



Office Use Only

Application No.:

Date Lodged: / /

Application for Planning Permit

Planning Enquiries
Phone: 03 9205 2200
Web: <http://www.hume.vic.gov.au>

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) are mandatory and must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

Clear Form

The Land **i** ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 13-23	St. Name: PAWKNER STREET
-----------	-----------------------	---------------------------------

Suburb/Locality: WEST MEADOWS	Postcode: 3049
--------------------------------------	-----------------------

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.: **3467719**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

If this application relates to more than one address, please click this button and enter relevant details.

Add Address

The Proposal **⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

② For what use, development or other matter do you require a permit? *

If you need help about the proposal, read:

[How to Complete the Application for Planning Permit Form](#)

Select the focus of this application and describe below:

EXTENSION TO EXISTING SUPERMARKET

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③ Estimated cost of development for which the permit is required *

Please note that the plan may not be to scale. **Costs: \$20,000**

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

FEES \$1547.60

Existing Conditions i

4 Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

LOADING ZONE & CAR PARK

Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

5 Encumbrances on title *

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details i

6 Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:
Title: First Name: Surname:

Organisation (if applicable):

Postal Address:
Unit No.: St. No.: If it is a P.O. Box, enter the details here:
St. Name:

Suburb/Locality: State: Postcode:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details *

Same as applicant (if so, go to 'contact information')

Name:
Title: First Name: Surname:

Organisation (if applicable):

Postal Address:
Unit No.: St. No.: If it is a P.O. Box, enter the details here:
St. Name:

Suburb/Locality: State: Postcode:

Please provide at least one contact phone number *

Contact information

Business Phone: Email:

Mobile Phone: Fax:

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4/06/20

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:	[Redacted]
Title:	[Redacted]
Organisation:	[Redacted]
Postal Address:	[Redacted]
Unit No.:	[Redacted]
Suburb/Locality:	[Redacted]
Owner's Signature (Optional):	[Redacted]
Date:	[Redacted]

day / month / year

Declaration 

7 This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: 

Date: 30/09/2021
day / month / year

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Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#)
General information about the planning process is available at www.delwp.vic.gov.au/planning

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

8 Has there been a pre-application meeting with a Council planning officer?

No Yes

If 'yes', with whom?:

Date:


day / month / year


Checklist

9 Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site

A plan of existing conditions.

Plans showing the layout and details of the proposal

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.

Completed the relevant Council planning permit checklist?

Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Hume City Council
PO Box 119 Dallas VIC 3047
Pascoe Vale Road Broadmeadows VIC 3047

Contact information:

Telephone: 61 03 9205 2200
Email: email@hume.vic.gov.au

~~DX 94718~~

~~Translator: 03 9205 2200 for connection to Hume Link's multilingual telephone information service~~

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The copy must not be used for any other purpose. Deliver application in person, by fax, or by post:

Please note that the plan may not be to scale.

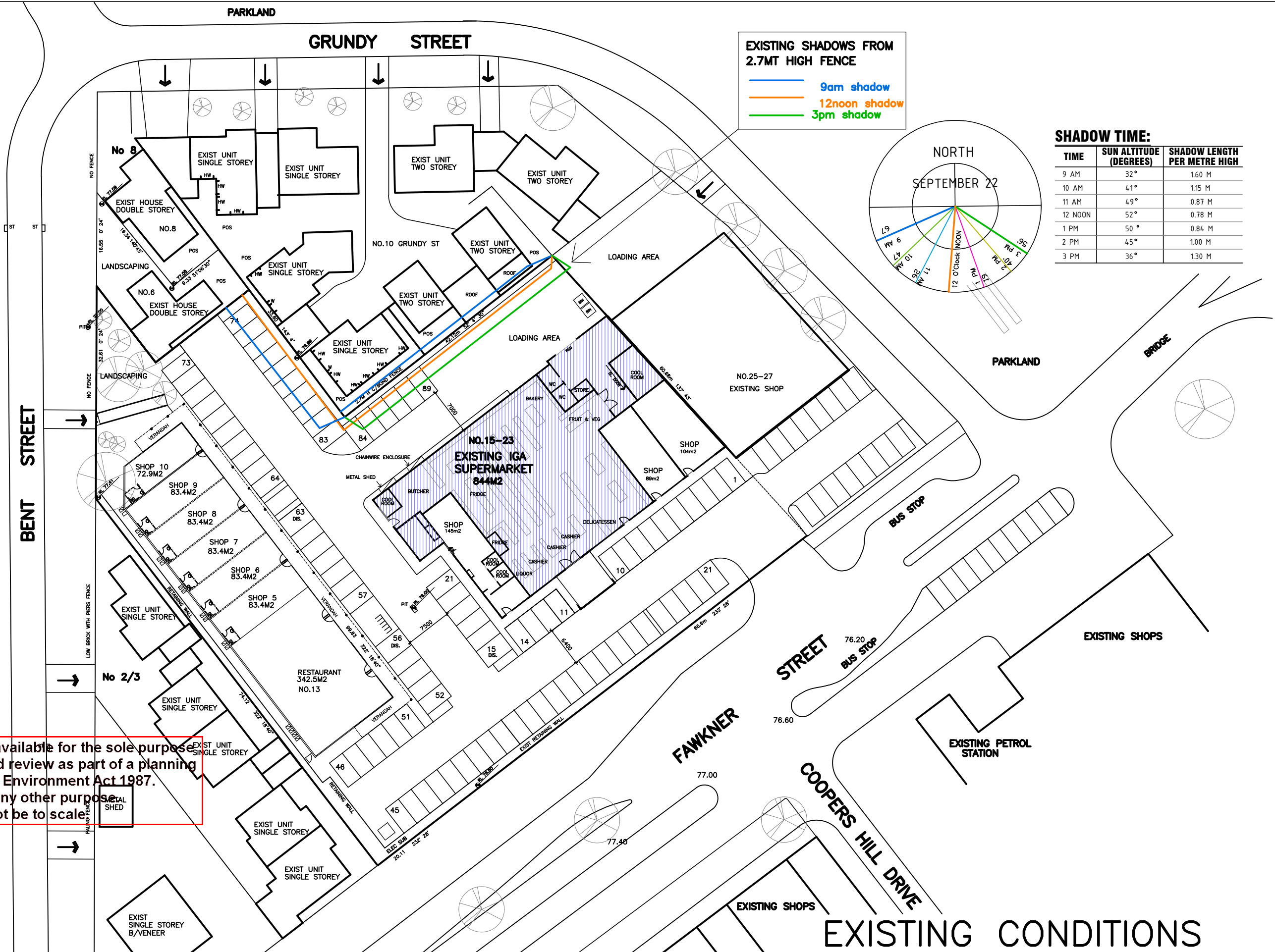
 Print Form

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

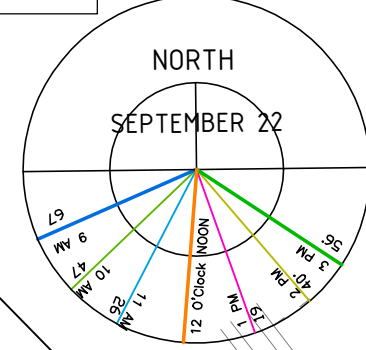
 Save Form To You

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.



EXISTING SHADOWS FROM 2.7MT HIGH FENCE

- 9am shadow
- 12noon shadow
- 3pm shadow



SHADOW TIME:

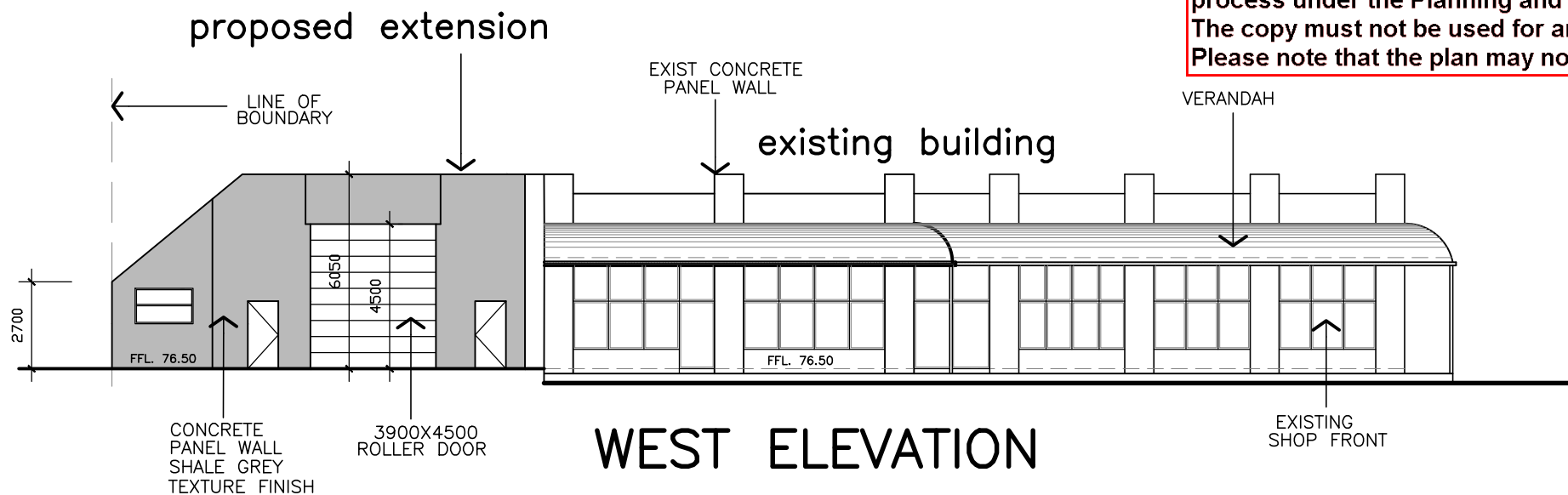
TIME	SUN ALTITUDE (DEGREES)	SHADOW LENGTH PER METRE HIGH
9 AM	32°	1.60 M
10 AM	41°	1.15 M
11 AM	49°	0.87 M
12 NOON	52°	0.78 M
1 PM	50°	0.84 M
2 PM	45°	1.00 M
3 PM	36°	1.30 M

