are proposed.

8.5 Commencement hours (6.00am) of the operation are too early opposite a residential area and the use can operate up until 11pm at night.

The days detailed in the written submission are ambiguous and it is unclear as to whether the facility operates six or seven days a week.

The hours detailed in the written submission are 6am to 6pm.

An environmental noise assessment prepared by Telemetrix dated 22 October 2018 provided support for the proposal however it only details reference to hours of operation within the SEPP N-1 daytime period (being Mon – Fri 0700-1800 and Saturdays – 0700-1300), it is unclear as to whether any noise emissions are acceptable outside of the SEPP N-1 daytime period.

8.6 Property devaluation

The devaluation of land is not a matter for consideration under the *Planning & Environment Act 1987*.

9. ASSESSMENT:

9.1 The application is not in accordance with the relevant objectives of the Planning Policy Framework. An assessment against the particular provisions of Clauses 52.06, 52.34, 53.10 and 53.45 is provided below. In short, the proposal is not able to acceptably satisfy the requirements of the respective provisions.

9.2 The fundamental considerations in an application for a transfer station are:

9.2.1 Is the subject site an appropriate location for the proposed use?

9.2.2 Will the proposal cause material detriment and adverse amenity impacts?

9.2.3 Can mitigation measures reduce the potential adverse amenity impacts to an acceptable level?

Is the subject site an appropriate location for the proposal use?

9.3 In considering the appropriateness of a site for a particular use, one can look to various planning policies, the zone, and particular provisions. Upon review, it is determined that the site is not appropriate for the use of a transfer station.

9.4 The proposal is inconsistent with the objectives and strategies in Clause 13.07-1S - *Land Use Compatibility* and Clause 17.03-2S *Industrial Development Siting*; which aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects by directing land uses to appropriate locations and using land use separation measures.

REPORT NO: SU368 (cont.)

- 9.5 The State Wide Resource Recovery Infrastructure Plan (SWRRIP) and Regional Implementation Plans are included as policy guideline documents in Clause 19.03 (Development Infrastructure) of the Planning Policy Framework, and more specifically, Clause 19.03-5S: Waste and resource recovery. Council must consider the content of the various guideline documents where an assessment against the planning scheme is required. This provides an integration between land use planning and the waste and resource recovery system.
- 9.6 The purposes of the Clause 33.3 *Industrial 3 Zone* is to provide a buffer between the *Industrial 1 Zone* or *Industrial 2 Zone* and local communities, which allows for industries and associated uses compatible with the nearby community and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.
- 9.7 The proposed transfer station is not considered an appropriate use in a zone which is ideally a buffer zone between Industrial 1 and residential zone to safeguard the community amenity as pursuant to Clause 13.07-1S, *Land Use Compatibility*. The range of off-site effects such as noise, air pollution, hours of operation, debris on the road, nuisance and exposure to hazards, etc are detrimental to the residential neighbourhood opposite.
- 9.8 Clause 53.10 *Uses with potential adverse amenity impact* is utilised to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. This provision recommends a 100 metre threshold distance, measured from the land parcel where the industry is proposed to the nearest residential zone. The proposal is only approximately 37 metres from the nearest residential parcel; and as such the proposal is inconsistent to Clause 13.07-1S and Clause 17.03-2S; and would not safe guard the community if located as proposed.
- 9.9 Where a proposal does not meet the separation distance of Clause 53.10, the Environment Protection Authority is a determining referral authority under Clause 66.02-7.
- 9.10 The EPA has objected to the proposal, and consequently the application must be refused pursuant to the *Section 61(2) of the Planning & Environment Act 1987*.
- 9.11 The EPA also advises that the *proposal does not meet the recommended separation distance of 250m for a transfer station, as listed in EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518). The first reiteration of this publication is a is a policy guideline under Clause 13.04-1 Air Quality of the Hume Planning Scheme.*
- 9.12 Clause 53.14 *Resource recovery* provision sets out matters to be considered in an application for a planning permit for a transfer station and/or a Materials Recycling Facility, so that they are in appropriate locations with minimal impact on the environment and amenity of the area. It is considered that the proposal does not meet the purpose of the particular provision as the facility is not considered to be appropriately located given the residential land opposite.
- 9.13 In light of above, it is considered that the selection of a site immediately opposite residential uses, and without the ability to meet the separation distances of Clause 53.10 and EPA publication 1518 directs that the site is not appropriate for the use of a transfer station.

Will the proposal cause material detriment and adverse amenity impacts?

- 9.14 It is considered that the proposal will cause adverse amenity impacts, due to hours of operation, noise, impact to stormwater, dust emissions and odour.
- 9.15 Clause 13.06-1S: Air quality management seeks to ensure, *wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses*. Insufficient details have been provided with the application on this matter.

REPORT NO: SU368 (cont.)

- 9.16 It is considered that the objective at Clause 13.05-1S: Noise abatement cannot be met due to the potential noise on sensitive residential land uses opposite. The application does provide an assessment responding to potential noise impacts responding to the State Environment Protection Policy (SEPP) N-1 daytime period regulations, however the facility intends to operate outside of the (SEPP) N-1 regulations and the potential noise impacts outside of the daytime hours has not been provided in the acoustic report.
- 9.17 It is proposed that empty skip bins will be stored outside. There is no information regarding if and how they would be cleaned after emptying, and as such, this may result in the potential stormwater contamination and odour impacts to the nearby residential uses.
- 9.18 Clause 22.19 (Industrial Stormwater Management Policy) provides guidelines on stormwater management, runoff and associated pollution control for industrial applications.

The applicant has submitted a STORM report which indicates that they can get a 220% STORM rating by designating the entire site, (apart from the building and any hardstand area) as infiltration sand. However, the applicant has not provided details of how the infiltration sand will be implemented or managed. Infiltration sand is only suitable in certain conditions and it is not suitable for treating industrial stormwater pollution from active work areas. The information provided with the application has not met the requirements regarding adherence to this policy.

- 9.19 The use will create an unreasonable detriment to the residential area opposite, the off-site effects of noise, air pollution, hours of operation, debris on the road, nuisance and exposure to hazards, etc are unacceptable in this neighbourhood setting.
- 9.20 The EPA, being a determining authority has also objected to the issue of a permit based on (amongst other things) the detriment to the amenity of surrounding residential properties.

Can mitigation measures reduce the potential adverse amenity impacts to an acceptable level?

- 9.21 The application included certain mitigation measures, such as some stormwater management techniques, a roofed area for full bins, the light spill and visual impact to the rear of the buildings and the like; however, it is considered that the combination of mitigation measures will not reduce the potential adverse amenity impacts to an acceptable level.
- 9.22 It is also considered that the proposal has several design deficiencies and discrepancies between plans, such as stormwater management, insufficient car parking, insufficient outdoor lighting, landscaping, fencing, empty bin storage location and the like. However, these deficiencies are considered secondary to the above issues, and have not been reviewed in significant detail in this report.
- 9.23 Overall, it is determined that the subject site is in an inappropriate location to support a transfer station, and there are no anticipated, feasible mitigation measures which would enable the use to operate in this location without causing significant adverse amenity impacts.

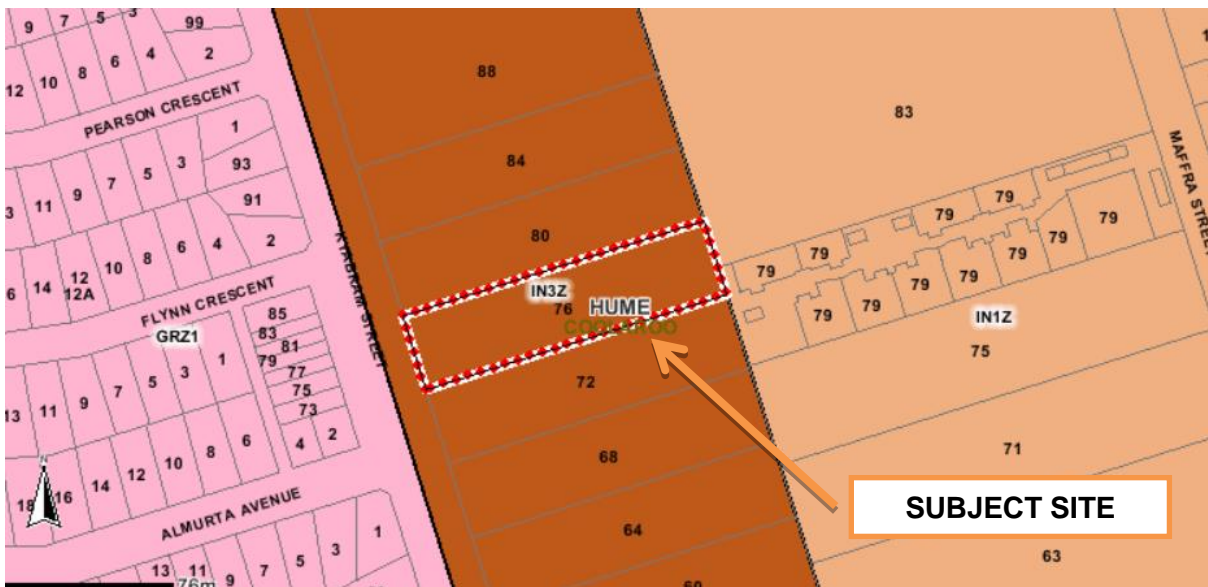
10. CONCLUSION

- 10.1 The use and development of a transfer station fails to meet the planning policy framework, the particular provisions and the zoning of the land. The use and development will adversely affect the amenity of residential land opposite. The infrastructure needs to enable safe and efficient collection, sorting, reprocessing and disposal of materials and containment of accidental contamination, it is not considered that this can be achieved on site. In considering the above, it is recommended that the proposal be refused.

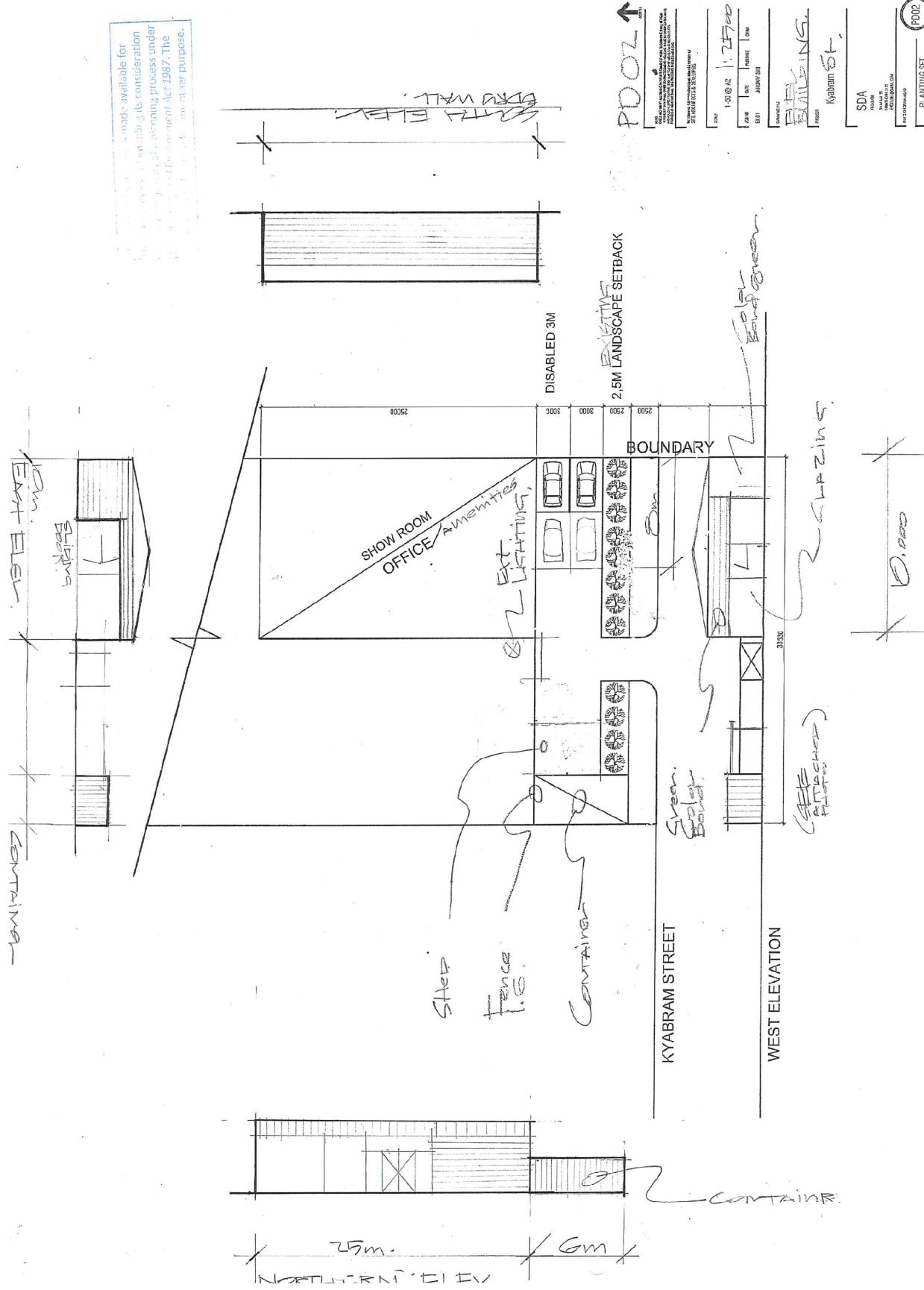
LOCALITY MAP

P21118

76-78 Kyabram Street, Coolaroo



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↑ POOL

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DATE	BY	REVISION
15/02/19	SA	ISSUED
15/02/19	SA	REVISION 01

PROJECT: **SALES**

CLIENT: **Kyabram St.**

DESIGNER: **SDA**

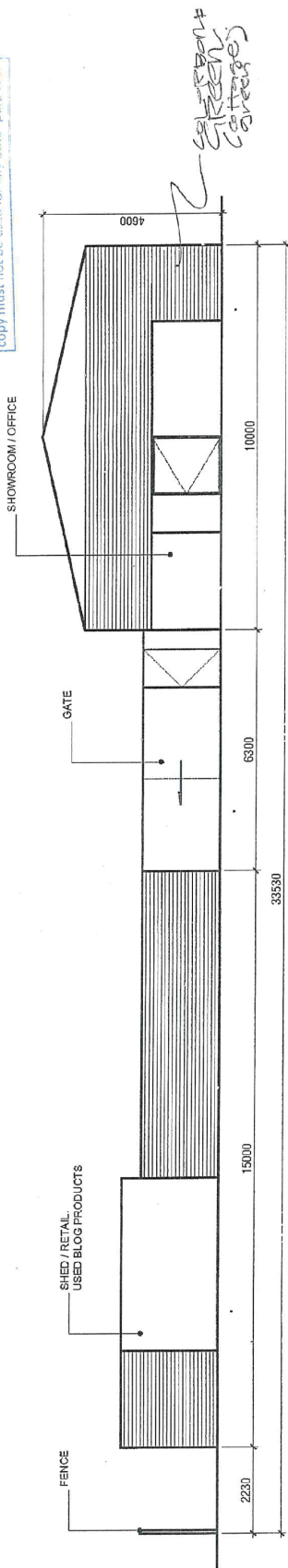
ADDRESS: **1000 KYABRAM ST. KYABRAM NSW 2871**

SCALE: **1:10,000**

DATE: **15/02/19**

PROJECT NO: **P002**

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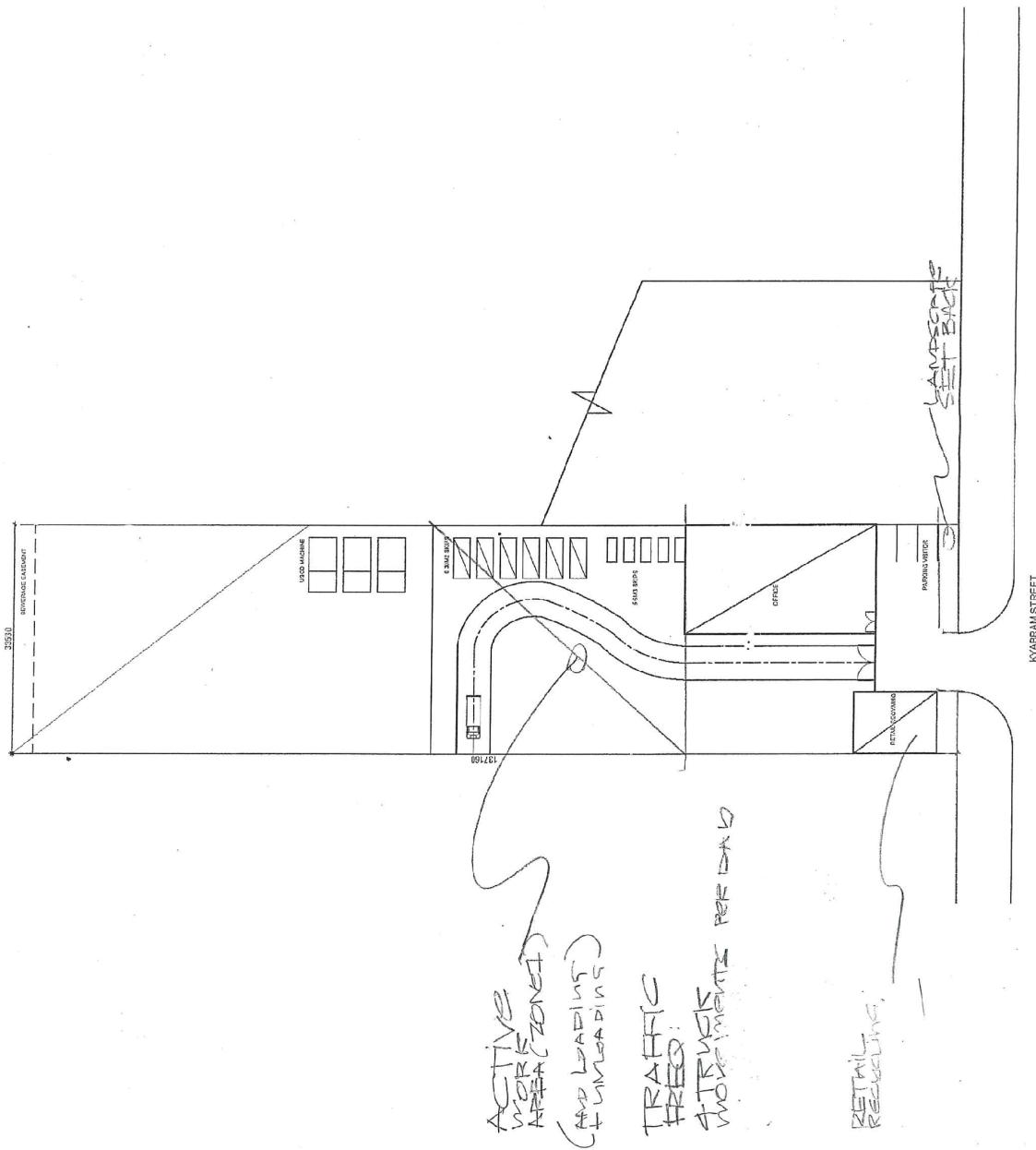
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 PROJ NO. BMT FLOOR PLAN
 EX. NO. DECEMBER 2017
 DRAWING NO.

PROJECT Kyabram

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PLANTING SET



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DATE	1-25-2019	BY	AM/2019
PROJECT	TRAFFIC		
LOCATION	Kyabram		
PREPARED BY	SDA		
APPROVED BY	M. B. B. B.		
CONTACT	CITY OF HUME		
WEBSITE	CITYOFHUME.CITY.VIC.AU		

PLANNING SET (P001)

REPORT NO:	SU369
REPORT TITLE:	72-74 Kyabram Street, Coolaroo - Transfer Station (Mixed Waste)
SOURCE:	Amy Lanfranchi, Statutory Town Planner
DIVISION:	Planning and Development
FILE NO:	P20547
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>Plans</i>

Application No:	P20547
Proposal:	Use and Development of a Transfer Station
Location:	72-74 Kyabram Street, Coolaroo
Zoning:	Industrial 3 Zone (IN3Z)
Applicant:	Zaks Bin Hire C/- ARG Planning
Date Received:	29 May 2017

1. SUMMARY OF REPORT:

Planning approval (retrospective) is sought to use and develop the land for a transfer station (mixed waste material) on the land commonly known as 72-74 Kyabram Street, Coolaroo. The application has been assessed against the relevant policies and the provisions of the *Hume Planning Scheme* and does not comply with the key policy objectives. Accordingly, it is recommended that a Notice of Refusal to Grant the permit be issued.

2. RECOMMENDATION:

That Council, having considered the application on its merits, including the objection received from a determining referral authority, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a transfer station at 72-74 Kyabram Street, Coolaroo subject to the following grounds:

1. **The application must be refused pursuant to Section 61(2) of the *Planning & Environment Act 1987* as a determining referral authority (Environment Protection Authority) has objected to the grant of the permit. EPA has objected on the following grounds:**
 - a. ***The proposal does not meet the recommended separation distance of 250 metres for a transfer station, as listed in EPA's Publication 1518 'Recommended Separation Distances for Industrial Residual Air Emission', March 2013 (EPA Publication 1518).***
 - b. ***The proposal does not meet the minimum threshold in Clause 53.10 (Uses with Adverse Amenity Potential) of Hume Planning Scheme of 100 metres for a planning permit assessment trigger.***
 - c. ***The proposal is inconsistent with the purpose of Clause 33.3 Industrial 3 Zone, which is to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.***
 - d. ***The proposal does not comply with Clause 33.3-2 (Use of the land – Application requirements). The application requirements for the use of the land are not address sufficiently for assessment and approval.***

REPORT NO: SU369 (cont.)

- e. *The proposal does not address the following decision guideline of Industrial 3 Zone at Clause 33.03-2:*
 - f. *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
 - g. *The proposal does not address the decision guideline at Clause 65.01 (Approval of an Application or Plan), as it is contrary to the orderly planning of the area. The propose will result in a land use interface conflict between and industrial use impacting the amenity of the adjacent residential uses.*
 - h. *The proposal does not meet the objectives and strategies of Clause 13.05 (noise and Air) of the Hume Planning Scheme.*
2. The proposal fails to satisfy policies at Clause 13.05-1S (Noise abatement), Clause 13.06-1S (Air quality management), Clause 13.07-1S (Land use compatibility), Clause 15.01-1R (Urban Design – Metropolitan Melbourne), Clause 17.03-2S (Industrial development siting), Clause 19.03-5S (Waste and resource recovery), Clause 21.03 (Liveable neighbourhoods & housing), Clause 21.04-1 (Urban Design), Clause 22.01 (Industrial Local Policy) and Clause 22.19 (Industrial Stormwater Management Plan) of the *Hume Planning Scheme*.
 3. The proposal will create an unreasonable amenity impact to the surrounding residential properties.
 4. The proposal fails to meet the purpose and decision guidelines of Clause 33.03 of the *Hume Planning Scheme*.
 5. The proposal fails to provide sufficient accessible car parking on site in accordance with the requirements of Clause 52.06 of the *Hume Planning Scheme*.
 6. The proposal fails to meet the purpose and threshold distance of Clause 53.10 of the *Hume Planning Scheme*.
 7. The proposal fails to meet the purpose of Clause 53.14 of the *Hume Planning Scheme*.

3. PROPOSAL:

- 3.1 The land is proposed to be used as a transfer station.
- 3.2 Pursuant to Clause 74 a transfer Station is defined as “*land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere*”.
- 3.3 The application provided the following detail as to the proposed use:
 - 3.3.1 The transfer station receives skip bins from domestic and commercial sites.
 - 3.3.2 The waste within the skips bins is to include green waste, household waste (including white goods), construction waste (plaster, bricks, concrete, metal etc) and soil. The application also states that these wastes ‘and the alike’ will be received, and as such this list may not be exhaustive.
 - 3.3.3 15-30 skip bins are proposed to be on site at any one time, including 15 full skip bins received daily and five full unprocessed skip bins.
 - 3.3.4 Waste will be removed within 7 days of delivery.
 - 3.3.5 Bins will be covered upon arrival to site to reduce dust emissions.
 - 3.3.6 It is anticipated that the site will process 70 cubic metres (~20 tonnes) of waste per day (both input and output).

REPORT NO: SU369 (cont.)

- 3.3.7 The bins will be sorted within the proposed building to the rear.
- 3.3.8 Empty bins are proposed to be store outside.
- 3.3.9 Estimated 36 truck movements per day overall (input and output).
- 3.3.10 Three truck loads of waste per day to be transferred to other disposal sites.
- 3.3.11 A maximum of 15 staff will be onsite at any one time.
- 3.3.12 The station is proposed to operate from 6am until 5pm Monday to Friday, and 7am to 4pm on Saturdays.
- 3.4 The application provided the following detail as to the proposed development:
 - 3.4.1 Utilise the existing building (~15 metres by ~30 metres) toward the front of the site as the office and truck/bin repair area.
 - 3.4.2 Construct a new outbuilding, enclosed on three sides and open at the front for the sorting of waste. This building is proposed to be 27 metres by 40 metres (1080m²); constructed of corrugated sheeting.
 - 3.4.3 25 parking spaces are proposed, none of which are a disabled/accessible car space.
 - 3.4.4 Five truck bays are proposed.
 - 3.4.5 An indicative 3 metre landscaping strip is proposed along a portion of the front boundary.
 - 3.4.6 Maintain the exiting 2.4 metre metal fence with 300mm barbed wire atop, on all boundaries.
 - 3.4.7 The site will be concreted for the majority, aside for some non concreted strips beside the proposed and existing building.

4. SITE AND SURROUNDS:

Site and Surrounds

- 4.1 The site is known as 72-74 Kyabram Street, Coolaroo and formally described on Certificate of Title as Lot 48 on LP 56989 is located on the east side of Kyabram Street, Coolaroo between the intersections of Flynn Crescent to the north and Almurta Avenue to the south.
- 4.2 The regular shaped site has a frontage of 33.52 metres and a depth of 137.16 metres with an overall site area of 4597m².
- 4.3 The site has been operating as a transfer station since late 2015 (according to application documentation) without planning approval.
- 4.4 The site has a fall of approximately four metres across the length of the block with a high point in the front north west corner and a low point along the rear east boundary. The site currently comprises buildings within the frontage of the site. One crossover is located to the southern boundary of the site.
- 4.5 Aerial imagery indicates that the site is devoid of vegetation. Street trees are located along the frontage of the site.
- 4.6 The site is located within an established area of Coolaroo, which acts as an interface between residential uses and the Industrial 3 Zone.
- 4.7 The neighborhood generally comprise the following general characteristics:
 - To the north and south is land zoned Industrial 3.
 - Land to the rear (east) which has frontage to Maffra Street is zoned Industrial 1.
 - Land to the west across Kyabram Street is zoned General Residential.

REPORT NO: SU369 (cont.)

Restrictions on Title

4.8 A title search produced on 5 May 2017 reveals that the land is not encumbered with any covenants or other restrictions.

4.9 A 3.04m wide easement (E-2) is located along the rear east boundary.

Background

4.10 This planning application has been subject to enforcement action, as the use was operating without planning approval. The operator was advised to cease operations as of 6 October 2017 until a time (if permitted) which an endorsed planning permit was issued. The site has not been cleared.

4.11 The applicant was also requested to cease operations by the planning officers, due to the significant applicant driven delays in providing information.

5. PLANNING CONTROLS:

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

Planning Policy

Framework: Clause 13.05-1S: Noise abatement
Clause 13.06-1S: Air quality management
Clause 13.07-1S: Land use compatibility
Clause 15.01-1R: Urban Design – Metropolitan Melbourne
Clause 17.03-2S: Industrial development siting
Clause 19.03-5S: Waste and resource recovery

Local Planning policy: Clause 21.03: Liveable neighbourhoods & housing
Clause 21.04-1: Urban Design
Clause 21.06-1: Economic Development
Clause 22.01: Industrial Local Policy
Clause 22.19: Industrial Stormwater Management Plan

Zones: Clause 33.03: Industrial 3 Zone

Overlays: Nil

Particular Provisions: Clause 52.06: Car Parking
Clause 52.34: Bicycle Facilities
Clause 53.10: Uses with Adverse Amenity Potential
Clause 53.14: Resource Recovery

General Provisions: Clause 65.01: Approval of an Application or Plan
Clause 66: Referral and Notice Provisions

5.2 It is policy to consider the *risk to off-site amenity impacts given its physical proximity to established sensitive uses*.

Aboriginal Cultural Heritage

5.3 The land is not located within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007*.

Major Electricity Transmission Line

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

REPORT NO: SU369 (cont.)

Planning Permit Trigger/s

- 5.5 A planning permit is required under the provisions of the Industrial 3 Zone to use the land as a transfer station pursuant to Clause 33.03-1 and for building and works pursuant to Clause 33.03-4.

6. REFERRALS:

- 6.1 The application was referred to Council's Assets (Engineering and Traffic) Department.
- 6.2 The Assets Department advised that they have no objection to the application subject to conditions and notations should a permit issue.
- 6.3 The application was referred to Council's Environment Department.
- 6.4 The Environment Department advised that the information provided did not respond appropriately to the requirements of Clause 22.19, and that the Site Management Plan and Stormwater Management Plan were not satisfactory. They also raised concerns regarding the operation hours and ability to mitigate contamination risk.
- 6.5 The application was referred to the EPA under Section 55 of the *Planning and Environment Act 1987* ("the Act"). The EPA objected to the application on the following grounds:
1. *The proposal does not meet the recommended separation distance of 250 metres for a transfer station, as listed in EPA's Publication 1518 'Recommended Separation Distances for Industrial Residual Air Emission', March 2013 (EPA Publication 1518).*
 2. *The proposal does not meet the minimum threshold in Clause 53.10 (Uses with Adverse Amenity Potential) of Hume Planning Scheme of 100 metres for a planning permit assessment trigger.*
 3. *The proposal is inconsistent with the purpose of Clause 33.3 Industrial 3 Zone, which is to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*
 4. *The proposal does not comply with Clause 33.3-2 (Use of the land – Application requirements). The application requirements for the use of the land are not address sufficiently for assessment and approval.*
 5. *The proposal does not address the following decision guideline of Industrial 3 Zone at Clause 33.03-2:*
 - a. *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
 6. *The proposal does not address the decision guideline at Clause 65.01 (Approval of an Application or Plan), as it is contrary to the orderly planning of the area. The propose will result in a land use interface conflict between and industrial use impacting the amenity of the adjacent residential uses.*
 7. *The proposal does not meet the objectives and strategies of Clause 13.05 (noise and Air) of the Hume Planning Scheme.*
- 6.6 EPA also made further commentary to expand on the above grounds, including discussion the inability to support the reduced, *de-rated* buffer proposed by the applicant, the cumulative impacts of approving these uses in a transitional land use area, and the lack of justification of mitigation to adverse amenity impacts.

7. ADVERTISING:

- 7.1 The applicant was directed to undertake advertising in accordance with Section 52 of the Planning and Environment Act 1987, by way of a phone call 30 November 2018.

REPORT NO: SU369 (cont.)

- 7.2 On 22 January 2019, ARG Planning confirmed that advertising was yet to be collected/commenced.
- 7.3 In light of this, the application has not been advertised due to the need to move this matter to a decision.
- 7.4 In the event that an appeal is lodged to VCAT, notification will be undertaken during this process.

8. ASSESSMENT:

- 8.1 The application is not in accordance with the relevant objectives of the Planning Policy Framework. An assessment against the particular provisions of Clauses 52.06, 52.34, 53.10 and 53.45 is provided below. In short, the proposal is not able to acceptably satisfy the requirements of the respective provisions.
- 8.2 The fundamental considerations in an application for a transfer station are:
- 8.2.1 Is the subject site an appropriate location for the proposed use?
 - 8.2.2 Will the proposal cause material detriment and adverse amenity impacts?
 - 8.2.3 Can mitigation measures reduce the potential adverse amenity impacts to an acceptable level?
- 8.3 The following discussion will examine these key considerations against the *Hume Planning Scheme*.

Is the subject site an appropriate location for the proposal use?

- 8.4 In considering the appropriateness of a site for a particular use, one can look to various state and local policies, the zone, and particular provisions. Upon review, it is determined that the site is not appropriate for the use of a transfer station.
- 8.5 The proposal is inconsistent with the objectives and strategies in Clause 13.07-1S - *Land Use Compatibility* and Clause 17.03-2S *Industrial Development Siting*; which aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects by directing land uses to appropriate locations and using land use separation measures.
- 8.6 The State Wide Resource Recovery Infrastructure Plan (SWRRIP) and Regional Implementation Plans are included as policy guideline documents in Clause 19.03 (Development Infrastructure) of the Planning Policy Framework, and more specifically, Clause 19.03-5S: Waste and resource recovery. Council must consider the content of the various guideline documents where an assessment against the planning scheme is required. This provides an integration between land use planning and the waste and resource recovery system.
- 8.7 The purpose of the Clause 33.3 *Industrial 3 Zone* is to provide a buffer between the *Industrial 1 Zone* or *Industrial 2 Zone* and local communities, which allows for industries and associated uses compatible with the nearby community and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.
- 8.8 The proposed transfer station is not considered an appropriate use in a zone which is ideally a buffer zone between Industrial 1 and residential zone to safeguard the community amenity as pursuant to Clause 13.07-1S, *Land Use Compatibility*. The range of off-site effects such as noise, air pollution, hours of operation, debris on the road, nuisance and exposure to hazards, etc are detrimental to the residential neighbourhood opposite.

REPORT NO: SU369 (cont.)

- 8.9 Clause 53.10 *Uses with potential adverse amenity impact* is utilised to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. This provision recommends a 100 metre threshold distance, measured from the land parcel where the industry is proposed to the nearest residential zone. The proposal is only approximately 37 metres from the nearest residential parcel; and as such the proposal is inconsistent to Clause 13.07-1S and Clause 17.03-2S; and would not safe guard the community if located as proposed.
- 8.10 Where a proposal does not meet the separation distance of Clause 53.10, the Environment Protection Authority is a determining referral authority under Clause 66.02-7.
- 8.11 The EPA has objected to the proposal, and consequently the application must be refused pursuant to the *Section 61(2) of the Planning & Environment Act 1987*.
- 8.12 The EPA also advises that the *proposal does not meet the recommended separation distance of 250m for a transfer station, as listed in EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518). The first reiteration of this publication is a policy guideline under Clause 13.04-1 Air Quality of the Hume Planning Scheme.*
- 8.13 Clause 53.14 *Resource recovery* provision sets out matters to be considered in an application for a planning permit for a transfer station and/or a Materials Recycling Facility, so that they are in appropriate locations with minimal impact on the environment and amenity of the area. It is considered that the proposal does not meet the purpose of the particular provision as the facility is not considered to be appropriately located given the residential land opposite.
- 8.14 In light of above, it is considered that the selection of a site immediately opposite residential uses, and without the ability to meet the separation distances of Clause 53.10 and EPA publication 1518 directs that the site is not appropriate for the use of a transfer station.

Will the proposal cause material detriment and adverse amenity impacts?

- 8.15 It is considered that the proposal will cause adverse amenity impacts, due to noise, impact to stormwater, and odour.
- 8.16 Clause 13.06-1S: Air quality management seeks to ensure, *wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses*. Insufficient details have been provided with the application on this matter.
- 8.17 It is considered that the objective at Clause 13.05-1S: Noise abatement cannot be met due to the potential noise on sensitive residential land uses opposite. The application does not provide an assessment responding to potential noise impacts responding to the State Environment Protection Policy (SEPP) N-1 regulations.
- 8.18 It is proposed that empty skip bins will be stored outside. There is no information regarding if and how they would be cleaned after emptying, and as such, this may result in the potential stormwater contamination and odour impacts to the nearby residential uses.
- 8.19 Clause 22.19 (Industrial Stormwater Management Policy) provides guidelines on stormwater management, runoff and associated pollution control for industrial applications.
- 8.20 The applicant has submitted a storm report which indicates that the use of six 'Stormfilter' cartridges, with a reduction of Total Nitrogen to 31.3%. as a reduction of 45% is required, this does not comply with the requirements of Clause 22.19. The information provided with the application has not met the requirements regarding adherence to this policy.

REPORT NO: SU369 (cont.)

- 8.21 The use will create an unreasonable detriment to the residential area opposite, the off-site effects of noise, air pollution, hours of operation, debris on the road, nuisance and exposure to hazards, etc are unacceptable in this neighbourhood setting.
- 8.22 The EPA, being a determining authority has also objected to the issue of a permit based on (amongst other things) the detriment to the amenity of surrounding residential properties.

Can mitigation measures reduce the potential adverse amenity impacts to an acceptable level?

- 8.23 The application included certain mitigation measures, such as some stormwater management techniques, a roofed area for full bins, concreting of the site and the like; however, it is considered that the combination of mitigation measures will not reduce the potential adverse amenity impacts to an acceptable level.
- 8.24 It is also considered that the proposal has several design deficiencies, such as stormwater management, accessible parking, insufficient outdoor lighting, landscaping, fencing, empty bin storage location and the like, however these deficiencies are considered secondary to the above issues, and have not been reviewed in significant detail in this report.
- 8.25 Overall, it is determined that the subject site is in an inappropriate location to support a transfer station, and there are no anticipated, feasible mitigation measures which would enable the use to operate in this location without causing significant adverse amenity impacts.

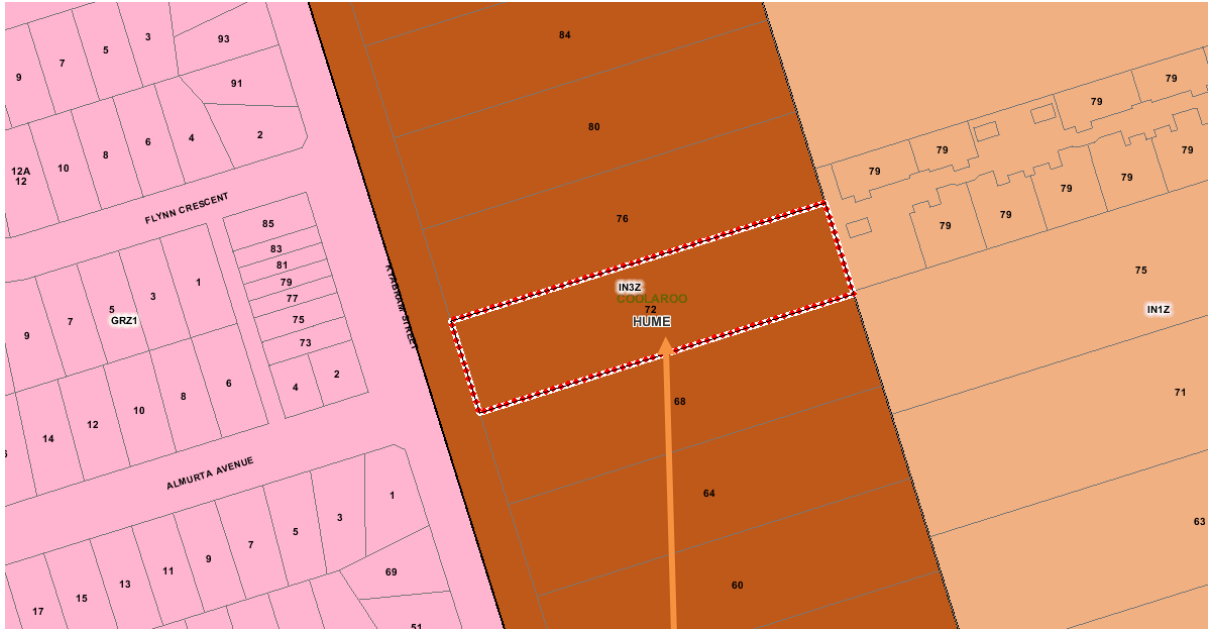
9. CONCLUSION

- 9.1 The use and development of a transfer station fails to meet the planning policy framework, the particular provisions and the zoning of the land. The use and development will adversely affect the amenity of residential land opposite. The infrastructure needs to enable safe and efficient collection, sorting, reprocessing and disposal of materials and containment of accidental contamination are also lacking and cannot be achieved on site.
- 9.2 In considering the above, it is recommended that the proposal be refused.

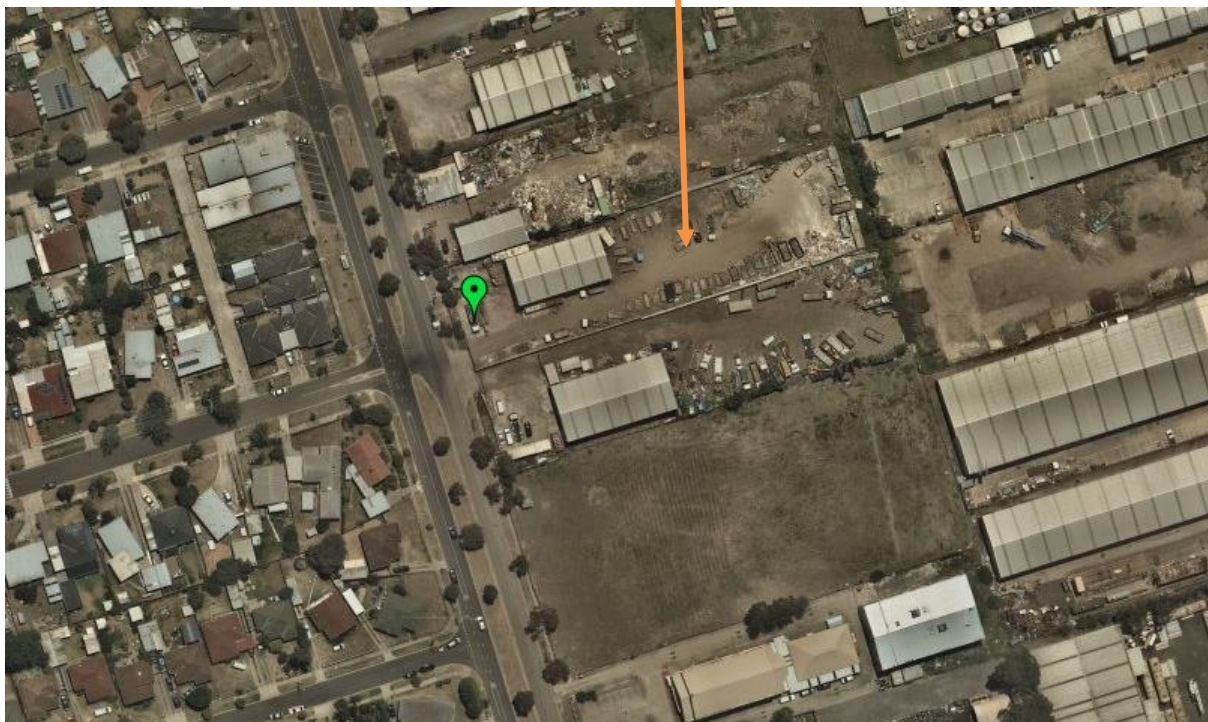
LOCALITY MAP

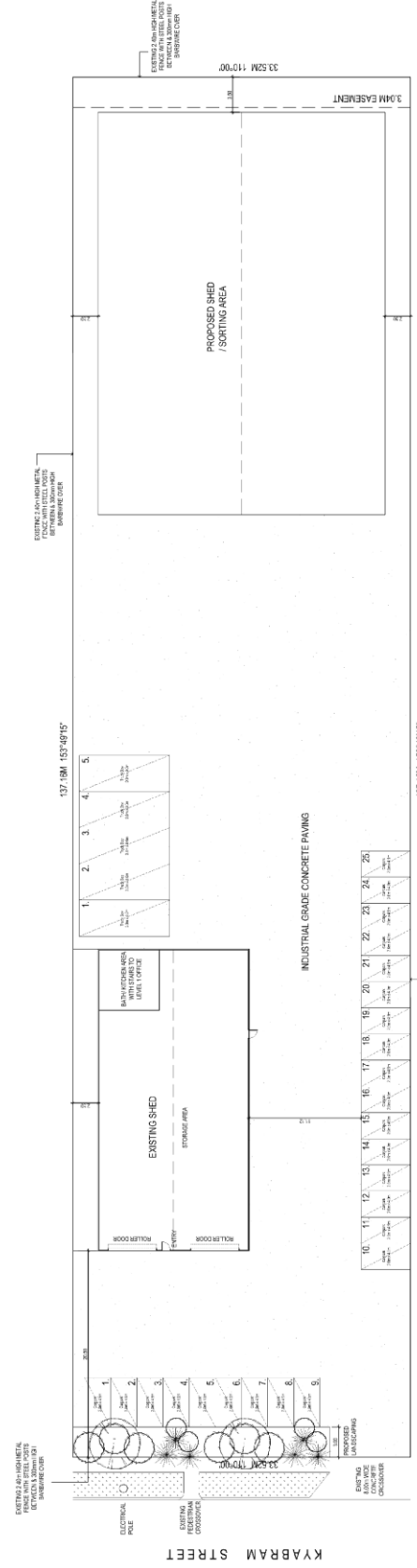
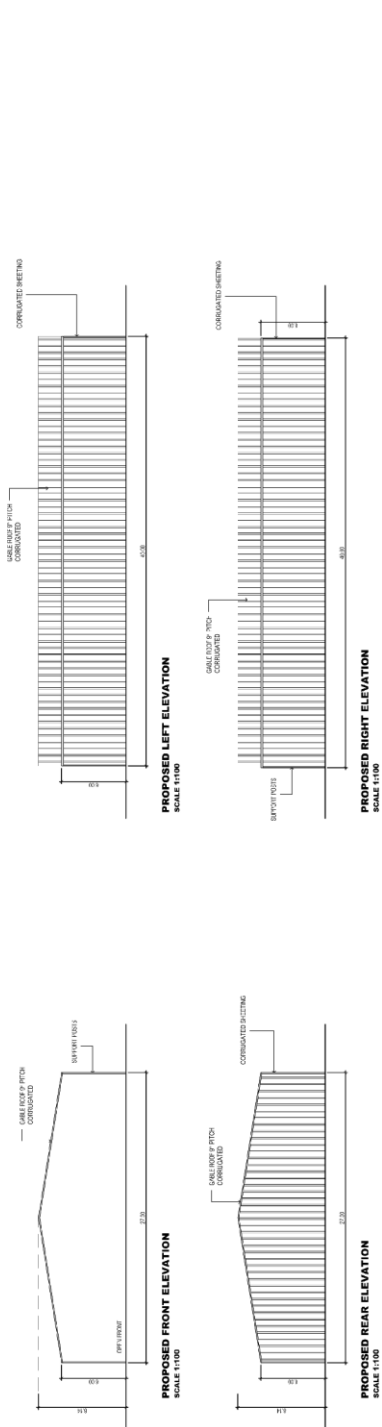
P20547

72-74 Kyabram Street Coolaroo



**SUBJECT SITE: 72-74
KYABRAM STREET
COOLAROO**





PROPOSED SITE PLAN
 1:200

TOWN PLANNING
SUBMISSION

TRANSPORT DEPOT
72-74 KYBRAM STREET
COOLAROO

SITE / LANDSCAPE PLAN

ABSIDE:
 Site: 4600.00m²
 Buildings: 278.00m²
 Site Coverage: 32.61%
 Concrete Paving: 2537.84m²



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REVISIONS

By	Date	Desc	Comments
K.T. 1105/18	12	REVISED AS PER TRAFFIC ENGINEERING	

REPORT NO:	SU370
REPORT TITLE:	102 Gallantry Avenue, Craigieburn - Development of Two Dwellings
SOURCE:	Sharon Macaulay, Statutory Planning And Building Control Services
DIVISION:	Planning and Development
FILE NO:	P20844
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>Zone and Locality Map</i> 2. <i>Plans & Elevations</i>

Application No:	P20844
Proposal:	Development of Two Double-Storey Dwellings
Location:	102 Gallantry Avenue Craigieburn
Zoning:	Urban Growth Zone 1
Applicant:	RVD Group
Date Received:	27 September 2017 Revised Plans Lodged 10 July 2018

1. SUMMARY OF REPORT:

Planning approval is sought for the construction of two double-storey dwellings on land at 102 Gallantry Avenue Craigieburn. The application is exempt from the public notice provisions as the land is located within the Craigieburn R2 Precinct Structure Plan (PSP) area and therefore was not advertised. The proposal has been assessed against the relevant policies and provisions of the Hume Planning Scheme. On balance the proposal does not comply with a number of these requirements and not considered acceptable. Therefore, it is recommended that a Notice of Decision to Refuse to Grant the permit.

2. RECOMMENDATION:

That Council having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Planning Permit for the construction of two double-storey dwellings at 102 Gallantry Avenue Craigieburn for the following reasons:

- 1. The proposal does not comply with the following provisions of Clause 55 of the Hume Planning Scheme:**
 - a) Clause 55.02-2 Residential Policy Objectives**
 - b) Clause 55.03-1 Street Setback Objective and Standard B6**
 - c) Clause 55.03-5 Energy Efficiency Objectives**
 - d) Clause 55.03-8 Landscaping Objectives**
 - e) Clause 55.04-1 Side and Rear Setbacks Objective and Standard B17**
 - f) Clause 44.05-5 Solar Access to Open Space Objective and Standard B29; and**
 - g) Clause 55.05-6 Storage Objective and Standard B30**

REPORT NO: SU370 (cont.)

3. PROPOSAL:

- 3.1 It is proposed to construct two double-storey dwellings. Details of each dwelling are as follows:
- 3.2 Dwelling 1 (south) at ground floor will have its entrance porch off Gallantry Avenue, laundry, storage, toilet, and two bedrooms, a central staircase and an attached single garage with tandem parking space along the northern side of the dwelling. The upper level is to have open plan kitchen and living space with a third bedroom and bathroom and a south facing 13 square metres terrace off the living room.
- 3.3 Dwelling 2 (north) at ground floor will have laundry, storage, bathroom, and two bedrooms, a central staircase and an attached single garage with tandem parking space along the northern side of the dwelling. The upper level is to have open plan kitchen and living space with a third bedroom and bathroom and a north facing 8 square metres terrace off the living room.
- 3.4 The upper level kitchen and dining areas will partly extend over the downstairs car parking spaces.
- 3.5 Each dwelling will have a vehicle crossover on Fortitude Drive.
- 3.6 The proposal can be summarised as follows:

Site Area	249 square metres
Dwelling Density	1:124.5 square metres
Site Coverage	Being 61% (60% max)
Permeability	26% (20% min)
Building Height	7.5m maximum
Minimum Street Setbacks	1.5m for each dwelling
Garden Area	Not applicable as the lot is under 400 square metres.

4. SITE AND SURROUNDS:

- 4.1 The subject land is located on the eastern corner of Fortitude Drive and Gallantry Avenue.
- 4.2 The subject site is relatively rectangular in shape with a splayed corner with a maximum length of 18.56m along its eastern side boundary and a maximum width of 12.76m along its northern side boundary. The lot has a total area of 249 square metres. There are no easements on Title.
- 4.3 The lot abuts a recently constructed dwelling to the north at 49 Fortitude Drive and a vacant lot to the east which shares a double driveway with the subject land.
- 4.4 The subject land and its immediate surrounds are located within Stage 24 of the Aston Residential Estate. Uptake of land for dwelling construction has been rapid since the subdivision was created in May 2016 with most lots now occupied by dwellings. A linear open space corridor with a series of wetlands and recreation reserve is in close proximity on the south side of Gallantry Avenue.

REPORT NO: SU370 (cont.)

- 4.5 The land has access to Craigieburn Road to the north via Vantage Boulevard to the east or via Debonair Parade to the west.
- 4.6 Craigieburn Central Shopping Centre is approximately 2 kilometers to the north east and Aitken Creek is around 1.3 kilometers to the east.
- 4.7 Under the original subdivision a number of small lots ranging in size between 149 square metres and 184 square metres were created proximate to the linear open space. With the exception of the lots directly opposite the site to the west and east all lots in the vicinity have been developed with single and double storey dwellings.
- 4.8 The dwelling to the immediate north of the site at No. 49 Fortitude Drive has a garage and bedroom wall on the side boundary. There are no windows on the boundary, but a light court separates the garage and bedroom to accommodate a west facing bedroom window and a south facing non-habitable window. The garage is setback 6.03m from the street frontage. The front verandah has a setback from the street of 0.7m while the front room has a setback of 1.5m.
- 4.9 The land directly east at 100 Gallantry Drive is vacant having an area of 211m² and a shared crossover with the subject land indicating that it will have a garage wall on the shared side boundary.

Restrictions on Title

- 4.10 The land is encumbered by a Restrictive Covenant PS734582F and two Section 173 Agreements.
- 4.11 The covenant on Title creates:
- 4.11.1 Restriction B whereby the development of the lot must be approved by Peet Craigieburn Pty Ltd and be in accordance with the Peet Craigieburn Pty Ltd Design Guidelines. This approval was provided on 9 July 2018.
- 4.11.2 Restriction C whereby the development must comply with the Small Lot Housing Code (Type B) *unless in accordance with a planning permit granted to construct a dwelling on the lot*. This is not relevant as the proposal is for two dwellings on a Lot. This will be discussed in the main body of the report.
- 4.12 The Section 173 Agreement Instrument AK382843D relates to the Craigieburn R2 Precinct Structure Plan and Open Space area OS04 known as the Southern Active Playing Field Land. The delivery of this facility was used as credit in part lieu of requirements of the previous landowner's obligations to pay an infrastructure levy under the relevant Developer Contributions Plan. The Agreement has no bearing on the proposal.
- 4.13 The Section 173 Agreement Instrument AL833235J relates to a Net Gain Offset Management Plan which required the retention of two habitat zones to accommodate biodiversity offsets required by the subdivision of the Craigieburn R2 Precinct. One habitat zone was placed in a reserve and one was to be vested in Council. The Agreement has no bearing on the application proposal or subject land.

Planning History

- The Craigieburn R2 Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan came into effect on 18 November 2010 under Planning Scheme Amendment C120 which included rezoning the land to Urban Growth Zone 1.
- 4.14 The subject site was created as part of a staged multi-lot subdivision (P17477) issued by Council on 23rd May 2014.

REPORT NO: SU370 (cont.)

5. PLANNING CONTROLS:

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

<p><i>Planning Policy Framework</i></p>	<p>Clause 11: Settlement Clause 11.01-1S: Settlement Clause 11.01-1R1: Metropolitan Melbourne Clause 15: Built Environment and Heritage Clause 15.01: Built Environment Clause 15.01-1S: Urban design Clause 15.01-2S: Building design Clause 16: Housing Clause 16.01: Residential Development Clause 16.01-1S: Integrated housing Clause 16.01-2S: Location of residential development Clause 16.01-3S: Housing diversity Clause 16.01-4S: Housing affordability</p>
<p><i>Local Planning Policy Framework Municipal Strategic Statement (MSS)</i></p>	<p>Clause 21.01-2: Key Issues and Influences Clause 21.01-3: Vision and Strategic Framework Plan Clause 21.02: Urban Structure and Settlement Clause 21.02-1: Managing Growth and Increasing Choice Clause 21.02-2 Hume Corridor Clause 21.03 Liveable Neighbourhoods and Housing Clause 21.03-2: Housing Clause 21.04-1: Urban Design Clause 21.04-2: Environmentally Sustainable Design and Development</p>
<p><i>Zoning</i></p>	<p>Clause 37.07: Urban Growth Zone Schedule 1</p>
<p><i>Overlays</i></p>	<p>Clause 45.06 Development Contributions Plan Schedule 1</p>
<p><i>Particular Provisions</i></p>	<p>Clause 52.06: Car Parking Clause 55: Two or More Dwellings on a Lot & Residential Buildings</p>
<p><i>General Provisions</i></p>	<p>Clause 65: Approval of an Application or Plan</p>

REPORT NO: SU370 (cont.)

- 5.2 The proposed development is generally in accordance with the relevant planning policies regarding provision of housing choice particularly in the Hume Corridor. However, the proposal does not sufficiently accord with relevant policies as follows:
- 5.3 Clause 15 (Built Environment and Heritage) sets out that planning is to recognise the role of urban and building design in delivering livable neighbourhoods. The shortcomings of the urban design outcomes proposed are explained in detail in the Clause 55 Assessment.
- 5.4 Subclause 21.01-2 (Key issues and influences) notes a reduction in the average lot size in greenfield development creates limited scope for future redevelopment. Accordingly, the small lot at 249m² is not conducive to the construction of two three-bedroom dwellings as evident by the limited garden areas and limited front setbacks which highlight that the land is not suited to the proposal.
- 5.5 Clause 21.03-2 (Housing) includes relevant Strategy 4.2 to encourage the development of one and two bedroom dwellings. Given the size of the land smaller houses such as these would have been more appropriate.

Aboriginal Cultural Heritage

- 5.6 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

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

6. PLANNING PERMIT TRIGGER

- 6.1 Under the Urban Growth Zone Schedule 1 the applied zone is the General Residential Zone. Under Clause 32.08-6 a permit is required to construct two or more dwellings on a lot. As the lot is less than 400m² the minimum garden area requirement at Clause 32.08-4 does not apply.

7. ZONING

- 7.1 The land is zoned Urban Growth Zone Schedule 1 (UGZ1). The most relevant purpose of this zone is to *provide for a range of uses and the development of land generally in accordance with a precinct structure plan.*
- 7.2 Under the UGZ1 the applied zoned is the General Residential Zone. The most relevant Purposes of this zone are:
- *to encourage development that respects the neighbourhood character of the area;*
 - *encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- 7.3 Under the zone the application must be assessed against Clause 55.

8. OVERLAYS

- 8.1 The land is affected by the Development Contributions Plan Overlay Schedule 1. The development infrastructure levy was paid by the developer as part of the original subdivision. The community infrastructure levy of \$785.01 per dwelling is required to be paid prior to a building permit being issued.

9. PARTICULAR PROVISIONS

- 9.1 Clause 55 is relevant as the application is for more than one dwelling on a lot.

10. GENERAL PROVISIONS

- 10.1 The Decision Guidelines of Clause 65 do not introduce any additional criteria that other sections of the Planning Scheme have not covered.

REPORT NO: SU370 (cont.)

11. REFERRALS:

11.1 The application was referred internally to Traffic and Civil Engineering which provided conditional consent. The Traffic Engineering response noted the following as in need of being resolved or addressed:

11.1.1 The proposal's northernmost crossover must be constructed as a dual crossover combined with the existing crossover to Lot 2444 to the north.

11.1.2 The plans omitted to note the existing crossover on Gallantry Avenue which would need to be removed with the kerb and channel and nature strip reinstated.

11.1.3 The proposed crossovers must have a clearance of 2.5m to any tree or consultation with parks department is required. There seems to be three trees in the nature strip two of which are likely to be impacted by the crossovers.

11.2 Having regard to these issues it is considered they are not fatal to the proposal and could be resolved via conditions of a planning permit. Though the loss of trees would erode the streetscape values they seek to achieve as they mature.

12. ADVERTISING:

12.1 The application was not required to be advertised. Under Clause 37.07-13 an application under any provision of this scheme 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. It is considered that the proposal is generally in accordance with the relevant precinct structure plan.

13. ASSESSMENT:

Clause 52.06 (Car Parking)

13.1 The proposal meets the relevant provisions as two spaces are provided for each three bedroom dwelling and are of adequate depth and width.

Clause 55 (Two or more dwellings on a lot and residential buildings):

13.2 The primary assessment criteria in this instance are the provisions of Clause 55 (ResCode) for which the proposal must meet all of the applicable Objectives of this Clause and should meet all of the applicable Standards. The development has failed to meet several key Objectives and Standards of ResCode.

55.01-1 Neighbourhood and site description

13.3 The proposal provides a neighbourhood and site description though the design response is not in keeping with the established pattern of development. Having evaluated the proposal it is considered that the subject site is not consistent with the prevailing neighbourhood character of the area and can be described as an overdevelopment. The proposal has not achieved an acceptable design response when giving regard to the size of the land, its orientation and the surrounding character. This is discussed further below.

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

13.4 The stated objective for neighbourhood character aims to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that development responds to the features of the site and the surrounding area.

REPORT NO: SU370 (cont.)

- 13.5 There is no local policy setting out desired character for this area. Consideration needs to be focused on how the subdivision has been developed which is primarily for single or double storey scale dwellings with limited garden area. Whilst there are lots within the immediate area subject to the Small Lot Housing Code (SLHC); these were designated under the original subdivision and abut each other. The subject lot does not benefit from the SLHC where two dwellings are proposed and the expectation on this lot and the lot next door is that development of more than one dwelling would comply with the more stringent requirements of Rescode.
- 13.6 It is acknowledged that planning policy encourages medium density development adjacent to open space. It is considered that this policy was translated into the proposed lot size as part of the previous subdivision which created the 249 square metre subject lot, whilst other smaller lots were designated. It should not be taken as an indication that the lot is suited to more than one dwelling. It is understood that the land is within proximity to open space and a proposed school, however residential policy set out in the Hume Planning Scheme has an expectation that a single dwelling on the lot will comply with the SLHC, or if more than one dwelling is proposed, it must comply with the requirements of ResCode.
- 13.7 The applicant has attempted to apply the SHLC to the proposal, however this is only relevant to a single dwelling. Where more than one dwelling is proposed the more stringent requirements of ResCode apply. This explains why the proposal does not comply with numerous aspects of Clause 55. It is considered that the proposal is not in accordance with residential policy and the Standard and Objective is not adequately met.
- 13.8 The development will be connected to reticulated services including sewerage, drainage, electricity and gas. The development will be unlikely to unreasonably exceed the capacity of utility services and infrastructure.
- 13.9 The development will provide adequate vehicle and pedestrian connection to the streets, and the dwellings are oriented to the street with no front fencing proposed. The Standard is met.

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

- 13.10 The proposed minimum setback to each street frontage is 1.5m and 1.65m for the upper levels fronting Fortitude Drive. The relevant Standard requires the setback to be the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. The applicant notes that the adjoining setback on Fortitude drive is 1.5m. The Standard is met for this frontage. With regards to the Gallantry Avenue setback the adjoining lot is vacant so the setback would be 4m under this Standard however only 1.5m has been provided. The Objective is to *ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site*. This is at odds with the established front setbacks of approximately 4m along Gallantry Avenue.
- 13.11 As building heights reach a maximum of 7.5 metres to roof ridge line they fall short of the maximum 11 metres specified at Clause 32.08-10 and will not be visually intrusive to the surrounding area.
- 13.12 The proposed site coverage of 61% is slightly above the 60% permissible coverage. Although the Standard is not met the following relevant Objective is met: To *ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*.

REPORT NO: SU370 (cont.)

- 13.13 26% of the site will be permeable, which exceeds the 20% minimum area required.
- 13.14 The design response results in dwelling 2 having northern solar access to the upper level living area. However none of Dwelling 1's living areas have north facing windows as the dwellings are joined along most of this shared boundary.
- 13.15 The proposal does not impact the energy efficient of the adjoining dwelling. Appropriate use of solar energy could be achieved with solar panels on the roof and energy efficiency can be addressed in the design detail of the building.
- 13.16 It is considered that the Standard and the Objective is not sufficiently met.
- 13.17 Entrances to dwellings will not be obscured or isolated from the street. The development will be designed to provide good lighting, visibility and surveillance.
- 13.18 Relevant landscape features include three strategically located young Eucalypt street trees on Fortitude Drive. They act as an attractive landscape feature to help soften the streetscape. Two of the trees are expected to be impacted by the proposed crossovers as they are within proximity to them. It is likely they would need to be replaced in more suitable locations which would have to be within the Gallantry Avenue nature strip as with two crossovers proposed there will no longer be capacity for three street trees. However, Gallantry Avenue cannot accommodate any additional trees. The plans indicate capacity for ground cover plants and a canopy tree in the front setback areas for each of the two units. So onsite landscaping is acceptable but the loss of street trees which cannot be replaced in the street is a concern. It is considered that the proposal does not adequately respect the landscape character of the neighbourhood given the loss of the two street trees. The objective is therefore not met.
- 13.19 The frontage is 18.10m and the combined driveway width will be 6m being 33% of the frontage which does not exceed the 40% maximum.
- 13.20 Car parking is close to each dwelling and secure with a single garage and tandem space. The Standard is met.

Clause 55.04 – Amenity Impacts (Standards B17 to B24)

- 13.21 The overall wall height is approximately 6m, with the dwellings setback 1 metre from the eastern side boundary at ground level and the upper levels setback 1.150m. The required upper level wall should be setback 1.72m from the boundary under this Standard, representing a shortfall of 0.57m.
- 13.22 The northern side boundary ground level has a zero setback while the upper level living area has a setback of 1.6m. The wall height is 6m, which requires a setback of 1.66m, resulting in a minor shortfall of 0.06m. The standard is not met for upper levels.
- 13.23 The relevant Objective for this Clause is to *ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*. It is expected that the minimum setbacks be achieved and the upper level footprint should have been reduced in size to achieve the Standard rather than being designed outside of the Standard.
- 13.24 The garage of unit 2 is located on the boundary for a length of approximately 6.6m which meets the Standard.

REPORT NO: SU370 (cont.)

- 13.25 The wall of the garage of dwelling 2 is approximately 3.4m high and is on the northern side boundary. It is not adjacent the window lightwell for the dwelling to the north so the Standard is met.
- 13.26 No north-facing habitable room windows are impacted by the proposal.
- 13.27 Any overshadowing of the future dwelling and land to the east would occur in the afternoon in addition to the fence shadow. It is considered minor and the Standard is achieved.
- 13.28 The proposal provides for fixed obscuring glazing of windows to 1.7m in height where overlooking might be possible to the east and north. The Standard is met.
- 13.29 Under Standard B23, windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.
- 13.30 The location of windows have been designed to ensure that adjoining open space within the development will not be overlooked by another dwelling.
- 13.31 No mechanical plant etc. have been indicated as part of the development. Due to the location of the nearest adjoining dwellings transfer of noise to another property will be limited and will be standard to the expectations of residents.

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

- 13.32 The dwelling entries at the ground floor of each dwelling are accessible or able to be easily made accessible to people with limited mobility.
- 13.33 The proposed entries to the dwellings are visible from the street and are easily identifiable. The entries will provide for shelter, a sense of personal address and a transition space around the entry.
- 13.34 All windows in habitable rooms will be located to face an outdoor space clear to the sky in accordance with the Standard.
- 13.35 The size and dimension of open space have been considered and is deemed to be satisfactory as all open space is provided in useable areas and conveniently accessible and considered an acceptable outcome given the Standard which requires a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room. Dwelling 1 will have an upper level terrace with an area of 13m² for private open space (POS) with a depth greater than 3m. Dwelling 2 will have an upper level terrace of 8 square metres for POS with a depth of approximately 3 metres.
- 13.36 The private open space should be located on the north side of the dwelling or residential building, if appropriate.
- 13.37 The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.
- 13.38 Dwelling 2 has its upper level balcony POS to the north so the Standard is met.
- 13.39 Dwelling 1's POS balcony terrace to the south of the dwelling has a maximum depth of 3.2m as well as lesser depths of 2.4m and 1.2m. Given the wall height to the north of 2.7m then the depth of the POS should be 4.43m. This represents a shortfall of approximately 1.23m, drastically reducing solar access to this space and resulting in the proposal failing to satisfy the Standard or the Objective.

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- 13.40 The application plans show that Dwelling 1 will have storage accessible from the garage. The area provided is approximately 1.4m wide x 0.6m deep x 2.7m height which only provides 2.268m³ of storage. Dwelling 2 also has storage accessible from the garage. The area provided is 1.3m x 0.7m x 2.7m which provides an area of 2.457m³. The narrow entrance to the storage area will make it awkward to retrieve items at the back of the storage room. The Standard requires that all dwellings contain 6m³ externally accessible storage. The Objective seeks to provide adequate storage facilities for each dwelling. The area set aside for storage was originally dedicated to the laundries which are accessed from the garages, so these have been reduced in size to accommodate storage as an afterthought. The Standard and Objective are therefore not met.
- 13.41 The design presents contemporary dwellings that provide for traditional features including traditional pitched & hipped roof forms. The dwellings contain a mix of brick and rendered materials, with timber entrance features and tiled rooves. Garages are visually compatible with the development. Overall the mixture of materials on the development including window and door proportions and detailing will ensure the dwellings create a quality and visually interesting outcome on site which responds to the recently established neighbourhood character.
- 13.42 No front fencing is proposed as part of the development. The Standard is therefore not relevant.
- 13.43 The Standard is not relevant as no common property is proposed.
- 13.44 Sufficient provision for services will occur on site and the design allows for suitable bin storage while the frontage has sufficient space for letter boxes. The Standard is satisfied.

14. CONCLUSION

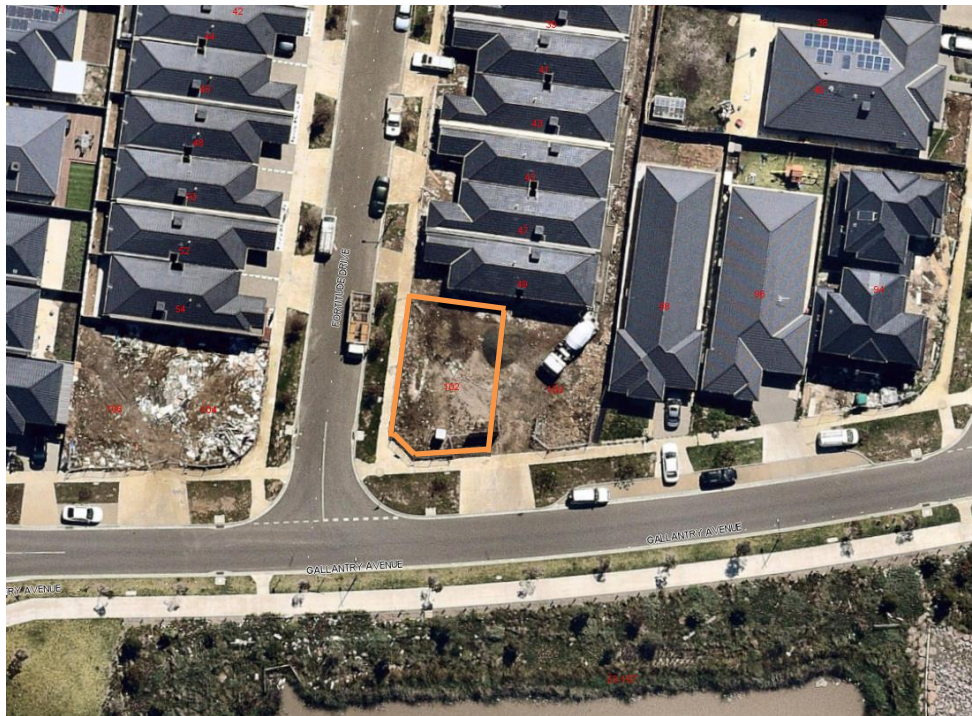
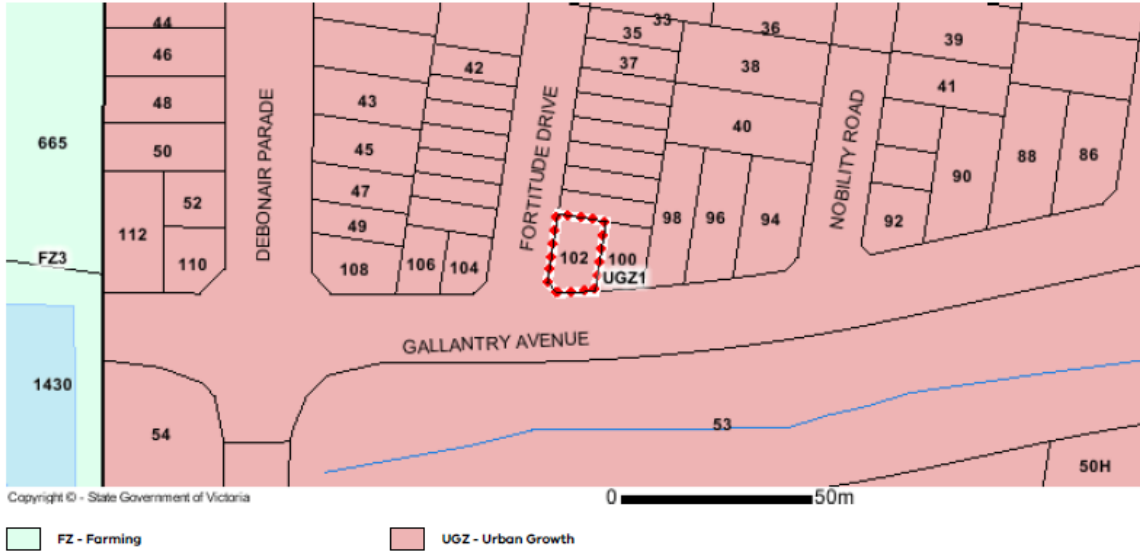
- 14.1 The proposal has attempted to apply the more relaxed requirements of the SLHC for the development of two dwellings on a lot, which the applicant is unable to do. The development of more than one dwelling on a lot does not benefit from the SLHC and the stringent requirements of Rescode apply. The failure of the development to satisfy a number of ResCode standards and objectives indicates that the proposal is an overdevelopment of the site and does not have sufficient regard to on-site and off-site amenity expectations. In particular:
- The proposals limited front setback distance on Gallantry Ave does not have regard to established and expected neighborhood character
 - The siting and design would result in poor solar access outcomes
 - The impacts of two crossovers on Fortitude will impact the landscape values of existing street tree plantings that have been established with the expectation that the lot would have vehicle access from Gallantry Avenue.
 - Side and rear setbacks at upper level are not sufficient to reduce upper level mass and respond to adjoining amenity.
 - Solar access to Dwelling 1's upper level balcony is not sufficient for the enjoyment of future occupants
 - Storage has been provided as an afterthought and is not sufficiently sized for ease of use or to meet the storage needs of a three bedroom household.

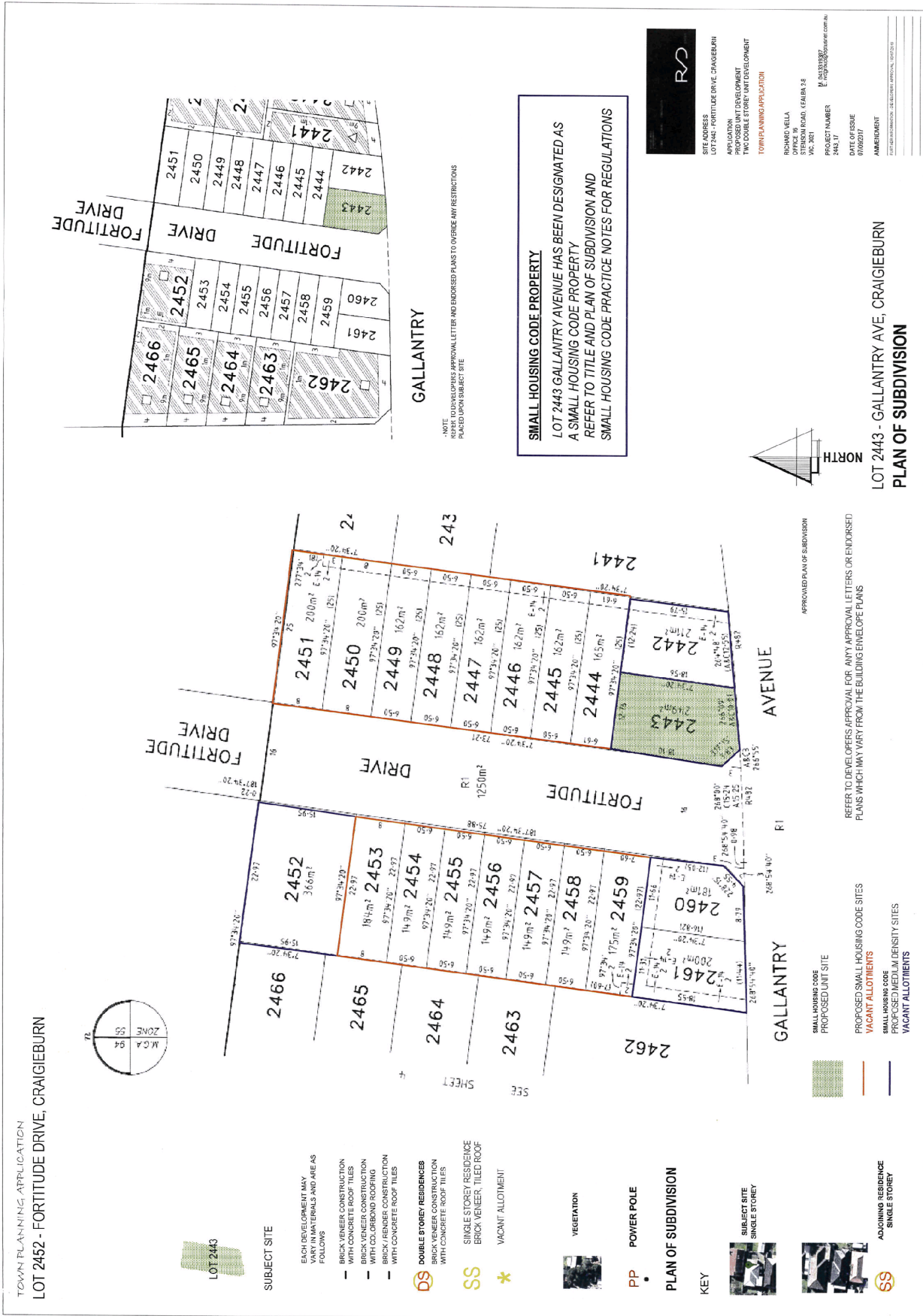
Having regard to the above considerations and assessment against relevant provisions of the Hume Planning Scheme it is considered appropriate that the application be refused.

