



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

**MONDAY, 17 DECEMBER 2018**

**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

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## Notice of an

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

to be held on Monday, 17 December 2018

**at 7.00 PM**

at the Council Chamber, Hume Global Learning Centre, Broadmeadows

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To:	a: Council	Cr Carly Moore	Mayor
		Cr Naim Kurt	Deputy Mayor
		Cr Joseph Haweil	
		Cr Jodi Jackson	
		Cr Drew Jessop	
		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**

Cr Geoff Porter, Cr Joseph Haweil and Cr Drew Jessop will be apologies for the meeting.

#### **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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**5. 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
COCC026	Contract – Building Contractors for the Construction of Greenvale West Community Centre, Greenvale	(d) contractual matters
COGE223	Proposed Acquisition of the Land known as Loop Road, Broadmeadows	(e) proposed developments
COGE224	Contract - Provision of Fencing Services for Hume City Council	(d) contractual matters
COGE225	Designation of Information provided at Strategy and Policy Briefings as confidential information - December 2018	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE226	Councillor Request for Legal Advice	(f) matters relating to legal advice.

**6. CLOSURE OF MEETING**

**DOMENIC ISOLA**  
**CHIEF EXECUTIVE OFFICER**

**13/12/2018**



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<b>REPORT NO:</b>	SU360
<b>REPORT TITLE:</b>	46 Gap Road, Sunbury - Amendment to Planning Permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans.
<b>SOURCE:</b>	Eliana Demetriou, Senior Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P8039.01
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	1. <i>Locality Plan</i> 2. <i>Site Layout Plan</i>

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<b>Application No:</b>	P8039.01
<b>Proposal:</b>	Amendment to Planning Permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans.
<b>Location:</b>	46 Gap Road Sunbury
<b>Zoning:</b>	Commercial 2 Zone
<b>Applicant:</b>	Dr Emil Baselyous c/- Taylors Development Strategists Pty Ltd
<b>Date Received:</b>	27 September 2018

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**1. SUMMARY OF REPORT:**

- 1.1 Planning approval is sought to amend Planning permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans on the land commonly known as 46 Gap Road, Sunbury. The application was advertised and one objection was received, and a joint letter of support containing 924 signatures has been received. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* including the issues raised within the objections. On balance, the proposal is considered acceptable and it is recommended that a Notice of Decision to Grant an amendment to the Permit be issued subject to conditions.

**2. RECOMMENDATION:**

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant an amendment to Planning Permit P8039.01 to delete reference to reduced car parking, delete the condition relating to the number of practitioners, extend the hours of operation and amend the plans at 46 Gap Road, Sunbury, subject to the following conditions:

**1. Amended plans**

Before the use and development permitted by this permit commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:

REPORT NO: SU360 (cont.)

- a) the width of the accessway located to the north of the site increased to a minimum of 3.6 metres as per the approved plans under this permit.
  - b) the two car spaces located to the rear of the specialist medical centre building to be converted to one car space with a maximum length of 5.5 metres.
2. The deletion of condition 33 relating to the number of practitioners.
  3. Amendment to condition 34 relating to the hours of operation as follows:  
Monday to Friday – 7.30am to 10:00pm  
Saturday – 8:00am to 6:00pm  
Sunday – 9:00am to 6:00pm
  4. Deletion of the wording ‘reduced carparking’ in the preamble of the planning permit.
  5. The subsequent re-numbering of the remaining conditions.

3. PROPOSAL:

- 3.1 The application proposes to amend planning permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans. The proposed amendment to the planning permit comprises the following:
  - Amend the permit preamble to remove reference to a reduction in car parking as a reduction in car parking requirements is no longer required under the current provisions (Clause 52.06 – car parking).
  - Delete condition 33 relating to the number of practitioners. At the time the original permit was issued, the car parking rate was calculated at a rate of 5 car spaces per practitioner and condition 33 of the permit was included to limit the number of practitioners to six practitioners in consideration of these car parking requirements. As the applicable car parking rate is no longer dependant on the number of practitioners, there is no longer any basis to limit the number of practitioners.
  - To extend the hours of operation set out by Condition 34 of the permit to align with the current operations of the medical centre as follows:  
Monday to Friday – 7:30am to 10:00pm  
Saturday – 8:00am to 6:00pm  
Sunday – 9:00am to 6:00pm
  - To amend the plans endorsed under this permit to reflect the current conditions of the site to show additional car parking spaces. There is an additional car space in lieu of landscaping within the front setback of the medical centre and an additional two car spaces to the rear of the specialists medical centre in lieu of a vehicle turning area.
  - The matters mentioned above were raised in objections to the advertising of the P21368 (the Pharmacy application) and therefore the permit applicant seeks to rectify non-compliance and update conditions to reflect the current requirements of the Hume Planning Scheme via these amendments.

4. SITE AND SURROUNDS:

- 4.1 The subject site is an irregular L shaped lot being a combination of the corner lot (46 Gap Road) and the lot to the north (formerly 51 Ligar Street). The land has a frontage width of 29.87 metres to Gap Road and a depth of 61.37 metres to Ligar Street with a total lot size of 2.224 hectares.

REPORT NO: SU360 (cont.)

- 4.2 The site is currently occupied by two buildings, previously dwellings, which have been altered and extended, including a connecting corridor, and converted to a medical centre. The resultant building now primarily fronts Ligar Street and has three separate vehicle crossings. Vehicle parking is located in three separate areas on the site including within the Gap Road setback (nine car spaces); the Ligar Street setback (14 car spaces) and to the rear of the site accessed via the northern most crossing (seven car spaces).
- 4.3 The combined facility contains 13 consulting rooms, one treatment room, pathology, two scan rooms, two reception and waiting areas (one per building), two staff rooms, amenities and utilities.
- 4.4 The applicant advises that in addition to administrative staff, the existing medical centre has general medical practitioners, psychologists, gynaecologists, podiatrists, dieticians, nurses offering pathology and x-ray services comprised of a sonographer and a radiographer.
- 4.5 The immediate interfaces include a lot to the east (38-44 Gap Road) comprising a medical centre and dispensary under construction under planning permit P16684.03 and a single dwelling to the north (49 Ligar Street). The Sunbury Motor Inn is situated on the opposite corner of Gap Road and Ligar Street. The wider area is primarily residential to the north and west and commercial to the east and south side of Gap Road.

**Restrictions on Title**

- 4.6 No registered restrictive covenants are recorded on title.

**Planning History**

- 4.7 A review of Council records indicates that planning permit P6137 was issued for the site on June 2000 allowing the use and development of the land for the purpose of a medical centre. Planning permit P6439 was issued for the site on 15 September 2000 allowing the erection and display of advertising signage (pole sign). Planning permit P8039 was issued for the site on 5 December 2002 allowing a medical centre and alterations/extensions to the existing medical centre with reduced car parking. Planning application P21368 for the use and development of a pharmacy within the existing medical centre is being considered simultaneously with this application.

**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 11 : Settlement Clause 15.01: Built Environment Clause 17.02: Commercial Clause 19.02-1S: Health Facilities
<i>Municipal Strategies:</i>	Clause 21.01: Municipal Profile Clause 21.02-2: Hume Corridor Clause 21.03-1: Liveable Communities Clause 21.05-1: Activity Centres Clause 21.06-1: Economic Development
<i>Zones:</i>	Commercial 2 Zone
<i>Overlays:</i>	Design and Development Overlay No.2
<i>Particular Provisions:</i>	Clause 52.06: Car Parking

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*General* Clause 65: Decision Guidelines  
*Provisions:* Clause 65.01: Approval of an Application or Plan

- 5.2 It is State policy to develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.
- 5.3 It is also State policy to assist the integration of health facilities with local and regional communities.
- 5.4 The subject site is located in a Commercial 2 Zone. The purpose of the Commercial 2 Zone is:
- *To implement the State Planning Policy Framework and the Local 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.*
- 5.5 The site is subject to a Design and Development Overlay (DDO2). The purpose of this overlay is:
- *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.*
- 5.6 Schedule 2 to the Design and Development Overlay relates to Horne Street and Gap Road and has the following design objectives:
- *To ensure the design and layout of new development protects the amenity of existing buildings and adjoining residential areas.*
  - *To encourage development and design outcomes that enhance the 'rural town' character theme of Sunbury as interpreted by the Horne Street Urban Design Guidelines.*
  - *To encourage 'book end' siting for all buildings located on corner sites and 'set back' siting for all other developments.*
  - *Maintain a 3 metre wide buffer strip to the rear of all properties.*

**Clause 52.06 – Car parking**

- 5.7 The purpose of this clause is:
- *To ensure appropriate access to identified roads.*
  - *To ensure appropriate subdivision of land adjacent to identified roads.*
- 5.8 Pursuant to Clause 52.06-2 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 or*
  - *A new building being occupied or*
  - *The floor or site area of an existing use being increased or*
  - *The number of patrons, seats or practitioners at an existing use being increased.*
- 5.9 Table 1 at Clause 52.06-5 sets out the number of car parking spaces required for a use. Amendment VC148 gazetted on 31 July 2018 amended the *Hume Planning Scheme* to (amongst other things), introduce *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018) with the effect that where sites are



REPORT NO: SU360 (cont.)

included within the *Principal Public Transport Network Area Maps* that it defaults to Column B car parking rates. Part of the subject site is identified as being within the Principal Public Transport Network Area Map. For a medical centre, the Column B rate relates to 3.5 car spaces to each 100sqm of leasable floor area.

**Aboriginal Cultural Heritage**

- 5.10 The land is not located within an area identified as having Aboriginal Cultural Heritage Sensitivity. As per Section 6 of the *Aboriginal Cultural Heritage Regulations 2007*, a Cultural Heritage Management Plan is not required.

**Major Electricity Transmission Line**

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

**Planning Permit Trigger/s**

- 5.12 The permit trigger in this instance is Section 72 of the *Planning and Environment Act* which applies to an application for an amendment to the permit.

- 5.13 Section 72 states:

*A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit. This section does not apply to –*

- *a permit issued at the direction of the Tribunal; or*
- *a permit issued under Division 6*

In this section a reference to a permit includes any plans, drawings or other documents approved under a permit.

- 5.14 The proposed amendment would result in amending the preamble of the current planning permit, amending, adding and deleting conditions and amended plans.

**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* ("the Act").
- 6.2 An internal referral was made to Council's Engineering and Assets Department. Responding comments indicated support for the proposal with a requirement to amend the plans and re-instate the accessway located to the north of the site to 3.6 metres. In addition the two proposed car spaces to the rear of the specialist building are to be converted to one car space with a maximum length of 5.5 metres.

**7. ADVERTISING:**

- 7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* by way of notices to adjoining owners and occupiers and placing a notice board on site for a minimum of 14 days as prescribed under the *Act*. One objection has been received in response, and a joint letter in support containing 924 signatures has been received.
- 7.2 The grounds of objection can be summarised as follows:
- Current building has been constructed over the title boundary;
  - It is not appropriate that the planning permit be amended;
  - Impact on car parking/inadequate parking;
  - Extension to hours of operation is inappropriate.

REPORT NO: SU360 (cont.)

8. OBJECTIONS

8.1 Current building has been constructed over the title boundary

The concern relates to the existing building has been constructed over the adjoining land at 42-44 Gap Road, Sunbury. This is a civil legal matter and not a relevant Town Planning consideration.

8.2 It is not appropriate that the planning permit be amended

A retrospective planning application can be applied for to amend the current permit to reflect the current operations.

8.3 Impact on car parking/inadequate parking

The car parking requirement for a medical centre has changed under Amendment VC148. The car parking requirement for a medical centre for this site defaults to Column B. Car parking rates for a medical centre which are 3.5 car spaces to each 100 square metres of leasable floor area.

8.4 Extension to hours of operation is inappropriate

The proposed hours of operation are considered to be appropriate given that the land is located within a commercial one zone, abuts a Road Zone Category 1 (Gap Road) and is located on a corner.

9. ASSESSMENT:

- 9.1 A detailed discussion of the proposed amendment to the planning permit including Clause 52.06 of the *Hume Planning Scheme* is provided below.

**Deletion of the reference to reduced car parking in the preamble of the permit and deletion of Condition 33 relating to the number of practitioners.**

- 9.2 The request to delete reference to reduced car parking in the permit preamble and delete condition 33 relating to the number of practitioners has arisen from Amendment VC148 which was gazetted on 31 July 2018 and introduced a *Principal Public Transport Network Area Map* into the *Hume Planning Scheme*. This in effect included part of the subject site within the *Principal Public Transport Network Area*. The car parking requirement for a medical centre for this site defaults to Column B car parking rates for a medical centre which are 3.5 car spaces to each 100sqm of leasable floor area.
- 9.3 Planning application P21368 which is also being considered simultaneously to this application involves the conversion of part of the existing medical centre (41sqm) to a pharmacy (dispensary). The Column B rate applies to a shop (pharmacy). The leasable floor area of the building is 501.01sqm. Therefore, the entire medical centre including the re-configuration to allow for a pharmacy based on the current Clause 52.06 car parking rate is 17.53 car spaces. The subject site with an on-site car parking provision of 30 car spaces exceeds this requirement.
- 9.4 Given that the car parking for this medical centre located within the *Principal Public Transport Network Area Map* is no longer based on the number of practitioners, Condition 33 can be deleted from the planning permit. The number of car spaces provided on site is no longer tied to practitioner or persons providing health services but rather the floor area of the medical centre.
- 9.5 Since the existing medical centre and pharmacy use proposed under planning application P21368 require 17.53 car spaces and 30 on-site car spaces are existing, the reference to a reduction in car spaces in the permit preamble can be deleted.

**REPORT NO: SU360 (cont.)**

**Amendment to Condition 34 to extend the hours of operation of the medical centre.**

- 9.6 The applicant advises that the medical centre has been operating with extended hours since the issuance of the planning permit in 2002. The medical centre has operated beyond the allowable operating hours to respond to the needs of the community and allows the services of the medical centre to be accessible to a wide variety of demographic groups.
- 9.7 The applicant advises that the medical centre is the only fully bulk-billed centre within the surrounding area and endeavours to accommodate the demand of appointments. There are few bulk-billing medical practices in the area that are open late. The medical centre also provides essential emergency services that patients would otherwise have to visit a hospital emergency department, reducing pressure upon the local hospitals.
- 9.8 In addition, since the commencement of operation of the medical centre, the medical centre includes a number of practitioners of varying specialties that have operated from this site. This includes general practitioners, psychologists, gynecologist, podiatrists, dieticians, phlebotomist, sonographer and radiographer.
- 9.9 The permitted hours of operation as per condition 34 of the planning permit are as follows:
- Monday to Friday – 8:00am-7:00pm  
Saturday – 8:00am to 6:00pm  
Sunday – 10:00am to 6:00pm
- 9.10 The application proposes to amend the permit condition 34 to reflect the current operating hours of the medical centre as follows:
- Monday to Friday – 7:30am-10:00pm  
Saturday – 8:00am to 6:00pm  
Sunday – 9:00am to 6:00pm
- 9.11 Whilst the medical centre is located within a Commercial 2 Zone, the site abuts residential land to the north of the site. However, the proposed hours of operation for the medical centre are considered to be appropriate given that the land is located within a Commercial 2 Zone, abuts a Road Zone Category 1 (Gap Road) and is located on a corner. Also, Council is not aware of any complaints regarding these hours, which have been in operation since 2002.