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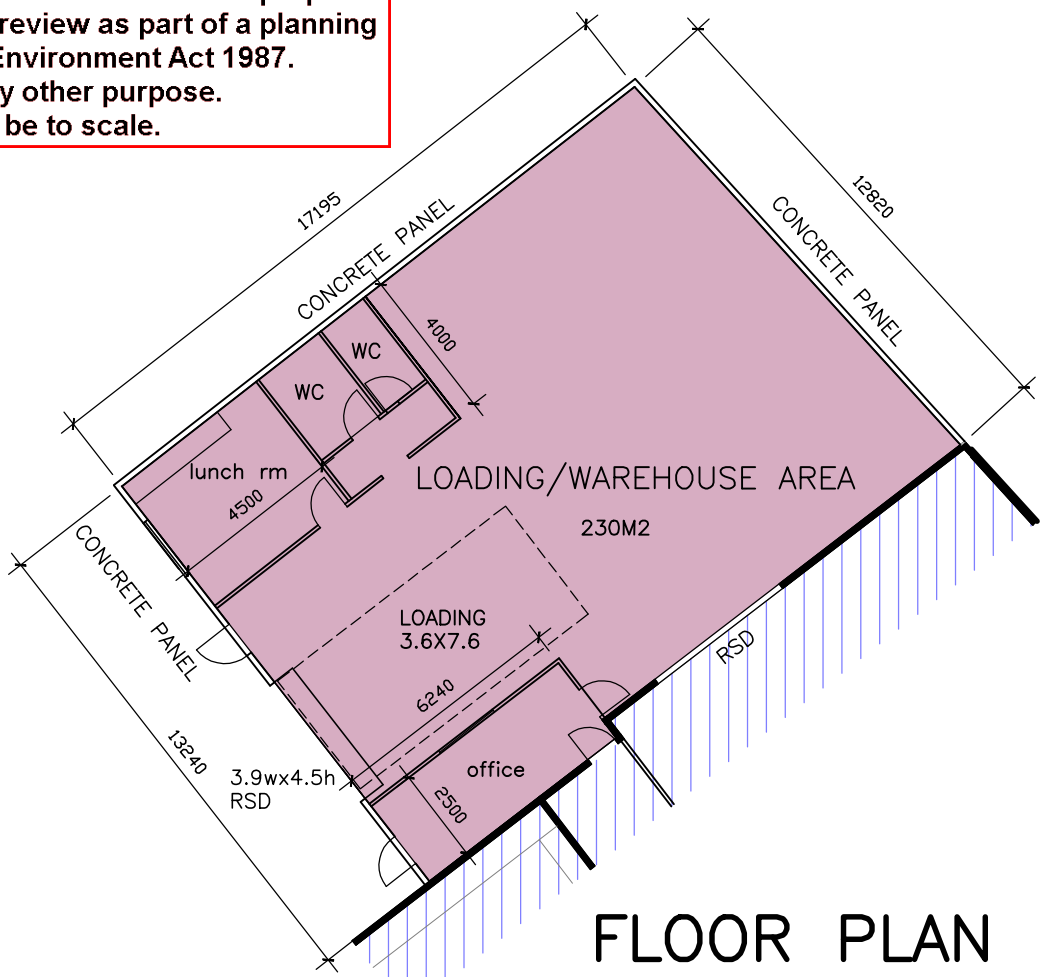
EXISTING CONDITIONS

<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>ISSUE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>10.06.24</td> <td>A</td> <td>RESPONSE TO RFI LETTER</td> </tr> </tbody> </table>	DATE	ISSUE	REVISION	10.06.24	A	RESPONSE TO RFI LETTER	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>ISSUE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	ISSUE	REVISION				<p>GENERAL NOTES: THESE DRAWINGS ARE NOT TO BE SCALED - REFER TO FIGURED DIMENSIONS ONLY. CONTRACTORS ARE REQUIRED TO VERIFY ALL DIMENSIONS, SITE CONDITIONS & LEVELS ON SITE AND REPORT ANY DISCREPANCIES PRIOR TO COMMITMENT OF WORKS TO THE BUILDING DESIGNER FOR DIRECTIONS. ALL WORKMANSHIP IS TO COMPLY WITH RELEVANT REGULATIONS, AUSTRALIAN STANDARDS, RELEVANT AUTHORITY, MUNICIPAL REGULATIONS & BY-LAWS. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS, CONSULTANT'S DRAWINGS, COMPUTATIONS, REPORTS & AUTHORITY INFORMATION & THE LIKE RELEVANT TO THE WORKS. ALL STRUCTURAL WORKS TO BE IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS, DESIGN CODES, CODES OF PRACTICE & RELEVANT LEGISLATION.</p>	<p>Issued for: TOWN PLANNING</p>	<p>North: </p>	<p>Client: IULEANELLA</p> <p>Project Address: 13-23 FAWKNER STREET BROADMEADOWS</p>	<p>Project: PROPOSED SUPERMARKET EXTENSION</p> <p>Dwg Title:</p>	<p>Drawn: AP Checked: BJ</p>	<p>Date: FEB 2023 Sheets in Set: 1</p>	<p>Job No: 210523</p>	<p>Revision: A</p>	<p>BILL JACOBS PTY LTD 121 BUCKLEY STREET ESSENDON, VICTORIA, 3040</p> <p>TELEPHONE : (03) 9331-4444 EMAIL: info@billjacobs.com.au</p>
DATE	ISSUE	REVISION																					
10.06.24	A	RESPONSE TO RFI LETTER																					
DATE	ISSUE	REVISION																					

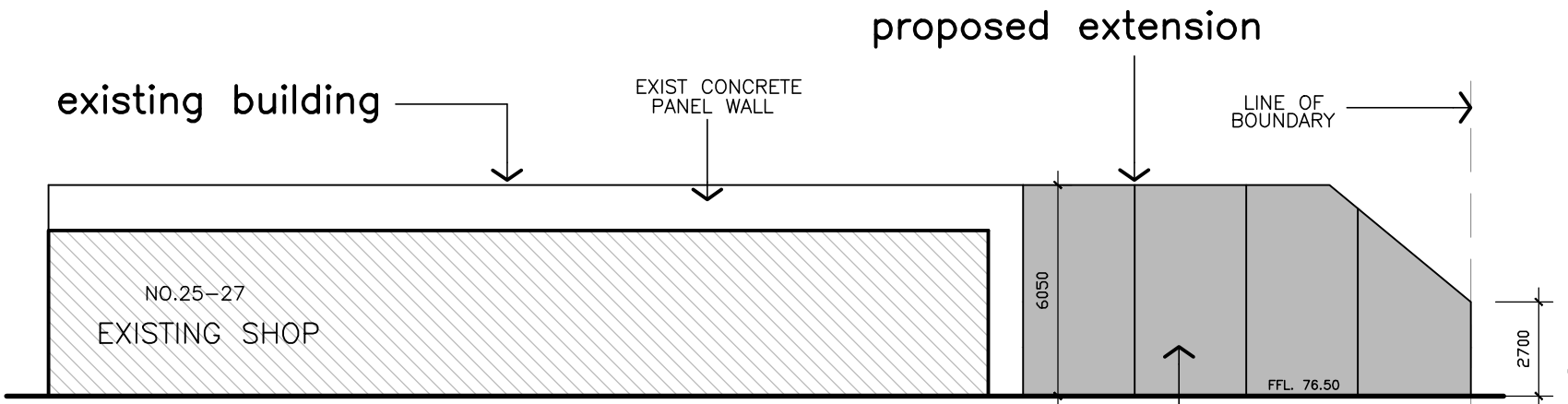
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WEST ELEVATION



FLOOR PLAN



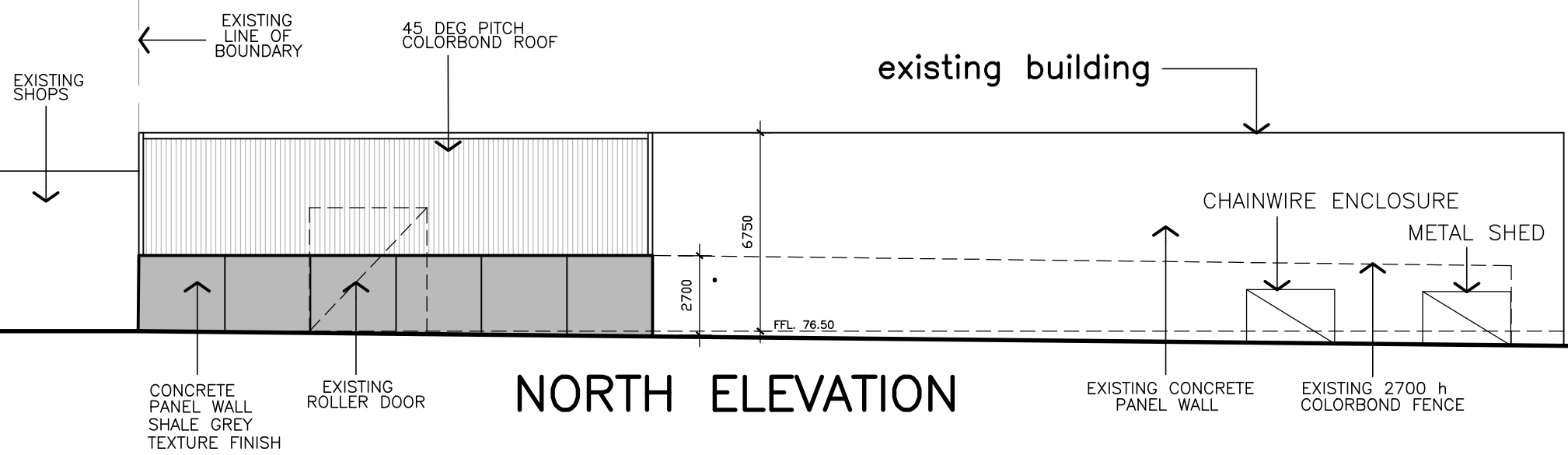
EAST ELEVATION

Melbourne Water STORM Rating Report

TransactionID: 0
Municipality: HUME
Rainfall Station: HUME
Address: 13-23 FAWKNER STREET BROADMEADOWS 3049 VIC 3043
Assessor: ANGELO PAOLINI
Development Type: Commercial/Retail
Allotment Site (m2): 6,126.00
STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
ROOF	230.00	Rainwater Tank	3,000.00	5	100.00	90.70