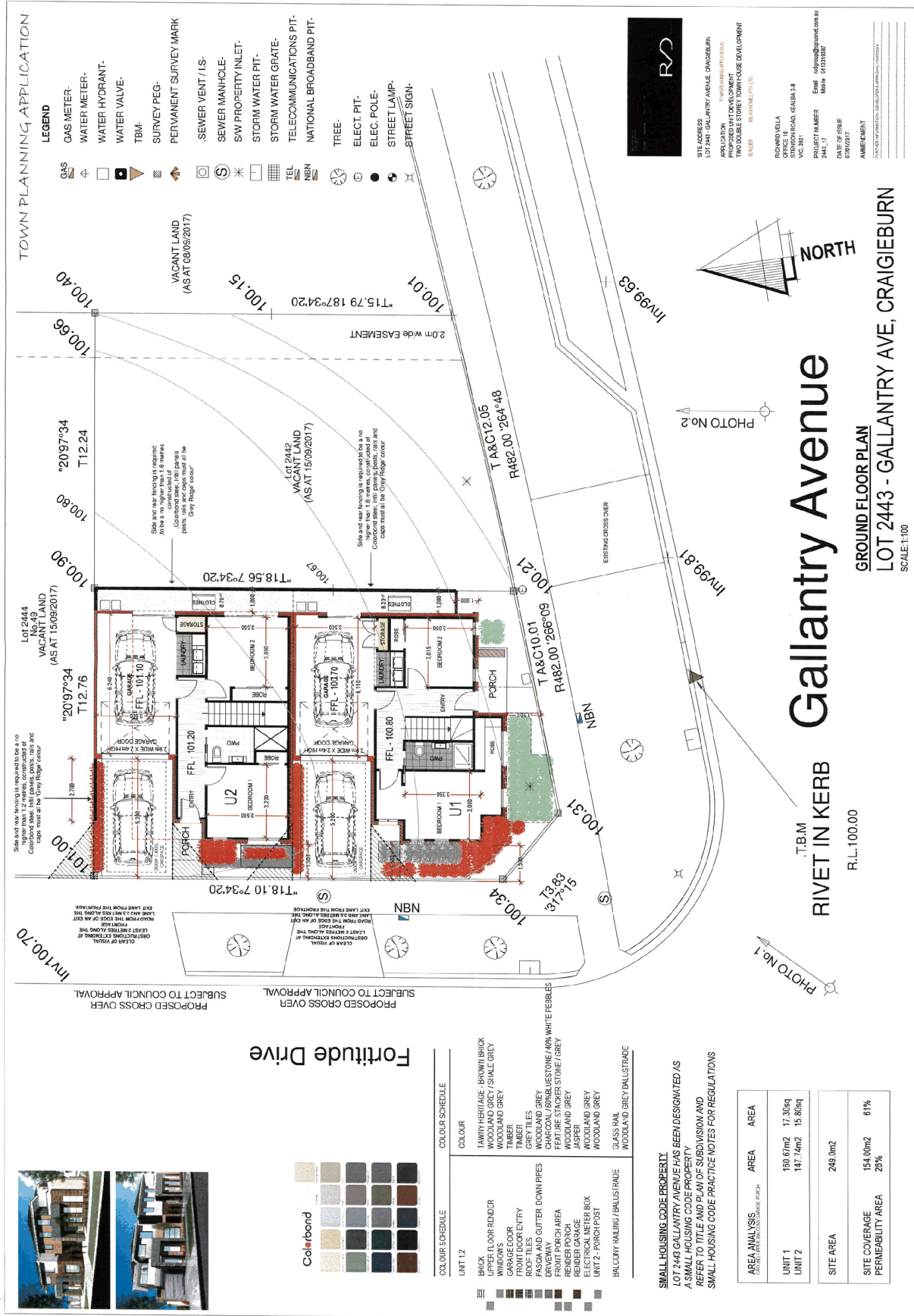
Zoning & Location Map

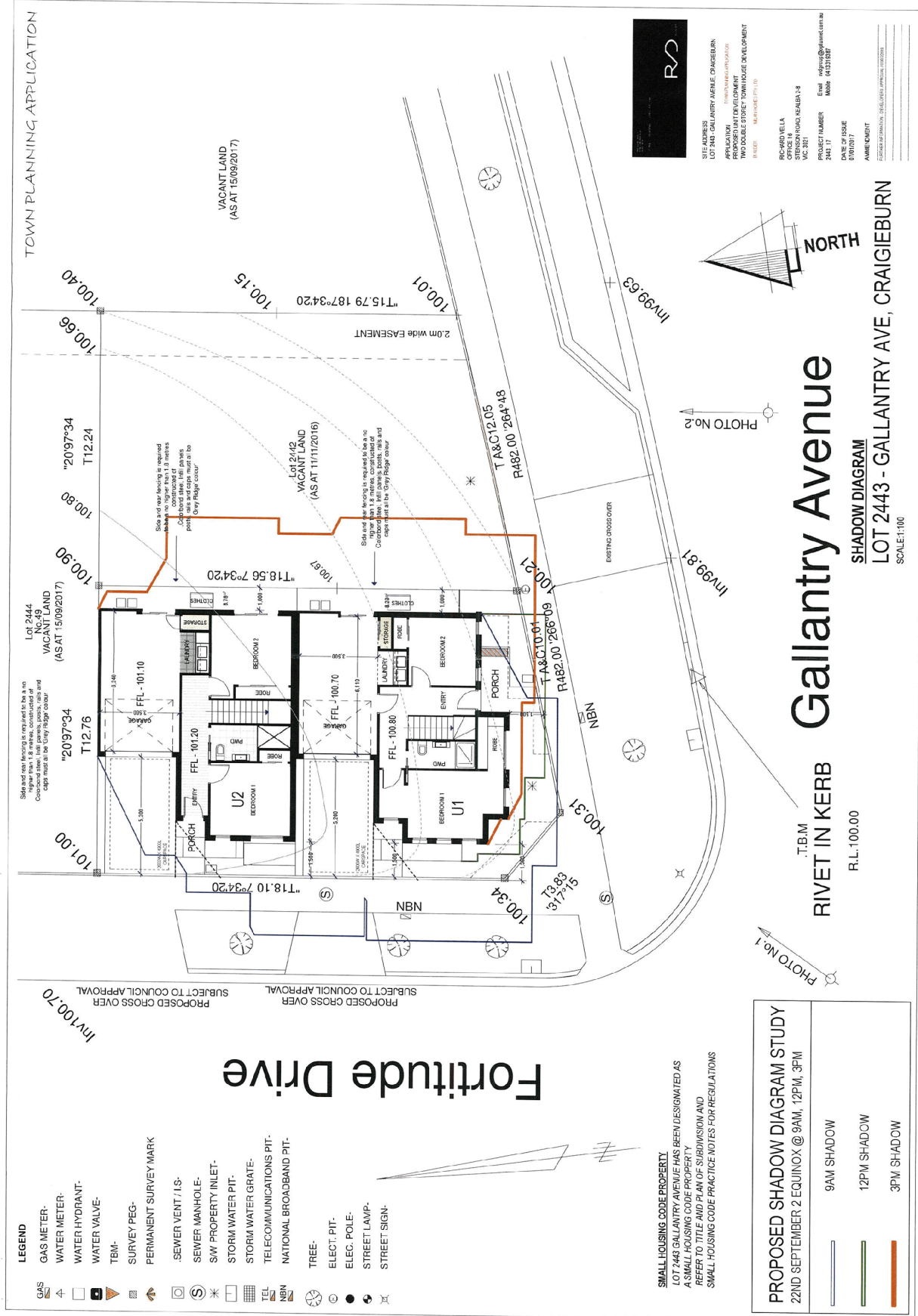
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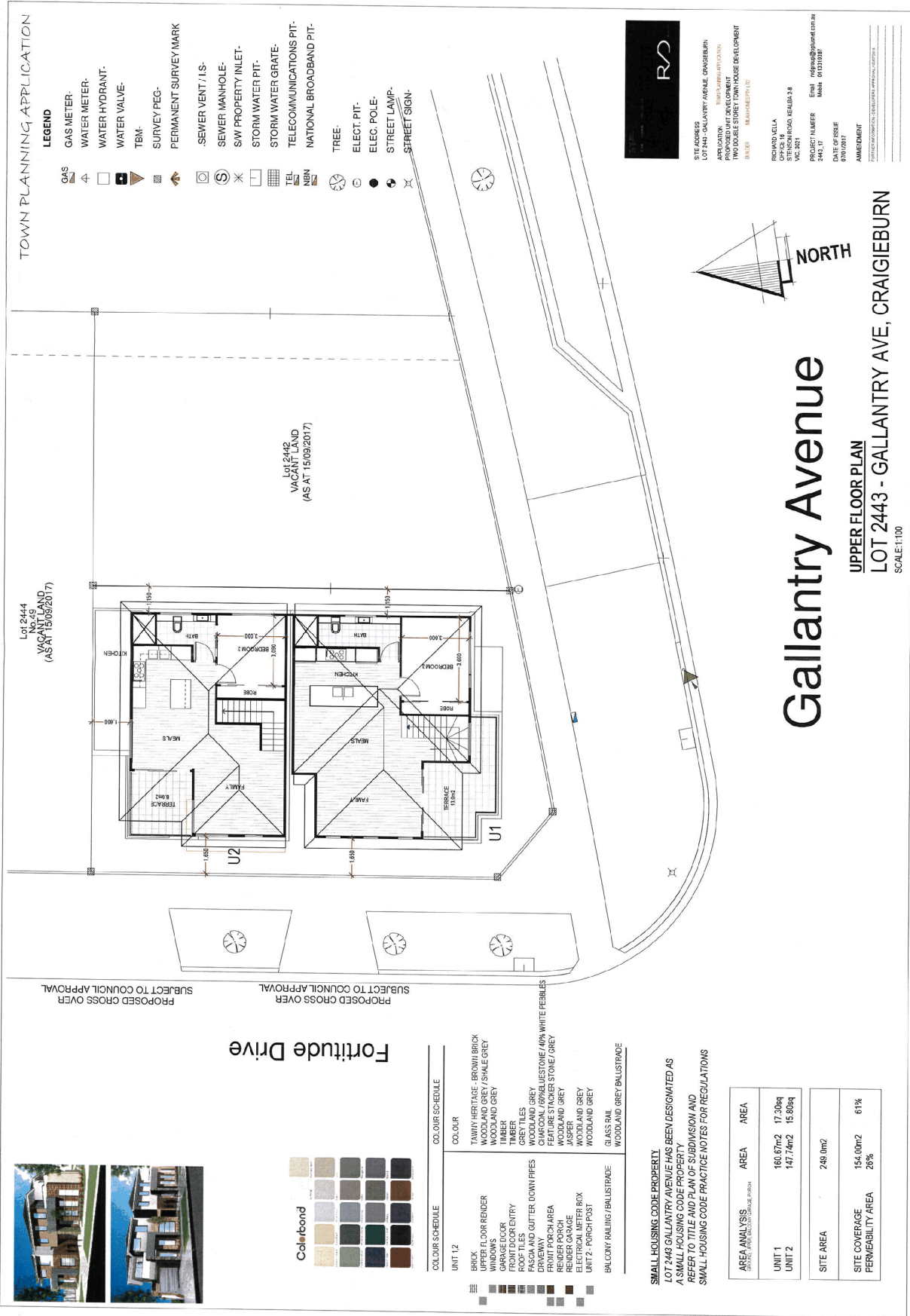
102 Gallantry Avenue Craigieburn











REPORT NO:	SU371
REPORT TITLE:	25 Landscape Place, Sunbury - The development of four double storey dwellings.
SOURCE:	Natalie Calleja, Town Planner
DIVISION:	Planning and Development
FILE NO:	P21428
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 Plans</i>2. <i>Plans</i>3. <i>Development Plan</i>

Application No:	P21428
Proposal:	The development of four double storey dwellings.
Location:	25 Landscape Place, Sunbury
Zoning:	General Residential 1 Zone Development Plan Overlay Schedule 7
Applicant:	Wilcon Projects
Date Received:	31 May 2018

1. SUMMARY OF REPORT:

Planning approval is sought for the development of four double storey dwellings on the land commonly known as 25 Landscape Place, Sunbury. The subject site is located within the General Residential Zone Schedule 1 and is covered by Development Plan Overlay Schedule 7, which guides development within this estate. The subject site is located within Stage 24 of the Canterbury Hills Estate. Pursuant to Section 79 of the *Planning & Environment Act 1987* the applicant has lodged with the Victorian Civil & Administrative Tribunal (VCAT) an application for review of the responsible authority's failure to grant the permit within the prescribed time. Council is required to form a position on the application. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* including the Development Plan. On balance, the proposal is considered to be unacceptable and it is recommended that Council not support the application.

2. RECOMMENDATION:

That Council, having considered the application on its merits resolves to advise VCAT that Council has formed the view not to support the application for development of four double storey dwellings at 25 Landscape Place, Sunbury on the following grounds:

1. **The proposed development is not generally in accordance with the Canterbury Hills Development Plan (June 2015).**
2. **The proposal development fails to satisfy policies 13.04-2S (Erosion & Landslip) 21.08-2 (Environmental Land Management) and 21.08-3 (Water Quality and Conservation) of the *Hume Planning Scheme*.**
3. **The applicant has not demonstrated that the proposal meets the requirements of the Section 173 Agreements (Instruments AM250297A & AH833863M) registered on title.**

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4. The proposed medium density development is on a site that is set aside for conventional density given the physical constraints of the land and is therefore contrary to the orderly and proper planning of the site and surrounding area.
5. The proposal is an overdevelopment of the site.
6. The development fails to comply with the following design standards of Clause 52.06 of the *Hume Planning Scheme*:
 - a) Design Standard 1: Accessways
 - b) Design standard 3: Gradients
 - c) Design standard 6: Safety
 - d) Design standard 7: Landscaping
7. The development fails to comply with the following objectives and standards of Clause 55 of the *Hume Planning Scheme*:
 - a) Clause 55.02-1 Neighbourhood Character (Standard B1)
 - b) Clause 55.02-2 Residential Policy (Standard B2)
 - c) Clause 55.03-7 Safety (Standard B12)
 - d) Clause 55.03-8 Landscaping (Standard B13)
 - e) Clause 54.04-6 Overlooking (Standard B22)
 - f) Clause 55.05-3 Daylight to new windows (Standard B27)
 - g) Clause 55.06-4 Site Services (Standard B30)
 - h) Clause 55.05-6 Storage (Standard B34)
8. That Council delegates officers or appointed representatives to negotiate on the above points based on any additional and relevant information provided as part of the Victorian Civil and Administrative Tribunal compulsory conference and/or hearing scheduled for the application.

3. PROPOSAL:

- 3.1 The proposal seeks to develop the site with four double storey dwellings on the land. The details of the proposal relate to the plans dated 31 July 2018. Details of the proposal are as follows:

Dwelling 1

- Dwelling 1 comprises open plan lounge/kitchen/meals, play/study area, master bedroom with ensuite, laundry and WC at the ground level and three bedrooms with one bedroom containing an ensuite, study/retreat area and a bathroom at the first floor level.
- Two car spaces are provided for the dwelling contained within a double width garage accessed from the internal accessway.
- The dwelling is setback from the street frontage a minimum of 7.8 metres at ground level.
- Minimum of 62m² of secluded open space is provided.

Dwelling 2

- Dwelling 2 comprises open plan lounge/kitchen/meals, master bedroom with ensuite and a walk-in robe (WIR), laundry and WC at the ground level and three bedrooms with one bedroom containing an ensuite, study/retreat area and a bathroom at the first floor level.

REPORT NO: SU371 (cont.)

- Two car spaces are provided for the dwelling contained within a double width garage accessed from the internal accessway.
- Minimum of 66m² of secluded open space.

Dwelling 3

- Dwelling 3 comprises open plan lounge/kitchen/meals, master bedroom with ensuite and WIR, laundry and WC at the ground level and three bedrooms (with one bedroom containing an ensuite) study/retreat area and a bathroom at the first floor level.
- Two car spaces are provided for the dwelling contained within a double width garage accessed from the internal accessway.
- Minimum of 65m² of secluded open space.

Dwelling 4

- Dwelling 4 comprises open plan lounge/kitchen/meals, master bedroom with ensuite and WIR, laundry and WC at the ground level and three bedrooms (with one bedroom containing an ensuite) study/retreat area and a bathroom at the first floor level.
- Two car spaces are provided for the dwelling contained within a double width garage accessed from the internal accessway.
- The dwelling is setback from the rear boundary a minimum of 2.0 metres at ground level.
- Minimum of 81m² of secluded open space.

Vegetation

- No native vegetation is to be removed as part of this planning application.

Summary of Development

Site Area	1699 square metres
Dwelling Density	1:424 square metres
Site Coverage	42.94%(60% maximum)
Permeability	36.83% (20% minimum)
Garden Area	36% (35% required)

4. SITE AND SURROUNDS:

- 4.1 The subject site commonly known as 25 Landscape Place, Sunbury and formally described on Certificate of Title as Lot 2408 on PS 743430E. The site is located at the end of the "T" shaped court bowl.
- 4.2 The subject site is irregular in shape with a frontage of 26.0 metres to Landscape Place and has an area of approximately 1699 square metres.
- 4.3 The site is vacant and void of any vegetation with considerable fall to the east (frontage) of the site of approximately 11.0 metres.
- 4.4 Erosion is evident across the site, particularly within the front setback, which displays gully and tunnel erosion, and consequently there is a displacement of soil across the road reserve in front of the site.
- 4.5 In front of the site within the road reserve is an existing crossover (which accesses the site), indented car parking and a street tree.

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- 4.6 The subject site is located within stage 24 of the Canterbury Hills Estate.
- 4.7 The existing and emerging built form of the surrounding area comprises the following characteristics:
- Brick and/or render construction.
 - Tiled hipped and gabled roofs with eaves.
 - Double and single fronted dwellings.
 - Dwellings setback off one side boundary with a garage located to the other side boundary.
 - Due to the topography and double storey nature of the dwellings, overlooking into adjoining properties is typical.
 - If front fencing occurs it is generally low, yet eclectic in materials.
 - Landscaping is minimal and open; typically, one canopy tree is planted or shrubs and lawn within the front setback.
 - Medium density development is not located in the immediate surrounds of the subject site.
- 4.8 The site is located within proximity and has convenient access to a range of public open space areas. Public transport and education facilities are in excess of 1.0km of the site.

Restrictions on Title

- 4.9 No easements are recorded on title.
- 4.10 Registered Section 173 Agreement AH833863M and Section 173 Agreement AM250297A encumber the land. These Agreements relate to erosion protection and drainage management due to the thin soil cover and shallow depth of siltstone rock.
- 4.11 The application does not demonstrate compliance with the Section 173 Agreements.

Planning History

History of the Canterbury Hills Development Plan

- 4.12 The Development Plan which originally applied to the Canterbury Hills Estate was endorsed on 29 November 2001 and then at the request of the developer and under the direction of VCAT (*Canterbury Hills Pty Ltd v Hume CC [2015] VCAT 80*) was superseded with the amended Development Plan approved on 30 June 2015.

Planning Permit P8950

- 4.13 Planning Permit P8950 was issued on 4 January 2005 for a 14 lot subdivision (being 13 lots and a balance lot) which created stage 24 of the Canterbury Hills Estate and the subject site with plans endorsed on 21 January 2005 and then again on 3 April 2009. This plan was considered in accordance with the Development Plan at the time.
- 4.14 This planning permit expired and under the direction of VCAT was extended.
- 4.15 This planning permit has been acted on.

Planning Permit P15900

- 4.16 Planning Permit P15900 was issued on 16 March 2012 for the development of 24 double storey dwellings. The plans were endorsed 21 March 2012.
- 4.17 The planning permit was extended until 16 March 2016 with the development having needed to be completed by 16 March 2018.
- 4.18 As at 1 December 2018 only five of the 24 dwellings have been constructed.
- 4.19 No further extensions have been sought; the planning permit has expired.

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Planning Permit P17709

4.20 Planning Permit P17709 was issued on 17 July 2014 for a 16 lot subdivision. This planning permit was issued concurrently with Planning Permit P17737.

4.21 This subdivision permit correlates with the lot layout of dwellings 8-24 (Lots 2403-2406 and 2410-2413) of Planning Permit P15900.

4.22 Titles have issued for this subdivision.

Planning Permit P17737

4.23 Planning Permit P17737 was issued on 17 July 2014 for an eight lot subdivision. This planning permit was issued concurrently with Planning Permit P17709.

4.24 This subdivision permit correlates with the lot layout of dwellings 1-7 (Lots 2407, 2408 (subject site) and 2409) of Planning Permit P15900.

4.25 The planning permit was extended until 16 July 2018 for the commencement of the subdivision and 17 July 2020 for the completion.

4.26 The plan of subdivision has not been certified.

4.27 This planning permit has expired.

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 11.01-1R: Settlement – Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity

Clause 13.04-2S: Erosion and landslip

Clause 15: Built Environment & heritage

Clause 16: Housing

Municipal Strategies: Clause 21.02: Urban Structure and Settlement

Clause 21.03: Liveable Neighbourhoods and Housing

Clause 21.04: Built Environment & Heritage

Clause 21.08: Natural Environment & Environmental Risk

Zones: Clause 32.08: General Residential Zone

Overlays: Clause 43.04: Development Plan Overlay (Schedule 7)

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

5.2 An assessment against these policy provisions will be undertaken in the main body of the report.

5.3 The land at 25 Landscape Place, Sunbury is zoned General Residential Zone Schedule 1 and is covered by the Development Plan Overlay Schedule 7.

5.4 The General Residential Zone has the following purposes:

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- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

5.5 The Development Plan Overlay has the following purposes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

5.6 Pursuant to Clause 43.04-2 of the Hume Planning Scheme (Development Plan Overlay) *a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority...*

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.*

5.7 The *Canterbury Hills Development Plan* was approved pursuant to the Development Plan Overlay Schedule 7 on 1 July 2015. This superseded a previously endorsed Development Plan for Canterbury Hills, which was approved on 29 November 2001.

5.8 Any development must be determined to be generally in accordance with the approved Development Plan as required by Clause 43.04-2 with Clause 1 of Schedule 7 stating:

Before deciding on any application, the responsible authority must consider:

- *The purposes of the zone*
- *The approved Development Plan*

5.9 While the development of four dwellings responds to the policy objectives in the Municipal Strategic Statement related to supporting housing development, the current proposal is nonetheless contrary to the approved Development Plan which does not indicate opportunities for multi dwelling development on the subject land. As the proposal is not generally in accordance with the approved Development Plan, a planning permit cannot be issued per Clause 43.04-2.

5.10 The proposal is also inconsistent with the planning policy framework relating to erosion and landslip, as the proposal is not supported with any documentation or evidence that the development provides an effective means of controlling erosion. There are concerns with the lack of retaining walls along the frontage and the amount of cut, which is in some areas scales at more than 2.0 metres. This is also why a Section 173 Agreement was placed on title as part of the original subdivision given the concerns with the erosion of the land and surrounds.

Aboriginal Cultural Heritage

5.11 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required.

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Major Electricity Transmission Line

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

Planning Permit Triggers

5.13 Pursuant to Clause 32.08-6 of the *Hume Planning Scheme*, a planning permit is required under the provisions of the General Residential Zone Schedule 1 for the development of more than one dwelling on a lot.

6. REFERRALS:

6.1 The application was not required to be referred to any external authorities under Section 55 of “the Act”.

6.2 The application was referred to Council’s Traffic department who raised concerns with the following:

- A lack of a turning area for dwelling 4 as vehicles are unable to exit the site in a forward direction combined with the appropriateness of the gradient.
- The two vegetation islands along the south boundary obstruct vehicles when reversing out of garages and when travelling along the accessway.
- There is poor visibility of oncoming vehicles at the entrance to the site. Furthermore, there is added difficulty in that it is a bend and is steep. No sight line assessment was provided with the application showing where the vehicles will see each other, where they could stop and pass the other vehicle on the site. A passing bay would improve this situation.
- Given the steep nature of the development, the accessway gradient, including the on-site parking must be assessed by a qualified traffic engineer/consultant and submitted to Council for review.

6.3 On 30 October 2018, a traffic engineering assessment was provided to Council by the applicant to address Council’s traffic concerns of the proposal as detailed in Council’s request of 28 August 2018.

6.4 The report refers to a plan in the traffic report which differs from that plan lodged by the applicant. The amended plan provides detail on swept paths, the gradients along the driveway, indicates excavation proposed at the frontage of the site for the access way, a passing bay at the frontage of the site and the removal of proposed landscaping along the southern boundary of the driveway.

6.5 Notwithstanding the supportive recommendation in the applicant’s report; Council’s traffic engineer’s still have concerns with the design, in particular:

- A lack of support for the reversing movements into parking spaces, particularly given the grades at the site. Swept paths should annotate forward-in movements and forward-out movements.
- A gradient layout plan (cross section) between dwelling 4 to the road reserve to ensure full compliance given its complexity.
- A lack of support for dwelling 4 reversing and the appropriateness of the gradient at this location.
- The passing bay only marginally improves the situation, no sight line assessment was submitted showing where the vehicles will see each other, where they could stop and pass the other vehicle.

6.6 The application was referred to Council’s Civil Design Department who raised no concerns the proposal, but provided suggested conditions.

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7. ADVERTISING:

- 7.1 Under Clause 43.04-3, once a *Development Plan* has been prepared to the satisfaction of the responsible authority an application under any provision of this planning scheme 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.
- 7.2 Despite the above the planning application was advertised in error to adjoining owners and occupiers by mail and by a notice erected on the site.
- 7.3 As a result, of the inadvertent advertising two (2) objections were received. The objections related to the following:
- Increase in noise.
 - Overlooking.
 - Canterbury Hills Estate has only single dwelling lots and therefore is out of character with the density of the area.
 - Increase in crime rate due to the assumption that the dwellings will be rentals.
 - Visual bulk of the dwellings.
- 7.4 The issues raised in the objections are noted and acknowledged, however due to the application being exempt from statutory notice and third party review, the objections are considered non-statutory and informal. The following points are made in response to the issues raised.
- 7.5 Increase in noise.
- Uses associated with the proposed development are residential. Noise generated by residential use is expected within this context and is not considered detrimental and therefore meets standard B24.
- 7.6 Overlooking.
- Refer to the assessment undertaken under the heading of Clause 55, *Two or more dwellings on a lot* below.
- 7.7 Canterbury Hills Estate has only single dwelling lots and therefore is out of character with the density of the area.
- Refer to the assessment undertaken under the heading of Clause 55, *Two or more dwellings on a lot* below.
- 7.8 Increase in crime rate due to the assumption that the dwellings will be rentals.
- Not a valid planning consideration.
- 7.9 Visual bulk of the dwellings.
- It is acknowledged that although there is separation at the upper levels there is a degree of visual bulk from the built form constructed down the length of the site to the rear boundary.
- The height of the dwellings above ground level along the north elevation will be particularly dominant when viewed from the property to the north.
- 7.10 A letter will be sent to the two objectors advising that their objections have been noted however formal notification was exempt under Clause 43.04-3 of the *Hume Planning Scheme* and they do not benefit from the review rights of Section 82(1) of the *Planning & Environment Act 1987*.
- 7.11 VCAT acknowledged at the Practice Day Hearing that the application was exempt from advertising. It was also acknowledged that the objectors had lodged their grounds of appeal with VCAT but would not be present on the day. The tribunal member was satisfied that no further action was to be taken with regards to the objectors.

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8. ASSESSMENT:

Strategic Context

The following is an assessment with Clause 13.04-2S *Erosion and Landslip* and Clause 21.08, *Natural Environment & Environmental Risk* of the *Hume Planning Scheme*

8.1 The objective of Clause 13.04-2S is *to protect areas prone to erosion, landslip or other land degradation processes*. The proposal does not provide any detail on how erosion will be managed, there are no cut or fill diagrams and there are no details on the retaining walls.

8.2 There are also no details provided on how the cut and retaining walls will affect/protect adjoining properties.

The front setback provides minimal detail on how erosion will be controlled particularly given that there are no retaining walls and/or other erosion preventative measures within the front setback and no confirmation by a suitably qualified horticulturalist that the landscaping across the site is appropriate for this soil type and will prevent erosion from occurring.

8.3 At Clause 21.08-2 it is noted that particularly around Sunbury, the area is highly susceptible to soil erosion due to steep landforms and fragile soil types and that risk of erosion may be increased in these areas through inappropriate land management. The subject site is affected by soil erosion and has two Section 173 Agreements pertaining to erosion protection and drainage issues. The plans detail no information on how erosion on the site will be dealt with as part of the proposal and how the proposal addresses the stage 24 guidelines which pertain to soil erosion.

8.4 Clause 21.08-3, *Water Quality and Conservation* relates to the ensuring the quality and quantity of increased discharge from development is controlled through the development design and mitigation measures. No details have been provided with the application as to how this will be achieved, particularly how surface water and ground water are managed on site and discharged to appropriate discharge points.

Development Plan

Assessment of the proposal against the Development Plan approved under the Development Plan Overlay Schedule 7 on 1 July 2015

8.5 Pursuant to *Saunders v Frankston CC [2009] VCAT 144* if the application is not generally in accordance with the development plan, the responsible authority must refuse the application and if it does so, pursuant to section 52(1A) it does not have to comply with the notice requirements of section 52(1).

8.6 The Development Plan at Clause 3.1 (Objectives of the Development Plan), states *development will be undertaken in accord [sic] with the Canterbury Hills Development Plan*.

8.7 The Development Plan further notes at Clause 3.2 *Implementation of the Canterbury Hills Development Plan* “*in accord [sic] with the Endorsed Development Plan, at the request of Council, the Framework Plan at Appendix A is amended to facilitate illustration of the following:*

- *The proposed development and use of each part of the land; ...*
- *Population and Lot yields...*”

8.8 While the General Residential Zone allows for a broad range of residential development, the Development Plan Overlay Schedule 7 is more specific in regard to population and lot yield targets and, therefore, the proposal cannot be considered generally in accordance with the Development Plan.

REPORT NO: SU371 (cont.)

- 8.9 One of the fundamental reasons for this proposal not being generally in accordance with the Development Plan is that this site has not been designated for medium density development on the plan and the number of lots proposed exceeds the number designated in the Development Plan.
- 8.10 In this context the proposal is contrary to the vision, which guides the future land uses and development of the site by specifying the number of standard and medium density lots outlined for each stage of the Canterbury Hills estate. The number of lots proposed will result in an inconsistency with the Development Plan and cannot be supported in its current form.
- 8.11 The table to the Development Plan is quite specific as it identifies Stage 24 as not containing any medium density sites (the table does however clearly specify medium density sites in other stages).
- 8.12 As detailed above the table notes the number of standard lots for each stage. Stage 24 comprises a range between 13-24 lots. Landscape Place currently comprises 22 lots. Therefore, even if medium density were designated for this site in the Development Plan, it would not meet the lot threshold contained within the table. The creation of four dwellings when subdivided would create 25 lots, thereby exceeding the maximum number of lots specified for the stage.
- 8.13 The table is specific in the number of medium density sites and standard lots allocated to each stage within the Development Plan, the proposed development and use of each part of the land and the population and lot yields. The proposal for four dwellings in this instance cannot be considered as generally in accordance with the Development Plan.
- It is a well-established principle that generally in accordance is a question of fact to be assessed on the facts and circumstances of each case; and that the less detail and precision contained within the Development Plan, the more flexibility is given by the phrase generally in accordance with.
- 8.14 The Development Plan is considered to be prescriptive on the outcomes to be achieved within the Development Plan area. The prescriptive nature of the Development Plan contains limited flexibility to consider the proposed density as being generally in accordance with the Development Plan.

Section 173 Agreements

- 8.15 Registered Section 173 Agreement AH833863M and Section 173 Agreement AM250297A encumber the land. These Agreements relate to erosion protection and drainage management due to the thin soil cover and shallow depth of siltstone rock.
- 8.16 Although section 173 Agreements are not 'registered restrictive covenants' for the purpose of section 61(4) of the Act, the Agreements are a relevant consideration in deciding the Permit Application in accordance with section 60(1A)(i). This section provides:
- 1A. *Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider:*
- ...
- (i) *any agreement made pursuant to section 173 affecting the land the subject of the application; and*
- ...
- 8.17 There are decisions of the Tribunal which provide that inconsistency with a section 173 Agreement is not fatal to a decision in relation to a permit application though it is a matter upon which the responsible authority should be cautious unless it can be said that the Agreement is redundant. For example, in *Papp v Casey CC [2006] VCAT 1845* the Tribunal commented:

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*It is clear under the relevant statutory provisions that (in making my decision here) on the one hand I must have regard to the role of the 173 agreement No. 623053E[1], but on the other hand I am not automatically required to reject the proposal even if that 173 agreement would be breached by the proposal[2]. However, in terms of the exercise of my discretion, this situation indicates to me that a **very cautious approach needs to be taken before any proposal deserves to be approved which would breach a 173 agreement.***

*I agree with the comment by Member Komesaroff in *Salerno v Maribyrnong City Council* [2001] VCAT 762 that the likely breach of a 173 agreement by a proposal is a “fundamental matter”. **The main situation I can think of where I might still at least consider approving a proposal which would breach a 173 agreement is where the proposal has strong planning merits and where there is a strong case that the circumstances in question make the 173 agreement redundant/superseded.***

- 8.18 The planning application was not supplemented with any documentation as to how the proposal meets the obligations and responsibilities assumed under the Agreements, particularly the erosion protection, landscaping and drainage issues that should be adopted.
- 8.19 Given the lack of detail provided in the planning application it is not considered that the proposal can meet the Section 173 Agreement requirements relating to site drainage and earthworks and retaining walls. The indicative landscape plan is also not supplemented with advice from a specialist horticulturalist.

Clause 55 Two or more dwellings on a lot

- 8.20 Notwithstanding the proposal failing to be deemed generally in accordance with the Development Plan, under Clause 32.08-6, a proposal for two or more dwellings on a lot must meet Clause 55. The proposal demonstrates only partial compliance with Clause 55, with the exception of the following clauses:

Clause 55.02-1 *Neighbourhood Character Objectives*

- Standard B1 – The design response is not appropriate to the neighbourhood and site in the following ways:
 - The proposal is not generally in accordance with the endorsed Development Plan as detailed above; in particular the Development Plan does not identify the site or surrounds as comprising medium density. Therefore, the provision of medium density at this location would be out of character of the area.
 - The proposal does not respect the features of the site and the surrounding area. In particular, there is evidence from aerial imagery and a site inspection that the site is subject to soil erosion. In front of the site across the road reserve there is strong evidence of soil, which has eroded from the site.
 - The proposal does not include any retaining walls along the frontage of the site where the land is at its steepest and erosion is most evident with a fall of 3 metres within the front 7.0 metres of the site.
 - The steepness of the site and lack of any retaining walls will also make it difficult to establish, support and maintain any landscaping within this front setback, particularly with the lawn proposed.
 - These concerns of erosion have warranted a Section 173 Agreement being placed on the title to lessen the impacts of soil erosion.
 - The Development Plan identifies the size of some lots as greater than 1000 square metre as a response to natural land features. It is considered that the subject site is larger than the conventional sized lot due to the constraints of slope and erosion which occur across the site.

REPORT NO: SU371 (cont.)

Clause 55.02-2 *Residential Policy Objectives*

- Standard B2 – One of the policy objectives is to support medium densities in areas where development can take advantage of public transport and community infrastructure and services. In this instance the location of the site is such that it is not in proximity to infrastructure and services. The nearest public transport route (bus route 487 and 489) is toward the entry of the estate which is in excess of 1.0 kilometre from the site, the nearest primary school (Killara Primary School) and local convenience (Killara Family Convenience Store) are both approximately 1.6 kilometres away from the site.

Clause 55.03-7 *Safety Objective*

- Standard B12 – The entry to dwelling 4 is obscured by dwelling 3 and its retaining wall, creating an unsafe space at the entry of this dwelling, due to the limited visibility of these areas.
- A lighting scheme has not been provided along the length of the shared accessway, resulting in potential conflicts between pedestrians and vehicles during hours of darkness. There are also areas with inadequate passive surveillance which create potentially unsafe environments such as between the dwellings and retaining walls of dwellings 2 and 3 and the entry of dwelling 4.
- Due to a lack of site lines, the extent of vehicles reversing on site and the topography of the land there is the potential for conflicts between vehicles and or pedestrians entering and exiting the site/garages.

Clause 55.03-8 *Landscaping*

- Standard B13 – A landscaping plan has not been provided for the application. The plans do however indicate that no excavation is proposed within the front setback and that it is to be planted with lawn only. There are no details as to the type of grass and whether it is acceptable for the soil type and slope and the gradient is not indicated to enable clarification as to whether it can be mowed. It is considered that with the minimal detail provided the landscaping proposed is not acceptable.

Clause 54.04-6 *Overlooking*

- Standard B22 – Although overlooking is not uncommon due to the often multi-level nature of dwellings and the topography of the land, the number of windows with the potential of overlooking are limited to that of only one dwelling. With four dwellings on the site the number of windows with the potential to overlook into adjoining properties is increased. The potential for overlooking at both the ground and upper levels, particularly into the property to the south does not meet the standards and objectives of the clause.

Clause 55.05-3 *Daylight to new windows objective*

- Standard B27 – It is considered that the south facing master bedroom windows of dwellings 2 and 3 do not receive adequate access to daylight given the height of the retaining walls which are offset only 900 mm from the windows and covered with an eave overhang, thereby not providing an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.

Clause 55.05-5 *Solar Access objective*

- Standard B29 - The objective is to allow solar access into the secluded private open space of new dwellings. The height of the retaining walls within the secluded open space areas and the boundary fencing/retaining walls along the north boundary are such that they would cast shadow within the secluded open space areas at an unacceptable level.

REPORT NO: SU371 (cont.)

Clause 55.05-6 *Storage objective*

- Standard B30 – The storage for all the dwellings are inadequate in terms of location and size. A minimum storage area of 6 cubic metres of externally accessible secure storage space is required for each dwelling. The minimal dimensions provided of approximately 400mm in width within the garages for dwellings 2 and 3 and 3.4 square metres in the rear secluded open space areas do not enable adequate storage of larger items and there is no direct access to the storage areas in the rear secluded open space to the front of the dwelling without walking through the dwellings.

Clause 55.06-4 *Site Services objectives*

- Standard B34 – The location of bin and recycling areas on days of garbage collection have been annotated within the indented parking bay in the road reserve in front of the site. The garbage collection location will conflict with the indented car parking and is not supported given that this area will not always be accessible for this purpose given that the primary purpose of this area is for car parking.
- Without cross sections it is unclear as to whether the common area, being the access way is practical.

Clause 52.06 car parking

8.21 There are a number of design standards for car parking at Clause 52.06-9, which are not being met with the current design of the proposal. These include the following:

Design Standard 1: Accessways

- 8.22 If the accessway serves four or more car spaces, the accessway must be designed so that cars can exit the site in a forward direction. Vehicles exiting the garage of dwelling 4 cannot achieve this. These vehicles reverse around a corner for a distance of approximately 20.0 metres before being able to manoeuvre into a forward direction in front of the garage to dwelling 3. There are also concerns with the appropriateness of the gradient at this location and the safety and practicality with this design aspect.
- 8.23 Although a passing bay is not a requirement for this proposal under Design Standard 1, it is considered that in this instance one should be provided given the concerns with poor visibility of oncoming vehicles at the entrance to the site.
- 8.24 The corner splays are not appropriately located along the access lane and do not consider the slope of the land which encroaches into these splays.

Design standard 3: Gradients

8.25 There are concerns with the appropriateness of the gradient for the vehicles reversing from the garage of dwelling 4. The grade is not indicated in front of dwelling 4, it is however noted in front of dwelling 3 there is a proposed grade of 1:7. The traffic engineering assessment does not indicate the gradient only that it complies with Australian Standards for Off Street Car Parking and Clause 52.06-9 of the Hume Planning Scheme.

Design standard 6: Safety

- 8.26 The accessway and car parking areas are not lit, as requested by this standard.
- 8.27 The design of car parks does not maximise natural surveillance and pedestrian visibility from adjacent buildings. The master bedroom windows of dwellings 2 and 3 are not visible to the adjacent accessway due to the location of retaining walls.
- 8.28 There is poor visibility of oncoming vehicles at the entrance to the site and the current accessway is not supported. These issues are compounded by the accessway being curvilinear and considerably steep. It was suggested to the applicant that to rectify this safety concern dwelling 1 could be pushed north to improve sight lines or that a

REPORT NO: SU371 (cont.)

passing area be constructed, the applicant has chosen not to amend the plans to incorporate either option. It should be noted that the plan in the traffic report has incorporated a passing bay however its location and dimensions are not acceptable, and this matter will be discussed later in the submission.

- 8.29 With the exception of the front porches at the entries of the dwellings there are no “break-out” points for pedestrians, a clearly delineated path for pedestrians and no passing bays are provided for vehicles along the accessway. This is considered necessary in this instance given the steepness of the site, alignment of the access way and poor site lines.

Vehicles reversing from the garage of dwelling 4 have the potential to conflict with pedestrians and other vehicles due to the length of distance reversing, the gradient and the curvilinear driveway, which is an unacceptable outcome.

Design standard 7: Landscaping

- 8.30 The layout of the car parking area does not provide for water sensitive urban design treatment and landscaping.

Decision guidelines

- 8.31 The following decision guidelines are considered not to be met in this instance:

- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area, for the reasons outlined above.

- 8.32 An amended plan has been provided in the traffic report, however it is unclear as to the status of this plan as it has not been formally amended as part of the application. Notwithstanding that the plan has not been formally submitted to Council, a brief assessment was undertaken and was revealed that there are still numerous design standards of Clause 52.06-9, which are still not being met with this amended design. These include the following:

Design Standard 1: Accessways

- 8.33 Swept paths should show forward-in movements and forward-out movements; given that only reverse movements are indicated there are concerns that vehicles cannot enter the garages of dwellings 1- 3 in a forward direction.

- 8.34 Vehicles exiting the garage of dwelling 4 can still not do so in a forward direction. As detailed above, these vehicles are required to reverse around a corner for a distance of approximately 20.0 metres before being able to manoeuvre into a forward direction in front of the garage to dwelling 3. There are also concerns with the appropriateness of the gradient at this location and the safety and practicality with this design aspect.

- 8.35 A passing bay has now been provided at the front of the site, which does not comply with the passing bay dimensions detailed in Standard 1 and is not ideally located. The crossover does not line up with the hard surface making access difficult to utilise effectively and there are still concerns with poor visibility of oncoming vehicles at the entrance to the site.

- 8.36 Visibility Splays remain inadequately located at the accessway entrance.

Design standard 3: Gradients

- 8.37 There are still concerns with the appropriateness of the gradient along the length of the driveway. A cross section plan from dwelling 4 to the road reserve has not been provided which would provide a clearer understanding of the levels and ensure full compliance.

REPORT NO: SU371 (cont.)

Design standard 6: Safety

8.38 The accessway and car parking areas are still not identified as being lit.

8.39 Natural surveillance and pedestrian visibility from dwellings have still not been addressed.

8.40 Poor visibility of oncoming vehicles at the entrance to the site and the current accessway has still not been addressed.

There is still no dedicated pedestrian path along the access way.

Vehicles reversing from the garage of dwelling 4 still have the potential to conflict with pedestrians and other vehicles due to the length of distance reversing, the gradient and the curvilinear driveway.

Design standard 7: Landscaping

8.41 The layout of the car parking area still does not provide for water sensitive urban design treatment and landscaping.

Decision guidelines

8.42 The following decision guidelines are still considered not to be met in this instance:

- The ease and safety with which vehicles and pedestrians access and circulate within the parking area.

9. CONCLUSION

9.1 The proposal seeks to develop four dwellings on land affected by a Development Plan Overlay. The Development Plan does not designate this site for medium density, and the development would exceed the maximum number of lots prescribed in the Development Plan. Therefore, the proposal is not deemed to be generally in accordance with the Development Plan approved under the Development Plan Overlay Schedule 7.

9.2 Further to the above an assessment on the merits of the development has also revealed that the proposal does not respond to the planning policy framework (Clauses 13.04-2S, 21.08-3 and 21.08-4) in relation to erosion and the Section 173 Agreement requirements on Title. Further, the development does not respond to several of the key standards relating to Clauses 52.06 and 55, and the proposal does not respond adequately to the physical constraints of the site. Considering the above, it is recommended that the proposal not be supported.

LOCALITY MAP

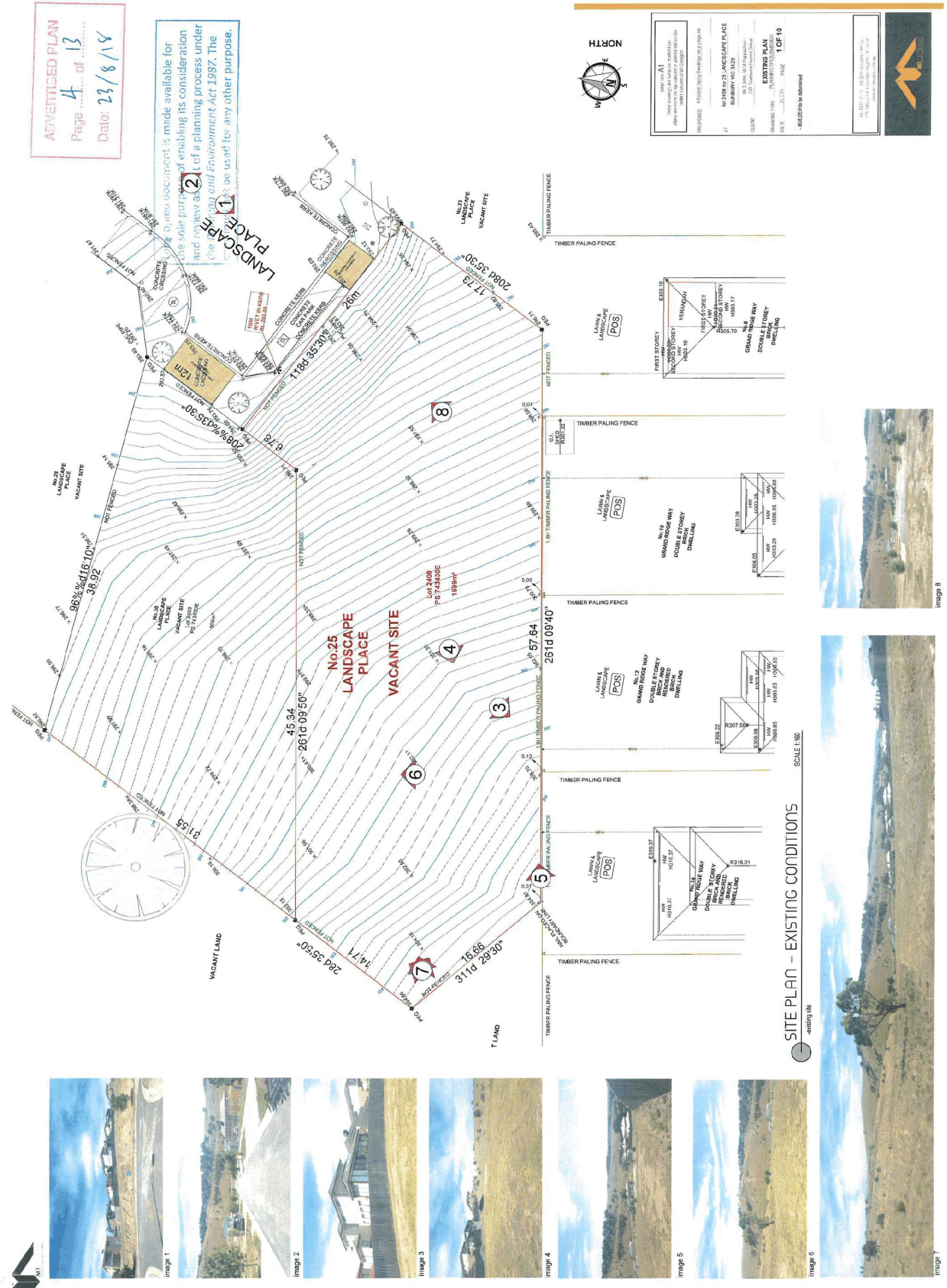
P21428

25 LANDSCAPE PLACE, SUNBURY



ADVERTISED PLAN
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Date: 23/8/18

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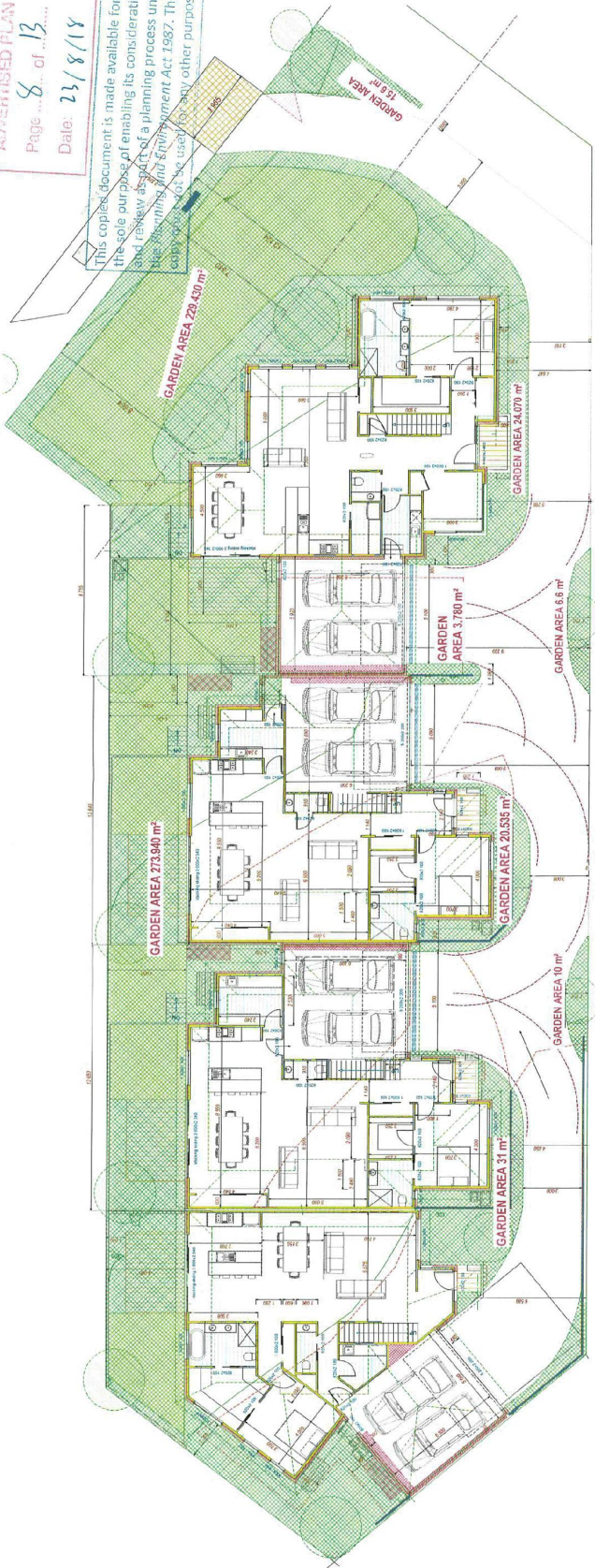
PREPARED BY: Hume City Council
CLIENT: Hume City Council
DATE: 23/08/2018
SCALE: 1 OF 10
DESIGNED BY: [Name]
DRAWN BY: [Name]





ADVERTISED PLAN
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 Date: 23/8/18

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garden area m² 616,966 86.29%
 55%
 m²



GARDEN AREA PLAN
 proposed

SCALE 1:100

<p>Project No: A1 Name: Hume City Council Address: 100-110 Hume Highway, Hume, VIC 3686 Phone: (03) 5462 1000 Email: info@hume.vic.gov.au</p>	<p>Project No: 13 Name: Hume City Council Address: 100-110 Hume Highway, Hume, VIC 3686 Phone: (03) 5462 1000 Email: info@hume.vic.gov.au</p>	<p>Project No: 13 Name: Hume City Council Address: 100-110 Hume Highway, Hume, VIC 3686 Phone: (03) 5462 1000 Email: info@hume.vic.gov.au</p>	<p>Project No: 13 Name: Hume City Council Address: 100-110 Hume Highway, Hume, VIC 3686 Phone: (03) 5462 1000 Email: info@hume.vic.gov.au</p>
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Frontage Perspective

Driveway Perspective

Open Space Perspective

ADVERTISED PLAN
Page 9 of 13
Date: 23/8/18

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WEST ELEVATION - D1, D2, D3, D4
proposed dwellings units

SOUTH ELEVATION - D1, D2, D3, D4
proposed dwellings units

EAST ELEVATION - landscape place
proposed dwellings D1, D2, D3, D4

WEST ELEVATION - D4
proposed DWELLING 4

EAST ELEVATION - D4
proposed DWELLING 4

ELEVATIONS
DRAWING TITLE: ELEVATIONS
DATE: 23/7/18
PAGE: 6 OF 10
REVISIONS TO BE SUBMITTED

CLIENT: HUME CITY COUNCIL
PROJECT: WEST WALK PROJECT
SCALE: 1:100

ARCHITECT: HUME CITY COUNCIL
DATE: 23/7/18
SCALE: 1:100



LEGEND

BF	Black Fence	FR	Frontage Subback
EPF	Block Fence with Piers	LT	Large Tree
CMF	Chain Wire Fence	ST	Small Tree
POS	Private Open Space	PSB	Property Boundary
TTF	Timber Post/Rail Fence	SS	Street Signs
WF	Weighted Iron Fence or similar	RF	road form
V	Veranda	PO	post
C	Carport		
S	Shed		
#12	House Number		

EXISTING CONDITIONS

- 100% landscaped residential and commercial
- Nevers (Double Storey) parking, Ball, Deck, and Triple Storey (Commercial)
- Multiple parking sites on: Single, double, and double storey - residential
- Increased storage setback, predominantly pitched roof forms.
- Flat and slight Street coating, predominantly pitched roof forms.
- Orange common to side boundary (left) and right boundary (right) which is made available for the sole purpose of enabling its consideration for a future review as part of a planning process under the Planning and Environment Act 1987. The development is currently a copy must not be used for any other purpose.
- Predominantly landscaped, Block Cladding Light weight aluminium are used structure of fence, timber and aluminium
- 100% landscaped residential and commercial
- Street structure (stone with Contemporary, Modern and Traditional) house types.
- Large Open Driveway
- Landscaped landscape with outdoor fence, Block trees
- Increased and open landscaped Open Open space
- Limited near open space Tree Sites

ADVERTISED PLAN
Page 12 of 13
Date: 23/4/18



DATE: 23/4/18
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:1000
PROJECT: [Name]
SHEET: 12 OF 13



NEIGHBOURHOOD SITE DESCRIPTION PLAN

LEGEND	
B/F	Black Fence
B/P	Brick Fence with Piles
POS	Private Open Space
T/P	Timber Pallet/Picket Fence
W/F	Weighted Iron Fence or similar
V	Verandah
C	Carport
S	Shed
#/Z	House Number
7.5m	Frontage Subtask
(Sun)	Large Tree
(Moon)	Small Tree
(Dashed line)	Property Boundary
(Solid line)	street name
(Dashed line)	roof form
(Blue box)	pool
(Gray box)	GRAY ST

PROPOSED CONDITIONS

- 4 Double Storey Dwellings
- 4 x 4m Shed
- D/D2C, D4 - double car garage
- no fence to frontage
- 1.8m high picket fences to opens spaces
- Open style frontage - landscaped
- Contemporary design -
- brick to boundary, parking
- Phased road works to let food trucks (on street)
- street frontage - 22.12 street
- strong facade articulation to each building
- each building to be 100% brick or masonry as an indication of quality
- each dwelling to have a front porch
- excellent side boundary and rear boundary treatment
- proposed side boundary and rear boundary treatment as part of a planning process under the *Planning and Environment Act 1987*. The proposed and modified cross over
- Open plan living - with direct access to rear POB - higher than for any other purpose.
- large open spaces greater than the minimum
- sealed driveways
- no over shading to neighbours

PHASED ROAD WORKS TO LET FOOD TRUCKS (ON STREET)

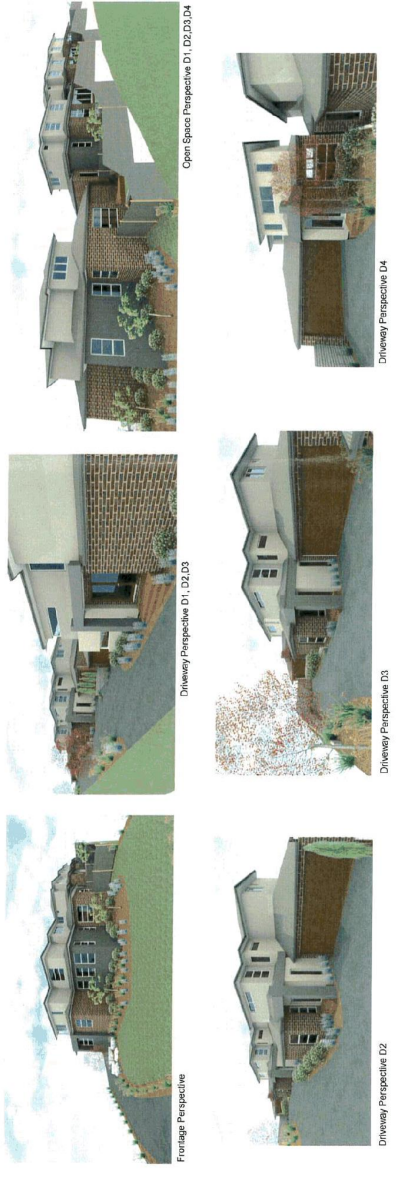
This document is made available for the purpose of enabling its consideration as part of a planning process under the *Planning and Environment Act 1987*. The proposed and modified cross over is higher than for any other purpose.

APPRISED PLAN
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Date: 23/8/18

NSRP
NSRP is a registered company and is not a public company.
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REPORT NO:	SU372
REPORT TITLE:	1-2/29 The Gateway Broadmeadows - use of the land for the purpose of a restaurant and reduction in the statutory car parking requirement
SOURCE:	Brydon King, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P20694
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>Plans</i>

Application No:	P20694
Proposal:	Use of the land as a restaurant and reduction of the statutory car parking requirement
Location:	1-2/29 The Gateway, Broadmeadows
Zoning:	Commercial 2 Zone
Applicant:	BB Design Group Pty Ltd
Date Received:	27 July 2017

1. SUMMARY OF REPORT:

Planning approval is sought to use the land for a restaurant and a reduction in the provision of car parking on the land at 1-2/29 The Gateway, Broadmeadows. The application has been advertised and no objections received. The application has been assessed against relevant provisions of the *Hume Planning Scheme* and on balance the proposal is recommended for refusal.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Planning Permit for use of the land as a restaurant and reduction of the statutory car parking requirement at 1-2/29 The Gateway, Broadmeadows on the following grounds:

- 1. The proposed use of the land as a restaurant is an inappropriate use of the land in the location and is not consistent with the purpose of the Commercial 2 Zone applying to the land.**
- 2. The proposed reduction of 10 car parking spaces related to the use of the land as a restaurant will unreasonably impact on car parking provision in the surrounding streets.**

3. PROPOSAL:

- 3.1** The proposal seeks to change the use of an existing cafe and warehouse to a restaurant for 150 people. The proposal includes an indoor restaurant area of 451 square metres. Outdoor seating and dining will also be provided totalling 75 square metres.
- 3.2** The restaurant use is proposed to operate from 5 pm to 1 am the following day, seven days a week.

REPORT NO: SU372 (cont.)

- 3.3 The buildings on site will be substantially unchanged apart from the replacement of an existing roller door on the northern side of the warehouse to a glazed entry door.
- 3.4 The proposal when submitted generated the need for 60 car parking spaces to be provided on site as per Clause 52.06 of the Scheme. The introduction of Amendment VC148 resulted in changes to Clause 52.06 which allows a ratio of 3.5 spaces per 100 square metres of floor area for a restaurant within 40 metres of the Principal Public Transport Network. The subject site benefits from this location and the proposal is now required to provide 21 car parking spaces. Eleven car parking spaces can be provided on site and therefore the waiver of 10 car parking spaces is required.

4. SITE AND SURROUNDS:

- 4.1 The subject site is located on the north-eastern side of The Gateway, south of Camp Road. The site has an area of approximately 1180 square metres and is generally level across the site. The site possesses two street frontages, one to the south which forms part of a court bowl and the other to the west.
- 4.2 The site is currently developed with a café use at 1/29 The Gateway approved under planning permit P16737 and a warehouse building is present on 2/28 The Gateway.
- 4.3 Land to the north of the subject land is currently vacant and land immediately south on the opposite side of The Gateway is also vacant. Land to the east of the site is developed with an existing warehouse building and land to the west, on the opposite side of the north-south section of The Gateway, is developed with an existing service business.
- 4.4 Land to the south of The Gateway estate is bounded by the Metropolitan Ring Road and land to the north of the Gateway is Camp Road.
- 4.5 The land is impacted by two covenants being covenant PS536739C and covenant AF153300S. Covenant PS536739C was registered on 7 May 2007 and it restricts finished floor levels due to flooding concerns and tree removals. However, this does not relate to this proposal. Covenant AF153300S was registered on 26 June 2007 and contains various restrictions, however, a majority of these have ceased to operate as of 1 July 2010. The only valid restriction is that the registered proprietor must:
- “...not use or permit or suffer any part of the land hereby transferred to be used for the purpose of motor vehicle wrecking or junk yard or containers storage depot.”
- 4.6 The proposed use and development of the site does not conflict with the covenant’s requirements.

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 11.01-1R1: Settlement – Metropolitan Melbourne
	Clause 15.01-1S: Urban Design
	Clause 15.01-2S: Building design
	Clause 17.02-1S: Business
	Clause 17.02-2S: Out of centre development
<i>Municipal Strategies:</i>	Clause 21.02: Urban Structure and Settlement
	Clause 21.06: Economic Development
<i>Zones:</i>	Clause 34.02: Commercial 2 Zone
<i>Overlays:</i>	Nil
<i>Particular Provisions:</i>	Clause 52.06: Car Parking

REPORT NO: SU372 (cont.)

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

- 5.2 The State and Local Planning Policy Frameworks aim to provide support for business development in appropriate localities and responding to issues of character, parking and impact on surrounding properties.
- 5.3 The subject land is zoned Commercial 2 Zone. The purpose of the Commercial 2 Zone is as follows:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods*
 - *retailing, other retail uses, and associated business and commercial services.*
 - *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses*
- 5.4 A permit is required for the proposed use of the land as a restaurant pursuant to Clause 34.02-1 and for building and works pursuant to Clause 34.02-4 of the *Hume Planning Scheme*.
- 5.5 Clause 52.06 Car Parking is relevant to the proposal. The proposed restaurant use generates a requirement for 21 car parking spaces as per Clause 52.06-5 where the site benefits from being located within the area of Principal Public Transport Network. The proposal provides 11 spaces on site and a planning permit is triggered to waive the provision of the additional 10 spaces required as per Clause 52.06-3.
- 5.6 Pursuant to Clause 52.34 the proposal also generates the need for eight bicycle spaces to be provided in relation to the expanded floor area for a restaurant.

Aboriginal Cultural Heritage

- 5.7 The land is located within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2018* however the proposal is not considered a high impact facility and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

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

6. REFERRALS:

- 6.1 The application was not required to be referred externally pursuant to the *Hume Planning Scheme*.
- 6.2 The application was referred to Council's Assets (Engineering and Traffic) Department who raised concerns that the traffic report accompanying the application was prepared in July 2017, before the introduction of the Amendment VC148 and does not contain an assessment based on the current scheme provisions. Nevertheless, Council's traffic engineer has advised that the proposed car parking waiver is too significant for this location and should not be supported.

7. ADVERTISING:

- 7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* (the Act) by way of letters to adjoining owners and occupiers and three signs were placed on the site for a minimum of 14 days as prescribed under the Act.
- 7.2 The initial process of public notice was not completed and subsequently an additional period of advertising was undertaken.

REPORT NO: SU372 (cont.)

7.3 No objections have been received as a result of the public notice.

8. ASSESSMENT:

8.1 A detailed discussion of the proposal against the particular requirements of the Commercial 2 Zone and Clause 52.06 of the *Hume Planning Scheme* is provided below.

Commercial 2 Zone

8.2 Clause 21.06 supports business development in the municipality. The Commercial 2 Zone has a focus on providing for business development including appropriate manufacturing industries and bulky goods retailing. The proposed scale of the restaurant use is considered to detract from the principle purpose of the zone through introducing a form of use that would more reasonably be located in a Commercial 1 Zone in association with other retail based uses.

8.3 The proposed restaurant use is not considered to support orderly planning for the Commercial 2 Zone and could create conflicts between uses in the immediate area. It may limit development of other businesses on vacant lots in the vicinity of the site through concerns related to the impact of the restaurant use.

8.4 The nature of the use and its location is not considered to reasonably allow for a restaurant at the scale proposed and this is compounded by the reduction in parking provisions detailed below.

Clause 52.06 – Car Parking

8.5 At the time of lodgement Clause 52.06-5 of the Scheme required car parking for a restaurant use to be provided at 0.4 spaces per each patron permitted. The proposal allows for 150 patrons generating which generated 60 car parking spaces to be provided on site. The proposal seeks to provide 11 car parking spaces on site.

8.6 A traffic impact assessment was provided with the application. The assessment included a survey of surrounding street parking availability. The report confirmed that the minimum level of car parking available in surrounding streets on a Friday and Saturday in June 2017 was 50 car parking spaces. The report suggested the waiver of parking proposed could be adequately managed by the surrounding street network and the likely operational peaks of the restaurant use being outside the peak times for surrounding business.

8.7 The recent implementation of Amendment VC148 has changed Clause 52.06 which allows a ratio of 3.5 spaces per 100 square metres of floor area to apply to a restaurant within 40 metres of the Principal Public Transport Network. The subject site benefits from this location and applying the updated ratio, the proposal is required to provide 21 spaces on the site. With 11 spaces proposed on site it results in a waiver of 10 car parking spaces.

8.8 Whilst the traffic and parking analysis provided by the applicant does indicate some parking capacity in the street network, there are undeveloped lots in the vicinity of the subject land which will generate future parking demand in the area when the developments occur on these lots. The location of the site within the Principal Public Transport Network allows a significant reduction in the car parking requirements, however where such a reduced ratio cannot be provided on site, the proposal will potentially create significant off-site impacts. Relying on parking in the public road network of a commercial estate is considered at odds with the purpose of the area given the traffic visitation and commercial vehicle manoeuvrability needs that are expected to service the business in the area.

REPORT NO: SU372 (cont.)

9. CONCLUSION

- 9.1 The proposed use and car parking reduction are considered inappropriate for the site and the context of the surrounding area and will potentially create significant off-site impacts to the surrounding area. The proposal is not considered to support proper and orderly planning for the location and is inconsistent with the purpose of the zone, therefore it is recommended the application be refused.

LOCALITY PLAN

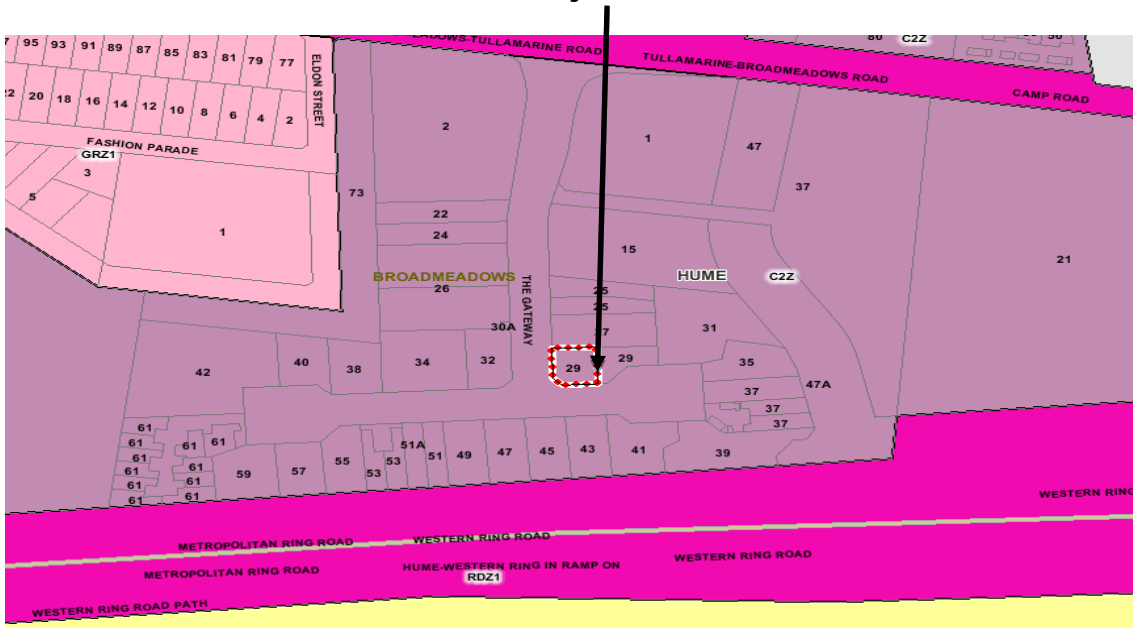
Permit Application: P20694

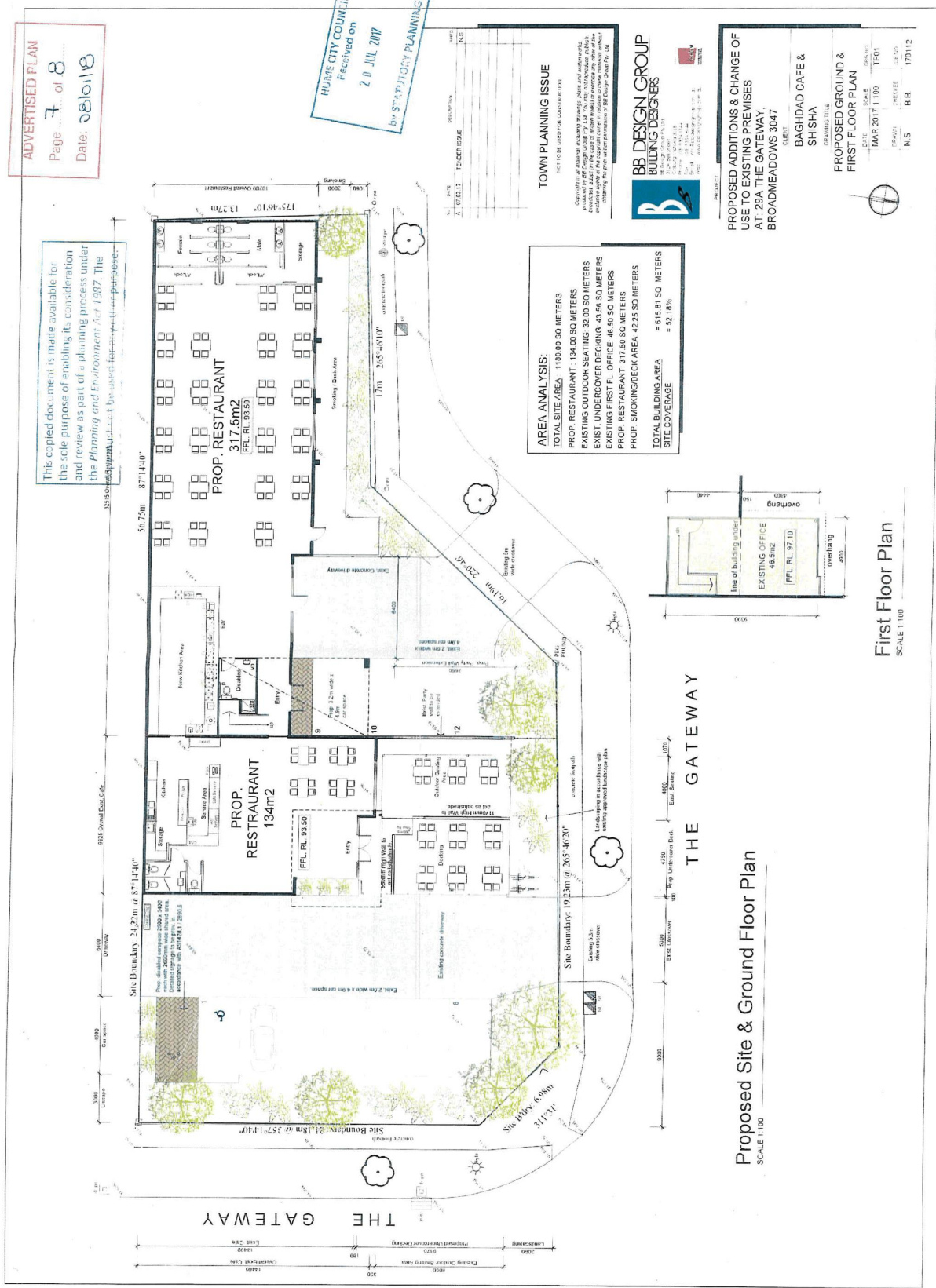
Site Address: 1/29 The Gateway, Broadmeadows

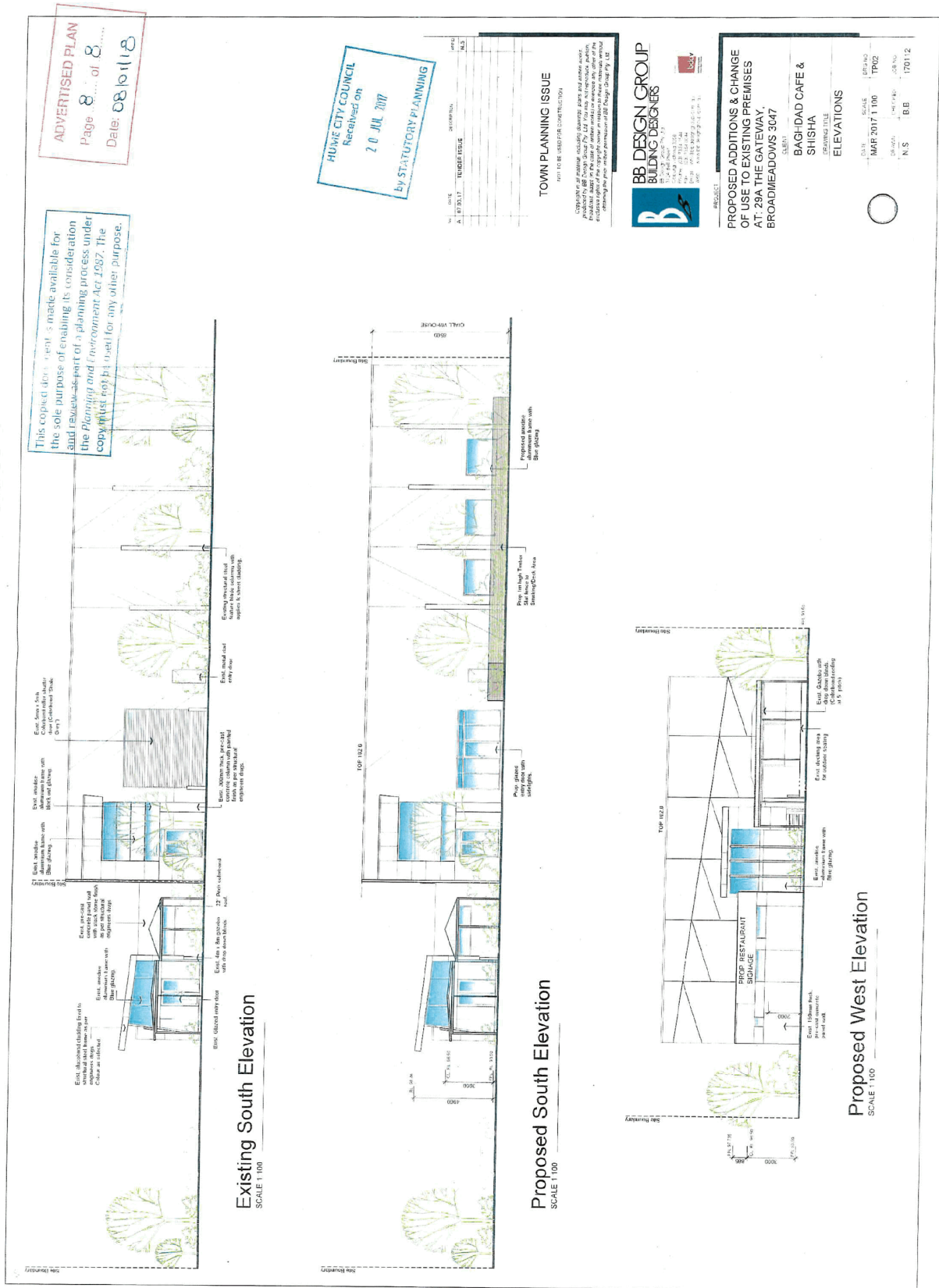
Subject Site



Subject Site







REPORT NO:	SU373
REPORT TITLE:	22 Shadforth Street Westmeadows - Development of two double storey dwellings and one single storey dwelling
SOURCE:	Natalie Calleja, Town Planner
DIVISION:	Planning and Development
FILE NO:	P21415
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>Plans</i>

Application No:	P21415
Proposal:	Development of two double storey dwellings and one single storey dwelling
Location:	22 Shadforth Street, Westmeadows
Zoning:	General Residential 1 Zone
Applicant:	Wardle Design
Date Received:	25 May 2018

1. SUMMARY OF REPORT:

Planning approval is sought for the development of two double storey dwellings and one single storey dwelling at 22 Shadforth Street, Westmeadows. The application was advertised, with one objection and a petition received. The petition contained 64 signatories. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* including the issues raised within the objection and petition. 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 and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the development of three dwellings at 22 Shadforth Street, Westmeadows, subject to the following conditions:

- 1. Before the development permitted by this permit commences, three copies of 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 and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:**
 - a) Maximum building heights annotated on all elevations.**
 - b) Wall heights annotated on all elevations.**
 - c) The materials schedule amended to annotate the garage doors as panel lift/tilt.**
 - d) Boundary fencing replaced or extended in height to a minimum of 1.8 metres above finished floor level.**
 - e) The height of the letterbox for dwellings 1-3 must be less than 900mm in height if located within the visibility splay.**

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- f) The mailboxes for dwellings 1-3 orientated parallel to the street, in accordance with Australia Post Standards.
 - g) The provision of lighting along the length of the internal access way; to ensure visibility and surveillance during hours of darkness.
 - h) All dwellings are to be provided with a minimum of 6m³ of accessible external storage space in accordance with Standard B30 of Clause 55 of the *Hume Planning Scheme*.
 - i) A shading device introduced along the north elevation dining window/sliding door of dwelling 1.
 - j) The timber paling fence to enclose the secluded open space of dwelling 1 replaced with feature fencing.
 - k) The finished floor to ceiling height of the first floor of dwelling 2 reduced to a maximum of 2.43m.
 - l) Reduce the pitch of the hipped roof of dwelling 2 to a maximum of 18 degrees.
 - m) The materials schedule amended to annotate the garage doors as panel lift/tilt.
 - n) Removal of the existing 1.8 metre high fencing along the frontage of the site.
2. The layout of the site and/or the size of the proposed or existing buildings and works and/or the internal layout and use of the buildings as shown on the endorsed plan/s shall not be altered or modified except with the written consent of the responsible authority.
3. The development permitted by this permit must not be commenced until a satisfactory landscape plan for the whole of the subject land is submitted to and approved by the Responsible authority. The landscape plan is to support the vegetation located within the environs of the Moonee Ponds Creek. Such plan must show the area(s) set aside for landscaping which is to include the planting of a minimum of two (2) canopy trees in the front setback of dwelling 1 and a minimum of one (1) canopy tree in the rear setbacks of all three dwellings, a minimum of 1.8 metres in height when planted and in accordance with Council's guidelines and include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names). Details on how the trees on adjoining properties adjacent to the shared boundary are protected during construction and when approved an endorsed copy must form part of this permit.
4. The landscaping strip along the northern boundary of the site is to be maintained at 0.5m wide particularly opposite the garage of Dwellings 1 and 2 to improve turning movements and access to the parking spaces.
5. The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
6. All works on or facing the boundaries of adjoining properties must be finished and the surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the responsible authority.
7. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.
8. All air-conditioning equipment, external drying facilities and other plant equipment must be screened and must not be visible from outside the land to the satisfaction of the responsible authority.

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9. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plan(s) and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and provided and maintained in a continuously useable condition to the satisfaction of the responsible authority.
10. No vehicles are to park behind the garages of Dwellings 1 and 2. These areas are turning areas and no parking is permitted. If parking occurs vehicles would not be able to drive out in a forward motion.
11. The external lighting along internal accessway shown on the endorsed plans must be located and designed with suitable baffles so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
12. Drainage investigation is required for this development (fees apply). Plans to be submitted to Council's Civil Design section for assessment. This will determine if on-site detention system, upgrading of Council's existing drainage pipes or new drainage pipes are required by the owners/developers.
13. Following the Drainage Investigation, internal drainage plans to be submitted to Council Civil Design section for approval.
14. Any cut or fill must not interfere with the natural overland storm water flow.
15. Stormwater from all paved area must be retained within the property and drained to the sites underground stormwater system.
16. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during construction.
17. This permit will expire if one of the following circumstances applies:
 - the development is not commenced 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 the permit expires or within six months afterwards.