**Amendment to the plans**

- 9.12 The application also seeks to amend the plans approved under this permit to reflect the current conditions of the site. One car space is proposed within the Ligar Street frontage (however this car space is shown on the current endorsed plans). It is also proposed to provide an additional two car spaces within an area used for vehicle maneuvering under the current endorsed plans. The application for the additional two on-site car spaces has been assessed by Council's Engineering and Assets department who advise that the two car spaces to the rear of the specialist medical centre building are to be converted to one car space with a maximum length of 5.5 metres. This would provide one additional on-site car space and maintain sufficient room for vehicle maneuvering. The site would therefore have a maximum of 31 on-site car spaces.
- 9.13 In addition the accessway width to the north of the site is shown to be 2.6 metres wide and is to be returned to 3.6 metres wide as per the current endorsed plans.

**REPORT NO: SU360 (cont.)**

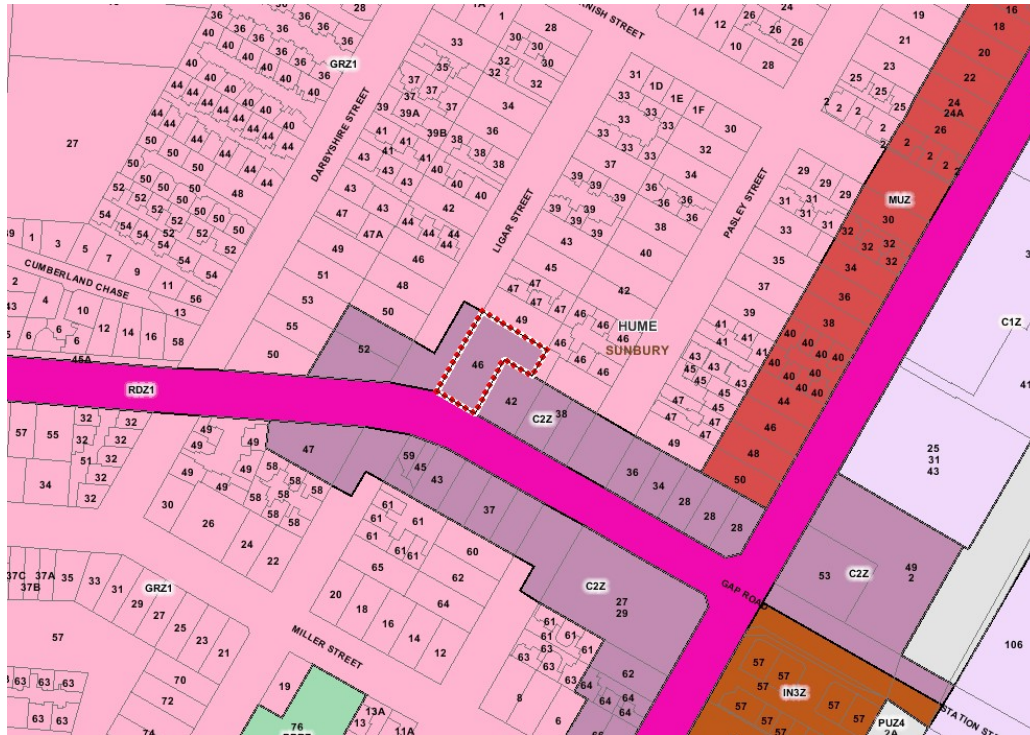
**10. CONCLUSION**

The proposed amendment to the planning permit P8039 has been assessed against the requirements of the *Hume Planning Scheme* and in particular Clause 52.06 and is considered to be appropriate. It is recommended that the application be supported subject to the recommended permit conditions.

LOCALITY PLAN

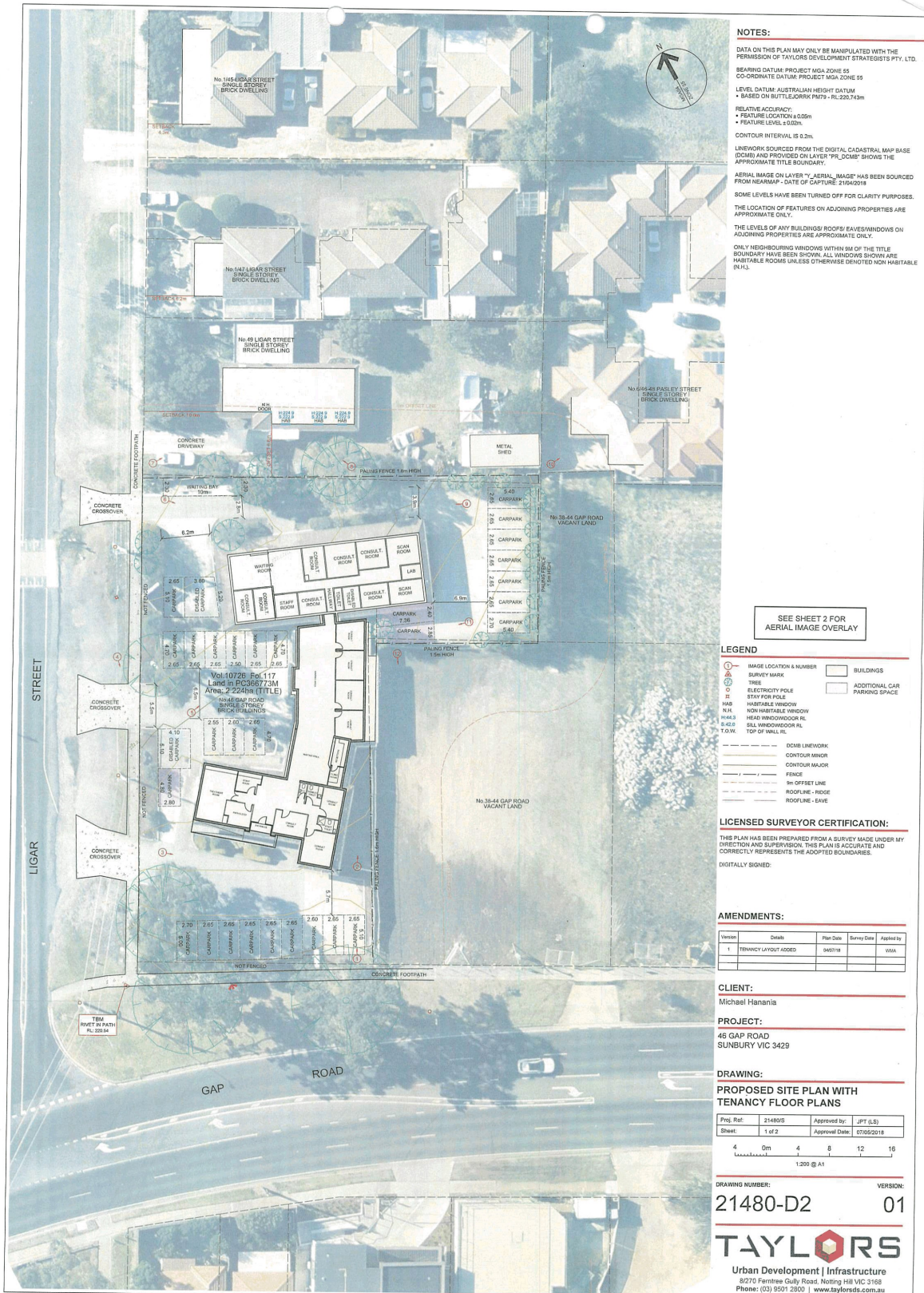
P8039.01

46 GAP ROAD, SUNBURY 3429













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<b>REPORT NO:</b>	SU361
<b>REPORT TITLE:</b>	46 Gap Road, Sunbury - Use and development of a pharmacy within an existing medical centre
<b>SOURCE:</b>	Eliana Demetriou, Senior Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P21368
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	1. <i>Locality Plan</i> 2. <i>Development Plans</i>

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<b>Application No:</b>	P21368
<b>Proposal:</b>	Use and development of a pharmacy within an existing medical centre
<b>Location:</b>	46 Gap Road Sunbury
<b>Zoning:</b>	Commercial 2, Design and Development Overlay No.2
<b>Applicant:</b>	Taylors Development Strategists Pty Ltd
<b>Date Received:</b>	11 May 2018

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**1. SUMMARY OF REPORT:**

Planning approval is sought to use and develop a pharmacy within an existing medical centre on the land commonly known as 46 Gap Road, Sunbury. The application was advertised and 11 objections were received. The application has been assessed against the relevant provisions of the *Hume Planning Scheme* including the issues raised within the objections. On balance, the proposal is considered acceptable and it is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

**2. RECOMMENDATION:**

**That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of a pharmacy within an existing medical centre at 46 Gap Road, Sunbury, subject to the following conditions:**

- 1. The use and development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.**
- 2. Except with the prior written consent of the Responsible Authority, the pharmacy use permitted by this permit may only operate between the following times:**  
**Monday to Sunday – 9:00am to 6:00pm**
- 3. The use must at all times be conducted in a manner ensuring the residential amenity of nearby residential properties is not detrimentally affected.**
- 4. This permit will expire if one of the following circumstances applies:**
  - the use and development is not started within three years of the date of this permit;**
  - or**

REPORT NO: SU361 (cont.)

- 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 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

**Note:**

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 review of the matter.

**3. PROPOSAL:**

- 3.1 It is proposed to convert two of the existing consult rooms and part of the waiting area in the northern part of the existing building to a pharmacy including dispensary area and sales counter/script area. The total floor area of the new pharmacy will be approximately 41.1sqm (4.8 metres x 8.49 metres). An existing window in the west elevation will be converted to an automatic door to enable direct access to the pharmacy from Ligar Street. No other external works are proposed. Existing internal walls are to be removed in order to enlarge the medical centre waiting area. The remainder of the building will remain the same internally.
- 3.2 The remaining medical centre will retain a floor area of 590sqm. The overall floor area of the building including the pharmacy is approximately 631sqm. The proposal relies on the existing 30 on-site car spaces to meet parking requirements.
- 3.3 The proposed hours of operation for the pharmacy are Monday to Sunday 9:00am to 6:00pm.
- 3.4 A separate planning application to amend planning permit P8039 is being considered simultaneously to (amongst other things) extend the hours of operation for the medical centre.
- 3.5 The proposed number of staff for the pharmacy is one full time pharmacist. The current planning permit for the medical centre (P8039) allows 6 practitioners at any one time. As stated, a separate application P8039.01 is being considered simultaneously to remove this condition relating to the number of practitioners.

**4. SITE AND SURROUNDS:**

**Site and surrounds**

- 4.1 The subject site is an irregular L shaped lot being a combination of the corner lot (46 Gap Road) and the lot to the north (formerly 51 Ligar Street). The land has a frontage width of 29.87 metres along Gap Road and a depth of 61.37 metres along Ligar Street with a total lot size of 2.224 hectares.
- 4.2 The site is currently occupied by two buildings, previously dwellings, which have been altered and extended, including a connecting corridor, and converted to a medical centre. The resultant building now primarily fronts Ligar Street and has three separate vehicle crossings. Vehicle parking is located in three separate areas on the site including within the Gap Road setback (nine car spaces); the Ligar Street setback (14 car spaces) and to the rear of the site accessed via the northern most crossing (seven car spaces). Additional on-site car spaces are proposed under a separate planning application P8039.01.

REPORT NO: SU361 (cont.)

- 4.3 The existing medical centre contains 13 consult rooms, one treatment room, pathology, two scan rooms, two reception and waiting areas (one per building), two staff rooms, amenities and utilities.
- 4.4 The applicant advises that in addition to administrative staff, the existing medical centre has general medical practitioners, psychologists, gynaecologists, podiatrists, dieticians, nurses offering pathology and x-ray services comprised of a sonographer and a radiographer.
- 4.5 The immediate interfaces include a lot to the east (38-44 Gap Road) comprising a medical centre and dispensary under construction under Planning permit P16684.03 and a single dwelling to the north (49 Ligar Street). The Sunbury Motor Inn is situated on the opposite corner of Gap Road and Ligar Street. The wider area is primarily residential to the north and west and commercial to the east and south side of Gap Road.

**Restrictions on Title**

- 4.6 No registered restrictive covenants are recorded on title.

**Planning History**

- 4.7 A review of Council records indicates that planning permit P6137 has been issued for the site on 5 June 2000 allowing the use and development of the land for the purpose of a medical centre. Planning permit P6439 has been issued for the site on 15 September 2000 allowing the erection and display of advertising signage (pole sign). Planning permit P8039 has been issued for the site on 5 December 2002 allowing a medical centre and alterations/extensions to the existing medical centre with reduced car parking. As stated, a current planning application P8039.01 is currently being considered simultaneously with this application to amend the current planning permit for the medical centre.

**5. PLANNING CONTROLS:**

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

*State Policies:* Clause 11 : Settlement  
Clause 15.01: Built Environment  
Clause 17.01: Business  
Clause 17.02: Commercial  
Clause 19.02-1S: Health Facilities

*Municipal Strategies:* Clause 21.01: Municipal Profile  
Clause 21.02-2: Hume Corridor  
Clause 21.02-3: Sunbury

*Zones:* Clause 21.03-1: Liveable Communities  
Clause 21.05-1: Activity Centres  
Clause 21.06-1: Economic Development  
Clause 22.16: Horne Street and Gap Road Sunbury

*Overlays:* Commercial 2 Zone  
Design and Development Overlay No.2

*Particular Provisions:* Clause 52.06: Car Parking

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*General* Clause 65: Decision Guidelines  
*Provisions:* Clause 65.01: Approval of an Application or Plan

- 5.2 It is State policy to develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.
- 5.3 It is also State policy to assist the integration of health facilities with local and regional communities.
- 5.4 The subject site is located in a Commercial 2 Zone. Pursuant to Clause 34.02-1 of the *Hume Planning Scheme*, a planning permit is required to use land for the proposed pharmacy (shop) as not all of the Section 1 conditions have been met. The purpose of the Commercial 2 Zone is
- *To implement the State Planning Policy Framework and the Local 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.*
- 5.5 The site is subject to a Design and Development Overlay (DDO2). The purpose of this overlay is:
- *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.*
- 5.6 Schedule 2 to the Design and Development Overlay relates to Horne Street and Gap Road and has the following design objectives:
- *To ensure the design and layout of new development protects the amenity of existing buildings and adjoining residential areas.*
  - *To encourage development and design outcomes that enhance the 'rural town' character theme of Sunbury as interpreted by the Horne Street Urban Design Guidelines.*
  - *To encourage 'book end' siting for all buildings located on corner sites and 'set back' siting for all other developments.*
  - *Maintain a 3 metre wide buffer strip to the rear of all properties.*
- 5.7 Pursuant to Clause 43.02-2 a permit is required for building and works. The proposed works are primarily internal except for the alteration of a window to an automatic door on the west elevation allowing direct access to the pharmacy.