Date Generated: 08-May-2024 Program Version: 1.0.0



NORTH ELEVATION

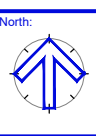
STORM REPORT
REFER SITE PLAN FOR TANK LOCATION

DATE	ISSUE	REVISION
10.05.24	A	RESPONSE TO RFI LETTER

DATE	ISSUE	REVISION

GENERAL NOTES:
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Issued for:
TOWN PLANNING



Client:
IULEANELLA
Project Address:
13-23 FAWKNER STREET BROADMEADOWS

Project:
PROPOSED SUPERMARKET EXTENSION
Dwg Title:

Drawn: AP
Checked: BJ
Scale: 1:200 @ A1

Date: FEB 2023
Sheets in Set: 1
Sheet No: TP03

Job No: 210523
Revision: A

BILL JACOBS PTY LTD
121 BUCKLEY STREET
ESSENDON, VICTORIA, 3040
TELEPHONE : (03) 9331-4444
EMAIL: info@billjacobs.com.au

Register Search Statement - Volume 10310 Folio 582

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 10310 FOLIO 582
No CofT exists

Security no : 124092790030A
Produced 30/09/2021 02:39 PM

LAND DESCRIPTION

Common Property on Plan of Subdivision 346771Q.
PARENT TITLE Volume 09405 Folio 356
Created by instrument PS346771Q 18/12/1996

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

OWNERS CORPORATION PLAN NO. PS346771Q of 15-23 FAWKNER STREET WESTMEADOWS
VIC 3049
PS346771Q 18/12/1996

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances affecting Common Property that are derived from an encumbrance shown on titles to lots affected by the Owners Corporation.

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 set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AL685707P 16/02/2015

DIAGRAM LOCATION

SEE PS346771Q FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 15-23 FAWKNER STREET WESTMEADOWS VIC 3049

OWNERS CORPORATIONS

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The land in this folio is affected by
OWNERS CORPORATION PLAN NO. PS346771Q

DOCUMENT END

The information supplied has been obtained by Dye & Durham Property Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 30/09/2021, for Order Number 70618020. Your reference: 210523.

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Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987



Form 18

Lodged by:

Name: MADDOCKS
Phone: 9258 3555
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000
Ref: KAL:LXE:A01C:6086304
Customer Code: 1167E

The Responsible Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: Certificates of Title Volume 10310 Folio 575, Volume 10310 Folio 576, Volume 10310 Folio 577, Volume 10310 Folio 578, Volume 10310 Folio 579, Volume 10310 Folio 580, Volume 10310 Folio 581, Volume 10310 Folio 582 and Volume 8782 Folio 281

Responsible Authority: Hume City Council of 1079 Pascoe Vale Road, Broadmeadows, Victoria

Section and Act under which agreement made: section 173 of the *Planning and Environment Act 1987*

A copy of the Agreement is attached to this Application

Date: 11.2.2015

Signature for Responsible Authority:

Name of officer:

Position held:

John Karasopis
JOHN KARASOPIS
MANAGER STATUTORY PLANNING

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16/02/2015 \$156.50 173



info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Date 11 / 12 / 2015

**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: 13-23 Fawkner Street, Westmeadows

Hume City Council
and

Claudio Iulianella
and

Nazzarena Iulianella
and

Owners Corporation Plan No. PS346771Q

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Agreement under section 173 of the Planning and Environment Act 1987

Dated / /

Parties

Name	Hume City Council
Address	1079 Pascoe Vale Road, Broadmeadows, Victoria
Short name	Council

Name	
Address	
Short name	



Name	
Address	
Short name	

Name	Owners Corporation Plan No. PS346771A
Address	13-23 Fawkner Street, Westmeadows, Victoria
Short name	Owner

Background

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- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in condition 9 of the Planning Permit.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

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The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Consent Fee means a fee payable by the Owner to Council for deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

- (a) \$102 if paid within 12 months from the date that this Agreement commences; or
- (b) \$102 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

CPI means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, contactus@hume.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of regarding this Agreement.

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Development Permit means a permit no. P13064, as amended from time to time, issued on 27 May 2009, authorising development of the Subject Land in accordance with plans endorsed by Council.

Indexation means an annual adjustment to the Consent Fee carried out in accordance with CPI.

Lot means a lot created by a subdivision of the Subject Land whether in accordance with the Planning Permit or otherwise.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

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Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Planning Permit means planning permit no. P14604, as amended from time to time, issued on 5 January 2011, authorising the subdivision of the Subject Land in accordance with plans endorsed by Council.

Planning Scheme means the Hume Planning Scheme and any other planning scheme that applies to the Subject Land.

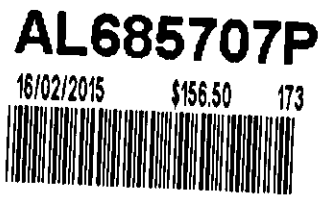
Subject Land means the land situated at 13-23 Fawkner Street, Westmeadows being the land referred to in certificates of title volume 10310 folio 575, volume 10310 folio 576, volume 10310 folio 577, volume 10310 folio 578, volume 10310 folio 579, volume 10310 folio 580, volume 10310 folio 581, volume 10310 folio 582 and volume 8782 folio 281 and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

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3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Permit and the Development Permit; and .
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Agreement required

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

6. Owner's specific obligations

6.1 Compliance with the Development Permit

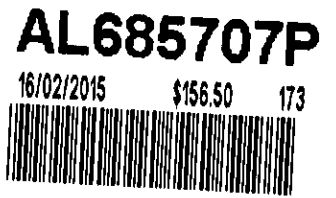
Except with Council's prior written consent, the Owner:

- 6.1.1 may only develop the Subject Land in accordance with the Development Permit and the conditions of the Development Permit; and
- 6.1.2 must not, upon completing the development in accordance with the Development Permit, alter or extend or otherwise change the development.

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The Owner's obligations under clause 6.1 continue to apply:

- 6.2.1 regardless of any right conferred by the Planning Scheme;
- 6.2.2 regardless of any subdivision of the Subject Land; and
- 6.2.3 even if the Development Permit expires, is cancelled or otherwise ceases to operate.



7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 7.2.3 agrees to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay any Consent Fee to Council within 14 days after a written request for payment.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 7.4.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for giving consent

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If Council makes a request for payment of any Consent Fee under clause 7.3, the Parties agree that Council will not decide whether to grant the consent sought until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

- 7.6.1 The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

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8. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters

11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.1.1 personally on the other Party;
- 11.1.2 by leaving it at the other Party's Current Address;
- 11.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.1.4 by email to the other Party's Current Email.

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11.2 Waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

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11.4 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.5 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.6 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.

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Signing Page



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Mortgagee's Consent

National Australia Bank Ltd as Mortgagee under instruments of mortgage no. AD677901J, AH435085F, AH435068F, AH435049K, AH435038Q, AH435029R, AH435005G and AH435016B consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