- 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.
- An “Application for Legal Point of Stormwater Discharge” is required to be submitted to Council prior to connection to the drainage system.
- The internal stormwater drainage design must be approved by the relevant Building Surveyor as per the Building Regulation 2006, Reg. 610.
- Prior to commencement of any works within the road reserve or works that require alteration/connection to Council’s drainage assets in the road reserve, an ‘Application form for Consent to work within a Hume City Council Road Reserve’ is required to be submitted to Council to obtain a permit to carry out the works.

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- According to Council plans, there is a 2.44m wide easement, which runs along the eastern rear boundary. Any structure built over an easement requires Council and relevant service authorities' approval.

3. PROPOSAL:

The proposal seeks to develop the site with two double storey dwellings and one single storey dwelling to the rear. The details of the proposal as advertised relate to the plans prepared by Wardle Design dated 19 September 2018. Details of the proposal are as follows:

- 3.1 The site is to be arranged in a battle-axe arrangement, with dwelling 1 having a frontage to Shadforth Street. Dwellings 2 and 3 are located behind with frontages to the internal accessway.
- 3.2 Dwelling 1 will be double storey in nature. The ground floor is to contain a shared kitchen, living and dining area, a bedroom including an ensuite and Walk in Robe (WIR), a laundry and a powder room. The first floor contains three bedrooms (main including ensuite and WIR), a bathroom and a retreat area.
- 3.3 Dwelling 2 will be double storey in nature. The ground floor will contain a shared kitchen, living and dining area, a laundry and a powder room. The first floor is to contain three bedrooms (main including ensuite) and a bathroom.
- 3.4 Dwelling 3 is single storey in nature. The dwelling contains a shared kitchen, dining and living area, three bedrooms, bathroom and laundry.

Car parking and access

- 3.5 Car parking is provided in the form of a double garage for both dwellings 1 and 2, whilst dwelling 3 is provided with a single car garage and an uncovered tandem car parking space.
- 3.6 Vehicle access is to be provided via a single crossover with an accessway located along the northern boundary of the site, providing access to the garages and car parking spaces.

Dwelling facilities

- 3.7 Each dwelling is provided with a private open space provision in excess of 40 square metres.

General

- 3.8 Dwelling 1 will be situated a minimum of 8.44 metres from the Shadforth Street boundary.
- 3.9 The overall maximum height of the dwellings will be 7.99 metres.
- 3.10 The ground floor of dwellings 1 and 2 provide parapet walls and flat roof forms, whilst the first floors comprise hipped roofs with eaves.
- 3.11 The proposed materials and colours include brick veneer, render and concrete panels.

Summary Table of the Development:

Site Area	884 square metres
Dwelling Density	1:294 square metres
Site Coverage	41% (60% max)
Permeability	35% (20% min)
Garden Area	35% (35% required)

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4. SITE AND SURROUNDS:

- 4.1 The site known as 22 Shadforth Street, Westmeadows and formally described as Lot 5 on LP 119880 is located on the east side of Shadforth Street, approximately 70 metres north of Raleigh Street.
- 4.2 The regular shaped site has a frontage of 17.53 metres and a depth of approximately 50.45 metres along the north and south boundaries with an overall site area of 884 square metres.
- 4.3 The site has an approximate 1.4 - 1.7 metre fall from the rear down to the front of the site and a fall of approximately 400mm from the north of the site down to the south boundary. The site is currently vacant however up until early to mid-2018 the land comprised a single storey, single fronted, brick veneer dwelling with a frontage to Shadforth Street and a garage located to the north side and rear of the dwelling. An existing crossover is located toward the northwest corner of the site.
- 4.4 The land is void of any vegetation, there is however a street tree located within the road reserve in front of the site.
- 4.5 The site is located within an established residential area of Westmeadows. Westmeadows is located approximately 18 kilometres north of Melbourne's central business district.
- 4.6 *This area of Westmeadows is centred on a village located in the Moonee Ponds Creek Valley. The proximity of the Creek Valley gives the area a distinct semi-rural quality. The mix of building styles, front setbacks and building spacing is unified by the wide nature strips that sometimes extend uninterrupted to the kerb, and the established garden settings of the dwellings. The gardens often contain pockets of mature trees and other substantial vegetation, and adjacent to the creek corridor native trees complement the creek environs.*
- 4.7 *The buildings are generally low scale, although the hilly terrain in some streets has encouraged two storey dwellings that usually fit into the landscape. A lack of front fencing and low front fences in other areas, adds to the garden dominated vistas along the streetscapes.*
- 4.8 The dwellings in the neighbourhood generally comprise the following general characteristics:
- Brick veneer.
 - Tiled hipped roofs with eaves.
 - Predominantly double fronted facades.
 - Dwelling setback off both boundaries.
 - Garage/carport located back from the front facade of dwelling along a side boundary.
 - If front fencing occurs, it is generally low and eclectic in materials.
 - Landscaping is minimal; however, there is usually a minimum of one canopy tree with a number of shrubs and lawn.
 - More recent unit developments, particularly double storey are increasingly evident across the neighbourhood.
- 4.9 Surrounding land uses:
- North: The site is abutted by a single storey dwelling with its frontage to Shadforth Street setback approximately 7.6 metres from the front boundary and 3.7 metres from the shared boundary. A garage is located on the shared boundary with a wall height of approximately 3.0 metres.

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- West: On the opposite side of Shadforth Street is the Westmeadows Primary School.
- South: A single storey dwelling setback a minimum of 9.3 metres from the street frontage and 5.8 metres from the shared boundary. A garage with a wall height of approximately 3.0 metres is located along the shared boundary.
- East: A single storey dwelling with its frontage to Campbell Street with a flat roofed shed with a height of approximately 2.7 metres is located on the shared boundary.

4.10 Bus routes 477 and 484 are located within walking distance of the site along both Raleigh and Johnstone Streets, the closest of which is around 180 meters from the site. Broadmeadows Train Station is located approximately 2 kilometres from the site. Shopping and recreation are also located within proximity of the site (Broadmeadows Shopping Centre and lower level local shops (Fawkner Street around 1.1 kilometres). Schools (Westmeadows Primary School - directly across the road and Gladstone Park Secondary College – 3.0 kilometres to the south) are located within proximity of the site and it has convenient access to arterial roads. Harricks Crescent Reserve is located approximately 100 metres to the north and Broadmeadows Valley Park is located approximately 600 metres to the east of the site.

Restrictions on Title

4.11 No registered covenants are recorded on title.

4.12 A 2.44 metre wide drainage and sewerage easement is located along the length of the rear east boundary.

Planning History

4.13 There is no relevant planning history for the site.

5. PLANNING CONTROLS:

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

<i>Planning Policy Framework</i>	Clause 11: Settlement Clause 11.01-1R1: Metropolitan Melbourne Clause 11.01-1S: Settlement Clause 11.02-1S: Supply of urban land Clause 15: Built Environment and Heritage Clause 15.01: Built Environment Clause 15.01-1S: Urban design Clause 15.01-2S: Building design Clause 16: Housing Clause 16.01-1S: Integrated housing Clause 16.01-2S: Location of residential development Clause 16.01-3S: Housing diversity Clause 16.01: Residential Development Clause 18: Transport Clause 19: Infrastructure
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<p><i>Local Planning Policy Framework</i> <i>Municipal Strategic Statement (MSS)</i></p>	<p>Clause 21: Clause 21.01-2: Key Issues and Influences Clause 21.01-3: Vision and Strategic Framework Plan Clause 21.02: Urban Structure and Settlement Clause 21.02-1: Managing Growth and Increasing Choice Clause 21.03-1: Liveable Communities Clause 21.03-2: Housing Clause 21.04-1: Urban Design Clause 21.04-2: Environmentally Sustainable Design and Development</p>
<p><i>Local Policies</i></p>	<p>Clause 22.05: Residential neighbourhood character – Westmeadows Local Policy</p>
<p><i>Zoning</i></p>	<p><i>Clause 32.08: General Residential Zone Schedule 1</i></p>
<p><i>Overlays</i></p>	<p><i>Nil</i></p>
<p><i>Particular Provisions</i></p>	<p>Clause 52.06: Car Parking Clause 55: Two or More Dwellings on a Lot & Residential Buildings</p>
<p>General Provisions</p>	<p>Clause 65: Approval of an Application or Plan Clause 66: Referrals and Notice Provisions</p>

- 5.2 The proposed development is considered to be generally in accordance with the relevant planning policies by providing appropriate medium density housing in a way that demonstrates site responsive design.
- 5.3 The Planning Policy Frameworks aim to provide housing diversity within urban settlements that are sustained by supporting infrastructure while ensuring development respond to the landscape and urban character of areas.
- 5.4 New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space. Planning for housing should include the provision of land for affordable housing that is close to jobs, transport and services.
- 5.5 Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through appropriately located uses and developments and quality urban design.
- 5.6 The Hume Municipal Strategic Statement (MSS) identifies single detached dwellings as the most common type of housing throughout the municipality. It forecasts this will remain for some years even though the size and type of households is gradually changing. One of the challenges for Council is to increase the range of housing types available to meet the changing accommodation and lifestyle needs of the community.
- 5.7 In order to address this, the Hume MSS recognises the following relevant objectives:

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- To provide access to a range and quality of housing opportunities that meet the varied needs of existing and future residents
- 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.

Aboriginal Cultural Heritage

5.8 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

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

Planning Permit Triggers

5.10 Pursuant to Clause 32.08-6 of the *Hume Planning Scheme*, a planning permit is required under the provisions of the General Residential Zone for the construction of two or more dwellings on a lot.

6. REFERRALS:

6.1 The application was not required to be referred to any statutory authorities under Section 55 of the *Planning and Environment Act 1987*.

6.2 The application was referred to Council's Assets (Engineering and Traffic) Department. The Assets Department advised that they have no objection to the application and that the traffic generation anticipated could be accommodated by the surrounding road network. Standard conditions that relate to vehicle access and drainage have been suggested and these have been included as conditions or notes in the recommendation.

7. ADVERTISING:

7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* (the Act) by way of letters to adjoining owners and occupiers and one sign was placed on the site for a minimum of 14 days as prescribed under the Act.

7.2 A total of 2 objections were received one of which was a petition with 64 signatories; in response and the grounds of objection are summarised as follows:

- Reduction of on street parking in an area with already limited parking.
- Increase in traffic congestion.
- Creates an unsafe environment for children and other pedestrians.

8. OBJECTIONS:

8.1 The grounds of objection are addressed below:

8.2 Reduction of on street parking in an area with already limited parking and Increase in traffic congestion.

On 25 June 2018 Report No. SU311, *Westmeadows Primary School – Traffic Investigations* was considered by the Hume City Council. This report was a result of Council receiving a petition in August 2017 requesting that Council redesigns and funds the parking area in Shadforth Street and around the school so that children can be picked up and dropped off in a safe and legal manner.

The report identifies that the provision of car parking to service state schools is determined by the Department of Education and Training (DET) and the school. As both the school and the DET have indicated that they will not fund additional parking for the school, Council officers will continue to assist Westmeadows Primary School in

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encouraging safe driver behaviour and educating parents on parking availability surrounding the school through on-going promotion via the school newsletter. Council wrote to the DET with suggestions on how to mitigate the parking shortfall at Westmeadows Primary School, including an offer to contribute to the cost of the works, however the DET has declined.

The proposal provides sufficient on site car parking to meet the requirements of Clause 52.06 of the *Hume Planning Scheme* and it is noted that there is no reduction in on street parking as part of this proposal due to the existing crossover being utilised by all three dwellings.

The traffic congestion and limited parking are a result of the school at drop off and pick up times and the school's inability to provide any additional on-site parking or financially contribute to the modification of any street parking.

It is considered that the redevelopment of the site with three dwellings will not contribute or exacerbate the existing concerns raised by the objectors given that the site can adequately provide its own parking on site.

8.3 Creates an unsafe environment for children and pedestrians.

Entry/exit to the site is in a forwards direction which limits potential conflicts with reversing vehicles.

The 1.8 metre high fence along the frontage of the site is to be removed as condition of permit to ensure surveillance of the street.

9. **ASSESSMENT:**

9.1 A detailed discussion of the proposal against the particular requirements of Clause 52.06 and Clause 55 of the *Hume Planning Scheme* is provided below. The proposal is able to satisfy the requirements of the respective provisions subject to the inclusion of permit conditions.

9.2 Pursuant to Clause 32.08-4 the proposal is required to provide a minimum of 35% of the site as garden area. The proposal allows for 35% of the site as garden area, satisfying the requirement.

Clause 52.06 (Car Parking):

9.3 Clause 52.06 (Car Parking) relates to car parking and outlines the required parking rates and design standards for development.

9.4 All three dwellings comprise a minimum of three bedrooms each.

9.5 Clause 52.06-5 requires parking at the following rate:

- *One space for each one or two bedroom dwelling.*
- *Two spaces for each two or more bedroom dwelling, with one space under cover.*

9.6 All dwellings will be provided with the required number of car spaces in accordance with the above provisions of Clause 52.06-5.

9.7 There is no requirement for visitor car parking space due to less than 5 dwellings proposed.

9.8 In terms of parking design and layout (under Clause 52.06-9) the following comments are made:

- The minimum dimensions of the car spaces are in accordance with Clause 52.06-9 of the *Hume Planning Scheme*.
- Access is acceptable for all Dwellings.
- The plans provide a visibility splay for the accessways in accordance with Clause 52.06-9.

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- A permit condition will require the mailbox in this splay must be less than 0.9 metres in height.
- The proposed parking is set back adequately from the street to ensure that vehicle access and garages do not dominate the street or internal spaces within the development and reasonable surveillance is available via the facades.
- Adequate landscaping is provided along the access way.
- Lighting is not indicated along the length of the internal accessway. To ensure visibility and surveillance during hours of darkness the location of lighting will be required as condition of permit.
- In view of the above, the stated purpose of the provision is considered to have been satisfactorily addressed subject to conditions as required by Council's traffic engineers.

Clause 55 (Two or More Dwellings on a Lot and Residential Buildings):

- 9.9 Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) applies to an application for the construction of two or more dwellings on a lot in a General Residential Zone, of which a development must meet all objectives and should meet all standards. The primary focus of the provision is to respect neighbourhood character, protect amenity and promote more sustainable development.
- 9.10 Subject to conditions the proposal is able to comply with the above provisions. Refer to the assessment below.

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

- 9.11 Single storey dwellings dominate the neighbourhood character of the area with a salt and peppering of double storey dwellings. In recent years, there has been an increase in the number of new in-fill developments within the area, many of which are medium density and/or double storey.
- 9.12 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.
- 9.13 The proposal is for a contemporary medium density development. This site is generally appropriate for the type of development proposed. The development will have appropriate regard for the existing pattern of residential development within this existing subdivision. The single storey dwellings and its setbacks to the rear ensure that the open space corridor is maintained.
- 9.14 The design provides an appropriate written response demonstrating consistency with relevant housing policy objectives.
- 9.15 The following is an assessment with Clause 22.15-4 Westmeadows 2 character area of the Hume Planning Scheme:

Objectives	Design Responses	Comments
<i>To encourage consideration of the landscape setting of new dwellings.</i>	<ul style="list-style-type: none"> • <i>Retain existing large trees and under storey wherever possible.</i> • <i>Prepare a landscape plan to accompany all new dwelling proposals that utilises native vegetation.</i> 	<p>There are no high canopy trees worthy of retention on the site.</p> <p>This will be required as condition of permit.</p>

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<p><i>To minimise excavation and site erosion.</i></p>	<ul style="list-style-type: none"> <i>Buildings and other development should follow the topography of the site or minimise their impact on the natural slope of the site.</i> <i>Retain existing significant vegetation, especially on steeply sloping sites.</i> 	<p>There is a fall across the site. The dwellings generally follow the topography of the site with a small amount of fill.</p> <p>There is no significant vegetation contained on the site, worthy of retention.</p>
<p><i>To reflect the existing rhythm of dwelling spacing.</i></p>		<p>Dwelling 1 is constructed to one side boundary with a setback from the other, maintaining the rhythm of dwelling spacing along the street.</p>
<p><i>To ensure that new buildings do not dominate the streetscape and wider treed landscape setting.</i></p>	<ul style="list-style-type: none"> <i>Design new buildings and extensions so as not to exceed the predominant tree canopy height.</i> 	<p>The dwellings are only a double storey height thereby not exceeding the larger tree heights in the area. It should be noted that the dwelling on the site to the south is double storey dwelling.</p>

9.16 The development provides meaningful dwelling diversity with a range of smaller affordable household types.

9.17 The development is well integrated with the street and internal accessway in terms of vehicle and pedestrian links.

9.18 The proposed dwellings are appropriately located in the context of an established urban environment and infrastructure, properly connected to all relevant services and utilities.

9.19 The dwelling's design is generally characteristic of the character of the built form of the surrounding dwellings as follows:

- Use of face brick to the façade and the use of a lightweight material (render) at the upper level.
- The proposed roof form is hipped. Eaves are provided at the upper level reflecting the character of the area.
- Garages (or carports) are generally located to the side of dwellings and set back from the front façade existing, they are a recessive feature of the dwelling. The garage of dwelling 1 is located to the rear of the dwelling maintaining the streetscape.
- The site's proximity to services such as retail centres, education facilities and arterial roads warrants the sites intensification with multiple dwellings.

9.20 The dwellings will integrate well with both Shadforth Street and the internal accessway in accordance with Standard B5.

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

9.21 The ground floor plan annotates the two adjoining dwellings setback at 7.6 metres and 9.3 metres. Therefore, pursuant to Standard B6, the average of the two adjoining setbacks is 8.4 metres. The development proposes a minimum front setback of 8.4 metres, this meets the standard and is reasonable in the streetscape.

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- 9.22 The maximum building height of the proposal is 7.9 metres. With respect to Standard B7 of ResCode this is considered satisfactory, given the maximum height limit under this clause is 9 metres. Conditions will be placed on the permit however, to reduce the height of dwelling 2 so that it sits at the same level or below the ridge line of dwelling 1 due to the fall of the land. Methods to reduce the height include reducing the finished floor level at the upper level and reducing the pitch of the roof. Being single storey, the rear dwelling reduces the perception of visual bulk when viewed from the rear of adjoining properties.
- 9.23 Site coverage is approximately 41% and permeable area is 35%, meeting the requirements of Standards B8 and B9 respectively.
- 9.24 With the orientation of the site, the dwellings receive adequate access to northern light.
- 9.25 Energy efficiencies are achieved with the double storey and attached nature of the proposal, energy efficiencies have also been considered with the use of shading devices along the north elevation windows of dwellings 1 and 2, in accordance with Standard B10. However, this can be improved with a shading device along the north elevation dining window/sliding of dwelling 1, which will form a condition on permit.
- 9.26 Standard B11 is not applicable as the site is not adjacent to any public open space and there is no public open space provided within the development given the low scale nature of the proposal.
- 9.27 The proposed development attempts to ensure that the layout of the dwellings is such that it provides for the safety and security of residents and the property (Standard B12). The habitable room windows with an outlook to the street and approaches allows for active interaction and passive surveillance.
- 9.28 Open space areas are sufficient to provide appropriate landscaping in accordance with Standard B13. The Concept Landscape Plan has been provided for this development. This plan shows canopy tree planting within the front and rear setbacks, this is considered acceptable.
- 9.29 The existing crossover is to be retained and utilised by all three dwellings, this maintains the existing percentage of crossover along the frontage of 17% this more than meets the maximum of 40% pursuant to Standard B14.
- 9.30 Conditionally, vehicle access is safe, manageable, and convenient, in accordance with Standard B14.
- 9.31 Vehicle parking is appropriately located, it provides convenient parking for residents, and does not create parking and traffic issues within the site or external of the development. Council's traffic engineers have no objections to the proposal subject to conditions.
- 9.32 Standard B15 states shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. Habitable room windows along the internal accessway comply with standard Standard B15.

Clause 55.04 – Amenity Impacts (Standards B17 to B24)

- 9.33 The proposed side and rear setbacks for the proposed dwelling satisfies standard B17.
- 9.34 Walls constructed on boundaries comply with the requirements of Standard B18.
- 9.35 The proposed development does not obstruct any daylight to existing habitable room windows on adjoining properties due to the setbacks from shared boundaries. Dwellings are setback adequately from habitable room windows on the adjoining properties. The setbacks annotated by the new development satisfy the requirements of Standards B19 and B20.

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- 9.36 Overshadowing is generally concentrated on the site itself with minimal spillage into adjoining properties. The extent of overshadowing to other adjoining properties is well within the permissible limits as stated at standard B21. Adjoining properties will continue to receive sufficient sunlight to private open space areas.
- 9.37 The habitable room windows at the upper level are screened to prevent overlooking internally and externally of the development, in accordance with Standards B22 and B23 of the *Hume Planning Scheme*.
- 9.38 Uses associated with the proposed development are residential. Noise generated by residential use is expected within this context and an increase of two dwellings is not considered detrimental and therefore meets standard B24.

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

- 9.39 All dwellings have minimal finished floor levels and the internal layouts are functional and with additional modifications could allow people with limited mobility to access amenities such as the kitchen, bathroom, toilet and laundry. All dwellings provide people with limited mobility the opportunity to reside in the development, particularly with the single storey dwelling to the rear and the bedroom at ground level for dwelling 1.
- 9.40 Entries to all dwellings are visible and easily identifiable from the street or internal accessway. The dwellings are provided with a sense of personal address and a transitional space around each of the entries, consistent with standard B26.
- 9.41 All habitable room windows face an adequate light court in accordance with standard B27.
- 9.42 All dwellings will be provided with a minimum area of 40 square metres of private open space with an area of secluded open space of a minimum of 25 square metres, which have useable dimensions.

Dwelling 1	161 square metres of POS
Dwelling 2	55 square metres of POS
Dwelling 3	67 square metres of POS

- 9.43 The secluded open space of all dwellings has convenient access from a family/meals room as per the requirements of B28.
- 9.44 The secluded private open spaces of all the dwellings have access to north orientation and generally meet the objectives and standards of B29 of ResCode.
- 9.45 All dwellings are not provided with 6 cubic metres of accessible external storage space; as a condition of permit the externally accessible storage is to be increased to a minimum of 6 cubic metres. This will ensure all external storage is consistent with Standard B30.

Clause 55.06 – Detailed Design (Standards B31 to B34)

- 9.46 The established neighbourhood character of the area can be largely defined by predominantly brick, single storey dwellings with a hipped roof form consisting of eaves, typically constructed circa 1980s.
- 9.47 It is considered that the proposed dwellings will blend well within this context in a contemporary manner. The dwellings will provide a similar mix and composition of external finishes of dwellings in the area and would be consistent with the surrounding built form. The garages and parking location sit well with the character of the surrounding dwellings by being a recessive element to the streetscape.
- 9.48 The single storey dwelling located to the rear and its setbacks from the rear boundary maintain the open space corridor which is characteristic of the area.

REPORT NO: SU373 (cont.)

- 9.49 The existing colorbond front fencing is proposed to be retained along the frontage of the site. Given this fencing is 1.8 metres in height it is considered that it prevents public surveillance and interaction and although it is existing, it should be removed to be consistent with the streetscape (B32).
- The fencing to enclose the secluded open space of dwelling 1 appears to be timber paling. As condition of permit the timber paling is to be replaced with feature fencing so as not to be obtrusive in the streetscape.
- 9.50 In the event of a subdivision, common property areas can easily be maintained and managed as per standard B33.
- 9.51 Outdoor clothes drying facilities are provided within the secluded open space areas of the dwellings away from public view are in accordance with B34 of Clause 55.
- 9.52 Bin storage areas are adequately provided for each of the dwellings. All bins can be adequately located within the road reserve in front of the site on collection day.
- 9.53 Letterboxes have been indicated and are within the visibility splay required by Clause 52.06-9. A condition of permit will require that they are less than 900mm in height to ensure visibility splays are maintained.
- 9.54 It is unclear as to whether the mailboxes for dwellings 1-3 are orientated parallel to the street or not; a condition of permit will require that they are located parallel with the street alignment in accordance with Australia Post standards.

10. CONCLUSION

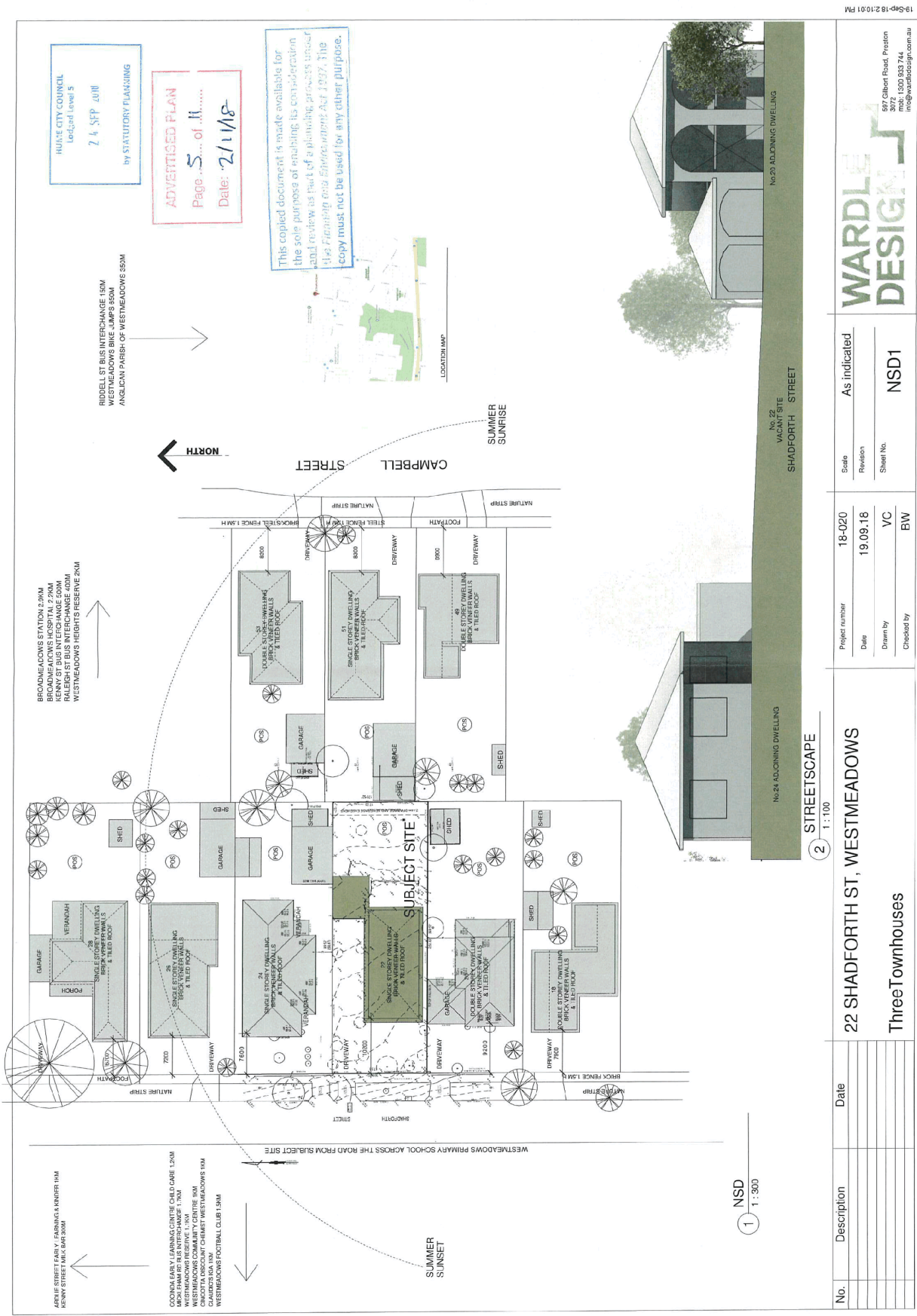
- 10.1 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme*, including Planning Policy Frameworks (inclusive of the MSS) and is considered to be generally consistent with the relevant purposes and strategies pertaining to the urban environment, sustainable development, and residential/housing development. The objections have also been considered in the assessment of this proposal.
- 10.2 The proposal generally satisfies the objectives and Standards of Clause 55 (Two or More Dwellings on a Lot) and Clause 52.06 (Car Parking). Subject to conditions of permit, the proposal is able to demonstrate site responsive design and with a limited impact on the amenity of surrounding properties and the character of the area.
- 10.3 On this basis, it is recommended that the application is supported and a Notice of Decision to Grant a Permit is issued.

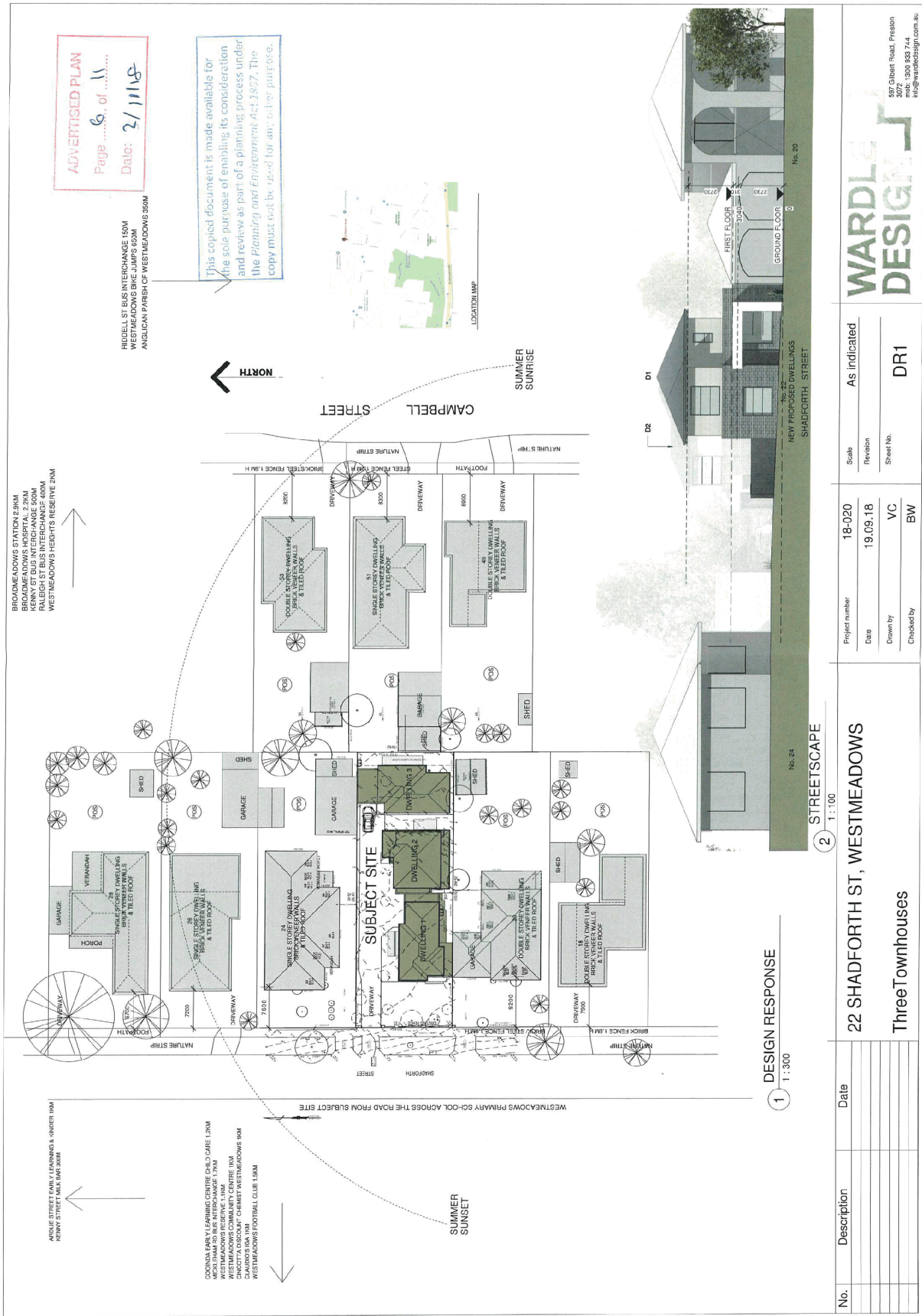
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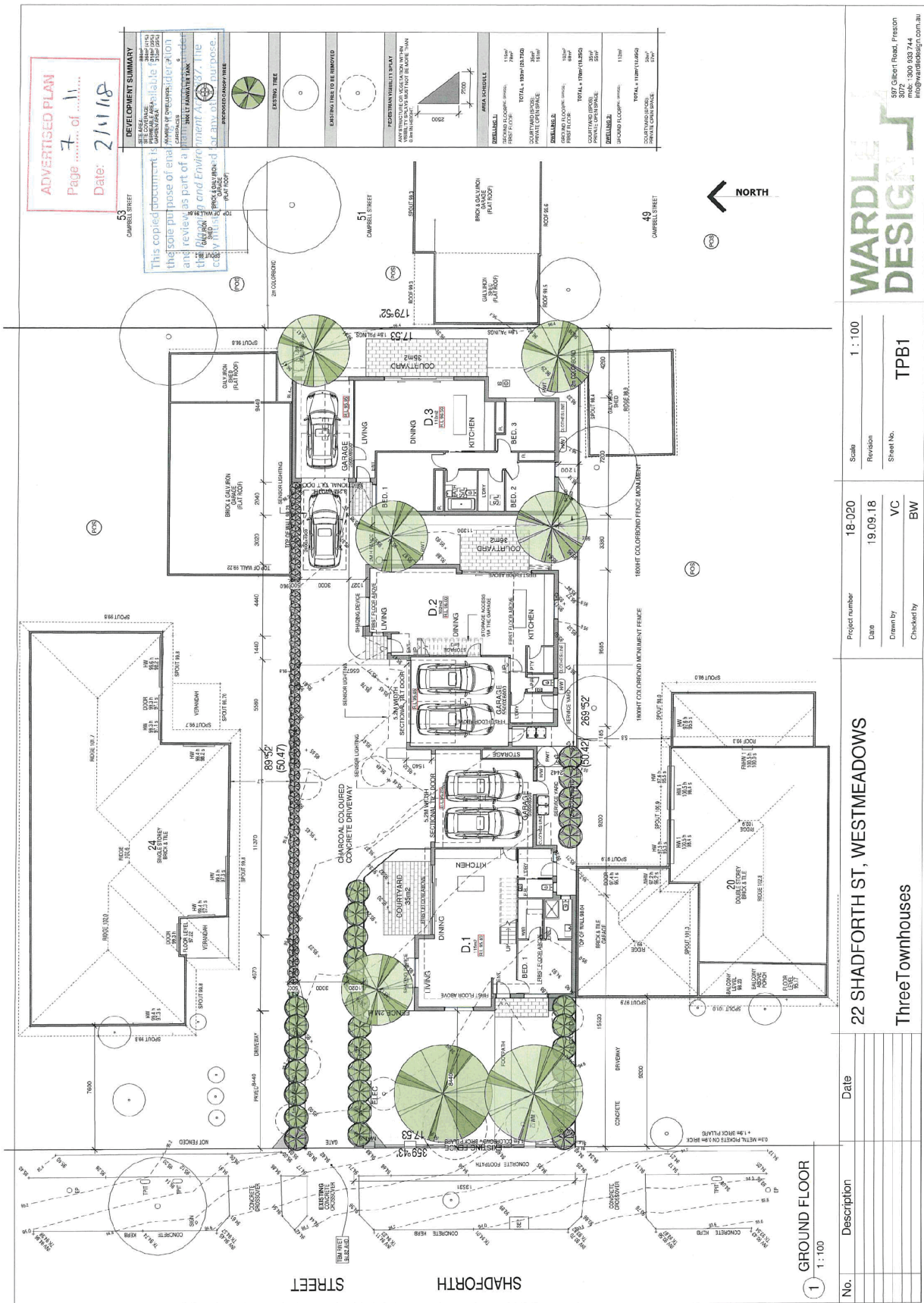
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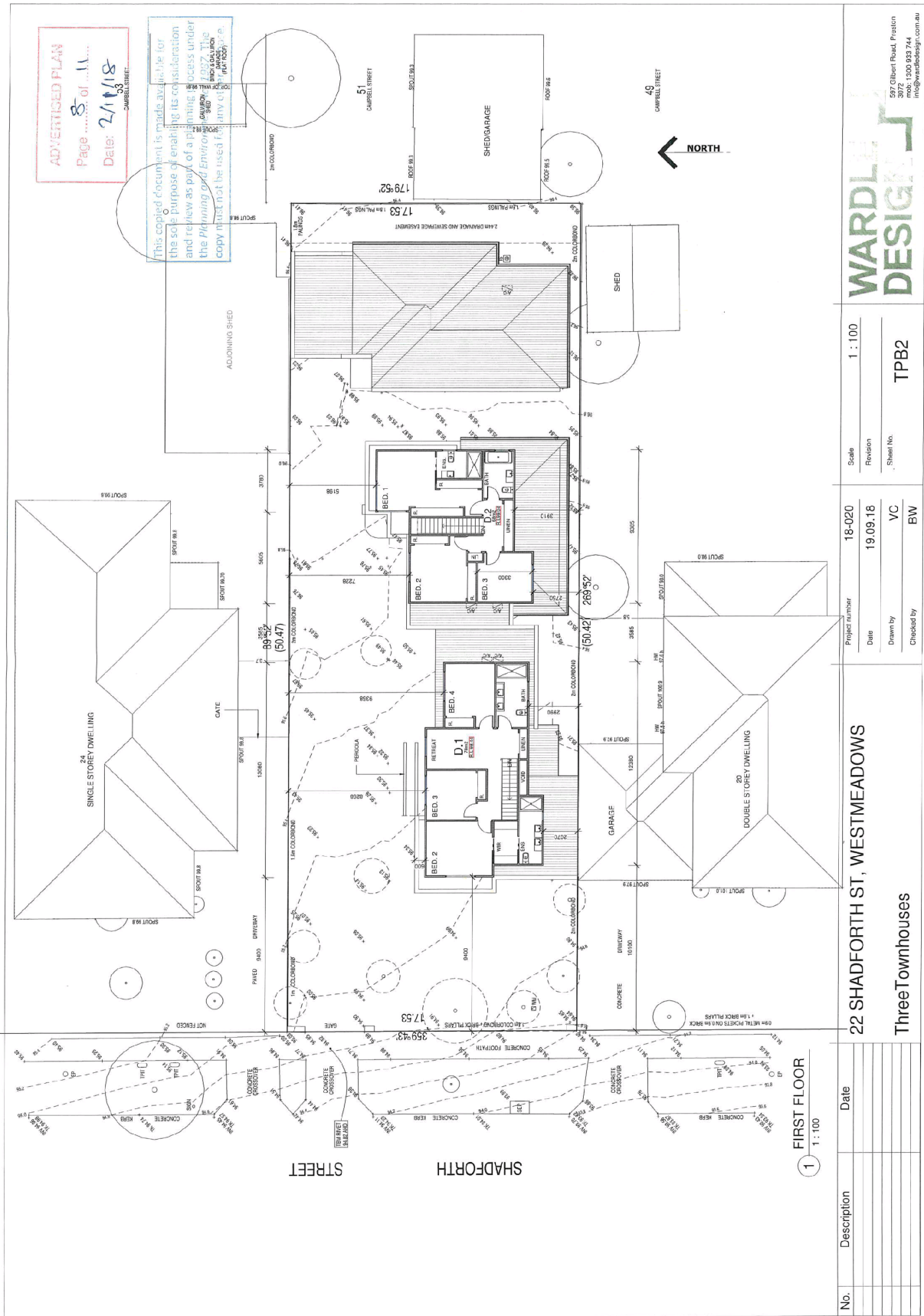
22 SHADFORTH STREET, WESTMEADOWS











ADVERTISED PLAN
 Page 8 of 11
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 JAMES WARDLE

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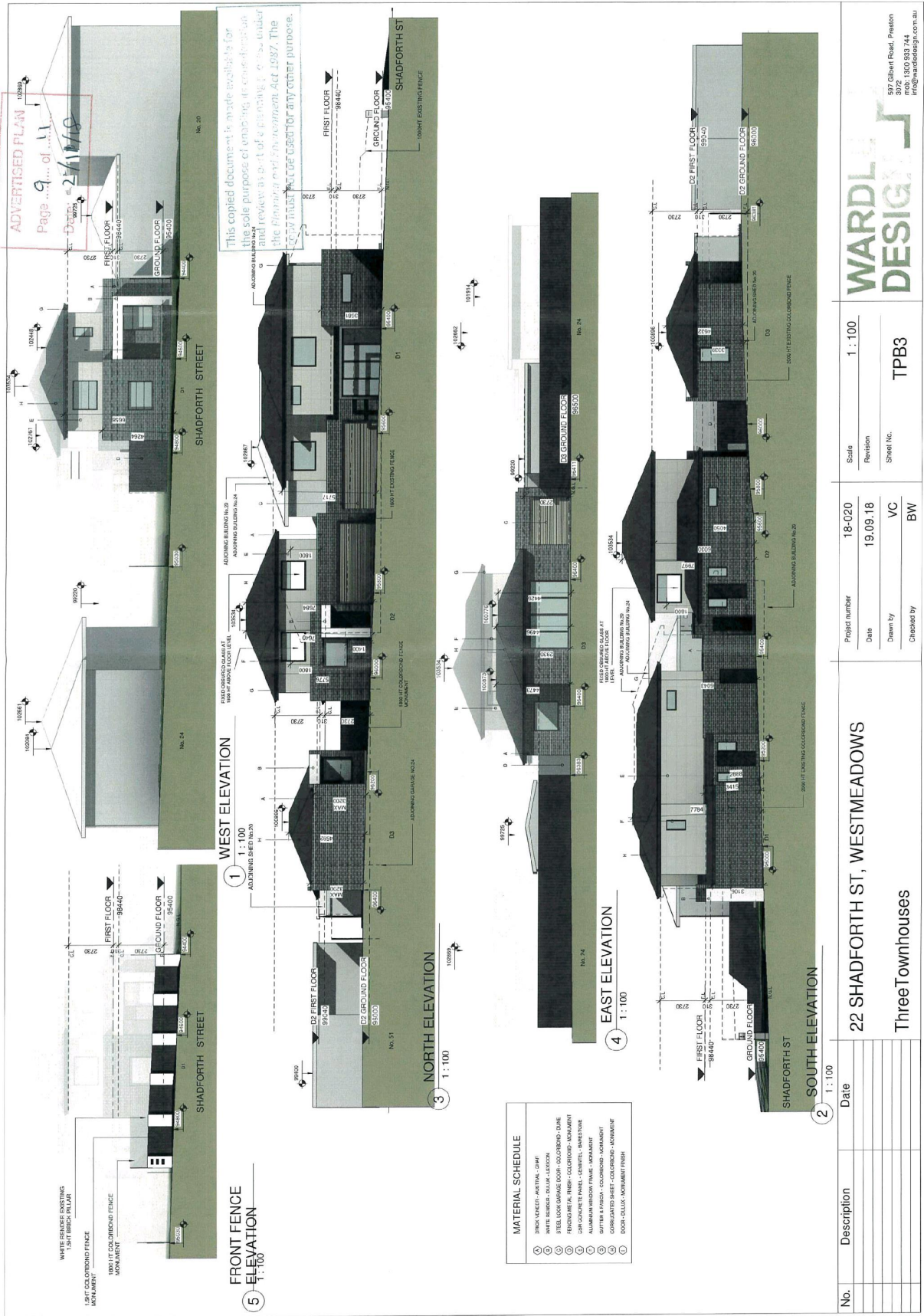
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 mob: 0300 933 744
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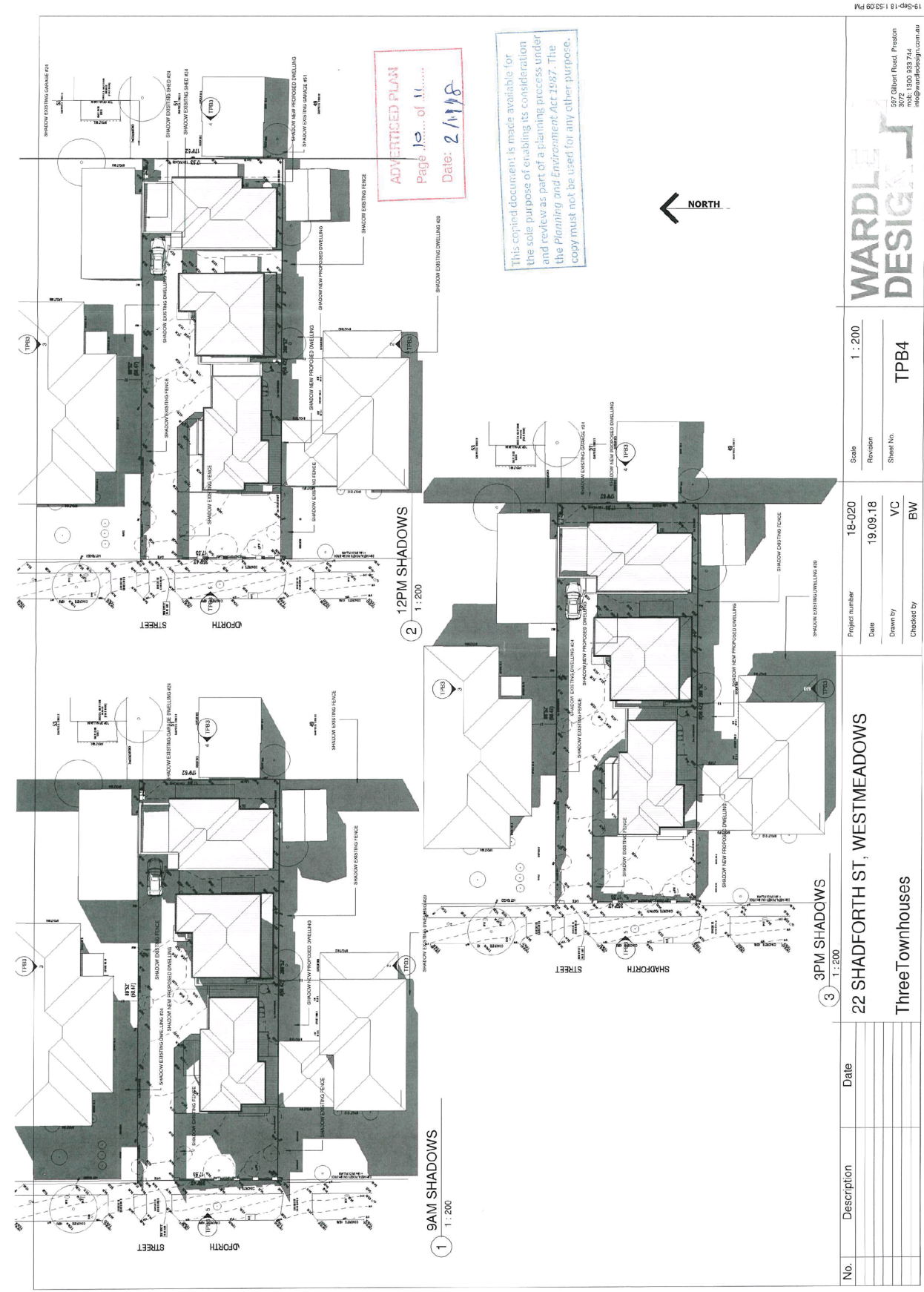
Scale	1 : 100
Revision	
Sheet No.	TPB2
Project number	18-020
Date	19.09.18
Drawn by	VC
Checked by	BW

22 SHADFORTH ST, WESTMEADOWS
 Three Townhouses

No.	Description	Date

19-Sep-18 3:25:35 PM





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Project number: 18-020
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 Drawn by: VC
 Checked by: BW

Scale: 1:200
 Revision: TPB4

22 SHADFORTH ST, WESTMEADOWS
 Three Townhouses

No.	Description	Date

19-Sep-18 1:53:09 PM



REPORT NO:	SU374
REPORT TITLE:	15 Eastgate Road, Craigieburn - Variation of Restrictive Covenant F999017 in Vol 10651 Fol 667 to Remove Reference to the Construction of a Single Dwelling
SOURCE:	Natalie Calleja, Town Planner
DIVISION:	Planning and Development
FILE NO:	P21607
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 Plans</i> 2. <i>Certificate of Title</i>

Application No:	P21607
Proposal:	Variation of Restrictive Covenant F999017 In Vol. 10651 Fol. 667 to Remove Reference to the Construction of a Single Dwelling.
Location:	15 Eastgate Road, Craigieburn
Zoning:	General Residential 1
Applicant:	Clause 1 Planning
Date Received:	3 August 2018

1. SUMMARY OF REPORT:

Planning approval is sought to vary the restrictive covenant as it applies to Lot 100, LP 113700 (Vol. 113700 Fol. 10651) contained in the Transfer of Land with dealing number F999017 dated 19 December 1975 by way of removing reference to the construction of a single dwelling house on the land commonly known as 15 Eastgate Road, Craigieburn. The application was advertised, and one objection was received. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* and the relevant clauses of the *Planning & Environment Act 1987* including the issues raised in the objections and a Notice of Decision to Refuse to Grant a Permit is recommended

2. RECOMMENDATION:

That Council, having considered the application on its merits and the objection received, resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit to vary the restrictive covenant as it applies to Lot 100, LP 113700 (Vol. 10651 Fol. 667) contained in the Transfer of Land with dealing number F999017 dated 19 December 1975 by way of removing reference to the construction of only a single dwelling house at 15 Eastgate Road, Craigieburn on the following grounds:

- 1. The proposal fails to satisfy the Decision Guidelines of Clause 52.02 (Easements, Reserves & Restrictions) of the *Hume Planning Scheme*.**
- 2. The proposal fails to satisfy the Decision Guidelines of Clause 65 (Decision Guidelines) of the *Hume Planning Scheme*.**
- 3. The proposal has failed to satisfactorily demonstrate that the variation to the Covenant will not compromise the character of the area.**

REPORT NO: SU374 (cont.)

3. PROPOSAL:

- 3.1 The proposal seeks to vary the restrictive covenant as it applies to Lot 100, LP 113700 (Vol. 10651 Fol. 667) contained in the Transfer of Land with dealing number F999017 dated 19 December 1975 by way of removing reference to the construction of a single dwelling house only. There is no proposal to remove reference to the external finishes of any dwelling constructed. Details of the relevant section of the covenant are as follows:

*...will not erect cause to be erected place or cause to be placed on any of the Individual Lots comprised in the Multi Lot Plan any building or erection **other than a single dwelling house** together with the usual outbuildings the dwelling house having external walls (excluding windows) not less than 75 per-centum of which shall be constructed of cement stone/brick or brick-veneer; ... [my emphasis].*

- 3.2 Pursuant to Section 47 (Applications for Permits) of the *Planning & Environment Act 1987*:

(1) If a planning scheme requires a permit to be obtained for a use or development of land or in any of the circumstances mentioned in section 6A(2) or for any combination of use, development and any of those circumstances, the application for the permit must—

(a) if the land is burdened by a registered restrictive covenant, be accompanied by a copy of the covenant; and

(b) if the application is for a permit to allow the removal or variation of a registered restrictive covenant or if anything authorised by the permit would result in a breach of a registered restrictive covenant, be accompanied by—

(i) information clearly identifying each allotment or lot benefited by the registered restrictive covenant; and

(ii) any other information that is required by the regulations.

The application has provided the applicable information as required with the above.

4. SITE AND SURROUNDS:

- 4.1 The subject site commonly known as 15 Eastgate Road, Craigieburn and formally described on Certificate of Title as Lot 100 on LP082298. The site is located on the north side of Eastgate Road, opposite the intersection with Harper Close.
- 4.2 The irregular shaped site has a frontage of 34.07 metres to Eastgate Road and a sideage of 22.55 metres along Aldbrough Road (a sealed pedestrian walkway) with an overall site area of approximately 738 square metres.
- 4.3 The site is generally flat and does not contain any significant vegetation.
- 4.4 The allotment currently contains a single storey, brick veneer dwelling with a tiled hipped roof and eaves.
- 4.5 The built form of the subject site and the surrounding is residential constructed circa 1970s.
- 4.6 The neighbourhood character generally comprise the following characteristics:
- Brick dwellings.
 - Predominantly single storey.
 - Tiled hipped roofs with eaves.
 - Predominantly double fronted dwellings.
 - Dwellings setback off a minimum of one side boundary.
 - Garage or carport located along one side boundary.

REPORT NO: SU374 (cont.)

- If front fencing occurs it is generally low, yet eclectic in materials.
- Landscaping is minimal and open and typically one canopy tree is planted and/or shrubs and lawn.
- There are no medium density developments in proximity of the site.

4.7 The site is located within proximity and has convenient access to a range of infrastructure including but not limited to Craigieburn Shopping Centre, Craigieburn Train Station and Bus Route 528, Craigieburn South Primary School and Craigieburn Secondary College, Aitken Creek linear reserve and major roads such as the Hume Planning Scheme Highway and Craigieburn Road.

Restrictions on Title/Restrictive Covenants

4.8 A title search produced on 26 April 2018 reveals that the land is encumbered with Covenant F999017.

4.9 Details of the relevant section of the covenant are as follows:

*...will not erect cause to be erected place or cause to be placed on any of the Individual Lots comprised in the Multi Lot Plan any building or erection **other than a single dwelling house** together with the usual outbuildings the dwelling house having external walls (excluding windows) not less than 75 per-centum of which shall be constructed of cement stone/brick or brick-veneer; ... [my emphasis].*

4.10 The land to the north of Aitken Creek which included the subject site originally formed part of Lot 1 on Plan of Subdivision 116198. Lot 1 was burdened with the covenant, whilst Lot 2 which included the land to the south of Aitken Creek, was the beneficiary.

4.11 The Covenant also created a carriageway easement partially over the original Lot 1 which does not form part of this land.

4.12 The Covenant limited further subdivision of Lot 1, however this restriction is now redundant as it ended with the registration of the subdivision which created Lots 1 to 138 on Plan of Subdivision 113700 (plan of subdivision which created the subject site).

4.13 All beneficiaries of the lot are located to the south side of Aitken Creek (original Lot 2), where as the burdened lot is located to the north side of the Creek (part of original Lot 1).

4.14 None of the lots adjacent to the land have the benefit of the Covenant.

4.15 The land is affected by a 1.8-metre-wide drainage and sewerage easement along the side east boundary.

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 and include the recently approved amendments:

Planning Policy

Framework: Not Applicable

Municipal:

Strategies: Not Applicable

Local Policies: Not applicable

Zones: Clause 32.08: General Residential Zone Schedule 1

Overlays: Nil

Particular

Provisions: Clause 52.02: Easements Restrictions and Reserves

REPORT NO: SU374 (cont.)

General

Provisions: Clause 65.01: Approval of an Application or Plan
Clause 66: Referral and Notice Provisions

- 5.2 The planning policy framework is silent on covenant variation matters and it is only the particular and general provisions which guide the assessment of the variation of covenant matters.

Aboriginal Cultural Heritage

- 5.3 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

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

Planning Permit Triggers

- 5.5 Pursuant to Clause 52.02 of the *Hume Planning Scheme*, a planning permit is required to vary a restriction.

6. REFERRALS:

- 6.1 An application for the variation of a restriction does not trigger any referrals under the provisions of the *Hume Planning Scheme*.

7. ADVERTISING:

- 7.1 Section 52 (Notice of Application) of the *Planning & Environment Act 1987*

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

(cb) *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 land benefited by a registered restrictive covenant, if the application is to remove or vary the covenant;*

(1AA) *If an application is made for a permit to remove or vary a registered restrictive covenant or for a permit which would authorise anything which would result in a breach of a registered restrictive covenant, then unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of the application in a prescribed form—*

(a) *by placing a sign on the land which is the subject of the application; and*

(b) *by publishing a notice in a newspaper generally circulating in the area in which that land is situated.*

The application was advertised under Section 52 of the *Planning and Environment Act 1987* (the Act) by way of letters to adjoining owners and occupiers, a notice in the Hume Leader newspaper and one sign was placed on the site for a minimum of 14 days as prescribed under the Act.

- 7.2 One objection was received in response; with the grounds of objection summarised as follows:

- Don't want any medium density developments.
- Medium density will create additional traffic, access and safety issues.

8. OBJECTIONS

The following is an assessment of the objection received, it is noted that the objector is not a beneficiary of the covenant:

REPORT NO: SU374 (cont.)

8.1 Don't want any medium density developments.

It is unclear in the objection if the reason for not wanting any medium density developments is solely due to traffic reasons or other reasons, which have not been detailed.

8.2 Medium density will create additional traffic, access and safety issues.

As there has been no development application lodged, Council's traffic engineers can provide no traffic advice.

There have been previous VCAT decisions (*Grujovska v Brimbank CC & Ors* and *Vivarini v Whittlesea CC*) that have acknowledged that a development application running concurrently with the variation of a covenant application would assist in enabling Council and beneficiaries of the covenant understand the development proposed and any perceived or actual detriment that may result.

9. **ASSESSMENT:**

9.1 There are three main ways to remove or vary a covenant:

- Apply to the Supreme Court for an order under Section 84 of the *Property Law Act 1958*;
- Amend the planning scheme under Part 3 of the *Planning and Environment Act 1987*; or
- Apply for a planning permit under Part 4 of the *Planning and Environment Act 1987*.

The applicant has applied to remove the covenant by a planning permit under Part 4 of the *Planning and Environment Act 1987* (Section 47 - Applications for Permits).

9.2 A detailed discussion of the proposal against the particular requirements of Clause 52.02 of the *Hume Planning Scheme* and Section 60(5) of the *Planning & Environment Act 1987* is provided below.

Matters for the Responsible Authority to consider (*Planning & Environment Act 1987*)

9.3 Sections 60(2) and 60(5) of the Act apply to the consideration of any permit application to remove or vary a restrictive covenant made under clause 52.02 of the Planning Scheme. If a covenant was created on or after 25 June 1991, section 60(2) applies. If the covenant was created before this date, section 60(5) applies.

9.4 The covenant on the subject land was created on 19 December 1975, hence section 60(5) applies, and it states:

- (5) *The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—*
- (a) *the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*
- (b) *if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

The requirements in both subsections (a) and (b) must be satisfied. If there are no objections from beneficiaries, subsection (a) must still be satisfied, but subsection (b) is not entertained.

REPORT NO: SU374 (cont.)

- 9.5 In assessing applications under Section 60(5) of the Act, the responsible authority must not grant a permit to remove or vary a covenant unless it is satisfied the owners of benefiting land will be unlikely to suffer detriment of any kind, including perceived detriment (even if there are no objections) and if a benefiting owner makes an objection to the granting of the permit, the objection is vexatious or not made in good faith. In other words, if a benefiting owner makes a bona fide objection to the granting of the permit, a permit generally cannot be issued.
- 9.6 Section 57(1A) of the *Planning & Environment Act 1987* provides that an owner or occupier of any land benefited by the covenant is deemed to be a person affected by the grant of the permit varying or removing the covenant. The Tribunal has found that phrase ‘interests of affected people’ is not confined solely to people that enjoy the legal benefit the covenant. Affected people may include non-beneficiary objectors.
- 9.7 In this instance the one objector to the variation of this covenant is not a beneficiary of the covenant but rather an affected person living across the road from the land. The Tribunal has found that the phrase “interests of affected people” is not confined to solely to people that enjoy the legal benefit of the covenant. Affected people may include non-beneficiaries. In *Peter & Gaye Hill v Campaspe Shire Council* VCAT Reference no. P1175/2010, Helen Gibson, Deputy President stated:

56 In my view, the scheme incorporated into the Planning and Environment Act 1987 and the planning scheme regarding the removal or variation of a restrictive covenant establishes three categories of potential objectors:

- *Those who own land that has the benefit of the covenant;*
- *Occupiers of land that has the benefit of the covenant; and*
- *Other affected people.*

59 Even if no objections are received from the owners of land benefited by the covenant, their interests must still be considered within the terms of section 60(5)(a). The consideration under sub-paragraph (a) is not confined objections. Any detriment of any kind in relation to any land with the benefit of the covenant must be considered, whether the owners of such land have objected or not.

60 However, as I have said, there is nothing within the planning scheme or the Act that limits the right of any other person who may be affected by the grant of a permit under clause 52.02 to object to the grant of a permit. The decision guidelines in clause 52.02 provide that before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people. Section 57(1A) of the Act provides that an owner or occupier of any land benefited by the covenant is deemed to be a person affected by the grant of the permit. Clearly, they may object to a permit under clause 52.02 and their interests must be considered under the decision guidelines, but equally other people may be affected and their interests should also be considered.

67 I consider that people can be affected by the removal or modification of a covenant, even though they may not be the owner or occupier of land with the benefit.

72 In this way I consider that in addition to detriment being suffered by benefiting owners under section 60(5)(a), other non benefiting owners may be affected in a planning sense by the variation of the covenant. I will consider this issue in further detail later. At this point, however, it is sufficient to find that other people’s interests may be affected by the removal or variation of a covenant apart from the owners of land benefited by the covenant, and that these interests are not confined to the property law right of enforcing the covenant.

REPORT NO: SU374 (cont.)

In determining what constitutes ‘detriment’ for the purposes of Section 60(5), it is necessary to identify the purpose of the Covenant in question. It is considered in this instance that the purpose of this section of the Covenant is to establish and maintain a neighbourhood of a particular low density residential environment and a particular built form. The owners and occupiers of land within the area will enjoy the benefit of that amenity even though they may not enjoy the benefit of the covenant as a property law right.

- 9.8 It is not considered that because owners of land benefited by the covenant have not objected, that there is an unlikelihood of detriment.
- 9.9 Section 60(5) requires the responsible authority to be independently satisfied about the likelihood of detriment. It is not a matter that is dependent on whether or not objections have been made.
- 9.10 In this instance Council is satisfied that the likelihood of any detriment on any beneficiaries is unlikely given the distance of the beneficiaries to the subject site and the physical separation of Aitkin Creek between them. Further, there are limited road connections between the Land and the benefitting properties. The lack of a physical connection also suggests that the beneficiaries will be unlikely to suffer detriment.
- 9.11 Notwithstanding the above it is noted that there were 10 persons which were advertised to which did not receive their notice, consequently the letters were readdressed to “return to sender”. It is uncertain as to whether these persons would have considered themselves as having been affected if they had of received the notification letter.

Matters for the Responsible Authority to consider (*Hume Planning Scheme*):

- 9.12 The purpose of Clause 52.02 (Easements Restrictions and Reserves) is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.
- 9.13 Decision guidelines under Clause 52.02 state that *before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.*
- 9.14 The following is an assessment of the merits in accordance with the provisions of clause 52.02 the Planning Scheme.
- 9.15 It is Council’s position that the purpose of the Covenant is to create and preserve a low-density residential neighbourhood characterised by single dwellings constructed of select building materials. The character of the area is intact as there does not appear to be any lots which have been developed with more than one dwelling. The more intact a neighbourhood is, the more likely change to this neighbourhood would result in detriment.
- 9.16 In *Hill v Campaspe SC*, Deputy President Gibson observed that the *existence of a restrictive covenant will often be instrumental in establishing the character and amenity of a particular area. The owners and occupiers of land within the area will enjoy the benefit of that amenity even though they may not enjoy the benefit of the covenant as a property law right.*
- 9.17 The interests of affected people have been considered and it is Council’s opinion that having regard to the matters required to be considered in Clauses 52.02 and 65, and a lack of any development plans showing what is proposed once the covenant has been varied, there is no certainty that the variation of the Covenant would not create detriment to the character of the area, affect the orderly planning of the area or impact on the amenity of the area.

REPORT NO: SU374 (cont.)

9.18 No development plan has been lodged as part of or contemporaneously with the application making it difficult to ascertain whether the character of the area would be compromised.

9.19 *In Dacre v Yarra Ranges SC [2015] VCAT 1453, the Tribunal discussed the lack of a contemporaneous development proposal. The applicant sought to remove a covenant which restricted development to 'one single dwelling house'. One beneficiary objected to the removal. Deputy President Dwyer was unable to be satisfied that the removal of the covenant would not result in detriment because without an accompanying development proposal, he would have to be satisfied that any form of lawful development would be unlikely to cause detriment. He observed at paragraphs 16 and 17:*

17. ... On its face, the existing covenant purports to prevent the erection of any building other than a single dwelling house and usual outbuildings and imposes a restriction on the size of the dwelling. The removal of the covenant would potentially allow any development which is otherwise permissible in the Neighbourhood Residential Zone.

18. This makes the scope of enquiry of all possible forms of lawful development even more difficult. Even if this scope of enquiry is limited by removing from consideration those possible development opportunities that might be thought to be remote or fanciful or unlikely, the scope of enquiry is still necessarily broad. If the land is free from the effect of the covenant, I simply do not know whether the ultimate development of the land would be limited only to a second dwelling. Even if so limited, I do not have any basis for assessing the likely building envelope, scale, height, or design of that second dwelling. I do not know whether there would be any overlooking or overshadowing of neighbouring properties. I do not know whether there would be any vegetation removal or other consequential development. I do not know what the effects of a possible future subdivision of the land might mean for its development if wholly freed from the covenant.

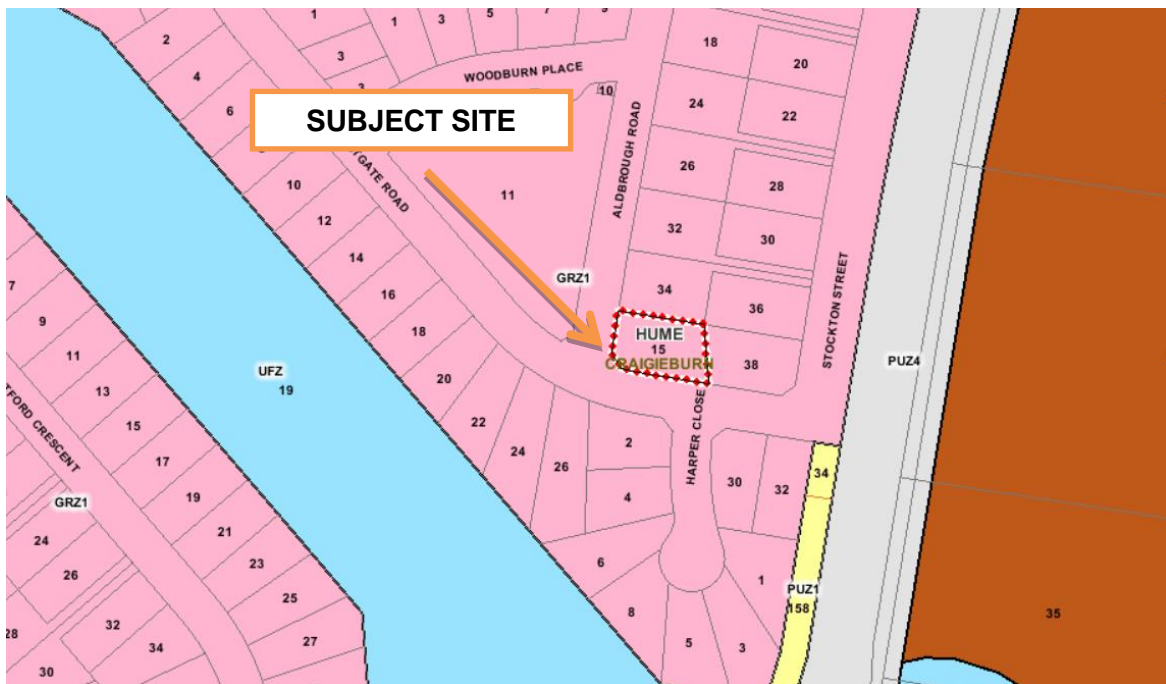
10. CONCLUSION

Assessment against the particular requirements of Clauses 52.02 and 65 of the *Hume Planning Scheme* and Section 60(5) of the *Planning & Environment Act 1987* have been undertaken. In summary, the proposal is not able to satisfy the requirements of the relevant clauses of the Planning Scheme. The character of the land burdened by the Covenant is relevant as varying the Covenant would cause detriment given the intact nature of the area. Council has determined that the interests of affected people are likely to suffer a relevant detriment in relation to neighbourhood character.