**Clause 52.06 – Car Parking**

- 5.8 The purpose of this clause is:
- *To ensure appropriate access to identified roads.*
  - *To ensure appropriate subdivision of land adjacent to identified roads.*
- 5.9 Pursuant to Clause 52.06-2 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 or*
  - *A new building being occupied or*
  - *The floor or site area of an existing use being increased or*
  - *The number of patrons, seats or practitioners at an existing use being increased.*

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- 5.10 Table 1 at Clause 52.06-5 sets out the number of car parking spaces required for a use. Amendment VC148 gazetted on 31 July 2018 amended the *Hume Planning Scheme* to (amongst other things), introduce *Principal Transport Network Area Maps (State Government of Victoria, August 2018)* with the effect that where sites are included within the *Principal Transport Network Area Maps*, that it defaults to Column B car parking rates. Part of the subject site is identified as being within the *Principal Transport Network Area Map*. A shop (pharmacy) requires 3.5 car spaces to each 100sqm of leasable floor area as per Column B requirements.

**Aboriginal Cultural Heritage**

- 5.10 The land is not located within an area identified as having Aboriginal Cultural Heritage Sensitivity. As per Section 6 of the *Aboriginal Cultural Heritage Regulations 2007*, a Cultural Heritage Management Plan is not required.

**Major Electricity Transmission Line**

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

**Planning Permit Trigger/s**

- 5.12 Pursuant to Clause 34.02-1 of the *Hume Planning Scheme*, a planning permit is required to use land for the proposed pharmacy (shop) as not all of the Section 1 conditions have been met. Whilst the site adjoins a Road Zone Category, the site does not adjoin and is not located on the same land as a supermarket and the leasable floor area exceeds 500sqm.
- 5.13 Pursuant to Clause 43.02-2 a permit is required for building and works.

**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* ("the Act").

**7. ADVERTISING:**

- 7.1 The application was advertised under Section 52 of the *Planning and Environment Act 1987* by way of notices to adjoining owners and occupiers and placing a notice board on site for a minimum of 14 days as prescribed under the *Act*. A total of 11 objections were received in response.
- 7.2 The grounds of objection can be summarised as follows:
- Car parking calculation incorrect
  - Current operations inconsistent with the existing permit
  - Parking issues as a result of the expanded medical centre
  - Overflow of parked vehicles to Ligar Street and Pasley Street/vehicles parked on the nature strip
  - Out of character with this location
  - Increased noise from the increase in car and pedestrian traffic
  - Various breaches of the Victorian Pharmacy Authority and National Health (Australian Community Pharmacy Authority Rules)

**8. OBJECTIONS:**

8.1 Car parking calculation incorrect

There is no requirement in the *Hume Planning Scheme* to provide the full amount of parking where the floor area is less than the calculation rate. Where the floor area is less than the calculation rate (i.e. 41sqm where calculation is 100sqm) it follows, and is common practice, to calculate the pro-rata amount. In this case, the requirement of 3.5 car spaces per 100sqm calculates to 1.3 spaces for 41sqm. Clause 52.06 – Car Parking states that :

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*“If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.”*

It is considered that the calculated rate of 1 car space for the proposed pharmacy use is correct and in line with Clause 52.06 – Car Parking of the *Hume Planning Scheme*.

8.2 Current operations inconsistent with the existing permit

Planning application P8039.01 is being considered simultaneously with this application to (amongst other things) delete the condition relating to the number of practitioners and extend the hours of operation in line with the current operations.

8.3 Parking issues as a result of the expanded medical centre

There is no reason not to consider and determine the proposal as it has no significant bearing on car parking (it only generates a parking requirement of 1 car space). The car parking requirement for a medical centre has changed under VC148 and this is discussed at length further within the assessment section of this report. The subject site has a total of 30 on-site car spaces. A total of 17.53 car spaces are required for both the medical centre and pharmacy.

8.4 Overflow of parked vehicles to Ligar Street and Pasley Street/vehicles parking on the nature strip

This matter has been referred to Council's Engineering and Assets department for consideration who are currently assessing the need to impose parking restrictions. This issue will be dealt with outside of the scope of this application.

8.5 Out of character with this location

The medical centre is already existing and the 41sqm pharmacy (dispensary) is being located within the existing building. The Horne Street and Gap Road policy at Clause 22.16 of the *Hume Planning Scheme* encourages various land uses including retail, commercial and offices, provided they do not detract from the amenity of any adjoining residential area or detract from the retail core of the Town Centre. The proposed pharmacy within the existing medical centre is not out of character with this location.

8.6 Increased noise from the increase in car and pedestrian traffic

As stated above, the medical centre is existing. The 41sqm pharmacy (dispensary) is likely to be utilised after visiting the doctors within the medical centre rather than individual trips to the pharmacy given that its main purpose is a dispensary.

8.7 Various breaches of the Victorian Pharmacy Authority and National Health (Australian Community Pharmacy Authority Rules)

Pharmacy requirements as set out in the National Health Act 1953 and the Victorian Pharmacy Authority Guidelines are not a relevant Town Planning consideration.

9. **ASSESSMENT:**

- 9.1 A detailed discussion of the proposal against the particular requirements of the State Planning Policy Framework and Local Planning Policy Framework including Clause 52.06 of the *Hume Planning Scheme* is provided below. In short, the proposal complies with the relevant objectives of these clauses of the Scheme.

**State Planning Policy Framework and Local Planning Policy Framework**

- 9.2 The proposal has been assessed against the relevant provisions of the State Planning Policy Framework and found to be generally compliant with the key objectives. The State Planning Policy Framework provisions encourage the integration of health facilities within local and regional communities to meet the existing and likely future demand for such facilities. It is anticipated that Sunbury will undergo significant outward expansion and residential growth in the next 10 years which will be supported

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by an upgraded Town Centre. The subject site is on the western periphery of the main commercial precinct of Sunbury Town Centre, identified as a Major Activity Centre, and bound by commercially zoned land to the east and west and on the opposite side of Gap Road. Land is zoned for residential purposes to the north. The use of part of the existing medical centre as a pharmacy, which despite being classified as a 'shop' in the planning scheme, is effectively a complementary use to a medical centre, would support and extend the ongoing function of the medical centre, and is consistent with the broad aims of the State Planning Policy Framework.

- 9.3 The Local Planning Policy Framework (LPPF) and the MSS, at Clause 21.02-3 in relation to Sunbury – Objective 11 seeks:

*"To provide new employment opportunities and major education, health, leisure and recreation facilities within Sunbury that support growth and provide for a greater level of self-containment of the town"*

- 9.4 Furthermore, Clause 21.03-1 – 'Liveable Communities' states that *Liveability is the sum of factors which shapes the quality of life' experienced in an area and the wellbeing of a community. It includes access to a choice of everyday things that people require, including housing, employment, public transport and retail, health, education, recreation and cultural services and facilities. While Melbourne's inner areas are seen to be highly 'liveable' Hume's community, like most growth areas, does not experience the same level of access and choice of things that they require. It is vital that the growth of Hume provides existing and future populations with the level of access experienced in other areas of Melbourne.*

- 9.5 Clause 21.06 – Economic Development seeks to attract new businesses, increase and diversify employment options and promote the City of Hume as a place for business and investment.

- 9.6 Clause 22.16 – Horne Street and Gap Road encourages various land uses including retail, commercial and offices, provided they do not detract from the amenity of any adjoining residential area, or detract from the retail core of the Town Centre. The site is within Precinct 1 which similarly encourages a mix of restricted retail and commercial uses.

- 9.7 The provision of a pharmacy within the existing medical centre with no increase to the building footprint, will have minimal, if any, impact to nearby residences and is consistent with local policy in that it will provide for the ongoing commercial use of the land. Whilst the pharmacy element is effectively a 'retail' use, it will have no significant bearing on the retail functioning of the commercial core of Sunbury as it will primarily serve existing customers to the medical centre and will act in a supplementary fashion rather than drawing customers away from the town centre.

Strategically, the site is considered suitable for a pharmacy use which has a direct nexus with the existing medical complex. It is situated amongst other commercial uses and abuts a road in a Road Zone Category 1 meeting the test of accessibility. The siting of a pharmacy within the medical centre will serve the local community and is entirely consistent with the aims of Local policy, including those which relate to the growth of Sunbury. There is no other policy that would otherwise preclude the proposed use in this particular location.

- 9.8 In terms of the proposed development, the works are minor and include the construction of an automatic door in place of an existing window to enable direct access to the pharmacy. The external works are functional and do not significantly alter the appearance of the building, or have any impact to the streetscape or amenity of any nearby residence.

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**Zoning Provisions**

- 9.9 The Commercial 2 zoning of the land anticipates that the land will be utilised and developed for purposes including offices, manufacturing and industry, bulky goods retail and other retail uses, and associated business and commercial services.
- 9.10 The proposal seeks to reinforce the mixed-use purpose of the zone and would complement the broader commercial context of the area invariably providing positive economic outcomes, local employment opportunities and more efficient and effective use of land.
- 9.11 The site is easily accessible via numerous modes of transport including both car and public transport.

**Clause 52.06 – Car Parking**

- 9.12 It is proposed to retain the existing 30 car spaces on the site to serve the existing medical centre and new pharmacy use. No changes are proposed under this application to the access and parking arrangements. Amendment VC148 gazetted on 31 July 2018 introduced a *Principal Public Transport Network Area Map* into the *Hume Planning Scheme*. This in effect included part of the subject site within the *Principal Public Transport Network Area Map* and the car parking requirement for a medical centre for this site defaults to column B car parking rates. Column B car parking rates for a medical centre are 3.5 car spaces to each 100sqm of leasable floor area. The same Column B rate applies to a shop which would include a pharmacy. The leasable floor area for the building is 501.01sqm. Therefore, the entire medical centre including any reconfiguration to allow for the pharmacy based on the current clause 52.06 rate is 17.53 car spaces. The subject site with an on-site car parking provision of 30 car spaces exceeds this requirement. Car parking for this medical centre located within the Principal Public Transport area map is no longer based on the number of persons providing health services. As advised earlier, separate planning application is being considered simultaneously (P8039.01) and seeks to remove the planning permit condition relating to the number of practitioners.

**10. CONCLUSION**

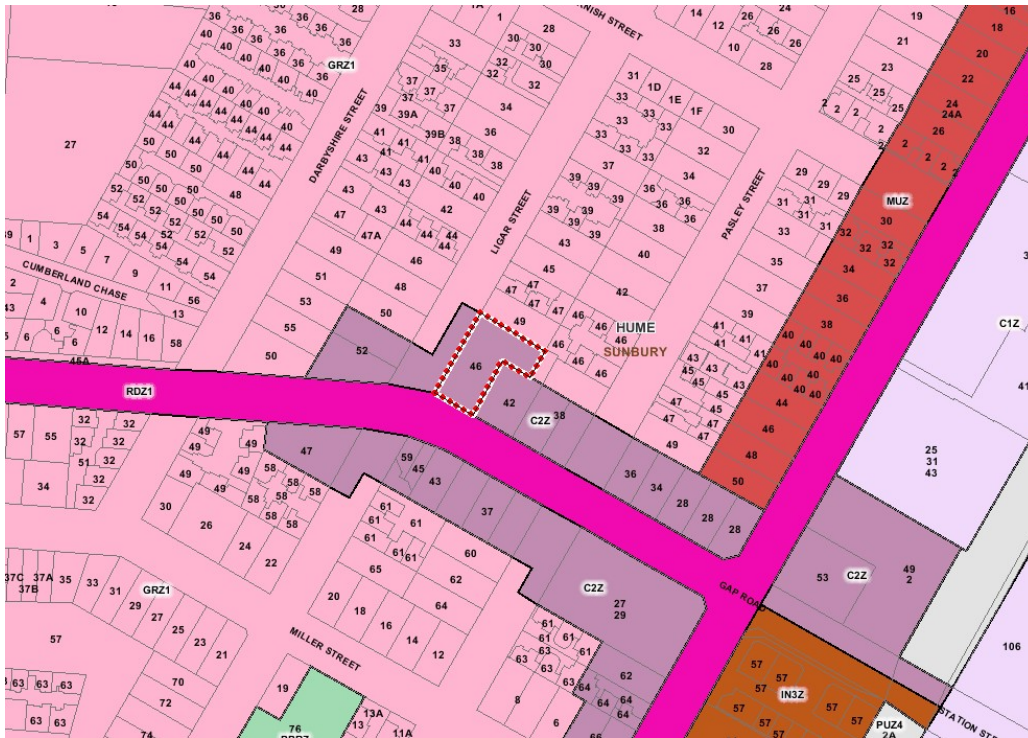
The proposal is generally consistent with Planning and Local planning policy objectives and strategies pertaining to the urban environment, sustainable development and residential development. It generally complies with the purpose of the Commercial 2 Zone and Clause 52.06 – Car Parking of the *Hume Planning Scheme*. For these reasons, it is recommended that the application be supported, subject to the recommended permit conditions.