Please refer to next page

.....
Print Full Name or Stamp

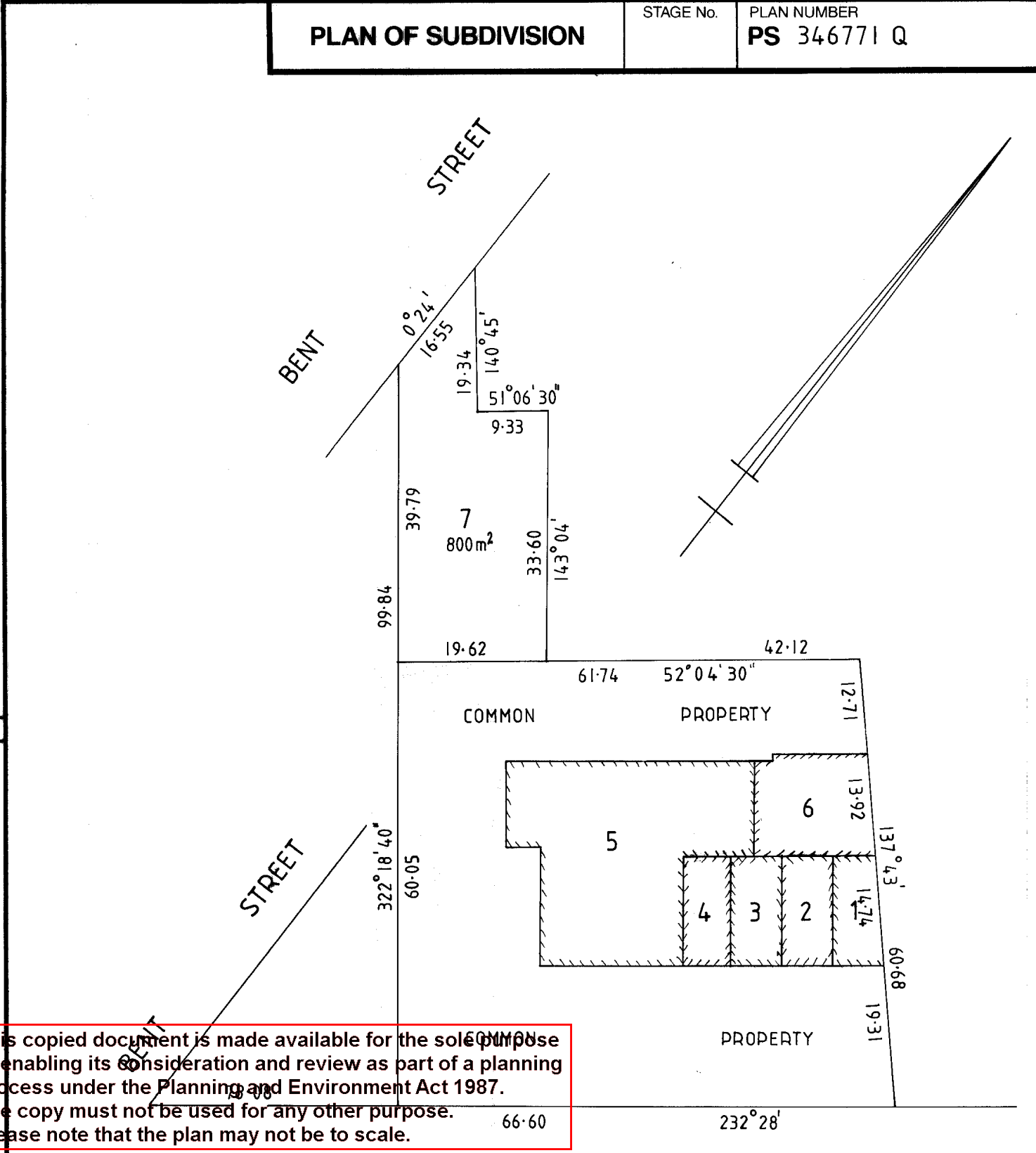
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PLAN OF SUBDIVISION		STAGE No.	LTO USE ONLY EDITION 1	PLAN NUMBER PS 346771 Q
LOCATION OF LAND PARISH: WILL WILL ROOK TOWNSHIP: SECTION: 24 CROWN ALLOTMENT: 3 CROWN PORTION: 6,7, AND 8 (PART) LTO BASE RECORD: CHART 28 (3831) TITLE REFERENCES: C / T 9405 / 356 LAST PLAN REFERENCE/S: POSTAL ADDRESS: 15-23 FAWKNER STREET (At time of subdivision) WESTMEADOWS 3049 AMG Co-ordinates (of approx centre of land in plan) E 313560 N 5827750 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: CITY OF HUME REF: 28-3-2473 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date 22 / 11 / 95 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /		
VESTING OF ROADS AND/OR RESERVES				
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
STAGING This is/ is not a staged subdivision. Planning permit No.				
DEPTH LIMITATION DOES NOT APPLY				
LOCATION OF BOUNDARIES DEFINED BY BUILDINGS MEDIAN...BOUNDARIES BETWEEN LOTS 1 TO 6 EXTERIOR FACE.....ALL OTHER BOUNDARIES				
SURVEY THIS PLAN IS/ IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) IN PROCLAIMED SURVEY AREA No.				
EASEMENT INFORMATION			LTO USE ONLY	
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT	
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			DATE 17 / 12 / 96	
			LTO USE ONLY	
			PLAN REGISTERED TIME 4.25 DATE 18 / 12 / 96	
			<i>K. Osborn</i> Assistant Registrar of Titles	
			SHEET 1 OF 3 SHEETS	
J. R. EDWARDS LAND SURVEYOR AND TOWN PLANNER 59 FLETCHER ST., ESSENDON, 3040 TEL: 370 2209 FAX: 370 1102 11 HAMILTON ST., GISBORNE. TEL: (054) 28 2619 10 WATTLEHILL GVE, ST LEONARDS. TEL: (052) 57 1869		LICENSED SURVEYOR (PRINT) J.R. EDWARDS SIGNATURE <i>J.R. Edwards</i> DATE 12 / 7 / 95 REF 6856 G VERSION 1		DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER
PS 346771 Q

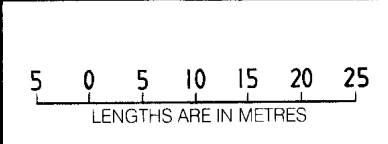


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FAWKNER

STREET

J. R. EDWARDS
LAND SURVEYOR AND TOWN PLANNER
 59 FLETCHER ST., ESSENDON, 3040
 TEL: 370 2209 FAX: 370 1102
 11 HAMILTON ST., GISBORNE. TEL: (054) 28 2619
 10 WATTLEHILL GVE, ST LEONARDS. TEL: (052) 57 1869



LICENSED SURVEYOR (PRINT) **J. R. EDWARDS**
 SIGNATURE *J.R. Edwards* DATE 12 / 7 / 95
 REF **6856 G** VERSION 1

SHEET 2 OF 3 SHEETS
 DATE / /
 COUNCIL DELEGATE SIGNATURE

PS346771Q

FOR CURRENT BODY CORPORATE DETAILS
SEE BODY CORPORATE SEARCH REPORT

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Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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**OWNERS CORPORATION
PLAN NO. PS346771Q**

The land in PS346771Q is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property, Lots 1 - 6.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

15-23 FAWKNER STREET WESTMEADOWS VIC 3049

PS346771Q 18/12/1996

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

NIL

Notations:

NIL

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Lot	Entitlement	Liability
Common Property	0	0
Lot 1	10	10
Lot 2	10	10
Lot 3	10	10
Lot 4	10	10
Lot 5	40	40
Lot 6	10	10



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 30/09/2021 02:40:16 PM

**OWNERS CORPORATION
PLAN NO. PS346771Q**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Total	90.00	90.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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PLAN OF SUBDIVISION

UNDER SECTION 32 OF THE SUBDIVISION ACT 1988

EDITION 1

PS346771Q

LOCATION OF LAND

PARISH: WILL-WILL-ROOK
TOWNSHIP: BROADMEADOWS
SECTION: 24
CROWN ALLOTMENT: 2 & PARTS OF 3, 4, 7 & 8
TITLE REFERENCE: VOL. 8782 FOL. 281
 VOL. 10310 FOL. 577
 VOL. 10310 FOL. 578
 VOL. 10310 FOL. 579
 VOL. 10310 FOL. 580
 VOL. 10310 FOL. 581
 VOL. 10310 FOL. 582
LAST PLAN REFERENCE: TP447387Q & LOTS 3 TO 7 (B.I.)
 ON PS346771Q
POSTAL ADDRESS: 13-23 FAWKNER STREET
 (at time of subdivision) WESTMEADOWS 3049
MGA2020 CO-ORDINATES: E: 313 573 ZONE: 55
 (of approx centre of land in plan) N: 5 827 978

Council Name: HUME CITY COUNCIL

EXPLANATORY NOTE:
 WARNING THIS PLAN IS UNREGISTERED.
 THIS PLAN WAS PREPARED TO BE CERTIFIED BY COUNCIL AND TO BE REGISTERED BY THE REGISTRAR OF TITLES. AS ALTERATIONS MAY BE REQUIRED BY THE COUNCIL AND THE REGISTRAR OF TITLES PRIOR TO REGISTRATION, FARREN GROUP PTY LTD ACCEPTS NO RESPONSIBILITY WHATSOEVER FOR ANY LOSS OR DAMAGE SUFFERED HOWSOEVER ARISING TO ANY PERSON OR CORPORATION WHO MAY USE OR RELY UPON THIS PLAN FOR ANY OTHER REASON.
 THIS PLAN MUST NOT BE REPRODUCED EXCEPT:
 a) FROM THE ELECTRONIC VERSION HELD BY FARREN GROUP PTY LTD, AND
 b) UNLESS THE REPRODUCTION INCLUDES THIS NOTE.

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS. For details of Owners Corporation including purpose, responsibility, and entitlement and liability, see Owners Corporation search report(s), Owners Corporation rules and Owners Corporation additional information.

NOTATIONS

DEPTH LIMITATION: DOES NOT APPLY

PURPOSE OF PLAN:

- To include the land in Vol.8782 Fol.281 into Owners Corporation 1 PS346771Q
- To subdivide Lots 3, 4, 5, 6, 7, Common Property on PS346771Q and Vol.8782 Fol.281 to create Lots 8, 9, 10, 11, 15, 16, 17, 18, 19 & 20
- To rename Common Property on PS346771Q to Common Property No. 1

SURVEY:

This plan is based on survey.
 This survey has been connected to: WILL-WILL-ROOK PM 277 &
 TULLAMARINE PM 37

In Proclaimed Survey Area No. -

STAGING: This is not a staged subdivision.

PLANNING PERMIT: P22027


Common Property No. 1 is all the land in the plan except lots.


Boundaries defined by buildings are shown by thick continuous hatched lines.

LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:-

MEDIAN: BOUNDARIES SHOWN THUS 

EXTERIOR FACE: BOUNDARIES SHOWN THUS 

Dimensions to boundaries defined by buildings shown thus are measured to the median of the relevant building wall. 

Dimensions to boundaries defined by buildings shown thus are measured to the exterior face of the relevant building wall. 

Hatching within a parcel indicates that the structure of the relevant wall is contained in that parcel.

Lots 12, 13 & 14 have been omitted from this plan.