LOCALITY MAP

P21607

15 EASTGATE ROAD, CRAIGIEBURN





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10651 FOLIO 667

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LAND DESCRIPTION

Lot 100 on Plan of Subdivision 113700.
PARENT TITLE Volume 09186 Folio 650
Created by instrument AB210685M 12/04/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
XPLEX PTY LTD of 240 BOLTON STREET ELTHAM VIC 3095
AQ916935Y 12/04/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ916936W 12/04/2018
PEPPER FINANCE CORPORATION LTD

COVENANT F999017

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP113700 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AQ903070J	WITHDRAWAL OF CAVEAT	Registered	10/04/2018
AQ905984W (E)	NOMINATION TO PAPER INST.	Completed	10/04/2018
AQ916934B	DISCHARGE OF MORTGAGE	Registered	12/04/2018
AQ916935Y	TRANSFER	Registered	12/04/2018
AQ916936W	MORTGAGE	Registered	12/04/2018

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 15 EASTGATE ROAD CRAIGIEBURN VIC 3064

DOCUMENT END

ADVERTISED PLAN
Page 2 of 9
Date: 14/11/2018
Inclusion

ADVERTISED PLAN



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PLAN OF SUBDIVISION
OF PART OF CROWN SECTION 16
PARISH OF YUROKE
COUNTY OF BOURKE
MEASUREMENTS ARE IN
METRES
VOL.9103 FOL.312

LP 113700
EDITION 2
APPROVED 23/07/16

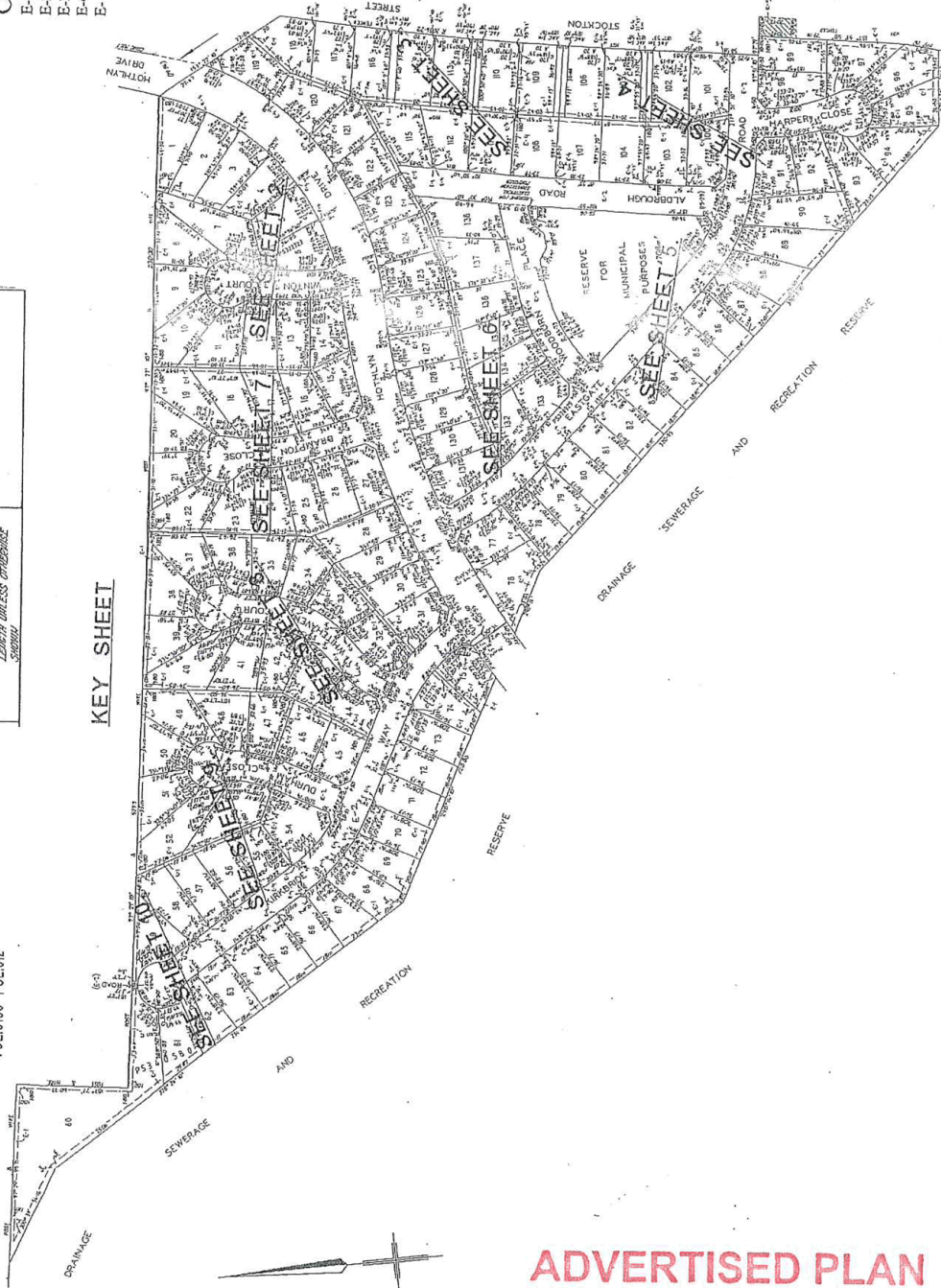
10 SHEETS
SHEET 1

COLOUR CODE

- E-1 = BLUE
- E-2 = BROWN
- E-3 = BLUE HATCHED
- E-4 = PURPLE
- E-5 = BROWN HATCHED

APPROPRIATIONS	NOTES
<p>BLUE AND BLUE HATCHED - DRAINAGE & SEWERAGE</p> <p>BROWN - PAVEMENT, DRIVEWAY & SEWERAGE</p> <p>PURPLE AND BLUE HATCHED - RESERVE FOR ELECTRICITY SUPPLY PIPES 1.5 METRE WIDE AND 2 METRES IN LENGTH UNLESS OTHERWISE SHOWN</p>	<p>SHOW INTER-APPROPRIATION CARPARKWAY EASING OUT TO PART ONLY NOTE: TRAPSEPT No. C366/218</p>

KEY SHEET

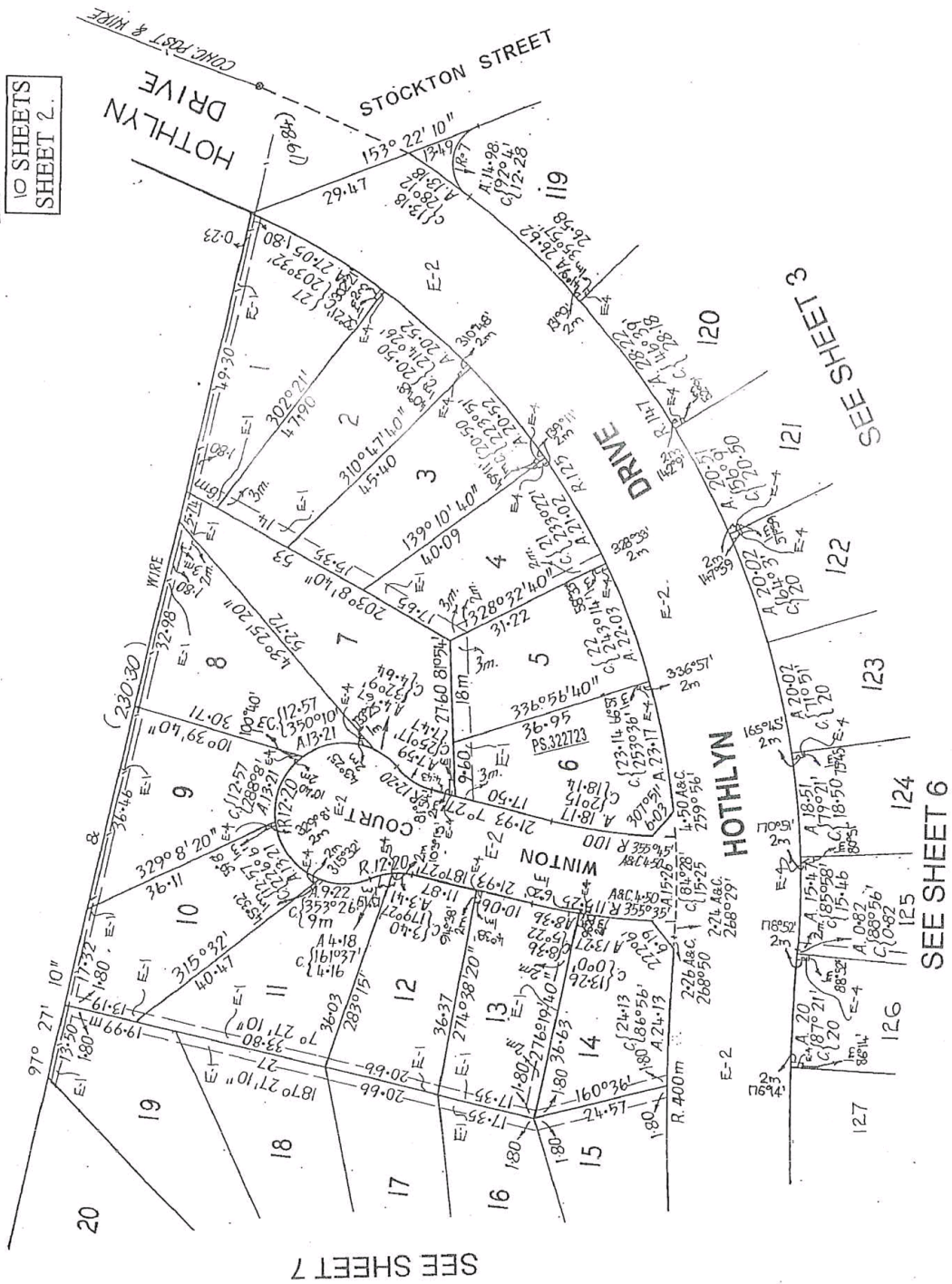


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LP 113700

10 SHEETS
SHEET 2.



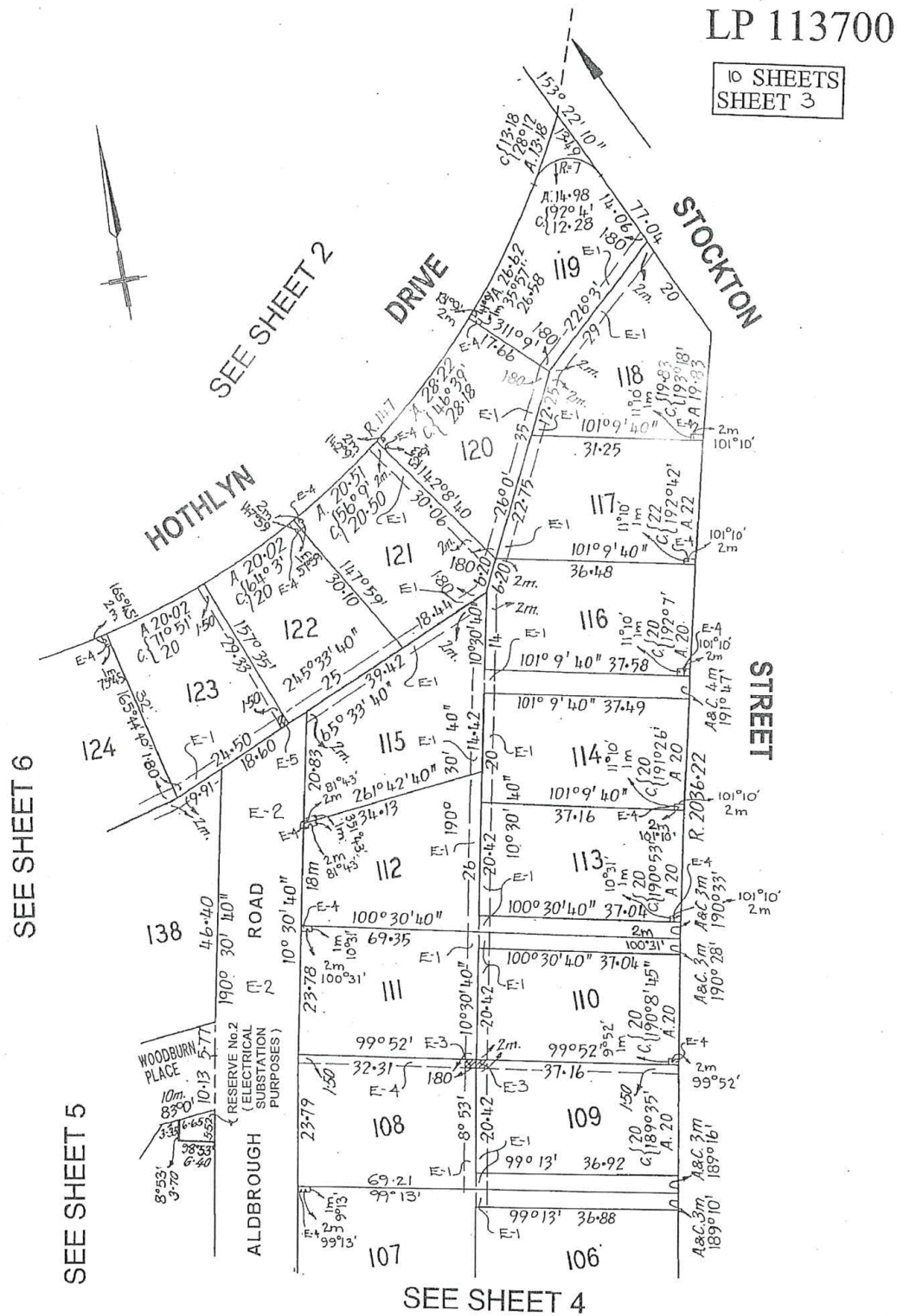
SEE SHEET 7

SEE SHEET 3

SEE SHEET 6

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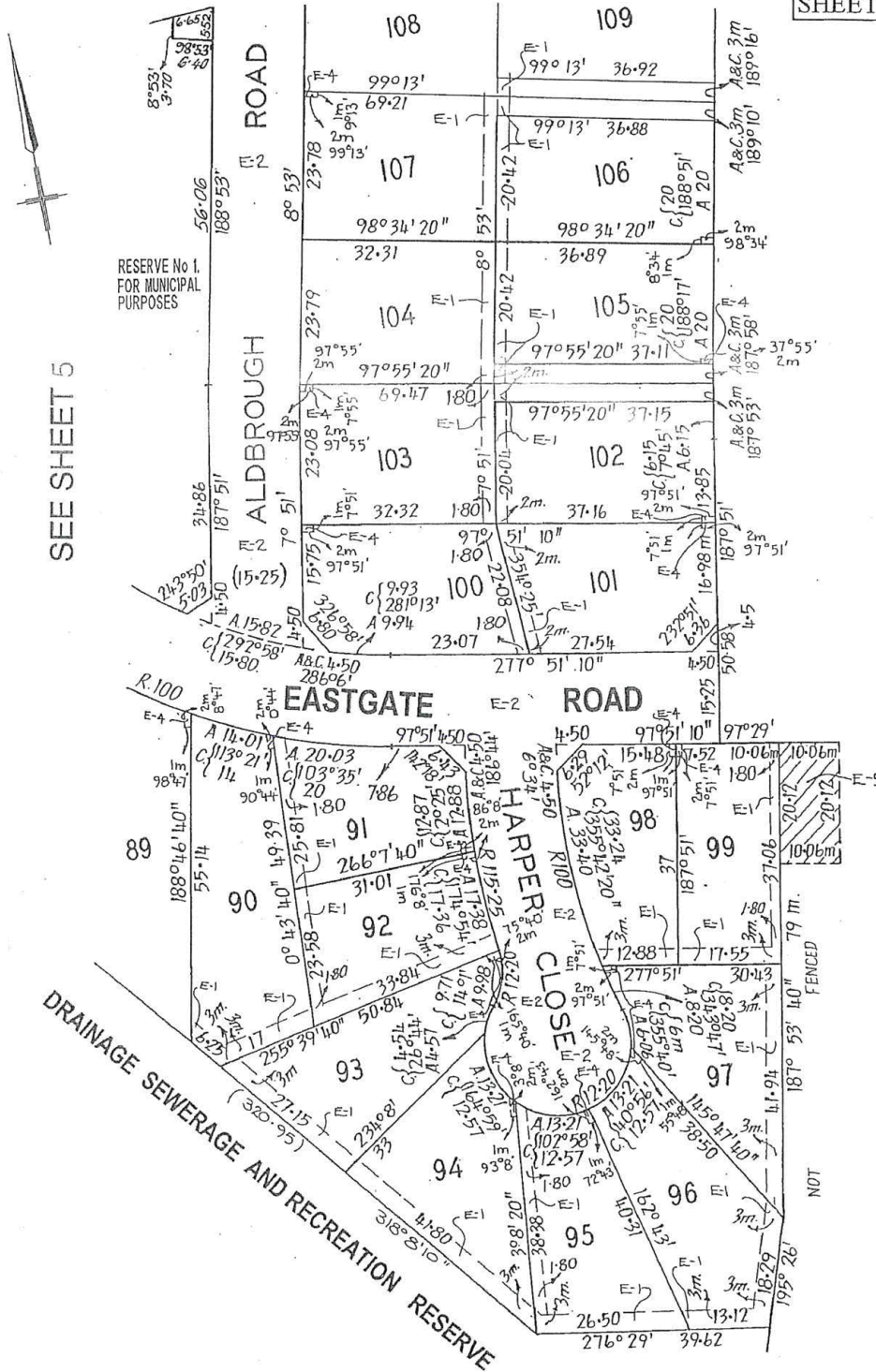
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LP 113700

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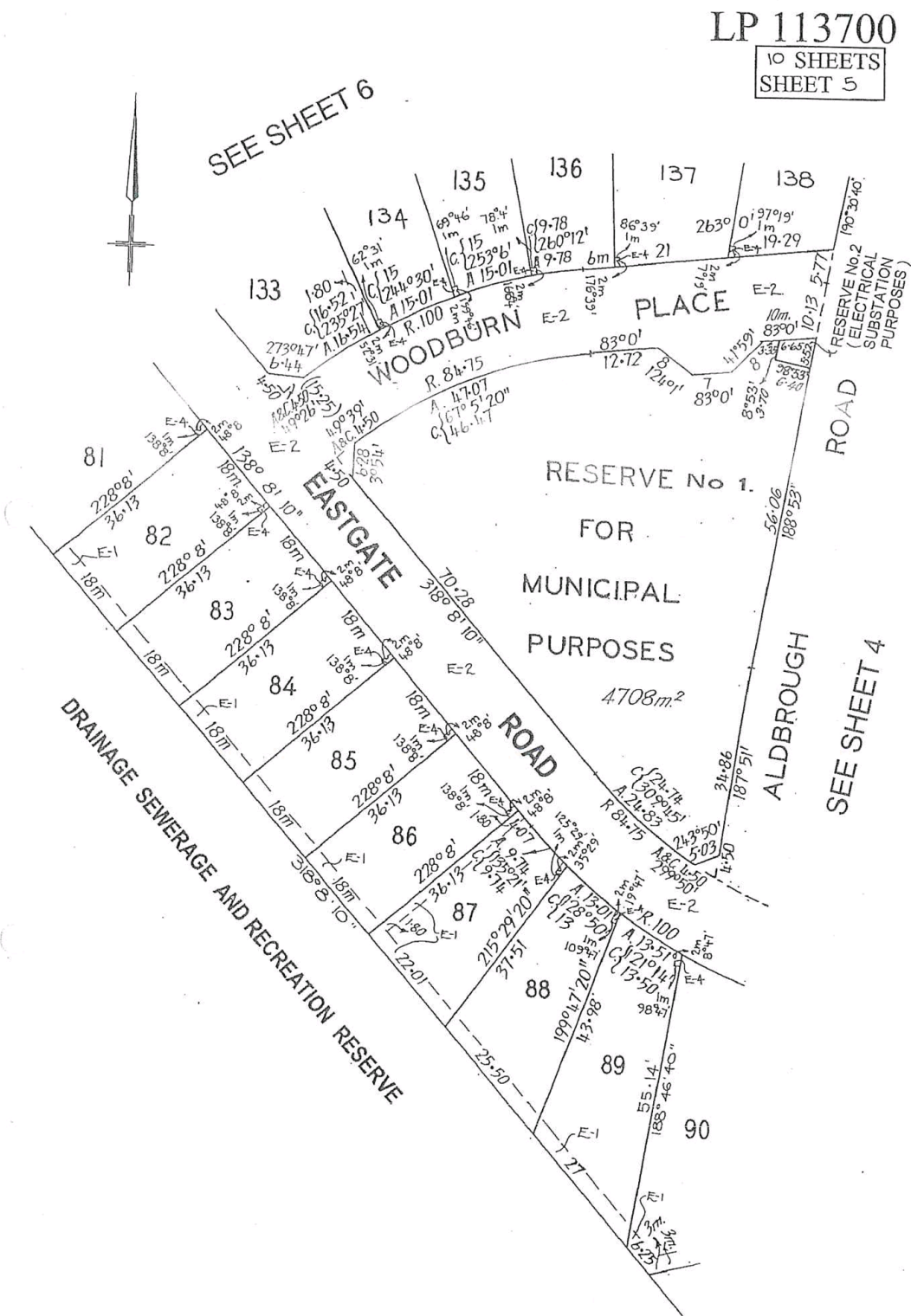
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SEE SHEET 5

RESERVE No 1.
 FOR MUNICIPAL
 PURPOSES

ADVERTISED PLAN

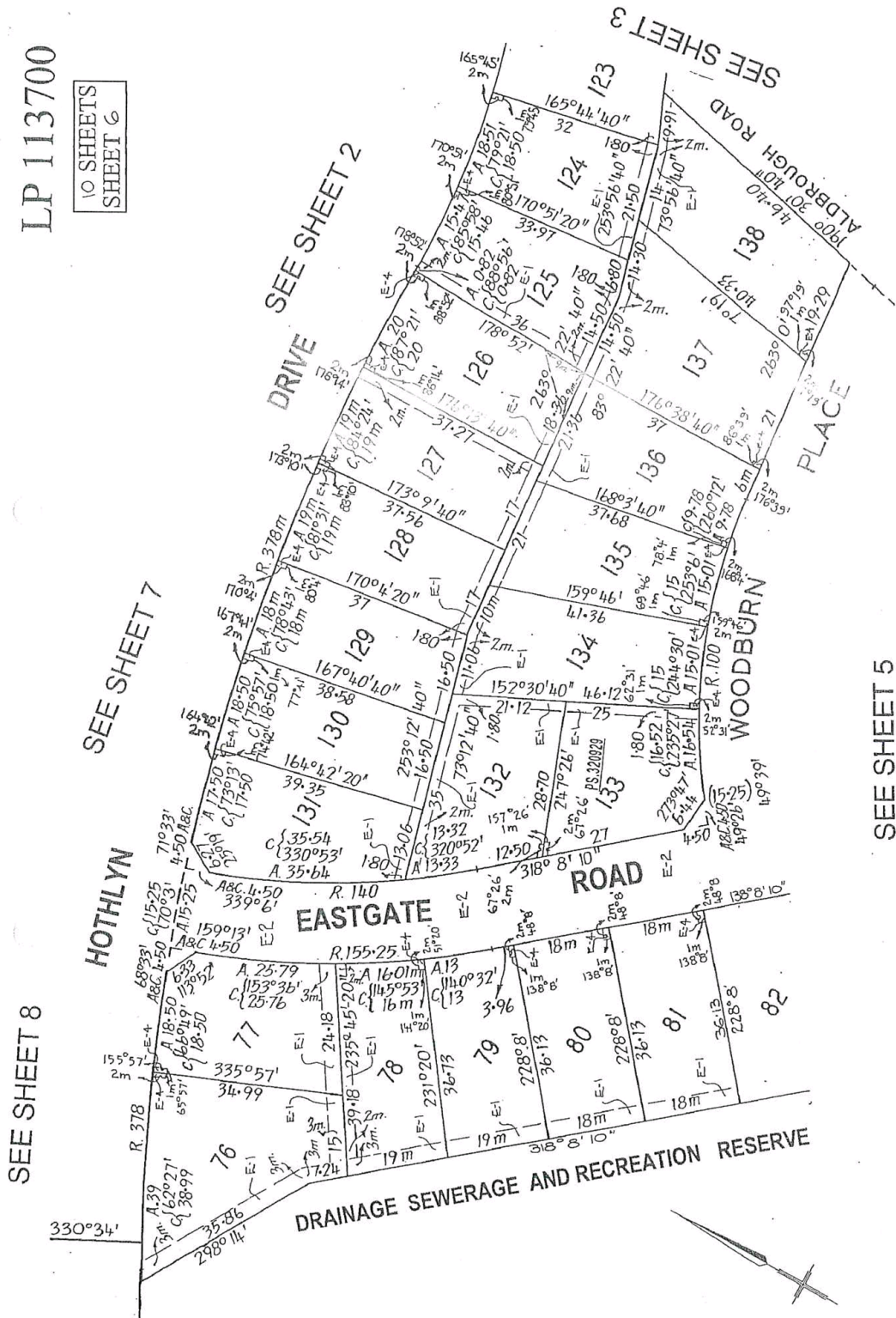


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LP 113700

10 SHEETS
SHEET 6

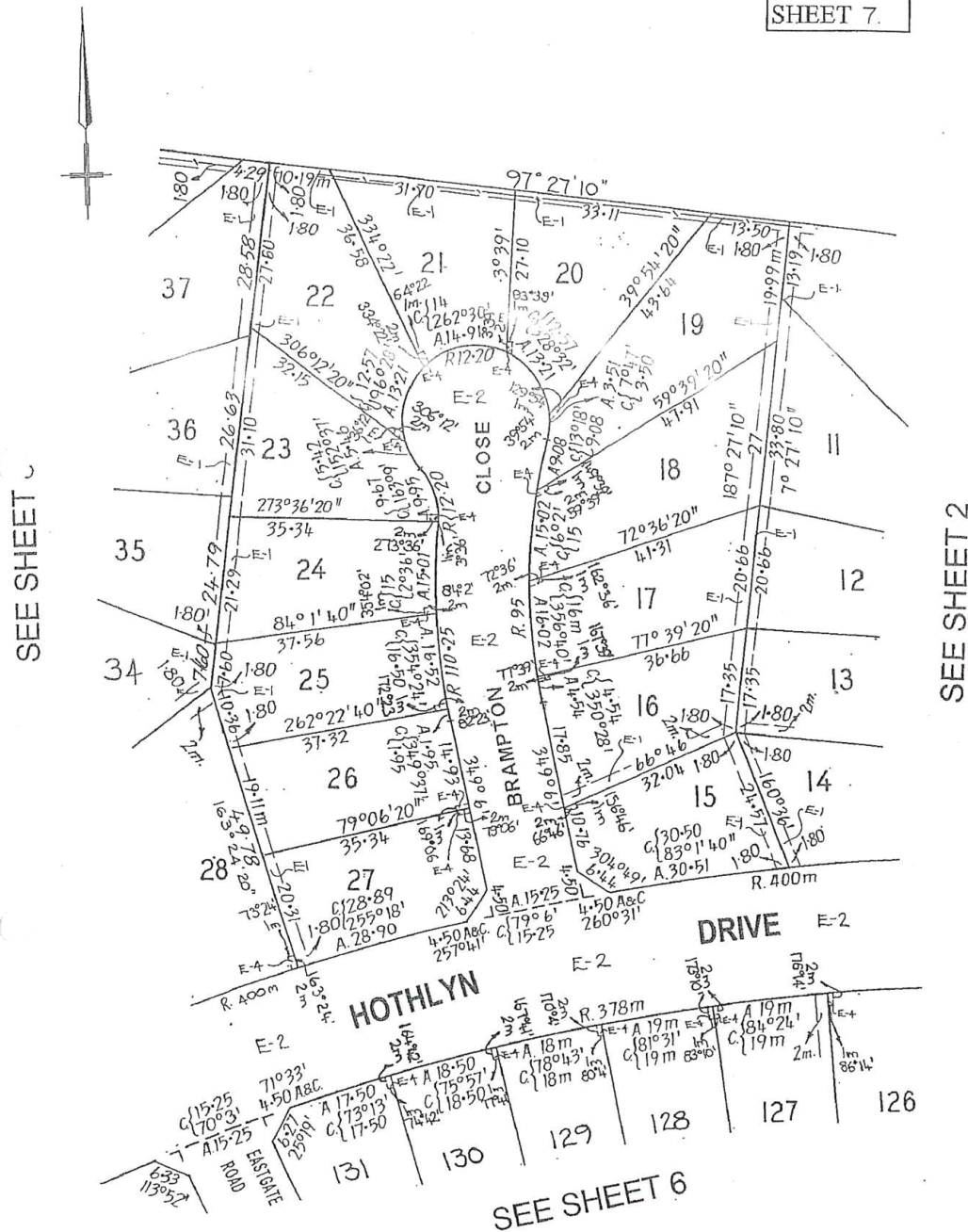


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LP 113700

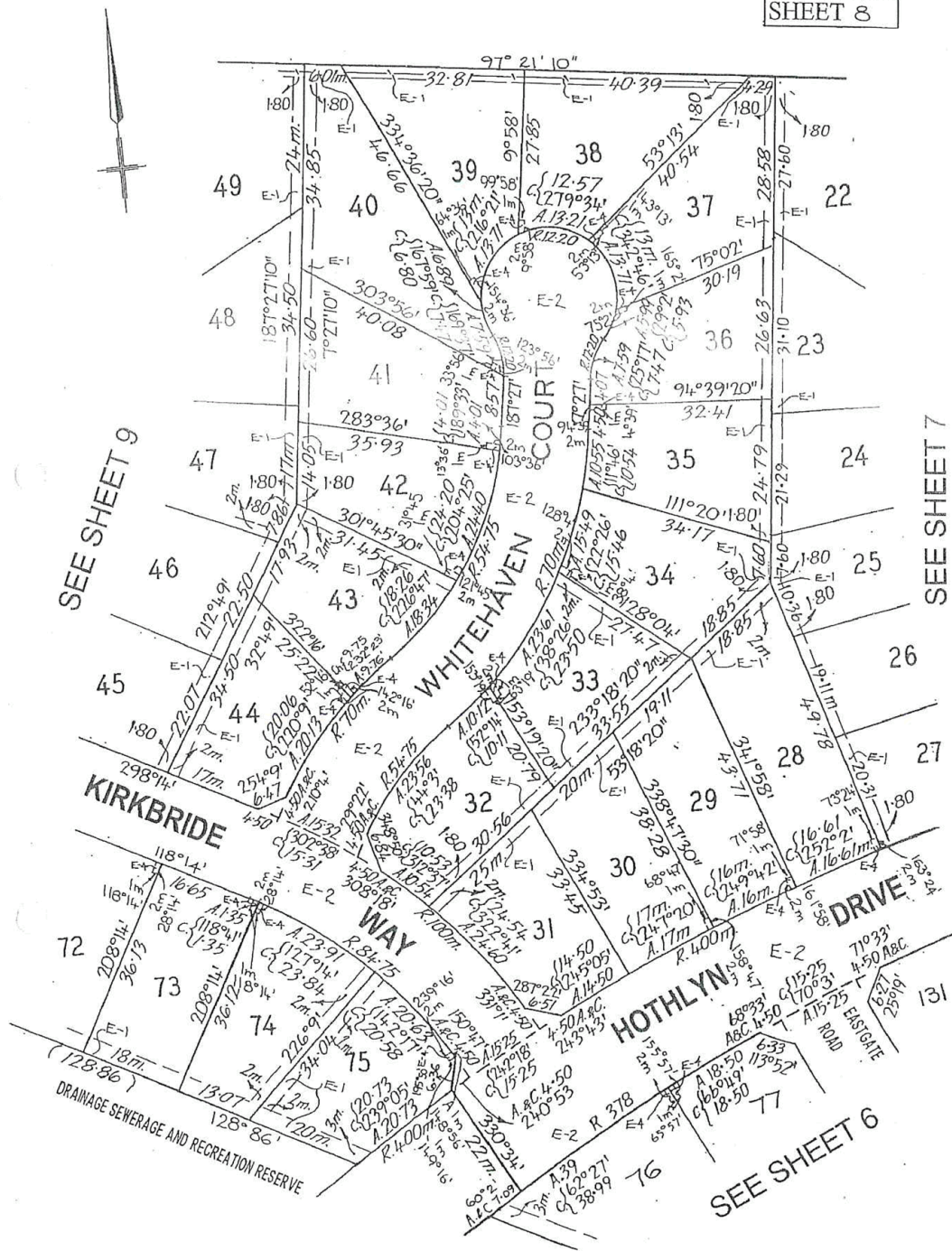
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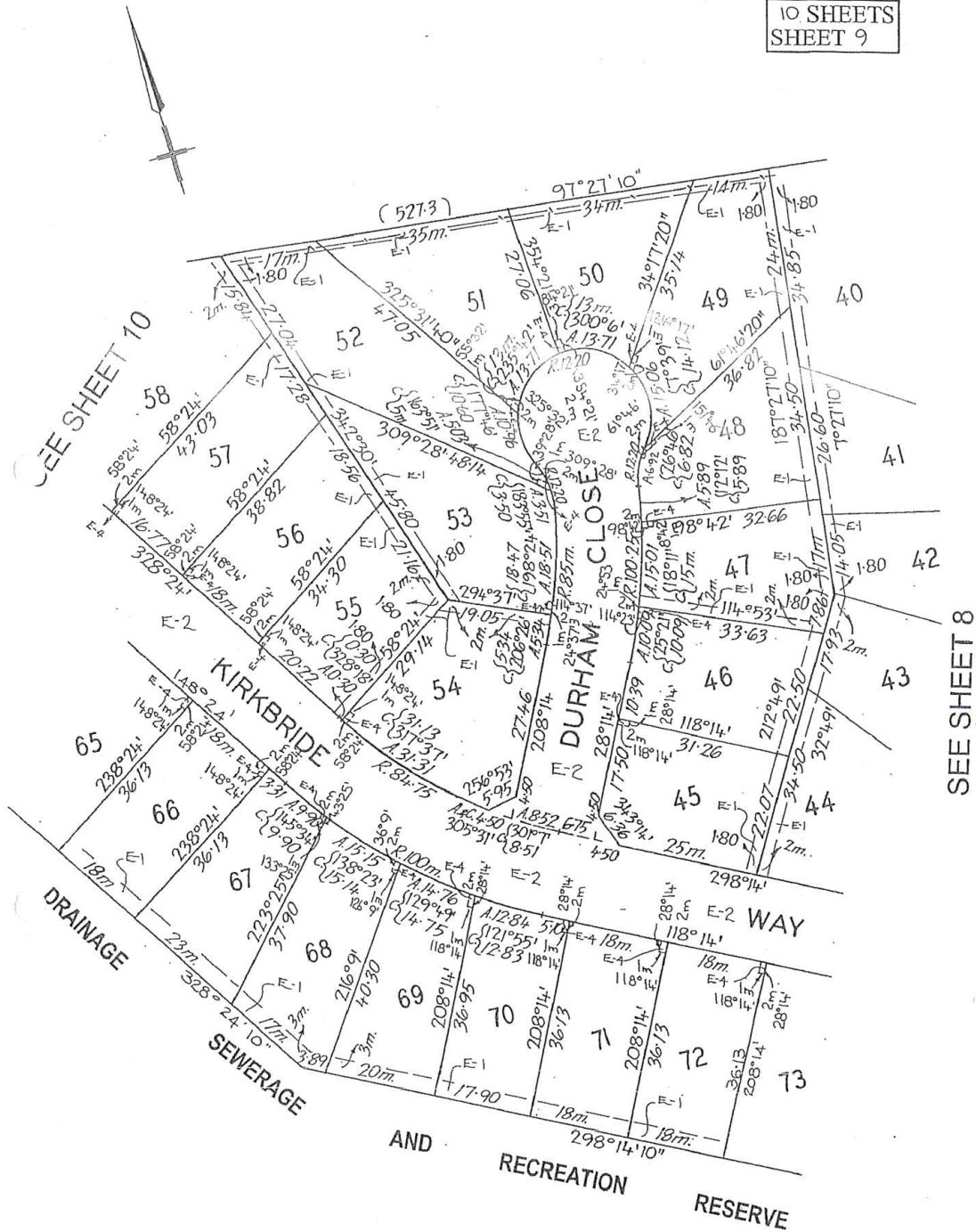
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ADVERTISED PLAN

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10 SHEETS
SHEET 9

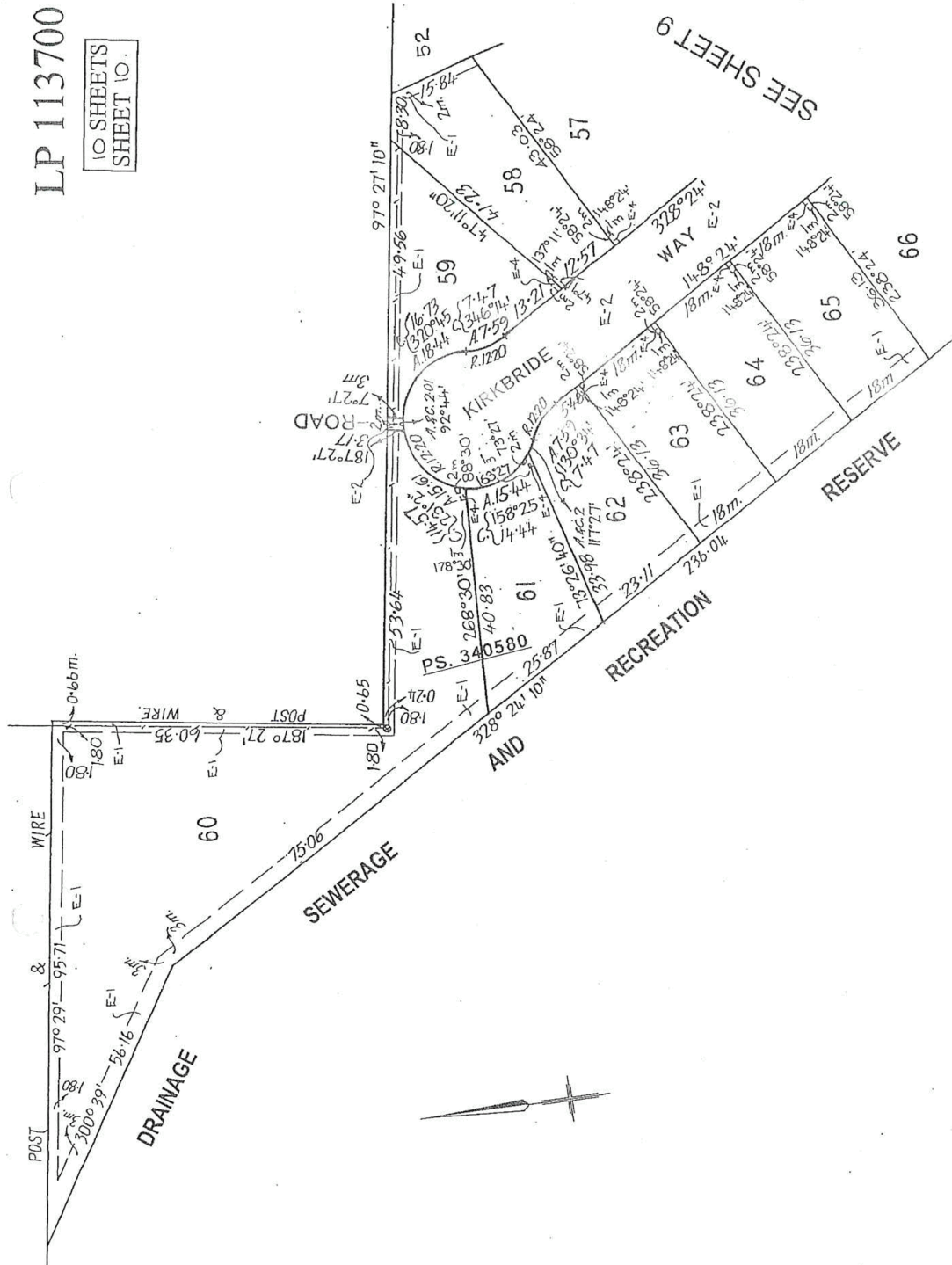


SEE SHEET 10

SEE SHEET 8

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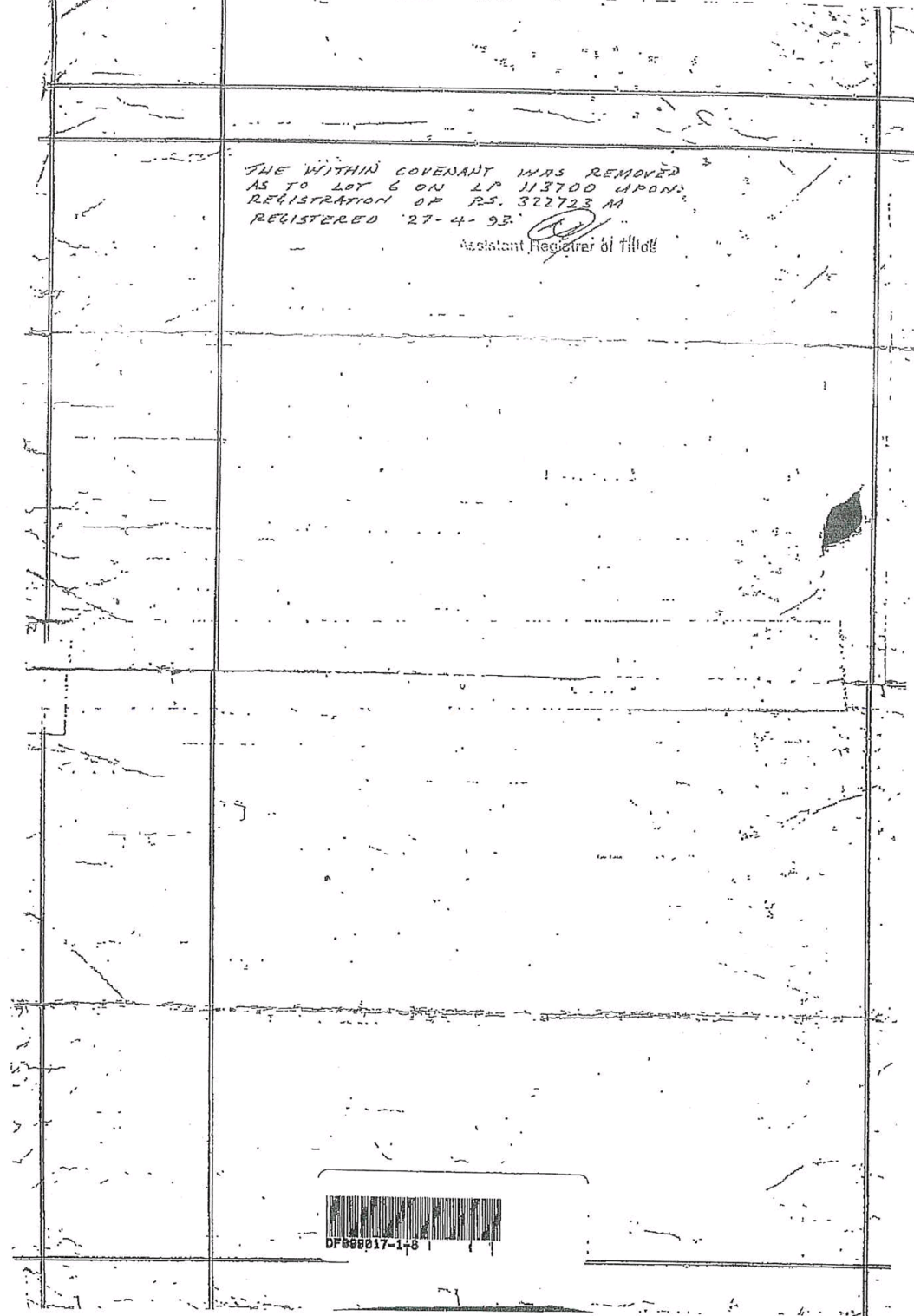
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- 2 -

authority in that regard AND IT IS REQUESTED that this covenant shall appear on the Certificate of Title to issue in respect of the said land and the burden thereof shall run at law and in equity with the land until the Multi Lot Plan finally is approved and registered by the Registrar of Titles and thereupon this covenant shall be of no effect it being the intention of the parties hereto that this covenant should not appear as an encumbrance on the face of any of the titles to issue from the Multi Lot Plan and that the said Hothlyn shall thenceforth cease to have the benefit of this covenant AND STRATFORD DOTH HEREBY FURTHER COVENANT with Hothlyn that Stratford will not erect cause to be erected place or cause to be placed on any of the individual Lots comprised in the Multi Lot Plan any building or erection other than a single dwelling house together with the usual outbuildings the dwelling house having external walls (excluding windows) ~~not less than seventy-five per centum of~~ ^{not less than seventy-five per centum of} cement which shall be constructed of stone/brick or brick-veneer AND IT

IS REQUESTED that this second covenant shall appear on each Certificate of Title to issue in respect of each Lot on the Multi Lot Plan and that the burden thereof shall run at law and in equity with each such Lot.

DATED the 19th day of December 1975;

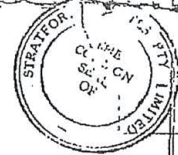
THE COMMON SEAL of HOTHLYN-S.A.W. PTY. LIMITED

was hereunto affixed in accordance with its Articles of Association in the presence of:-
 Director
 Director/Secretary



THE COMMON SEAL of STRATFORD ESTATES PTY. LIMITED

was hereunto affixed in accordance with its Articles of Association in the presence of:-
 Director
 Director/Secretary



ENCUMBRANCES REFERRED TO:

The encumbrances set out at the foot of the said Certificate of Title.

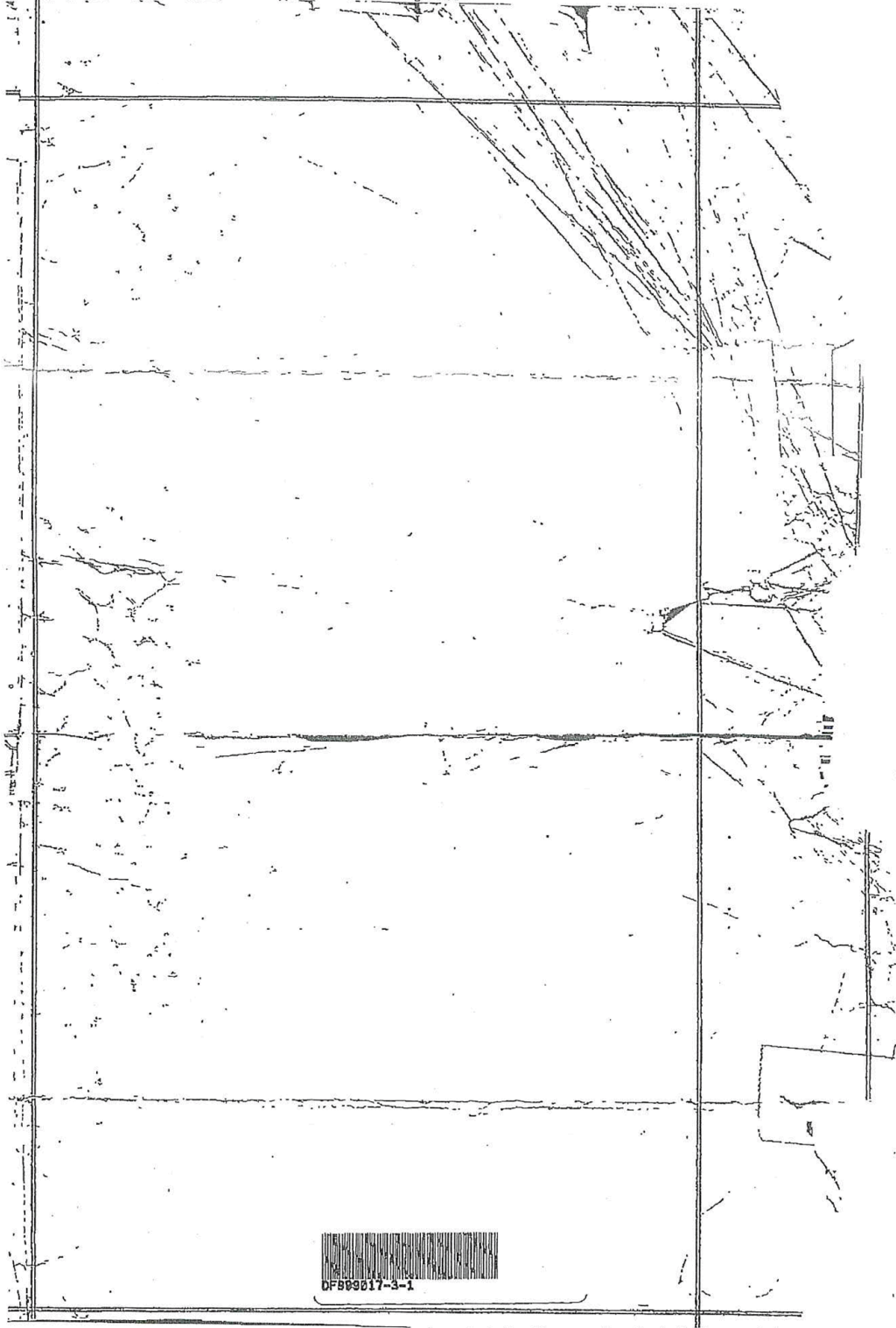
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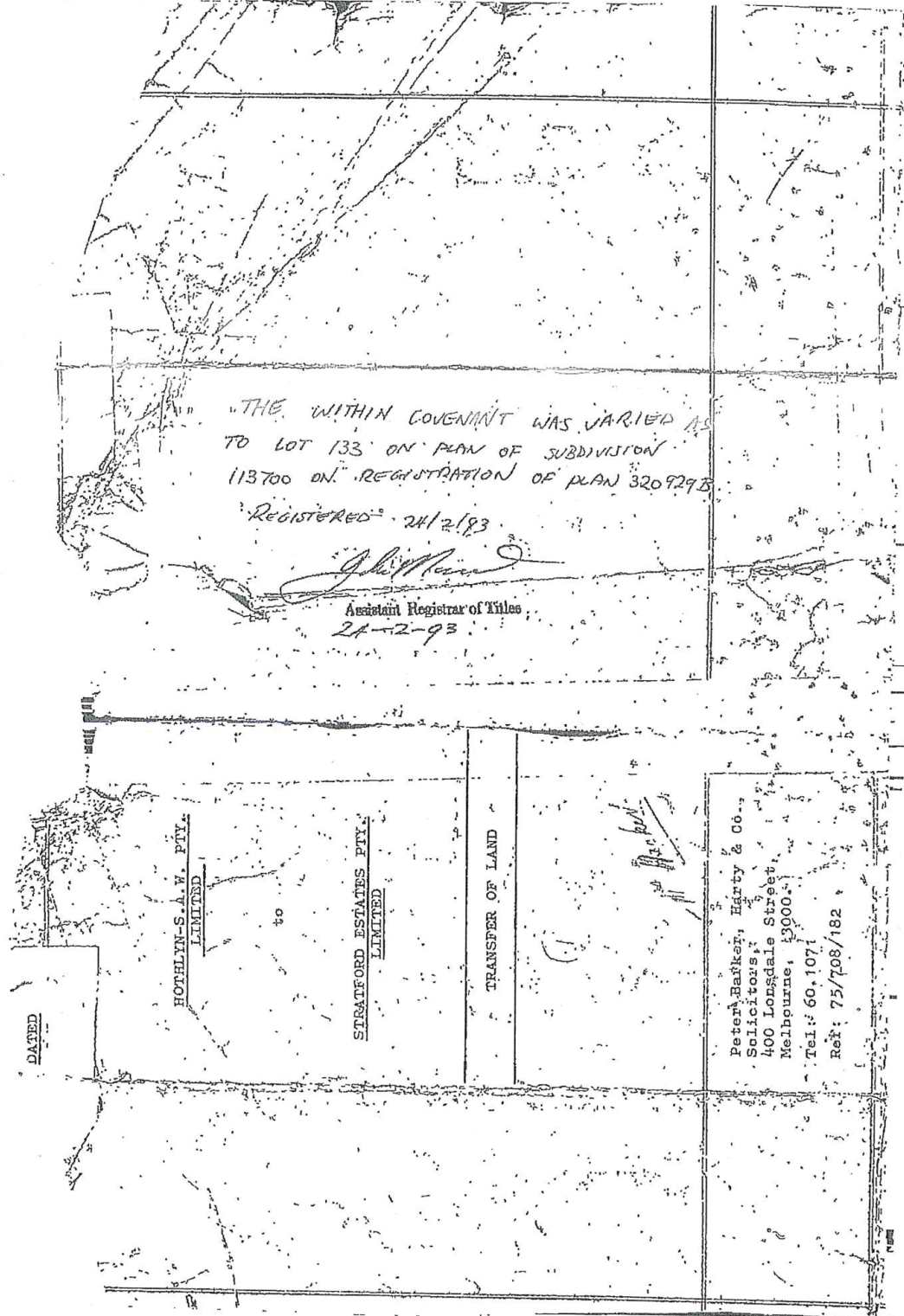
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ADVERTISED PLAN

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ADVERTISED PLAN

REPORT NO:	SU375
REPORT TITLE:	133-141 Western Avenue, Westmeadows - Use and development of the land for a residential hotel
SOURCE:	Brydon King, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P21828
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>Aerial locality plan</i>2. <i>Zoning plan</i>3. <i>Plans</i>

Application No:	P21828
Proposal:	Use and development of the land as a residential hotel
Location:	133-141 Western Avenue, Westmeadows
Zoning:	Commercial 2 Zone
Applicant:	Western Ave Pty Ltd
Date Received:	7 November 2018

1. SUMMARY OF REPORT:

The application sought approval for the use and development of a Residential Hotel on the land known as 133-141 Western Avenue, Westmeadows. The proposal is a revised application following a previous proposal for a residential hotel on the land (P20112) which was refused by Council and upheld at VCAT via its decision *Western Avenue Pty Ltd v Hume CC (2017) VCAT 2019*. The application was advertised and no objections received. The application has been assessed against the relevant provisions of the Hume Planning Scheme. On balance, whilst it is noted the proposal has reduced in scale to what was previously proposed by way of P20112, the site lacks strategic support for a hotel that requires a significant level of supporting infrastructure. It is also of a scale and form that is inconsistent with the surrounding area and will provide for a prominent building in the landscape. It is recommended that a Notice of Refusal to Grant the Permit be issued.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of the land for a residential hotel at 133-141 Western Ave, Westmeadows on the following grounds:

- 1. There is no strategic support for the proposed hotel even at the reduced scale and it is isolated from relevant infrastructure.**
- 2. The proposed use and development of a residential hotel conflicts with the strategic intent of the land to provide for commercial and industrial development as identified in Clause 21.01-3 and 21.02-2 of the *Hume Planning Scheme*.**
- 3. The scale, form and height of the proposed residential hotel are contrary to the predominantly lower height and scale of the immediate area. The proposal will result in a visually prominent building in the landscape.**

REPORT NO: SU375 (cont.)

3. PROPOSAL:

- 3.1 The proposal seeks permission to construct a seven-storey hotel building on the northern portion of the existing site. The hotel will feature 151 full suites for guests as well as 21 basic sleeping pods for short staying visitors. The building will feature a pool, gym and restaurant facilities to service guests.
- 3.2 The building is proposed to be setback 45 metres from Western Ave and three metres at the closet point to the boundary to the Tullamarine Freeway. The building will be setback three meters from the northern boundary. The building will have a maximum height of 23 metres with a lower section orientated to Western Avenue of 10.4 metres. The building is orientated to capture views to the north.
- 3.3 Parking for the proposal will be provided in a basement car park providing 85 car parking spaces. The balance of the land will provide commercially operated long term car park for the airport patrons and guests of the proposed hotel.

4. SITE AND SURROUNDS:

- 4.1 The subject land is located north of the Tullamarine Freeway with access to Western Ave located further to the north east of the site. The land is trapezium in shape and has an area of 2 hectares.
- 4.2 The land is currently used as a commercially operated long term car parking for users of the airport accessed via Western Ave. The site has buildings related to the car parking use in proximity to the eastern and south eastern boundaries.
- 4.3 Land to the north is open farm land zoned Farming Zone Schedule 3. Land to the north east of the site consists of residential dwellings and land to the south east also features existing dwellings located in the Commercial 2 Zone fronting Western Ave. To the south is the Tullamarine Freeway and on the opposite side of the freeway exists land owned and managed by Melbourne Airport.

Restrictions on Title

- 4.4 The subject land has not restrictive covenants or Section 173 agreements present on title.

Planning History

- 4.5 The proposal is a repeat application following a previous proposal for a residential hotel on the land (P20112) which was refused by Council and upheld at VCAT via its decision *Western Avenue Pty Ltd v Hume CC (2017) VCAT 2019*.
- 4.6 The previous application was not supported by Council on the following grounds:
 - The use and development of a residential hotel conflicts with the intent of the land to provide for Business Park and industrial development as identified in Clause 21.03 and 21.06 of the *Hume Planning Scheme*.
 - The use and development of a residential hotel on the land is inconsistent with Council's strategic intent to rezone the subject land to Industrial 3 via Amendment C218.
 - The scale, form and height of the proposed residential hotel are contrary to the predominantly lower height and scale of the immediate area. The proposal provides a lack of transition from the lower scale farmland and residential areas to the north and north east and will result in a visually prominent building in the landscape.

REPORT NO: SU375 (cont.)

4.7 The hotel is to be constructed on the north part of the site and the remaining portion of the land will continue to operate as a commercial car park for patrons of the airport. The main differences for the current application compared to the previous application is as follows:

- A reduction in the number of rooms by 35% (i.e. formerly 214 hotel suits and 21 pods to 151 hotel suites and 21 pods).
- A reduction in the height of the building by two storeys - from nine storeys to seven storeys adjacent to the freeway, and from five storeys to three storeys, closer to Western Avenue.
- A slight increase in the setback of the building from the northern boundary of the site.
- A reduction in landscaping along the southern boundary of the site adjacent to the adjoining car park.

Aboriginal Cultural Heritage

4.8 The subject land is not located in an area of cultural heritage sensitivity and no Cultural Heritage Management Plan is required.

Major Electricity Transmission Line

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

Planning Permit Triggers

4.10 A planning permit is required for the proposal pursuant to the following clauses of the *Hume Planning Scheme*:

- Clause 34.02-1 and Clause 34.02-4 of the Commercial 2 Zone to use and development the land for a Residential Hotel.
- Clause 45.08-1 and Clause 45.08-2 of the Melbourne Airport Environs Overlay Schedule 2 for use and development of the land for accommodation.

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 11.01-1R: Settlement – Metropolitan Melbourne
Clause 15.01-2S Building Design
Clause 17.01-1S Diversified Economy
Clause 17.01-1R: Diversified Economy – Metropolitan Melbourne
Clause 17.04-1R: Tourism in Metropolitan Melbourne
Clause 18.04-1R: Melbourne Airport

Municipal Strategies: Clause 21.01-3 Vision and Strategic Framework Plan
Clause 21.02-2 Hume Corridor
Clause 21.04-1 Urban Design
Clause 21.06-1 Economic Development
Clause 21.07-1 Transport connectivity and choice

Zones: Clause 34.02: Commercial 2 Zone

Overlays: Clause 45.08: Melbourne Airport Environs Overlay Schedule 2

Particular Provisions: Clause 52.06: Car parking
Clause 53.34: Bicycle Facilities

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

REPORT NO: SU375 (cont.)

- 5.2 The land at 133-141 Western Ave is zoned Commercial 2 Zone and features the Melbourne Airport Environs Overlay Schedule 2.
- 5.3 The Commercial 2 Zone has the following purposes:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
 - *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
- 5.4 Pursuant to Clause 34.02 of the *Hume Planning Scheme* a planning permit is required for the use and development of a Residential Hotel. A Residential Hotel is defined as:
- *Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*
- 5.5 The Melbourne Airport Environs Overlay Schedule 2 has the following purpose:
- *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.*
- 5.6 A planning permit is required pursuant to the overlay for use of the land for Accommodation uses. Whilst the overlay applies to the southern part of the site and the proposed use and development is not located within the overlay the provisions have been considered given the overall interaction of the proposal across the site.
- 5.7 The proposed Residential Hotel broadly responds to the policy settings in the Municipal Strategic Statement related to supporting economic development and tourism outcomes. Whilst this is acknowledged, the strategic intent of the subject land is clearly outlined as employment land in Figure 2 of Clause 21.01.

6. REFERRALS:

- 6.1 Notice of the application was provided to the Melbourne Airport Corporation pursuant to the Melbourne Airport Environs Overlay Schedule 2. No objection was provided based on five suggested conditions related to acoustic treatments, impacts to prescribed airspace, minimising glare and external lighting as well as no bird attracting plantings on the land.
- 6.2 The application was referred to Public Transport Victoria and no objection was provided.
- 6.3 The application was internally referred to Council's Assets Department (Traffic) and no objection was provided however suggestions for amendment to the basement car park and loading areas were provided.
- 6.4 The application was referred to Council's Assets Department (Civil Engineering) and no objections were provided with standard conditions suggested.

7. ADVERTISING:

- 7.1 The application was advertised via signs on site and notices to adjoining owners and occupiers for 14 days in December 2018.

REPORT NO: SU375 (cont.)

7.2 No objections have been received in relation to the public notification of the application.

8. DISCUSSION

Strategic Context

8.1 A key issue with the proposed Residential Hotel on the subject land relates to alignment with the strategic intent of the area. Clause 21.01 and 21.02 nominate the land for employment generating uses. The Tribunal in its decision on the previous application (*Western Avenue Pty Ltd v Hume CC (2017) VCAT 2019*) made the following comments at paragraph 49:

- *However, on balance, I prefer the evidence of Mr Barnes, and find that the location of the site is not one which planning policy supports for a major hotel, as it does not build upon the assets and qualities of the activities which immediately surround it. Rather, I find that the site is in a location which is isolated from amenities that would normally be associated with the location of a hotel of this scale. The lack of such amenities in the immediate area, in my view, increases in its significance given the scale of the hotel. This is because it would place a relatively large number of people, in a location which is relatively isolated from amenities that a proportion of them could be expected to utilise notwithstanding that their hotel stay may not be a long one. As such, I find that the policy context is, on balance, not supportive of the use of the site for a hotel of this scale.*

8.2 The above highlights the concerns of the Tribunal for the previous proposal that the use and development was out of context to the existing and potential future development in the surrounding area.

8.3 The current application has reduced the scale of the proposal through reduction in the number of rooms and a reduction in the overall height of the building from nine storeys to seven storeys. Whilst the change in scale is noted, it is not considered sufficiently reduce the scale to a level that provides a different context to the original VCAT decision. The proposed residential hotel is still significant in terms of rooms and still presents a prominent built form in the area.

8.4 The employment focus of the immediate Commercial 2 zoned area tends to promote business development related to transport, logistics and warehouses that require access to the airport. Consequently, the surrounding area is provided with a different level of services and infrastructure than those needed to support visitors staying in a hotel. On this basis the proposed hotel is out of context with the surrounding area and is not supported in the policy in the same way that other business development is promoted for the area.

Scale and form

8.5 The building has reduced the number of storeys in relation to the previous application however the proposed seven storey hotel will continue to provide for a significant built form on the subject land that is incompatible with the surrounding context. The surrounding development is mainly single to double storey scale and the proposal will be significantly higher than existing development in the area.

8.6 The proposal does provide for setbacks from boundaries and landscaping within the immediate vicinity of the building, however the height of the proposed building at 23 metres does create a significant visual impact to the immediate surrounds, particularly to the residential properties to the north-east and the gateway status of the Tullamarine Freeway.

REPORT NO: SU375 (cont.)

Traffic and Parking

- 8.7 Clause 52.06 does not provide a specific parking rate for a Residential Hotel use and any parking provision to support the use is required to be to the satisfaction of the responsible authority.
- 8.8 The application has been supported by a traffic engineering assessment report. The proposal is to be supported by 85 car parking spaces in the basement car park equating to a ratio of 0.56 car spaces per room. This ratio is at the higher end of the general accepted range of 0.3 to 0.6 car spaces per room for a residential hotel. A ratio of 0.6 car spaces per lodging room would require 91 car spaces.
- 8.9 It is considered the parking provided will adequately serve the proposed use and parking availability will also exist in the commercial parking area on the balance of the land.
- 8.10 In relation to bicycle parking under Clause 52.34 a total of 30 bicycle spaces would be required. The proposal seeks a waiver of the provision of bicycle parking given the nature of the use that the travellers using the facility are unlikely to be arriving on a bicycle.
- 8.11 The waiver of bicycle parking spaces on the land is supported and not considered necessary for visitors. It is considered reasonable to provide a level of bicycle parking for staff of the facility. In the event a permit was to issue for the proposal the requirement for bicycle parking spaces for staff could be dealt with as a permit condition.

9. CONCLUSION

- 9.1 The use and development of a Residential Hotel on the land at 133-141 Western Ave, Westmeadows is inconsistent with the strategic intent of the land as described in the *Hume Planning Scheme* and will present a built form and scale that is out of context to the immediate locality. The current proposal has not satisfactorily addressed the issues identified in the previous VCAT decision. On the balance it is recommended that the proposal be refused.

Permit Application: P20112

Site Address: 133 – 141 Western Avenue, Westmeadows

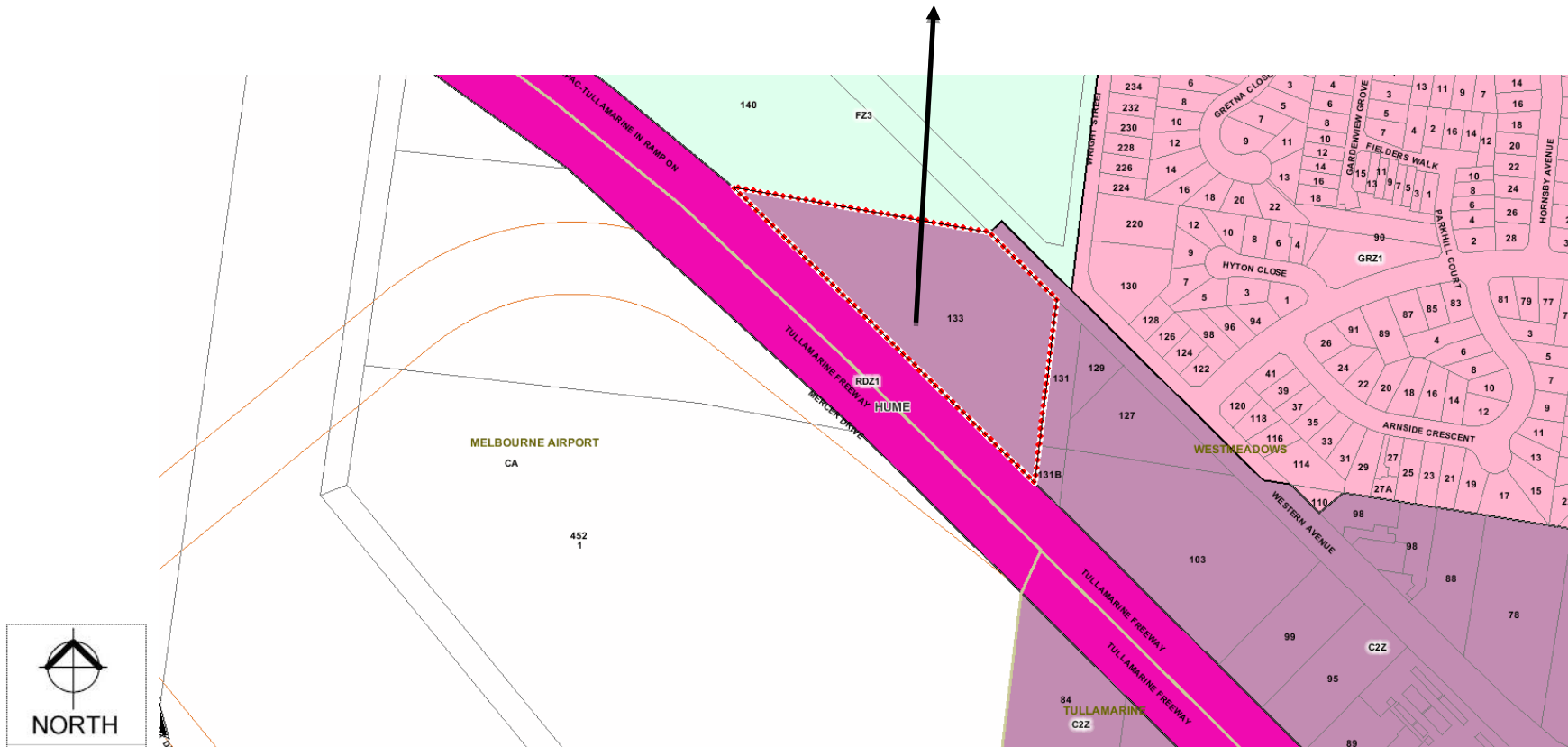
Subject Site



Permit Application: P21828

Site Address: 133 – 141 Western Avenue, Westmeadows

Subject Site



WESTERN AVENUE HOTEL

Item	Area (sqm)	Volume (m ³)	Weight (kg)	Notes
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2	2000	2000	2000	
3	3000	3000	3000	
4	4000	4000	4000	
5	5000	5000	5000	
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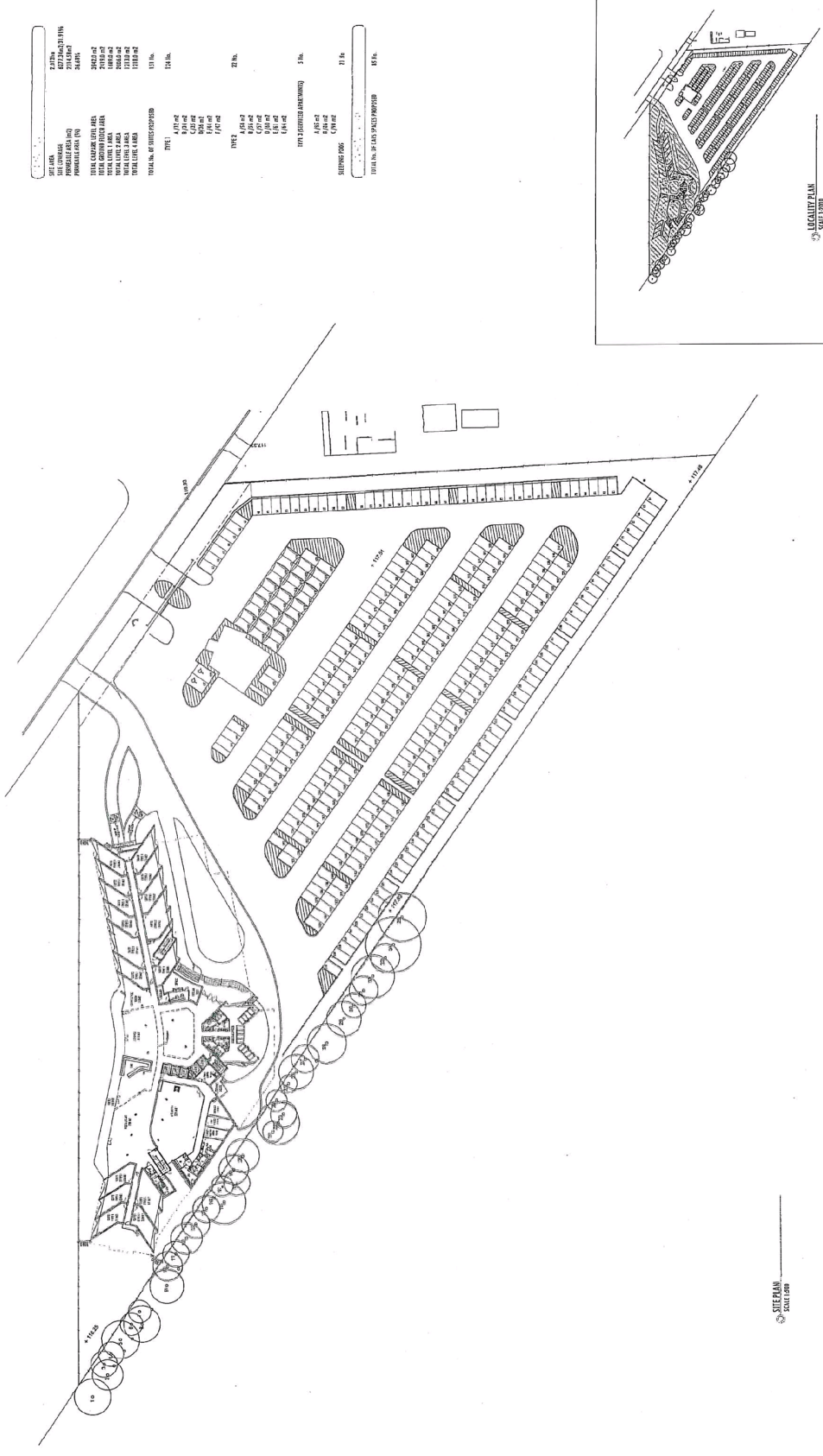


TOWN PLANNING

WESTERN AVENUE HOTEL
 COVER PAGE
 TP00

HACHEM

AUSTRALIA
 MIDDLE EAST



PROJECT NAME: WESTERN AVENUE HOTEL
 DRAWING NO: TP01
 DRAWING TITLE: SITE PLAN

SCALE: 1:200 (AS SHOWN)
 DATE: 15/02/2019

PROJECT NO: 2018/07
 PROJECT NAME: WESTERN AVENUE HOTEL
 PROJECT LOCATION: MIDDLE EAST

DESIGNED BY: STEPHAN SCALE PLAN
 CHECKED BY: [Name]
 APPROVED BY: [Name]

DATE: 15/02/2019
 SCALE: 1:200

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 PROJECT LOCATION: MIDDLE EAST

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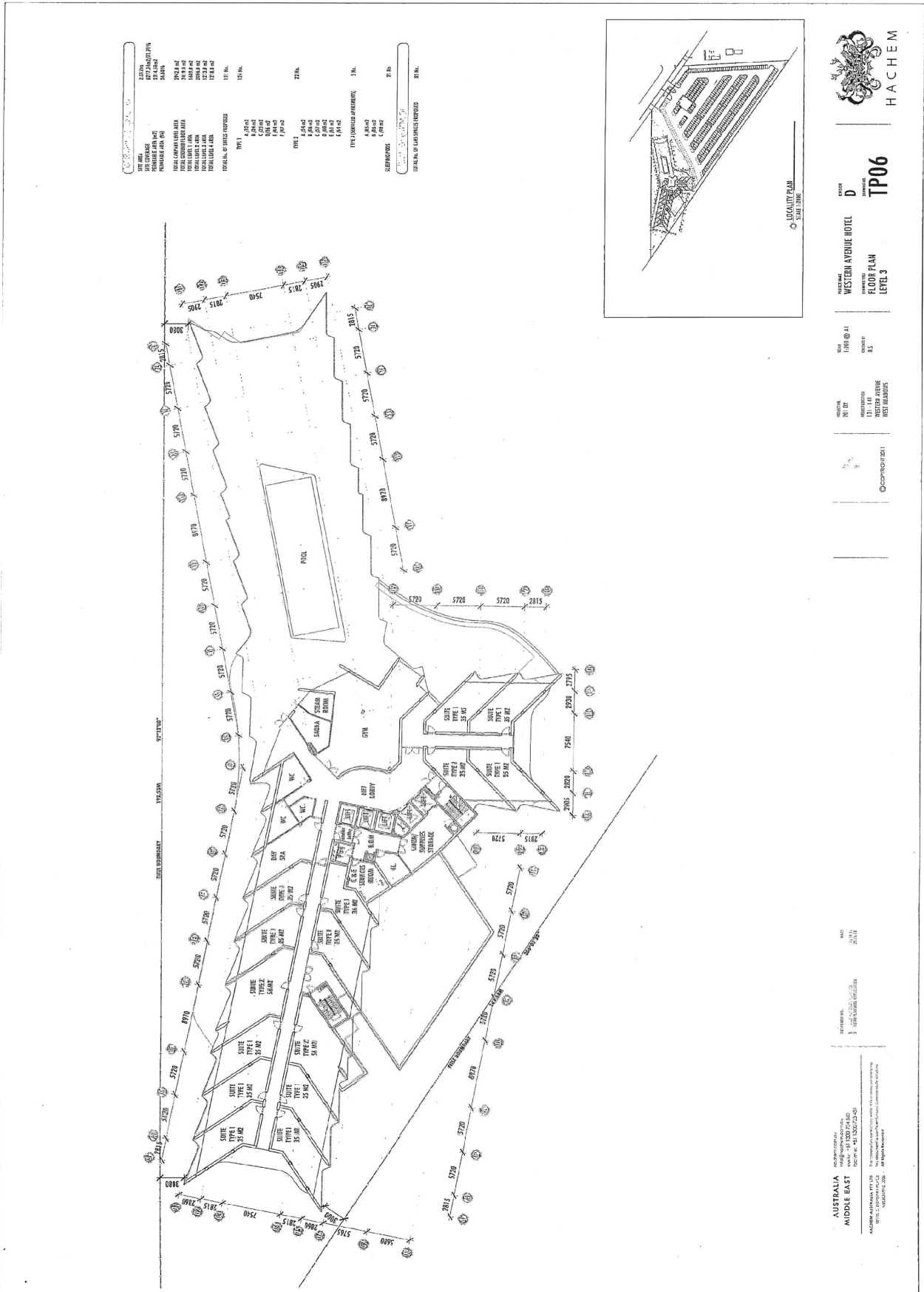
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 PROJECT LOCATION: MIDDLE EAST

DESIGNED BY: STEPHAN SCALE PLAN
 CHECKED BY: [Name]
 APPROVED BY: [Name]

DATE: 15/02/2019
 SCALE: 1:200



WESTERN AVENUE HOTEL
 PROJECT NO. 18000-01
 FLOOR PLAN
 LEVEL 3
 DATE: 21/11/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]

CLIENT: WESTERN AVENUE HOTEL
 ARCHITECT: MIDDLE EAST ARCHITECTURE PTY LTD
 PROJECT NO: 18000-01
 DATE: 21/11/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SCALE: 1:100

DATE: 21/11/18

PROJECT NO: 18000-01

CLIENT: WESTERN AVENUE HOTEL

ARCHITECT: MIDDLE EAST ARCHITECTURE PTY LTD

PROJECT NO: 18000-01

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CHECKED BY: [Name]

SCALE: 1:100

DATE: 21/11/18

PROJECT NO: 18000-01

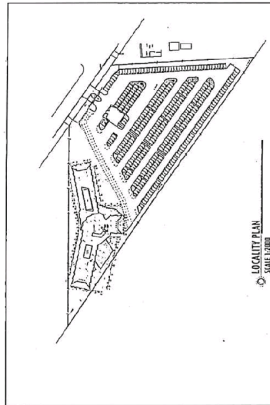
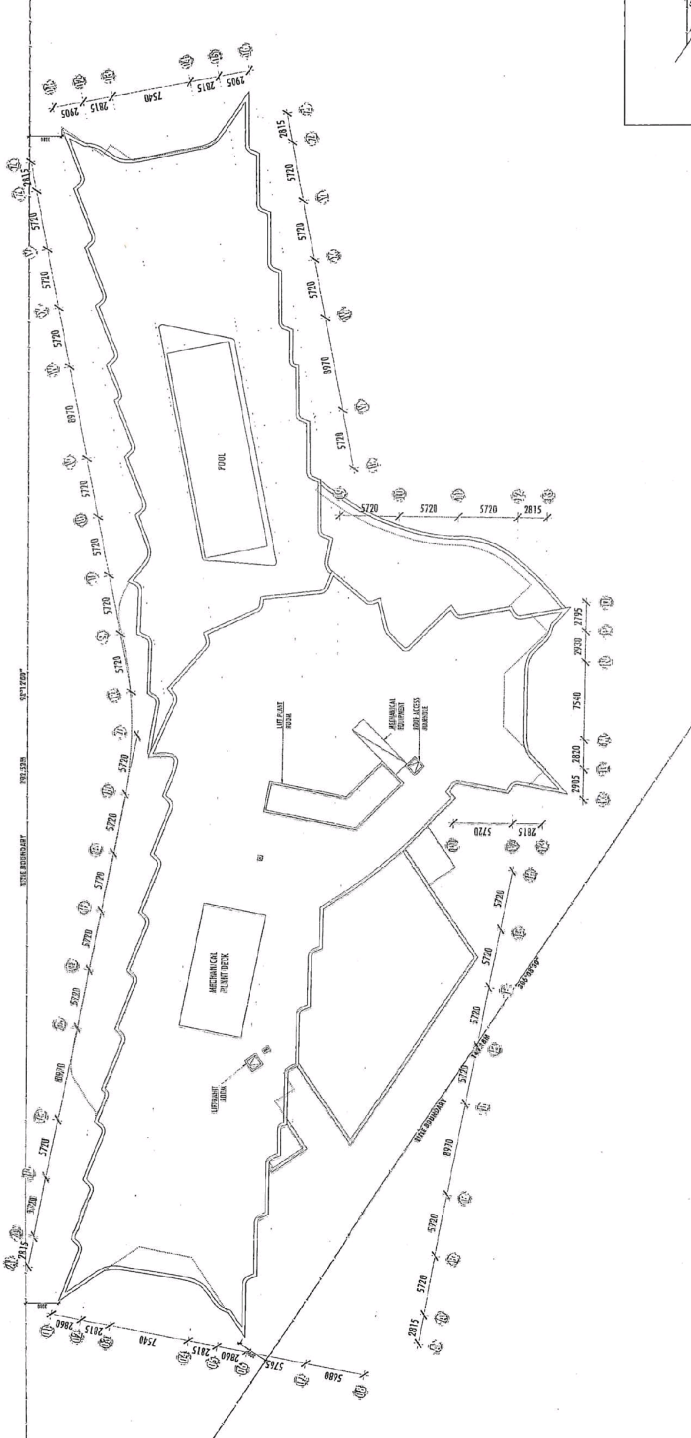
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ARCHITECT: MIDDLE EAST ARCHITECTURE PTY LTD

PROJECT NO: 18000-01

DATE: 21/11/18

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 WESTERN AVENUE HOTEL
 ROOF PLAN

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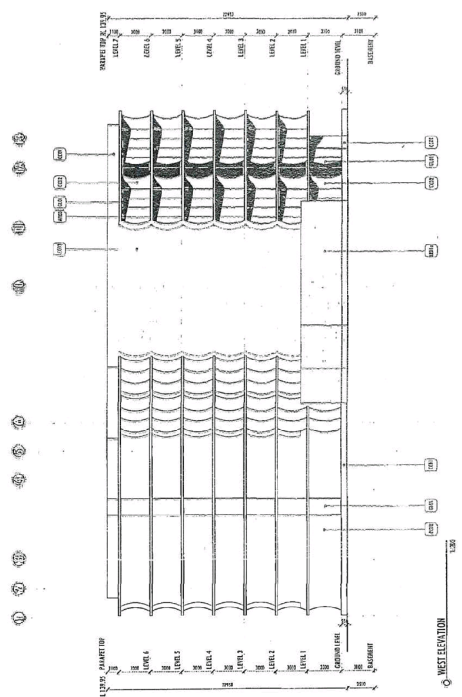
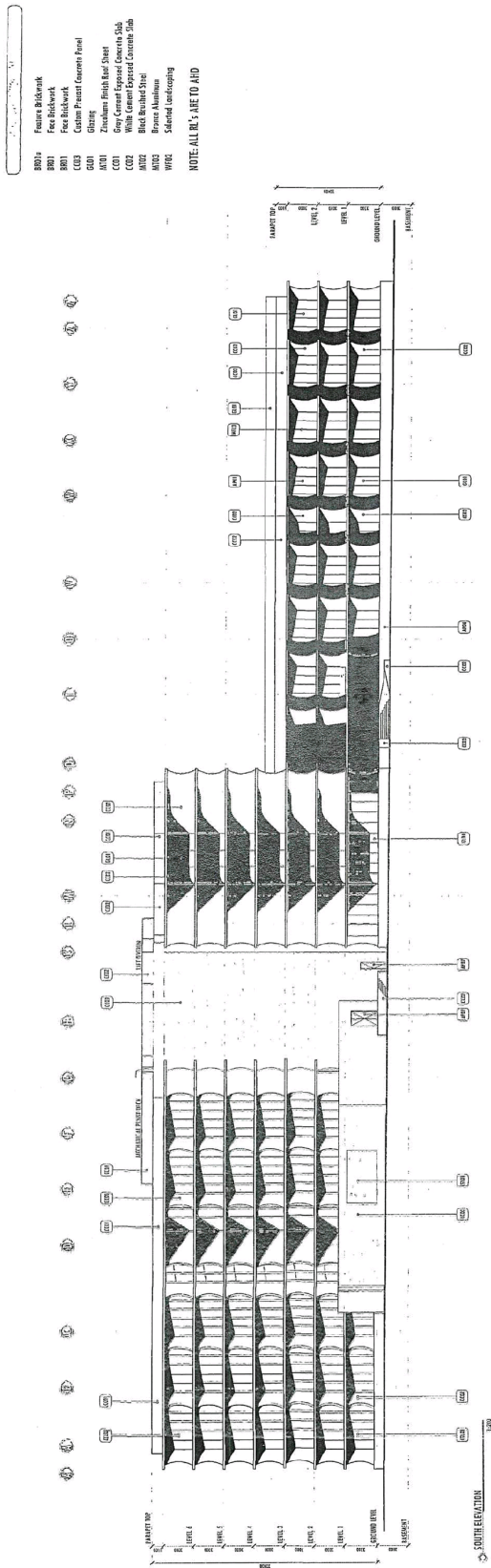
PROJECT
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 WEST MELBOURNE

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PROJECT
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 131-141 WESTERN AVENUE
 WEST MELBOURNE

AUSTRALIA
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 131-141 WESTERN AVENUE
 WEST MELBOURNE



TP11

WESTERN AVENUE HOTEL
ELEVATIONS

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PROJECT NO
WESTERN AVENUE HOTEL



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PROJECT NO
WESTERN AVENUE HOTEL

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REPORT NO:	SU376
REPORT TITLE:	92-96 Railway Crescent, Broadmeadows - Use and development of the land as a primary school
SOURCE:	Brydon King, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P21181
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>Plans</i>

Application No:	P21181
Proposal:	Use and development of the land as a primary school
Location:	92-96 Railway Crescent, Broadmeadows
Zoning:	Commercial 2 Zone
Applicant:	Mac Elakkoumi
Date Received:	26 February 2018

1. SUMMARY OF REPORT:

- 1.1 The application seeks approval for the use and development of the land with a primary school for 225 students on land known as 92-96 Railway Crescent, Broadmeadows. The applicant has lodged with the Victorian Civil & Administrative Tribunal a review of the failure of the responsible authority to grant the permit within the prescribed time pursuant to Section 79 of the *Planning and Environment Act 1987*. VCAT has directed referrals and public notification of the application and this process has been completed. Council has not been notified of any objecting submissions to the matter. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* and it is recommended that Council form a position to not support the application.

2. RECOMMENDATION:

That Council, having considered the application for use and development of the land for a primary school at 92-96 Railway Crescent, Broadmeadows on its merits, resolves to advise the Victorian Civil and Administrative Tribunal that Council does not support the proposed use and development on the following grounds:

1. **The proposal is for a sensitive use and investigation about or confirmation of the potential contamination on the land has not been undertaken contrary to Clause 13.04-1S (Contaminated and potentially contaminated land) in the *Hume Planning Scheme*.**
2. **The proposed primary school use will unreasonably impact on existing industrial uses in the area and reduce buffers expected under Clause 53.10 (Uses with Adverse Amenity Potential) of the *Hume Planning Scheme*.**
3. **The proposed use will create unreasonable parking and traffic impacts on adjoining roads contrary to Clause 34.02-7 of the Commercial 2 Zone.**
4. **The applicant has failed to provide sufficient information for a full and comprehensive assessment of the proposal against the *Hume Planning Scheme*.**

REPORT NO: SU376 (cont.)

5. The Council delegates officers or appointed representatives to negotiate on the above points based on any additional and relevant information provided as part of the Victorian Civil and Administrative Tribunal compulsory conference and/or hearing scheduled for the application.

3. PROPOSAL:

- 3.1 The proposal seeks permission to use and develop a primary school on the subject land. The proposal relies on an existing single storey building located in the south east corner (being 20 metres by 48 metres) for classrooms, with play areas to the north of the site and parking and access areas located to the south west of the site. The building is setback 34 metres from Railway Crescent and has a height of four metres and is clad in Colourbond. The proposal seeks 225 students to attend the site between 9am and 3:30pm.
- 3.2 Vehicle access to the site will be via an existing crossover to Railway Crescent. 21 car parks are to be provided on site. Landscaping is proposed along the site boundaries along with fencing between 1.8 metres and 2.1 metres in height. Pedestrian access is also proposed to Railway Crescent.

4. SITE AND SURROUNDS:

- 4.1 The subject land is located of the eastern side of Railway Crescent between Riggall Street to the north and Kraft Court to the south. The subject land consists of three parcels of land in the same ownership with an overall area of 5012 square metres.
- 4.2 The subject land is currently surfaced in crushed rock and does not feature any significant vegetation. An existing single storey building is positioned on the land which is to be re-located on the site to service the proposed primary school.
- 4.3 The subject land features a 173 agreement on each of the parcels. The 173 agreement is the same for each parcel and provides for development of lots as part of the previous subdivision in accordance with design guidelines as well as managing construction vehicle movements and car parking. The design guidelines referred to in the 173 agreement allow discretion in achieving the outcomes. Despite no direct response from the applicant in relation to the 173 agreement, the proposal does not appear to directly conflict with the provisions of the 173 agreement consistent with Section 60 of the Planning and Environment Act 1987.
- 4.4 Surrounding land to the north, east and south is zoned Commercial 2 Zone. The land to the north of the site is an existing overpass associated with Riggall Street. Land to the east of the site is developed with an existing industrial building used to manufacture cheese products. Land to the west of the site is Railway Crescent and the Craigieburn railway line. Land to the south of the site features two vacant lots in the same ownership of the subject land (27-37 Kraft Court) and a reserve connecting Kraft Court to Railway Crescent.
- 4.5 An existing multi-cultural youth centre (allowed under planning permit P14335 in 2010) is present on the south side of Kraft Court and land along Railway Crescent including the subject land have been used for informal parking associated with the use. Planning permit P17741 allowed a temporary child care centre on the land associated with the existing youth centre in Kraft Court with the aim of a more permanent child care centre being developed at 27-37 Kraft Court in the future. Planning permit P17741 for the temporary child care centre expired three years after it was issued on 18 November 2014. An extension was granted in February 2018 to allow the temporary child care use to expire in November 2018. Another extension has been received seeking a further extension of the temporary child care centre that is yet to be determined.