LOCALITY PLAN

P21368

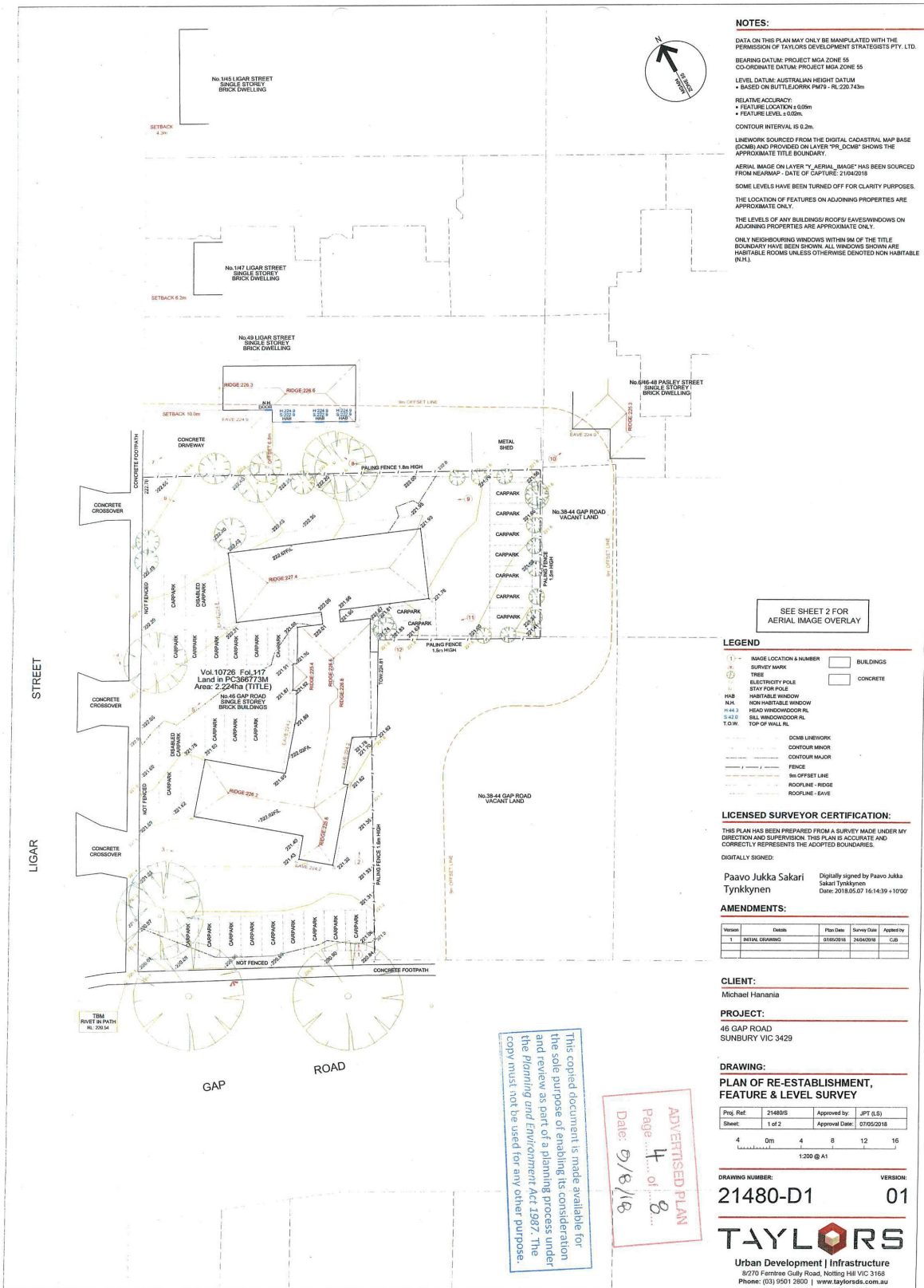
46 GAP ROAD, SUNBURY 3429



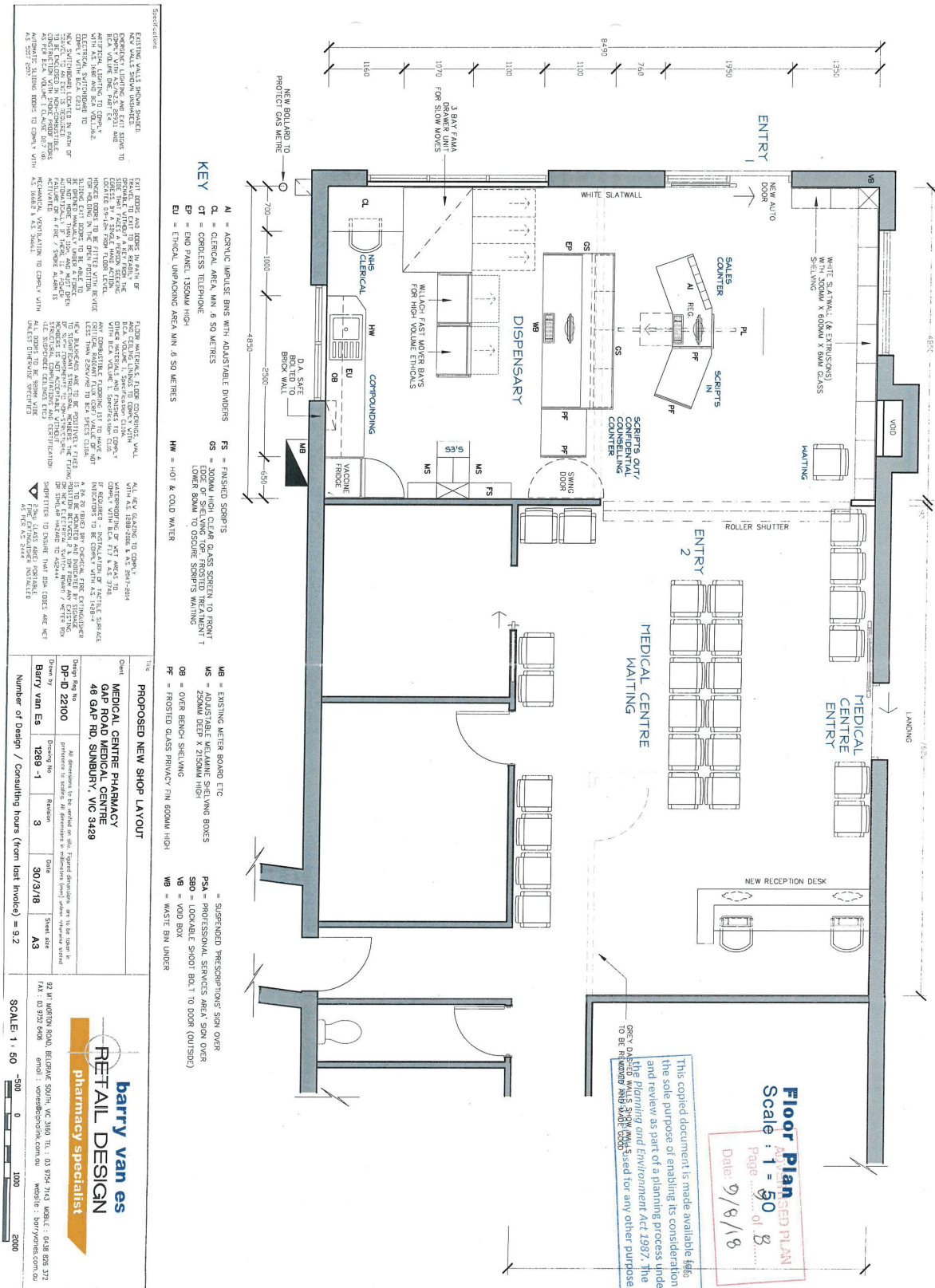


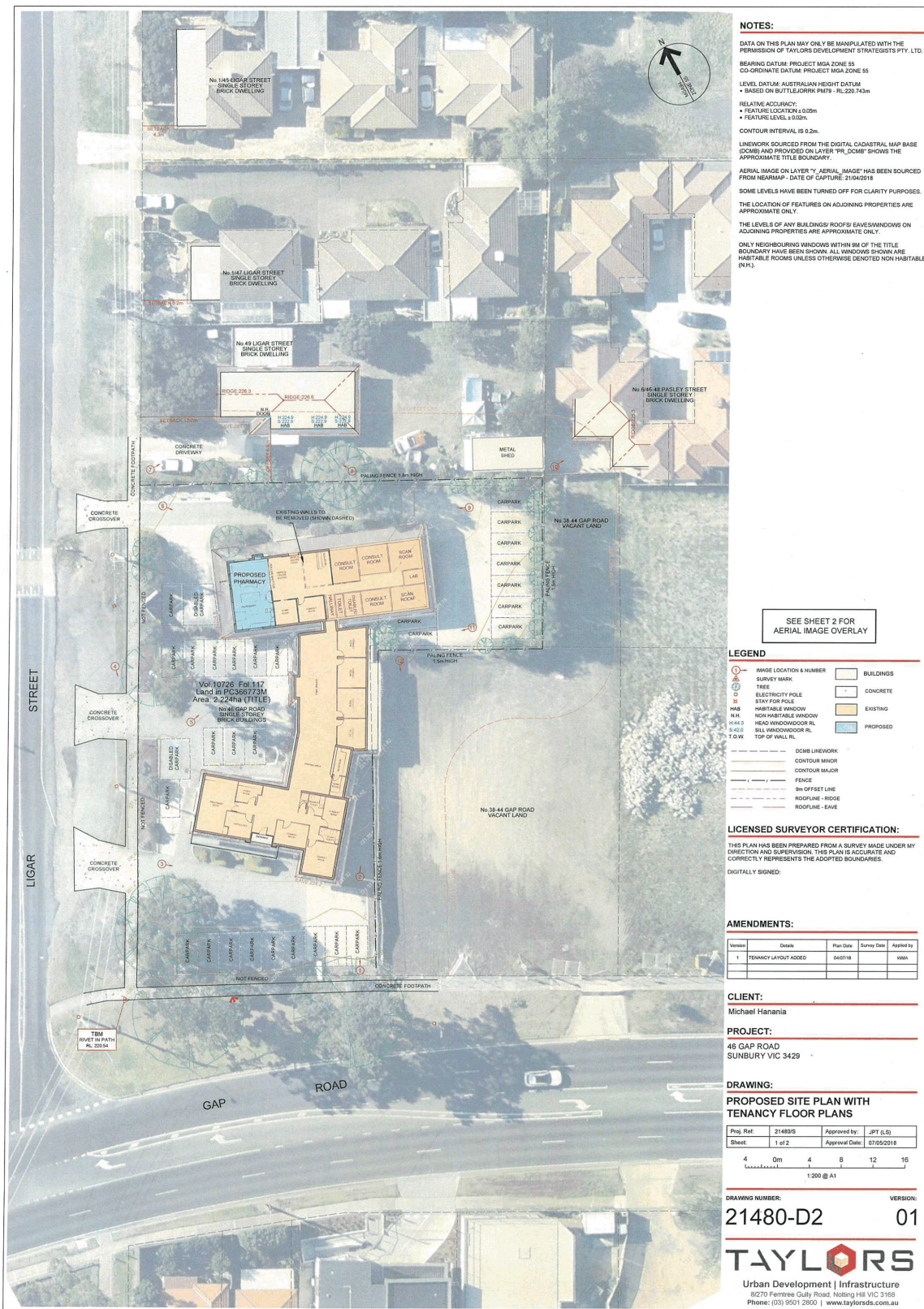














**REPORT NO:** SU362  
**REPORT TITLE:** 17 Fraserburgh Crescent, Greenvale - The development of two double storey dwellings.  
**SOURCE:** Najla Toma, Town Planner  
**DIVISION:** Planning and Development  
**FILE NO:** P21609  
**POLICY:** Hume Planning Scheme  
**STRATEGIC OBJECTIVE:** 4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.  
**ATTACHMENTS:**  
1. *Locality Plan*  
2. *Development Plans*

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**Application No:** P21609  
**Proposal:** The development of two double storey dwellings  
**Location:** 17 Fraserburgh Crescent, Greenvale  
**Zoning:** General Residential Zone – Schedule 1  
**Applicant:** Lina Barides  
C/- Feras Building Design  
**Date Received:** 06 August 2018

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**1. SUMMARY OF REPORT:**

Planning approval is sought to develop two double storey dwelling at 17 Fraserburgh Crescent, Greenvale. Notice of the application was given and five objections were received. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* including consideration of the issues raised in objections. On balance the proposal is considered acceptable and it is recommended that a Notice of Decision to Grant a Permit be issued.

**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 two double storey dwellings at 17 Fraserburgh Crescent, Greenvale, 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 the plans dated 27 July 2018 and received by Council on 17 September 2018, but modified to show:**
  - a) **The garage doors leading to the secluded open space of both dwellings 1 and 2 to open out of the garages, to allow for a clear dimension of 6 metres measured internally;**
  - b) **Provision of 450mm eaves along the north and west ground floor elevations of dwelling 1 and 2, above the kitchen/living/dining areas.**

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- c) Provision of 450mm eaves to dwelling 2 first floor master bedroom window.
  - d) The location of visibility splays in accordance with the requirements of Clause 52.06-9 of the *Hume Planning Scheme*. A notation on the Site and Ground Floor Plan stating that the splay area must be clear of visual obstructions and may include adjacent structures (mailboxes) and landscaped areas, provided the structures and landscaping in those areas are less than 900mm in height.
  - e) Landscaping pursuant to Condition 5 of the planning permit.
2. The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
  3. Once the approved development has started, it must be continued and completed to the satisfaction of the responsible authority except with the prior consent of the responsible authority.
  4. The external materials, finishes and paint colours of the approved building must be to the satisfaction of the responsible authority.
  5. 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. Such plan must show the area(s) set aside for landscaping which is to include the planting of a minimum of one (1) large canopy tree in the front setback of dwellings 1 and 2 and the rear setbacks of dwellings 1 and 2, a minimum of 1.8 metres in height when planted and in accordance with Council's guidelines and to include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), irrigation and when approved an endorsed copy must form part of this permit.
  6. 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.
  7. Before the development is occupied, the areas set aside for the parking of vehicles together with the aisles and access lanes as shown on the endorsed plans must be:
    - (a) constructed;
    - (b) surfaced with a durable all-weather seal;
    - (c) drained to the nominated point of discharge;
    - (d) line-marked to indicate each car space and access lanes;
    - (e) marked to show the direction of traffic along access lanes and driveways; and
    - (f) provided with concrete kerbs or other barriers to prevent direct vehicle access to an adjoining road other than by a vehicle crossing, all to the satisfaction of the responsible authority.

The areas must be maintained in a useable condition to the satisfaction of the responsible authority.

8. The following are the maximum gradients for a parking bay as per AS2890.1:2004 Clause 2.4.6
  - 1 in 20 (5%) measured parallel to the angle of parking
  - 1 in 16 (6.25%) measured in any other direction.
9. Owners will be responsible to carry out any work as required by and to the satisfaction of the Council and other responsible authorities if the existing conditions/assets on road reserve differ from that as shown on the plans submitted.



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10. Any equipment required for refrigeration, air-conditioning, heating and the like must be located appropriately on the land/building and must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the responsible authority.
11. The following measures must be undertaken to retain the street tree *Quercus palustris* (pin oak) HTMS ID 97012 prior commencement of works:
  - a) Establish a tree protection zone of 1.5 metres from the base of the tree;
  - b) Erect a 1.8m high continuous non-moveable hurricane wire fence around the tree protection zone; the fence is to be put in place prior to commencement of works and remain in place until all works have been completed;
  - c) Prior to commencement of site works the positioning of the fence is to be approved by a Road Management Officer or a Council Arborist and shall be repositioned if not in accordance with Council's requirements;
  - d) The fence shall not be moved towards the trunk of the tree without the prior written consent of a Council Arborist;
  - e) The applicant is to call the Senior Arborist on 9205 2302 to arrange pruning of the tree to enable the protective fencing be installed;
  - f) None of the following activities shall be permitted within the dripline of the tree:
    - Alter soil levels or the water table through filling, excavation or compaction of soils;
    - Damage root systems through amputation, cutting or crushing or exposure to the weather;
    - Cause damage to the tree through fire, storage of materials or chemicals;
    - Poison the tree through the release of substances toxic to the tree, either directly into or onto the tree, or into or onto the soil within the dripline of the tree;
    - No chemicals or other materials are to be stored or mixed within the dripline of the tree;
    - No machinery or vehicles are to be driven inside or parked inside the dripline of the tree;
    - No work (including pruning) shall be conducted on the tree without the prior written consent of a Council Arborist;
    - No mechanical excavation is to be carried out within the dripline of the tree without prior written consent of a Council Arborist. All excavations within the dripline of the tree are not to be undertaken by air spade or hand;
    - Disposing of water used to wash down machinery (e.g. concrete mixers) on the root plate of the tree or be allowed to run off on to the root plate of the tree.
12. A separate underground drainage system is to be designed to cater for each dwelling and connect to the legal point of discharge for the site. An additional legal point of discharge for the 2nd dwelling may be requested.
13. Stormwater from all paved area must be retained within the property and drained to the sites underground stormwater system.
14. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
15. Any cut or fill must not interfere with the natural overland stormwater flow.
16. This permit will expire if one of the following circumstances applies:

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- a) the development is not started within three years of the date of this permit;  
or
- b) 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:

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

**Permit Notes:**

- 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.
- 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.
- 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. Any service relocations are to the approval of the Service Authority and at the owners cost.