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN

Easement	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
ELECTRICITY SUPPLY THROUGH UNDERGROUND CABLE		5	THIS PLAN (SEC. 88 ELECTRICITY INDUSTRY ACT 2000)	JEMENA ELECTRICITY NETWORKS (VIC) LTD

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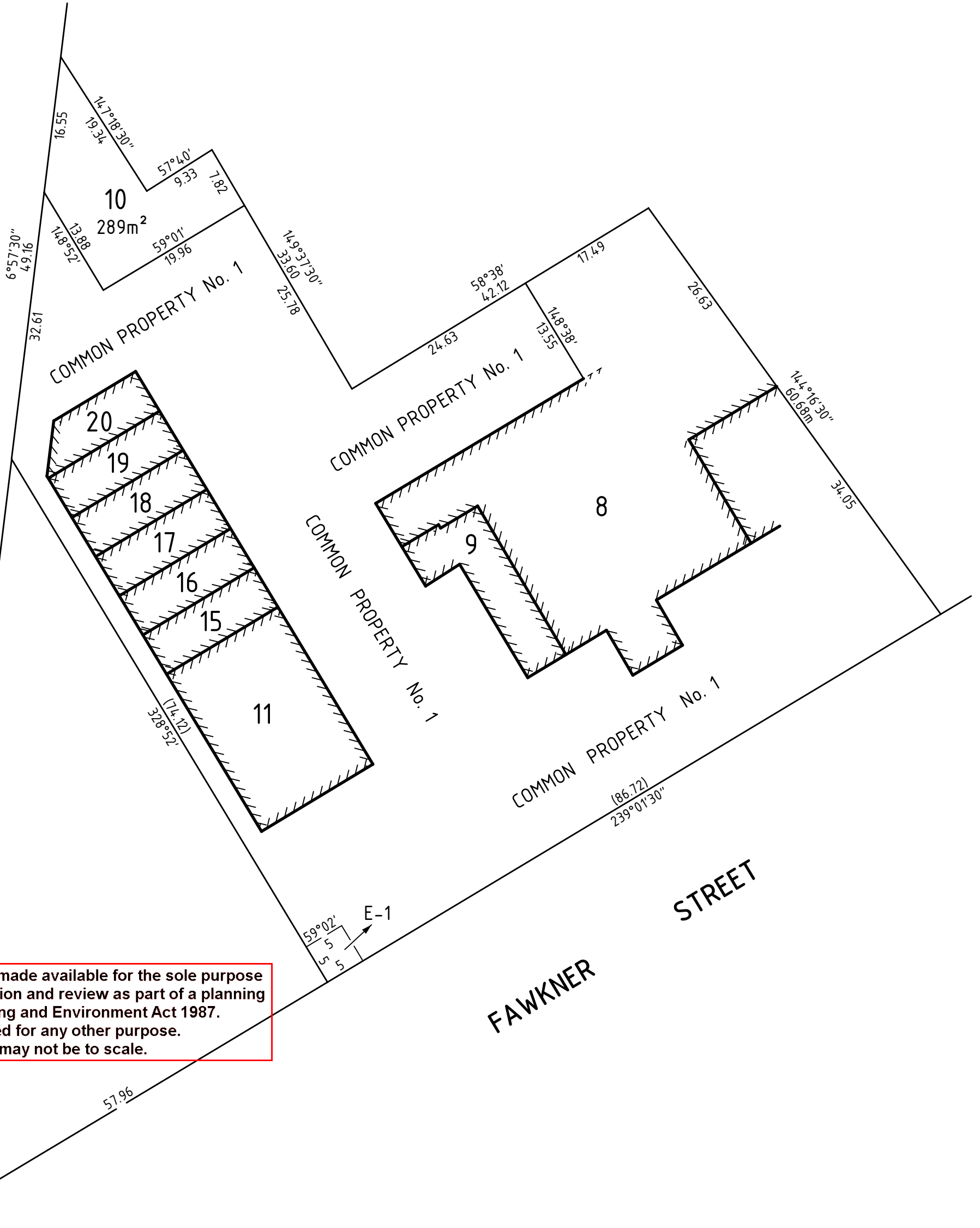
MGA 2020 ZONE 55

BENT STREET

BENT STREET

FAWKNER STREET

FAWKNER STREET



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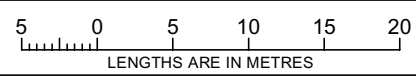
E-1



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Creating New Boundaries

74 Maribyrnong Street
Footscray 3011
Phone 9689 1000
Fax 9689 1002
admin@farrengroup.com.au

SCALE
1:500



REF: 11147
VERSION: 03

ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENSED SURVEYOR: PETER J. FARREN

PLAN OF SUBDIVISION

UNDER SECTION 32 OF THE SUBDIVISION ACT 1988

EDITION 1

PS346771Q

LOCATION OF LAND

PARISH: WILL-WILL-ROOK
TOWNSHIP: BROADMEADOWS
SECTION: 24
CROWN ALLOTMENT: 2 & PARTS OF 3, 4, 7 & 8
TITLE REFERENCE: VOL. 8782 FOL. 281
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LAST PLAN REFERENCE: TP447387Q & LOTS 3 TO 7 (B.I.)
 ON PS346771Q
POSTAL ADDRESS: 13-23 FAWKNER STREET
 (at time of subdivision) WESTMEADOWS 3049
MGA2020 CO-ORDINATES: E: 313 573 ZONE: 55
 (of approx centre of land in plan) N: 5 827 978

Council Name: Hume City Council

Council Reference Number: S008839
 Planning Permit Reference: P22027
 SPEAR Reference Number: S135939S

Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988
 Date of original certification under section 6 of the Subdivision Act 1988: 21/01/2021

Public Open Space

A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made

Digitally signed by: Ingrid Martinez for Hume City Council on 07/02/2023

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS. For details of Owners Corporation including purpose, responsibility, and entitlement and liability, see Owners Corporation search report(s), Owners Corporation rules and Owners Corporation additional information.


Common Property No. 1 is all the land in the plan except lots.

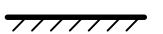
Boundaries defined by buildings are shown by thick continuous hatched lines.

LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:-

MEDIAN: BOUNDARIES SHOWN THUS 

EXTERIOR FACE: BOUNDARIES SHOWN THUS 

Dimensions to boundaries defined by buildings shown thus are measured to the median of the relevant building wall. 

Dimensions to boundaries defined by buildings shown thus are measured to the exterior face of the relevant building wall. 

Hatching within a parcel indicates that the structure of the relevant wall is contained in that parcel.

Lots 12, 13 & 14 have been omitted from this plan.

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN

Easement	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
ELECTRICITY SUPPLY THROUGH UNDERGROUND CABLE		5	THIS PLAN (SEC. 88 ELECTRICITY INDUSTRY ACT 2000)	JEMENA ELECTRICITY NETWORKS (VIC) LTD

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 Footscray 3011
FarrenGroup
 Creating New Boundaries
 Phone 9689 1000
 Fax 9689 1002
 admin@farrengroup.com.au
 LAND SURVEYING - TOWN PLANNING - HYDROGRAPHIC MAPPING

Digitally signed by: Peter John Farren, Licensed Surveyor,
 Surveyor's Plan Version (V03),
 02/08/2022, SPEAR Ref: S135939S

REF: 11147
 VERSION: 03

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 SIZE: A3

SHEET 1 OF 2

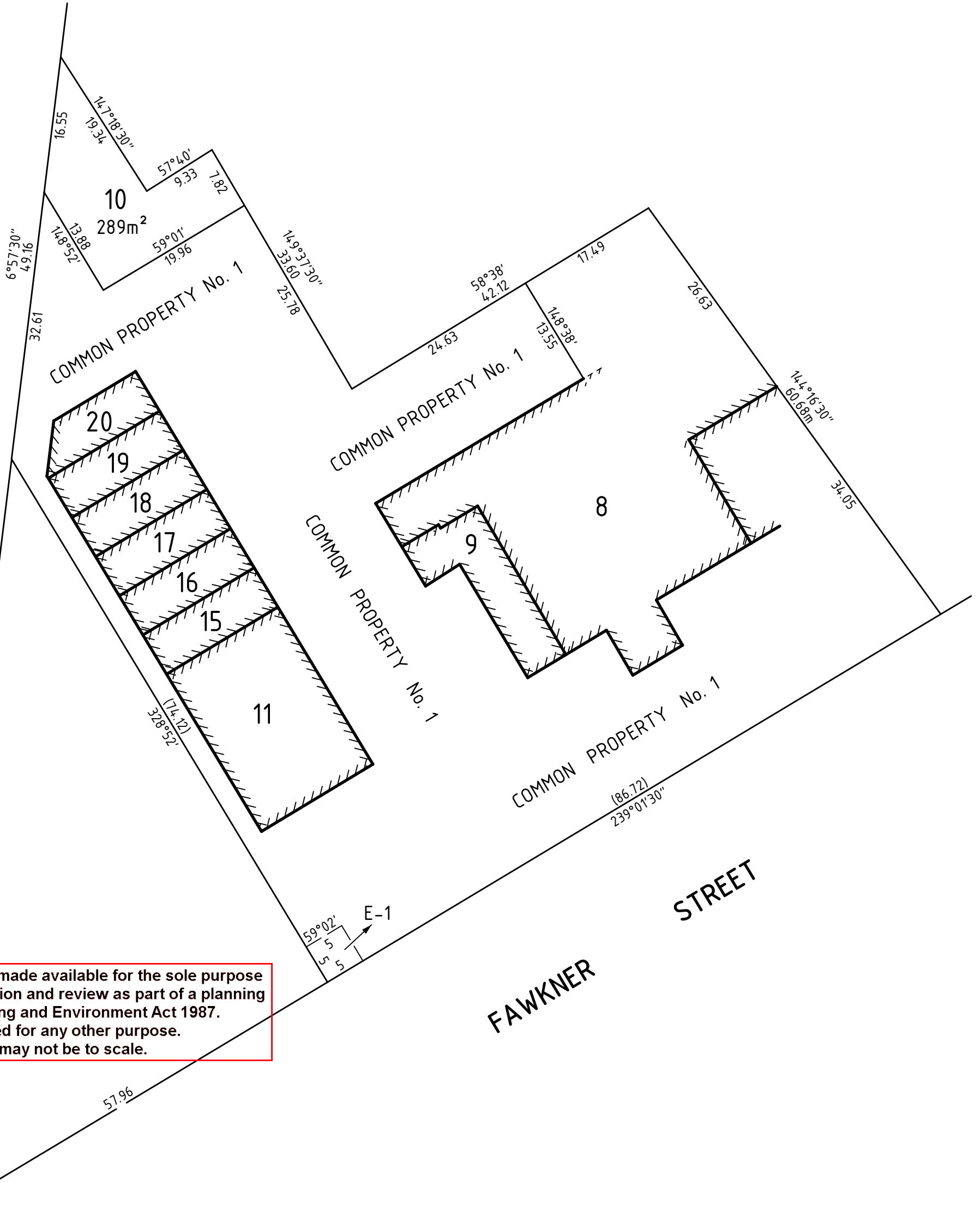
MGA 2020 ZONE 55

BENT STREET

BENT STREET

FAWKNER STREET

FAWKNER STREET



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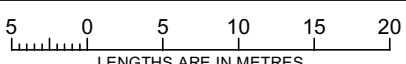
E-1