REPORT NO: SU376 (cont.)

- 4.6 The expansion of the existing youth centre is limited under planning permit P14335 until the removal of the temporary child care centre and replacement with car parking areas.

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 11.01-1R: Settlement – Metropolitan Melbourne
Clause 13.04 -1S: Contaminated and potentially contaminated land
Clause 15.01-2S: Building Design
Clause 18.04-1R: Melbourne Airport
Clause 19.02-2S: Educational facilities

Municipal Strategies: Clause 21.01-3 Vision and Strategic Framework Plan
Clause 21.02-2 Hume Corridor
Clause 21.03-1 Liveable Communities
Clause 21.04-1 Urban Design

Zones: Clause 34.02: Commercial 2 Zone

Overlays: N/A

Particular Provisions: Clause 52.06: Car parking
Clause 53.10 Use with adverse amenity potential
Clause 53.34: Bicycle Facilities

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

- 5.2 The land at 92-96 Railway Crescent is zoned Commercial 2 Zone with no overlays.

- 5.3 The Commercial 2 Zone has the following purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

- 5.4 Pursuant to Clause 34.02 of the Hume Planning Scheme a planning permit is required for the use and development of a primary school.

- 5.5 Clause 52.06 Car Parking and Clause 52.34 Bicycle Parking are also relevant to the assessment of the proposal.

6. REFERRALS:

- 6.1 The application was referred to Transport for Victoria under Clause 66.02-11 as a Determining Authority. Transport for Victoria did not object to the proposal and provided two conditions in the event any permit issued for the proposal.

- 6.2 The application was referred internally to Council’s Traffic Department and concern was raised with traffic and parking impacts to the surrounding street network. This will be discussed in greater detail in the main body of the report below.

REPORT NO: SU376 (cont.)

- 6.3 The application was referred to internally to Council's Civil Engineering Department and no objections were provided with standard conditions suggested.
- 6.4 The application was also referred internally to the social and community planning area who suggested a social impact study should be undertaken for the proposal and raised some concerns over the design and layout of the proposed school.

7. ADVERTISING:

- 7.1 VCAT directed the applicant to undertake public notice of the application. The closing date for objectors and referral authorities to lodge statement of grounds to the application was the 29 November 2018.
- 7.2 No objecting third parties have been recorded with Council as part of the process.

8. DISCUSSION:

Strategic Context

- 8.1 The *Hume Planning Scheme* supports the provision of additional community facilities including schools to help create liveable communities with easy access to community infrastructure. The proposed school seeks to achieve such an outcome. It is noted land to the south on both sides of King William Street have been identified for change through the Mixed Use Zone and Development Plan Overlay Schedule 24, including residential uses; however surrounding land to the immediate east is developed with industrial and warehouse based uses in the Commercial 2 Zone. It is considered the provision of sensitive uses such as a school need to consider the context of the surrounding land. The absence of a social impact report confirming the need and locational benefits of the proposed location limits the assessment of the proposal and adds to uncertainty of the benefits of the site and whether the physical form of the school proposed is adequate.
- 8.2 The subject site abuts an existing cheese manufacturing premises to the east. Pursuant to Clause 53.10 Uses with Adverse Amenity Potential, the manufacture of milk based products would require a 300 metre buffer distance to a sensitive use such as a school. In this context the proposed school is the agent of change seeking to locate on a site abutting an existing food manufacturing use. At a strategic level such a change does not foster orderly planning in the immediate locality in terms of potential impact on both uses. This issue combined with other matters explained further in the report suggests the proposal is not consistent with a fair and orderly planning outcome for the land.

Potentially Contaminated Land

- 8.3 Another important aspect associated with the merits of a school on the land relates to managing the risk of potential contamination. The planning system is a primary means for regulating use and development and is an important mechanism for triggering consideration of potentially contaminated land on sensitive uses. It is a fundamental principle in the Planning and Environment Act 1987 to be satisfied that the environmental conditions for land proposed for a sensitive use are suitable for that use.
- 8.4 The Potentially Contaminated Land Practice Note, produced through the now Department of Environment, Land, Water and Planning (DELWP), refers to the importance of researching the history of sites to identify potential contamination risks before locating sensitive uses on the land. Such practice is encouraged even where an Environmental Audit Overlay has not been applied to the land. The subject land has no Environmental Audit Overlay.

REPORT NO: SU376 (cont.)

- 8.5 The Potentially Contaminated Land Practice Note details a process to review past uses of the land that could result in contamination and determine what level of contamination is possible as listed in Table 1 of the Practice Note. After such investigation the level of assessment of suitability for a sensitive use would relate to the proposed nature of the sensitive uses compared to the type and level of contamination present on the land. Where such investigation is needed a statement is required to confirm the land is suitable for a sensitive use. These elements are referenced in Clause 13.04-1S (Contaminated and potentially contaminated land) in the Hume Planning Scheme.
- 8.6 Aerial photos indicate the land has been vacant since 2009 however truck parking and storage of materials has been present on the land since 2015. Issues of contamination can extend from historical use of the land in the distant past and it is therefore considered important such matters are investigated prior to the support of a sensitive use locating on the site.
- 8.7 The permit applicant has not provided any detailed analysis of the history of the site and its former use nor analysed whether contamination issues may be present as required by Clause 13.04-1S. No detailed soil investigation has been undertaken to confirm whether contamination maybe present on the site.
- 8.8 In the absence of any detailed analysis of potential contamination risks it is considered the support for a primary school on the land is not justified at a threshold level. Based on a cautionary principle and orderly planning it is not considered matters of contamination should be dealt with via a planning permit condition where expert statements maybe required to confirm the use as suitable on the land. On this basis it is considered support of the sensitive use of a primary school on the land cannot be provided without detailed analysis of potential contamination risks and statement, where necessary, that the land is suitable for the proposed use.

Traffic and Parking

- 8.9 Clause 52.06 provides a specific parking rate for a Primary School of 1 car space for each staff member that is part of the maximum number of employees on the site at any time. The site is located in the Principal Public Transport Network (PPTN) and whilst some ratios at Clause 52.06 are reduced where located within the PPTN, the ratio at Clause 52.06 remains the same for a primary school.
- 8.10 The proposal details that 12 staff are proposed, and the proposal can provide 12 sealed car spaces for staff plus an additional eight sealed car spaces for visitors totalling 21 car parking spaces on the land.
- 8.11 Whilst the parking ratio associated with Clause 52.06 has been exceeded, concerns exist over the opportunity for the proposed school to appropriately manage traffic access at pick up and drop off given the narrow nature of Railway Crescent. On street parking on Railway Crescent along the frontage of the site would limit vehicle movement along Railway Crescent given its width. No analysis of likely traffic impacts and possible on street parking impacts have been undertaken as part of the application. It is noted that parking challenges currently exist for an existing youth centre and temporary child care centre located to the south in Kraft Court and aerial photos show a large amount of parking occurring on the subject land associated with those uses at times. Further parking impacts in Railway Crescent and Kraft Court via the proposed school could result in a combination of parking generation in conflict with vehicle movements in the area. These potential concerns have been raised by Council's traffic engineers.
- 8.12 It is considered a more detailed analysis of traffic and parking for the proposed school should be undertaken to confirm how the proposal can operate in combination with surrounding uses and can will appropriately manage any impacts on the surrounding road network. Council have requested a Traffic Impact Assessment be submitted, however the applicant has failed to provide this report.

REPORT NO: SU376 (cont.)

- 8.13 Clause 52.34 Bicycle Parking requires 1 car space for every 20 employees and 1 bicycle space for 5 pupils over Year 4. The proposal seeks to provide four spaces for employees and 12 spaces for students which satisfies the ratio and can be increased if and when student numbers increase.

9. CONCLUSION

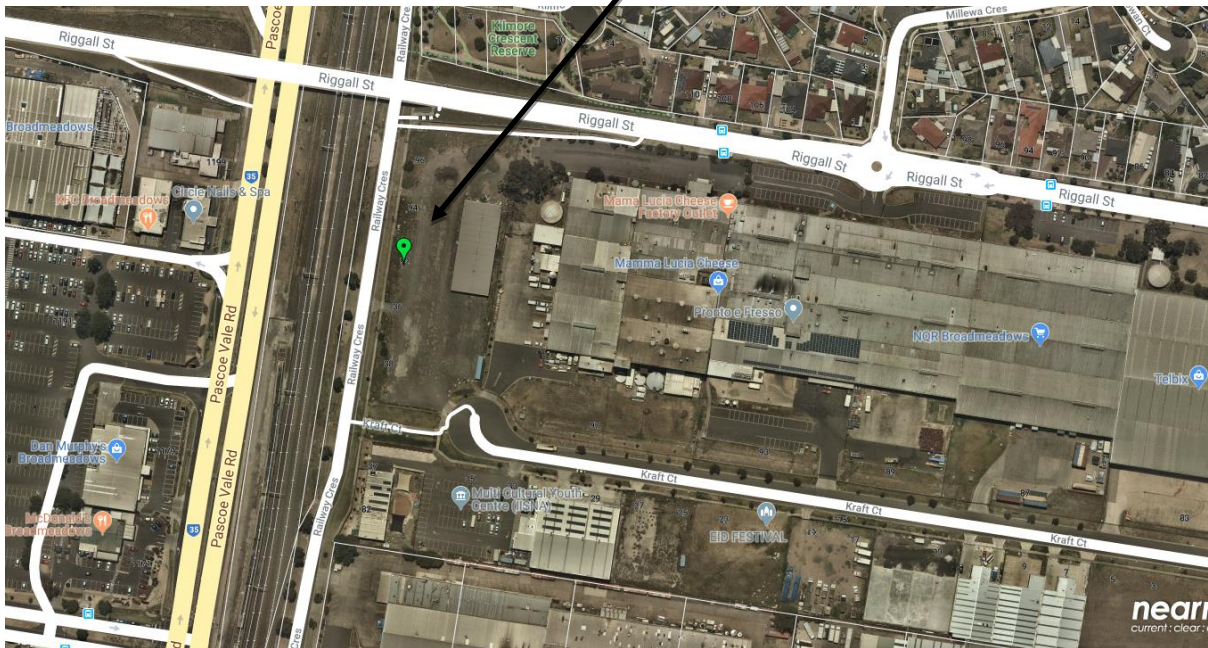
- 9.1 It is acknowledged that the use and development of a primary school on the subject land can help support existing residential development in the surrounding area. However, on review, it is considered the proposal has provided insufficient information to support a thorough assessment, is inconsistent with the orderly planning of the area in terms of managing potential contamination risks, reducing buffers of existing manufacturing businesses with a sensitive use and potentially creating unreasonable traffic and parking impacts. On balance the proposal is considered to not support orderly and proper planning for the subject land and should not be supported.

LOCALITY PLAN

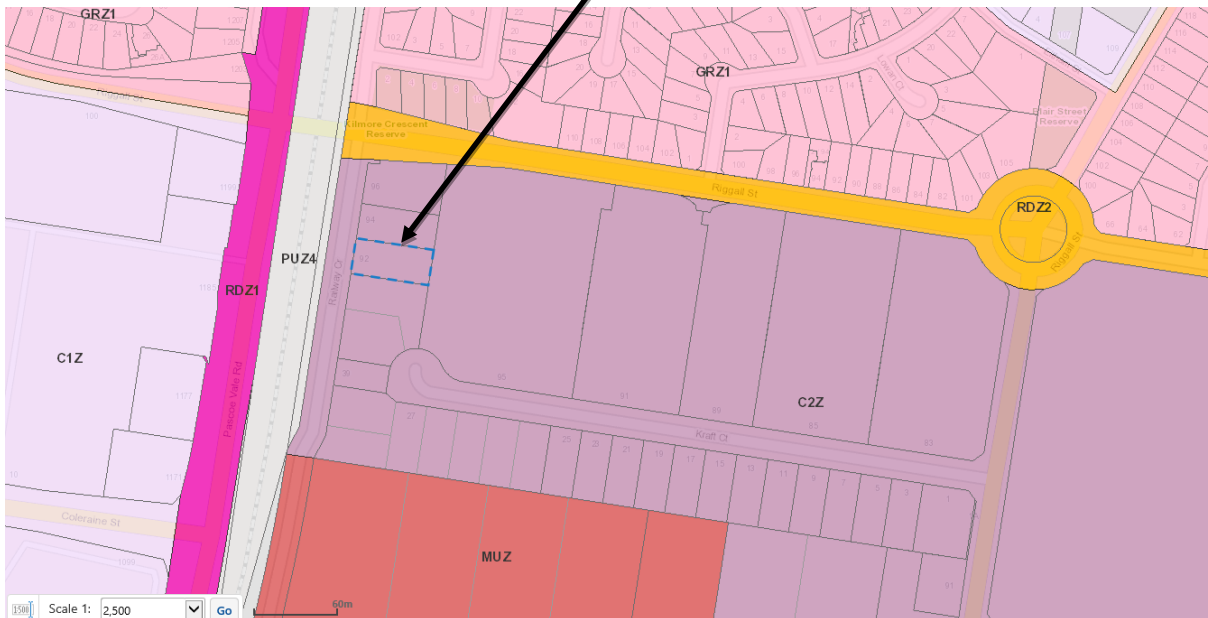
Permit Application: P21181

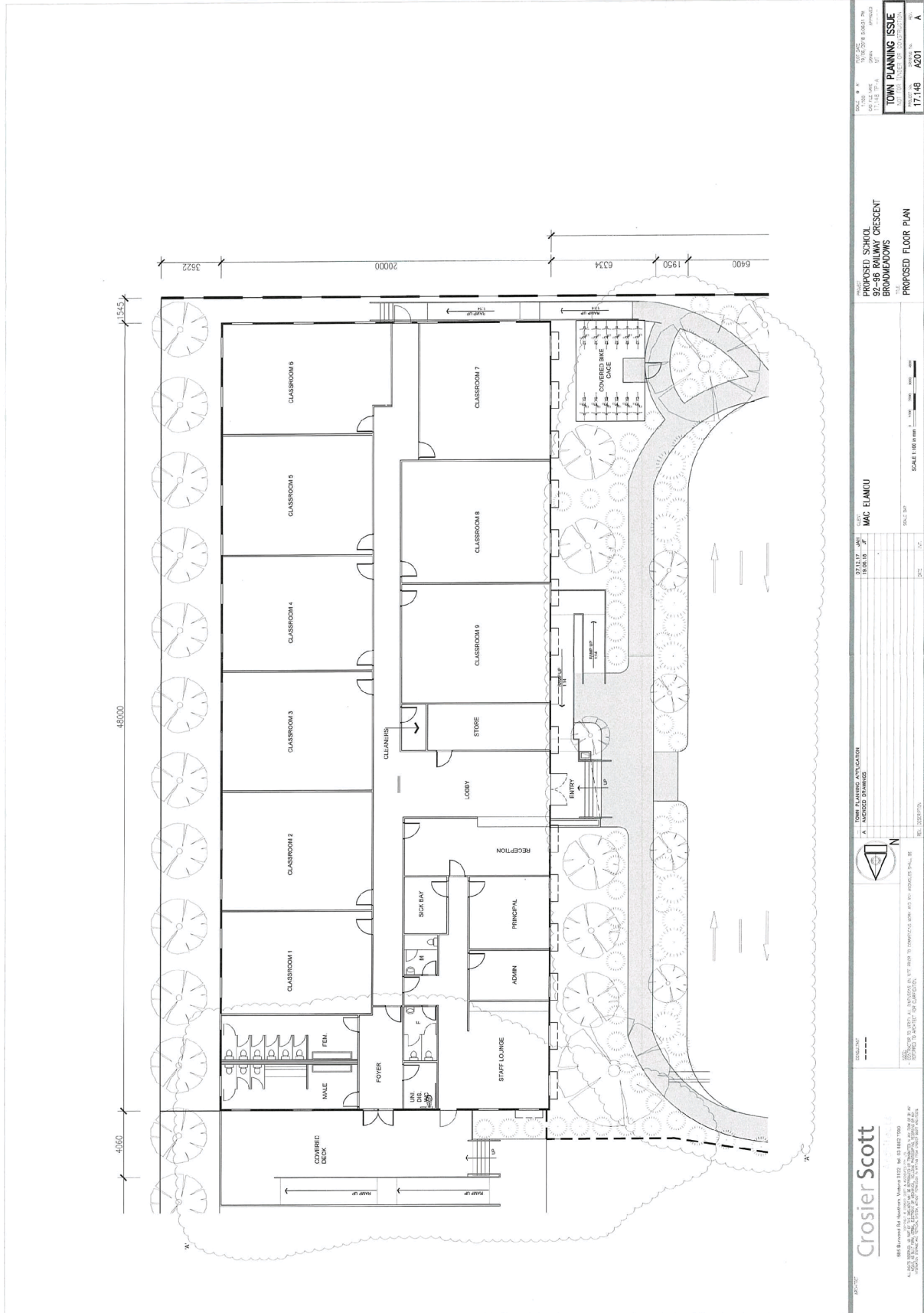
Site Address: 92-96 railway Crescent, Broadmeadows

Subject Site



Subject Site

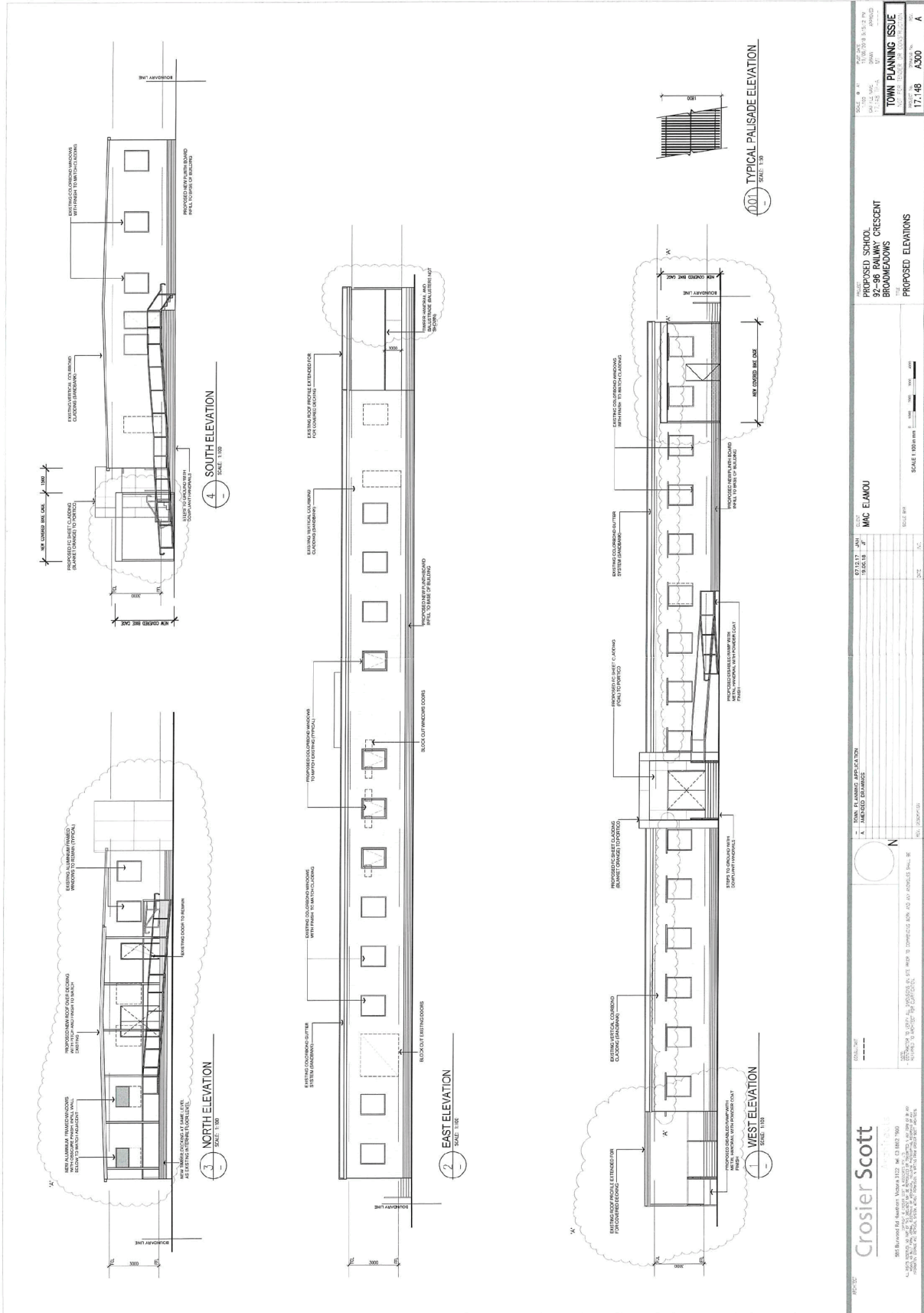




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PROJECT: PROPOSED SCHOOL CRESCENT BRADBURNS
 DRAWING NO.: 17.148 A201
 DATE: 19.02.19
 DESIGNER: MAC BLANCU
 SCALE: 1/8" = 1'-0"

TOWN PLANNING ISSUE
 17.148 A201



REPORT NO:	SU377
REPORT TITLE:	1/15 Motto Drive Coolaroo - Amendment to an existing permit, for the use and development of a restricted place of assembly and a reduction in car parking
SOURCE:	Amy Lanfranchi, Statutory Town Planner
DIVISION:	Planning and Development
FILE NO:	P16092.01
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 plans</i> 2. <i>Plans</i>

Application No:	P16092.01
Proposal:	The amendment of planning permit P16092 and endorsed plans as follows: <ul style="list-style-type: none">• The amendment of Condition 7 to increase patron numbers• The deletion of conditions 1a, 3 and 4• Increase to number of seats associated with food and drinks area• Various internal alternations
Location:	1/15 Motto Drive Coolaroo
Zoning:	Commercial 2 Zone (C2Z)
Applicant:	Matrix Planning Australia Pty Ltd
Date Received:	27 April 2018

1. SUMMARY OF REPORT:

- 1.1 Planning approval is sought to amend an existing planning permit, which allows the use of a restricted place of assembly and a reduction of carparking. The request includes the amendment of Condition 7, in order to increase the patron numbers; the deletion of Conditions 1a, 3 and 4, and changes to the endorsed plans for various internal alterations. The application was advertised, and one objections received. The applicant has lodged with the Victorian Civil & Administrative Tribunal a review of the failure of the responsible authority to grant the permit within the prescribed time pursuant to Section 79 of the *Planning and Environment Act 1987*. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* and it is recommended that Council form a position to not support the application.

REPORT NO: SU377 (cont.)

2. RECOMMENDATION:

That Council, having considered the application on its merits and the objection received, resolves to advise the Victorian Civil and Administrative Tribunal that Council do not support the amendment of planning permit P16092 and endorsed plans at 1/15 Motto Drive Coolaroo, on the following grounds:

1. The proposed car parking reduction related to patron numbers of 500 patrons between 1pm and 3pm, and 280 patrons at any other time is excessive and is not generally in accordance with Clause 52.06 of the *Hume Planning Scheme*.
2. The application contained insufficient information relating to how the change in patron numbers from 280 patrons to 500 patrons, and back, would be managed.
3. The application does not propose sufficient mitigation measures to protect the car parking of other businesses.
4. The application does not propose sufficient mitigation measures to manage the high traffic volume times associated with the 500 patrons, before 1pm and after 3pm.
5. The deletion of Conditions 1a, 3 and 4, allowing for the Fire Exit Door to be utilised for regular access may result in a shift of internal operations from the ancillary function to separate uses.
6. The increase to seating associated with the food and drinks component from 50 patrons to 250 patrons would result in its shifting from an ancillary component to its own entity (such as a restaurant or function centre).
7. The proposed changes generally do not accord with Clause 65.01 (Approval of an application or plan), due to the potential amenity impacts to the area, the impact to traffic flow and the requirement to promote fair and orderly planning.
8. The Council delegates officers or appointed representatives to negotiate on the above points based on any additional and relevant information provided as part of the Victorian Civil and Administrative Tribunal compulsory conference and/or hearing scheduled for the application.

3. PROPOSAL:

- 3.1 The applicant sought approval for an amendment to planning permit P16092 and endorsed plans, as follows:
 - 3.1.1 The amendment of permit condition 7, which currently allows a maximum of 100 patrons including staff on the premises at any time, to the following:
 - (a) Friday between 1pm and 3pm: 500 patrons (including staff)
 - (b) Any other time: 280 patrons (including staff)
 - 3.1.2 The increase of the seating capacity for the food and drinks premises from 50 patrons, to 250 patrons.
 - 3.1.3 The deletion of 1a, 3 and 4; which relate to the use of a door as a 'Fire Exit Only' door.
 - 3.1.4 The removal of a the 'Fire Exit Only' reference to one of the doors to the Resource Centre, thereby allowing patron usage of this door for regular access.
 - 3.1.5 The partial demolition and addition to the existing mezzanine floor.
 - 3.1.6 The removal of internal walls and change of existing Games Rooms to Indoor Soccer rooms.

REPORT NO: SU377 (cont.)

- 3.2 The application was accompanied by a Traffic Report, amended plans and a covering letter supporting the proposal.

4. SITE AND SURROUNDS:

- 4.1 The subject area is made up of two premises (described as Part 3 and 4 on PS628048U) of 2417m².
- 4.2 It is approved to currently be utilised for a restricted place of assembly, which includes ancillary food and drink component, games rooms, reading room, a gym and a resource centre.
- 4.3 The subject site measures 13,192m² in area and is located on the east side of Reservoir Drive, Coolaroo and has previous approval for five restricted retail premises, with 145 car spaces on the site.
- 4.4 The use of land surrounding the subject site varies from vacant land to the immediate west of Reservoir Drive and various lots to the south of Motto Drive. A number of properties fronting on to Somerton Road have been developed. The site on the south-east corner of Somerton Road and Reservoir Drive is being used for restricted retail. On the south-west corner of Somerton Road and Reservoir Drive is a car yard. Further west in the precinct is the Roxburgh Park Hotel.

Restrictions on Title

- 4.5 The certificate of title for Lot 3 of Plan of Subdivision 628048U lists two restrictive covenants and a Section 173 Agreement.
- 4.6 Covenant V397257N 01/05/1998 restricts tenants and owners of the land from constructing, developing or using the land as a 'Supermarket or Discount Department Store'. This restriction will expire as of 01/05/2028. It is considered that the proposal does not contravene this covenant.
- 4.7 Covenant W133812T 30/06/1999 restricts tenants and owners from using the land for a hotel with a General or Club licence (full) under the Liquor Control Reform Act 1998 (or as updated). This restriction will expire as of 30/06/2029. It is considered that the proposal does not contravene this covenant.
- 4.8 Registered Section 173 Agreement AF347626E 18/09/2007 places an obligation that development aligns to the Roxburgh Business Park Development Guidelines. It is considered that components contained within the application do not contravene this restriction.

Planning History

Planning Permit 9912

- 4.9 Planning permit 9912 facilitated the subdivision of the Roxburgh Business Park and resulted in the Roxburgh Business Park Development Guidelines being registered to titles within the park.

Planning Permit 10871

- 4.10 Planning Permit P10871 was issued on 9 May 2006 allowing the buildings and works for the development of five restricted retail premises, with reduced car parking.
- 4.11 Three amendments occurred, and the resulting outcome was the approval of development of four restricted retail premises with first floor offices and reduction of car parking; issued by P10871.03 on 9 May 2009.
- 4.12 This planning permit has been acted on and resulted in the development as seen today across the overall site.

REPORT NO: SU377 (cont.)

Planning Permit P13307

4.13 Planning Permit P13307 was issued on 10 June 2009 for the use of Unit 5 (part of subject site) as a place of assembly (entertainment venue/games room) and the reduction of car parking (1 car space dispensation). Plans were endorsed.

4.14 It is not evident (based on Council records) if this use commenced. It is considered that this permit is lapsed due to the use (as approved by this permit) having ceased for more than two years.

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 18.02-4S: Car parking Clause 19.02-4S: Social and cultural infrastructure
<i>Municipal Strategies:</i>	Clause 21.01: Municipal Strategic Statement Clause 21.05: Activity Centres Clause 21.07: Transport connectivity and infrastructure Clause 22.12: Roxburgh Park Activity Centre
<i>Zones:</i>	Clause 34.02: Commercial 2 Zone (C2Z)
<i>Overlays:</i>	N/A
<i>Particular Provisions:</i>	Clause 52.06: Car Parking
<i>General Provisions:</i>	Clause 64.01: Land used for more than one use Clause 65.01: Approval of an Application or Plan
<i>Operation Provisions:</i>	Clause 72.01: Administering and enforcing of this Scheme

Aboriginal Cultural Heritage

5.2 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required.

Major Electricity Transmission Line

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

Planning Permit Triggers

5.4 An application to amend a planning permit is made under Section 72 of the *Planning and Environment Act 1987* (“the Act”).

5.5 A planning permit is required due to:

5.5.1 Clause 34.02: Commercial 2 Zone

5.5.2 Clause 52.06: Reduction of car parking requirements

6. REFERRALS:

6.1 The application was not required to be referred to any external authorities under Section 55 of the Act.

REPORT NO: SU377 (cont.)

6.2 The application was referred to Council's Assets (Traffic) Department who raised concerns with the following:

- The significance of the requested reduction of car parking.
- The lack of proposed solutions, aside from full reliance on existing on street parking.
- The potential impacts to surrounding businesses.

6.3 The applicant provided responses from a traffic engineer dated 23 April 2018 and 7 November 2018.

6.4 The Assets (Traffic) Department reviewed the documentation and detailed that the proposal contains a reduction which is too significant to be supported. Additionally, insufficient mitigation measures were proposed.

6.5 The Assets (Traffic) Department proposed that the following reductions could potentially be considered:

Potentially acceptable patron numbers	Potentially acceptable reduction
200 patrons (between 12pm and 5pm)	4 car spaces
280 patrons (after 5pm)	28 car spaces

6.6 This was proposed in order to facilitate appropriate car parking to all businesses during peak trading hours, and to facilitate an increased patronage for the youth centre in the evenings. This proposal was not considered acceptable by the applicant.

6.7 The application was referred to Council's Assets (Civil) Department who raised no concerns with the proposal, subject to conditions should any permit issue.

7. ADVERTISING:

7.1 The application was advertised in accordance with Section 52 of the Act; by way of letters to surrounding properties and signs on site.

7.2 One objection was received.

7.3 This objection related to:

- The existing use currently exceeding the restricted number of patrons.
- The increase to patron numbers described within the permit would be 'chaotic and unfair to those within a 1km radius' of the site.
- That the increase to patrons would result in reduced parking spaces for the clients, deliveries and staff related to the objector's business.
- That the applicants patrons currently park 'dangerously and illegally'.
- The site already affects staff rostering and receipt of stock for sale.
- Congestion and inefficient traffic flow.
- The current sale of items such as clothing and ornaments.

8. OBJECTIONS

The following is a discussion and assessment of the concerns raised in this objection:

8.1 The existing use currently exceeding the restricted number of patrons.

The Traffic Report which accompanied the application detailed that the site currently exceeds its restricted patron numbers, with the statement that the centre "is currently operating well above the 100 patron limit set out in the existing permit". The report includes an assessment of parking at a time in which 328 patrons were counted to be at the premises.

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The applicant was reminded that they must comply with their permit conditions, and contravention may attract investigation and enforcement action.

8.2 The impact to traffic movements and car parking, and the implication to surrounding businesses.

The assessment of the application raises concern for the ramification of increased patron numbers, mainly due to increased traffic and carparking impacts, to the area. These concerns include congestion in peak times and patron increase/decrease times; and informal parking in times which formalised parking is not available. This is discussed within this report.

8.3 The site already affects staff rostering and receipt of stock for sale.

The objector did not elaborate on this point, and it is considered outside of the scope of this planning assessment to make further comment.

8.4 The current sale of items such as clothing and ornaments

The original permit allowed for an ancillary ‘resource centre’, to provide books to patrons. The resource centre was intended to only ‘sell books and associated materials’, ancillary with the prayer/reading rooms. The applicant was advised to include any changes from the original permit within this application for consideration, however no response was made.

9. **ASSESSMENT:**

9.1 The use of the land is established and considered to offer an ongoing community facility. The assessment of this application is not to determine if the use itself is appropriate, but rather the appropriateness of the proposed expansion to this use in this location.

9.2 It is noted that officers considered that part of the proposal could be supported and recommended that the application be amended to capture those parts which were considered to find the appropriate balance required by the planning provisions.

9.3 A summary of the areas of concern and the associated basis are as follows. This is then further discussed within the assessment below:

Area of concern	Basis of concern
The proposed patron numbers of 500 between 1pm-3pm every Friday	<ul style="list-style-type: none"> • This proposal results in a car parking reduction of 94 car spaces, which is excessive and would have detrimental impact to surrounding businesses. • It is also considered that it would be difficult to enforce the change in maximum patron numbers on either side of this window.
The proposed patron numbers of 280 patrons at any other time	<ul style="list-style-type: none"> • The proposed increase in patron numbers as requested is of concern, due to the ramifications to car parking. Patron numbers of 280 patrons would represent a car parking reduction of 28 spaces. • The proposed increase would result in the shortfall relying on on-street parking in the area; with the shortfall taking up 43% of on street parking within a 150 metre radius.

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	<ul style="list-style-type: none"> • This usage of on street parking is considered dominant and would detract from other businesses during standard trading hours.
<p>The removal of the 'Fire Exit Only' reference to the Resource Centre, and the deletion of Conditions 1a, 3 and 4</p>	<ul style="list-style-type: none"> • The proposal to alter the Fire Exit Only door to a general access door is not considered appropriate. • The decision to have this designated as a Fire Exit Only was made in the original assessment of the application and was done so on the basis that the building needed to operate as one use and ensure that the various internal operations were ancillary to the dominant restricted place of assembly use. • It is considered that there are sufficient internal walkways to enable patrons to move from different aspects within the centre with ease.
<p>Increase of the 'restaurant' capacity from 50 seats to 250 seats</p>	<ul style="list-style-type: none"> • This increase to seating capacity is not considered appropriate, as it is considered to shift the restaurant component of the centre away from an ancillary use, into its own use. • It is considered that the dining area seating must remain capped at 50 seats, to function as an ancillary part of the overall centre. • It is also noted that the plans do not capture the outdoor seating provided at the site; in neither existing endorsed plans nor the proposed plans.

Activity centres

- 9.4 Both state and local policy look to create activity centres which offer a concentration of retail, residential, commercial, administrative, entertainment and cultural developments.
- 9.5 Clause 11.03-1S (Activity Centres) identifies that these centres should 'give communities access to a range of goods and services, provide local employment and support local economies'.
- 9.6 Roxburgh Park Shopping Centre is identified within Clause 21.05 (Activity Centres) as an area to be promoted as a vibrant and accessible activity centre and sub regional centre.
- 9.7 The land to the south side of Somerton Road (where the subject site is located) is captured within this activity centre. This is further described in Clause 22.12 (Roxburgh Park Activity Centre).
- 9.8 Objective 2 of Clause 21.05 highlights the need to provide appropriate land supply for activity centre development and opportunities for a range of businesses.

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- 9.9 A key theme in both state and local policy surrounding activity centres is the need to support and provide for a range of businesses and functions; and as such it is considered that infrastructure must be managed to support this diversity.
- 9.10 Whilst the use is established and considered appropriate, the proposed patron numbers of 500 patrons between 1pm and 3pm on Friday and 280 patrons at any other time is considered to create a dominance of one use within the activity centre during a peak trading time; due to the impact to parking infrastructure.

Car parking

- 9.11 Clause 18.02-4S (Car parking) and Clause 21.07 (Transport Connectivity and infrastructure) provide policy to ensure that both transport connectivity is supported, and appropriate parking is provided. Additionally, these provisions encourage and promote alternative/non-car-based transport options where possible.
- 9.12 The subject site sits within the Principal Public Transport Network, which lends to a potentially reduced car parking rate dependent on land use.
- 9.13 Clause 52.06 is then utilised to determine required car parking rates for a new or expanded use.
- 9.14 The required car parking rate was calculated based on the 0.3 spaces for a Place of Assembly, as per the table at Clause 52.06-5.
- 9.15 The site is said to have access to 56 car spaces within the shared car park; however, it is noted that information was not provided as to if these are exclusive to the Youth Centre (e.g.: signage designating their use) or open to public.
- 9.16 The calculation and proposed reduction are as follows:

Proposed patron numbers	Required car parking provision	Reduction
500 patrons (Friday between 1pm-3pm)	150 car spaces	94 car spaces
280 patrons (any other time)	84 car spaces	28 car spaces

- 9.17 It is considered that the shortfall could present an adverse economic impact to the economic viability of the activity centres, impact the future growth and development of surrounding business and impact local traffic management.
- 9.18 As discussed earlier in this report, the applicant was encouraged to consider revised (but still increased) patron numbers, that would find the balance of an increased capacity but with an acceptable reduction of carparking.
- 9.19 The applicant was also requested to provide potential engineering outcomes or alternative measures (such as a resolved Green Travel Plan). The applicant was willing in principle to encourage patrons to utilise bikes or public transport through announcements and patron education; however, a resolved Green Travel Plan was not presented for consideration.
- 9.20 Consequently, it is considered that the requested reduction cannot be supported as it does not adequately respond to the decision guidelines of Clause 52.06, or the associated policies.

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Land used for more than one use

- 9.21 Clause 64.01 (Land used for more than one use) provides that should land be used for more than one use and one is not ancillary to the other, each use must comply with this scheme.
- 9.22 As a result, the responsible authority must be satisfied that, if one use does not comply with the scheme, that use must be ancillary to a use that does comply.
- 9.23 To ensure this ancillary nature, design responses must be reviewed to maintain the link.
- 9.24 The requirement for one of the main external doors to be utilised only as a Fire Exit was designated in the decision on the original application to maintain this relationship within the building.
- 9.25 For this reason, it is considered that allowing general access from both front doors would remove the integral relationship between the various ancillary functions of the restricted place of assembly, and facilitate their acting as independent uses.
- 9.26 Furthermore, the increase of seating within the 'restaurant' from 50 seats to 250 seats is considered to shift this component from an ancillary one to a use in its own right. Council officers proposed that the application be amended in response to this consideration and to show that the use would comply with the scheme; however, the applicant declined this proposed change.
- 9.27 The applicant has failed to satisfy Council that the proposed amendments to the restaurant component of the centre would not result in it being properly characterised as a separate rather than ancillary use.

Administering and enforcing the scheme

- 9.28 The schedule to Clause 72.01 designates Hume City Council as the responsible authority for administering and enforcing the planning scheme (except for matters specified in Clause 72.01-1 and matters listed in this schedule).
- 9.29 Consequently, Council must be satisfied that planning permits which are issued are able to be enforced. That is to say, the proposal and permit conditions must hold a level of practicality which supports the permit holder to comply, and the Council to enforce as required.
- 9.30 Changing patron numbers throughout different times of the day offers a level of difficulty, for both the practical outcomes of the area (such as traffic movements) and the ability for the applicant to manage this.
- 9.31 The application did not provide measures to provide insight into how the patron numbers, particularly the spike of 500 patrons between 1pm-3pm on Fridays, would be managed and complied with.

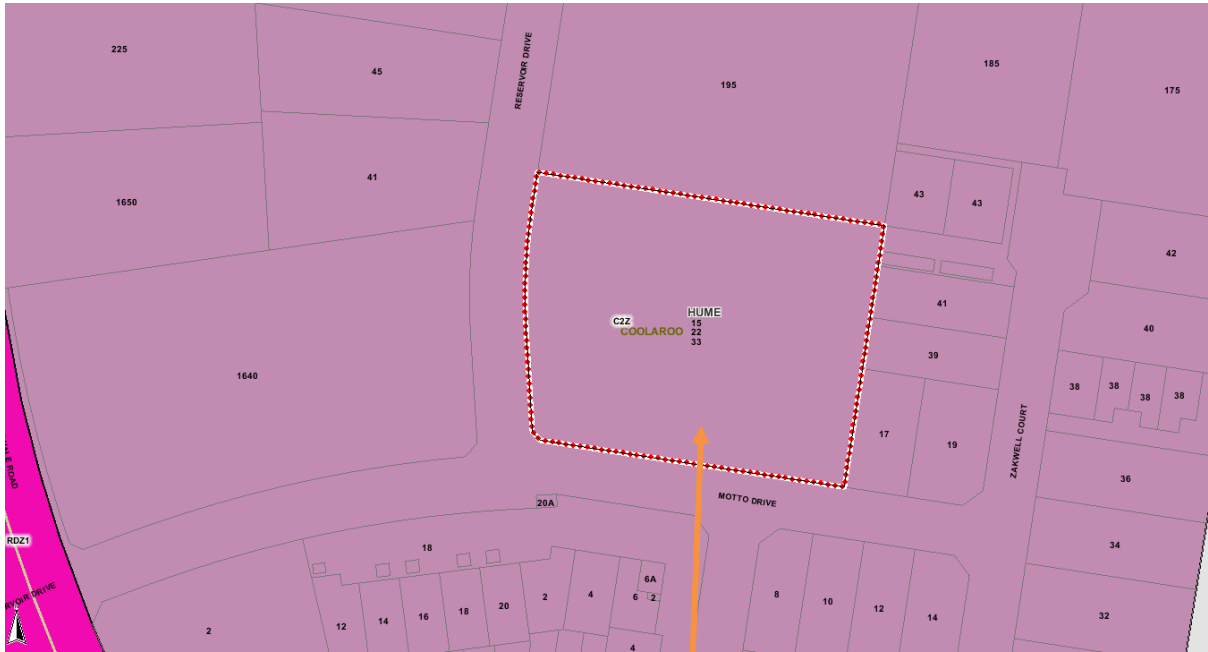
10. CONCLUSION

- 9.1 The application has been assessed on its merits and is considered to be inconsistent with the Planning Policy Framework related to car parking and activity centres. It does not adequately respond to Clause 52.06 (Car parking) of the *Hume Planning Scheme*. The proposal does not produce an outcome which balances the needs of other businesses in the area, and their own. Various aspects of the proposed amendment would result in impractical and difficult to enforce outcomes. Considering the above, it is recommended that Council form the position to not support the proposal.

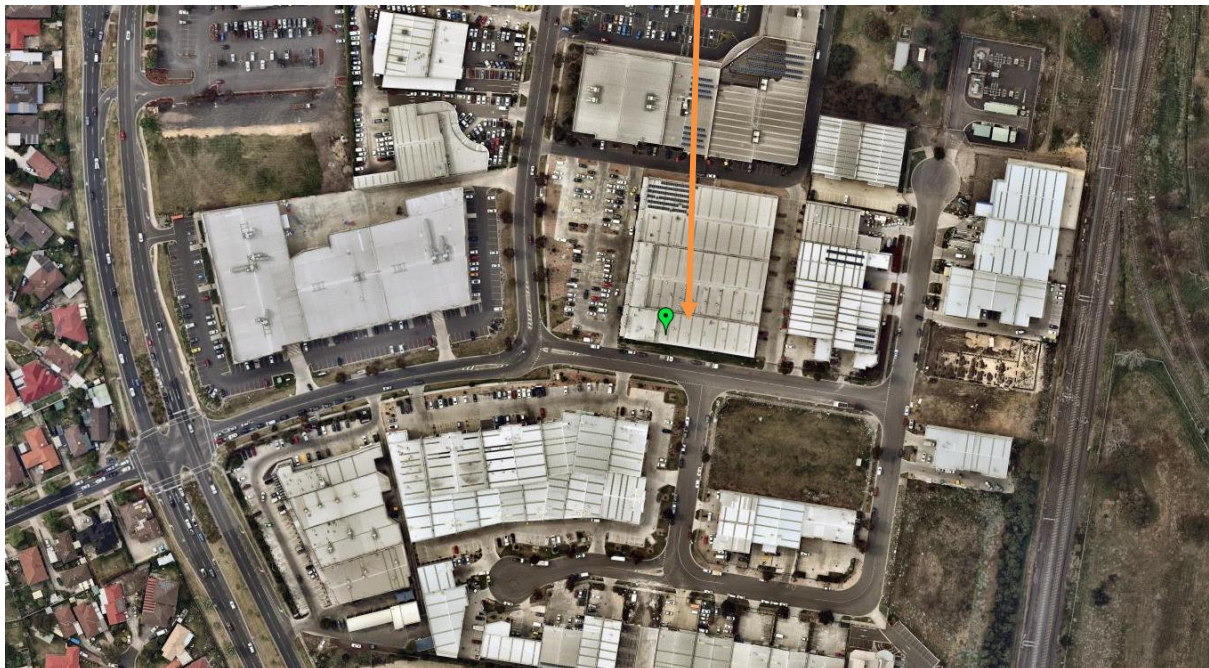
LOCALITY MAP

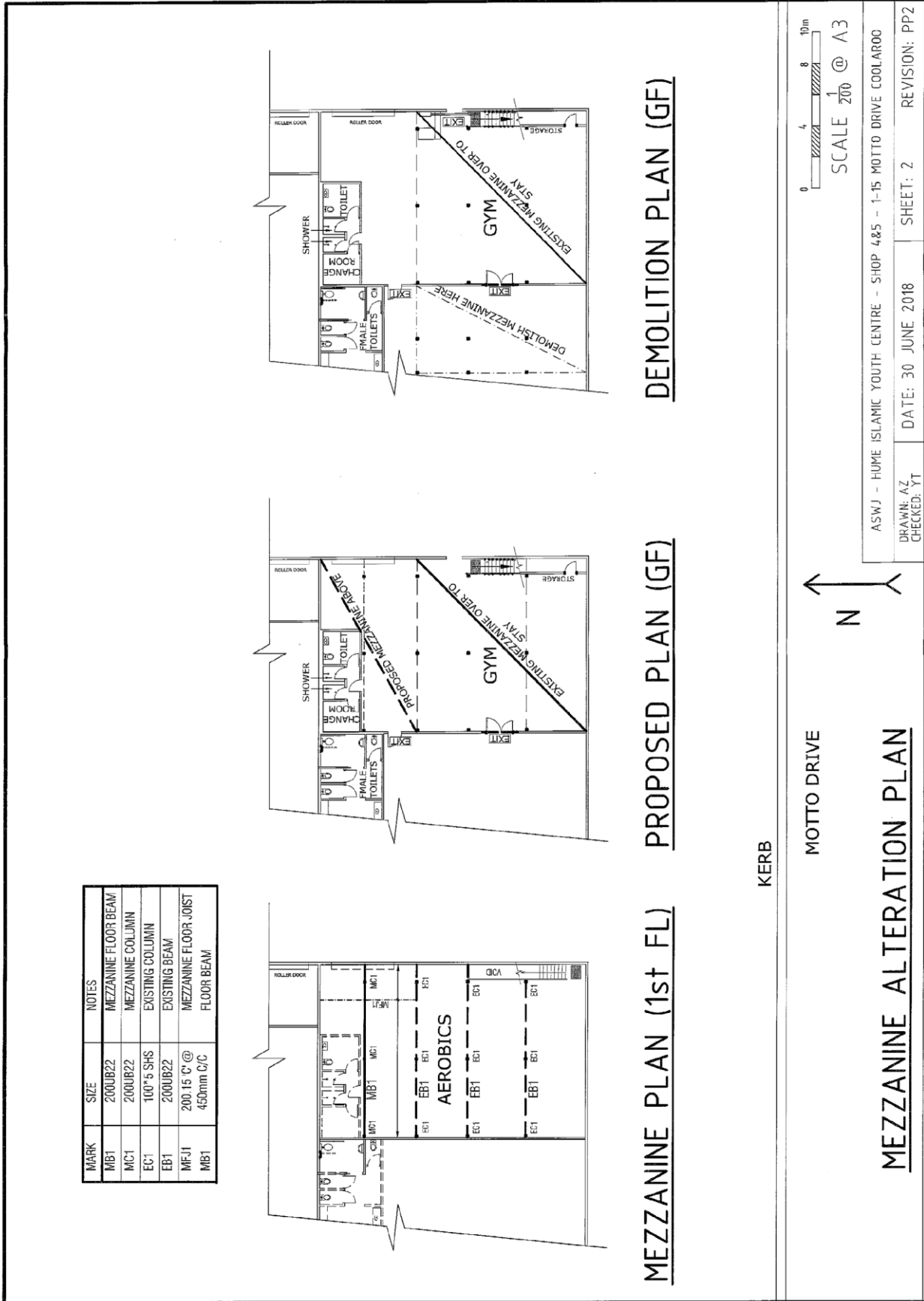
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1/15 MOTTO DRIVE COOLAROO



**SUBJECT SITE: 1/15 MOTTO
DRIVE COOLAROO**





REPORT NO:	SU378
REPORT TITLE:	Use of an existing building for the purpose of an indoor recreation facility (yoga studio).
SOURCE:	Narelle Haber, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P21406
POLICY:	-
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:	P21406
Proposal:	Use of an existing building for the purpose of an indoor recreation facility (yoga studio).
Location:	106 Riddell Road, Sunbury
Zoning:	General Residential Zone (schedule 1)
Applicant:	Urban Design and Management Pty Ltd
Date Received:	23 May 2018

1. SUMMARY OF REPORT:

A planning permit is sought to use an existing building for the purpose of an indoor recreation facility (yoga studio) on land known as 106 Riddell Road, Sunbury. The application was advertised and three objections received. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* and is deemed to accord with key policy objectives. Accordingly, it is recommended that the application be supported and Notice of Decision to Grant the permit be issued.

2. RECOMMENDATION:

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant a Planning Permit for the use of an existing building for the purpose of an indoor recreation facility (yoga studio) on land known as 106 Riddell Road, Sunbury, subject to the following conditions:

1. **Before the development permitted by this permit commences, amended 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 and will then form part of the permit. The plans must be generally in accordance with plans A01 – A10 dated 20 16 February 2017 but modified to show:**
 - a) **Extend the concrete hardstand area an additional 1.5 metres directly opposite car space 4 (area currently a garden bed and footpath).**
 - b) **Appropriate location of waste storage and method of waste disposal.**
2. **The use as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the responsible authority.**
3. **New buildings or works must not be constructed or carried out and existing buildings must not be enlarged, rebuilt or extended except with the prior written consent of the responsible authority.**

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4. The use permitted by this permit must not be occupied until:
 - a) The parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the responsible authority;
5. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plan(s) and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and provided and maintained in a continuously useable condition to the satisfaction of the responsible authority.
6. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
7. All parking bays must be line marked including disabled and associated shared area pavement marking
8. In areas set aside for parking, kerbs or barriers or other means of protection must be installed to the satisfaction of the responsible authority to prevent damage by vehicles to the fence.
9. Before the use starts/the development is occupied, a sign or signs must be provided to the satisfaction of the responsible authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the frontage of the land and maintained to the satisfaction of the responsible authority.
10. Vehicles associated with the approved use must not be parked on nearby streets or roads or the road reserve off Riddell Road.
11. All staff vehicles including vehicles associated with the approved use must be parked within the site and must not be parked on the street.
12. The use must at all times be conducted in a manner ensuring the residential amenity of nearby residential properties is not detrimentally affected.
13. Except with the prior written consent of the responsible authority, the yoga studio permitted by this permit may only operate between the following times:
 - Monday and Wednesday – 4:30pm – 8:00pm;
 - Thursday - 4:30pm – 7:30pm;
 - Saturday – 8:15am – 9:15am;
 - Sunday - 4pm – 5pm.
14. The yoga studio must only operate outside the operating times of the medical centre / allied health services.
15. No more than ten (10) participants and one (1) instructor may be engaged in yoga practice on the site at any one time.
16. No goods or packaging materials shall be stored outside the building.
17. Any alarm or security system installed on the subject land or premises must be of a silent type, connected to a registered security firm.
18. Any lighting of the car park area must be located and designed with suitable baffles so that no direct light is emitted outside the site.
19. Noise levels emanating from the land must not exceed the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises), No N-2.
20. Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the land/building and must be suitably insulated to reduce noise emissions, to the satisfaction of the responsible authority.

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21. Except for public waste bins, receptacles for any form of rubbish or refuse must not be visible from any public road or thoroughfare. Odour must not emit from any receptacles to cause unreasonable offence to any persons outside the land.
22. No public address or sound system may be used resulting in noise being audible outside the building on the land, except with the prior written consent of the responsible authority.
23. This permit will expire if one of the following circumstances applies:
 - the development and use 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.

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:

1. If a request for an extension of commencement/completion dates is made out of time allowed, 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.
2. The applicant is advised that all aspects of the business which fall within the definition of a 'beauty salon' including facials, massage, dermal therapy, waxing and the like must cease to operate from the site as a 'beauty salon' is a prohibited use under the General Residential Zone (GRZ1).
3. The applicant is advised that the existing 'medical centre' must have no more than 1 practitioner conducting consultations at the site at any one time. In the event more than 1 practitioner is consulting from the site at any one time, a planning permit application will be required.
4. Any modifications to existing vehicle crossings require an application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application.
5. Any service relocations are to the approval of the service authority and at the owners cost.

3. BACKGROUND:

- 3.1 The application was lodged by Urban Design and Management on behalf of Christine Alger who is the owner/manager of the 'Infinity Wellness Centre' currently operating on the site. The current operations include osteopathy, naturopathy, psychology, occupational therapy, and various day spa / beauty related treatments including massage, facials and waxing.
- 3.2 The applicant has made the case that the existing operations fall under the definition of a 'medical centre' and do not require a permit under the General Residential Zone as the 'as of right' conditions for a medical centre in a General Residential Zone – schedule 1 are met. Specifically, the gross floor area does not exceed 250 square metres (171 square metres); the site has vehicle access from a road in a Road Zone Category 1 (Riddell Road) and, the parking requirement of Clause 52.06 – Car Parking being 5 car spaces to the first person providing health services (only 1 practitioner on site at any one time) is also met.

REPORT NO: SU378 (cont.)

- 3.3 However, whether all services currently available at the site fall within the definition of a 'medical centre' has been contested throughout the application process. The centre is currently operating as the 'Infinity Wellness Centre' and, offers various services including naturopathy, osteopathy, occupational therapy and psychology, as well as massage, facials and waxing. The latter three (3) services are purported as falling under the banner of a 'day spa' and, indeed, the term 'day spa' is how the business is advertised on the internet. In the VCAT case *Stevens v Northern Grampians SC [2016] VCAT 310* it was found that there is no current planning differentiation between a 'day spa' and a 'beauty salon' and the ordinary meaning of the term 'beauty salon' includes facial and beauty product aspects of the business. Member Susan Whitney (paragraphs 25 and 26) stated in her findings that:

"whether the skin treatments are invasive or not, they are still beauty treatment that could be provided at a beauty salon and massages provided by the business come within the ordinary understanding of a beauty treatment that would be provided by a beauty salon".

- 3.4 The significance is that a 'beauty salon' is nested under 'retail' at Clause 73.04 of the planning scheme, which is a Section 3 - Prohibited Use within the General Residential Zone. Council concurs with the view expressed in the Tribunal decision cited above and maintains that the 'day spa' components of the business (facials, massage, waxing etc.) fall into the category of a 'beauty salon' and are therefore prohibited and must cease to operate from the premises. The applicant updated their submission documents by deleting these aspects from the business. The remaining allied health components of the business including osteopathy, psychology, occupational therapy, remedial massage and naturopathy are accepted as falling within the definition of a 'medical centre'. The existing medical centre aspect of the business is a Section 1 – 'Permit not Required' use under the General Residential Zone (schedule 1), as the conditions relating to building floor area; vehicle access connection and car parking requirements have been satisfied. Subsequently, the building and works, including the parking area and modifications to building façade, access ramp and alterations to the front porch, are associated with a Section 1 – Permit not Required use, which do not trigger a requirement of a permit and do not form part of this application.
- 3.5 The following assessment therefore primarily relates to the proposed yoga studio, which falls under the umbrella of 'Indoor Recreation Facility' which is a Section 2 – Permit Required use in the General Residential Zone. The provision of car parking is also a consideration pursuant to Clause 52.06 – Car Parking.

4. PROPOSAL:

- 4.1 The applicant seeks a planning permit to use part of the existing building as an indoor recreation facility (yoga studio).
- 4.2 The existing medical centre / allied health centre currently operates entirely within the footprint of the original dwelling. The yoga element is proposed to operate from the front section of the building (previously 'living/dining' area). It will have a floor area totalling 32 square metres.
- 4.3 The planning application report states that only one yoga class will operate at any given time and will accommodate up to 10 participants (and 1 instructor).
- 4.4 The hours of operation of the yoga classes are generally in the evening between 4:30pm to 8:00pm except Saturday where a morning class is proposed (8:15am – 9:15am).
- 4.5 The yoga classes are designed to supplement other existing health facilities offered at the site and the application material states that they will be tailored to participants who have sustained injuries and need to recover mobility.

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- 4.6 The operations of the yoga facility appear typical to this form of health / recreation facility where the practice is generally undertaken in silence (except for the teacher providing instruction).
- 4.7 The material provided indicates that only 1 medical / allied health practitioner will be on site at any one-time and all yoga activities will be undertaken outside the medical / allied health services consultation times.
- 4.8 In terms of car parking, the proposed yoga studio relies on the five (5) car parking spaces provided for the medical centre / allied health aspect of the business. No additional on-site car parking is being proposed.
- 4.9 Signage has not been applied for and does not form part of this assessment as this was previously approved under planning permit P20388.
- 4.10 The plans to be read in conjunction with this report are the advertised plans AO1 – A10 dated 16 February 2017 received by Council on 29 November 2018.

5. SITE AND SURROUNDS:

Site and surrounds

- 5.1 The site is located on the north-east side of Riddell Road at its junction with Holt Street, approximately 1.7 kilometres north-west of the centre of Sunbury. The site is a rectangular shaped allotment (except for a splay edge to the corner) with a frontage width of 12.19 metres and depths of 35.36 metres and 38.4 metres, giving an overall lot yield of 580 square metres.
- 5.2 The site contains a single storey brick residential dwelling recently converted to an allied health centre operating as 'Infinity Wellness Centre'. Based on the submission material of the applicant, it appears that the current operations from the site include: psychology, naturopathy, osteopathy, occupational therapy, remedial massage as well as various 'day spa' activities including facials, relaxation massage, foot spa, dermal therapy and various beauty treatments (i.e. waxing and other invasive and non-invasive skin treatments). Signage at the site and information on the business website indicates that yoga classes have also been operating from the site, however it is understood that they have ceased in the interim.
- 5.3 The hours of operation vary each day. However, an overview of the proposed operating hours shows that the earliest it will open will be at 8:15am on a Saturday for a yoga class, and the latest it closes will be 8pm on Mondays and Wednesdays at the end of a yoga class.
- 5.4 Car parking includes four (4) car spaces in the rear setback of the building accessed off Holt Street and one (1) disabled space in the front setback accessed off Riddell Road.
- 5.5 The surrounding area is primarily residential comprising of a mix of single and double storey, predominantly detached dwellings constructed from the 1960s onwards. There is little in-fill development within the surrounding neighbourhood. Dwellings on the north-east side of Riddell Road front a service road creating a more localised and quieter residential setting than typically found on a main road. Notwithstanding, Riddell Road contains various alternate uses including places of worship (St Anne's Church and Catholic Primary School on the opposite side of Riddell Road); other medical centres (Better Life Hearing Services at 83 Riddell Road) and a veterinary clinic (Sunbury All Creatures at 65 Riddell Road).
- 5.6 Holt Street is a short street connecting Riddell Road and McKell Avenue. There are three (3) residential dwellings with an interface to and/or access off, this street.

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5.7 Riddell Road has two lanes of traffic in each direction narrowing to single lanes just northwards of the site. A service road and a wide, vegetated medium strip exist between the main road and the residential buildings on the north-east side of the road. The service road is a two-way street which connects with Holt Street at its southern end and has no direct vehicle access from the main arterial road.

Planning History:

5.8 A review of Council records indicates that planning permit P20388 was issued on 28 May 2018 allowing business identification signage associated with the ‘as of right’ medical centre. Approval for the sign was retrospective as it was erected on site without planning consent. The approval related to one sign located in the front setback of the site facing Riddell Road. The sign is illuminated in the evenings by a low wattage solar light.

Restrictions on Title

5.9 The land is formally identified as Lot 10, LP55059, Volume 8358, Folio 235. There are no encumbrances on the land such as covenants or Section 173 Agreements. There is a 2.43-metre wide drainage and sewerage easement adjacent to the rear (north-east) boundary, over which the car park has been constructed.

Major Electricity Transmission Line

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

Aboriginal Cultural Heritage

5.11 The land is not located within an area identified as having Aboriginal cultural heritage sensitivity. A Cultural Heritage Management Plan is not required to be prepared.

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>Planning Policy Framework:</i>	Clause 11.02-1S: Supply of Urban Land Clause 15.01-01S: Urban Design Clause 15.01-04S: Healthy Neighbourhoods Clause 17.01: Employment Clause 17.02-01S: Business Clause 19.02-01S: Health Facilities Clause 19.02-2R: Health Precincts – Metropolitan Melbourne
<i>Municipal Strategies:</i>	Clause 21.01: Municipal Strategy Clause 21.02-1: Managing Growth and Increasing Choice Clause 21.02-3: Sunbury Clause 21.03-1: Liveable Communities Clause 21.06-1: Economic Development
<i>Local Policies:</i>	Nil Relevant.
<i>Zones:</i>	Clause 32.08: General Residential Zone (GRZ1)
<i>Overlays:</i>	Nil.
<i>Particular Provisions:</i>	Clause 52.06: Car Parking.
<i>General Provisions:</i>	Clause 65: Decision Guidelines

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Planning Permit Triggers(s)

- 6.2 The proposed yoga studio falls within the definition of an ‘Indoor Recreation Facility’ which is described at Clause 73.03 – Land Use Terms as “*a building used for indoor leisure, recreation, or sport*” which falls under the umbrella term ‘Leisure and Recreation’.
- 6.3 The permit trigger in this instance is Clause 32.08-2, where the use of land for ‘Leisure and Recreation’ purposes is identified as Section 2 – Permit Required use.
- 6.4 The relevant purposes of the General Residential Zone include:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage development that respects the neighbourhood character of the area.*
 - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
- 6.5 Decision guidelines for non-residential use and development applications are listed at Clause 32.08-13 and include:
- *Whether the use or development is compatible with residential use.*
 - *Whether the use generally serves local community needs.*
 - *The scale and intensity of the use and development.*
 - *The design, height, setback and appearance of the proposed buildings and works.*
 - *The proposed landscaping.*
 - *The provision of car and bicycle parking and associated accessways.*
 - *Any proposed loading and refuse collection facilities.*
 - *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

Car Parking Requirements:

- 6.6 Pursuant to Clause 52.06-2 of the *Hume Planning Scheme*, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority prior to a new use commencing.
- 6.7 Table 1 at Clause 52.06-5 sets out the number of car parking spaces required for a use. There is no prescribed rate for an ‘Indoor recreation facility’ and therefore car parking must be provided to the satisfaction of the responsible authority pursuant to Clause 52.06-6. In this case, as with previous applications for similar facilities, the responsible authority applies the parking rate for a ‘Place of Assembly’ which most closely resembles the proposed use. The rate for a ‘Place of Assembly’ is 0.3 car spaces per patron. The maximum number of participants is ten (10) (plus 1 instructor) at any one time generating a parking requirement for three (3) car spaces.
- 6.8 The existing medical centre/ allied health use generates a requirement for five (5) on-site car spaces based on the current operations where there is no more than one medical practitioner at the site at any one time. The material provided indicates that all yoga activities will be undertaken outside the medical / allied health services consultation times. Therefore, the five existing car spaces exceed the number required for the yoga studio (3 car spaces).

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7. REFERRALS:

7.1 No external referrals were required pursuant to Section 55 of the *Planning and Environment Act 1987*.

Internal – Council’s Engineering and Assets Department

7.2 An internal referral was made to Council’s Traffic Department given residents’ concerns with on-street parking and parking on the nature reserve off Riddell Road. They stated that the parking dimensions provided comply with minimum design requirements, except for Bay 4, which will be rectified as a condition on the permit.

8. ADVERTISING:

8.1 The application was advertised under Section 52 of the Act by way of letters to adjoining land owners and occupiers and two notice boards placed on site. Three (3) objections were received in response to advertising. The grounds of objection are summarised as follows:

- *Business already in existence and was set-up without consultation with residents;*
- *Business out of character with residential nature of Riddell Road;*
- *Inadequate parking (vehicles parking in road reserve);*
- *Traffic safety issues;*
- *Vehicle noise;*
- *Waste related issues;*
- *Already adequate similar services available within Sunbury;*
- *Possible future expansion of business would further detract from residential character and amenity of area; and*
- *Decrease in property value.*

9. OBJECTIONS

The grounds of objection are addressed below:

9.1 Business already in existence and was set-up without consultation with residents:

The operations and legitimacy of the existing business have been investigated by Council’s Planning Enforcement Team. Some aspects of the business fall under the definition of a ‘medical centre’ and do not require a permit in the General Residential Zone as particular conditions have been met. Specifically, the floor area does not exceed 250 square metres; the site has vehicle access from a road in a Road Zone Category 1 and the provision of car parking is consistent with Clause 52.06 of the planning scheme. Where a use is ‘as of right’, a planning permit application is not required and subsequently there is no legal obligation under the *Planning and Environment Act 1987* to undertake any consultation with neighbours.

Other aspects of the existing business including those falling within the definition of a ‘beauty salon’ are prohibited in the General Residential Zone and the applicant has been advised that these must cease to operate from the premises.

The proposed yoga studio requires a planning permit under the General Residential Zone and has been duly advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

9.2 The business use is out of character with the residential nature of Riddell Road:

The General Residential Zone provides for some alternate uses within residential areas where the site has direct vehicle access from a road in a Road Zone Category 1 and where the business would directly serve the local population. This is a small centre which benefits from a main road location and provide local community benefit. There is little change to the built form of the site as the existing building is utilised, and the intensity and scale of the use will be appropriately managed by permit conditions.

REPORT NO: SU378 (cont.)

9.3 Inadequate parking (vehicles parking in road reserve) and traffic safety issues:

Parking, traffic and safety related matters are address in the assessment section of the report below (paragraphs 9.16 and 9.17).

9.4 Vehicle noise

The addition of a small yoga studio with a maximum of 10 participants is unlikely to result in any significant increase in noise either because of vehicles or the on-site operations. Noise levels can be further controlled by condition to provide some security that high music volumes will not be played from the studio. However, yoga classes are generally conducted in a peaceful and quiet manner for meditation and relaxation.

9.5 Waste related issues

Further details of the location of waste storage facilities and method of waste disposal will be required by a permit condition to ensure such facilities are appropriately located.

9.6 Already adequate similar services available within Sunbury:

It is recognised that similar facilities exist within Sunbury Town Centre, however there does not appear to be any other localised facility such as this directly serving the north-western residential area of Sunbury. It is considered that the combined service provided by the allied health and yoga facilities in a local, and easily accessible, location such as this would provide an alternate and beneficial service to this community.

9.7 Possible future expansion of business would further detract from residential character and amenity of area

If more than 1 medical practitioner is operating on the site at any one time, the use no longer falls within a Section 1 – Permit Not Required Use as the car parking requirements would not be met. In this case, a planning permit would be required and appropriate notification to adjoining residences would be undertaken. In the event the applicant seeks to extend the business hours of the yoga studio or increase participants, a planning permit amendment would be required which would also be subject to notification.

9.8 Decrease in property value:

Any perceived decrease in property value because of a use or development is not a matter for consideration in a planning assessment and is outside the remit of the *Planning and Environment Act 1987*.

10. ASSESSMENT:

10.1 The primary considerations of this proposal, as derived from Clause 32.08-13 of the General Residential Zone, include:

- *Is the proposed use of land supported by planning policy including the Planning Policy Framework (PPF) and the objective of the zone?*
- *Is the proposed use of land compatible with residential use?*
- *Does the proposed use generally serve local community needs?*
- *Is the scale and intensity of the use appropriate to the site?*
- *Does the proposal provide appropriate landscaping and loading / refuse collection facilities?*
- *Is there adequate car parking and will the traffic generated by the proposed use have any adverse impact in terms of safety, efficiency and amenity?*

REPORT NO: SU378 (cont.)

These considerations are addressed in turn below.

Is the proposed use of land supported by planning policy including the PPF and the objectives of the zone?

- 10.2 The Planning Policy Framework, at Clause 11.02-1 – Supply of Urban Land, seeks to “ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”.
- 10.3 It is also State policy to “assist the integration of health facilities with local and regional communities” and “increase access to arts, recreation and other cultural facilities” (Clauses 19.02-01S – Health Facilities and 19.02-3 - Cultural Facilities) and to ensure the fair distribution of and access to social and cultural infrastructure. Such facilities are encouraged in locations well served by public transport to facilitate access.
- 10.4 The need to provide appropriate health and recreation facilities is further advocated in Local planning policies, in particular, Clause 21.02-1 (Managing Growth and Increasing Choice), Clause 21.02-3 (Sunbury) and Clause 21.03-1 (Liveable Communities). It is recognised that the northern part of Sunbury will absorb significant growth in the coming years and there will likely be an associated increase in demand for various services, including health and recreational services. It is specifically sought to provide a greater level of self-containment for the Sunbury community in terms of the provision of such services and provide such facilities where they can be readily accessed by the local population.
- 10.5 In terms of the locational attributes of the site, it is recognised that both levels of policy encourage the location of health and recreational facilities within recognised activity areas maximising accessibility and minimising amenity impact to residences. Nevertheless, the site is located on a main collector road which ensures the site is easily accessible by motor vehicle, public transport (bus service on Riddell Road) and pedestrian routes. It is noted that Riddell Road becomes Macedon Street at its southern end forming the northern edge of the Sunbury Major Activity Centre, approximately 1.7 kilometres from the subject site. The site therefore meets the test of accessibility.
- 10.6 Whilst the immediate context primarily contains low-density residential development, Riddell Street does contain various alternate uses, particularly to the south toward the centre of Sunbury including places of worship; other medical uses, vet clinic and the Sunbury Recreation Reserve together with the Sunbury Bowls Club. The setting therefore does differ from a typical, localised street setting. Further, Riddell Road is the only main road directly serving the north-western residential area of Sunbury, making the location ideal for providing a subsidiary health and recreational service which would otherwise be situated within the primary activity centre area of Sunbury, in a manner comparable to many other main road settings throughout metropolitan Melbourne.
- 10.7 For the reasons above, it is considered that the site is suitable for the proposed indoor recreation use as it would provide a modest indoor recreation facility alongside an existing medical centre in a mid-point location from existing services. Further, it would provide a health / recreation facility which would directly service the local community which is anticipated to increase in population; and may assist to prompt a cluster of similar services along Riddell Road meeting the policy objective to group such facilities.
- 10.8 In terms of the policy directions of the General Residential Zone, the zone caters for other non-residential uses which serve the local community in appropriate locations. Indeed, the medical centre element is now a ‘Section 1 – Permit Not Required’ use following Amendment VC110 in March 2017 which relaxed the statutory requirement for this use within the General Residential Zone subject to floor space limits and

REPORT NO: SU378 (cont.)

locational attributes (i.e. on a road in a Road Zone, Category 1). The provision of a modest, indoor recreation facility, being a yoga studio in this case, is generally supportable having regard to the broad aims of the General Residential Zone schedule 1 (GRZ1) and, indeed, many small-scale health and recreation facilities operate within the GRZ1 in and around Melbourne in a manner compatible with residential land use. This is discussed in more detail below.

Is the proposed use of land compatible with residential use?

- 10.9 The subject site has two immediate residential interfaces being No. 108 Riddell Road which abuts the north-west side boundary, and No. 129 McKell Avenue which abut the north-east rear boundary. Both sites contain dwellings situated approximately 3 – 5 metres from the shared boundary. Given that much of the building fronts Holt Street and the main vehicle access is gained from this street, consideration must also be given to the impact of the use on the residential amenity of this street.
- 10.10 The proposed yoga studio will operate entirely within the existing building, occupying what was previously the front living/dining area. The total floor area is 32 square metres and the maximum participant number at any one time is ten (10) participants. All yoga classes will operate outside the medical / allied health hours with the latest class finishing at 8pm. A yoga class is typically non-intensive – it does not require loud music or a high level of activity with the only potential disturbance coming from patrons arriving and leaving the site. Given that the maximum number of ten (10) patrons is not excessive, with most classes anticipated to attract 4 – 6 participants, it is considered any disturbance will be minimal and not significantly above what would be anticipated from the usual coming and goings of a typical residential dwelling. Patron numbers can also be secured by a condition on permit to ensure class sizes do not increase.
- 10.11 Whilst hours of operation extend into the evening (8pm), given the nature of the use and modest number of participants, the proposal is unlikely to give rise to any disruption. Again, permit conditions can secure the operating hours; maximum number of participants and noise levels to minimise the likelihood of any adverse amenity impacts. Other conditions securing appropriate waste management would also assist to ensure the use has no unreasonable impact to the amenity of nearby residences.
- 10.12 Overall, given the modest scale of the yoga studio, it is considered compatible with surrounding residential land use subject to conditions as detailed.

Does the proposed use generally serve local community needs?

- 10.13 The closest similar services are situated within the Sunbury Activity Centre to the south-east of the site. There are no other known, similar, localised services within the north-west part of Sunbury. There is an increasing demand for more personalised health and recreation facilities, particularly where they are offered in an integrated manner with allied health services such as occupational therapy etc. The provision of a small yoga studio alongside an existing allied health service will likely provide direct benefit to the north-west residential area of Sunbury where the population is anticipated to increase in the coming years and there is no similar service within a 2 kilometres radius of the site.

Is the scale and intensity of the use appropriate to the site?

- 10.14 The allied health service / medical centre is sought to be operating as a Section 1 – ‘As of Right’ use and therefore the appropriateness of the scale and intensity of this aspect of the use does not form part of this assessment. As detailed, the yoga studio element occupies the front living area of the original dwelling comprising an area of 32 square metres with a maximum patronage of 10 participants (and generally 4 – 6 participants). The scale is therefore very modest, being only slightly greater than a 1:1 consultation type service. Hours of operation are minimal, being a maximum of 3

REPORT NO: SU378 (cont.)

hours in the early evening. It is therefore considered that the scale and intensity of the proposed yoga studio is suitable having regard to the local, residential aspect of the setting, as well as the main road abuttal and nearby location of other alternate land uses.

Does the proposal provide appropriate loading / refuse collection facilities?

- 10.15 The application material does not provide any information regarding waste storage and collection facilities. The inappropriate disposal of waste has been raised as a concern in one of the letters of objection and should be sought to be addressed by condition requiring identification of a dedicated waste storage area on the Site Plan and method of waste collection.

Is there adequate car parking and will the traffic generated by the proposed use have any adverse impact in terms of safety, efficiency and amenity?

- 10.16 The subject site currently has five (5) constructed car spaces which serve the existing medical / health centre. Based on the current operations (as per the applicant's submission) there is only 1 medical practitioner at the site at any one time, and the existing five (5) car spaces therefore meet the car parking requirement for a medical centre. The addition of a yoga facility with a maximum of 10 participants generates a requirement for three (3) car spaces based on the most relevant car parking rate, being that of a 'place of assembly' (0.3 spaces per patron). No additional parking is proposed as the yoga studio will operate outside the hours of the medical / allied health center and the five (5) on-site car spaces will be available for the yoga participants. The hours of operation of the yoga studio can be conditioned to be outside that of the medical / allied health centre to provide further security that there will be no overlap between the two uses which may lead to parking issues and the overflow of parking into the residential streets or adjoining road reserve.
- 10.17 The traffic generated by the proposed indoor recreation facility (yoga studio), based on the maximum number of patrons to site is unlikely to generate any significant traffic volumes to the detriment of the area. Council's Traffic Engineers have reviewed the proposal and advised that though the design of the parking area is unorthodox, it is compliant with Australian Standards. Conditions have also been placed on the permit which specifically state that vehicles associated with the site (including staff) are not to park on the street or the adjacent Riddell Road road reserve. A sign will also be required to be erected to the front of the site instructing and directing patrons to the rear parking area.