**3. PROPOSAL:**

- 3.1 It is proposed to develop two attached double storey dwellings on a vacant site. Both dwellings will front Fraserburgh Crescent and will be provided with a minimum front setback of 6.7 metres from the street.
- 3.2 Each dwelling will be provided with an attached single garage and a tandem car space. Each garage internally measures 4.1 metres in width and 6 metres in length, to be setback 7.3 metres from the street. The Dwelling 1 garage will be accessed via the existing shared crossover to the south of the street frontage, whilst dwelling 2 garage will be provided with a proposed crossover to the north of the street frontage.
- 3.3 The dwellings will have a similar internal layout, where each dwelling will contain an open plan living/dining/kitchen (with walk in pantry), a bedroom with ensuite, a lounge room, a laundry and powder room at the ground floor. The first floors will contain three bedrooms (one with ensuite and walk in robe), a study, a sitting area and a bathroom on the first floor.
- 3.4 Each dwelling is provided with an area of secluded private open space (SPOS) at the rear totalling 86 square metres, with a minimum dimension of 3 metres and access from the living areas.
- 3.5 The development will be provided with a 1.2 metre high brick and metal front fence. The side and rear boundaries have an existing 1.85 metre high colourbond fence.
- 3.6 The proposed design can be described as a conservative modern approach with the use of hipped tiled roof profiles, together with facebrick walls to the ground floor and rendered cladding façades to the upper level walls. The dwellings will have projecting eave profiles to the first floors and fenestration comprising standard proportion windows and doors in a contemporary design style.

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3.7 The following table provides a summary of the proposed development.

<b>Site area</b>	665 m <sup>2</sup>
<b>Site Coverage</b>	57% (60% max)
<b>Permeability</b>	25% (20% min)
<b>Garden Area</b>	35% (35% min)

3.8 The plans to be read in conjunction with this report are those received and stamp dated 17 September 2018.

**4. SITE AND SURROUNDS:**

**Site and Surrounds**

- 4.1 The subject site is located on the western side of Fraserburgh Crescent. It comprises a single vacant lot of a conventional rectangular shape measuring 17.5 metres wide at the front and rear boundaries and 38 metres deep at the side boundaries providing an overall site area of 665 square metres. The site is largely devoid of any canopy trees. The site falls approximately 2.2 metres from its east to west.
- 4.2 The abuttal property to the north at No. 19 Fraserburgh Crescent contains a double storey brick veneer rendered dwelling. It is presented with a combination of flat roof form to the street and hipped tiled roof with eaves to the rear of dwelling. Vehicle access is provided via a double width crossover to the south of the street frontage. Secluded private open space is provided to the rear adjacent to the common boundary.
- 4.3 The abuttal property to the south at No. 15 Fraserburgh contains a single storey brick veneer rendered dwelling with hipped tiled roof. Vehicle access is provided via two crossovers along the north and south of the street frontage. The secluded private open space is located to the rear adjacent to the common boundary.
- 4.4 The broader context is a conventional residential setting set within a typically rectilinear subdivision pattern to the south of Somerton Road in Greenvale known as 'Shannon Rise'. The immediate area comprises a relatively consistent character of detached double storey dwellings interspersed with occasional single storey dwellings. There are recent medium-density developments approved in a close proximity to the subject site such as No. 4 & 6 Clare Blvd, No. 17 Adderley Dr and No. 15 Galloway Ct in Greenvale.
- 4.5 The proposed development will be located in a close proximity to community infrastructure including the Yuroke Creek reserve (approximately 190 metres south of the site), Greenvale Primary School (approximately 1.5 kilometres to the west) and the Greenvale Shopping Centre and medical centre located approximately 2 kilometres to the west of the subject site.

**Restrictions on Title**

- 4.6 A title search produced on 24 May 2018 indicates that the land is not encumbered by any restrictions or Section 173 Agreements.
- 4.7 There is a 3 metres wide drainage and sewerage easement running along the rear boundary of the site.

**Planning History**

- 4.8 A review of available Council records did not produce any previous planning permits pertaining to the subject land.

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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 15.01-1S: Urban Design Clause 15.01-5S: Neighbourhood Character Clause 15.02: Sustainable Development Clause 15.02-1S: Energy and Resource Efficiency Clause 16.01-3S: Housing Diversity Clause 16.01-1R: Integrated Housing Clause 16.01-2S: Location of Residential Development
<i>Municipal Strategies:</i>	Clause 21.03: Liveable Neighbourhoods and Housing Clause 21.04: Built Environment and Heritage
<i>Zones:</i>	Clause 32.08: General Residential Zone
<i>Overlays:</i>	Nil
<i>Particular Provisions:</i>	Clause 52.06: Car Parking Clause 55: Two or more dwellings on a lot
<i>General Provisions:</i>	Clause 65.01: Approval of an Application or Plan

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

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

- 5.4 In relation to Housing, Clause 21.03-2 seeks:

*“To increase the diversity of housing in Hume”*

In relation to Built Environment, Clause 21.04 seeks:

*“To enable well designed medium and higher density residential development that protects the amenity of existing residents and sensitively responds to identified preferred neighbourhood character”*

- 5.5 The subject site is located in a General Residential Zone (Schedule 1). Pursuant to Clause 32.08-6 of the *Hume Planning Scheme*, a planning permit is required to construct two or more dwellings on a lot. The application must be assessed against the requirements of Clause 55 of the *Hume Planning Scheme*.

The purpose of the General Residential Zone (Schedule 1) is:

- *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.*

- 5.6 Minimum garden area requirement:

**REPORT NO: SU362 (cont.)**

Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level as set out in Clause 32.08-4. Having regard for the site area of 665 square metres, the development requires 35% of the site to be set aside as garden area. The design meets the mandatory site area requirement.

**Aboriginal Cultural Heritage**

5.7 The land is located within an area of cultural heritage sensitivity, however, the construction of two dwellings on a lot is considered an exempt activity under 'regulation 8' described in the Aboriginal Heritage Regulations 2007. 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.

**Planning Permit Trigger/s**

5.9 The permit trigger in this instance is Clause 32.08-6, which relates to the buildings and works associated with the construction of two or more dwellings on land located within a General Residential Zone.

**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* ("the Act").
- 6.2 An internal referral was made to Council's Traffic and Civil Engineering Design Department and Parks Department.
- 6.3 Traffic and Civil Engineering raised no objection to the proposal subject to standard conditions.
- 6.4 Council's Parks department recommended the retention of the street tree and the inclusion of conditions to ensure that the street tree is protected prior to and during works.

**7. ADVERTISING:**

- 7.1 The application was advertised under Section 52 of the Planning & Environment Act 1987 by way of letters to adjoining land owners and occupiers and a notice board placed on site for a minimum of 14 days as prescribed under the Act. Five objections were received.
- 7.2 The grounds of objection can be summarised as follows:
  - Overlooking;
  - Overshadowing;
  - Visual bulk;
  - Detrimental to neighbourhood character; and
  - Impacts to the local road network and on-street parking
  - Impact on the street tree
  - Devaluation of property value

**8. OBJECTIONS:**

8.1 The grounds of objection are addressed below:

8.2 Overlooking

All first floor windows with potential overlooking to secluded private open spaces and habitable room windows will be treated in accordance with Standard B22 – Overlooking. This is discussed in more detail later in this report.

REPORT NO: SU362 (cont.)

8.3 Overshadowing

A minimal amount of overshadowing will occur at 9am onto the secluded private open space of the adjoining property No. 15 Fraserburgh Crescent. It is noted from the shadow diagrams provided by the applicant that the shadows will also fall on an existing north-facing habitable room window within 3 metres from the boundary of the same dwelling. However, the proposed development has been setback by the required distance in accordance with the minimum Rescode Standard B20 requirements. This will be discussed further later in this report.

8.4 Visual Bulk

The development integrates a variety of construction materials and colours such as brickwork, Scyon Matrex and renders to provide articulation. The first floors have been reasonably setback and recessed from the ground floor footprints to avoid sheer walls and reduce the visual bulk effect to the adjoining properties. The design response is considered a high quality development which will fit appropriately within the existing and emerging neighbourhood character.

8.5 Detrimental to neighbourhood character

As discussed, appropriate measures have been undertaken to ensure that the proposed development is designed to be respectful to the existing and emerging neighbourhood character. The proposal incorporates similar architectural features including hipped roof profiles, and brick and tile materials to complement the existing neighbourhood character. An assessment against the neighbourhood character objective of Clause 55 is discussed in more detail later in this report.

8.6 Impacts to the local road network and on-street parking conditions

The proposed development complies with clause 52.06 (Car Parking) of the *Hume Planning Scheme*; as it provides the required number of on-site car spaces and meet the minimum required dimensions. Moreover, a minimum distance of 6 metres is retained between the existing and proposed vehicle crossover. This will ensure that on-street parking opportunities are maximised. Therefore, there are no foreseeable traffic impacts on local roads and on on-street parking conditions.

8.7 Impact on the street tree

As discussed previously, the application was referred to Council's Parks department in relation to the street tree. Appropriate measures will be undertaken to ensure that the street tree is protected during development.

8.8 Devaluation of property value

This ground of objection cannot be considered as it has no planning merit.

**9. ASSESSMENT:**

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

**Clause 52.06 – Car Parking**

- 9.2 Clause 52.06-5 requires car parking at the following rate:

- *One car space for each one or two bedroom dwelling.*
- *Two car spaces for each three or more bedroom dwellings, with one space under cover.*
- *One car space for visitors for developments of five or more dwellings.*

REPORT NO: SU362 (cont.)

- 9.3 Each dwelling has been provided with an appropriate provision of parking based on the proposed four bedrooms and study layouts. Each dwelling has been provided with a single garage measuring a minimum of 3.5 metres in width and 6 metres in length. Each dwelling is provided with a second car space measuring a minimum of 2.6 metres in width and 4.9 metres in length, allowing a 500mm gap between each garage and the tandem space as required by Clause 52.06 of the *Hume Planning Scheme*.
- 9.4 The dimensions for proposed garages and car spaces comply with Clause 52.06 of the *Hume Planning Scheme*. Therefore, the requirements of Clause 52.06 are met.

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

9.5 Standard B1 – Neighbourhood Character

The immediate area is characterised by a predominance of detached single and double storey dwellings interspersed with recent medium-density developments. The area is typically provided with an open style front garden with low or no front fencing. The resultant setting is a moderate density with an open streetscape character. The proposed two double storey height is of a form and scale that is consistent with a typical residential setting such as this, and one that is contemplated under the General Residential Zone, as well as Hume's local planning policies.

- 9.6 There are no specific policies or controls that would otherwise preclude or discourage this form of development. Indeed, pursuant to Clause 21.03, an objective of the MSS is to.... "*increase the diversity of housing in Hume*" and to do so by encouraging [inter-alia].... "*housing that is able to be adapted for different life stages or is suitable for the needs of an ageing household*". In this case, each dwelling comprises a four bedroom residence with a ground floor bedroom that will contribute to housing diversity and choice within this established residential setting and will make more efficient use of the available land in terms of on-site density.
- 9.7 The proposed dwelling adapts a recessed upper level layout which provides an appropriate transition between the proposed double storey form and the single storey dwelling to the south.
- 9.8 In a design context, Clause 21.04 seeks to.... "enable well designed medium and higher density residential development that protects the amenity of existing residents and sensitively responds to identified preferred neighbourhood character". Importantly, the policy seeks to.... "encourage and support well designed infill residential development in areas characterised by single and double storey detached dwellings". The proposal incorporates some of the key themes of surrounding architecture including hipped roof profiles, brick and tile materials and standard proportion windows and doors. A reasonable degree of articulation has been achieved through the stepped alignment, mix of materials, window punctuation and entry features.
- 9.9 Overall, the design is considered to be suitable in terms of the proposed scale, height and form of the dwellings having regard to the existing and emerging character of the area and can be supported from a neighbourhood character perspective.

9.10 Standard B2 – Residential Policy

The development proposal includes an appropriate written response demonstrating consistency with relevant housing policy objectives.

9.11 Standard B3 – Dwelling Diversity

The development would comprise fewer than ten dwellings and therefore this standard does not apply.

9.12 Standard B4 – Infrastructure

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

REPORT NO: SU362 (cont.)

9.13 Standard B5 – Integration with the Street

The proposed dwelling would have a direct street interface through the provision of front entry porch and a separate vehicle access as well as various habitable room windows providing passive surveillance of the street.

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

9.14 Standard B6 – Street Setback

The proposed dwellings will be set back 6.7 metres to Fraserburgh Crescent frontage and includes a stepped façade with a recessive garage element. The proposal complies with the minimum average setback requirement of both abuttal dwellings facing the front street, in accordance with Standard B6.

9.15 Standard B7 – Building Height

The new dwellings will have a maximum building height of approximately 8.8 metres and the requirement of the standard has been met.

9.16 Standards B8 – Site Coverage and B9 – Site Permeability

Proposed site coverage and permeability satisfy Standards B8 and B9, with 57% and 25% respectively.

9.17 Standard B10 – Energy Efficiency

The new dwellings are provided with internal habitable living areas that have western aspects and it is considered that the development will receive adequate solar access. A permit condition will be included to provide a minimum of 450mm eaves to the northern and western ground floor elevations of dwelling 1 and dwelling 2, to assist with cooling in the summer months.

9.18 Standard B11 – Open Space

The site does not directly abut any public open space.

9.19 Standard B12 - Safety

All dwellings have a clearly definable entry and front porch accessed directly from the road interface. Windows are orientated to have an outlook over the street and the layout provides for the safety and security of residents in accordance with the requirements of Standard B12.

9.20 Standard B13 – Landscaping

There is adequate opportunity for planting within each of the areas set aside for private recreation. Similarly, the front setback can accommodate appropriate landscaping opportunities including the addition of canopy trees.

9.21 Standard B14 – Access

Vehicle access is generally safe, manageable, and convenient, in accordance with Standard B14. The proposal ensures that adequate on-street car parking is retained.

9.22 Standard B15 – Parking Location

Vehicle parking for the dwellings is appropriately located and provides convenient parking for residents with no foreseeable amenity impacts in the development and the neighbourhood.

**Clause 55.04 – Amenity Impacts (Standards B17 to B24)**

9.23 Standard B17 - Side and Rear Setbacks

All walls have been set back in accordance with Standard B17.