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1:500



REF: 11147
VERSION: 03

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SHEET 2

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Surveyor's Plan Version (V03),
02/08/2022, SPEAR Ref: S135939S

Digitally signed by:
Hume City Council,
07/02/2023,
SPEAR Ref: S135939S

OWNERS CORPORATION SCHEDULE

PS346771Q

Owners Corporation No. 1

Plan No. PS346771Q

Land affected by Owners Corporation: ALL OF THE LOTS IN THE TABLE BELOW

Common Property No.: 1

Limitations of Owners Corporation: Unlimited

Notations

NIL

Totals		
	Entitlement	Liability
This schedule	160	160
Balance of existing OC	20	20
Overall Total	180	180

Lot Entitlement and Lot Liability

Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability
8	45	45									
9	15	15									
11	40	40									
15	10	10									
16	10	10									
17	10	10									
18	10	10									
19	10	10									
20	10	10									

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Footscray 3011

Phone 9689 1000
Fax 9689 1002
admin@farrengroup.com.au

LAND SURVEYING - TOWN PLANNING - HYDROGRAPHIC MAPPING

SURVEYORS FILE REFERENCE: 11147
VERSION: 01

Digitally signed by: Peter John Farren, Licensed Surveyor,
Surveyor's Plan Version (V03),
02/08/2022, SPEAR Ref: S135939S

Digitally signed by:
Hume City Council,
07/02/2023,
SPEAR Ref: S135939S

SHEET 1

ORIGINAL SHEET
SIZE: A3

PLANNING REPORT

ADDRESS: 13-23 FAWKNER STREET, BROADMEADOWS
PREPARED FOR: CLAUDIO'S IGA SUPERMARKET
DATE: 4 JUNE 2024

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Document Information

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<p></p>	<p>Reviewed by: AL</p>
<p></p>	<p>Project No: 13051 Project Name: 13-23 Fawkner Street, Broadmeadows</p>

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1 Introduction

Human Habitats is pleased to provide this planning report on behalf of Claudio's IGA in support of a Planning Permit Application for the extension of the existing supermarket for the purpose of additional warehouse space at 13-23 Fawkner Street, Westmeadows. The proposed extension is considered an appropriate response when considering the land use and built form aspirations of Hume City Council. In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** – Does the proposal demonstrate an appropriate outcome considering the strategic drivers of Hume?
- **Built form** – Does the proposal demonstrate appropriate built form, landscaping and siting to minimise impacts on adjacent properties?
- **Amenity** – Does the proposed layout address offsite amenity considerations and contribute to the public realm?
- **Traffic and Access** – Will the proposed layout provide for efficient and safe vehicle and pedestrian circulation throughout the site?
- **RFI Response** – Does the new proposal appropriately respond to the RFI of application P24061 dated 27 October 2021?

1.1 Permit Requirement

The site is located within the Commercial 1 Zone. A permit is required for the following

- Clause 34.01-4: Buildings and Works

1.2 Supporting Documents

This planning report is to be read in conjunction with:

- Certificate of Title; and
- Architectural Plans prepared by Bill Jacobs Pty Ltd

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2 Subject Site and Surrounding Context

2.1 The Site

The Site is located at 13-23 Fawkner Street, Westmeadows, is irregular in shape and consists of the following properties:

- 1-10/13 Fawkner Street
 - 2-24\PP5114
- 15-23 Fawkner Street
 - 1-6\PS346771

The Site is irregular in shape, benefiting from a depth ranging from approximately 60 metres to 98.5 metres, a primary frontage to Fawkner Street of approximately 86.7 metres and a total area of approximately 5,686.7 sq m.

The provision of the extension will be located on the proposed Lot 8 of PS346771 of the current CM\PS346771, with existing built form on the site consisting of Claudio's IGA, the extension to be located in the existing loading zone.



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2.2 Site Interface and Character

2.2.1 North Interface

The loading zone located on the subject site directly interfaces 8-10 Grundy Street, whereby a double-storey residential dwelling is located. Beyond this, land use shifts to public park and recreation, where it then transitions back to general residential land after Broadmeadows Cricket Reserve.

2.2.2 East Interface

The loading zone is bound by a fence at the eastern interface, with a loading zone beyond this. Further east, Moonee Ponds Creek is located, with land past this is generally used for residential purposes.

2.2.3 South Interface

Abutting the loading zone at the east is the rear of Claudio's IGA, whereby the subject site is accessible via a roller shutter door and rear door. Beyond this, the land is generally used for shops and commercial purposes, with residential land located beyond this.

2.2.4 West Interface

Directly to the west, the site is accessible by a driveway, with car parking also located at the western interface. West of the driveway, commercial buildings are located – they comprise restaurants, exercise studios, a chiropractor and a laundromat. Further to this, the land is generally used for residential purposes.

2.2.5 Surrounding Land Uses

Strategically, Claudio's IGA is located in the centre of Westmeadows, fronting Fawkner Street. The surrounding area contains established residential and commercial development, including community facilities and services.



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Figure 2 - Aerial of Subject Site with surrounding land - subject site highlighted in red

3 The Proposal

The proposal constitutes an application for a warehouse extension at the western interface of Claudio’s IGA, where an existing loading bay is currently located. A summary of the development is as follows:

- Construction of a warehouse extension comprising of;
 - Lunch room
 - Office (including access via internal IGA door and external western carpark door)
 - Bin storage area
 - x 2 toilets
 - x 2 Roller shutter doors (RSD)
 - x 3 additional carparks
- Built form directly abuts existing Claudio’s IGA building
- Built form is designed to limit shadowing and negative amenity impact on interfaces
- Internal and external access
- Site analysis is as follows:

Subject	Area (m2)
Existing Site	6,126
Existing Supermarket	844
Existing Shops	1,258
Proposed Warehouse Extension	230 (27.36 dedicated to Loading)
Total Extension	202



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Plans and Elevations are provided as follows:

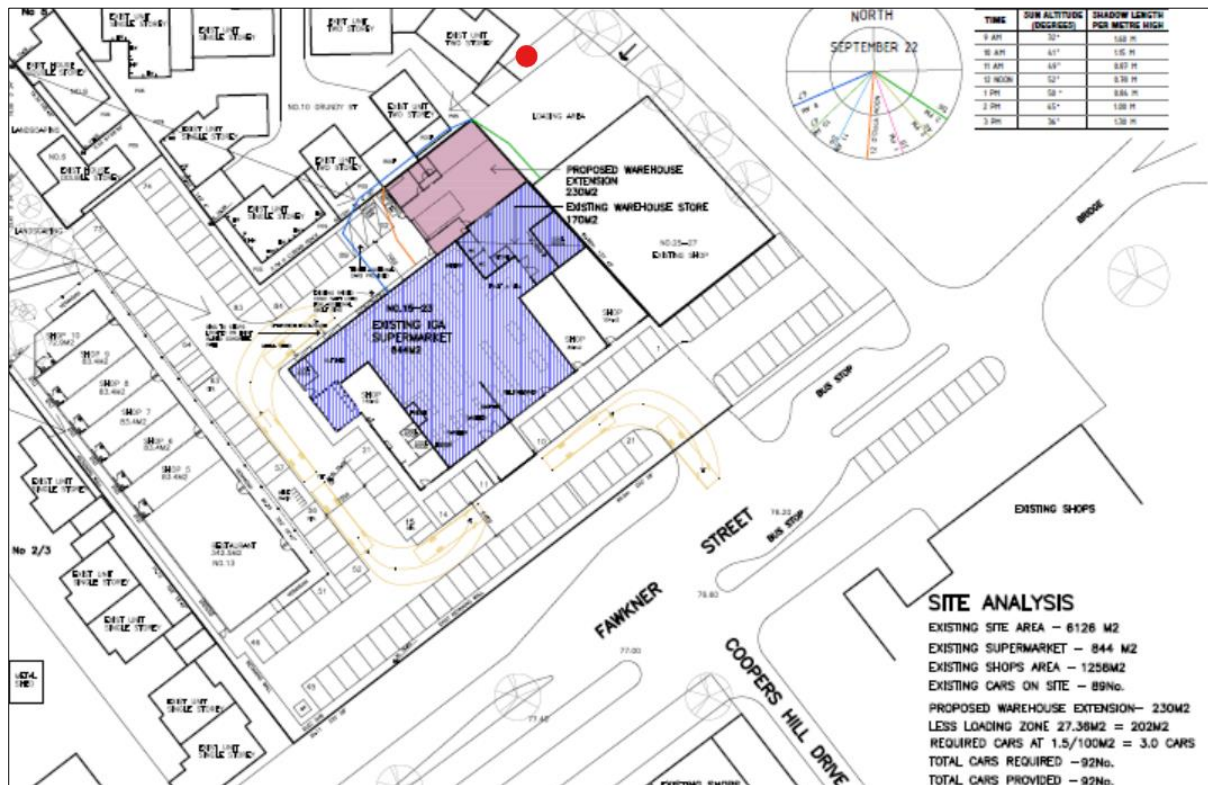


Figure 4 - Proposed Plans

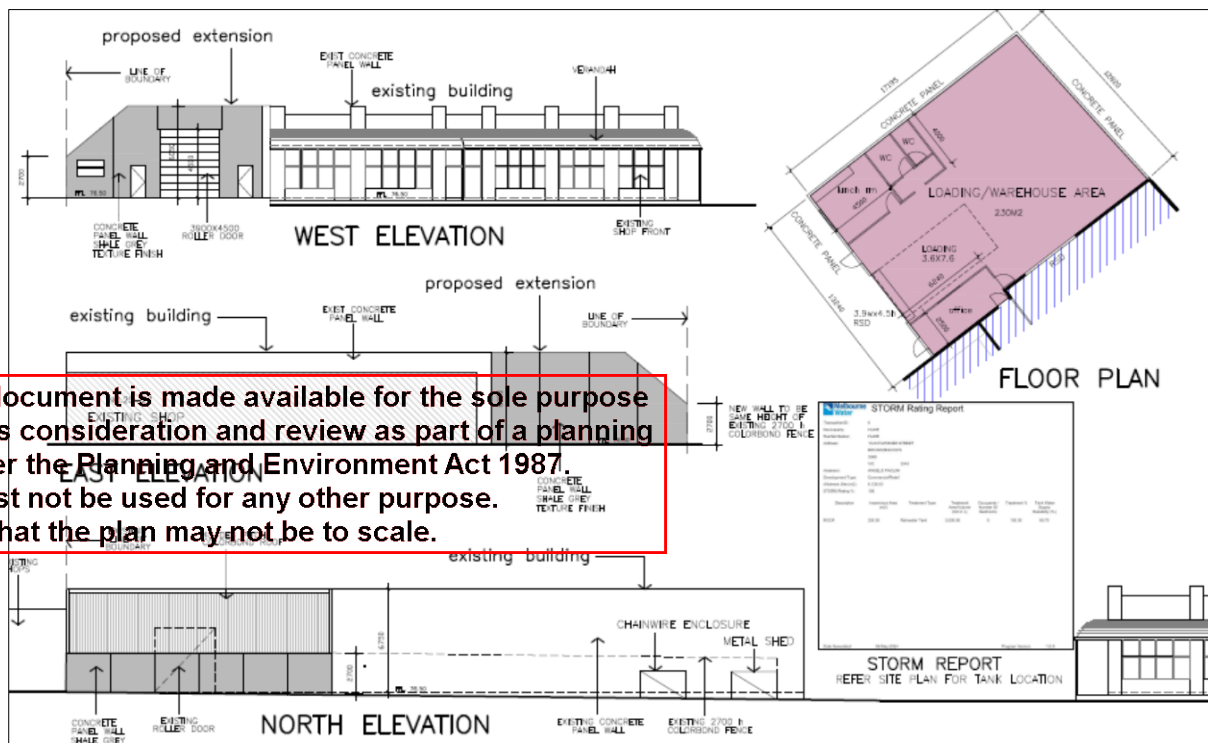


Figure 5 - Proposed elevation and extension floor plan



4 Planning Policy Framework/Controls

The following planning policy is considered relevant to the assessment of the proposed development.

4.1 Planning Policy

- Clause 11.01-1: Settlement
- Clause 15: Built Environment and Heritage
- Clause 15.01-1S: Urban Design
- Clause 15.01-2S: Building Design
- Clause 15.01-5S: Neighbourhood Character
- Clause 17.01-1S: Diversified Economy
- Clause 17.02-1S: Business
- Clause 18.02-4S: Car parking
- Clause 22.21: Environmentally Sustainable Development
- Clause 21.06: Economic Development

4.2 Policy Summaries

- **Clause 11.01-1: Settlement** – Policy seeks to develop sustainable communities that offer convenient access to jobs, services, infrastructure, and community facilities by directing growth into existing settlements and promoting and capitalising on opportunities for urban renewal and infill development.
- **Clause 15: Built Environment and Heritage** - Policy seeks to ensure that planning achieves architectural outcomes that contribute positively to local urban character to help contribute to a sense of place. Planning should minimise detrimental impact on neighbouring properties and respond to the valued built form of the area.
- **Clause 15.01-1S: Urban Design** - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-2S: Building Design** - Policy seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- **Clause 15.01-5S: Neighbourhood Character** - Policy seeks to recognise, support and protect neighbourhood character, valued features, cultural identity and sense of place.

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- **Clause 17.02-1S: Business** - Policy encourages development to meet the community need for retail, entertainment, office and other commercial services (such as a supermarket and a service station).
- **Clause 18.02-4S: Car parking** - Policy seeks to ensure an adequate supply of car parking that is appropriately designed and located.
- **Clause 22.21: Environmentally Sustainable Development** – Policy seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.
- **Clause 21.06: Economic Development** – Policy seeks to facilitate the economic growth and job diversity through the creation of new jobs and the investment in existing business, aiming to create a business attraction and investment within Hume.

4.3 Particular Provisions



The following particular provision are considered relevant to the proposal:

- Clause 52.06: Car Parking; and
- Clause 65: Decision Guidelines.

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- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

4.5 Design and Development Overlay (DDO4)

The wider Site is within the Design and Development Overlay; however, the proposed extension area is not within the overlay. In any case, the purpose of this overlay is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

The subject site is not within the DDO4, therefore no permits are triggered under this overlay.

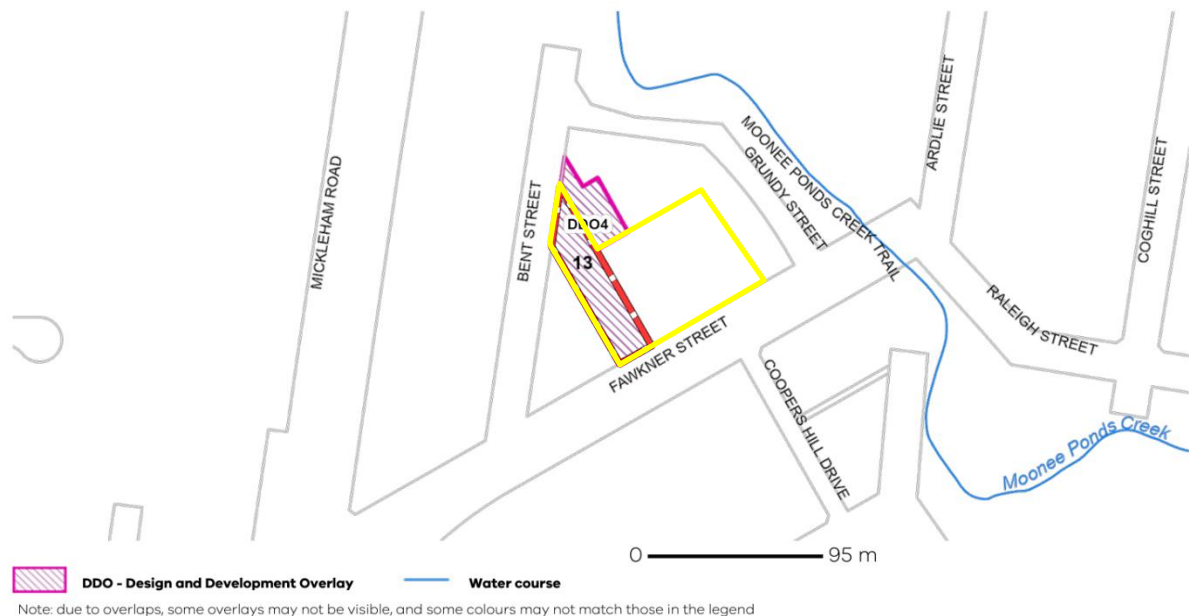


Figure 7 - Design and Development Overlay - Subject Site highlighted in yellow

4.6 Areas of Aboriginal Cultural Heritage Sensitivity

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The site is located entirely within an Area of Aboriginal Cultural Heritage Sensitivity. As the purpose of this application is associated with land which was being lawfully used prior to 28 May 2007, it has been determined by using the Aboriginal Heritage Regulations Planning Tool that a CHMP is not required.



Figure 8 - Map of Areas of Aboriginal Cultural Heritage Sensitivity

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5 Planning Considerations

The proposal is considered to provide an excellent response to the land use and built form aspirations of the City of Hume. In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** – Does the proposal demonstrate an appropriate outcome considering the strategic drivers of the City of Hume?
- **Built form** – Does the proposal demonstrate an appropriate built form, landscaping and siting to minimise impacts on adjacent properties?
- **Amenity** – Does the proposed layout address offsite amenity considerations, and does it contribute to the public realm?
- **Traffic and Access** – Will the proposed layout provide for efficient and safe vehicle and pedestrian circulation throughout the site? Is waste management on site appropriately managed?
- **RFI Response** – Does the new proposal appropriately respond to the RFI of application P24061 dated 27 October 2021?

5.1 Planning Policy

We submit that the proposal responds well to the key policy drivers of the Hume Planning Scheme as follows:

- Clause 11 (Settlement) and Clause 15 (Built Environment and Heritage) encourage development to respond to the future needs of the community while ensuring land uses respect the amenity and character of the surrounding area. The proposal provides a positive response by siting the proposed extension of the IGA, abutting the rear of the IGA in the existing loading zone and within the wider commercial precinct.
- Clause 17.01-1S (Diversified Economy), Clause 17.02-1S (Business) and Clause 21.06 (Economic Development) encourage the growth of local economies through investment in existing local businesses and support of pre-existing land uses. The proposal aligns with the intent of these clauses through the provision of an extension to the existing 'Claudio's IGA', in turn, supporting the development and facilitation of greater employment attraction and opportunity, through the provision of additional and improved staff facilities in this local business.

From the above the proposal responds well to State and Local policy which encourages appropriately sited and designed commercial developments in existing areas within Westmeadows.

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5.2 Built Form

The proposed development is located within the Commercial 1 Zone. The existing neighbourhood character and land use has been of major consideration when designing the built form, and siting of the development to minimise potential for negative amenity impacts on adjacent properties.