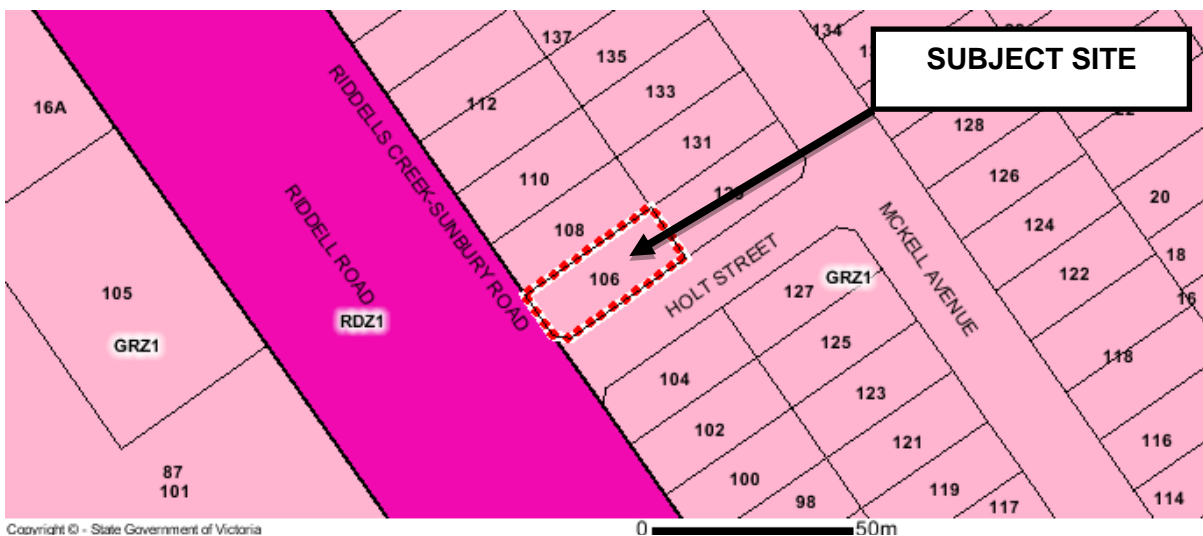
11. CONCLUSION

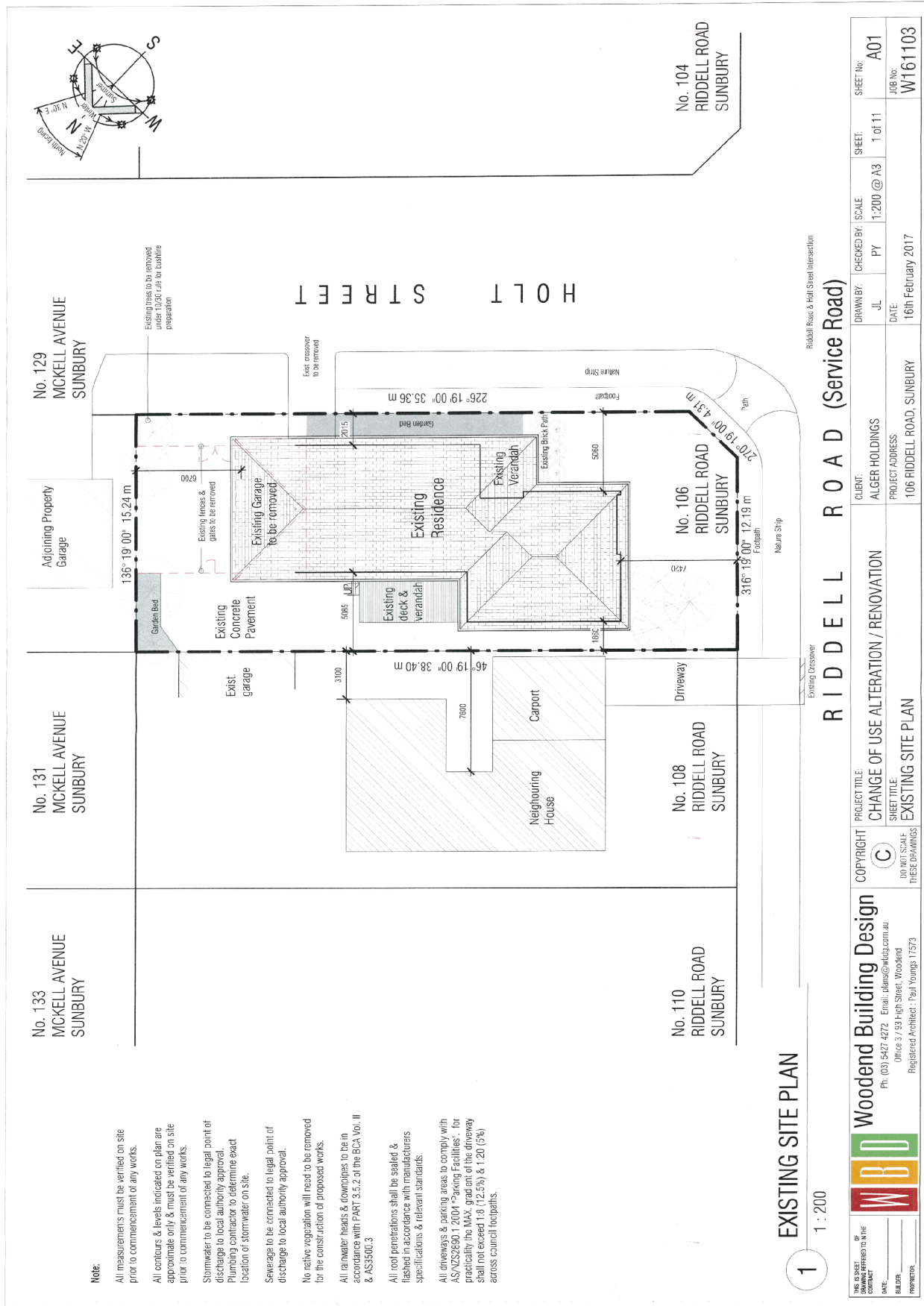
The proposal has been assessed against the provisions of planning policy objectives and strategies pertaining to the provision of health and recreation facilities, and car parking, as well as the objectives of the General Residential Zone and found to be compliant with the key objectives of these policies. The modest scale and intensity of the proposed use is key to its ability to operate in a manner compatible with the residential area in which it is located, and permit conditions limiting the number of patrons and hours of operation are essential to ensure its operations have no adverse amenity impact to the nearby residential community. In particular, the proposal will provide a recreation service within an existing medical/allied health centre providing direct health benefits to the local population. The centre is easily accessible due to its main road location; the addition of a small yoga studio would have no unreasonable impact to adjoining residential properties and on-site car parking is considered satisfactory. Subject to these conditions, it is considered that the application is worthy of Council support.

LOCALITY MAP

P21406

106 RIDDELL ROAD, SUNBURY





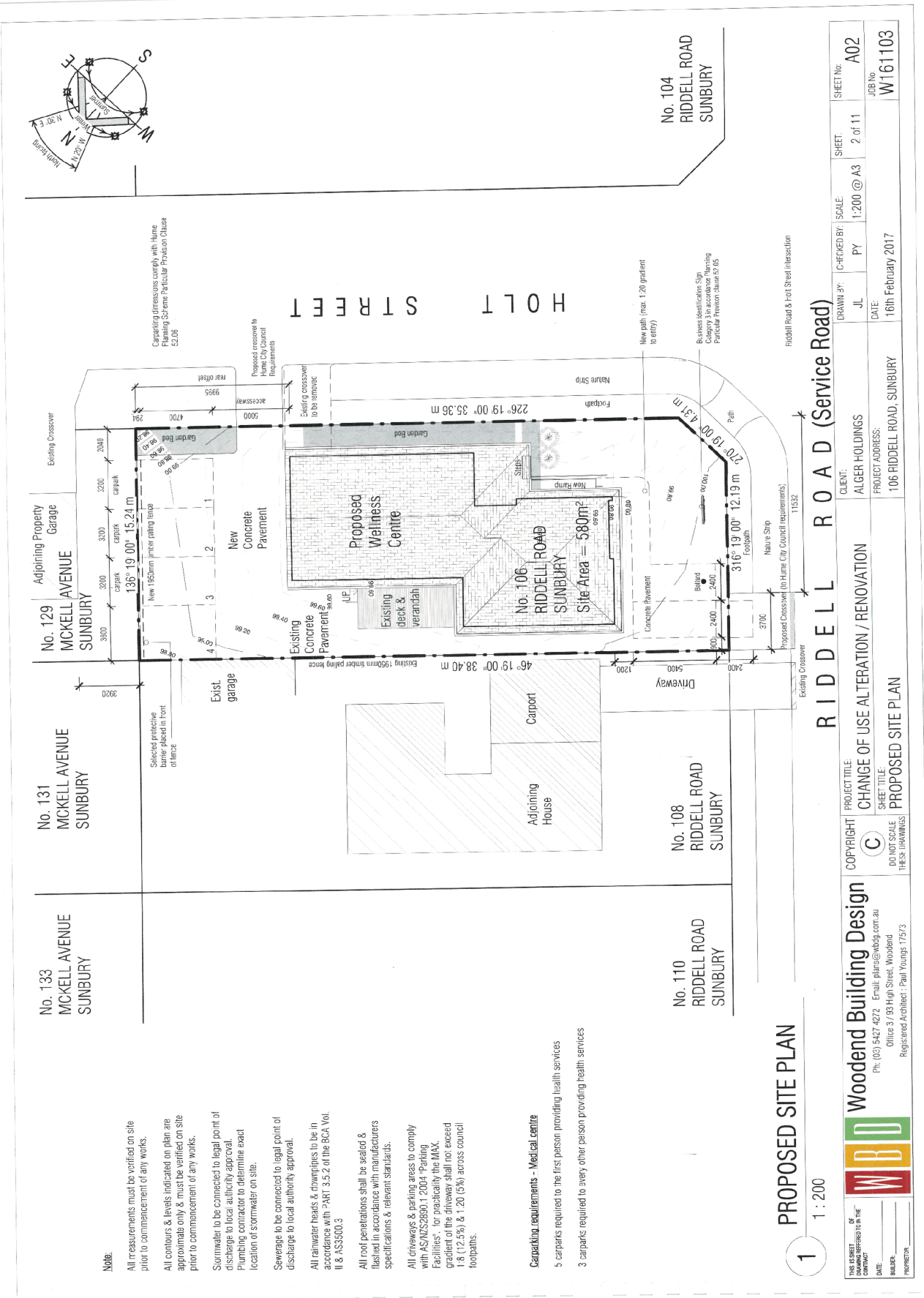
Note.

- All measurements must be verified on site prior to commencement of any works.
- All contours & levels indicated on plan are approximate only & must be verified on site prior to commencement of any works.
- Stormwater to be connected to legal point of discharge to local authority approval. Plumbing contractor to determine exact location of stormwater on site.
- Sewerage to be connected to legal point of discharge to local authority approval.
- No native vegetation will need to be removed for the construction of proposed works.
- All rainwater heads & downpipes to be in accordance with PART 3.5.2 of the BCA Vol. II & AS3500.3
- All roof penetrations shall be sealed & flashed in accordance with manufacturers specifications & relevant standards.
- All driveways & parking areas to comply with AS/NZS2890 1:2004 "Parking Facilities". For practically the MAX. gradient of the driveway shall not exceed 1:3 (12.5%) & 1:20 (5%) across council footpaths.

EXISTING SITE PLAN

1 1:200

THE SHEET IS REFERRED TO IN THE CONTRACT DATE: _____ BUILDER: _____ REVISIONS: _____	WOODEN BUILDING DESIGN Ph: (03) 5427 4272 Email: helen@wbd.com.au Office: 3/93 High Street, Woodend Registered Architect: Paul Youngs 17573		PROJECT TITLE: CHANGE OF USE ALTERATION / RENOVATION SHEET TITLE: EXISTING SITE PLAN	CLIENT: ALGER HOLDINGS PROJECT ADDRESS: 106 RIDDELL ROAD, SUNBURY	DRAWN BY: JL CHECKED BY: PY SCALE: 1:200 @ A3	SHEET: 1 of 11 SHEET No: A01	DATE: 16th February 2017 JOB No: W161103
	COPYRIGHT © WOODEN BUILDING DESIGN ALL RIGHTS RESERVED THESE CONDITIONS APPLY			RIDDPELL ROAD (Service Road)			

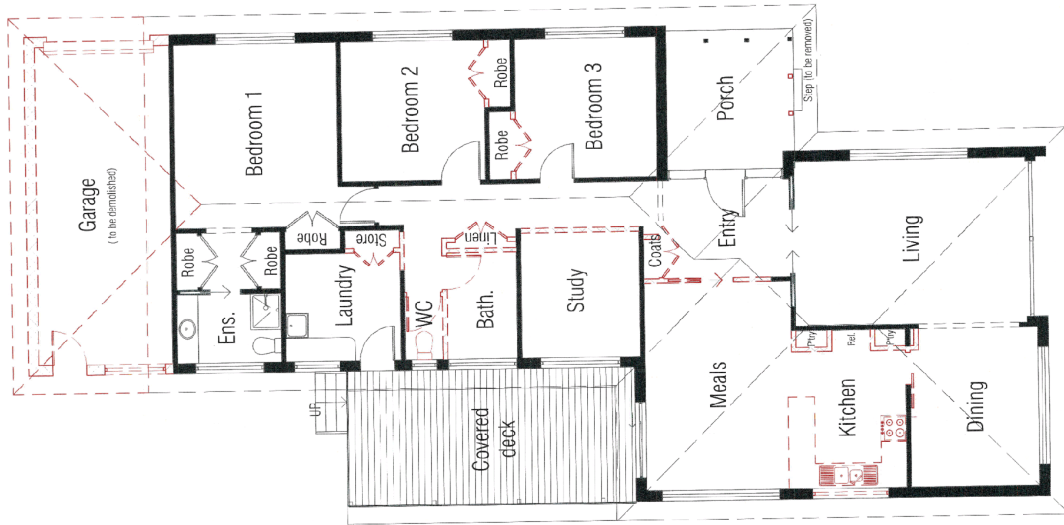
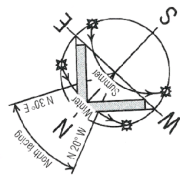


Note.
All measurements must be verified on site prior to commencement of any works.
All contours & levels indicated on plan are approximate only & must be verified on site prior to commencement of any works.
Stormwater to be connected to legal point of discharge to local authority approval.
Plumbing contractor to determine exact location of stormwater on site.
Sewerage to be connected to legal point of discharge to local authority approval.
All rainwater heads & downpipes to be in accordance with Part 3.5.2 of the BCA Vol. 11 & AS3500.3
All roof penetrations shall be sealed & flashed in accordance with manufacturers specifications & relevant standards.
All driveways & parking areas to comply with AS/NZS2890.1 2004 "Parking Facilities", for practically the MAX. gradient of the driveway shall not exceed 1:8 (12.5%) & 1:20 (5%) across council footpaths.

Carparking requirements - Medical centre
5 carparks required to the first person providing health services
3 carparks required to every other person providing health services

PROPOSED SITE PLAN
1 : 200

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	COPYRIGHT © WOODEND BUILDING DESIGN Ph: (03) 5427 4272 Email: plans@wbd.com.au Office 3 / 83 High Street, Woodend Registered Architect: Paul Youngs 17573	PROJECT TITLE: CHANGE OF USE ALTERATION / RENOVATION SHEET TITLE: PROPOSED SITE PLAN



Demolition notes

It is the builder(s) / subcontractor(s) responsibility to locate & verify any underground services on site prior to the commencement of any works.

Ensure all measurements are verified on site prior to the commencement of any works.

All contours & levels indicated on plan are approximate only & must be verified on site prior to commencement of any works.

Carefully demolish & remove existing structures shown on plan as desired (red) unless noted. Ensure all retained is made good.

Ensure adequate temporary support is in place prior to removing any existing load-bearing walls, lintels, trusses or the like.

It is the builders responsibility to ensure that all retained structure(s) complies with all relevant Australian standards & regulations

Area calculation

Existing dwelling: 171 m² (18.4 Sp's)
Garage: 27 m² (2.9 Sp's)

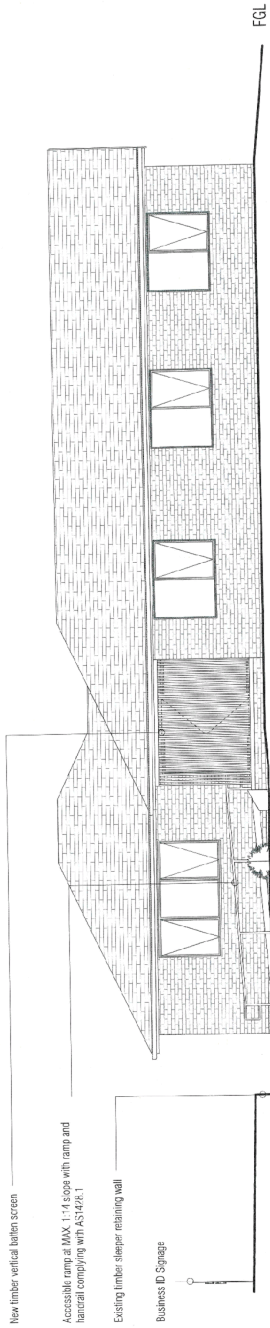


EXISTING FLOOR PLAN

1 1 : 100

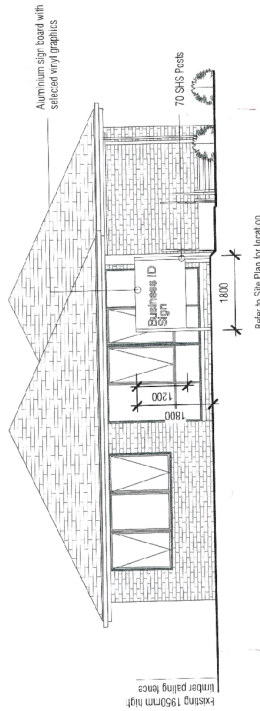
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	SHEET TITLE: EXISTING FLOOR PLAN	PROJECT ADDRESS: 106 RIDDELL ROAD, SUNBURY	DATE: 16th February 2017			JOB NO: W161103	


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 Registered Architect: Paul Youngs 17573



SOUTH EAST ELEVATION (HOLT STREET FACADE) PROPOSED

1 1 : 100



SOUTH WEST ELEVATION (RIDDELL ROAD FACADE) PROPOSED

2 1 : 100

BUSINESS ID SIGNAGE PROPOSED

3 1 : 100

THIS IS SHEET 5 OF 5
 ALL SHEETS TO BE IN THE
 SAME ORDER

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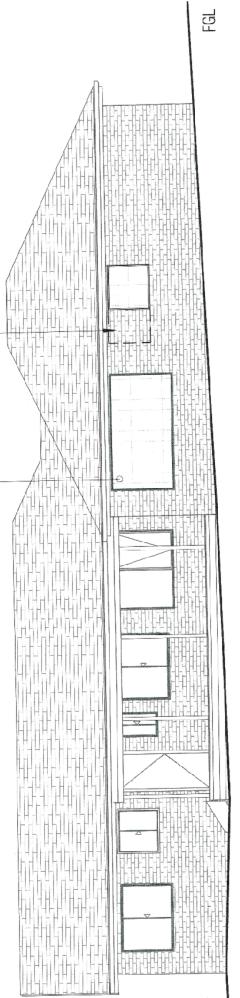
PROJECT TITLE:
CHANGE OF USE ALTERATION / RENOVATION
 SHEET TITLE:
SOUTH EAST & SOUTH WEST ELEVATION

CLIENT:
ALGER HOLDINGS
 PROJECT ADDRESS:
106 RIDDELL ROAD, SUNBURY

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JL
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PY
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1:100 @ A3
 SHEET:
5 of 11

DATE:
16th February 2017
 SHEET No:
A05
 JOB No:
W161103

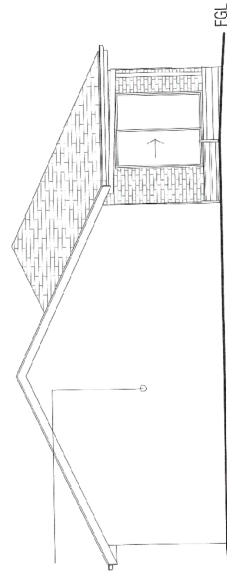
Infill Existing windows with selected Glass Blocks to achieve FR1, GOCD/GO
 fire rating, installed in accordance with manufacturers specifications
 Infill part of existing opening with face brickwork
 to match existing



4 NORTH WEST ELEVATION PROPOSED

1 : 100

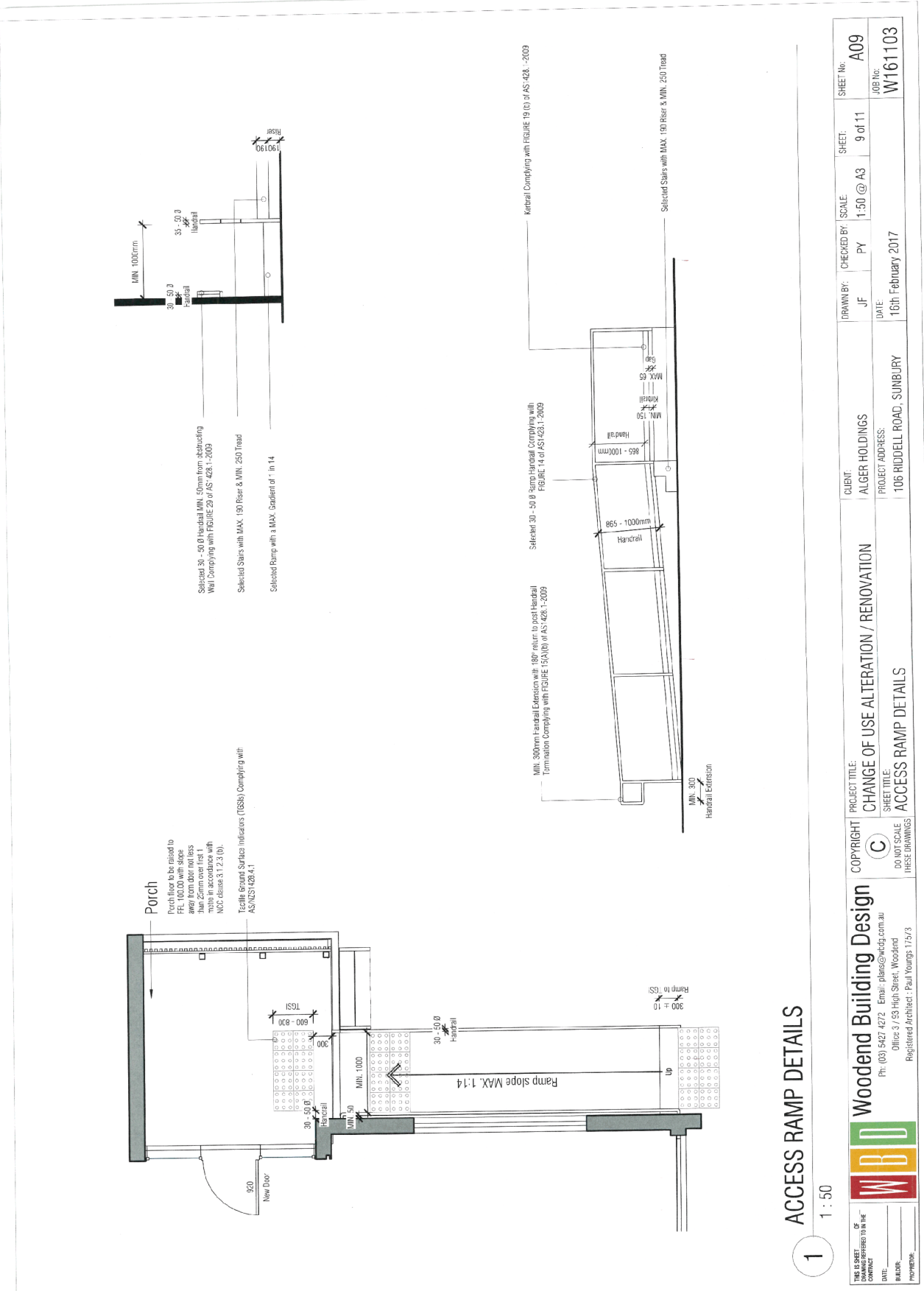
Selected steel cladding from James Hardie-
 Hardie Pak, installed in accordance with
 manufacturers specifications and with selected
 rendered finish



5 NORTH EAST ELEVATION PROPOSED

1 : 100

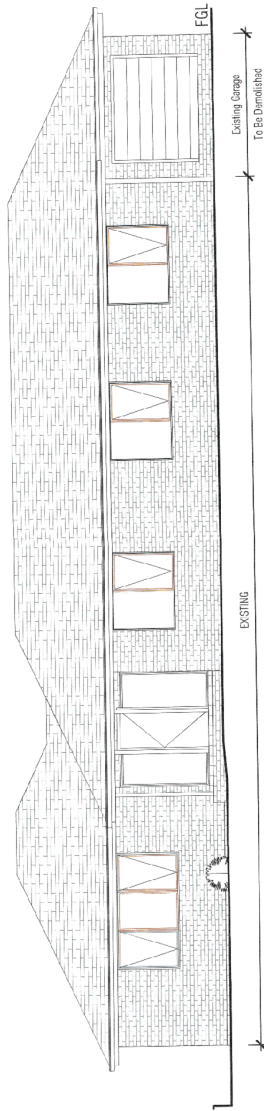
THIS IS SHEET 5 OF 6 IN THE CONTRACT DATE: _____ DRAWN BY: _____ PROJECT NO: _____	WBD Woodend Building Design Ph: (03) 5427 4272 Email: plans@wbdg.com.au Offices: 3/93 High Street, Woodend Registered Architect - Paul Youngs 17573	COPYRIGHT © DO NOT SCALE THESE DRAWINGS	PROJECT TITLE: CHANGE OF USE ALTERATION / RENOVATION SHEET TITLE: NORTH WEST & NORTH EAST ELEVATION	CLIENT: ALGER HOLDINGS PROJECT ADDRESS: 106 RIDDELL ROAD, SUNDBURY	DRAWN BY: JIL PY CHECKED BY: SCALE: 1:100 @ A3	SHEET: 6 of 11	SHEET No: A06 JOB No: W161103
		DATE: 16th February 2017	DATE: 16th February 2017	DATE: 16th February 2017	DATE: 16th February 2017		



ACCESS RAMP DETAILS
1 : 50

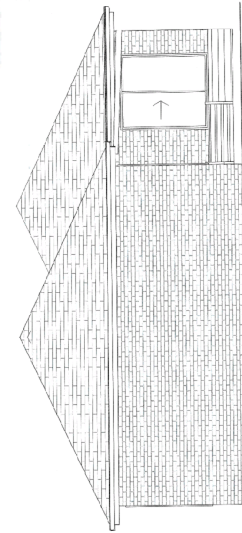
1

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	BUILDING: _____	PROJECT ADDRESS: 106 RIDDELL ROAD, SUNBURY	DATE: 16th February 2017	PROJECT TITLE: CHANGE OF USE ALTERATION / RENOVATION	CLIENT: ALGER HOLDINGS	JOB No: W161103
REGISTERED ARCHITECT: Paul Youngs 175/3	PROJECT TITLE: CHANGE OF USE ALTERATION / RENOVATION	SHEET TITLE: ACCESS RAMP DETAILS	DO NOT SCALE THESE DRAWINGS	COPYRIGHT ©	WOODEND BUILDING DESIGN Ph: (03) 5427 4272 Email: plans@wbdg.com.au Office 3 / 53 High Street, Woodend	



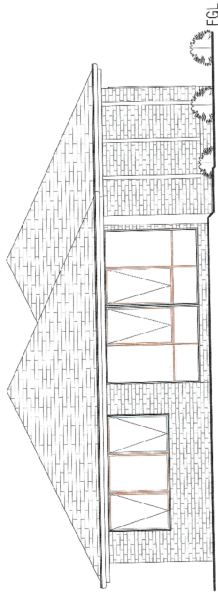
1 SOUTH EAST ELEVATION (HOLT STREET FACADE) EXISTING

1 : 100



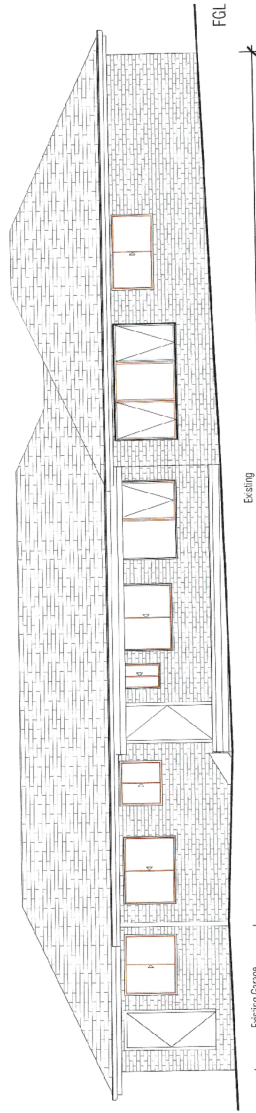
2 NORTH EAST ELEVATION EXISTING

1 : 100



3 SOUTH WEST ELEVATION (RIDDELL ROAD FACADE) EXISTING

1 : 100



4 NORTH WEST ELEVATION EXISTING

1 : 100

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DRAWN BY: _____
APPROVED BY: _____

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DRAWN BY: JF
CHECKED BY: PY
SCALE: 1:100 @ A3
DATE: 16th February 2017

SHEET: 10 of 11
SHEET No: A10
JOB No: W161103

REPORT NO:	SU379
REPORT TITLE:	1550 Pascoe Vale Road Coolaroo - Kaufland Stores in Victoria Advisory Committee
SOURCE:	Brydon King, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	HCC18/683
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>Advisory Committee submission 31 January 2019</i>3. <i>Kaufland proposal plans</i>

Application No:	N/A
Proposal:	Proposed Kaufland supermarket
Location:	1550 Pascoe Vale Road Coolaroo
Zoning:	Commercial 2 Zone
Applicant:	Kaufland
Date Received:	N/A

1. SUMMARY OF REPORT:

Kaufland is seeking to develop six new supermarket-based stores across metropolitan Melbourne. The proposed developments potentially offer significant employment and economic benefit and greater retail choice in Victoria. As a result, the Minister for Planning has established an Advisory Committee to review and provide advice on the proposed planning scheme amendments to facilitate the Kaufland supermarket-based developments in the various locations. The Advisory Committee has held a hearing related to three first tranche sites and has another hearing scheduled to review matters related to proposed Kaufland developments in Mornington, Oakleigh South and Coolaroo. 1550 Pascoe Vale Road, Coolaroo is a location that has been selected for a Kaufland based supermarket proposal in Hume City Council. A submission on behalf of Council was lodged to the Coolaroo proposal dated 31 January 2019. The submission supported the supermarket-based development in principle and raised some detailed issues related to parking areas, loading and signage. It is recommended that Council endorses that submission for purpose of the Advisory Committee Hearing.

2. RECOMMENDATION:

That Council endorse the attached submission to the Kaufland Stores in Victoria Advisory Committee dated 31 January 2019.

3. PROPOSAL:

- 3.1 The proposed supermarket-based development on part of the land at 1550 Pascoe Vale Road, Coolaroo involves a 6,905 square metre building containing the following:
- 3,657 square metres of supermarket floor area.
 - 354 square metres bottle shop.
 - 287 square metres food hall and 136sqm outdoor area.
 - Two retail tenancies totalling 229 square metres.

REPORT NO: SU379 (cont.)

- 3.2 The building is to be located in the north east corner of the site behind the former Masters building. The building will be serviced by 228 car parking spaces and have shared access to 321 spaces associated with the adjacent former Masters building. Plans of the proposal are included in Appendix 3.
- 3.3 The facilitation of the supermarket-based development is proposed via an application of the Special Controls Overlay to part of the site and a new Incorporated Document titled “Kaufland supermarket development, 1550 Pascoe Vale Road, Coolaroo” being listed in the schedule to Clause 45.12 and Clause 72.04 of the Hume Planning Scheme.
- 3.4 The final decision on the merits of the proposed supermarket-based development rests with the Minister for Planning. Advice on the proposal will be provided to the Minister for Planning by the Kaufland Stores in Victoria Advisory Committee.

4. SITE AND SURROUNDS:

- 4.1 The subject land is located on the east side of Pascoe Vale Road, south of Somerton Road, Coolaroo. The land is developed with a former Masters building, which is currently vacant. The proposed supermarket development is to be located on vacant land to the rear of the existing site.
- 4.2 The subject land is zoned Commercial 2 with a small area of Special Building Overlay in the north east corner. The site has an existing vacant building previously used by a former Masters store. The site has access from Pascoe Vale Road, which is a Road Zone Category 1, via a signalised intersection.
- 4.3 Land to the south of the subject land (at 1500 Pascoe Vale Road) has a planning permit (P18322) allowing development of restricted retail, a medical centre, workshop, convenience restaurant and petrol station. Only the workshop, convenience restaurant and petrol station have been developed.

5. PLANNING CONTROLS:

- 5.1 The Commercial 2 Zone applying to the subject land lists a supermarket of 1800 square metres as a Section 1 use where no planning permit is required. A supermarket with a larger floor area than 1800 square metres requires a planning permit and a decision on its merit.
- 5.2 The facilitation of the supermarket-based development does not seek to change the zone on the land and is proposed via an application of the Special Controls Overlay to part of the site and a new Incorporated Document titled “Kaufland supermarket development, 1550 Pascoe Vale Road, Coolaroo” being listed in the schedule to Clause 45.12 and Clause 72.04 of the *Hume Planning Scheme*. The Incorporated Document provides for the supermarket-based development as detailed in the exhibited plans with relevant changes requested in Clause 4.3 of the Incorporated Document which are drafted in a similar fashion to planning permit conditions.
- 5.3 The proposed Special Controls Overlay and Incorporated Document are considered a reasonable approach to allow for the specific form of development proposed without changing the zone of the overall land.

6. REFERRALS:

- 6.1 The Advisory Committee process has allowed for input from other agencies such as VicRoads and Transport for Victoria and submissions from these agencies will be reviewed by the Advisory Committee.

REPORT NO: SU379 (cont.)

7. COMMUNITY CONSULTATION:

- 7.1 A public consultation process was undertaken for the proposed Kaufland developments at Oakleigh South, Mornington and Coolaroo via a process administered by the Department of Environment, Land, Water and Planning (DELWP). The consultation process occurred from 5 December 2018 to 1 February 2019. The process involved notice to the adjoining owners and occupiers and access to the information on a DELWP website. Written submissions were able to be provided and an opportunity was provided for submitters to present to the Advisory Committee at a future hearing.
- 7.2 Submissions opposing the supermarket proposals have been received and specific submissions opposing the proposal at Coolaroo have been received from the owners of Broadmeadows Central and Roxburgh Park Village and the Master Grocers Association.
- 7.3 The Advisory Committee has confirmed a hearing will occur to consider the current proposals at Mornington, Oakleigh South and Coolaroo. This hearing will be held over 17 days between 25 February 2019 and 1 April 2019. Hume City Council has been provided an opportunity to confirm its written submission on 12 March 2019.

8. DISCUSSION

- 8.1 As detailed in the lodged submission in Appendix 2, the proposed Kaufland proposal at 1550 Pascoe Vale Road is considered an edge of centre proposal supported by developments in retail land use planning at the State level in recent years. The proposal is supported in principle given the specific and unique proposal related to a new entrant to the retail food market and based on evidence provided by the proponent that impacts on existing activity centre retail catchments will not be unreasonable.
- 8.2 The submission has detailed some specific issues related to parking and loading that will benefit from clarification during the proposed hearing along with a suggestion of removal of a proposed large pole sign.
- 8.3 As a result of a Direction Hearing held on 8 February 2019 the Advisory Committee has sought confirmation of the endorsement of the submission of 31 January 2019 by Hume City Council.

9. CONCLUSION

The Kaufland Stores in Victoria Advisory Committee has sought confirmation of Hume City Council's endorsement of the submission lodged relating to the proposed supermarket-based development at 1550 Pascoe Vale Road, Coolaroo. The submission lodged on 31 January 2019 supports the proposal in principle with some specific suggestions related to car parking, loading and signage. It is recommended Council endorse the submission lodged and advise the Advisory Committee accordingly.

LOCALITY PLAN

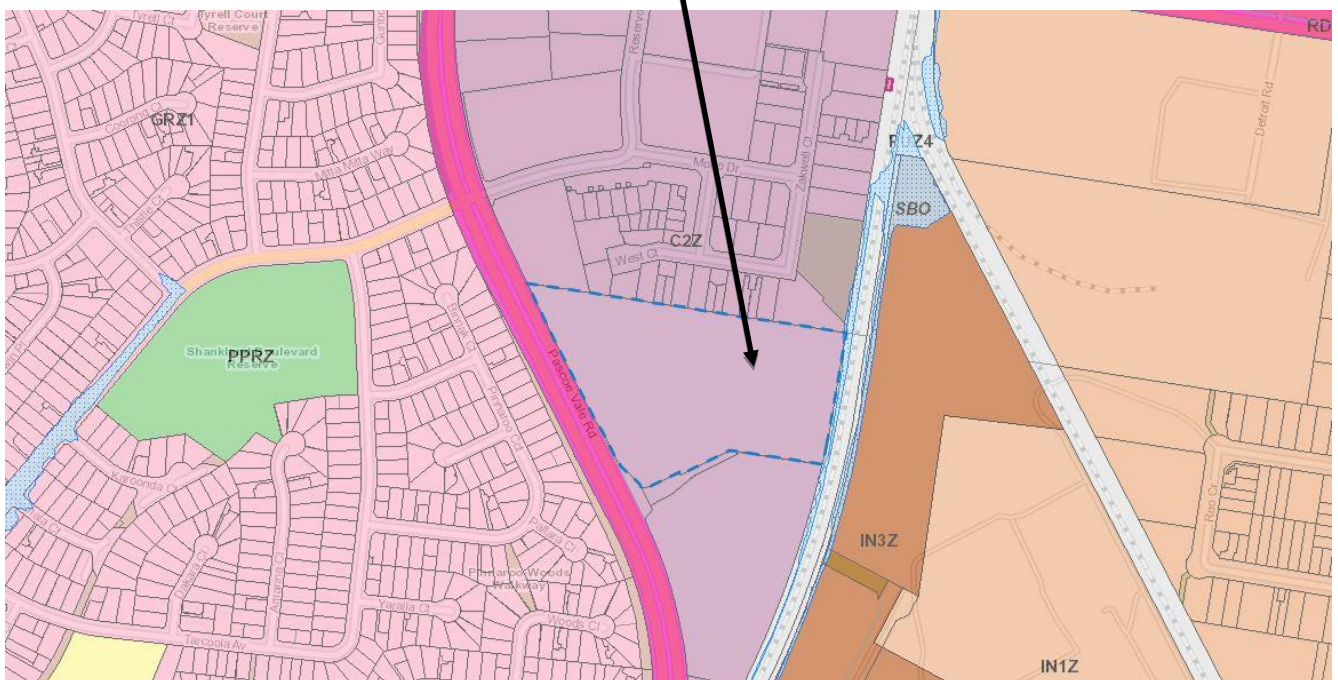
Kaufland Stores in Victoria Advisory Committee

Site Address: 1550 Pascoe Vale Road, Coolaroo

Subject Site



Subject Site



Our File: HCC18/683
Enquiries : Brydon King
Telephone: 9205 2309



1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Thursday 31 January 2019

Kaufland Stores in Victoria Advisory Committee
Planning Panels Victoria

Dear Panel Chair

RE: Proposed Kaufland Store – 1550 Pascoe Vale Road, Coolaroo

Hume City Council welcomes the opportunity to comment on the proposal for a Kaufland supermarket based development on the above mentioned site.

Background

The subject land is located on the east side of Pascoe Vale Road, south of Somerton Road, Coolaroo. The land is developed with a former Masters building, which is currently vacant. The proposed supermarket development is to locate on vacant land to the rear of the existing site.

Land to the south of the subject land (at 1500 Pascoe Vale Road) has a planning permit (P18322) allowing development of restricted retail, a medical centre, workshop, convenience restaurant and petrol station. Only the workshop, convenience restaurant and petrol station have been developed.

The proposal is understood to seek the use and development of part of the above site with a 6,905 square metre building containing the following:

- 3,657sqm of supermarket floor area.
- 354sqm bottle shop.
- 287sqm food hall and 136sqm outdoor area.
- Two retail tenancies totalling 229sqm.

The building will be serviced by 228 car parking spaces and have shared access to 321 spaces shared with the adjacent former Masters building, located on the land, which is currently vacant.

The facilitation of the supermarket based development is proposed via the application of the Special Controls Overlay to part of the site and a new Incorporated Document titled "Kaufland supermarket development, 1550 Pascoe Vale Road, Coolaroo" being listed in the schedule to Clause 45.12 and Clause 72.04 of the Hume Planning Scheme. The Incorporated Document provides for the supermarket based development as detailed in the exhibited plans with relevant changes requested in Clause 4.3 of the Incorporated Document which are drafted in a similar fashion to planning permit conditions.

.../2

Strategic context of the proposal

Clause 17.02-2S Out of centre development is relevant to the proposal. The policy gives preference to single use retail, commercial and recreational uses locating in or on the boundary of activity centres where such are necessary and deliver a net benefit to the community.

The subject land is identified as part of the Roxburgh Park Major Activity Centre per Clause 21.05-3 of the Hume Planning Scheme. Clause 21.05-3 has the following objectives and strategies:

Objective 10

To promote Roxburgh Park as a vibrant, highly accessible and integrated activity centre and sub-regional retail centre.

Strategies

- *Facilitate development that provides for an integrated centre, linking land uses and activity on both sides of Somerton Road.*
- *Ensure the continued focus on conventional retailing and community services within and adjoining the Roxburgh Park Shopping Centre.*
- *Ensure that development to the south of Somerton Road and east of the railway line complements these uses.*
- *Encourage commercial and industrial development on the south side of Somerton Road for:*
 - *Restricted retailing, other forms of 'highway retailing' and offices along Somerton Road.*
 - *Services such as a hotel, motel, restaurants, conference meeting and reception facilities, medical consultancies, offices and associated uses along Pascoe Vale Road and eastward.*
 - *Well-presented industrial buildings and/or warehouses to the south-east.*
- *Facilitate development which enhances the integration of the different buildings and public space, and overall 'sense of place' of the centre.*
- *Ensure further development of the Roxburgh Park Shopping Centre improves and prioritises pedestrian and cycle access.*
- *Facilitate and encourage improved connections and interfaces between the Roxburgh Park Shopping Centre, the commercial area south of Somerton Road, Roxburgh Park Railway Station and the industrial areas to the East of the railway line, through:*
 - *The development of strong 'gateway' elements and design features.*
 - *The creation and use of architectural and landscape themes.*
 - *Improved pedestrian and cycling connections and vehicle circulation that enables direct and safe pedestrian and cycle movements.*

Clause 22.12 of the Hume Planning Scheme specifically notes the site has a focus for bulky goods retailing and should complement the Roxburgh Park Shopping centre to the north. The policy also provides guidance on built form, fencing, lighting, parking, landscaping, signage and waste management.

The Commercial 2 Zone applying to the subject land allows a supermarket up to 1800 square metres as of right and for larger supermarkets a planning permit is required.

Whilst Council generally does not support out of centre development proposals, with consideration of the above policy context, the concept of the supermarket based development on the site is considered an edge of centre proposal supported by developments in retail land use planning at a State level in recent years. The proposal is supported in principle given the specific and unique proposal related to a new entrant to the retail food market. Council is of the view that the proposal does not create a significant new activity centre and Council continues to support the balance of land to be developed with a range of commercial and light industrial activities compatible with surrounding land use as detailed in Clause 22.12 of the Hume Planning Scheme.

The development of a large supermarket complex on the site will offer competition to existing supermarkets operating in the Roxburgh Park and Broadmeadows shopping centres. The analysis provided by Dimasi & Co, in support of the proposal, has been noted where it is detailed that no significant impacts to existing supermarkets are anticipated given the growing food and groceries market and overall population growth in the area.

The support of the supermarket development in principle is subject to refinement of concerns related to car parking and signage associated with the proposal as outlined below.

Detailed design elements for review

Traffic

The GTA report supporting the application recommends further traffic modelling occur to ensure the existing controlled intersection to the site can function effectively with the anticipated increased traffic.

It is considered input from Vic Roads, as a determining referral authority under Clause 52.29 in normal circumstances, will be important in understanding any future impacts.

Car parking

The proposal has a shortfall of 84 car parking spaces relevant to Clause 52.06 relative to the area of the proposed supermarket development and relies on sharing existing parking on the site associated with the former Masters building to provide these parking spaces. The provision of parking in this manner is supported however it is noted that such an arrangement may ultimately reduce available parking for the future use of the former Masters building. In this regard any future use and development of the former Masters site will need to appropriately analyse parking provision in the knowledge that parking has been allocated to the current Kaufland supermarket proposal.

In addition, the arrangement of the car park to service the supermarket would have benefit from appropriate shade trees within the car parking area. Such plantings exist in the car parking area for the former Masters building. The inclusion shade tree planting within the car parking area based on one tree for every ten car parking spaces is considered a positive contribution to the proposed development.

Loading areas

The plans submitted with the application indicate the current loading arrangements for the former Masters building will be altered to have a dedicated entry/exit for deliveries via the existing access to the north of the site. This will allow delivery vehicles to access the former Masters building and the proposed supermarket via access along the northern boundary. 19

metre lone delivery vehicles will be required to perform u turns and reversing manoeuvres to access loading bays and exit the site in a forward direction as indicated by sweep path diagrams in the GTA report. Such access arrangements will allow separation of delivery and customer traffic and seems technically possible.

It is considered there is benefit in confirming that such changes are known by the owners of the former Masters building and will not prejudice future use of the site as part of any review of the proposal via the Panel process.

Signage

The proposed signage for the supermarket based development generally seems appropriate and consistent with Clause 52.05 and Council policy at Clause 22.09. The signage proposed includes an eight metre high pylon sign in the south west corner of the site, close to Pascoe Vale Road, and a large 22 metre high pylon sign to the north of the eight metre pylon sign in the former Masters building car park.

The presence of two larger signs in this location is considered unnecessary and the larger 22 metre high pylon sign is considered at odds with policy at Clause 22.09.

Clause 22.09 of the Hume Planning Scheme provides policy related to the signage and has the following objectives :

- *Maintain and enhance the attractiveness and orderly appearance of the City through the siting and appropriate control of advertising signs.*
- *Ensure that signs do not detract from the amenity and character of the surrounding area.*
- *Encourage the display of signs based on themes appropriate to the scale and character of the surrounding area.*
- *Avoid or reduce sign clutter to maximise the effectiveness of individual identification signs*

Detailed policy at Clause 22.09 includes:

- *The size and height of signs is compatible with the scale of the building and/or site on which it is displayed; the surrounding streetscape/landscape character; and the size and nature of other signs in the area*
- *Effective and appropriate identification of businesses and other land uses be promoted through:*
 - *encouragement of well designed, legible and appropriately located signs; and*
 - *reduction or avoidance of sign clutter.*

Poles signs are also discouraged for neighbourhood activity centres.

It is considered the 22 metre high pylon sign with an advertising area of 25 square metres conflicts with the scale of building on the site and the overall context of the area and is an excessive form of signage for the land given the other eight metre high pylon sign proposed closer to Pascoe Vale Road. Accordingly, it is submitted the 22 metre high pylon sign should not be supported on the land as it is contrary to Clause 52.05 and Clause 22.09 as relevant to the provision of signage on the site.

Summary

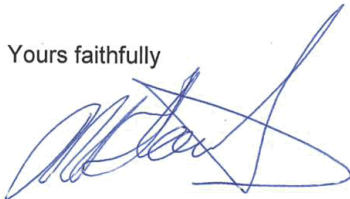
Hume City Council supports the provision of the Kaufland based supermarket development on the subject land in principle, per the extent as shown in the exhibited plans, as a unique opportunity to influence the retail food market. Hume Council has concerns about specific detailed elements of the proposal as follows:

- The provision of parking associated with the supermarket relies on using/sharing some spaces in the former Masters building car park which will impact car parking provision for any future use of the former Masters building.
- Shading trees should be provided in the proposed car parking areas.
- Loading areas and changes seem appropriate but clarification that the owners of the former Masters building support these changes needs to be clear.
- The proposed 22 metre high pole sign is considered unnecessary on the site and in conflict with the objectives of Clause 52.05 and Clause 22.09 of the Hume Planning Scheme.

Hume City Council confirms it wishes to articulate the above matters to a future Panel hearing on the matter and will need a maximum of 30 – 45 minutes to present to the Panel.

In the event further queries exist in relation to this submission please do not hesitate to contact, Ms Kirsty Miller, Manager Statutory Planning and Building Control by telephoning 9205 2334.

Yours faithfully



MICHAEL SHARP
DIRECTOR PLANNING AND DEVELOPMENT

Kaufland, Coolaroo

1550 Pascoe Vale Road, Coolaroo,
Victoria, 3048



ARTIST'S IMPRESSION

DRAWING LIST		
SHEET NUMBER	TITLE SHEET	SCALE
TP-01	TITLE SHEET	NOT TO SCALE
TP-02	CONCEPT PLAN	1:1200 @ A1
TP-03	EXISTING CONDITIONS PLAN	1:1200 @ A1
TP-04	PROPOSED SITE & GROUND FLOOR PLAN	1:600 @ A1
TP-05	ROOF PLAN	1:600 @ A1
TP-06	OVERALL ELEVATIONS	1:200 @ A1
TP-07	STREET ELEVATIONS	1:400 @ A1
TP-08	OVERALL SECTIONS	1:200 @ A1
TP-09	SIGNAGE DIAGRAM	1:100 @ A1
TP-10	SHADOW ANALYSIS	1:1250 @ A1
TP-11	ARTIST'S IMPRESSIONS	NOT TO SCALE



1 LOCALITY PLAN
Scale: NTS



TITLE SHEET

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LEFFLER SIMES PTY LTD
R T L EXTERIOR ISSUE
DATE: 12/11/2018
REV: 01

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TP-01 E1

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1550 PASCOE VALE RD, COOLAROO, VIC, 3048

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SITE CONTEXT PLAN



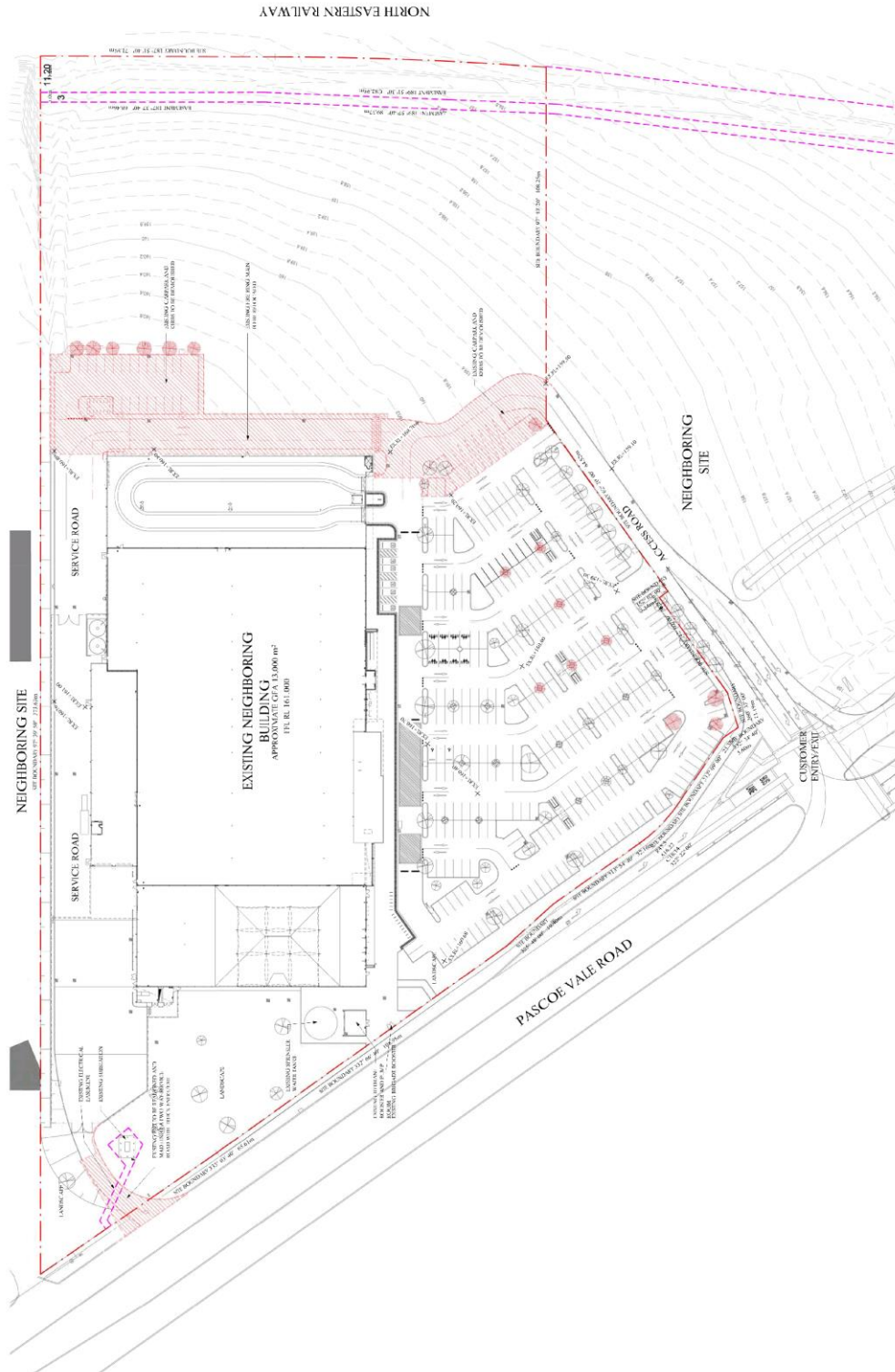
1 PROPOSED SITE PLAN
 Scale: 1:1200

1550 PASCOE VALE RD, COOLAROO, VIC, 3048
 PROPOSED KAUF LAND STORE
 LEFFLER SIMES ARCHITECTS
 SCALE: 1:1200
 SHEET: TP-02_E1

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Architects
green building consult australia

PROJECT: EASTERN VALLEY
R.F.1: EASTERN VALLEY
DATE: 12/11/2018, M.E.



EXISTING CONDITIONS PLAN

LEFFLER SIMES ARCHITECTS

PROPOSED KAUFLAND STORE
1550 PASCOE VALE RD, COOLAROO, VIC, 3048



SCALE
1:500 1:600 1:800 1:1000

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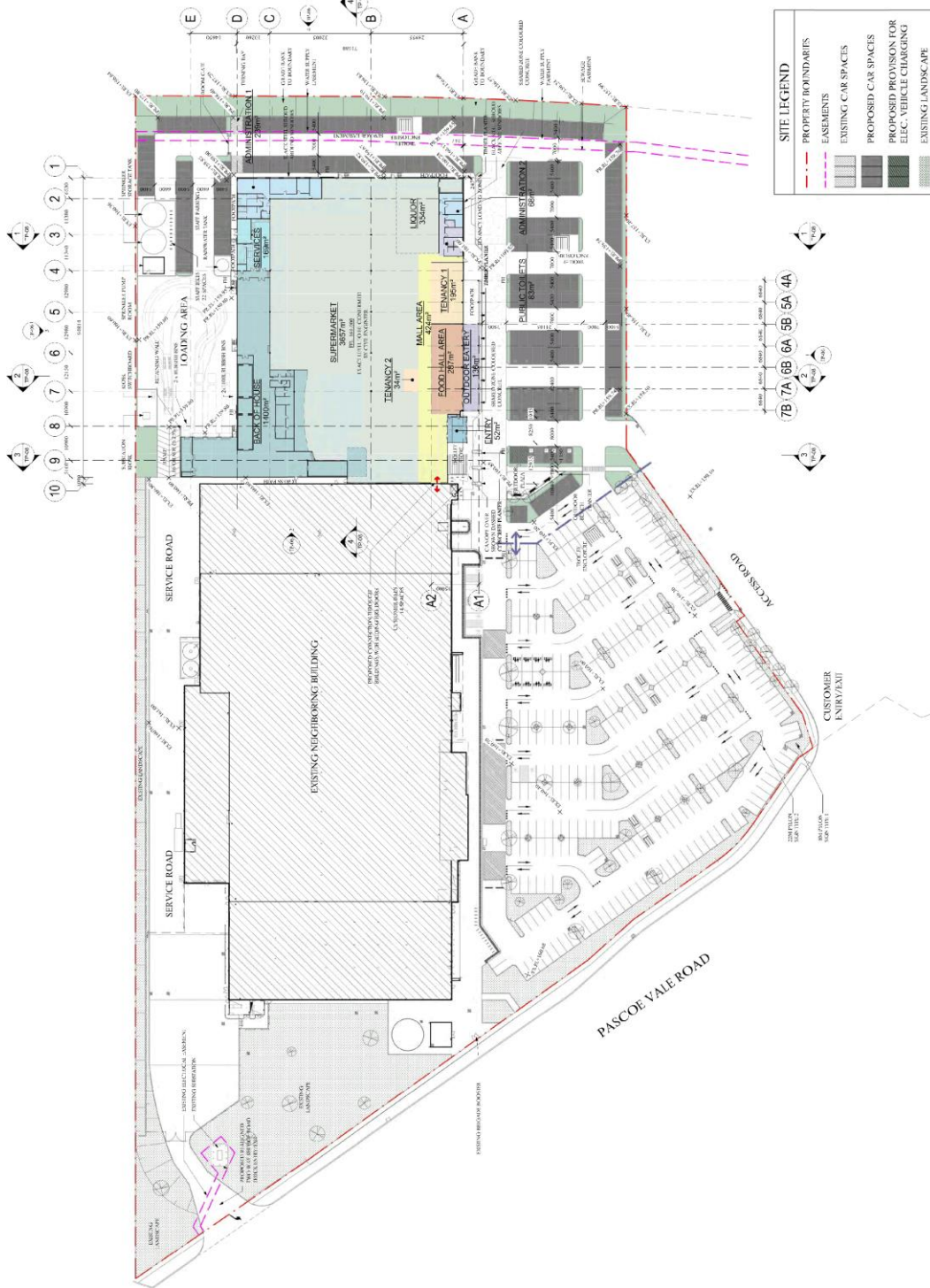
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DATE: 12/11/2018
E.P. ESTERHUYSEN

SITE DESCRIPTION	
NAME	AREA
PROPOSED SITE	54,153 m ²
AREA ANALYSIS - SITE (GFA)	
NAME	AREA
PROPOSED KAUF LAND STORE (GFA)	6,905 m ²
PARKING SCHEDULE	
SPACE TYPE	NO. OF SPACES
ACCESSIBLE	4
FAMILY	24
STANDARD	205
SALES	10
EXISTING ACCESSIBLE	8
EXISTING FAMILY	8
EXISTING GENERAL	305
TOTAL:	544

KAUFLAND RETAIL AREA	
NAME	AREA
LOBBY	354 m ²
SUPERMARKET	3,657 m ²
TOTAL AREA	4,011 m ²
LEASEABLE FLOOR AREA	
NAME	AREA
ADMINISTRATION 1	230 m ²
ADMINISTRATION 2	230 m ²
BACK OFFICE	1,400 m ²
FOOD HALL AREA	287 m ²
OUTDOOR EATERY	136 m ²
TENANCY 1	195 m ²
TENANCY 2	34 m ²
TOTAL AREA	2,359 m ²
NON LEASEABLE AREA	
NAME	AREA
MALL AREA	424 m ²
SERVICES	169 m ²
PUBLIC TOILETS	83 m ²
ENTRY	52 m ²
TOTAL AREA	728 m ²



SITE LEGEND

- PROPERTY BOUNDARIES
- EASEMENTS
- EXISTING CAR SPACES
- PROPOSED CAR SPACES
- PROPOSED PROVISION FOR ELEC. VEHICLE CHARGING
- EXISTING LANDSCAPE
- PROPOSED LANDSCAPE
- EXISTING LEVELS
- PR. RL - PROPOSED LEVELS
- FIRE HYDRANT

NOTE FOR ALL LANDSCAPING REFER TO LANDSCAPE ARCHITECTS DRAWINGS.

GROUND FLOOR
Scale: 1:500

PROPOSED SITE & GROUND FLOOR PLAN

LEFFLER SIMES ARCHITECTS

PROPOSED KAUF LAND STORE
1550 PASCOE VALE RD, COOLAROO, VIC, 3048



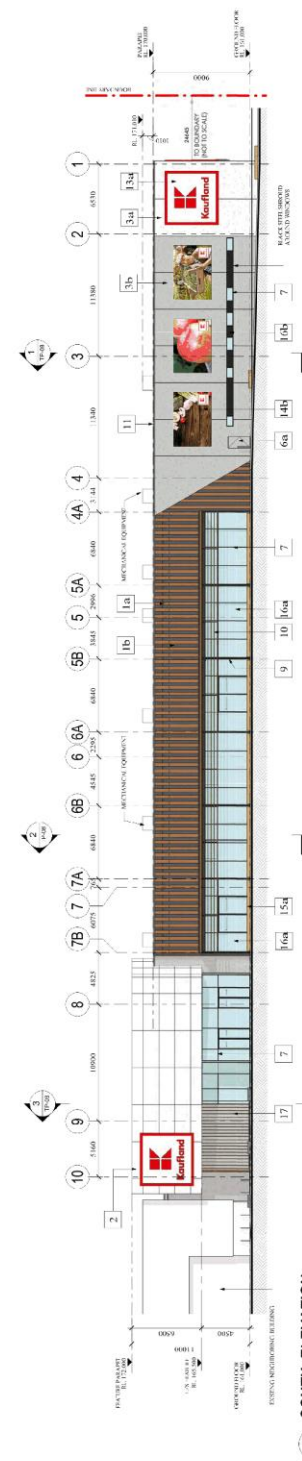
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STONEY 7, TOONGA MOUNTAIN NSW 2888 T: +61 2 90934344 F: +61 2 90934344
MELBOURNE LEVEL 2 - 3701 BOURKE ST VIC 3000 T: +61 3 96545414 F: +61 3 96545414
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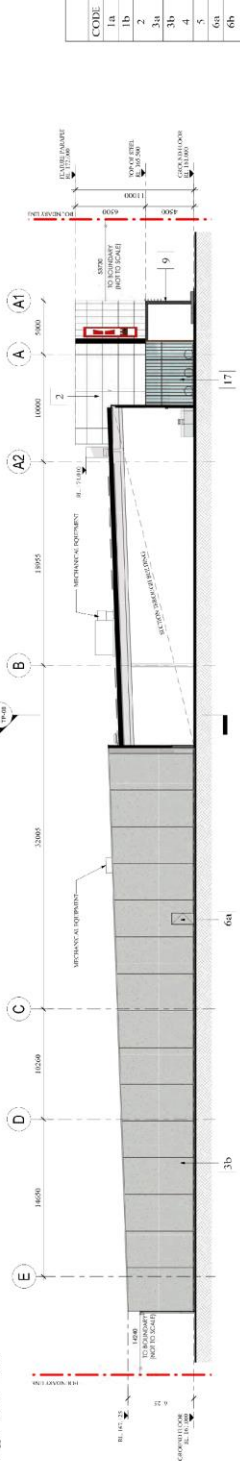
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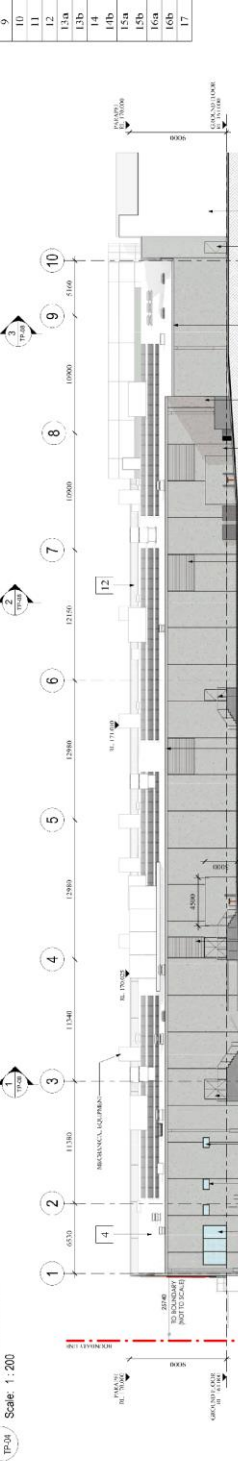
DATE: 12/11/2018
BY: J. SIMES
CHECKED BY: J. SIMES
DATE: 12/11/2018



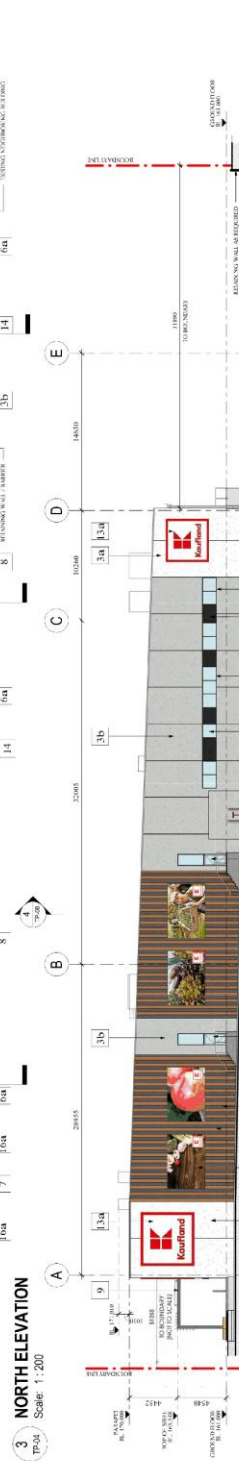
1 SOUTH ELEVATION
TP-06 Scale: 1:200



2 WEST ELEVATION
TP-06 Scale: 1:200

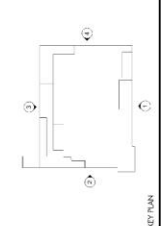


3 NORTH ELEVATION
TP-06 Scale: 1:200



4 EAST ELEVATION
TP-06 Scale: 1:200

CODE	EXTERNAL FINISHES	DESCRIPTION
1a	FEATURE CLADDING - TIMBER PATTERN	1a
1b	TRUSP FEATURE CLADDING - MID GREY	1b
2	FEATURE CLADDING - WHITE	2
3a	PAINTED PRECAST CONCRETE PANEL - WHITE	3a
3b	PAINTED PRECAST CONCRETE PANEL - LIGHT GREY	3b
4	METAL BECK ROOFING - OFF WHITE	4
5	ROOF SHUTTER DOOR - LIGHT GREY	5
6a	SWING DOOR - LIGHT GREY	6a
6b	SWING DOOR - GLAZED	6b
7	POWDER COATED ALUMINUM WINDOW - BLACK	7
8	POWDER COATED ALUMINUM LOUIRE - LIGHT GREY	8
9	STEEL MEMBER - BLACK	9
10	PREFINISHED METAL BATTENS - TIMBER PATTERN	10
11	COLORBOND CAPPING	11
12	PARAPET LINING - OFF WHITE	12
13a	PRODUCT SCENAGE	13a
13b	PRODUCT SCENAGE	13b
14	COLORBOND LAVIS GUTTER & SHROUD	14
15a	PLANTER - TIMBER	15a
15b	PLANTER - CONCRETE	15b
16a	CLEAR DOUBLE GLAZED GLASS	16a
16b	SPANDREL PANEL - BLACK	16b
17	TIMBER VERTICAL BATTENS	17



OVERALL ELEVATIONS

STONEY 7, TOONGA RD, RAY NSW 2888 T: 02 5 9093434 F: 02 5 9093434
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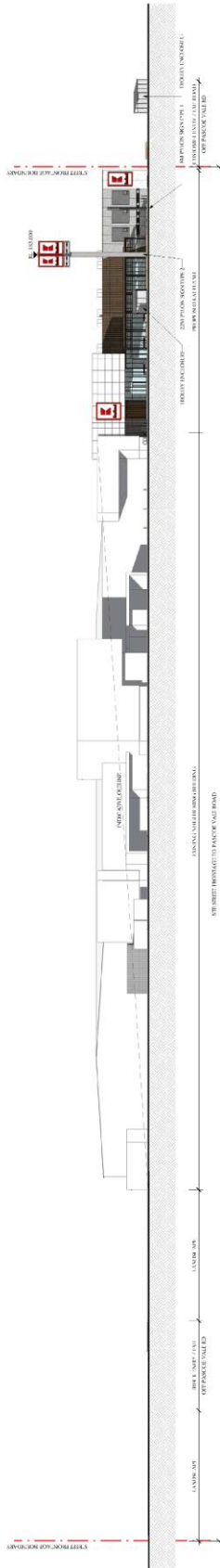
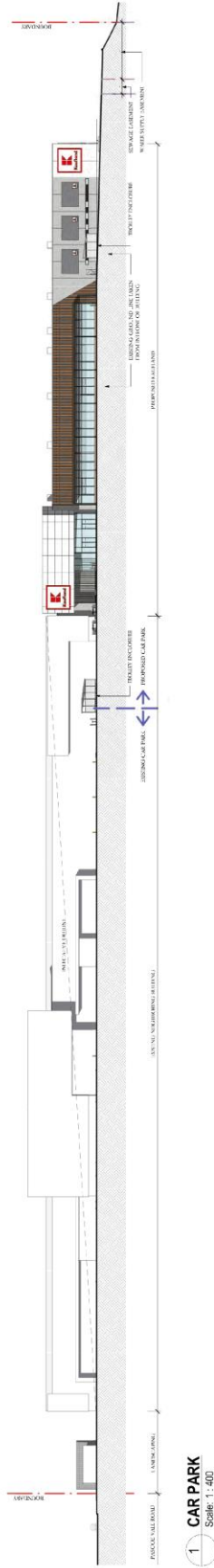
PROPOSED KAUF LAND STORE
1550 PASCOE VALE RD, COOLAROO, VIC, 3048

TP-06 E1

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 100/100 Spring Hill, Brisbane
 QLD 4000

PROJECT: EXTENSION
 DATE: 12/11/2018
 DRAWN BY: J.S.



STREET ELEVATIONS

NOTE: STREET ELEVATIONS HAVE BEEN
 SHOWN AS INDICATIVE ONLY.

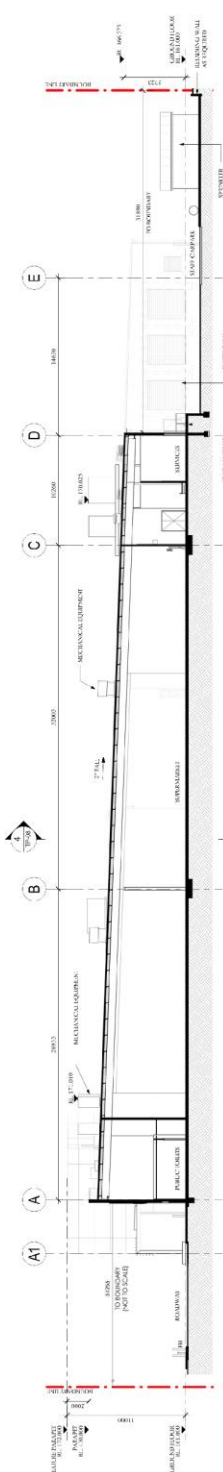
PROPOSED KAUFLAND STORE
 1550 PASCOE VALE RD, COOLAROO, VIC, 3048

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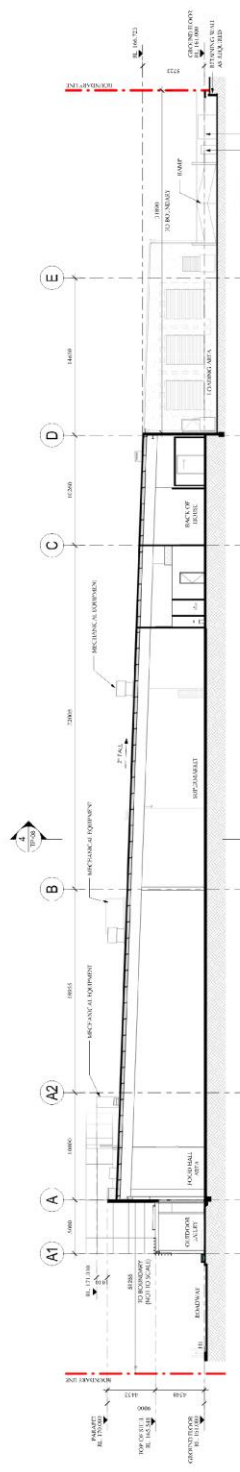
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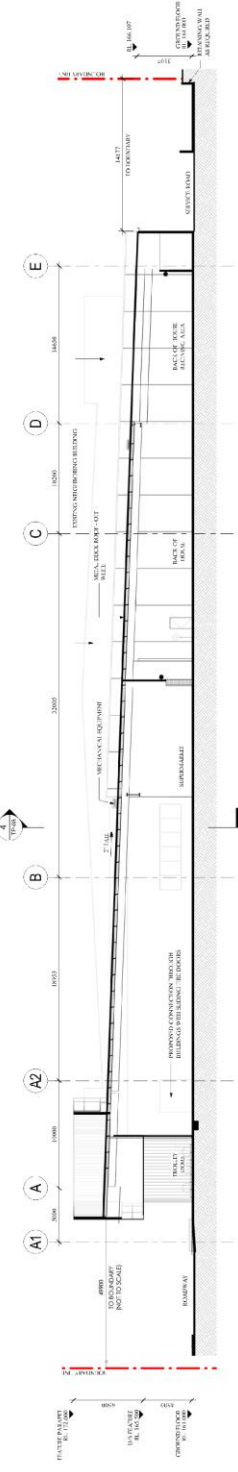
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 11/11/2018, MR. E.T. ESTERHUYSEN



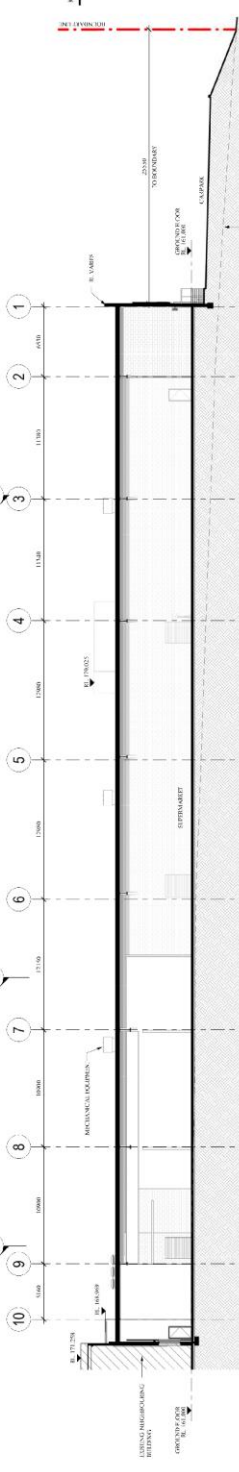
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TP-04 Scale: 1:200



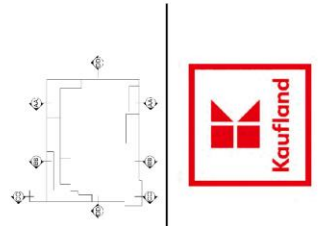
2 SECTION BB
TP-04 Scale: 1:200



3 SECTION CC
TP-04 Scale: 1:200

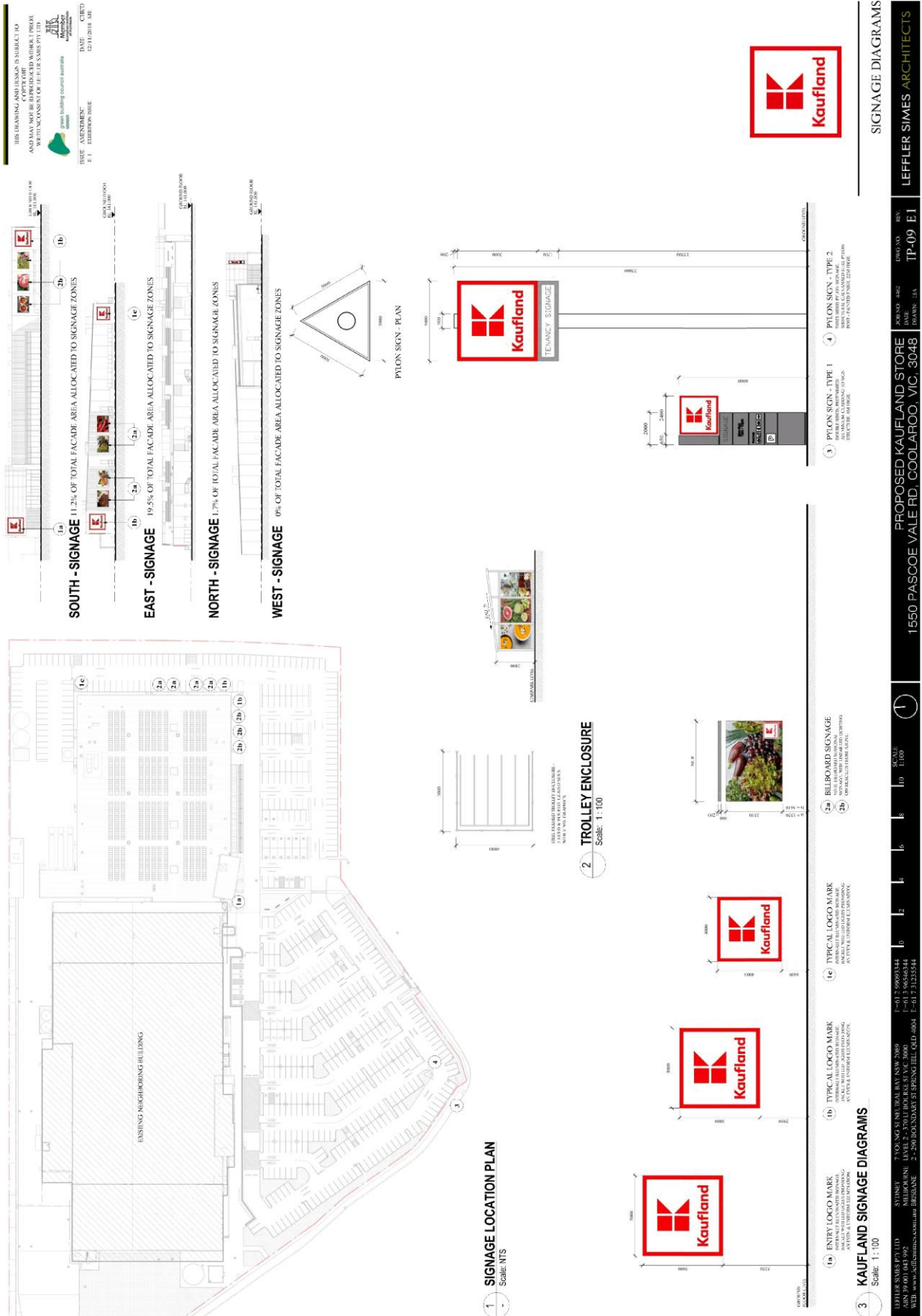


4 SECTION DD
TP-04 Scale: 1:200



OVERALL SECTIONS

LEFFLER SIMES ARCHITECTS
 1550 PASCOE VALE RD, COOLAROO, VIC, 3048
 PROPOSED KAUFLAND STORE
 SCALE: 1:200
 DATE: 12/02/2019
 DRAW NO: TP-08 E1



THIS DRAWING AND DESIGN IS SUBJECT TO
 THE APPROVAL OF THE LOCAL GOVERNMENT
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 WRITTEN CONSENT OF LEFFLER SIMES PTY LTD

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 Member

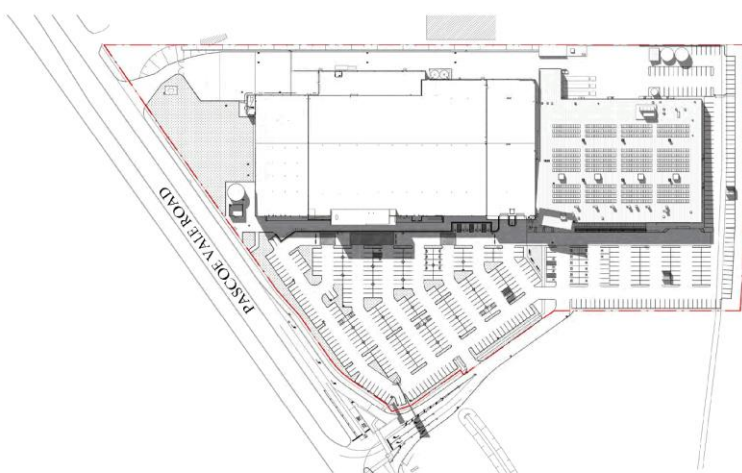
LEFFLER SIMES PTY LTD
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 12/11/2018, MR.



3 SHADOW ANALYSIS - 3pm 22.09.2018
 Scale: 1:1250



2 SHADOW ANALYSIS - 12pm 22.09.2018
 Scale: 1:1250



1 SHADOW ANALYSIS - 9am 22.09.2018
 Scale: 1:1250



SHADOW ANALYSIS

LEFFLER SIMES ARCHITECTS

PROPOSED KAUFLAND STORE
 1550 PASCOE VALE RD, COOLAROO, VIC, 3048



STONEY 7/100 NG A MELBAU NSW 2089 T+61 2 90934344 F+61 2 90934344
 MELBOURNE LEVEL 2 - 370 L BOURKE ST VIC 3000 T+61 3 96545434 F+61 3 96545434
 BRISBANE 2-250 BROADWAY ST SPRING HILL QLD 4064 T+61 7 32253344 F+61 7 32253344

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LEFFLER SIMES
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Group Building Council Australia

ISSUE: MASTERPLAN
R 11 - EXTERIOR ISSUE

DATE: 12/11/2018, MK



ARTIST'S IMPRESSION - SECONDARY CORNER - LOOKING NORTH EAST



ARTIST'S IMPRESSION - AERIAL - LOOKING NORTH EAST



ARTIST'S IMPRESSION - PRIMARY ELEVATION - LOOKING NORTH



ARTIST'S IMPRESSIONS

LEFFLER SIMES ARCHITECTS

PROJ NO: 18000
DATE: 12/11/18

PROPOSED KAUF LAND STORE
1550 PASCOE VALE RD, COOLAROO, VIC, 3048

SCALE: 1:50

STONEY 7, COOLING ST, MELBA RD, NSW 2069
MELBOURNE LEVEL 2 - 370 L BOURKE ST VIC 3000
BRISSBANE 2 - 250 BROADWAY ST SPRING HILL QLD 4064

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REPORT NO:	SU380
REPORT TITLE:	Statutory Planning Monthly Report January 2019
SOURCE:	Blake Hogarth-Angus, Town Planner (Growth Areas)
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 for the months of December 2018 and January 2019. 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, determined and closed 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.