9.24 Standard B18 – Walls on Boundaries



**REPORT NO: SU362 (cont.)**

The proposed walls on boundaries, being the respective garage wall for each dwelling, do not exceed the specified length, maximum height and average height requirements of Standard B18.

**9.25 Standard B19 – Daylight to Existing Windows**

The proposal allows for the adequate separation of the proposed built form in relation to all existing windows on neighbouring properties, with the required lightcourts provided.

**9.26 Standard B20 – North Facing Windows**

There is an existing north-facing habitable room window on the abutting dwelling at No. 15 Fraserburgh. However, the proposed development has a setback which exceeds the minimum standard requirement from the ground floor and the first floor. Therefore, the proposal complies with the Standard.

**9.27 Standard B21 – Overshadowing**

The submitted Shadow Diagrams demonstrate that the secluded private open spaces of all properties with direct abuttal will receive more than the required 5 hours of sunlight over a minimum of 75% of the secluded private open space, in accordance with the requirements of the Standard.

**9.28 Standard B22 – Overlooking**

All first floor habitable room windows of dwelling 1 and dwelling 2 with potential overlooking have been provided with either sill heights of 1.7 metres above finished floor level or obscure glazing below 1.7 metres above floor level. The proposal complies with Standard's requirements.

**9.29 Standard B23 – Internal Views**

All internal perspectives have been suitably managed to accord with the requirements of this Standard.

**9.30 Standard B24 – Noise**

The proposal is unlikely to give rise to additional noise beyond what would normally be expected from residential properties. There are no noted external sources of noise i.e. air conditioning units. A permit condition will be included to ensure that air conditioning units are appropriately located to avoid potential noise emissions to adjoining properties.

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

**9.31 Standard B25 – Accessibility**

The dwelling entries are potentially accessible for people with limited mobility as minimal steps are required for entry and necessary upgrades could be accommodated in the future should the need arise. The proposed dwelling contains living facilities and a bedroom at the ground floor level.

**9.32 Standard B26 – Dwelling Entry**

The dwellings have clearly definable entries and front porches which are accessed directly from the road frontages.

**9.33 Standard B27 – Daylight to New Windows**

All proposed habitable rooms are provided with windows that have the requisite dimensions clear to the sky. The daylight provisions of Standard B27 are therefore met.

**9.34 Standard B28 – Private Open Space**

**REPORT NO: SU362 (cont.)**

The areas of secluded and private open space exceed the minimum size and dimension requirements of this Standard. Each dwelling has been provided with a total of 86 square metres of secluded private open space (SPOS) area, and a total private open space area of 116 square metres. The SPOS areas comply with the minimum Standard's requirements.

**9.35 Standard B29 – Solar Access to Open Space**

The areas of secluded private open space (SPOS) have access to northern light and will receive reasonable solar access throughout the day. The proposal meets the dimension requirements of this Standard.

**9.36 Standard B30 – Storage**

Storage has been provided appropriately in the form of an external shed for each dwelling, as required by Standard B30.

**Clause 55.06 – Detailed Design (Standards B31 to B34)**

**9.37 Standard B31 - Design Detail**

The proposed design of the dwellings, including the proposed hipped roof profiles and the use render and brickwork, as well as the conventional proportioned fenestration detailing, is considered suitable within the context of the existing and emerging character of the area.

**9.38 Standard B32 – Front Fence**

The proposed front fence has an overall height of 1.2 metres, which complements the design of dwellings, satisfying the Standard's requirements.

**9.39 Standard B33 – Common Property**

Not applicable

**9.40 Standard B34 – Site Services**

The plans demonstrate the location of bin storage and other ancillary facilities for the proposed dwellings including clothes lines and mailboxes, in accordance with the Standard's requirements.

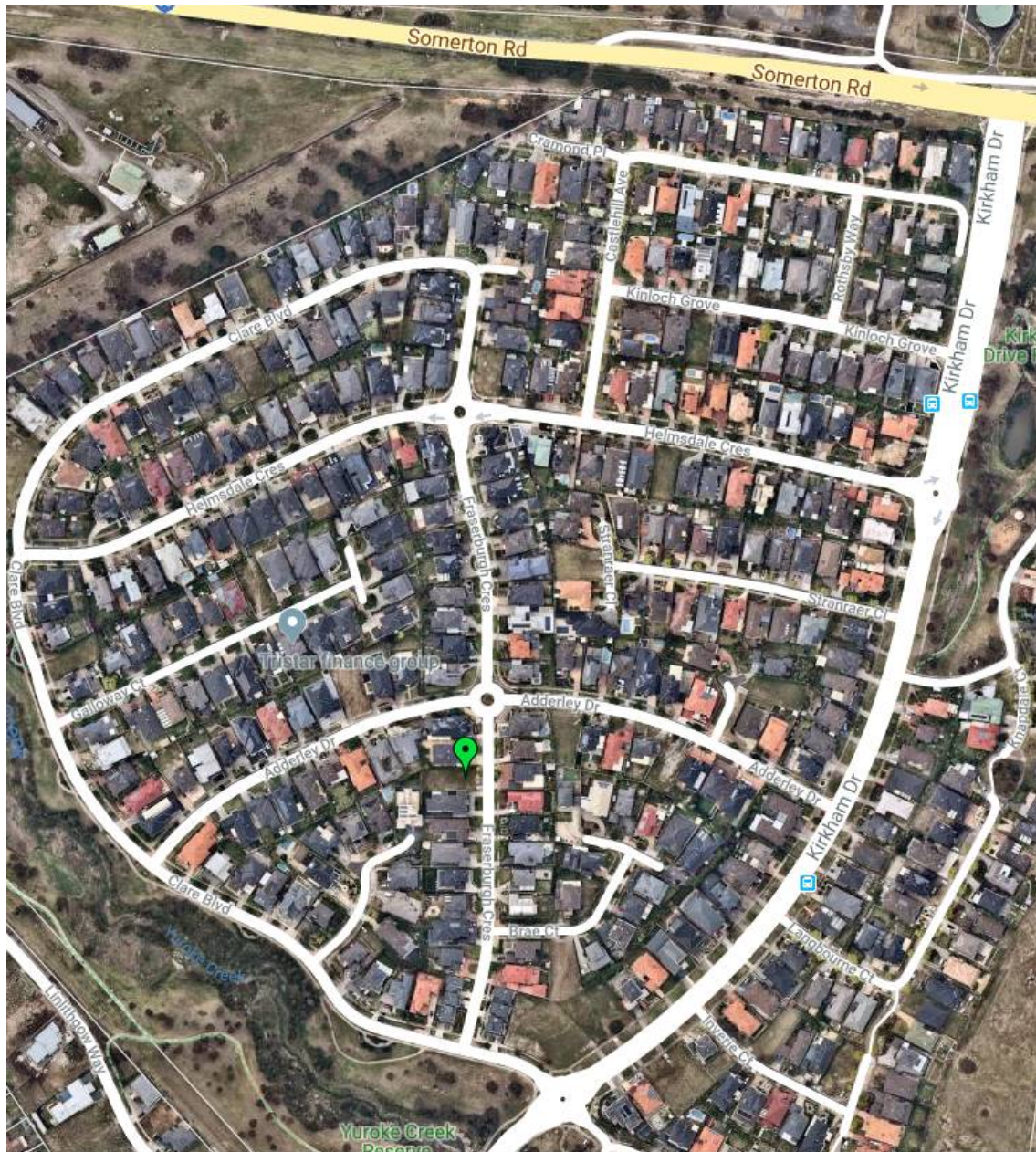
**10. CONCLUSION**

The proposal generally satisfies the objectives and standards of Clauses 55 (Two or More Dwellings on a Lot) and 52.06 (Car Parking). Subject to conditions of permit, the proposal is able to demonstrate site responsive design and limited impact on the amenity of surrounding properties and the emerging character of the area. On this basis, the application should be supported and a Notice of Decision to Grant a Permit should be issued.