Notable elements incorporated into the design include:

- Chamfered roof form – minimising shadow impact on adjacent northern residential interface;
- 6.05 metre height to seamlessly abut existing built form of the supermarket;
- Chamfered 45 degree pitch roof at the northern residential interface to reduce the height of built form to 2.7 metres;
- Complementary building materials and colours to existing local context (Concrete panel wall, Shale grey texture finish) – it is also noted that this extension is located at the rear of the IGA building, with minimal visibility from the public realm.

These elements support and enhance the existing and preferred neighbourhood character and integrate the proposed development with the rhythm and feeling of the streetscape.

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5.3 Amenity

The Site is located within the Westmeadows primary commercial hub, centred around Fawkner Street – proximate to the Tullamarine Freeway, Mickleham Road and Broadmeadows Road. The extension of Claudio's IGA will further support the development and success of this commercial hub through the provision of additional staff facilities, in turn, positioning Claudio's IGA as a more attractive employment opportunity.

The proposed extension is compatible with the surrounding uses, predominately categorised as commercial uses, including; retail stores, restaurants, gyms, community services and service station etc. Alternate to this, double storey residential dwellings are located abutting the northern interface of the proposed extension. This has been considered in the chamfered roof design which intends to minimise shadowing on adjacent properties.

In addition, no change of use or change of operating hours has been proposed. Therefore, the extension will not create any further amenity impact on the surrounding properties, in fact, the provision to enclose the loading bay will further mitigate any noise impact from the loading bay in its current manifestation.

The proposed development is compatible with the surrounding transport corridors and future desired planning outcome of the area as it is identified for commercial use.

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5.4 Traffic and Access

The proposed traffic and access arrangements are considered to be appropriate. Access to the extension is provided via the existing driveway, with the provision of an additional roller shutter door (RSD) to be constructed at the northern interface. The driveway is 7 metres wide and provides for safe two-way vehicle access. This allows for all vehicles to safely enter and exit the site in a forward direction.

5.4.1 Clause 52.06 – Car Parking

Clause 52.06 Car Parking requirements for the development are detailed as follows:

The IGA has been utilising the common property car parking spaces for several decades. Pursuant to the planning scheme, the warehouse extension will generate a requirement for an additional 3 spaces and as such, 3 additional spaces are proposed to be added to the common property area adjacent to the warehouse area. Given that this is not “on title”, a dispensation of a further 3 car parking spaces is formally sought as part of this application.

Component	Area	Rate	Car Parking Measure	No.
Existing Cars in common property	-	-	-	89
New warehouse Requirement	230	1.5	To each 100sqm of leasable floor area	3
Enclosed Loading Area	-	-	No Cars required	-
Total cars in common prop				92

5.4.2 Loading Considerations

Due to Amendment VC142 no specific loading requirements for the subject site are identified. The relevant decision guidelines to respond to is whether the proposal provides adequate vehicle loading and unloading facilities, in accordance with Clause 59.04-2 Decision Guidelines.

Considering the above, the proposed development provides utilises the existing loading bay (although there is provision from a reduction in the loading bay area, along with the construction of an extension, making the loading bay internal rather than external to the building.

5.4.3 Waste Management

The waste arrangements for this proposal remain unchanged, with the only difference being that the waste bins will now be located internally within the extension area, as opposed to externally where the bins are currently located. The number of bins, waste generation and frequency of waste collection is not proposed to change.

5.5 RFI Response Application No 19824061 (dated 27 October 2021)

The copy must not be used for any other purpose. Permit Application P24061 was received by Council on 1 October 2021. The application was for a similar extension of Claudio's IGA at the subject site - common property PS346771 at 15-23 Fawkner Street, Westmeadows. This application raised concerns, resulting in the application not being able to be processed at the time, thus an RFI was issued on 27 October 2021. The following responds to the concerns of the aforementioned RFI, addressing the ways in which the new proposal appropriately responds to the requirements.

5.5.1 Council Concerns

Council Response	Human Habitats Comment
A. Extension in common property	This matter has been resolved. The subdivision of the property has recently been approved – with the



Council Response	Human Habitats Comment
	subject site now no longer located on <i>common property</i> .
<p>B. <i>Impact to neighbouring properties</i></p> <ul style="list-style-type: none"> The application has not provided sufficient information to assess impact to neighbouring properties. 	The impact to neighbouring properties has been considered in the design of the roof form. For further assessment of the neighbouring impact; please refer to Section 5.2 and 5.3 of this report.
<p>C. <i>Section 173 Agreement</i></p> <ul style="list-style-type: none"> The application contravenes Section 173 Agreement, as it proposes development that is not in accordance with the relevant development permit. 	We expect that the proposed extension of Claudio's IGA will be in accordance with the relevant development permit.

5.5.2 Council Further Information

Council Response	Human Habitats Comment
1. <i>Application fee</i>	This will be paid upon issue of council invoice.
2. <i>Certificate of title</i>	Provided as a part of lodgement package.
<p>3. <i>Amended plans</i></p> <ul style="list-style-type: none"> Please provide amended plans that show: <ul style="list-style-type: none"> a. Full dimensions. b. Wall heights of proposed extension. c. Shadow diagrams demonstrating overshadowing to the adjoining residential properties. d. Waste storage location for all shops within common property. 	Plans submitted with lodgement package have been amended to align with the RFI requirements.
<p>4. <i>Section 173 Agreement</i></p> <p>The proposal is not in accordance with the development permit referenced in Section 173 Agreement AL685707P.</p>	This will be managed as part of this application process.
<p>5. <i>Written response</i></p> <p>Please provide a written response demonstrating why the proposal is appropriate to the site, how the practicalities of the subject site (such as waste management, loading and unloading etc) are managed, and how amenity impacts to neighbouring residents are being managed.</p>	<p>This Planning Report has been provided as a formal written response and demonstrates the requirements of the RFI.</p> <ul style="list-style-type: none"> Please refer to Section 2 and 5 of this Report for assessment of the proposal's compatibility with the subject site. Please refer to Section 5.4 of this Report for detailed assessment of the practicalities of the subject site

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Council Response	Human Habitats Comment
	<ul style="list-style-type: none"> Please refer to Section 5.2 and 5.3 of this Report for assessment of how amenity impacts to neighbouring residents are being managed.

5.6 RFI Response: Application No.: P25193 (dated 1 May 2023)

5.6.1 Council Further Information

	Human Habitats Comment
<p>1. The land is yet to be subdivided under PS346771Q, which results in the works being within the title boundaries of the subject site (rather than within common property).</p> <p>The application can not be further progressed until subdivision PS346771Q has been finalised and new titles are issued.</p>	<p>We understand that this issue has now been resolved.</p>
<p>2. Once this has been done, please submit the following information:</p> <ul style="list-style-type: none"> Application form updated to include: a. Owners details as per the Certificate of Title (application form currently specifies "owners corporation" as the owner). A "reduction of car parking" within the proposal (the planning report addresses that the car parking provision meets the requisite number under Clause 52.06 – car parking of the Hume Planning Scheme. However, these spaces are within common property and not held on title. As such, a reduction in car parking must be sought as part of the planning permit 	<p>Bill Jacobs Pty Ltd will provide an updated Application Form</p> <p>With respect to the reduction in car parking query, On further inspection, yes we agree that a dispensation of car parking will be required as all car parking is located in common property areas. This application proposes to add car parking to the common property areas to ensure that there are no adverse impacts on the car parking arrangements at present. Please refer to Section 5.4 of this report.</p>
<p>3. Planning report updated to address:</p>	<p>As the purpose of this application is associated with land which was being lawfully used prior to 28 May 2007, it has been determined by using the Aboriginal Heritage Regulations Planning Tool that a CHMP is not required.</p>
<p>This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The copy must not be used for any other purpose. Please note that the plan may not be to scale.</p> <ul style="list-style-type: none"> Clarification of if consent is being sought under Section 173 Agreement AL685707P. If so, this should be clearly addressed. Clause 52.06 – Car parking to address a proposed shortfall. This should also address that the works include the provision of additional spaces (as shown on the site plan). 	<p>Yes, we can confirm that consent is sought under Section 173 Agreement AL685707P.</p> <p>Please refer to Section 5.4 of this report for an further analysis of the car parking dispensation that is sought.</p>



	Human Habitats Comment
<ul style="list-style-type: none"> Clause 53.18 – Stormwater Management in Urban Development including demonstration that the stormwater management system has been designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). 	<p>Please refer to the Stormwater Management Plan that has been submitted with the RFI response prepared by Bill Jacobs Pty Ltd. We have reviewed this report and we can confirm that this report addresses Clause 53.18 of the Hume Planning Scheme.</p>
<p>4. Shadow diagrams showing shadow projections for the proposed extension and from existing fences (in a clear and distinguishable colour).</p>	<p>These items have been prepared by Bill Jacobs Pty Ltd and are enclosed with the RFI Response</p>
<p>5. Swept path plans demonstrating that the largest size vehicle required to deliver to the supermarket can exit the site in a forward motion.</p>	<p>These items have been prepared by Bill Jacobs Pty Ltd and are enclosed with the RFI Response</p>
<p>6. A Stormwater Management Plan, showing that the stormwater measures are designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</p>	<p>These items have been prepared by Bill Jacobs Pty Ltd and are enclosed with the RFI Response</p>

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6 Conclusion

The proposed Extension will deliver a positive planning outcome for the following reasons:

- The proposed Extension is consistent with the vision, objectives and guidelines of the Hume Planning Scheme.
- The proposed Extension is an appropriate location abutting the existing IGA and within the Westmeadows Town Centre.
- The design response provides for additional employee facilities as demand increases in the future through the development of Westmeadows.
- The proposed layout and access are designed to operate safely and efficiently.

For the reasons outlined in this report, we believe the proposal is worthy of Council support, subject to standard conditions.

Human Habitats Pty Ltd

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