67 permit applications were received in December 2018 and 37 applications received in January 2019. In December 2018 82 permits were issued and in January 2019 72 permits were issued.

14 applications were closed off in the months of December 2018 and January 2019 which is generally consistent with the monthly average. The number of total outstanding applications decreased from 567 in November 2018 to 550 in December 2018 and down to 512 in January 2019.

The percentage of applications decided in 60 days or less was 48% in December 2018 and 49% in January 2019, improving from 41% in November 2018. The average number of gross days taken to determine planning applications was 111 in December 2018, slightly increasing from 103 the previous month. The average number of gross days taken to determine planning applications in Hume remains significantly below the average days taken by other growth and metropolitan Councils in Melbourne; with figures of 127 average days (Metro Council's) and 141 average days (Growth Council's) respectively.

The percentage of simple applications issued in 60 days or less increased to 70% in December, before falling back to 50% in January. The percentage of average applications issued in 60 days or less increased from 35% in November to 45% in December and 50% in January; the second highest total over the preceding 12 month period. 25% of complex applications were issued in December and 25% in January.

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

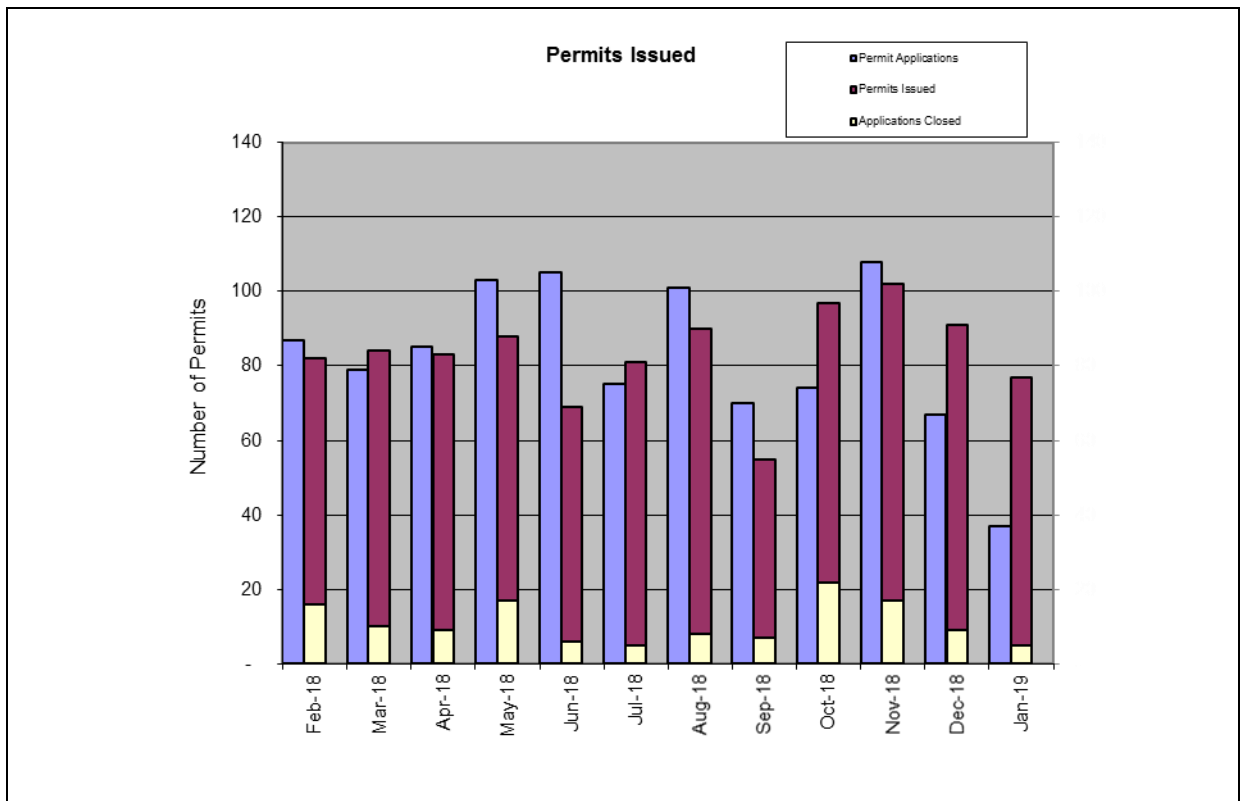
REPORT NO: SU380 (cont.)

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.

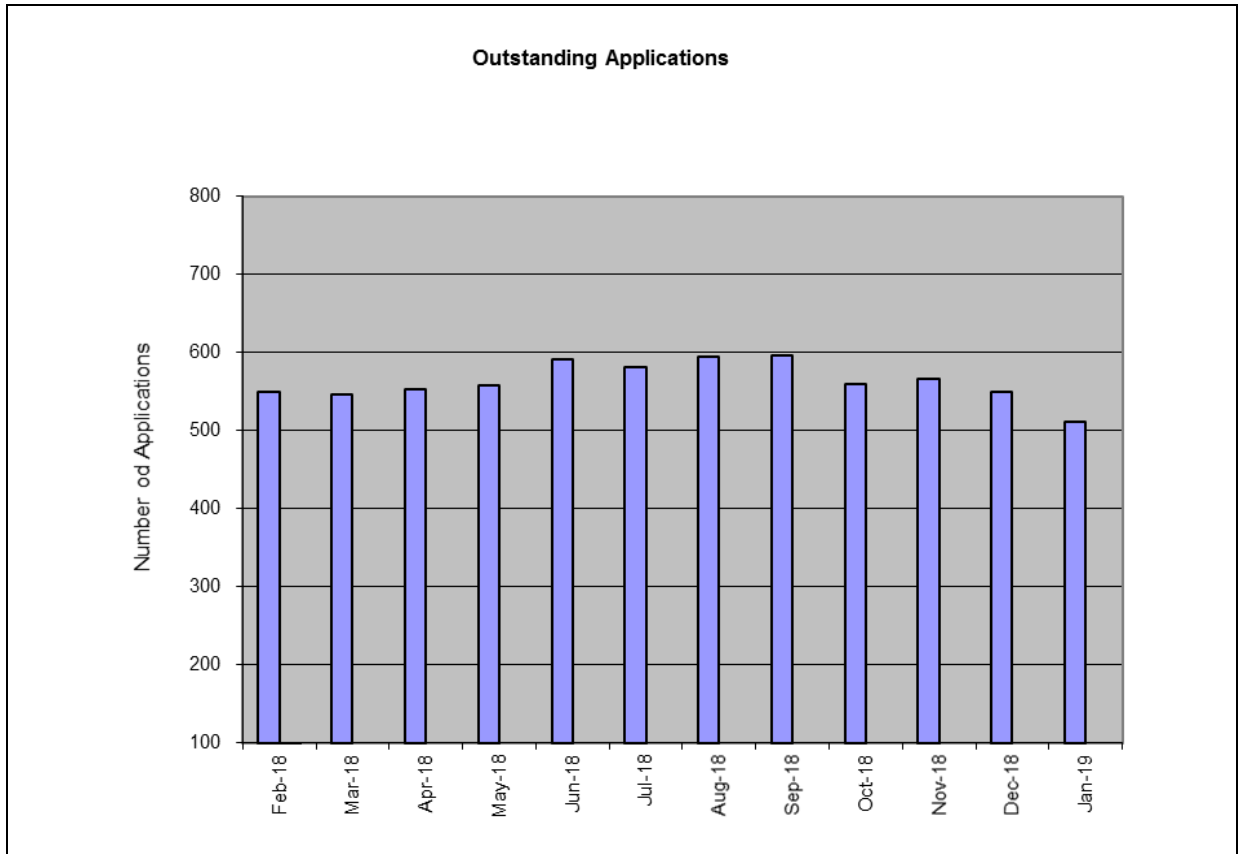
**2. RECOMMENDATION:
That the report be noted.**

	January 2019
Permit Applications	37
Permits Issued	72
Applications Closed	5

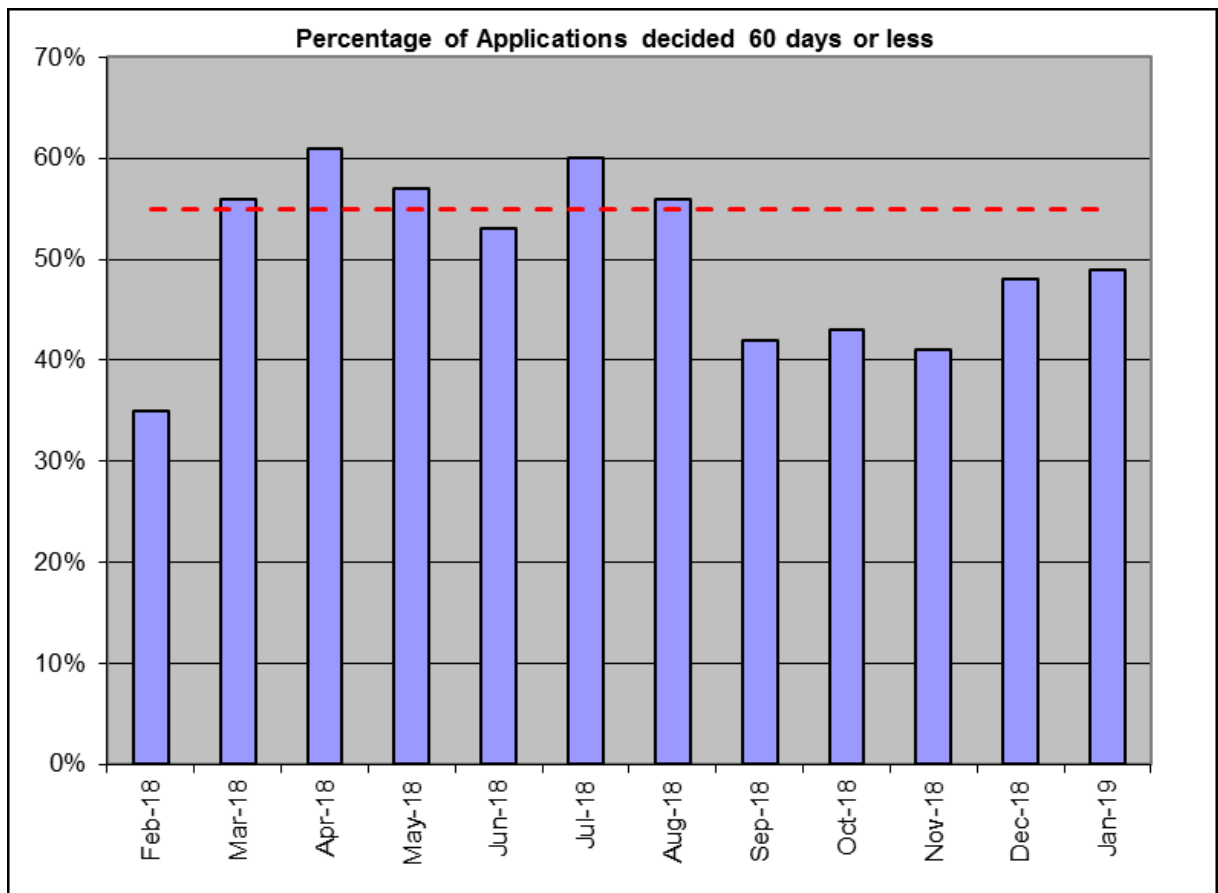
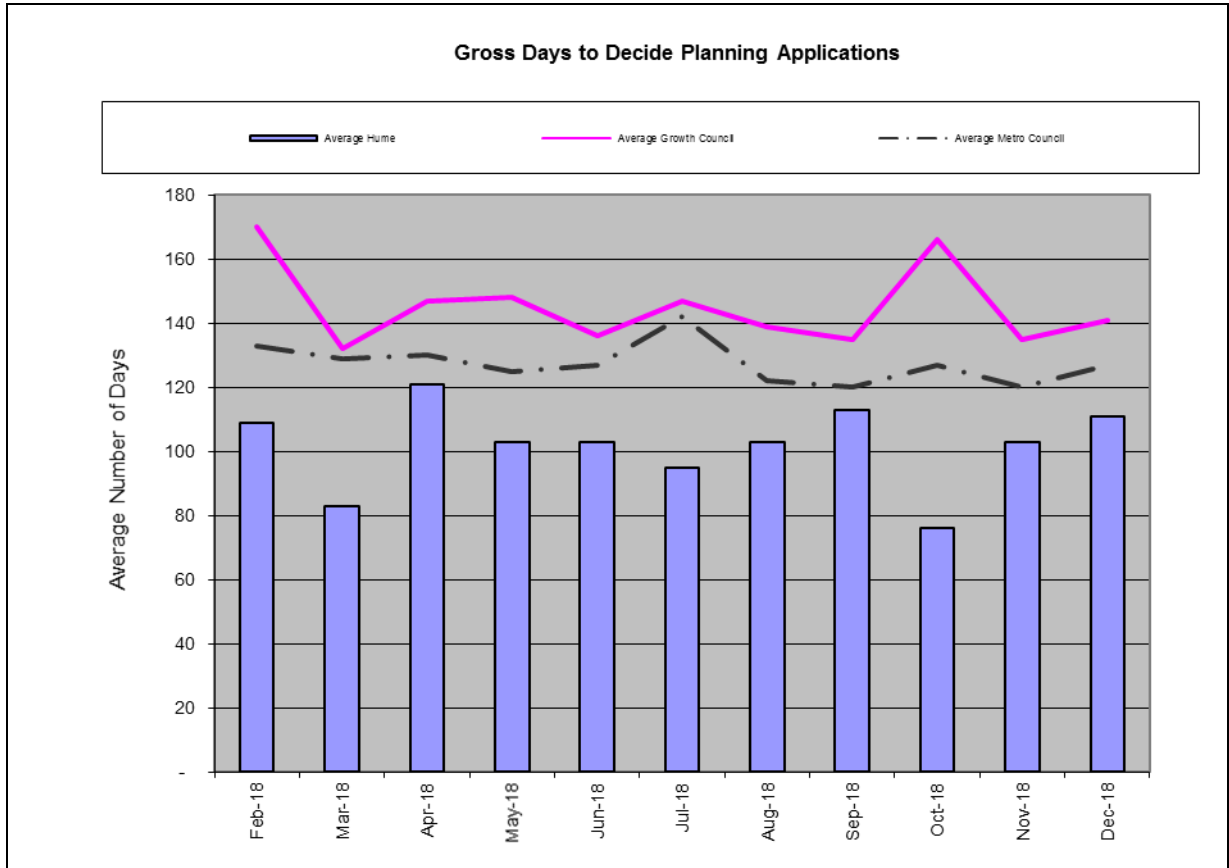


*Permits issued include: Permits, VicSmart, permit from NOD, VCAT Permit (including S72)
 *Applications closed includes: prohibited, no permit required, withdrawn, cancelled, lapsed and, failure to determine (including S72)
 (not included are Notices Of Decisions and Notices of Refusals)

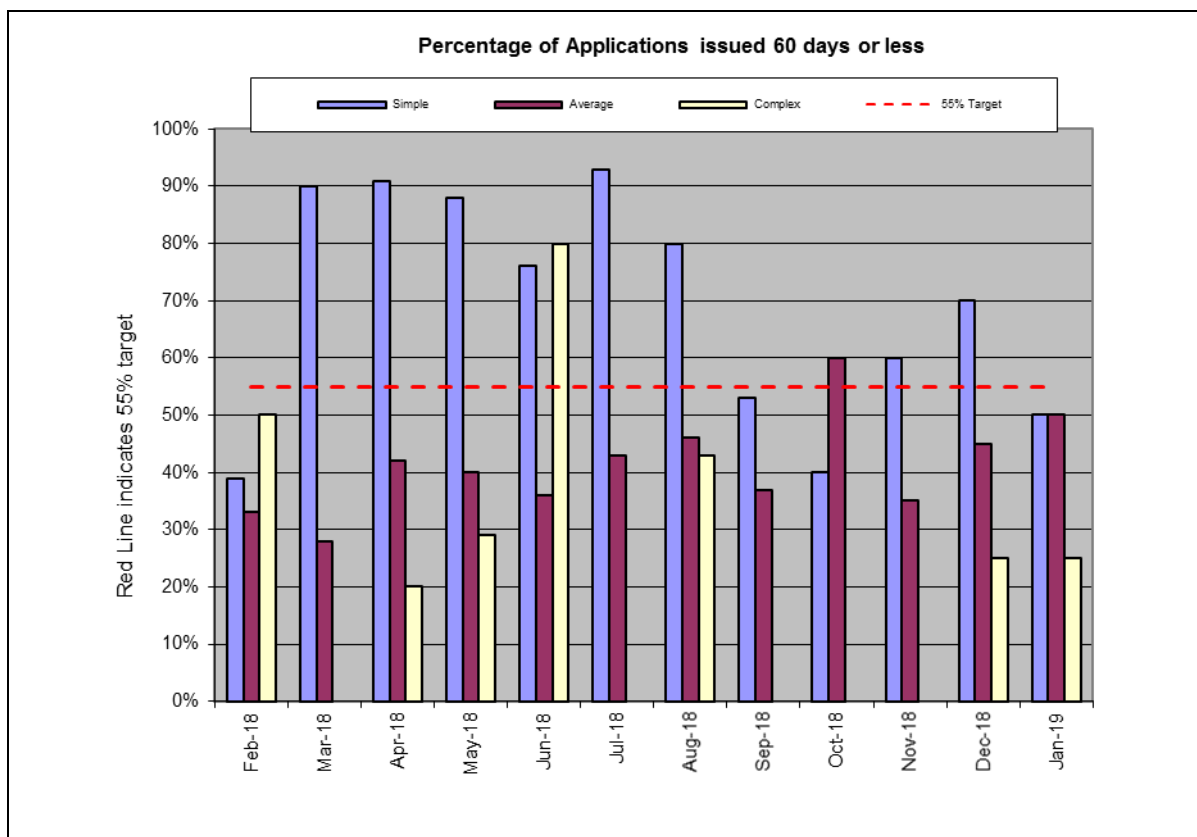
REPORT NO: SU380 (cont.)



REPORT NO: SU380 (cont.)



REPORT NO: SU380 (cont.)



3. APPEAL DECISIONS TO DATE:

- 3.1 This report includes all VCAT decisions received in the months of December 2018 and January 2019. It also includes the current month prior to the Council meeting to give Council a more up to date report on VCAT decisions. Four initiating orders were received by Council in the months of December and January. One VCAT decision has been received since the last Council meeting.
- 3.2 An appeal was brought by an applicant to amend a permit issued by Council allowing for the construction of retaining walls, earthworks and associated landscaping. The decision of the responsible authority was varied and the Tribunal order dated 7th February 2019 directed that an amended permit was to be issued.

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
Jacksons Creek Ward	P13310	Stone extraction without permit	40 Batey Court, Bulla	Enforcement Order	Submitted by Council	Date to be set down	To be heard
Aitken Ward	P21405	Buildings and works to construct a carport	1/36 Kyabram Street, Coolaroo	Appeal for failure to determine	Appeal by applicant	11/02/2019	To be heard
Jacksons Creek Ward	P19725	Buildings and works for the construction of a retaining walls and earthworks	40 McNabs Road, Keilor	Section 87 Application to amend	Review lodged by Applicant	24/01/2019	VCAT decision issued 7 th February 2019- amended permit granted.
Aitken Ward	P21017	Construction of three dwellings	3 Milton Place, Roxburgh Park	Appeal for failure to determine	Appeal by applicant	14/03/2019	To be heard

REPORT NO: SU380 (cont.)

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
Jackson Creek Ward	P21147	Removal of Restrictive Covenant	25 Keith Avenue, Sunbury	Appeal for failure to determine	Appeal by applicant	26/04/2019	To be heard
Jacksons Creek Ward	P17506	Extension of time- (Construction of 10 dwellings and creation of access to a Road Zone Category 1)	59-61 Macedon Street, Sunbury	Appeal for failure to grant an extension of time	Appeal by applicant	25/03/2019	To be heard
Aitken Ward	P21263	Use existing warehouse premises as a place of assembly with associated education centre, business identification signage and reduction in the standard car parking requirements	1/38 Zakwell Court Coolaroo	Appeal against refusal to grant a planning permit	Appeal by applicant	2/04/2019	To be heard
Aitken Ward	N/A- Amaroo Business Park Development Plan	Amendment to a Development Plan- (substitute the Land Use Plan, updated Section 5.1.1 and allow for a left turn from Hume Highway)	750 Craigieburn Road, Craigieburn	Appeal for failure to determine	Appeal by applicant	11/04/2019	To be heard
Jacksons Creek Ward	P20411	2 lot subdivision	7 Oldbury Avenue, Sunbury	Appeal for failure to determine	Appeal by applicant	3/04/2019	To be heard
Jacksons Creek Ward	P20519	Development of a double storey dwelling to the rear of an existing dwelling	74 Carnoustie Drive, Sunbury	Review of the decision of the responsible authority to grant a permit	Appeal by objector	3/04/2019	To be heard
Aitken Ward	P18418	Development of 5 double storey dwellings	15 Railway Crescent, Broadmeadows	Appeal against refusal to grant a planning permit	Appeal by applicant	24/04/2019	To be heard
Aitken Ward	P20729	Development of 5 double storey dwellings and waiver of visitor car parking space	1 Reginald Court, Broadmeadows	Appeal against refusal to grant a planning permit	Appeal by applicant	3/05/2019	To be heard
Jacksons Creek Ward	P21426	Use and development of a dependent persons unit	40 McNabs Road, Keilor	Enforcement proceeding	Appeal by applicant	10/05/2019	To be heard
Jacksons Creek Ward	P21428	Development of four dwellings	25 Landscape Place, Sunbury	Appeal for failure to determine	Appeal by applicant	24/04/2019	To be heard

REPORT NO: SU380 (cont.)

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
Meadow Valley Ward	P21333	Variation of Restrictive Covenant	13 Burbank Avenue, Gladstone Park	Appeal against refusal to grant a planning permit	Appeal by applicant	15/05/2019	To be heard
Aitken Ward	P21549	Staged multilot subdivision	450 Donnybrook Road, Mickleham	Appeal against a condition on permit	Appeal by applicant	19/06/2019	To be heard
Meadow Valley Ward	P4087	Development and use for the purposes of reception rooms	265-267 Mickleham Road, Westmeadows	Appeal to cancel a permit	Appeal by applicant	02/08/2019	To be heard

4. MATTERS DETERMINED UNDER DELEGATION:

The following table lists all matters dealt with under delegation between 27 November 2018 and 28 January 2019.

MATTERS DEALT WITH UNDER DELEGATION			
P6925	Grocery store, car par, signage, consolidation of lots & variation of easements	112-126 Gap Rd, Sunbury	Amended plans endorsed (Secondary Consent)
P14626	3 double storey dwellings	24 Cuthbert St, Broadmeadows	Extension of Time issued
P15671	Double storey dwelling to rear of existing dwelling	157 Widford St, Broadmeadows	Extension of Time issued
P17155	9 double storey dwellings	35 Bicentennial Cres, Meadow Heights	Extension of Time issued
P17315	3 double storey dwellings & 1 single storey dwelling	34 Banksia Gr, Tullamarine	Amended plans endorsed (Secondary Consent)
P17315	3 double storey dwellings & 1 single storey dwelling	34 Banksia Gr, Tullamarine	Extension of Time issued
P17872	2 double storey dwellings & 1 single storey dwelling	70 Lorraine Cres, Jacana	Extension of Time issued
P17938	Single storey dwelling to rear of existing dwelling	3 Almond Ct, Campbellfield	Extension of Time issued
P18016	14 double storey attached dwellings	20 Hothlyn Dr, Craigieburn	Extension of Time issued
P18149	2 double storey dwellings	69 Dallas Dr, Dallas	Extension of Time issued
P18413	Buildings & works associated with existing warehouse by converting mezzanine area to offices & reduction in car parking	2/21 Lindon Ct, Tullamarine	Extension of Time issued
P16638.03	Shed	55 Karinya Ct, Sunbury	Extension of Time issued
P18455	3 double storey dwellings	135 Cuthbert St, Broadmeadows	Extension of Time issued
P18507	Alterations & additions to existing dwelling & construction of double storey dwelling at rear	7 Buchan St, Meadow Heights	Extension of Time issued
P18656	2 double storey dwellings	3 Clunes Ave, Dallas	Extension of Time issued
P18692	3 double storey dwellings & 1 single storey dwelling	148 Langton St, Jacana	Extension of Time issued
P18698	Double storey dwelling to rear of existing dwelling	55 Northleigh Ave, Craigieburn	Extension of Time issued
P18762	Dwelling (MAEO2 overlay)	22 Kalimna Cres, Coolaroo	Extension of Time issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P19009	2 warehouses with offices	44 Metrolink Cct, Campbellfield	Extension of Time issued
P19040	2 industry buildings, storage above existing office & reduction in car parking	136-140 Maffra St, Coolaroo	Extension of Time issued
P19169	Extension to existing dwelling & construction of detached shelter structure	95 Homestead Way, Sunbury	Amended plans endorsed (Secondary Consent)
P16105.02	Additional warehouse building & legitimisation of use of existing office building on land	13-17 Lisa Pl, Coolaroo	Amended plans endorsed (Secondary Consent)
P19746	4 single storey dwellings & 2 double storey dwellings	81-83 Menzies Dr, Sunbury	Amended plans endorsed (Secondary Consent)
P20138	Childcare centre	40 Highlander Dr, Craigieburn	Amended plans endorsed (Secondary Consent)
P17115.05	Use of existing building for restaurant, reception centre, utilise rural outbuildings as art & craft centre, licensed premises, removal native vegetation, accommodation, partial demolition, buildings & works & access to road in Road Zone Category 1	45-165 Old Sydney Rd, Mickleham	Amended plans endorsed (Secondary Consent)
P20282	Child care centre & car parking	175 Donald Cameron Dr, Roxburgh Park	Amended plans endorsed (Secondary Consent)
P20768	2 double storey dwellings	175A James Mirams Dr, Roxburgh Park	Amended plans endorsed (Secondary Consent)
P20995	10 double storey dwellings	132 Cuthbert St, Broadmeadows	Amended plans endorsed (Secondary Consent)
P21049	Chldcare centre & signage	2 Design Way, Kalkallo	Amended plans endorsed (Secondary Consent)
P21130	Storage shed ancillary to existing dwelling	50 St Johns Rd, Oaklands Junction	Amended plans endorsed (Secondary Consent)
P21308	Warehouse & office	28 Colbert Rd, Campbellfield	Amended plans endorsed (Secondary Consent)
P19395.01	Materials recycling (tyre & electronic Waste Recycling) & reduction car parking	175-215 Maygar Bvd, Broadmeadows	Amended permit issued & amended plans endorsed
P19075.02	Multilot subdivision, creation of restriction & construction dwellings on lots less than 300m ²	Lockerbie, 110 Dwyer St, Kalkallo	Amended permit issued
P18628.03	Multilot subdivision, creation of restriction & construction of dwellings on lots less than 300m ²	705-725 Donnybrook Rd, Kalkallo	Amended permit issued
P8153.02	Reduction car parking associated with child care centre	5 Spavin Dr, Sunbury	Amended permit issued
P17938.01	2 double storey dwellings to rear of existing dwelling	3 Almond Ct, Campbellfield	Amended permit issued
P17610.02	Extension to existing shopping centre, construction medical centre & offices, reduction car parking & access to Road Zone Category 1	1-11 Greenvale Dr, Greenvale	Amended permit issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P19814.01	Medical centre & child care centre	495 Donnybrook Rd, Mickleham	Amended permit issued
P19749.01	2 double storey dwellings	42 Trumpington Tce, Attwood	Amended plans endorsed
P18003.02	Disposal of clean fill & earthworks (clan fill)	765-785 Mt Ridley Rd, Yuroke	Amended permit issued
P8741.02	Verandah	2-10 Camp Rd, Campbellfield	Amended permit issued & amended plans endorsed
P19858.01	Display of internally illuminated signage & relocation of existing pylon sign	1-11 Greenvale Dr, Greenvale	Amended permit issued & amended plans endorsed
P21012.01	Change of use to allow medical centre & erection signage	31 Barkly St, Sunbury	Amended plans endorsed
P19685.02	31 spaces car park for use by commuters of Craigieburn Railway Station & access to Road Zone Category 1	79 Potter St, Craigieburn	Amended permit issued
P21625.01	Buildings & works associated with instalment of motorised entry gate & star picket boundary fence	790 Sunbury Rd, Sunbury	Amended permit issued & amended plans endorsed
P21230.01	Shed & removal of native vegetation	10-14 Bulla Rd, Bulla	Amended plans endorsed
P20322.01	Outbuilding for purpose of place of assembly	45 Providence Rd, Greenvale	Amended permit issued
P19970.01	Primary school	1 Mackillop St, Craigieburn	Amended plans endorsed
P19297.01	Child care centre & creation of access to Road Zone Category 1	1 Riddell Rd, Sunbury	Amended plans endorsed
P20092	Signage & associated structures on land	9-11 International Dr, Westmeadows	Permit issued
P20244	3 double storey dwellings	29 Southern Cres, Craigieburn	Permit issued
P20619	Single storey dwelling to rear of existing dwelling	11 Frank St, Dallas	Permit issued
P20655	4 double storey dwellings & 1 single storey dwelling	144 Cuthbert St, Broadmeadows	Permit issued
P20748	Multi lot subdivision & creation of restriction on Title	1440 Hume Fwy, Kalkallo	Permit issued
P20800	1 double storey dwelling to rear of existing dwelling	12 Wattleglen St, Craigieburn	Permit issued
P20854	Multi lot staged subdivision & creation of carriageway easements	1440 Hume Fwy, Kalkallo	Permit issued
P20972	2 double storey dwellings & 1 single storey dwelling	209 Widford St, Broadmeadows	Permit issued
P20982	Subdivision & creation of access to land adjacent to Road Zone Category 1	200 Donnybrook Rd, Mickleham	Permit issued
P20986	Subdivision & creation of access to land adjacent to Road zone Category 1	300 Donnybrook Rd, Mickleham	Permit issued
P21094	6 double storey dwellings	22 Dunn St, Broadmeadows	Permit issued
P21178	Dual occupancy single storey dwelling to rear of existing dwelling & illuminated signage	17 Melba Ave, Sunbury	Permit issued
P21192	1 warehouse with ancillary office & reduction car parking	61-63 Metrolink Cct, Campbellfield	Permit issued
P21222	1 single storey dwelling to rear of	4 May Gr, Sunbury	Permit issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
	existing dwelling		
P21224	2 double storey dwellings & 1 single storey dwelling	142 Riggall St, Broadmeadows	Permit issued
P21275	Extension of existing on-premises liquor licence, increase in number of patrons & amending of licensed trading hours	1-9 Eldon St, Broadmeadows	Permit issued
P21300	4 first floor offices with modifications to existing shop & reduction car parking	319 Barry Rd, Campbellfield	Permit issued
P21313	2 single storey dwellings	1 Cupar Pl, Greenvale	Permit issued
P21322	2 double storey dwellings	12 Drouin St, Dallas	Permit issued
P21353	Double storey dwelling to rear of existing dwelling	50 Guildford Ave, Coolaroo	Permit issued
P21364	3 double storey dwellings	64 Ophir St, Broadmeadows	Permit issued
P21370	2 double storey dwellings	5 Millewa Cres, Dallas	Permit issued
P21372	Double storey dwelling to rear of existing dwelling	20 Miller St, Sunbury	Permit issued
P21378	4 lot subdivision	8 Ortolan Ave, Broadmeadows	Permit issued
P21385	Change of use to allow pole dancing studio & reduction car parking	8/13 Fawkner St, Westmeadows	Permit issued
P21393	2 lot subdivision of Lot 32 & removal of part of easement E-2	2 Swinton Way, Greenvale	Permit issued
P21395	Retrospective approval for storage room to rear of existing shop	195 Melrose Dr, Tullamarine	Permit issued
P21397	Double storey dwelling to rear of existing dwelling & modifications to existing dwelling	3 Geach St, Dallas	Permit issued
P21410	Industrial vehicle (trucks) store, associated amenity buildings & reduction in car parking	10 Lisa Pl, Coolaroo	Permit issued
P21423	Erect internally illuminated signage	78-82 Bulla Rd, Bulla	Permit issued
P21424	Subdivision of land & variation of removal of easement	990 Mickleham Rd, Greenvale	Permit issued
P21425	Food & drink premises (café with ancillary coffee roasting), reduction car parking & signage	2/1100 Pascoe Vale Rd, Broadmeadows	Permit issued
P21442	Double storey dwelling to rear of existing dwelling	23 Campbell St, Campbellfield	Permit issued
P21455	2 double storey dwelling & 1 single storey dwelling	7 Broadmeadows Rd, Tullamarine	Permit issued
P21457	Erect & display major promotion electronic pole sign	9-11 International Dr, Westmeadows	Permit issued
P21470	Double storey & single storey dwelling	39 Waverley St, Broadmeadows	Permit issued
P21475	Warehouse with office & reduction car parking	65 Freight Dr, Somerton	Permit issued
P21487	Display village with 28 dwellings & advertising signage	2090 Mickleham Rd, Mickleham	Permit issued
P21489	2 double storey dwellings	67 Windermere Cres, Gladstone Park	Permit issued
P21494	4 double storey dwellings	23 Stanhope St, Broadmeadows	Permit issued
P21502	7 lot subdivision	44 Barkly St, Sunbury	Permit issued
P21504	Mezzanine addition & façade alterations to existing warehouse & reduction car parking	11/283-293 Rex Rd, Campbellfield	Permit issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P21510	3 double storey dwellings	1 Canadian Ct, Meadow Heights	Permit issued
P21540	1 double storey dwelling	65 Clarendon Ave, Craigieburn	Permit issued
P21544	Single storey integrated children's centre incorporating place of assembly, preschool, maternal child health & community facilities & associated car parking & external works	25 Blossom Dr, Greenvale	Permit issued
P21545	3 double storey dwellings	6 Benalla St, Dallas	Permit issued
P21547	2 warehouses with offices & reduction car parking	77 Yellowbox Dr, Craigieburn	Permit issued
P21564	8 lot subdivision	200 Donnybrook Rd, Mickleham	Permit issued
P21570	Warehouse for purpose of self storage facility on existing developed site	81-85 Lambeck Dr, Tullamarine	Permit issued
P21586	Café, gymnasium, offices, warehouses & reduction car parking	69-71 Horne St, Sunbury	Permit issued
P21610	4 double storey dwellings	35 Stanhope St, Broadmeadows	Permit issued
P21616	2 double storey dwellings	2 Gabrielle Cres, Gladstone Park	Permit issued
P21619	Single storey dwelling adjacent to existing dwelling	36 Keith Ave, Sunbury	Permit issued
P21628	4 double storey dwellings	104 Lahinch St, Broadmeadows	Permit issued
P21629	Staged multilot subdivision	110 Section Rd, Greenvale	Permit issued
P21652	Crane bay extension to existing warehouse & car parking area	42A Maffra St, Coolaroo	Permit issued
P21653	Change of use to interim medical centre, buildings & works & signage	20 Bonds Lane, Greenvale	Permit issued
P21662	Double storey dwelling to rear of existing dwelling	12 Knight Ct, Meadow Heights	Permit issued
P21663	Car wash & reduction car parking spaces & associated signs	340 Craigieburn Rd, Craigieburn	Permit issued
P21679	10 double storey dwellings	1/342-344 Camp Rd, Broadmeadows	Permit issued
P21680	Display village & associated signage	675-703 Donnybrook Rd, Kalkallo	Permit issued
P21693	8 double storey dwellings	28 Gerbert St, Broadmeadows	Permit issued
P21694	2 lot subdivision	90 Bonds Lane, Greenvale	Permit issued
P21700	1 double storey dwelling to rear of existing dwelling	25 Gerbert St, Broadmeadows	Permit issued
P21703	Removal of native vegetation (3 indigenous trees) for road construction & widening purposes	Road reserve, Donnybrook Rd, Mickleham	Permit issued
P21709	Façade mounted signage	730 Elizabeth Dr, Sunbury	Permit issued
P21711	Use of existing building for animal boarding (cattery) & reduction car parking	2/25 Lillee Cres, Tullamarine	Permit issued
P21712	6 lot subdivision	3 Alexander Ct, Broadmeadows	Permit issued
P21723	3 double storey dwellings	8 Kerang Ct, Broadmeadows	Permit issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
P21726	Removal of reserve status	1 Merlynston Cl, Dallas	Permit issued
P21743	3 double storey dwellings	11 Stevenson St, Broadmeadows	Permit issued
P21750	Create workstations & storage areas to existing structure	403/189B South Centre Rd, Tullamarine	Permit issued
P21762	Demolition of existing sports floodlights on land affected by Heritage Overlay	Seth Raistrick Reserve, 1678-1700 Sydney Rd, Campbellfield	Permit issued
P21770	4 lot subdivision	7 Pascoe St, Westmeadows	Permit issued
P21783	Buildings & works in Commercial Zone 1, change of use to café (food & drinks premises), waiver of required car parking & in loading bay	14 Dargie Ct, Dallas	Permit issued
P21784	Internal mezzanine	46-50 Freight Dr, Somerton	Permit issued
P21791	5 lot subdivision	9 Frog Ct, Craigieburn	Permit issued
P21793	Concrete slab for installation of automatic balloon launcher (to replace existing adjacent unit)	115 Camp Rd, Broadmeadows	Permit issued
P21795	2 lot subdivision	35 Medway Rd, Craigieburn	Permit issued
P21798	Double storey dwelling in MAEO1	29 Morwell Cres, Dallas	Permit issued
P21800	Removal of vegetation within Public Acquisition Overlay	1440 Hume Fwy, Kalkallo	Permit issued
P21814	4 lot subdivision	8 Evans Ct, Broadmeadows	Permit issued
P21824	2 lot subdivision	17 Landy Rd, Jacana	Permit issued
P21825	4 lot subdivision	159 Widford St, Broadmeadows	Permit issued
P21833	3 lot subdivision	65-67 Metrolink Cct, Campbellfield	Permit issued
P21834	4 lot subdivision	25 Birch Ave, Tullamarine	Permit issued
P21835	2 lot subdivision	16 Burnett St, Somerton	Permit issued
P21836	2 lot subdivision	31 Metrolink Cct, Campbellfield	Permit issued
P21837	2 lot subdivision	13 Eldorado Cres, Meadow Heights	Permit issued
P21839	4 lot subdivision	3 Kerang Ct, Broadmeadows	Permit issued
P21847	Erect & display non-illuminated promotional sign	90 Vineyard Rd, Sunbury	Permit issued
P21857	3 lot subdivision	18 Melwood Ct, Meadow Heights	Permit issued
P21858	Rural store of a new shed	8 Nicola Ct, Mickleham	Permit issued
P21861	2 internally illuminated promotion signs	33 Craigieburn Rd, Craigieburn	Permit issued
P21862	2 internally illuminated promotion signs	200 Melrose Dr, Tullamarine	Permit issued
P21863	2 internally illuminated promotion signs	2 Londrew Ct, Tullamarine	Permit issued
P21864	2 internally illuminated promotion signs	2-6 Maygar Bvd,	Permit issued

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
		Broadmeadows	
P21865	2 internally illuminated promotion signs	1434-1468 Sydney Rd, Campbellfield	Permit issued
P21866	2 internally illuminated promotion signs	8-34 Gladstone Park Dr, Gladstone Park	Permit issued
P21867	2 internally illuminated promotion signs	1/27 Gladstone Park Dr, Gladstone Park	Permit issued
P21868	2 internally illuminated promotion signs	19 Paramount Ct, Tullamarine	Permit issued
P21869	2 internally illuminated promotion signs	29-33 Lakeside Dr, Broadmeadows	Permit issued
P21870	2 internally illuminated promotion signs	1075 Pascoe Vale Rd, Broadmeadows	Permit issued
P21871	2 internally illuminated promotion signs	2-6 Gladstone Park Dr, Gladstone Park	Permit issued
P21872	2 internally illuminated promotion signs	31 Bramcote Dr, Westmeadows	Permit issued
P21873	2 internally illuminated promotion signs	11 Northcorp Bvd, Broadmeadows	Permit issued
P21874	2 internally illuminated promotion signs	1443 Sydney Rd, Campbellfield	Permit issued
P21875	2 internally illuminated promotion signs	189 Melrose Dr, Tullamarine	Permit issued
P21876	2 internally illuminated promotion signs	96 Mickleham Rd, Tullamarine	Permit issued
P21877	2 internally illuminated promotion signs	1/112A Mickleham Rd, Tullamarine	Permit issued
P21878	2 internally illuminated promotion signs	1434-1468 Sydney Rd, Campbellfield	Permit issued
P21879	2 internally illuminated promotion signs	146 Mickleham Rd, Tullamarine	Permit issued
P21880	2 internally illuminated promotion signs	20 Camp Rd, Broadmeadows	Permit issued
P21890	2 lot subdivision	1 West Ct, Coolaroo	Permit issued
P21891	4 lot subdivision	7 Berkeley Cl, Broadmeadows	Permit issued
P21899	4 lot subdivision	12 Nature Dr, Greenvale	Permit issued
P21911	Extension to existing dwelling (pool house)	85 Providence Rd, Greenvale	Permit issued
P21950	Retrospective approval for existing dwelling on the lot	6 The Ridge, Oaklands Junction	Permit issued
S008570	22 lot subdivision - Rosenthal Estate - Stage 14	100B Vineyard Road, Sunbury	Plan Certified 27 November 2018
S008592	41 lot subdivision - Cloverton Estate - Stage 314	1440 Hume Freeway, Kalkallo	Plan Certified 28 November 2018
S008684	Section 35 Acquisition Plan - Bonds Lane Estate	75 Bonds Lane, Greenvale	Plan Certified 28 November 2018
S007787	2 lot subdivision - industrial	68 Yellowbox Drive, Craigieburn	Statement of Compliance 28 November 2018
S008467	71 lot subdivision - multi unit	120 Section Road, Greenvale	Plan Certified 29 November 2018
S008488	19 lot subdivision - industrial	3 Katz Way, Somerton	Statement of Compliance 29 November 2018
S008267	67 lot subdivision - Aston Estate - Stage 30	575M Craigieburn Road, Craigieburn	Statement of Compliance

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MATTERS DEALT WITH UNDER DELEGATION			
			29 November 2018
S008415	4 lot subdivision - multi unit	8 Fidge Court, Jacana	Plan Certified 29 November 2018
S008415	4 lot subdivision - multi unit	8 Fidge Court, Jacana	Statement of Compliance 29 November 2018
S008502	28 lot subdivision - Greenvale Central Estate - Stage 2	825 Mickleham Road, Greenvale	Plan Certified 29 November 2018
S008272	34 lot subdivision - Rosenthal Estate - Stage W6	61 Burge Drive, Sunbury	Statement of Compliance 30 November 2018
S008330	28 lot subdivision - Rosenthal Estate - Stage W7	61 Burge Drive, Sunbury	Statement of Compliance 30 November 2018
S008376	4 lot subdivision - multi unit	36 Graham Street, Broadmeadows	Plan Re-certified 3 December 2018
S008529	5 lot subdivision - multi unit	26 Birch Avenue, Tullamarine	Plan Certified 3 December 2018
S007973	2 lot subdivision - industrial	11 Burnett Street, Somerton	Statement of Compliance 3 December 2018
S008581	28 lot subdivision - multi unit -Eastside - Stage 2	90 Central Park Avenue, Craigieburn	Plan Certified 3 December 2018
S008767	2 lot subdivision - dual occupancy	9 Gerbert Street, Broadmeadows	Plan Certified 3 December 2018
S008376	4 lot subdivision - multi unit	36 Graham Street, Broadmeadows	Statement of Compliance 3 December 2018
S008611	2 lot subdivision - Rosenthal Estate - Superlot Plan	100B Vineyard Road, Sunbury	Plan Certified 3 December 2018
S008196	67 lot subdivision - Annadale Estate - Stage 14	495 Donnybrook Road, Mickleham	Plan Re-Certified 4 December 2018
S008218	59 lot subdivision - Annadale Estate - Stage 15	495 Donnybrook Road, Mickleham	Plan Re-Certified 4 December 2018
S008250	54 lot subdivision - Annadale Estate - Stage 16	495 Donnybrook Road, Mickleham	Plan Re-Certified 4 December 2018
S008538	2 lot subdivision - dual occupancy	24 Gasoline Way Craigieburn	Plan Certified with Statement of Compliance 4 December 2018
S008531	3 lot subdivision - multi unit	68 Mackellar Drive Roxburgh Park	Plan Certified 4 December 2018
S008529	5 lot subdivision - multi unit	26 Birch Avenue, Tullamarine	Statement of Compliance 5 December 2018
S008635	2 lot subdivision - dual occupancy	23 Quarter Street, Roxburgh Park	Plan Certified 6 December 2018
S008688	3 lot subdivision - residential land	20 Dalrymple Road, Sunbury	Plan Certified 6 December 2018
S008525	3 lot subdivision - multi unit	2 Hume Street, Sunbury	Statement of Compliance 7 December 2018
S008661	2 lot subdivision - dual occupancy	5 Molland Court, Craigieburn	Plan Certified with Statement of Compliance 7 December 2018
S008104	2 lot subdivision - industrial	2040-2060 Sydney	Statement of

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
		Road, Campbellfield	Compliance 7 December 2018
S008688	3 lot subdivision - residential land	20 Dalrymple Road, Sunbury	Statement of Compliance 7 December 2018
S008606	2 lot subdivision - industrial	61 Yellowbox Drive, Craigieburn	Plan Certified with Statement of Compliance 7 December 2018
S008765	32B plan to add owners' corporation	414 Camp Road, Broadmeadows	Plan Certified 10 December 2018
S008542	2 lot subdivision - dual occupancy	89 Arena Avenue, Roxburgh Park	Plan Certified 11 December 2018
S008709	3 lot subdivision - multi unit	1 Accolade Drive, Craigieburn	Plan Certified 11 December 2018
S008635	2 lot subdivision - dual occupancy	23 Quarter Street, Roxburgh Park	Statement of Compliance 12 December 2018
S008765	32B plan to add owners' corporation	414 Camp Road, Broadmeadows	Statement of Compliance 12 December 2018
S008611	2 lot subdivision - Rosenthal Estate - Superlot plan - Stage 14	100B Vineyard Road, Sunbury	Statement of Compliance 13 December 2018
S008676	3 lot subdivision - multi unit	76 Mackellar Drive, Roxburgh Park	Statement of Compliance 13 December 2018
S008598	2 lot subdivision - dual occupancy	11 Taradale Court, Meadow Heights	Plan Certified with Statement of Compliance 1 3 December 2018
S008046	3 lot subdivision - multi unit	4 Clare Boulevard, Greenvale	Plan Certified 13 December 2018
S008709	3 lot subdivision - multi unit	1 Accolade Drive, Craigieburn	Statement of Compliance 14 December 2018
S008748	2 lot subdivision - dual occupancy	124 South Circular Road, Gladstone Park	Plan Certified 20 December 2018
S008581	28 lot subdivision - multi unit - Eastside	90 Central Park Avenue, Craigieburn	Statement of Compliance 20 December 2018
S008685	2 lot subdivision - dual occupancy	33 Gunbower Crescent, Meadow Heights	Statement of Compliance 20 December 2018
S008626	2 lot subdivision - dual occupancy	13 Osway Street, Broadmeadows	Plan Certified 20 December 2018
S008531	3 lot subdivision - multi unit	68 Mackellar Drive Roxburgh Park	Statement of Compliance 20 December 2018
S008598	2 lot subdivision - dual occupancy	11 Taradale Court, Meadow Heights	Plan Re-Certified 21 December 2018
S008372	2 lot subdivision - dual occupancy	18 Calivil Street, Dallas	Plan Re-Certified 21 December 2018
S008593	61 lot subdivision - Cloverton Estate - Stage 315	1440 Hume Freeway, Kalkallo	Plan Certified 24 December 2018
S008773	2 lot subdivision - industrial	31 Metrolink Cct Campbellfield	Statement of Compliance 2 January 2019
S008510	41 lot subdivision	65 Carroll Lane,	Plan Certified

REPORT NO: SU380 (cont.)

MATTERS DEALT WITH UNDER DELEGATION			
		Greenvale	4 January 2019
S008718	Section 35 Plan of Subdivision - Acquisition of Land	110 Section Road, Greenvale	Plan Certified with Statement of Compliance 4 January 2019
S008722	Section 35 Plan of Subdivision - Acquisition of Land	55 Bonds Lane, Greenvale	Plan Certified with Statement of Compliance 4 January 2019
S008213	2 lot subdivision - dual occupancy	10 Kinnaird Street, Jacana	Plan Certified 7 January 2019
S008799	Variation of Restriction	3 Bath Street, Craigieburn	Plan Certified with Statement of Compliance 8 January 2019
S008772	2 lot subdivision - industrial	16 Burnett Street, Somerton	Plan Certified 9 January 2019
S008561	4 lot subdivision - multi unit	1 Gwilt Street, Westmeadows	Plan Certified with Statement of Compliance 10 January 2019
S008783	Plan of Consolidation	71 Gibbson Street, Broadmeadows	Plan Certified with Statement of Compliance 10 January 2019
S008797	3 lot subdivision - industrial	3-5 Bubeck Street, Sunbury	Plan Certified with Statement of Compliance 16 January 2019
S008763	4 lot subdivision - multi unit	159 Widford Street, Broadmeadows	Plan Certified 16 January 2019
S008523	3 lot subdivision - residential land	2-4 Bath Street, Craigieburn	Statement of Compliance 17 January 2019
S008815	Section 35 Plan of Subdivision - Acquisition of Land	53 Graham Street, Broadmeadows	Plan Certified 17 January 2019
S008434	31 lot subdivision - Mount Holden Estate - Stage 4N	100 Retreat Crescent, Sunbury	Plan Re-Certified 17 January 2019
S008637	3 lot subdivision - multi unit	5 Thistle Court, Meadow Heights	Plan Certified with Statement of Compliance 21 January 2019
S008763	4 lot subdivision - multi unit	159 Widford Street, Broadmeadows	Statement of Compliance 23 January 2019
S008149	24 lot subdivision -residential land	11-33 Sommeville Drive, Roxburgh Park	Statement of Compliance 23 January 2019
S008524	2 lot subdivision - dual occupancy	10 Zeal Way, Craigieburn	Plan Certified with Statement of Compliance 23 January 2019
S008582	30 lot subdivision - Highlands Estate Eastside Stage 3	90 Central Park Avenue, Craigieburn	Plan Certified 24 January 2019
S008628	57 lot subdivision - Cloverton Estate Stage 317	1440 Hume Freeway, Kalkallo	Plan Certified 25 January 2019

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MATTERS DEALT WITH UNDER DELEGATION			
S008639	1 lot subdivision (creation of reserve) - Highlands Estate DP18A	165 Mt Ridley Road, Craigieburn	Plan Certified 25 January 2019
S008664	49 lot subdivision - Highlands Estate Stage 255	120S Waterview Boulevard, Craigieburn	Plan Certified 25 January 2019
S008569	36 lot subdivision - Rosenthal Estate Stage 15	100B Vineyard Road, Sunbury	Plan Certified 25 January 2019

MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
P21334	9 double storey dwellings	46 Meredith St, Broadmeadows	Notice of Decision to Grant a Permit
P21583	2 double storey dwellings to rear of 2 existing modified dwellings	145 Sunset Bvd, Jacana	Notice of Decision to Grant a Permit
P21612	2 double storey dwellings	7 Iona Ct, Westmeadows	Notice of Decision to Grant a Permit
P21681	1 single storey dwelling to rear of existing dwelling	3 Winton Ct, Broadmeadows	Notice of Decision to Grant a Permit

SECTION 173 AGREEMENTS SIGNED UNDER DELEGATION			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
P20316	2 lot subdivision	28 Dunkeld St, Meadow Heights	Agreement signed on 9 January 2019
P21082	3 lot subdivision	1 Glencara Cl, Westmeadows	Agreement signed on 9 January 2019

VICSMART PERMITS SIGNED UNDER DELEGATION			
FILE	PROPOSAL	ADDRESS OF PROPERTY	ACTION TAKEN
P21822	Single carport to existing factory	47 McDougall Rd, Sunbury	Permit issued
P21860	Internal mezzanine & reduction car parking	1/5 Grasslands Ave, Craigieburn	Permit issued
P21903	2 lot subdivision	32 Sunset Bvd, Jacana	Permit issued

REPORT NO:	SU381
REPORT TITLE:	Hume City Public Lighting Policy
SOURCE:	Nick Varvaris, Assistant Manager Engineering
DIVISION:	Sustainable Infrastructure and Services
FILE NO:	HCC-CM08/387
POLICY:	-
STRATEGIC OBJECTIVE:	4.3 Create a connected community through efficient and effective walking, cycling, public transport and car networks.
ATTACHMENT:	1. <i>Hume City Public Lighting Policy</i>

1. SUMMARY OF REPORT:

- 1.1 Council at its meeting on 10 September 2018 resolved to undertake community consultation on its draft *Hume Public Lighting Policy*.
- 1.2 The report takes into account the feedback from the community and recommends that the *Hume City Public Lighting Policy* detailed in Attachment 1 be adopted.

2. RECOMMENDATION:

That Council:

- 2.1 **notes that community consultation of the draft *Hume Public Lighting Policy (Policy)* was undertaken for a four-week period during September and October 2018 and one submission was received.**
- 2.2 **adopts the Policy as detailed in Attachment 1.**
- 2.3 **reviews the Policy after five years of operation.**

3. LEGISLATIVE POWERS:

Council has the power under Section 46A, *Road Management Act 2004* with respect to installing street lighting on roads where it is the responsible authority. Under the *Subdivisions Act 1988* planning permits are issued requiring public lighting to be installed.

4. FINANCIAL IMPLICATIONS:

- 4.1 The Policy requires that all new non-metered public lighting be standard lights approved by the Electricity Distributor.
- 4.2 A tariff is required to be paid by Council to the Electricity Distributor to maintain a standard light and replace it when it reaches the end of its life. However, with a decorative light additional to the tariff is the cost to maintain and replace it.
- 4.3 The Policy will reduce the number of new decorative lights thereby reducing Council's financial liability to maintain them.

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

The Policy requires that all new public lights use the most energy efficient lighting available and approved for use which helps minimize greenhouse gas emissions by reducing reliance on electricity from coal fired power stations.

6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

No climate adaptation issues have been identified in the relation to this report.

REPORT NO: SU381 (cont.)

7. CHARTER OF HUMAN RIGHTS APPLICATION:

The recommendation in this report does not limit any of the protected rights under the Victorian Charter of Human Rights.

8. COMMUNITY CONSULTATION:

8.1 Council undertook community consultation of the draft Policy over a four-week period during September and October 2018. The draft Policy was placed on Council's web page 'Your Say', Facebook and Hume e-Newsletter inviting the community to provide feedback.

8.2 One submission was received which relates to concerns that the use of energy efficient lighting has led to a diminished amount of light which decreases the level of safety for communities and residents moving around in the night.

9. DISCUSSION:

9.1 The provision and luminance level of public lighting in new estates is designed in accordance with Australian Standards.

9.2 The use of energy efficient lighting does not decrease the level of lighting within the road reservation. Energy efficient lights tend to direct and maintain lighting within the road reserve with less overspill of lighting into private properties.

9.3 As outlined in the previous report on 10 September 2018, Council has approached the electrical distribution companies and requested that they introduce additional lighting poles as standard poles under the OMR tariff. This would help to satisfy the desire of developers to be able to use decorative poles. At this point in time the distribution companies have not agreed to introduce any additional pole types, but they have advised that they are considering alternatives.

9.4 The Policy as proposed would not preclude the use of different pole types, provided that they are covered under the OMR tariff and will be maintained by the electrical distribution company.

10. CONCLUSION:

10.1 The Policy provides a constant approach when assessing public lighting in new estates, damaged lights and customer requests for additional or modified lighting.

10.2 Only one submission was received during the community consultation period concerning the luminance of energy efficient lighting. The luminance level of energy efficient lighting within new estates complies with the Australian Standards.

10.3 Based on the consistent approach of assessing public lighting, the reduced funding liability and the community consultation process no changes to the draft Policy are recommended.



HUME CITY PUBLIC LIGHTING POLICY

Policy Reference No:	CP2002-09-40
File Reference No:	HCC-CM08/387
Strategic Objective:	4.3 Create a connected community through efficient and effective walking, cycling, public transport and car networks.
Date of Adoption:	11 February 2019
Date for Review:	February 2024
Responsible Officer:	Manager Assets
Department:	Assets

HUME CITY PUBLIC LIGHTING POLICY

1. POLICY STATEMENT:

To provide public lighting to meet the needs of the community using the most energy efficient lighting available to the appropriate standards for the safe movement of vehicle and pedestrian traffic at night.

2. PURPOSE:

- 2.1 To provide a consistent approach for the provision of public lighting.
- 2.2 To require the use of the most energy efficient lighting available.
- 2.3 To support the safe movement of vehicular and pedestrian traffic at night.
- 2.4 To discontinue the use of approved non-standard lighting in new estates.
- 2.5 To replace damaged or end of life approved non-standard lights with standard lights.
- 2.6 To provide a consistent standard lighting style throughout the municipality.

3. SCOPE:

- 3.1 The policy applies to streets and public places including:
 - 3.1.1 New estates.
 - 3.1.2 Existing residential and industrial areas.
 - 3.1.3 Public activity areas.
 - 3.1.4 Rural areas.
 - 3.1.5 Public open space.
 - 3.1.6 Car parks.
 - 3.1.7 VicRoads arterial roads.
- 3.2 Public lighting is not provided for the security of private properties. It is not the role of Council to improve the level of safety within private properties through the provision of additional street lighting.

4. OBJECTIVE:

- 4.1 To provide a consistent approach for the provision of public lighting.
- 4.2 To reduce the future funding liability to Council by discontinuing the use of approved non-standard lighting in new estates.
- 4.3 To reduce the funding liability to Council by replacing damaged and end of life approved non-standard lighting with standard lighting.
- 4.4 To reduce greenhouse emissions through the use of energy efficient lights, renewable energy sources and the avoidance of unnecessary lighting.

Policy Reference No: CP2002-09-40	Date of Adoption: 12 February 2018
Review Date: February 2023	Responsible Officer: Manager Assets
	Department: Assets
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HUME CITY PUBLIC LIGHTING POLICY

5. BACKGROUND:

5.1 Public Lighting Assets

There are three categories of public lighting assets:

- 5.1.1 Public lighting systems owned and operated by Council that have a separate meter box to record electricity consumption or an alternative source of power.
- 5.1.2 Public lighting systems owned and operated by VicRoads that have a separate meter box to record electricity consumption.
- 5.1.3 Public lighting owned and operated by the Electricity Distribution Company that are non-metered which includes standard and approved non-standard lights. The maintenance service standards for Electricity Distributer operated lighting schemes are set out in the Essential Services Commission '*Public Lighting Code (2005)*'.

5.2 Tariffs and Costs

- 5.2.1 A tariff for the Operation Maintenance and Replacement (OMR) of each non-metered public light is paid by councils to the Electricity Distributor who owns the public lighting assets.
- 5.2.2 The OMR tariff covers the cost for the Electricity Distributer to maintain and replace lights. For areas with underground power this includes standard lights including the supply and installation of the light pole and luminaire.
- 5.2.3 Although Council pays the same tariff for approved non-standard lights they are not supported under the OMR tariff so Council incurs significant additional costs for replacing and maintaining these luminaires and poles.
- 5.2.4 The full cost to supply approved non-standard lighting poles and luminaires when they are damaged or when they have reached the end of their asset life is borne by Council.
- 5.2.5 The Electricity Distributor OMR tariffs are approved by the Australian Energy Regulator. The OMR tariff is currently not contestable and Council must pay this charge to the relevant Electrical Distributor operating in a given area.
- 5.2.6 A tariff for the energy usage of each non-metered public light is paid by councils to the Electricity Retailer. This tariff is contestable and Council is currently party to an agreement through Procurement Australia for the purchase of electricity for street lighting.

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HUME CITY PUBLIC LIGHTING POLICY

5.2.7 Schedule 7A of the Road Management Act legislation states that the OMR tariffs for lighting on arterial roads under the management of VicRoads are cost shared between VicRoads and the relevant municipal council. VicRoads funds 60% and council funds 40%. This excludes service roads which are the responsibility of the council.

6. POLICY IMPLEMENTATION:

6.1 Street Lighting in New Residential and Industrial Estates

6.1.1 The provision of new public lighting will be in accordance with the AS/NZS 1158 Series – *Lighting for Roads and Public Places*.

6.1.2 Council's Manager Assets will determine the lighting category, sub-category and any special requirements to each road or public space for the design of a public lighting scheme. The public lighting designer shall provide certification and documentation demonstrating compliance of the public lighting scheme with the AS/NZS 1158 series standards.

6.1.3 In addition to AS/NZS 1158 standards new road lighting shall be provided at the following locations:

- (a) At each end of a laneway, but generally not within a laneway.
- (b) At a pedestrian access to a public open space.

6.1.4 New estate street lighting shall be designed taking advantage of the most energy efficient luminaire as approved by the Electricity Distributer. The luminaire shall incorporate smart technology which enables the lamp to be remotely monitored and controlled.

6.1.5 Council will only permit street lights approved by the Electricity Distributor on new estates that are covered by the OMR tariff.

6.1.6 The developer is responsible for the design and installation costs of public lighting in new estates subject to the approval of Council's Manager Assets.

6.2 Transition between New and Existing Residential and Industrial Estates

6.2.1 New estates will need to comply with this policy with the exception that approved non-standard lights will be permitted to transition between an existing estate with approved non-standard lights and the new development to the discretion of Council's Manager Assets.

6.2.2 The transition of an existing street continuing with a new street shall occur at the end of the street or at a defined boundary such as a significant intersection to the discretion of Council's Manager Assets.

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6.3 Street Lighting in Existing Residential and Industrial Areas

- 6.3.1 In areas serviced with timber power poles with overhead or underground supply, lighting shall be provided at the following locations:
 - (a) At a maximum spacing of 100 metres.
 - (b) At each intersection.
 - (c) At the end or near the end of court bowl or cul-de-sac.
 - (d) At traffic management devices including roundabouts, road humps and traffic islands.
 - (e) At pedestrian crossing facilities including signalised pedestrian crossings, pedestrian zebra crossings and pedestrian refuges.
 - (f) At each end or near the end of a laneway, but generally not within a laneway.
 - (g) At or near a pedestrian access to a public open space.
- 6.3.2 Approved non-standard poles and luminaires that require replacement will be replaced with a standard pole and luminaire approved by the Electricity Distributor. Immediately abutting properties will be notified of the proposed changes.
- 6.3.3 Approved non-standard luminaires that require replacement, with the pole still serviceable, will be replaced with a standard luminaire approved by the Electricity Distributor.
- 6.3.4 Council's Manager Assets may consider that damaged approved non-standard poles and luminaires be replaced like for like at locations where the street trees have yet to establish to a similar height to the light poles.

6.4 Street Lighting in Public Activity Areas

- 6.4.1 Council may use approved non-standard or alternative non-standard street lighting in prominent high community value areas such as civic spaces, town centres and shopping precincts.
- 6.4.2 Developer requests for approved non-standard lights may be considered by Council's Manager Assets within public activity areas of new subdivision estates. If so, there will be a developer fee of the current replacement cost, including supply and installation, of each non-standard pole and light.
- 6.4.3 Alternative energy efficient non-standard lights owned and operated by Council on a metered supply or alternative power source may be considered by Council's Manager Assets.
- 6.4.4 The provision of new public lighting for public activity areas will be in accordance with the AS/NZS 1158 Series – *Lighting for Roads and Public Places*. Council's Manager Assets will provide the lighting category, sub-category and any special requirements for the design of a public lighting scheme.

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6.5 Street Lighting in Rural Areas

- 6.5.1 For the purposes of this policy an area is considered rural if the property allotment sizes are greater than 4,000 square meters.
- 6.5.2 Street lighting is generally not provided in rural areas.
- 6.5.3 Reflectorized night time delineation devices may be considered at locations to provide guidance to traffic.

6.6 Public Open Space

- 6.6.1 Public open space incorporates active and passive open space.
- 6.6.2 Active open space is land set aside for the primary purpose of formal outdoor sports by the community and lighting of these spaces does not form part of this policy.
- 6.6.3 Passive open space is land set aside for parks, gardens, linear reserves, conservation bushlands, nature reserves and civic spaces that are made available for passive recreation. Public lighting of these spaces is considered within this policy. Public lighting if warranted is installed and maintained by Council on a metered supply or an alternative power source.
- 6.6.4 Parks and gardens is land that has some modifications to support community interaction and includes landscape parklands, formal lawn areas, botanical gardens, playgrounds and pocket parks. Public lighting of parks and gardens including paths will only be considered where the space is used for passive night time recreation. Approval will be through the Capital Works budget process or by Council’s Manager Assets.
- 6.6.5 Linear reserves are often along rivers, creeks, drainage easements and utility reserves where off-road paths and trails are provided. Public lighting of linear reserves will generally not be permitted as it may affect wildlife. Travelling through these areas during the night should generally not be encouraged through public lighting due to potential personal safety considerations.
- 6.6.6 Conservation bushlands and nature reserves are primarily set aside to protect and enhance areas with significant environmental or cultural value. No new public lighting is supported along these areas as it may affect wildlife.
- 6.6.7 Civic spaces include land that is set aside for community gathering and events where public lighting is provided and maintained by Council on a metered supply or by alternative power sources.

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6.6.8 Public lighting of pedestrian and cycling paths within public open spaces, but not along rivers or creeks and nature reserves, that have demonstrated or projected high night time usage may be considered by Council's Manager Assets.

6.6.9 The provision of new public lighting for pathways will be in accordance with the AS/NZS 1158 Series – *Lighting for Roads and Public Places*. Council's Manager Assets will provide the lighting category, sub-category and any special requirements for the design of a public lighting scheme.

6.7 Car Parks

6.7.1 Council owned and managed public car parks are to be provided with lighting during the night time hours of operation if the facility associated with the car park operates during the night.

6.7.2 Lighting of car parks are maintained by Council through a metered supply or by alternative power sources.

6.7.3 The provision of new public lighting for car parks will be in accordance with the AS/NZS 1158 Series – *Lighting for Roads and Public Places*. Council's Manger Assets will provide the lighting category, sub-category and any special requirements for the design of the car park public lighting scheme.

6.8 VicRoads Arterial Roads

6.8.1 Public lighting of arterial roads is designed and assessed in accordance with VicRoads *Guidelines for Street Lighting Design* and the AS/NZS 1158 Series – *Lighting for Roads and Public Places*.

6.8.2 Under the Road Management Act the OMR tariff for public lighting of VicRoads arterial roads is funded 60% by VicRoads and 40% by councils.

6.8.3 VicRoads requires the developer of subdivision estates to reimburse in advance VicRoads 60% share for 10 years OMR costs on their arterial roads.

6.8.4 Council will require the developer to reimburse in advance Councils 40% share for 10 years OMR costs on arterial roads.

6.9 Feature Lighting

6.9.1 Council's Manager Assets may approve the use feature lighting of bridges, structures, gateway signs, artwork and other important prominent features. Feature lighting is operated and maintained by Council.

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6.9.2 Developer requests for feature lighting may be considered by Council's Manager Assets within new subdivision estates. If so, there will be a developer fee of the current replacement cost, including supply and installation, of the feature lighting.

7. DEFINITIONS AND ABBREVIATIONS

Electricity Distributer – Is an organisation which holds a distribution licence under the Electricity Industry Act 2000 for the distribution and supply of electricity. They are responsible for the safe connection of electricity, installation, operation, maintenance and replacement of distributor operated non-metered schemes. Jemena and SP AusNet are the Electricity Distributers that have areas within the Hume municipality.

Electricity Retailer – Is responsible for billing of accounts for electrical usage for Council owned metred schemes and for Electrical Distributer operated non-metered schemes. The energy consumed by public lights on non-metered schemes is linked to the luminaire. AGL is currently the Electricity Retailer within the Hume municipality. The purchase of electricity is contestable and therefore councils are able to choose the Electricity Retailer they use, subject to procurement requirements.

Standard Light - Comprises of a pole, luminaire and fittings that are approved by the Electricity Distributer.

Approved Non-Standard Light – Comprises of a pole, luminaire and fittings that are approved for use by the Electricity Distributer in a public lighting scheme. Typically they include decorative type poles and luminaries. Council is responsible for the cost of supplying of all replacement parts for all Approved Non-Standard Lights in addition to OMR tariffs.

Non-Standard Light – not approved for use the Electricity Distributer on their non-metered network and are owned and maintain by Council on a metered supply.

Public Lighting – means all external lighting located in a road reserve or on other public land.

OMR - Operation Maintenance and Replacement tariff of each non-metered public light paid by councils to the Electricity Distributer.

Renewable Energy Source – greenhouse neutral energy sources including energy sources produced from solar photovoltaic panels, wind turbines and/or the government accredited GreenPower program.

8. RELATED DOCUMENTS

- 7.1 AS/NZS 1158 Series 2005 - Lighting for roads and public places.
- 7.2 Public Lighting Code – Essential Services Commission, Victoria 2005
- 7.2 Road Management Act 2014 – Schedule 7A- Street Lighting
- 7.3 VicRoads - Guidelines for Street Lighting Design
- 7.4 Jemena – Public Lighting Technical Standard JEN PR 0026

Policy Reference No: CP2002-09-40	Date of Adoption: 12 February 2018
Review Date: February 2023	Responsible Officer: Manager Assets
	Department: Assets
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REPORT NO:	GE322
REPORT TITLE:	Building Control Services Delegations Report - 1 October 2018 to 31 December 2018
SOURCE:	Peter Jolly, Municipal Building Surveyor
DIVISION:	Planning and Development
FILE NO:	HCC18/344
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Delegations Report 1 October - 31 December 2018</i>

1. SUMMARY OF REPORT:

- 1.1 Council has discretionary powers under the *Building Act 1993 'Act'* and the *Building Interim Regulations 2017 'Regulations'* to approve building proposals that do not comply with the “deemed to satisfy” Rescode provisions of the regulations.
- 1.2 The new Building Regulations 2018 came into effect on 2 June 2018. The new regulations replace the previous Building Interim Regulations 2017. The new regulations regulate the same matters as the previous regulations, however the regulation numbering and order has changed. There are matters listed in this report which include the new numbering.
- 1.3 Council also has discretionary powers to approve other siting matters such as constructing buildings over easements, on land not sewered, on flood prone land and on designated land.
- 1.4 Places of Public Entertainment are required to comply with requirements for Occupancy Permits.
- 1.5 The siting and erection of Prescribed Temporary Structures require approval as set out in the Act and the Regulations.
- 1.6 This report provides Council with a summary of the 67 approvals granted during the period 1 October 2018 to 31 December 2018.

2. RECOMMENDATION:

That this report be received and noted.

3. LEGISLATIVE POWERS:

- 3.1 *Building Act 1993*
- 3.2 *Building Interim Regulations 2017*
- 3.3 *Building Regulations 2018.*

4. DISCUSSION:

- 4.1 Council is responsible for the administration and enforcement of the *Building Act 1993* and the *Building Regulations* within the municipal district. The legislation gives discretionary powers to Council to approve building proposals that do not meet the “deemed to satisfy” provisions in the regulations. Such applications are processed and decided under delegation from Council.
- 4.2 Part 4 (BR2018 – Part 5) of the regulations (which mirrors Rescode in the Planning Scheme) controls the siting and design of single dwellings and associated outbuildings on allotments of area greater than 300m². A person may apply to Council for approval of a building design that does not comply with the standard (deemed to satisfy) siting

REPORT NO: GE322 (cont.)

provisions. The legislation refers to such approval as being the “Report and Consent” of Council. Such approval must be granted to facilitate the issue of a Building Permit.

- 4.3 It should be noted that Building Regulations ‘Rescode’ siting requirements do not apply to multi dwelling developments or single dwellings on allotments with a site area less than 300m²; and do not override Planning Permit siting requirements. For example, the minimum street setback applying to a dual occupancy development is determined by ‘Rescode’ under the Planning scheme and administered through the relevant Planning Permit. The Building Regulations do not apply.
- 4.4 The Municipal Building Surveyor has delegated authority from Council to decide such applications. The powers are exercised in accordance with the Planning Minister’s Guideline MG/12 and Council’s instrument of delegation. The regulations control a number of building siting and design matters as follows:
- 4.4.1 Regulation 408 - Maximum street setback (*BR2018 – r.73*)
 - 4.4.2 Regulation 409 - Minimum street setback (*BR2018 – r.74*)
 - 4.4.3 Building height (*BR2018 – r.75*)
 - 4.4.4 Regulation 411 - Site coverage (*BR2018 – r.76*)
 - 4.4.5 Regulation 412 – Permeability (*BR2018 – r.77*)
 - 4.4.6 Regulation 413 - Car parking (*BR2018 – r.78*)
 - 4.4.7 Regulation 414 - Side and rear setbacks (*BR2018 – r.79*)
 - 4.4.8 Regulation 415 - Walls and Carports on boundaries (*BR2018 – r.80*)
 - 4.4.9 Regulation 416 - Daylight to existing habitable room (*BR2018 – r.81*)
 - 4.4.10 Regulation 417 - Solar access to existing north-facing windows (*BR2018 – r.82*)
 - 4.4.11 Regulation 418 - Overshadowing of recreational private open space (*BR2018 – r.83*)
 - 4.4.12 Regulation 419 – Overlooking (*BR2018 – r.84*)
 - 4.4.13 Regulation 420 - Daylight to habitable room windows (*BR2018 – r.85*)
 - 4.4.14 Regulation 421 - Private open space (*BR2018 – r.86*)
 - 4.4.15 Regulation 422 - Siting of Class 10a buildings (*BR2018 – r.87*)
 - 4.4.16 Regulation 424 - Front fence height (*BR2018 – r.89*)
 - 4.4.17 Regulation 425 - Fence setbacks from side and rear boundaries (*BR2018 – r.90*)
 - 4.4.18 Regulation 426 - Fences on or within 150mm of a side or rear boundary (*BR2018 – r.91*)
 - 4.4.19 Regulation 427 - Fences on intersecting street alignments (*BR2018 – r.92 & r.93*)
 - 4.4.20 Regulation 428 - Fences and daylight to windows in existing dwellings (*BR2018 – r.94*)
 - 4.4.21 Regulation 429 - Fences and solar access to existing north-facing (*BR2018 – r.95*)
 - 4.4.22 Habitable room windows (*BR2018 – r.95*)
 - 4.4.23 Regulation 430 - Fences and overshadowing of recreational private open space (*BR2018 – r.96*)
 - 4.4.24 Regulation 431 - Masts, poles etc (*BR2018 – r.97*)

REPORT NO: GE322 (cont.)

- 4.4.25 Regulation 513 – Projections beyond street alignment (*BR2018 – r.109*).
- 4.5 Council also has powers to approve (give Report and Consent) the construction of buildings in other circumstances. Such applications are decided under delegation by the Municipal Building Surveyor in consultation with other relevant departments. Such approval must be granted to facilitate the issue of a Building Permit. The relevant regulatory provisions are:
- 4.5.1 Regulation 310(1) (*BR2018 – r.130*) prohibits the construction of a building over an easement unless the Report and Consent of the service authority has been granted. Council is the service authority where an easement is vested in the Council. Council has adopted the Policy No. CP2006/05/72 to guide the administration of such applications.
- 4.5.2 Regulation 801 (*BR2018 – r.132 & r.187*) prohibits the construction of a building on land that does not have connection to sewerage unless the Report and Consent of Council has been granted.
- 4.5.3 Regulation 802 (*BR2018 – r.153*) prohibits the construction of buildings on land designated as being flood prone unless the Report and Consent of Council has been granted.
- 4.5.4 Regulation 806 (*BR2018 – r.154*) prohibits the construction of buildings on land designated under Part 10 of the *Water Act* 1989 unless the report and Consent of Council has been granted.
- 4.5.5 Regulation 604 (*BR2018 – r.116*) provides that the consent of Council must be obtained for any precautions intended to protect the safety of the public during building works that are proposed to be erected over the street alignment.
- 4.6 Places of Public Entertainment (*POPE*) are subject to requirements in the legislation for Occupancy Permits. Events involving the gathering of a large number of people, such as Concerts, Festivals, Fairs, Carnivals and Shows, are covered by the requirement for an Occupancy Permit, whether held on public or privately owned land.
- 4.7 Section 57 of the Act requires that the Municipal Building Surveyor approve the siting and erection of any Prescribed Temporary Structure on any land within the municipal district. This requirement applies to structures such as circus tents, large marquees, concert stages and the like, whether they are associated with a POPE or a private event.
- 4.8 Council has adopted the Policy No. CP2006/03/65 “Building Control Policy for Places of Public Entertainment and Prescribed Temporary Structures” which guides Council’s Building Surveyors in the assessment and approval of such applications. The purpose of the policy is to ensure that permits and approvals are granted taking into account public safety and amenity.
- 4.9 There were 67 of these matters approved during the period 1 October 2018 to 31 December 2018 as shown in Attachment 1.

5. CONCLUSION:

Council has various discretionary powers under building legislation to approve building siting and design proposals to facilitate the issue of a Building Permit. These powers are exercised by Council officers under delegation. Policy and procedures have been put in place to ensure that permits and approvals for Places of Public Entertainment and Prescribed Temporary Structures take into account public safety and amenity. This report provides Council with a summary of the approvals granted within the three month period to 31 December 2018.