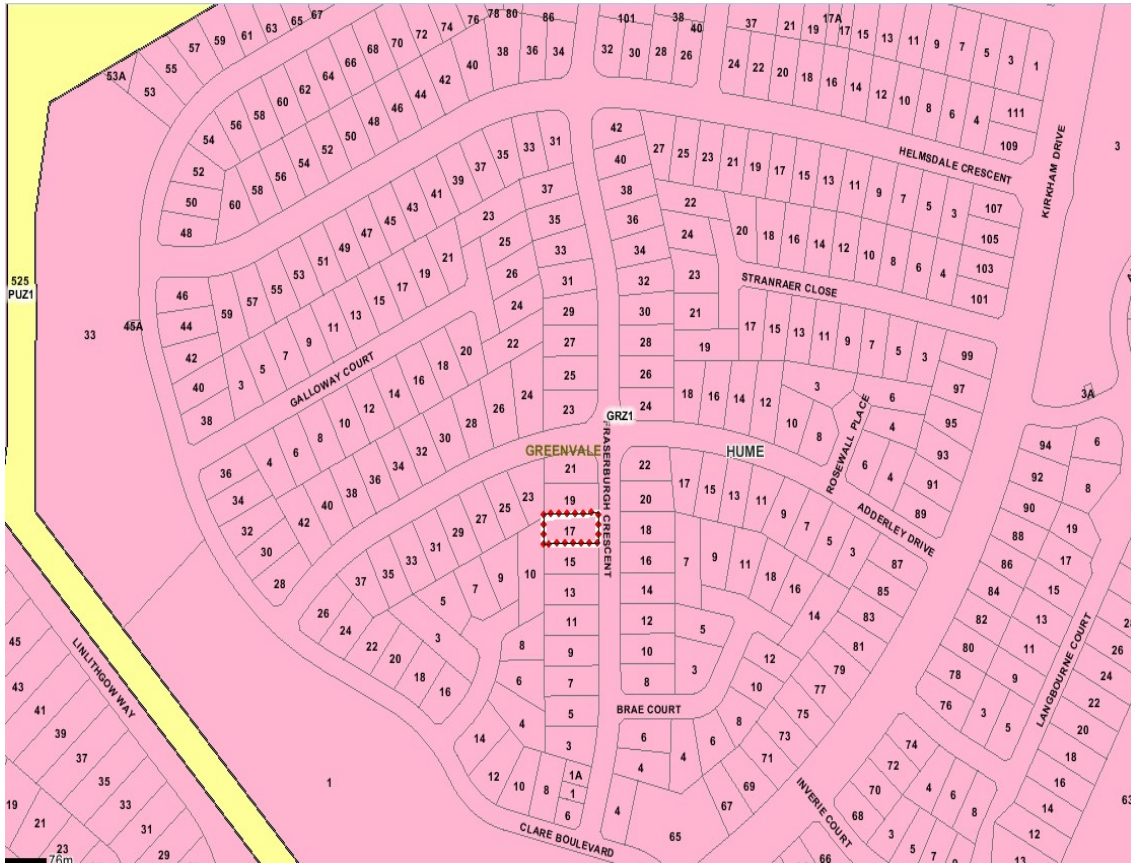
## LOCALITY PLAN

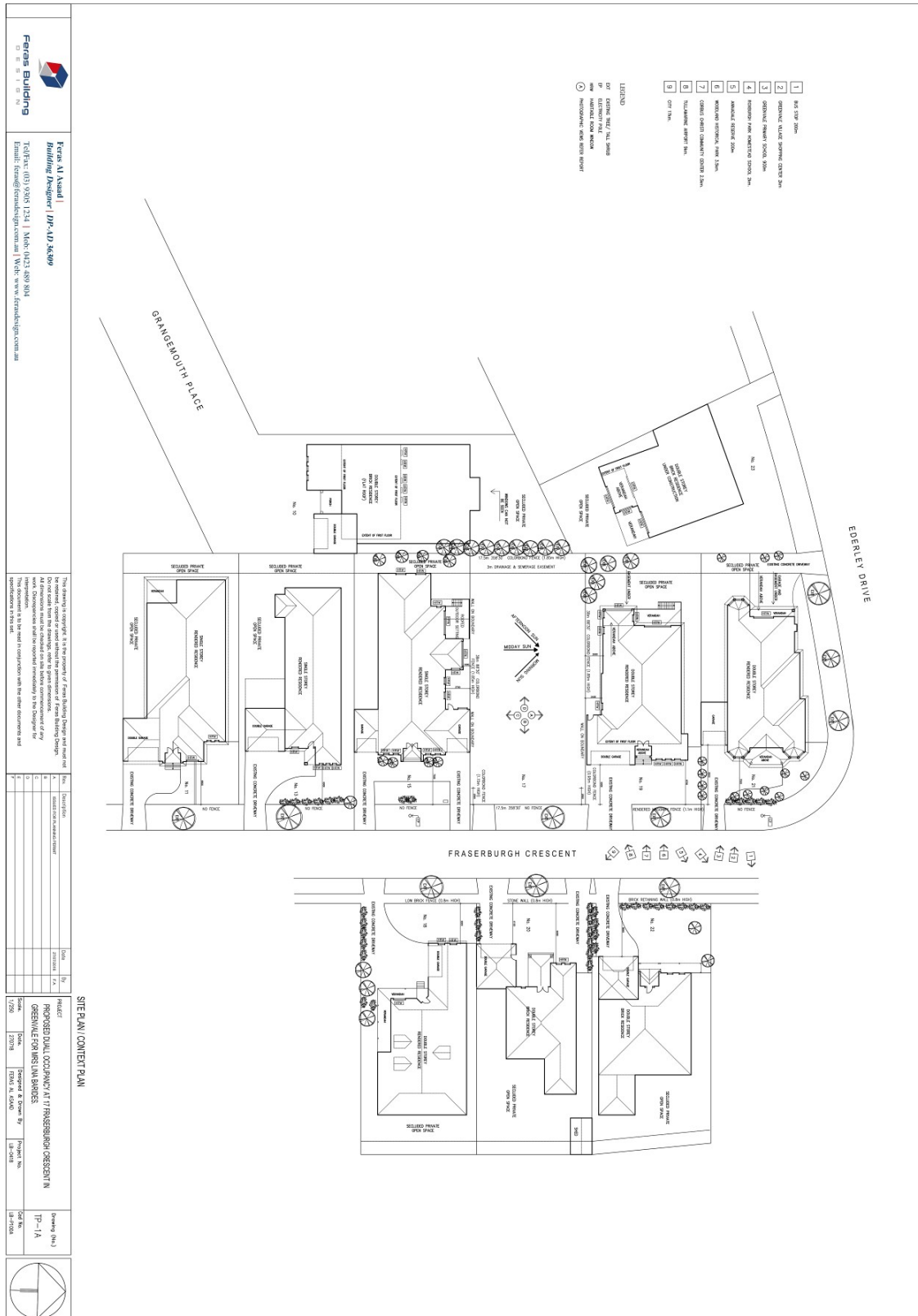
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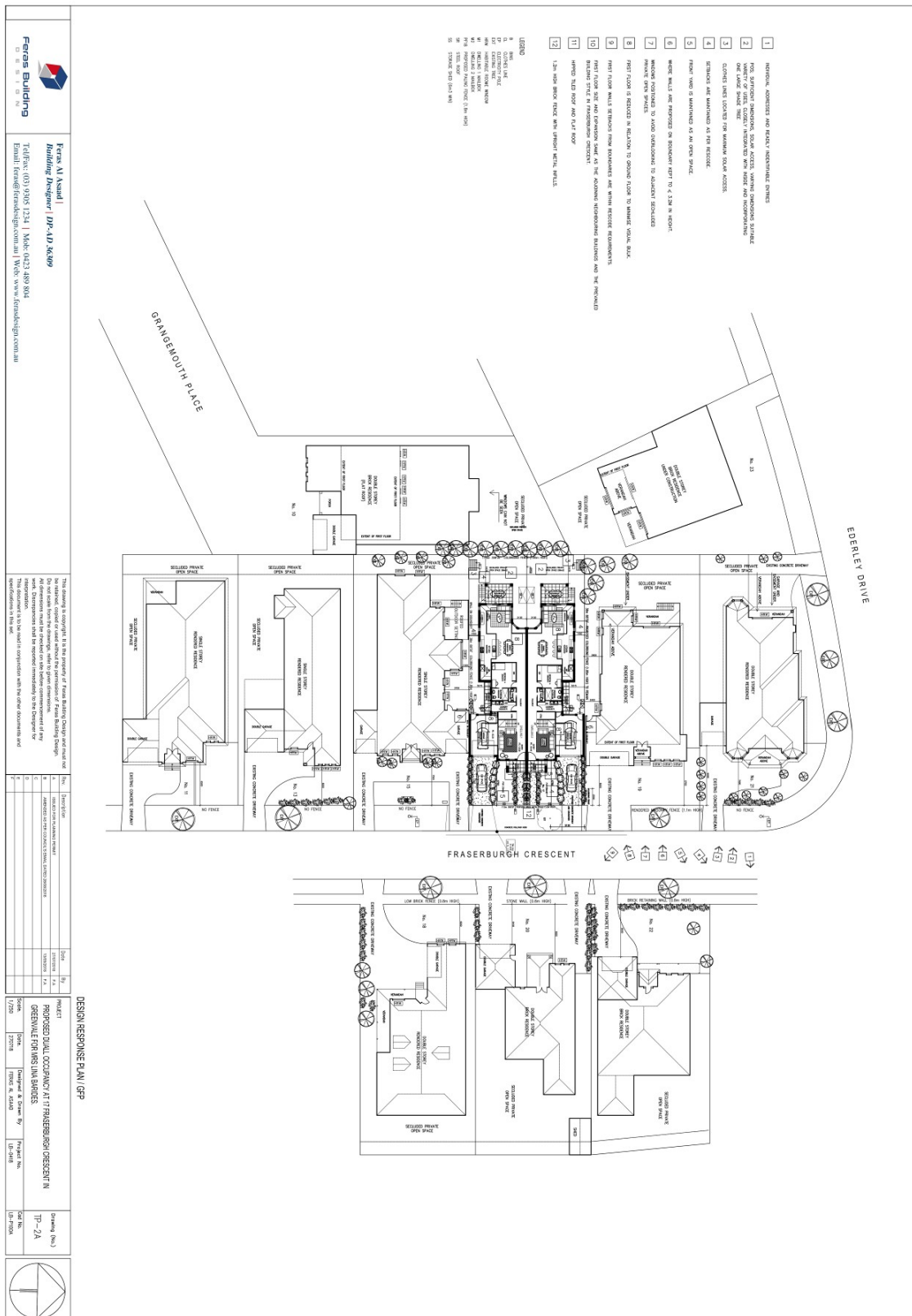
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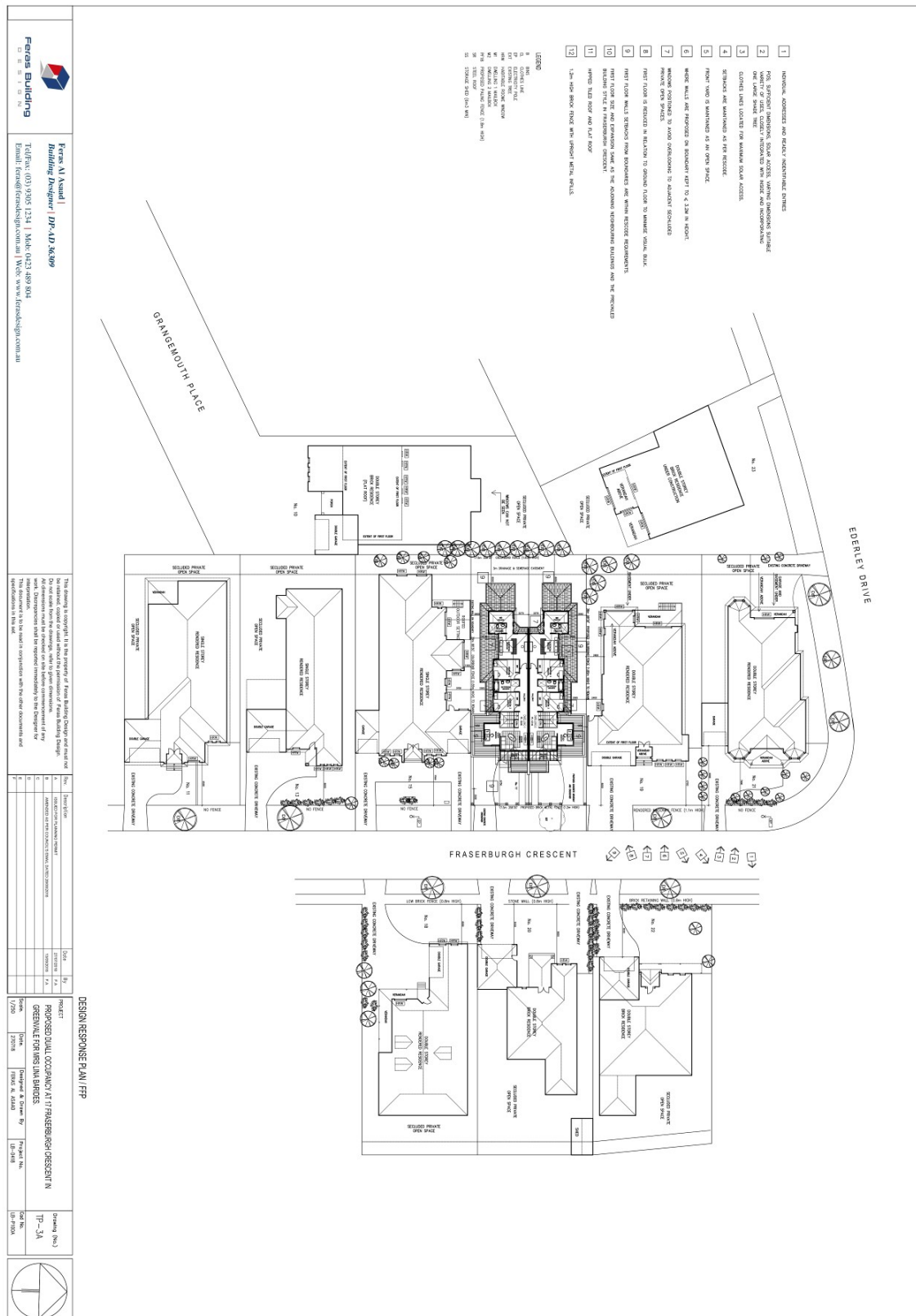