DELEGATIONS REPORT 1 OCTOBER – 31 DECEMBER 2018

Application Ref:	Approval Date:	Property Address:	Application Approval Description:
BRC20180219	1/10/2018	14 BANNISTER ST JACANA VIC 3047	Regulation 130(1), Garage (U2) constructed over an easement.
eBRC20180190	2/10/2018	24 SALWEEN CRES ROXBURGH PARK VIC 3064	Regulation 80, to allow the construction of a Carport where the combined length of walls on the northern allotment boundary will be 19800mm in lieu of 15880mm.
BRC20180165	2/10/2018	57-75 FILLO DR SOMERTON VIC 3062	Regulation130(1), Front Fence constructed over an easement.
BRC20180168	2/10/2018	37-55 FILLO DR SOMERTON VIC 3062	Regulation130(1), Front Fence constructed over an easement.
BRC20180167	2/10/2018	870-880 COOPER ST SOMERTON VIC 3062	Regulation130(1), Front fence constructed over an easement.
BRC20180224	2/10/2018	1500 PASCOE VALE RD COOLAROO VIC 3048	Regulation 130(1), Signs constructed over an easement.
BRC20180166	3/10/2018	25 TRANSPORT DR SOMERTON VIC 3062	Regulation130(1), Front Fence constructed over an easement.
BRC20180169	3/10/2018	5-35 FILLO DR SOMERTON VIC 3062	Regulation 130(1), Front Fence constructed over an easement
BRC20180142	5/10/2018	78 AXMINSTER DR CRAIGIEBURN VIC 3064	Regulation 414, to allow the enclosed Garage wall to be setback 820mm from south side of the allotment boundary in lieu of 1000mm,
BRC20180235	8/10/2018	117 SHANKLAND BVD MEADOW HEIGHTS VIC 3048	Regulation 89, to allow a Front Fence to be constructed to a height of 1850mm in lieu of 1500mm.
eBRC20180173	9/10/2018	75 MCKELL AVE SUNBURY VIC 3429	Regulation 79, to allow a Garage to be setback 300mm from the side street boundary in lieu of 2000mm.
BRC20180228	11/10/2018	21 BLOOM AVE GREENVALE VIC 3059	Regulation 74, to allow Dwelling to be set back 2790mm from the front street alignment boundary in lieu of 4000mm.
eBRC20180208	11/10/2018	9 BALLARD CL GLADSTONE PARK VIC 3043	Regulation 79, to allow Verandah to be sited between 150mm and 500mm from the western boundary in lieu of a setback of 500mm.

BRC20180220	15/10/2018	1 DUNN ST BROADMEADOWS VIC 3047	Regulation 130(1), Garage (U1) constructed over an easement.
eBRC20180226	15/10/2018	17 DENBIGH LOOP MICKLEHAM VIC 3064	Regulation 130(1), Dwelling foundation element filling constructed over an easement.
BRC20180195	15/10/2018	44 YELLOWBOX DR CRAIGIEBURN VIC 3064	Regulations 153 and 154, to allow a Warehouse and Office to be constructed on flood prone and designated land.
eBRC20180161	16/10/2018	20A CREEKWOOD DR CRAIGIEBURN VIC 3064	Regulation 85, to allow a Dining and Living habitable room window of a Dwelling to face a Verandah which is not open for a third of its perimeter.
eBRC20180200	16/10/2018	29 MORWELL CRES DALLAS VIC 3047	Regulation 74, to allow a Dwelling to be setback 5500mm from the front street alignment boundary in lieu of 9000mm.
eBRC20180178	17/10/2018	6 MADDINGLEY RD ATTWOOD VIC 3049	Regulation 79, to allow a Verandah to be setback 150mm from the southern side allotment boundary in lieu of 500mm.
BRC20180229	18/10/2018	44 WESTMINSTER GR SUNBURY VIC 3429	Regulation 84, to allow a Balcony attached to a Dwelling to be sited such that there is overlooking of private open space at No. 42 Westminster Grove Sunbury
BRC20180232	19/10/2018	323 BARRY RD CAMPBELLFIELD VIC 3061	Regulation 116, to allow the erection of precautions over the street alignment.
eBRC20180225	19/10/2018	324 HIGHLANDER DR CRAIGIEBURN VIC 3064	Regulation 76, to allow the construction of a Dwelling and Garage where the total site coverage of the allotment will be 61.66 per cent in lieu of the allotment area of 60 per cent.
eBRC20180202	25/10/2018	33 WILD CRES ROXBURGH PARK VIC 3064	Regulation 74, to allow a Verandah less than 3600mm high to be setback 150mm from the side street alignment.
BRC20180234	26/10/2018	4 MEADOWBANK CT CRAIGIEBURN VIC 3064	R.130(1), Gazebo constructed over an easement.
eBRC20180220	29/10/2018	34 SELKIRK WAY MICKLEHAM VIC 3064	Regulation 130(1), Dwelling foundation element site cut constructed over an easement.
eBRC20180148	31/10/2018	64 MENZIES DR SUNBURY VIC 3429	Regulation 130(1), Dwelling eaves (Unit 2), constructed over an easement.

BRC20180197	1/11/2018	60 CENTRAL PARK AVE CRAIGIEBURN VIC 3064	POPE Occupancy Permit - Hume Diwali Mela 2018
eBRC20180217	1/11/2018	50 PARKFRONT CRES ROXBURGH PARK VIC 3064	Regulation 310(1), Dwelling Eaves (U3) constructed over an easement.
eBRC20180184	5/11/2018	2 WHITTY LANE SUNBURY VIC 3429	Regulation 130(1), Retaining wall constructed over an easement.
BRC20180212	5/11/2018	22 PIONEER ST CRAIGIEBURN VIC 3064	Regulation 76, to allow the construction of a Verandah as an addition to a Dwelling where the total site coverage will be 64.6 percent of an allotment in lieu of 60 percent.
BRC20180250	7/11/2018	SHOPPING CENTRE 1-11 GREENVALE DR GREENVALE VIC 3059	Regulation 116(4), to allow for the erection of precautions over the street alignment..
BRC20180230	7/11/2018	7 PASCAL CRES KALKALLO VIC 3064	Regulation 82, to allow a Garage wall to be sited 200mm from the southern side allotment boundary in lieu of 1000mm, where on the adjoining allotment, and within 3000mm of the common boundary, there is a north facing habitable room window facing the proposed building.
BRC20180226	9/11/2018	30 DOUGLAS MAWSON DR ROXBURGH PARK VIC 3064	Regulation 130(1), Dwelling foundation element (Fill) constructed over an easement.
eBRC20180199	9/11/2018	20 KELBERG RD KALKALLO VIC 3064	Regulation 80, to allow a Garage wall sited 200mm from the eastern allotment boundary to have a maximum average height of 3392mm in lieu of 3200mm.
eBRC20180203	12/11/2018	21 MILLEWA CRES DALLAS VIC 3047	Regulation 130(1), Dwelling Roof Gutter(U2) constructed over an easement.
eBRC20180233	13/11/2018	13 GRANTLEY DR GLADSTONE PARK VIC 3043	Regulation 130(1), Garage constructed over an easement.
BRC20180240	14/11/2018	28 CONGRAM ST BROADMEADOWS VIC 3047	Regulation130(1), Carport constructed over an easement.
BRC20180261	14/11/2018	10 WEBB CT SUNBURY VIC 3429	Regulation79, to allow a 5266mm high Shed wall to be setback 700mm from south side of the allotment boundary in lieu of 1500mm.

BRC20180202	14/11/2018	5 WATERHOUSE LINK GREENVALE VIC 3059	Regulation 310(1), to construct a Dwelling foundation element filling constructed over an easement.
BRC20180221	16/11/2018	13 LIEWAH CCT CRAIGIEBURN VIC 3064	Regulation 76, to allow the construction of a Dwelling and Garage where the total site coverage will be 64.56 percent of the allotment area in lieu of 60 percent.
eBRC20180164	16/11/2018	13 DUNDEE CL GLADSTONE PARK VIC 3043	Regulation 74, to allow a Carport to be set back 2000mm from the front street alignment boundary in lieu of 8000mm.
eBRC20180198	19/11/2018	3 EDARA CCT GREENVALE VIC 3059	Regulation 80, to allow the construction of a Carport where the combined length of walls adjacent the northern side boundary will be 18350mm in lieu of 15500mm.
eBRC20180242	19/11/2018	11 ALTAMONT RD CRAIGIEBURN VIC 3064	Regulation 76, to allow construction of a Verandah where the total site coverage will be 73.8 percent of the allotment area in lieu of 60 percent.
eBRC20180249	22/11/2018	55 STANHOPE ST BROADMEADOWS VIC 3047	Regulation 130(1), to construct a Garage over an easement.
eBRC20180230	22/11/2018	28 VENTURA WAY GREENVALE VIC 3059	Regulation 76, to allow the construction of a Verandah where the total site coverage of the allotment will be 62 percent of the allotment area in lieu of 60 percent.
eBRC20180231	22/11/2018	28 VENTURA WAY GREENVALE VIC 3059	Regulation 79 to allow a Verandah to be sited 150mm from the western side boundary in lieu of 500mm.
eBRC20180236	26/11/2018	11 FLORES RD CRAIGIEBURN VIC 3064	Regulation 130(1), Dwelling foundation element cut constructed over an easement.
eBRC20180210	26/11/2018	17 VALLEY PARK BVD WESTMEADOWS VIC 3049	Regulation 76, to allow the construction of a Verandah where the total site coverage will be 70.7 percent of the allotment area in lieu of 60 percent.
eBRC20180228	28/11/2018	1500 PASCOE VALE RD COOLAROO VIC 3048	Regulation 154(1), to allow the construction of Retail Shops, a Service Station a Medical Centre and a Child Care Centre on land designated as being liable to flooding.
BRC20180266	30/11/2018	31 GRENVILLE TCE ROXBURGH PARK VIC 3064	Regulation 76, to allow construction of a Verandah where the total site coverage will be 86 percent of the allotment area in lieu of 60 percent.

BRC20180241	3/12/2018	25-31 KING WILLIAM ST BROADMEADOWS VIC 3047	Regulation 109, to allow Service Cabinet Doors of a Commercial Laundry Building to project beyond the street alignment approximately 750mm in lieu of 600mm.
eBRC20180262	4/12/2018	8 PRINCETOWN AVE CRAIGIEBURN VIC 3064	Regulation 130(1), Pool Fence constructed over an easement.
eBRC20180196	5/12/2018	281 CAMP RD BROADMEADOWS VIC 3047	Regulation 130(1), Roller Door constructed over an easement.
BRC20180258	5/12/2018	35 ELLSCOTT BVD MICKLEHAM VIC 3064	Regulation 82, to allow a Garage wall to be setback 0.0m from the southern allotment boundary in lieu of 1000mm, where on the adjoining allotment and within 3000mm of the common boundary, there is a north facing habitable room window facing the proposed Garage wall.
BRC20180128	5/12/2018	94 HORIZON BVD GREENVALE VIC 3059	Regulation 310(1), Pool fence constructed over an easement.
eBRC20180209	6/12/2018	3/19 NASH CT MEADOW HEIGHTS VIC 3048	Regulation 130(1), Window canopy (U3) constructed over an easement.
eBRC20180207	7/12/2018	3 MYOORA CRES GREENVALE VIC 3059	Regulation 79, to allow; 1. A front wall on the eastern allotment boundary to be constructed to a height of 5895mm, with an eave projection beyond the building envelope of 635mm in lieu of 600mm as normally allowed. 2. A rear wall on the eastern allotment boundary to be constructed to a height of 6196mm, with an eave projection beyond the building envelope of 717mm in lieu of 600mm as normally allowed. 3. A rear wall on the western allotment boundary to be constructed to a height of 6240mm, with an eave projection beyond the building envelope of 752mm in lieu of 600mm.
eBRC20180238	11/12/2018	15 WATER LILY CCT CRAIGIEBURN VIC 3064	Regulation 130(1), Verandah constructed over an easement.
eBRC20180273	11/12/2018	5 WITHERS CL SUNBURY VIC 3429	Regulation 153(2) and 154(1), to allow building work for the construction of Decking and an outdoor Spa to be built on land designated as being liable to flooding.
eBRC20180258	12/12/2018	30 WATTLEGLEN ST CRAIGIEBURN VIC 3064	Regulation 130(1), Carport constructed over an easement.

BRC20180206	12/12/2018	4 KEYSBOROUGH ST CRAIGIEBURN VIC 3064	R.130(1), Dwelling Eaves and Garage (U4) constructed over an easement.
BRC20180255	13/12/2018	54 YARCOMBE CRES CRAIGIEBURN VIC 3064	Regulation 79, to allow a Verandah to be set back 150mm from the northern side boundary in lieu of 500mm.
BRC20180179	17/12/2018	28 SHETLAND WAY SUNBURY VIC 3429	Regulation 130(1), Shed constructed over an easement.
eBRC20180246	17/12/2018	38 INKERMAN CRES MICKLEHAM VIC 3064	Regulation 80, to allow a Garage wall sited 200mm from eastern allotment boundary to have a maximum average height of 3320mm in lieu of 3200mm.
eBRC20180297	18/12/2018	2/18 LALOR CRES SUNBURY VIC 3429	Regulation 76, to allow the construction of a Verandah where the total site coverage will be 62.3 per cent of the allotment area in lieu of 60 per cent.
eBRC20180300	21/12/2018	31 GRENVILLE TCE ROXBURGH PARK VIC 3064	Regulation 77, to allow the allotment to have an impermeable area of 86 percent in lieu of 80 percent.
eBRC20180245	28/12/2018	10 TAVISTOCK CT CRAIGIEBURN VIC 3064	Regulation 130(1), Shed constructed over an easement.

REPORT NO:	GE323
REPORT TITLE:	S173 Agreements - Building Over Easement - 1 October 2018 - 31 December 2018
SOURCE:	Peter Jolly, Municipal Building Surveyor
DIVISION:	Planning and Development
FILE NO:	HCC18/305
POLICY:	Construct Buildings Over Easements
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>S173 Agreements 1 October 2018 - 31 December 2018</i>

1. SUMMARY OF REPORT:

This report details the Construct Building Over Easement agreements entered into under Section 173 of the *Planning and Environment Act 1987* (the Act). 30 Section 173 Agreements relating to consent to build over easements granted with conditions were entered into during the period 1 October 2018 to 31 December 2018. This report advises Council of the signing of the Agreements under Council delegation. The signing of the listed agreements finalises these consents.

2. RECOMMENDATION:

That Council notes the listing of all Agreements under *Section 173 of the Planning and Environment Act 1987* dealt with under delegation between 1 October 2018 and 31 December 2018 (Attachment 1).

3. LEGISLATIVE POWERS:

3.1 *Building Regulations 2018.*

3.2 *S173 of the Planning and Environment Act 1987.*

4. DISCUSSION:

4.1 Proposal

4.1.1 Regulation 36 (3) of the *Building Regulations 2018* requires the consent and report of a Council and other service authorities to an application for a Building Permit to construct a building over an easement vested in the Council or a service authority.

4.1.2 Section 173 of the *Planning and Environment Act 1987* enables a Responsible Authority to enter into an agreement with a landowner for an area covered by a planning scheme for which it is the responsible authority.

4.1.3 Council has received applications to construct buildings over drainage easements and can consent to these proposals pursuant to Regulation 36(3) of the *Building Regulations 2018*.

4.1.4 The Municipal Building Surveyor has delegated authority to consent to construction over a drainage easement.

4.1.5 Council has adopted the *Construct Buildings over Easements* Policy, which guides staff in assessing such applications where easements are vested in Council. The procedure for assessing such applications is as follows:

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- (a) Plans of the proposal, together with a copy of the property title and relevant service authority comments (if available), are referred to the Traffic and Civil Design teams for comment.
- (b) If the application is to be approved, the owner is required to enter into an agreement, made pursuant to Section 173 of *the Planning and Environment Act 1987*, which preserves Council's interests in the easement.
- (c) When the agreement is completed, the consent is granted and a building permit can be issued.
- (d) Council must execute the completed agreement. The signed agreement is lodged with the Office of Titles for registration on the certificate.

5. CONCLUSION:

This report provides details of Section 173 Agreements signed under Council delegation. The signing of the listed agreements finalises these consents.

Ref.	Address
BRC20180035	11 Lot 148 Jedburgh Pl. Greenvale, Victoria 3059
BRC20180055	21 Lot 438 Bliburg St. Jacana, Victoria 3047
BRC20180087	3 Lot 458 Kinloch Gr. Greenvale, Victoria 3059
BRC20180118	47 Lot 208 Hales Cres. Jacana, Victoria 3047
BRC20180140	1 Lot 11 Bendoc Ct. Meadow Heights, Victoria 3048
BRC20180174	10A Lot 2 Lubeck Ct. Meadow Heights, Victoria 3048
BRC20180179	28 Lot 2173 Shetland Way Sunbury, Victoria 3429
BRC20180189	33 Lot 320 Scarlet Dr. Greenvale, Victoria 3059
BRC20180202	5 Lot 26 Waterhouse Link Greenvale, Victoria 3059
BRC20180206	4 Lot 464 Keysborough St. Craigieburn, Victoria 3064
BRC20180216	6 Lot 72 Maguire Dr. Sunbury, Victoria 3429
BRC20180217	1 Lot 2088 Thistle Ct. Meadow Heights, Victoria 3048
BRC20180219	14 Lot 431 Bannister St. Jacana, Victoria 3047
BRC20180226	30 Lot 3523 Douglas Mawson Dr. Roxburgh Park, Victoria 3064
BRC20180234	4 Lot 516 Meadowbank Ct. Craigieburn, Victoria 3064
BRC20180240	28 Lot 1001 Congram St. Broadmeadows, Victoria 3047
eBRC20180138	24 Lot 604 Annadale Mews Greenvale, Victoria 3059
eBRC20180143	31 Lot 155 Mitford Cres. Craigieburn, Victoria 3064
eBRC20180148	64 Lot 281 Menzies Dr. Sunbury, Victoria 3429
eBRC20180184	2 Lot 332 Whitty Lane Sunbury, Victoria 3429
eBRC20180203	21 Lot 139 Millewa Cres. Dallas, Victoria 3047
eBRC20180209	3/19 Lot 3 Nash Ct. Meadow Heights, Victoria 3048
eBRC20180217	50 Lot 1015 Parkfront Cres. Roxburgh Park, Victoria 3064
eBRC20180226	17 Lot 2930 Denbigh Loop Mickleham, Victoria 3064
eBRC20180229	94 Lot 604 Horizon Bvd. Greenvale, Victoria 3059
eBRC20180233	13 Lot 1801 Grantley Dr. Gladstone Park, Victoria 3043
eBRC20180236	11 Lot 30157 Flores Rd. Craigieburn, Victoria 3064
eBRC20180238	15 Lot 31721 Water Lily Cct. Craigieburn, Victoria 3064
eBRC20180258	30 Lot 79 Wattleglen St. Craigieburn, Victoria 3064
eBRC20180262	8 Lot 1090 Princetown Ave. Craigieburn, Victoria 3064

REPORT NO:	GE324
REPORT TITLE:	Council Meeting Schedule (July 2019 to June 2020)
SOURCE:	Peter Faull, Coordinator Governance & Corporate Support
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:	Nil

1. SUMMARY OF REPORT:

- 1.1 A Council meeting schedule has been developed for the period July 2019 to June 2020 which continues Council's current format of scheduling an Ordinary Council Meeting on the second Monday of each month and an Ordinary (Town Planning) Council Meeting on the fourth Monday of each month, with all meetings starting at 7pm.
- 1.2 The schedule provides for the holding of an Ordinary Council meeting in each of the three major centres in Hume being Broadmeadows, Craigieburn and Sunbury.

2. RECOMMENDATION:

- 2.1 **THAT the Hume City Council Meeting schedule for July 2019 to June 2020, as follows, be adopted:**

DATE	MEETING TYPE	VENUE
Monday 8 July 2019	Ordinary	Broadmeadows Council Chamber
Monday 22 July 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 12 August 2019	Ordinary	Craigieburn Global Learning Centre
Monday 26 August 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 9 September 2019	Ordinary	Sunbury Council Chamber
Monday 23 September 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 14 October 2019	Ordinary	Broadmeadows Council Chamber
Monday 28 October 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Wednesday 30 October 2019	Statutory Meeting	Town Hall Broadmeadows
Monday 11 November 2019	Ordinary	Craigieburn Global Learning Centre

REPORT NO: GE324 (cont.)

Monday 25 November 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 9 December 2019	Ordinary	Sunbury Global Learning Centre
Monday 16 December 2019	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 10 February 2020	Ordinary	Broadmeadows Council Chamber
Monday 24 February 2020	Ordinary (Town Planning)	Broadmeadows Council Chamber
Tuesday 10 March 2020	Ordinary	Craigieburn Global Learning Centre
Monday 23 March 2020	Ordinary (Town Planning)	Broadmeadows Council Chamber
Tuesday 14 April 2020	Ordinary	Sunbury Global Learning Centre
Monday 27 April 2020	Ordinary (Town Planning)	Broadmeadows Council Chamber
Monday 11 May 2020	Ordinary	Broadmeadows Council Chamber
Monday 25 May 2020	Ordinary (Town Planning)	Broadmeadows Council Chamber
Tuesday 9 June 2020	Ordinary	Craigieburn Global Learning Centre
Monday 22 June 2020	Ordinary (Town Planning)	Broadmeadows Council Chamber

2.2 THAT all meetings start at 7pm.

2.3 THAT the Council meeting dates and starting time of 7pm be advertised in the Northern and Sunbury Leader newspapers and be placed on Council's website.

3. LEGISLATIVE POWERS:

Sections 83(a), 83(b), and 89 of the *Local Government Act 1989* ('the Act') relating to the conduct of Council Meetings.

4. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS

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

5. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:

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

6. CHARTER OF HUMAN RIGHTS APPLICATION:

The Charter of Human Rights and Responsibility has been considered and in accordance with Council's Social Justice Charter, the recommendations of this report promote Participatory Rights of residents (Clause 4.2 *Hume Social Justice Charter 2007*) by the holding of open and accessible Council Meetings, that are well advertised and at times/places that are accessible.

REPORT NO: GE324 (cont.)

7. DISCUSSION:

Council Meeting Venues

- 7.1 As part of Council's commitment to open and accessible government, current practice is that Ordinary Council Meetings are held at three locations across the municipality, the objective being to provide accessibility to Council Meetings for the whole community. The three locations currently used and recommended for continued use are:
- (a) Hume Global Learning Centre, Broadmeadows;
 - (b) Hume Global Learning Centre, Craigieburn; and
 - (c) Sunbury Council Chamber (which will be replaced by the Hume Global Learning Centre, Sunbury, during the period covered by the meeting schedule proposed in this report).
- 7.2 The meeting schedule proposed in this report continues the practice of holding the second meeting of the month, being Council's Ordinary (Town Planning) Meetings, at the Broadmeadows Council Chamber (Hume Global Learning Centre). This allows for the utilisation of the visual technology available at the venue to display plans, aerial photographs and maps relevant to town planning application assessments.
- 7.3 The location of the first meeting of the month, being Ordinary Council Meetings, is rotated between venues at the major municipal centres of Broadmeadows, Sunbury and Craigieburn in keeping with the objective of maximizing community accessibility.
- 7.4 On dates when the Monday is a public holiday, the Council meeting will be held on the next available working day.
- 7.5 Council has a Strategic Objective in the 2017-2021 Council Plan to 'provide responsible and transparent governance, services and infrastructure which responds to and supports community needs'.
- 7.6 There are two meetings that are proposed for the new Hume Global Learning Centre, Sunbury, being meetings on 9 December 2019 and 14 April 2020, that will proceed at this venue if, as anticipated, the Hume Global Learning Centre, Sunbury becomes available for use during 2019.

8. CONCLUSION:

The fixing of dates for Council's Ordinary meetings will enable adequate preparation time, notice and forward planning to occur.

REPORT NO:	GE325
REPORT TITLE:	Carmel Edmends Reserve Naming Proposal
SOURCE:	Peter Faull, Coordinator Governance & Corporate Support; Matthew Wilton, Governance Support Officer
DIVISION:	Corporate Services
FILE NO:	HCC18/439
POLICY:	Place Names 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 - Proposed 'Carmel Edmends Reserve'</i> 2. <i>Council Report from Meeting of 8 October 2018</i>

1. SUMMARY OF REPORT:

- 1.1 Council has received a proposal to name an officially unnamed reserve located at 14 Stewarts Lane Sunbury, the 'Carmel Edmends Reserve'. An aerial image of this reserve is provided as Attachment 1.
- 1.2 At its meeting held on 8 October 2018, 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 the 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 at 14 Stewarts Lane Sunbury the 'Carmel Edmends Reserve'.**
- 2.2 **THAT Council endorses the proposal to name this officially unnamed reserve the 'Carmel Edmends Reserve' and submits the name to the Office of Geographic Names for their consideration.**

3. LEGISLATIVE POWERS:

Geographic Place Names Act 1998

4. FINANCIAL IMPLICATIONS:

- 4.1 Expenditure associated with the naming proposal will include administration costs and costs for signage (if the proposal is approved).
- 4.2 Both the costs for administration and signage (if required) 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 are engaged in this naming proposal.

REPORT NO: GE325 (cont.)

8. COMMUNITY CONSULTATION:

- 8.1 When consulting with the community, Council officers coordinating the naming proposal followed the applicable procedures as outlined in the Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities – 2016 (the Naming Rules).
- 8.2 On Monday 22 October 2018 the following consultation processes began:
- Consultation packs were sent to 49 directly affected property owners and residents in the vicinity of the unnamed reserve (referred to as the immediate community in the Naming Rules). The consultation packs contained a covering letter with background information, a community survey and a reply-paid envelope.
 - The naming proposal was advertised in the Northern Leader, Sunbury Macedon Leader and Sunbury & Macedon Ranges Star Weekly, and the Your Say section of Council's website, inviting residents to provide their feedback on the proposal (referred to as the extended community in the Naming Rules).
- 8.3 The consultation period closed on 30 November 2018, giving both the immediate and extended communities in excess of the 30 days required by the Naming Rules to provide feedback on this naming proposal.

Survey Results

- 8.4 Results for the proposal to name the unnamed reserve located at 14 Stewarts Lane in Sunbury to the Carmel Edmends Reserve were as follows:

Directly affected residents/ratepayers (49 properties)	49	100%
Respondents who expressed consent	16	33%
Respondents who objected	0	0%
Residents/ratepayers who did not respond	33	67%

- 8.5 As per the Naming Rules, 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 at 14 Stewarts Lane in Sunbury the Carmel Edmends Reserve from the husband of the late Mrs Edmends.
- 9.2 Proposals of this type are considered 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 Council report GE295 from the meeting of 8 October 2018.

Views Expressed in Support of the Naming Proposal

- 9.4 All of the 16 surveys returned supported the naming proposal. No objections were received either through returned surveys or in response to the notices placed in local papers or on Council's website.
- 9.5 Many of the surveys returned included comments. A sample of some (but not all) of the comments are:
- 'A wonderful person who is so deserving of this honour';
 - 'She was an inspiring teacher';
 - 'My daughter was taught by Mrs Edmends in primary school as St Anne's. She was not only a great teacher but a great role model and is most deserving of the naming of said unnamed park'.

REPORT NO: GE325 (cont.)

- 9.6 Some feedback received during the consultation period also commented on the condition of the park. These comments have been forwarded to the Open Space department for further investigation.

Endorsement Recommended

- 9.7 The late Carmel Edmends was the inaugural principle of St Anne's Primary School, and was actively involved in the Sunbury Community and Parish.
- 9.8 A commemorative plaque was placed in the unnamed reserve by St Anne's School, with the support of the Edmends family and Hume City Council, following the passing of Carmel Edmends in 2007.
- 9.9 It is viewed as appropriate for Council to honour the contribution that Mrs Edmends made to the local Sunbury community by endorsing the proposed reserve name for this currently officially unnamed reserve.
- 9.10 If Council does endorse the proposed name, it will be submitted to the Office of Geographic Names for their consideration. At that time the Naming Rules also require Council to inform both the immediate and extended community of its decision to either endorse or not endorse the proposal. This will be done by sending correspondence directly to the same 49 directly affected property owners and residents who received the original consultation pack, and by placing a notice in local papers and on Council's website.
- 9.11 If Council endorses the naming proposal and it is subsequently approved by the Office of Geographic Names, the name will be gazetted and registered in VICNAMES, which holds approximately 200,000 road names and 45,000 place and feature names.

10. CONCLUSION:

- 10.1 Public consultation on the proposal to endorse the name of Carmel Edmends Reserve for the officially unnamed reserve located at 14 Stewarts Lane in Sunbury is now complete.
- 10.2 Council received significant feedback from the community on this naming proposal, with strong support for the proposed name from residents. No objections to the proposed name were received.
- 10.3 It is recommended that Council endorses the proposed name of Carmel Edmends Reserve for this currently unnamed reserve, and that it submits the name to the Office of Geographic Names for their consideration.

Location of the Proposed Carmel Edmends Reserve, Sunbury



**REPORTS – GOVERNANCE AND ENGAGEMENT
8 OCTOBER 2018**

ORDINARY COUNCIL MEETING OF COUNCIL

REPORT NO:	GE295
REPORT TITLE:	Proposal to Name Unnamed Reserve in Sunbury the Carmel Edmends Reserve
SOURCE:	Peter Faull, Coordinator Governance & Corporate Support; Matthew Wilton, Governance Support Officer
DIVISION:	Corporate Services
FILE NO:	HCC18/439
POLICY:	Place Names 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 - Proposed 'Carmel Edmends Reserve'</i> 2. <i>Image of Commemorative Plaque Already Located in Reserve</i>

1. SUMMARY OF REPORT:

- 1.1 A proposal has been received to name an unnamed reserve, located at 14 Stewarts Lane Sunbury, the 'Carmel Edmends Reserve', after the late Carmel Edmends. Mrs Edmends was the inaugural Principal of St Anne's Primary School, which is located next to the reserve.
- 1.2 An aerial image of this reserve is provided as Attachment 1.

2. RECOMMENDATION:

THAT Council approves progression to the public consultation stage the application to name an unnamed reserve located at 14 Stewarts Lane, Sunbury, the Carmel Edmends Reserve.

3. LEGISLATIVE POWERS:

Geographic Place Names Act 1998

4. FINANCIAL IMPLICATIONS:

Expenditure associated with the naming proposal will include administration costs and signage (if the proposal is approved). This expenditure 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.

**REPORTS – GOVERNANCE AND ENGAGEMENT
8 OCTOBER 2018**

ORDINARY COUNCIL MEETING OF COUNCIL

REPORT NO: GE295 (cont.)

8. COMMUNITY CONSULTATION:

External Consultation

- 8.1 In accordance with the Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities – 2016 (the Naming Rules), 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 It is recommended that Council consults with both directly and indirectly affected residents of the community by placing public notices in local papers and on Council's website, and by writing to the properties that directly border this reserve.
- 8.3 The period of public consultation would be 30 days.
- 8.4 When Council has made a final decision on whether to endorse this naming proposal, the Naming Rules require that it informs the community of its decision, in the same manner in which the proposal was advertised to both directly and indirectly affected community members.

Internal Consultation

- 8.5 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.

9. DISCUSSION:

Background

- 9.1 Council has received a proposal from Graeme Edmends, husband of the late Carmel Edmends, requesting that Council name the officially unnamed reserve located at 14 Stewarts Lane in Sunbury the 'Carmel Edmends Reserve', after his late wife.
- 9.2 Carmel Edmends started teaching at Our Lady of Mount Carmel School, Sunbury, in January 1972. She opened St Anne's Primary School as Principal in October 1978, and resigned in 1985 to raise her and Graeme's son, Ryan, who was born in January 1986. Carmel resumed at St Anne's School as a teacher in 1989 until leaving for health reasons in 2006. She passed away on 22 January 2007.
- 9.3 Carmel was heavily involved in the Bulla Village Netball Club and Sunbury Ladies Netball Association, and was a scorer and life member of the Bulla Village Cricket Club (which is now the Bulla – Diggers Rest Cricket Club). Carmel was also involved with various youth groups within the Sunbury community and the Parish of Sunbury.
- 9.4 This Council-owned reserve that is proposed to be named is adjoined to St Anne's Catholic Primary School. A commemorative plaque was placed in the reserve by St Anne's School, with the support of the Edmends family and Hume City Council, following the passing of Carmel Edmends. An image of this plaque is provided as Attachment 2.

Assessment against the Guidelines

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

**REPORTS – GOVERNANCE AND ENGAGEMENT
8 OCTOBER 2018**

ORDINARY COUNCIL MEETING OF COUNCIL

REPORT NO: GE295 (cont.)

<p>Principle (B) Recognising the public interest</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 locally significant figure will enhance the local community.</p>
<p>Principle (C) Linking the name to place</p>	<p>Comment: Carmel Edmends was the inaugural Principal of St Anne’s Catholic Primary school in 1978, and continued as Principal until 1985. Mrs Edmends continued with the school for twenty seven years as a teacher from 1989 to 2006 while also maintaining a connection in the local community of Sunbury with the Church, and the Netball Association. The reserve is adjoined to St Anne’s Primary School, which a commemorative plaque has been placed in recognition of this connection.</p>
<p>Principle (D) Ensuring names are not duplicated</p>	<p>Comment: There are no duplications of this name with any reserves located in the Hume municipality.</p>
<p>Principle (E) Names must not be discriminatory</p>	<p>Comment: The proposed named is not deemed to be discriminatory.</p>
<p>Principle (H) Using commemorative names</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>

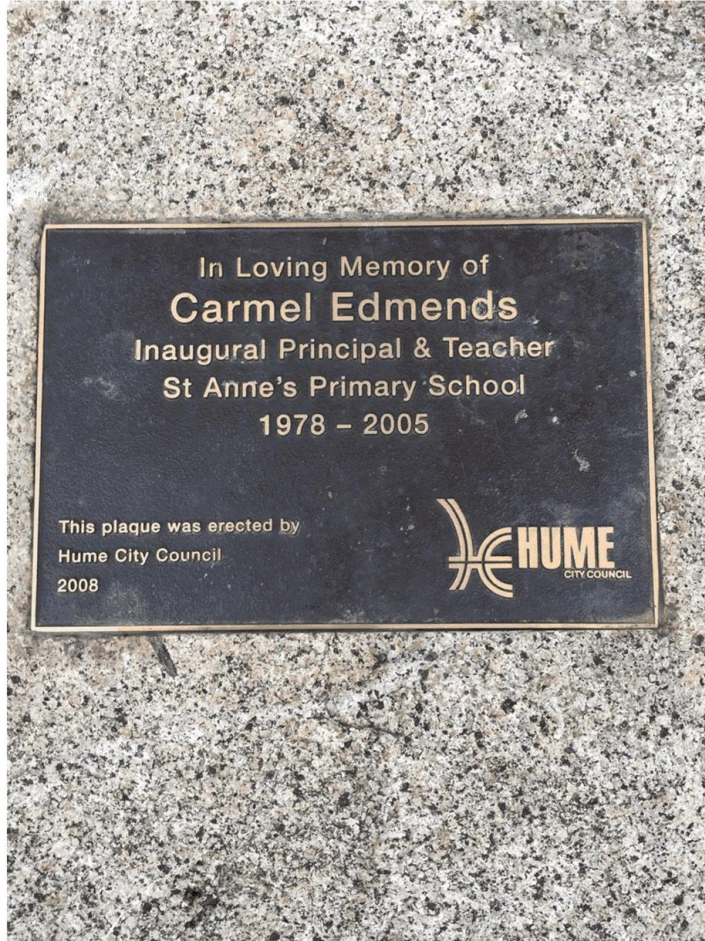
10. CONCLUSION:

It is recommended that Council approve the progression of this proposal to the public consultation stage, to seek the community’s views on naming the officially unnamed reserve located at 14 Stewarts Lane, Sunbury, the Carmel Edmends Reserve.



Location of the Proposed Carmel Edmends Reserve, Sunbury

Commemorative Plaque in the reserve, commonly known as Stewarts Lane Reserve



REPORT NO:	GE326
REPORT TITLE:	Quarterly Financial Report - December 2018
SOURCE:	Fadi Srour, Manager Finance and Property Development
DIVISION:	Corporate Services
FILE NO:	HCC17/813
POLICY:	-
STRATEGIC OBJECTIVE:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
ATTACHMENT:	1. <i>Financial Statements</i>

1. SUMMARY OF REPORT:

The quarterly financial report provides information to the community and stakeholders on the financial performance and position of Council as at 31 December 2018, as required on a quarterly basis under section 138 – Quarterly Statements of the *Local Government Act, 1989*.

2. RECOMMENDATION:

That the Finance Report for the six months ended 31 December 2018 be received and noted.

1. 3. FINANCIAL IMPLICATIONS:

3.1 The financial statements consist of three main reports:

1. The Income Statement;
2. The Balance Sheet; and
3. The Statement of Cash Flows.

3.2 Two additional reports have also been included that show the level of payments that Council directly makes to businesses, community groups, individuals and employees within Hume.

3.3 From a governance and accountability perspective, Council receives quarterly reports on key financial data with detailed commentary on variance analysis and actions being undertaken. The reporting of this key financial data on a quarterly and annual basis adds to the commitment Council has made to govern in an open manner and be accountable to residents for the management of resources and funding.

4. KEY FINANCIAL INFORMATION:

4.1 Income Statement [*Attachment 1*]

4.1.1 The Income Statement measures how well Council has performed from an operating or recurrent nature. It reports revenues and expenditure from the activities and functions undertaken with the net effect being the resulting surplus figure.

4.1.2 Attachment 1 identifies that Council has generated \$188.6m in revenue and \$112.1m in expenses. This has resulted in a surplus of \$76.5m which is \$13.2m below budget for the six months ended 31 December 2018. This unfavourable variance is largely due to the timing of non-monetary assets contributions for second quarter and the advance payment of 50% of the 2018/19 Victorian Grants Commission (VGC) funding of \$7.65m which was received in 2017/18.

REPORT NO: GE326 (cont.)

4.1.3 Council's Revenue Base

- (a) The majority of Council's revenue is derived from rates and charges. During the financial year ended 30 June 2018, rates income was \$173.1m. This equated to 37.5% of Council's total revenue of \$461m.
- (b) For the six months ended 31 December 2018, rates revenue was \$91.5m which equates to 49% of total revenue. Therefore, Council continues to be reliant on its rates revenue as a major source of income.

4.1.4 For the six months ended 31 December 2018, the major items of revenue earned by Council include:

(a) Rates and charges	\$ 91.5m
(b) Contributions – monetary	\$ 22.7m
(c) Grants – recurrent	\$ 22.3m
(d) Contributions – non-monetary	\$ 22.2m
(e) User fees	\$ 15.0m

4.1.5 Council's Expense Base

- (a) The majority of Council's expenses relates to employee benefits. During the financial year ended 30 June 2018, employee benefits were \$104.6m. This equated to 43.3% of Council's total expenses of \$241.5m.
- (b) For the six months ended 31 December 2018, employee benefits were \$50.2m which equates to 44.7% of total expenditure.

4.1.6 For the six months ended 31 December 2018, the major items of expenditure incurred by Council include:

(a) Employee benefits	\$ 50.2m
(b) Materials and services	\$ 33.5m
(c) Depreciation and amortisation	\$ 22.1m

4.2 Balance Sheet [*Attachment 2*]

4.2.1 The Balance Sheet is a statement at a point in time which shows all the resources controlled by Council and the obligations of Council. The aim of the Balance Sheet is to summarise the information contained in the accounting records relating to assets, liabilities and equity in a clear and intelligible form.

4.2.2 The major item on the Balance Sheet consists of property, infrastructure, plant and equipment. These fixed assets made up 90.8% of Council's total asset base in 2017/18 – a total of \$3.14b. As at 31 December 2018, fixed assets made up 90.3% of Council's total asset base – a total of \$3.18b.

4.2.3 The impact of sound financial management can be seen in the ratepayer equity of \$3.45b which reflects the strong financial position of Council. The information contained within the Balance Sheet also demonstrates that liquidity is strong as demonstrated by the favourable cash balance. Council assets are increasing, which is largely due to developer contributed assets and a substantial capital works program. All of these factors have led to favourable key ratios as identified in this report.

4.3 Statement of Cash Flows [*Attachment 3*]

4.3.1 The Statement of Cash Flows shows what was actually received and paid by Council, not what was owed or what was recorded. This is largely why it is different to the Income Statement which shows what income was raised and payments incurred during the same period.

REPORT NO: GE326 (cont.)

- 4.3.2 For example, Council may make a purchase of some goods/services today but may not make payment for those goods/services for another 30 days (in accordance with Council's credit terms). However, as the goods/services have already been provided, the accounting standards require that the cost of these goods/services be recorded in the Income Statement as soon as they have been provided.
- 4.3.3 Another reason for the difference between the surplus figure reported in the Income Statement and the Cash Flow Statement is the Depreciation and amortisation recorded as expense, \$22.1m at 31 December 2018, (in the Income Statement) with no resulting cash payments.
- 4.3.4 For the six months ended 31 December 2018, Council's cash position is \$271.99m which is \$53.01m favourable to budget. This is largely due to commencing the year with a higher than expected cash balance primarily as a result of a larger than expected carried forward in the capital works program, favourable cash contributions from developers, less capital works expenditure in the first six months of the year and a favourable operating result.
- 4.4 **Buying Local [Attachment 4]**
 - 4.4.1 The Buying Local report highlights the level of payments made by Council to businesses, community groups and individuals within the municipality. The report includes payments for grants and contributions, materials and services, building and utility costs and contractor and other services. For the six months ended 31 December 2018, Council made payments to local suppliers totalling \$10.2m. Significantly, the level of local expenditure as a proportion of Council's total payments (including capital works) was 12.20% as at 31 December 2018.
 - 4.4.2 It should be noted that the report only includes payments to suppliers whose mailing address is listed within Hume. There is therefore the possibility that the level of payments to local suppliers is in fact higher.
- 4.5 **Employees Residing within Hume [Attachment 5]**
 - 4.5.1 The Employees Residing within Hume report highlights the level of salaries paid to employees who reside within Hume and also the number of employees who reside within Hume.
 - 4.5.2 For the six months ended 31 December 2018, Council paid salaries to employees residing within Hume totalling \$22.6m, representing 45.1% of total employee benefits. Also for the six months ended 31 December 2018, there were 922 employees residing within Hume representing 59.9% of total employees.
- 4.6 **Financial Ratios**
 - 4.6.1 The following financial ratios are required to be included in Council's financial report at year-end. Although their value may be limited as key financial indicators, they do provide information on trends.

REPORT NO: GE326 (cont.)

Ratios	Six Months to 31-Dec-18 2018/19	Six Months to 31-Dec-17 2017/18	Twelve Months to 30-Jun-18 2017/18
<p>Debt Servicing Ratio (Target < 3%)</p> <p>This ratio measures the extent to which long-term debt is impacting on the annual total income of Council and identifies the capacity of Council to service outstanding debt. The ratio expresses the amount of interest paid as a percentage of Council's total revenue. (The lower the ratio the better).</p>	0.01%	0.01%	0.01%
<p>Debt Commitment Ratio (Target < 15%)</p> <p>This ratio identifies Council's debt redemption strategy and expresses the percentage of rate revenue utilised to pay interest and redeem debt principal. (The lower the ratio the better).</p>	0.62%	0.34%	0.74%
<p>Revenue Ratio (Target 65% - 70%)</p> <p>This ratio identifies Council's reliance on rates as a source of income. (The lower the ratio the better).</p>	48.51%	41.58%	37.5%
<p>Debt Exposure Ratio</p> <p>This ratio identifies Council's exposure to debt and expresses the total indebtedness to total realisable assets. (The lower the ratio the better).</p>	4.45%	2.96%	5.64%
<p>Working Capital Ratio (Target 100% - 150%)</p> <p>This ratio identifies Council's ability to meet current liabilities and enables an assessment of Council's liquidity and solvency. The ratio compares the current assets to current liabilities. (The higher the ratio the better).</p>	717.77%	645.82%	480.78%

5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:

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

6. CHARTER OF HUMAN RIGHTS APPLICATION:

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

7. CONCLUSION:

The quarterly report has been prepared on an accrual basis and in accordance with accounting practices, including an Income Statement, Balance Sheet and Statement of Cash Flows. Council's financial performance is ahead of expectations.

Attachment 1

INCOME STATEMENT

For the six months ended 31 December 2018

	Six months to 31/12/2018 ACTUAL 2018/19 \$'000	Six months to 31/12/2018 BUDGET 2018/19 \$'000	Twelve months to 30/06/2018 ACTUAL 2017/18 \$'000
Income			
Rates and charges	91,500	91,480	173,074
Statutory fees and fines	7,679	7,156	14,767
User fees	15,033	14,080	27,595
Grants - recurrent	22,279	27,219	44,915
Property rental	1,245	1,001	1,936
Interest and other income	1,828	1,720	4,983
Total income	139,564	142,656	267,270
Expenses			
Employee benefits	50,156	52,803	104,604
Materials and services	33,492	35,569	76,571
Utility costs	3,005	3,242	5,983
Grants, contributions and donations	1,574	1,624	4,552
Bad and doubtful debts	534	-	604
Depreciation and amortisation	22,089	23,313	42,570
Finance costs	73	2	785
Other expenses	1,217	1,166	5,851
Total expenses	112,140	117,719	241,520
Underlying surplus	27,424	24,937	25,750
Net gain/(loss) on property, plant, equipment and infrastructure	(935)	289	204
Net gain on property development	1,897	944	5,236
Fair value adjustment on investment property	-	-	7,160
Contributions - non-monetary assets	22,196	45,000	127,396
Contributions - monetary	22,730	12,454	37,273
Grants - capital	3,169	6,027	16,472
Surplus for the year	76,481	89,651	219,492
Other comprehensive income			
Net asset revaluation increment	-	-	450,587
Comprehensive result	76,481	89,651	670,080

Attachment 2

BALANCE SHEET

As at 31 December 2018

	Six months to 31/12/2018 ACTUAL 2018/19 \$'000	Six months to 31/12/2017 ACTUAL 2017/18 \$'000	Twelve months to 30/06/2018 ACTUAL 2017/18 \$'000
Assets			
Current assets			
Cash and cash equivalents	271,989	206,999	239,024
Trade and other receivables	20,747	21,468	30,930
Non-current assets classified as held for sale	10	2,885	2,686
Other assets	1,237	-	2,265
Total current assets	293,983	231,352	274,904
Non-current assets			
Trade and other receivables	47	300	92
Property, infrastructure, plant and equipment	3,182,511	2,606,726	3,142,019
Investment property	44,601	39,680	44,601
Financial assets	310	310	310
Total non-current assets	3,227,469	2,647,016	3,187,022
Total assets	3,521,452	2,878,368	3,461,927
Liabilities			
Current liabilities			
Trade and other payables	2,639	6,145	25,936
Interest-bearing loans and borrowings	0	1,517	559
Provisions	27,280	24,787	27,310
Development fee obligation	13	3,374	3,374
Trust funds and deposits	11,026	-	-
Total current liabilities	40,958	35,824	57,179
Non-current liabilities			
Provisions	24,588	24,071	24,447
Trust funds and deposits	8,643	7,493	9,530
Total non-current liabilities	33,232	31,564	33,977
Total liabilities	74,189	67,388	91,156
Net assets	3,447,263	2,810,980	3,370,771
Equity			
Accumulated surplus	1,752,137	1,584,087	1,670,107
Other reserves	1,695,126	1,226,893	1,700,664
Total equity	3,447,263	2,810,980	3,370,771

Attachment 3

STATEMENT OF CASH FLOWS

For the six months ended 31 December 2018

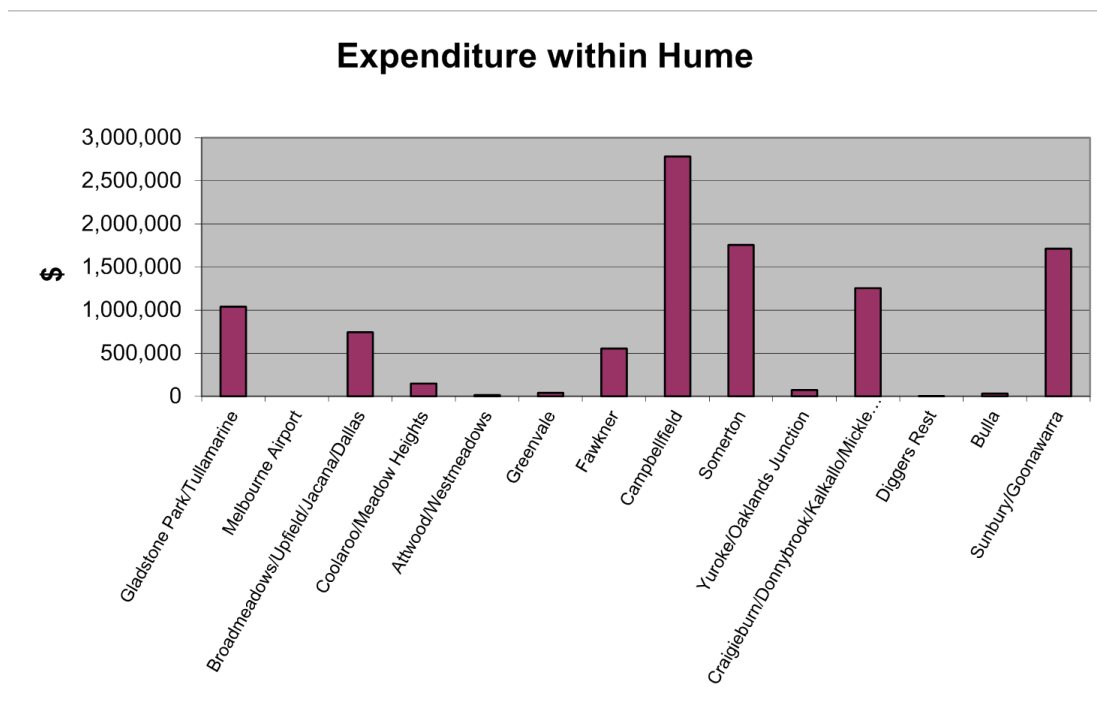
	Six months to 31/12/2018 ACTUAL 2018/19 \$'000	Six months to 31/12/2018 BUDGET 2018/19 \$'000	Twelve months to 30/06/2018 ACTUAL 2017/18 \$'000
Cash flows from operating activities			
<i>Receipts</i>			
Rates and charges	99,933	98,996	174,593
Grants - operating	22,279	27,219	44,915
Grants - capital	4,948	6,027	17,016
User fees	16,358	16,720	33,579
Statutory fees and fines	7,045	7,156	14,090
Property rental	1,116	1,001	1,736
Interest and other receipts	1,721	1,720	3,686
Contributions - monetary	20,347	12,454	34,724
Net GST refund	1,548	-	15,792
Net trust funds and deposits	10,138	-	-
	185,433	171,293	340,131
<i>Payments</i>			
Employee costs	(53,612)	(55,389)	(103,303)
Materials and services	(47,658)	(47,319)	(97,607)
Other payments	(1,217)	(1,166)	(2,424)
Net trust funds and deposits	-	-	(1,282)
Grants, contributions and donations	(1,574)	(1,624)	(4,552)
	(104,060)	(105,498)	(209,167)
Net cash provided by operating activities	81,373	65,794	130,964
Cash flows from investing activities			
Payments for property, plant, equipment and infrastructure	(49,828)	(52,172)	(51,962)
Proceeds from sale of property, plant, equipment and infrastructure	779	600	1,132
Proceeds from property development	1,212	600	2,605
Net cash used in investing activities	(47,837)	(50,972)	(48,224)
Cash flows from financing activities			
Finance costs	(11)	(2)	(62)
Repayment of interest-bearing loans and borrowings	(559)	(559)	(1,221)
Net cash used in financing activities	(570)	(561)	(1,283)
Net increase in cash and cash equivalents	32,966	14,261	81,456
Cash and cash equivalents at the beginning of the period	239,023	204,722	157,568
Cash and cash equivalents at the end of the period	271,989	218,982	239,024

Attachment 4

**Buying Local
Expenditure by Locality**

As at 31 December 2018

Postcode	Suburb	Amount \$
3043	Gladstone Park/Tullamarine	1,039,998
3045	Melbourne Airport	-
3047	Broadmeadows/Upfield/Jacana/Dallas	744,029
3048	Coolaroo/Meadow Heights	148,715
3049	Attwood/Westmeadows	16,767
3059	Greenvale	43,029
3060	Fawkner	554,633
3061	Campbellfield	2,782,727
3062	Somerton	1,756,979
3063	Yuroke/Oaklands Junction	73,279
3064	Craigieburn/Donnybrook/Kalkallo/Mickleham/Roxburgh Park	1,254,493
3427	Diggers Rest	5,147
3428	Bulla	33,798
3429	Sunbury/Goonawarra	1,712,751
Total		10,166,345



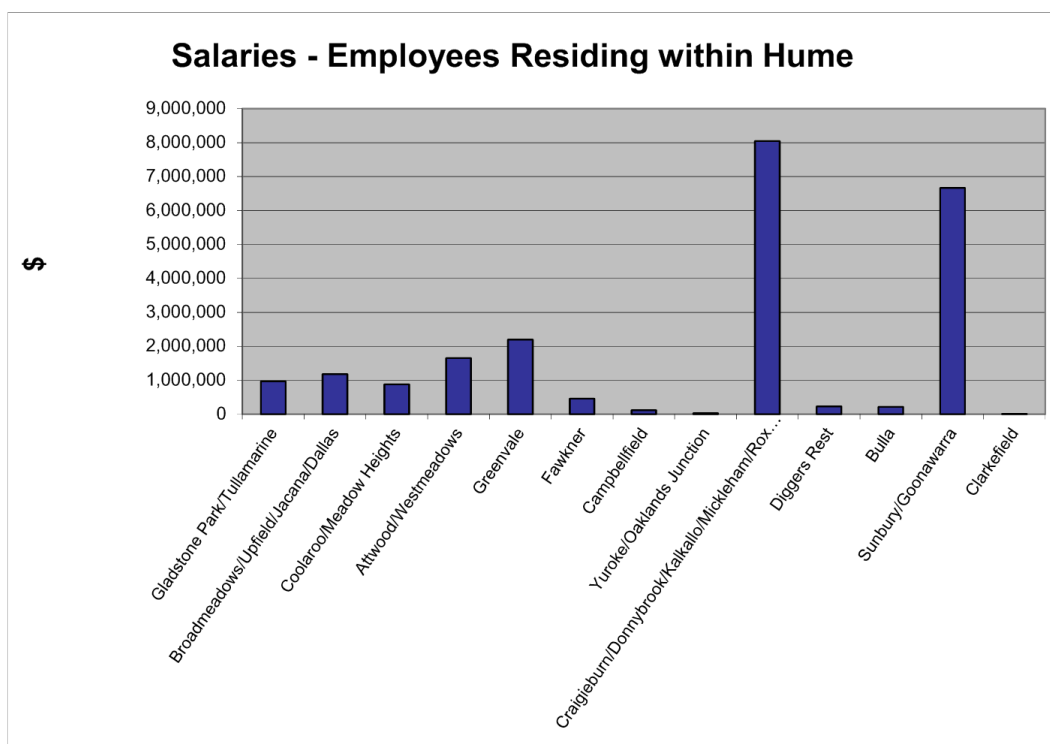
Attachment 5

Employees Residing within Hume

As at 31 December 2018

Postcode	Suburb	Gross Salaries \$
3043	Gladstone Park/Tullamarine	967,167
3047	Broadmeadows/Upfield/Jacana/Dallas	1,176,664
3048	Coolaroo/Meadow Heights	879,445
3049	Attwood/Westmeadows	1,653,757
3059	Greenvale	2,197,497
3060	Fawkner	457,931
3061	Campbellfield	120,196
3063	Yuroke/Oaklands Junction	30,660
3064	Craigieburn/Donnybrook/Kalkallo/Mickleham/Roxburgh Park	8,041,594
3427	Diggers Rest	224,926
3428	Bulla	211,743
3429	Sunbury/Goonawarra	6,662,786
3430	Clarkefield	6,208
Total		22,630,574

Total number of employees paid that reside within Hume was 922.



REPORT NO:	GE327
REPORT TITLE:	Correspondence received from or sent to Government Ministers or Members of Parliament - December 2018 / January 2019
AUTHOR:	Yuri Guzman, Manager Information and Technology; 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.
ATTACHMENTS:	<ol style="list-style-type: none">1. <i>Deliver schools in Yuroke Electorate</i>2. <i>Letter of Congratulations - Premier of Victoria</i>3. <i>Broadmeadows Revitalisation</i>4. <i>Bulla Bypass</i>5. <i>Sunbury Bus Terminal</i>6. <i>Australia Day 2019 Ceremony</i>7. <i>Sunbury Memorial Hall Upgrade Project</i>8. <i>Amendment to Hume Planning Scheme</i>9. <i>Australian Citizenship Ceremonies Code</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 December 2018 / January 2019 are summarised below in three tables:

Table 1	Correspondence in relation to General Business and Report items from Council meetings
Table 2	Correspondence that may be of interest to Councillors
Table 3	Correspondence in relation to grant / funding opportunities from State and Commonwealth government.

Copies of the documents are provided as attachments to this report.

REPORT NO: GE327 (cont.)

TABLE 1 CORRESPONDENCE IN RELATION TO COUNCIL GENERAL BUSINESS ITEMS						
	Subject	Minister or Member of Parliament	Date Received / Sent	Responsible Officer	Council Minute Reference	Attachment
Outwards	General business - correspondence regarding state schools package and commitment	Minister for Education and Emergency Services Member for Yuroke	3/12/2018	Manager Communications & Events	HAW037	1
Outwards	Letter of congratulations - Premier of Victoria re 2018 Victorian State Election Results	Premier of Victoria	5/12/018	Manager Communications & Events	UB27	2
Outwards	General business - requesting meetings – Ministers for Suburban Development and the Minister for Jobs and update on final advice to government paper	Member for Broadmeadows Minister for Suburban Development <i>Minister for Jobs, Innovation and Trade</i>	24/12/2018	Manager Communications & Events	KUR048	3
Outwards	General business - Minister for Roads – request for duplication and assessment on a second bridge at Bulla	Minister for Roads	8/01/2019	Manager Assets	MED248	4
Outwards	General business - seek support for updating Sunbury Bus Terminal and toilets	Minister for Public Transport	4/01/2019	Manager Strategic Planning	MED249	5

REPORT NO: GE327 (cont.)

TABLE 2 GENERAL CORRESPONDENCE THAT MAY BE OF INTEREST TO COUNCILLORS						
	Subject	Minister or Member of Parliament	Date Received / Sent	Responsible Officer	Council Minute Reference	Attachment
Inwards	Hume City Council Australia Day 2019 Ceremony - Appreciate invitation - Unable to attend	Minister for Immigration Citizenship and Multicultural Affairs	20/12/2018	Manager Governance		6
Inwards	Sunbury Memorial Hall Upgrade Project - notification of approved funding up to \$150,000	Minister for Infrastructure and Regional Development	3/01/2019	Coordinator Grants and Advocacy		7
Inwards	Amendment C207 Sunbury South Precinct Structure Plan & Amendment C208 Lancefield Road Precinct Structure Plan - Approval with changes - Amendment C230 Sunbury South & Lancefield Road Interim Infrastructure Contributions Plan - Decision Delay	Minister for Planning	10/01/2019	Manager Strategic Planning		8
Inwards	Australian Citizenship Ceremonies Code - Review and Proposed Changes to the Code - Seeking Feedback	Minister for Immigration Citizenship and Multicultural Affairs	24/01/2019	Manager Governance		9

TABLE 3 CORRESPONDENCE ANNOUNCING GRANT / FUNDING OPPORTUNITIES FROM STATE AND COMMONWEALTH GOVERNMENT.						
Inwards	<i>Grant / Funding Opportunities:</i>					

- OFFICE OF THE MAYOR-



Our File: HCC18/447 (HCC-CM18/571)
Enquiries: Louise McFarlane
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Thursday 15 November 2018

The Hon James Merlino MP
Deputy Premier
Minister for Education and Emergency Services
GPO Box 4367
MELBOURNE VIC 3001

Dear Deputy Premier

RE: COMMITMENT TO DELIVER SCHOOLS IN YUROKE ELECTORATE

Hume City Council at its meeting of 12 November 2018 resolved:

"That Council writes to The Hon. James Merlino MP, Deputy Premier and Minister for Education and Emergency Services and Ms Ros Spence MP, State Member for Yuroke, welcoming the recently announced \$850 million state schools package, including the commitment to deliver six new schools in the Yuroke electorate."

On behalf of Hume City Council, I thank you for hearing our call for education investment in Hume's growth areas and making a commitment to deliver six new schools in the Yuroke electorate.

We know that families benefit immensely when schools are close to home, and this is particularly important in our emerging communities of Greenvale, Kalkallo, Mickleham and Craigieburn.

Over the next 20 years, as Hume continues to grow, we will need the delivery of these Primary and Secondary schools in order to meet our growing community's needs.

We appreciate your efforts and once again thank you for hearing the voice of Council and the community.

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/571)
Enquiries: Louise McFarlane
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Thursday 15 November 2018

Ms Ros Spence MP
State Member for Yuroke
PO Box 132
CRAIGIEBURN VIC 3064

Dear Ms Spence

RE: COMMITMENT TO DELIVER SCHOOLS IN YUROKE ELECTORATE

Hume City Council at its meeting of 12 November 2018 resolved:

"That Council writes to The Hon. James Merlino MP, Deputy Premier and Minister for Education and Emergency Services and Ms Ros Spence MP, State Member for Yuroke, welcoming the recently announced \$850 million state schools package, including the commitment to deliver six new schools in the Yuroke electorate."

On behalf of Hume City Council, I thank you for hearing our call for education investment in Hume's growth areas and making a commitment to deliver six new schools in the Yuroke electorate.

We know that families benefit immensely when schools are close to home, and this is particularly important in our emerging communities of Greenvale, Kalkallo, Mickleham and Craigieburn.

Over the next 20 years, as Hume continues to grow, we will need the delivery of these Primary and Secondary schools in order to meet our growing community's needs.

We appreciate your efforts and once again thank you for hearing the voice of Council and the community.

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –



Our File: HCC04/13 (HCC-CM18/619)
Enquiries: Louise McFarlane
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Monday 3 December 2018

The Hon Daniel Andrews MP
Premier of Victoria
Office of the Premier
1 Treasury Place
MELBOURNE VIC 3002

Dear Premier

RE: 2018 VICTORIAN STATE ELECTION

Hume City Council, at its meeting of 26 November 2018, resolved:

"That Council write to the Victorian Premier Daniel Andrews, congratulating him and the State Members for Yuroke, Broadmeadows and Sunbury and Western and Northern region electorate, on their election result."

On behalf of Council please accept our congratulations on your re-election.

We also extend our congratulations to your colleagues, the State Members for Yuroke, Sunbury, Broadmeadows and the Western and Northern region electorates.

We were proud to work with your government in its first term to commence construction of projects such as the \$23m redevelopment of the Broadmeadows Town Hall and the \$19m Hume Global Learning Centre - Sunbury.

We look forward to continuing to work with the Victorian Government to deliver these and other projects over the next four years.

In the lead up to the Victorian State Election, Council was pleased to learn that Sunbury's Gap Road and Station Street level crossing would be removed and that new schools would be delivered for Hume's growth areas.

Other infrastructure projects such as the Suburban Rail Loop will also immensely benefit our community.

We look forward to meeting with your team, particularly our local Members of Parliament to discuss the next steps towards delivering these and other commitments.

Once again, please accept our best wishes and congratulations on the Andrews Government's re-election.

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –

Our File: HCC18/447 (HCC-CM18/650)
Enquiries: Louise McFarlane
Telephone:



1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Monday 24 December 2018

The Marlene Kairouz MP
Minister for Suburban Development
Level 26, 121 Exhibition Street
MELBOURNE VIC 3000

Dear Minister

RE: BROADMEADOWS REVITALISATION

On behalf of Council, I congratulate you on your re-election and appointment as Minister for Suburban Development.

Hume City Council at its meeting of 10 December 2018 resolved:

“1.1 That Council writes to the new Minister for Suburban Development, the Hon Marlene Kairouz MP; and the new Minister for Jobs, Innovation and Trade, the Hon. Martin Pakula MP, congratulating them on their appointment to the new ministeries and seeking a meeting with both members to seek an update on the final advice to government paper which was handed down to their ministries by the Broadmeadows Revitalisation Board on 3 August and to stress the importance of a continued joint approach.

1.2 That the Local Member for Broadmeadows, Frank McGuire be invited to attend the meeting with the two Ministers.”

In its final report, the Broadmeadows Revitalisation Board recommended the continuation of a group to coordinate the revitalisation of Broadmeadows. It was agreed by the then Minister for Suburban Development, the Hon. Lily D'Ambrosio MP, that this would be considered by the incoming government post-election.

Given the Andrews Government's identification of Broadmeadows as one of five Melbourne Priority Precincts, it is vital that the progress made by the Board continues to gain momentum.

To ensure the continuation of the work undertaken by the Broadmeadows Revitalisation Board and to deliver the best outcome for the Hume community, I invite you; the Minister for Jobs, Innovation and Trade, the Hon. Martin Pakula MP; and the Member for Broadmeadows, Mr Frank McGuire MP, to visit Broadmeadows and discuss how we can maximise the opportunities for the area's revitalisation.

To convene a mutually convenient time for us to meet, please contact Ms Aida Baptista, CEOPA on

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –

Our File: HCC18/447 (HCC-CM18/650)
Enquiries: Louise McFarlane
Telephone:



1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Monday 24 December 2018

The Hon Martin Pakula MP
Minister for Jobs, Innovation and Trade
Level 16, 121 Exhibition Street
MELBOURNE VIC 3000

Dear Minister

RE: BROADMEADOWS REVITALISATION

On behalf of Council, I congratulate you on your re-election and appointment as Minister for Jobs, Innovation and Trade.

Hume City Council at its meeting of 10 December 2018 resolved:

“1.1 That Council writes to the new Minister for Suburban Development, the Hon Marlene Kairouz MP; and the new Minister for Jobs, Innovation and Trade, the Hon. Martin Pakula MP, congratulating them on their appointment to the new ministries and seeking a meeting with both members to seek an update on the final advice to government paper which was handed down to their ministries by the Broadmeadows Revitalisation Board on 3 August and to stress the importance of a continued joint approach.

1.2 That the Local Member for Broadmeadows, Frank McGuire be invited to attend the meeting with the two Ministers.”

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Given the Andrews Government's identification of Broadmeadows as one of five Melbourne Priority Precincts, it is vital that the progress made by the Board continues to gain momentum.

To ensure the continuation of the work undertaken by the Broadmeadows Revitalisation Board and to deliver the best outcome for the Hume community, I invite you; the Minister for Suburban Development, the Hon. Marlene Kairouz MP; and the Member for Broadmeadows, Mr Frank McGuire MP, to visit Broadmeadows and discuss how we can maximise the opportunities for the area's revitalisation.

To convene a mutually convenient time for us to meet, please contact Ms Aida Baptista, CEOPA on

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/650)
Enquiries: Louise McFarlane
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Monday 24 December 2018

Mr Frank McGuire MP
Member for Broadmeadows
PO Box 3213
BROADMEADOWS VIC 3047

Dear Mr McGuire

RE: BROADMEADOWS REVITALISATION

Hume City Council at its meeting of 10 December 2018 resolved:

- “1.1 That Council writes to the new Minister for Suburban Development, the Hon Marlene Kairouz MP; and the new Minister for Jobs, Innovation and Trade, the Hon. Martin Pakula MP, congratulating them on their appointment to the new ministries and seeking a meeting with both members to seek an update on the final advice to government paper which was handed down to their ministries by the Broadmeadows Revitalisation Board on 3 August and to stress the importance of a continued joint approach.
- 1.2 That the Local Member for Broadmeadows, Frank McGuire be invited to attend the meeting with the two Ministers.”

In its final report, the Broadmeadows Revitalisation Board recommended the continuation of a group to coordinate the revitalisation of Broadmeadows. It was agreed by the then Minister for Suburban Development, the Hon. Lily D'Ambrosio MP, that this would be considered by the incoming government post-election.

Given the Andrews Government's identification of Broadmeadows as one of five Melbourne Priority Precincts, it is vital that the progress made by the Board continues to gain momentum.

To ensure the continuation of the work undertaken by the Broadmeadows Revitalisation Board and to deliver the best outcome for the Hume community, we ask you to advocate to the Minister for Suburban Development, the Hon. Marlene Kairouz MP; and the Minister for Jobs, Innovation and Trade, the Hon. Martin Pakula MP, to visit Broadmeadows and discuss how we can maximise the opportunities for the area's revitalisation.

To convene a mutually convenient time for us to meet, please contact Ms Aida Baptista, CEOPA on

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/642)
Enquiries: David Fricke
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Monday 24 December 2018

The Hon Jaala Pulford MLC
Minister for Roads
Level 20, 1 Spring Street
MELBOURNE VIC 3000

Dear Minister

RE: BULLA BYPASS

Hume City Council at its meeting on 10 December 2018, resolved:

"That Council writes to the Minister for Roads, the Hon. Jaala Pulford MLC, to seek her support for the duplication and proper assessment of a second bridge at Bulla."

Council wishes to share its concerns about the safety of Bulla's narrow, single carriageway bridge, the Bulla Bridge. The Bulla Bridge was built in the 1800s and is no longer able to safely accommodate excessive traffic volumes or the size of trucks which now use the route daily.

The rapid growth of Sunbury and the surrounding region will only exacerbate current concerns around safety and congestion.

While the State Government works to accommodate significant population growth through housing delivery, planning and timely delivery of supporting infrastructure, particularly road infrastructure is paramount.

Council wrote to the previous minister in November 2017, April 2018 and November 2018 regarding its concerns with the lack of capacity and safety of the current Bulla Bridge.

Having considered earlier responses from the previous Minister, Council remains concerned that the current Bulla Bridge will not cope with the anticipated growth in traffic. Council therefore seeks to better understand the likely timing of the proposed Bulla Bypass. If delivery of the Bulla Bypass is not imminent, Council believes the Government needs to consider other options to increase road capacity and safety through Bulla, such as a new bridge.

Should you require further information, please do not hesitate to contact Mr David Fricke, Manager Assets on

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

**CR CARLY MOORE
MAYOR**

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/643)
Enquiries: Andrew Johnson
Telephone:

1079 PASCOE VALE ROAD
BROADMEADOWS
VICTORIA 3047

Postal Address:
PO BOX 119
DALLAS 3047

Telephone: 03 9205 2200
Facsimile: 03 9309 0109
www.hume.vic.gov.au

Wednesday 19 December 2018

The Hon Melissa Horne MP
Minister for Public Transport
Department of Economic Development, Jobs, Transport and Resources
Level 20, 1 Spring Street
MELBOURNE VIC 3000

Dear Minister

**RE: SEEKING SUPPORT FOR UPDATING SUNBURY BUS TERMINAL
AND TOILETS**

Hume City Council at its meeting of 10 December 2018 resolved:

"That Council write to Public Transport Victoria and the Transport Minister seeking their support in updating the current facilities at the Sunbury Bus Terminal to also include toilets for the drivers".

The Bus Interchange at Sunbury Train Station is well utilised by residents of our municipality to access the station, but the interchange requires an upgrade in order to improve the perception, safety and attractiveness of bus transport within Sunbury. This includes provision of improved facilities for the bus drivers.

Council welcomes the commitment from the State Government to increase the provision of car parking at the Sunbury Train Station. An upgrade to the Bus Interchange will ensure that all transport users have appropriate facilities at Sunbury Train Station, not just those arriving by car.

I look forward to your response to Council's request to upgrade all the facilities at the Bus Interchange at Sunbury Train Station including the provision of toilet facilities for the drivers.

Should you require further information in relation to this matter, please contact Mr Andrew Johnson, Manager Strategic Planning on

Yours sincerely

A handwritten signature in cursive script that reads 'Carly Moore'.

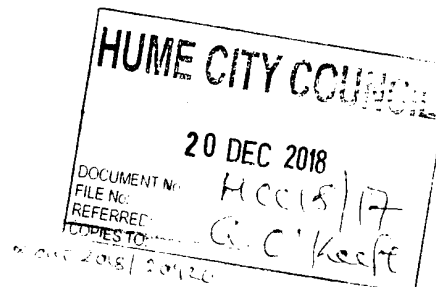
**CR CARLY MOORE
MAYOR**



**THE HON DAVID COLEMAN MP
MINISTER FOR IMMIGRATION, CITIZENSHIP AND
MULTICULTURAL AFFAIRS**

Ref No: MC18-057809

Cr Geoff Porter
Mayor
Hume City Council
PO Box 119
DALLAS VIC 3047



Dear Mayor

Thank you for your correspondence dated 9 October 2018. The Australian Government highly values the contributions made by local government councils such as Hume City Council, in managing Australian citizenship ceremonies on behalf of the Department of Home Affairs and complying with the requirements of the Australian Citizenship Ceremonies Code.

I greatly appreciate the invitation to the Hume City Council Australia Day 2019 ceremony, however I regretfully advise that I will be unable to attend on this occasion.

Thank you again for your continued support of Australian citizenship ceremonies.

Yours sincerely

David Coleman

27/11/2018



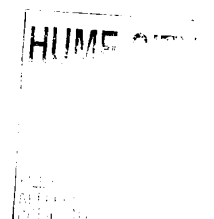
The Hon Michael McCormack MP

Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina

Ref: MS18-002809

29 NOV 2018

Councillor Geoff Porter
Mayor
Hume City Council
PO Box 119
DALLAS VIC 3047



Dear Mayor

I am pleased to advise you that I have approved funding of up to \$150,000 (GST exclusive) under the Community Development Grants Programme to the Hume City Council for the Sunbury Memorial Hall Upgrade project. This approval delivers on a 2016 election commitment.

I would ask that you keep the details of this letter confidential until an Agreement is signed.

Provision of funding is dependent on the preparation and execution by both parties of an Agreement that sets out the terms and conditions under which the funding is provided.

You must enter into an Agreement within four weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn.

You will shortly be contacted by an officer from the Department of Infrastructure, Regional Development and Cities to discuss the Agreement.

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under Australian law and falls within the terms of Australian Taxation Office ruling GSTR 2012/2. You may wish to seek guidance from the Australian Taxation Office or your tax adviser on the impact of Community Development Grants funding on your organisation's taxation liabilities.

I have written to Senator the Hon Scott Ryan, Senator for Victoria, advising of the approval for the Sunbury Memorial Hall Upgrade project.

Should you arrange a project launch or an event at any stage, please contact the Department on eventbriefings@infrastructure.gov.au to arrange a suitable date.

Please provide notice of your event and three possible dates at least eight weeks prior to the earliest date, so I can do my best to make arrangements to attend your event. If I am unavailable, I will organise a representative to attend on behalf of the Australian Government and my Department will liaise directly with you.

I wish you every success with the Sunbury Memorial Hall Upgrade project.

Yours sincerely



Michael McCormack



Hon Richard Wynne MP

Minister for Planning
Minister for Housing
Minister for Multicultural Affairs

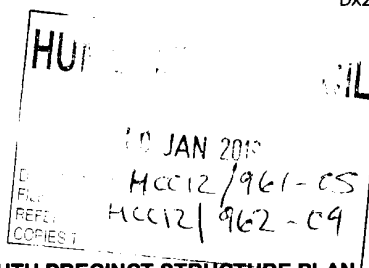
8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 8683 0964
DX210098

Cr Carly Moore
Mayor
Hume City Council
1079 Pascoe Vale Road
BROADMEADOWS VIC 3047

Ref: MBR038219



Dear Cr Moore



**AMENDMENT C207 SUNBURY SOUTH PRECINCT STRUCTURE PLAN
AMENDMENT C208 LANCEFIELD ROAD PRECINCT STRUCTURE PLAN
AMENDMENT C230 SUNBURY SOUTH AND LANCEFIELD ROAD INTERIM INFRASTRUCTURE
CONTRIBUTIONS PLAN**

I refer to Amendments C207 and C208 to the Hume Planning Scheme, which were submitted for approval by the Victorian Planning Authority (VPA). The amendments incorporate the *Sunbury South Precinct Structure Plan* and the *Lancefield Road Precinct Structure Plan* respectively into the Hume Planning Scheme and gives effect to each by applying zones and overlays to the land and making a number of associated changes to the Hume Planning Scheme.

I have decided to approve Amendments C207 and C208 with changes. The changes are as follows:

- Amend the Schedule to Clause 45.12 Specific Controls Overlay (SCO) to insert SCO1 and apply it to land at 675 Sunbury Road and 80 Redstone Hill, Sunbury; insert SCO2 and apply it to land at 3-5 Macedon Street, Sunbury; and insert SCO3 and apply it to the land at Lancefield Road, Sunbury
- Amended 72.04 Documents Incorporated into this Scheme to include three new incorporated documents specified in the Schedule to Clause 45.12.
- Minor administrative changes to the amendment documentation.

The Amendment will come into effect when notice of the amendment appears in the *Victoria Government Gazette*.

In making my decision to approve Amendments C207 and C208 to the Hume Planning Scheme, I have decided to delay making a decision on Amendment C230 to the Hume Planning Scheme as the Sunbury South and Lancefield Road Infrastructure Contributions Plan (ICP) has not been finalised. I have directed the VPA to review the ICP to ensure it is consistent with the Ministerial Direction on the Preparation and Content of and Reporting of Infrastructure Contributions Plans and the Act.

As an interim measure, Amendment GC116 will apply the Infrastructure Contributions Overlay to both the Sunbury South and the Lancefield Road PSP areas, and others, to ensure that no permits can be granted until Amendment C230 is approved and the Sunbury South and Lancefield Road ICP is incorporated into the Hume Planning Scheme.

I have also decided to refuse planning permits P18854, P18855 and P18858 under section 96I of the Act. Under section 96k of the Act, I am directing the Hume City Council to give notice of the refusal to the permit applicant.

I have decided to refuse these three permits as the Sunbury South and Lancefield Road ICP has not been finalised and infrastructure contributions would not be able to be collected for the subdivision area if these permits were granted concurrently with the approval of Amendments C207 and C208.



In principle, I was supportive of the subdivision layout proposed by the permit application. Therefore, I have decided to apply site-specific controls (SCO1, SCO2 and SCO3) to these sites, with each including an incorporated document that lists conditions that are to be included on a future permit application. An applicant will be required to apply for another permit with the council, but it is anticipated that with the SCO applying to the land the council will be able to issue a new permit without delay once the Sunbury South and Lancefield Road ICP is incorporated into the planning scheme.

If you would like more information, please contact Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, on (03) 8683 0975 or email jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

27/12/18



**THE HON DAVID COLEMAN MP
MINISTER FOR IMMIGRATION, CITIZENSHIP AND
MULTICULTURAL AFFAIRS**

Australian Citizenship Ceremonies Code

Dear Mayor,

We as a nation truly value our Australian citizenship. Whether you are Australian by birth or choose to settle here, Australian citizenship is at the heart of who we are and what we believe as a nation.

Every Australia Day, Australians in huge numbers celebrate our success as a nation at the many events organised by Local Government Councils across the country. These celebrations often include citizenship ceremonies, with more than 73,000 people choosing this special day to take the formal pledge of commitment to Australia in the past five years. Australia Day is by far the most popular day of the year for people to attend a citizenship ceremony.

For some time now the Australian Government has been reviewing the *Australian Citizenship Ceremonies Code*. As a result of this review, I am proposing changes to the Code, to ensure it reflects the expectations of the Australian community and provides clear guidance to Councils on hosting citizenship ceremonies.

Key changes are outlined below.

- Local Government Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).
- Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies.
- There will be a recommended standard of dress for ceremonies, which will be set by Councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.
- Ceremonies must be scheduled to avoid parliamentary sitting days.

In recognition of the vital role of local government in the delivery of citizenship ceremonies, I am seeking your feedback on the revised Code. Please send all feedback to natoceremonies@homeaffairs.gov.au by **28 February 2019**.

I am pleased that a vast majority of Councils already hold citizenship ceremonies on Australia Day, as they are always great events. Eligible migrants across the country

should be afforded the opportunity to become an Australian citizen on our national day.

Thank you for the job done by your Council in supporting citizenship ceremonies and I look forward to receiving your responses to the proposed changes to the Code.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Coleman', with a long horizontal flourish extending to the right.

David Coleman

14/01/2019