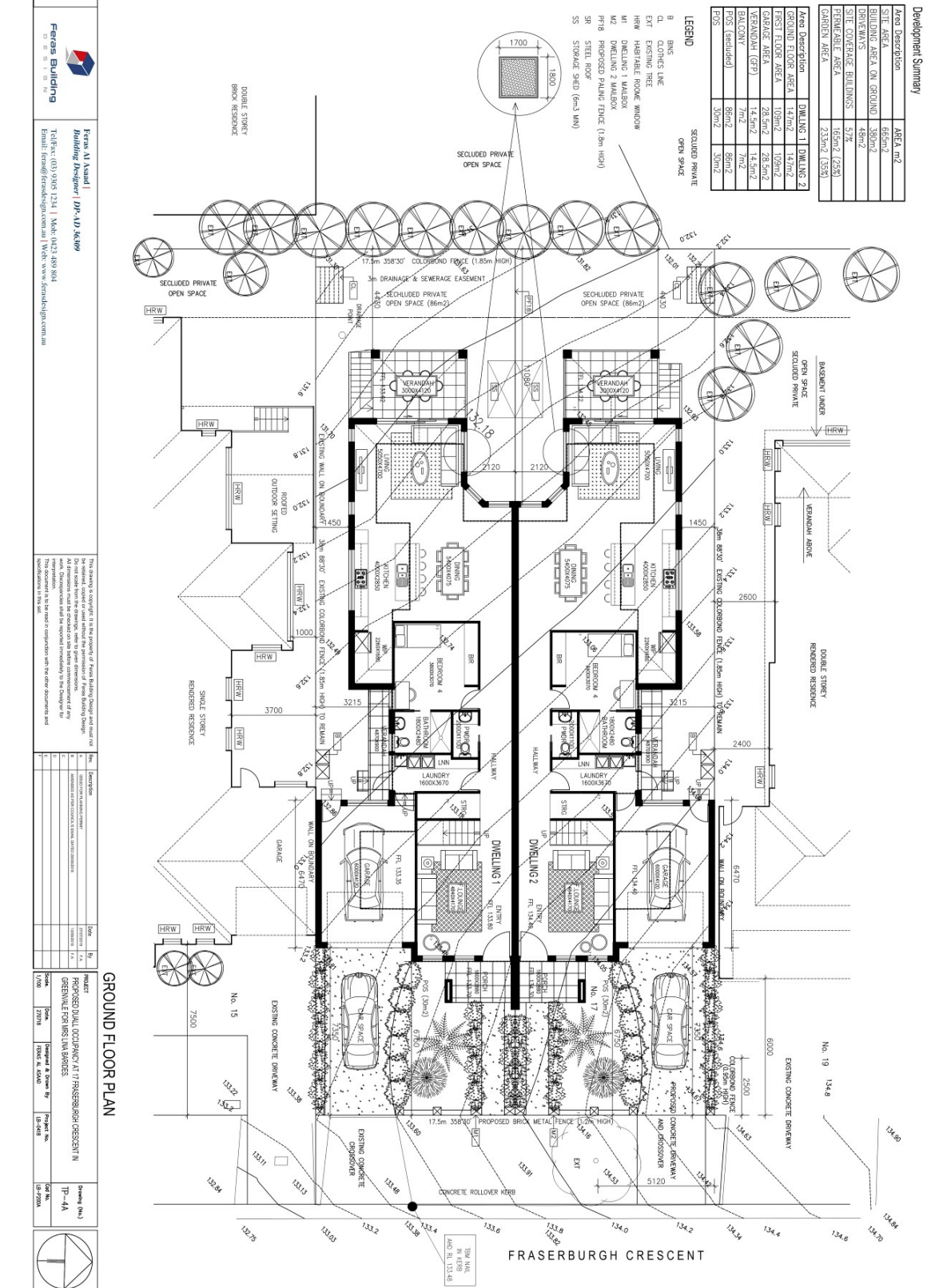






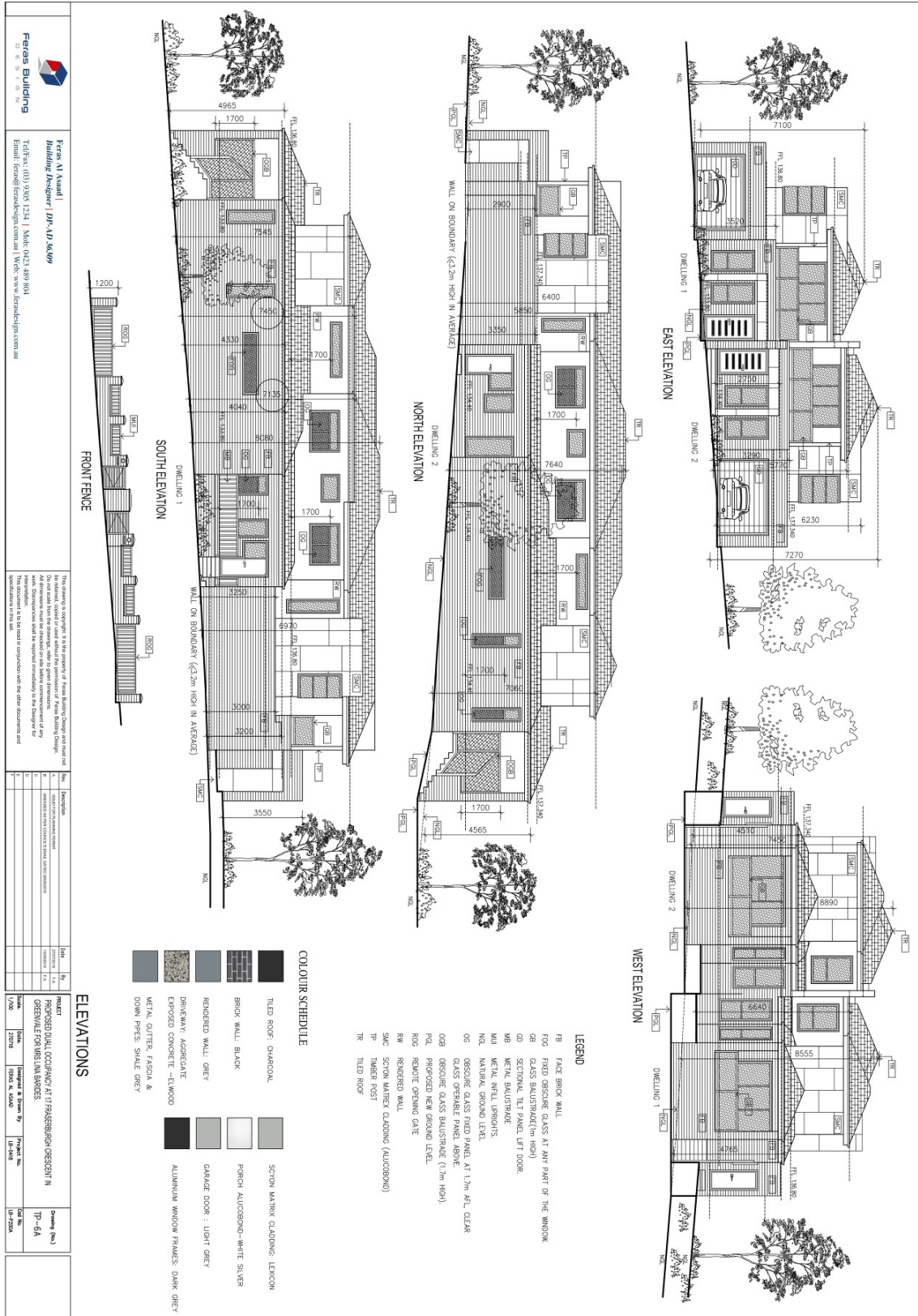


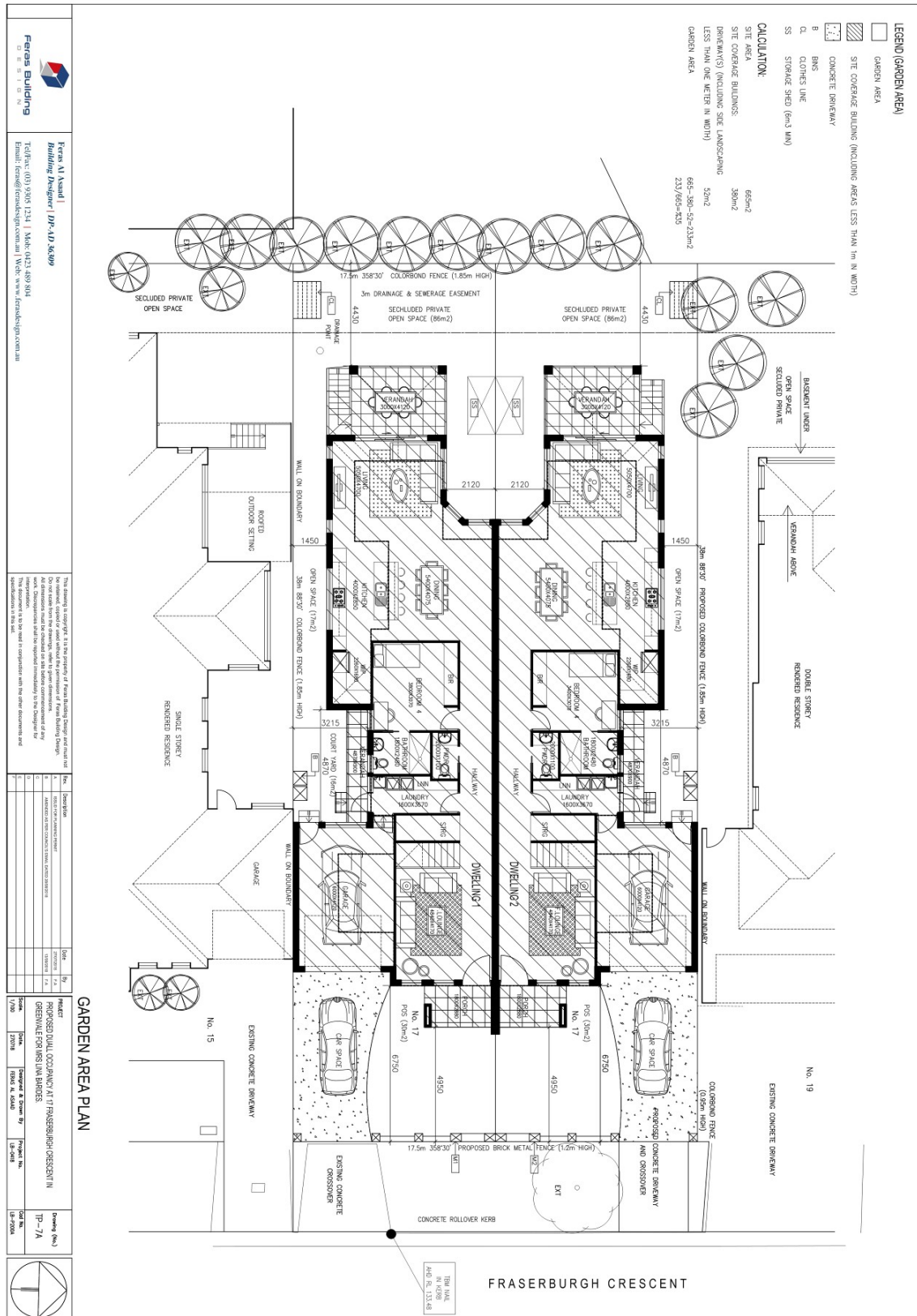




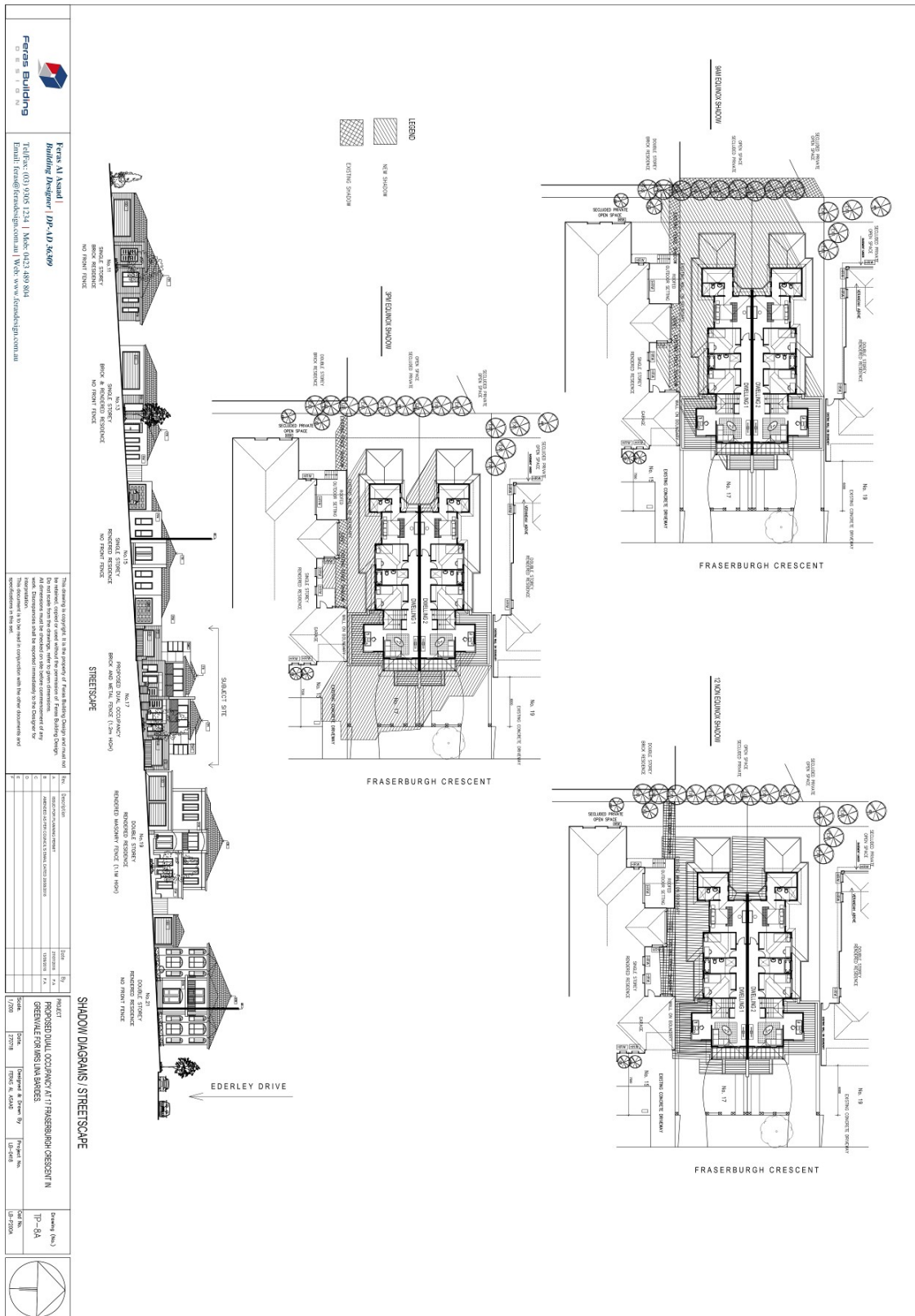


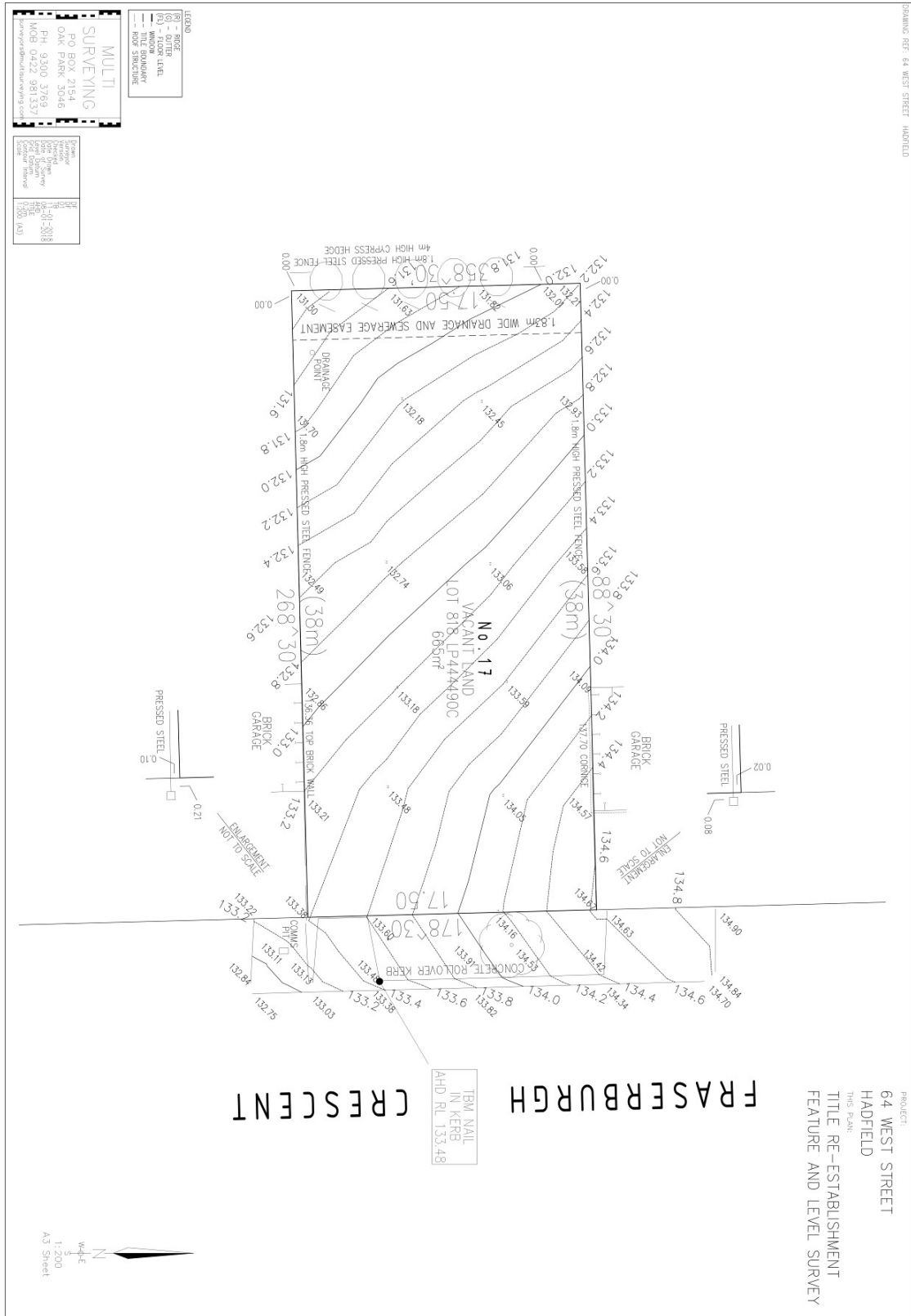














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REPORT NO:	SU363
REPORT TITLE:	15 Emu Creek Road, Wildwood - Buildings and works associated with the construction of a Telecommunications Facility.
SOURCE:	Narelle Haber, Senior Town Planner
DIVISION:	Planning and Development
FILE NO:	P20727
POLICY:	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>Proposed Plans</i>

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Application No:	P20727
Proposal:	Buildings and works associated with the construction of a Telecommunications Facility.
Location:	15 Emu Creek Road, Wildwood
Zoning:	Green Wedge Zone
Applicant:	CPS Global
Date Received:	9 August 2017

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**1. SUMMARY OF REPORT:**

- 1.1 Planning approval is sought for building and works associated with the construction of a telecommunications facility on the land at 15 Emu Creek Road, Wildwood. The application was advertised and four objections were received. The application has been assessed against the relevant provisions of the *Hume Planning Scheme* and the *Code of Practice for Telecommunications Facilities in Victoria* (2004) including considerations of the objections. On balance, it is considered that the application is worthy of support. Accordingly, it is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

**2. RECOMMENDATION:**

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant a Planning Permit for building and works associated with the construction of a telecommunications facility at 15 Emu Creek Road, Wildwood 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 Drawing Nos. 340352-00, 340352-G1 (Rev D), 340352-G1A (Rev D) dated 6 September 2018, 340352-G2 (Rev A), 340352-G3 (Rev A) dated 21 June 2017 but modified to show:
  - a) A minimum 3 metre wide landscape buffer along the southern and eastern sides of the fenced compound area (excluding gate area). The landscape buffer is to include canopy trees and a depth of understorey planting without impeding the TPZ of Tree # 1 – Grey Box.

**REPORT NO: SU363 (cont.)**

- b) Landscaping pursuant to Condition 3 of the planning permit.
  - c) Provision of an integrated land management plan.
2. The development 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. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
    - a) 3-metre wide screen tree planting to the southern and eastern sides of the fenced enclosure.
    - b) A tree protection zone and structural root zone for each tree to be retained; and the location and details of root control barriers.
    - c) Unless otherwise agreed in writing by the responsible authority, all trees and shrubs must be species of local provenance and trees must be capable of achieving a minimum height of 10 metres at maturity.
  4. 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.
  5. Once the development permitted by this permit has commenced, it must be continued and completed to the satisfaction of the responsible authority.
  6. New buildings or works must not be erected or constructed and existing buildings must not be enlarged, rebuilt or extended except with the written consent of the responsible authority.
  7. The development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.
  8. External lighting on the facility must be designed, baffled and located to the satisfaction of the responsible authority so as to prevent any adverse effect on adjoining land.
  9. The surface of the access track must be treated to the satisfaction of the responsible authority so as to prevent any loss of adverse amenity to the area by dust emission or the discharge of uncontrolled drainage.
  10. Any services that require relocation must be approved by the relevant service authority and any such relocation must be made at the owner's or developer's cost.
  11. Prior to the commencement of works, all trees to be retained must be temporarily fenced off with secure and obvious fencing in accordance with Australian Standard (AS4970-2009). Fencing must be signposted as 'tree protection zone'. The tree protection fence must remain in place until the works are completed. Fill, machinery and building materials must not be placed, even for a short time within the tree protection zone.
  12. Unless with the prior written consent of the responsible authority, the following must not occur within a 'tree protection zone':
    - Vehicular or pedestrian access;
    - Trenching or soil excavation;
    - Storage or dumping of materials, tools, equipment or waste.



REPORT NO: SU363 (cont.)

13. All tree and root pruning is to be carried out by a qualified and experienced arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*.
14. A qualified and experienced arborist must be on site when works are occurring in close proximity to the trees identified within the Arborist Report (Arboricultural Impact Assessment V. 2 15 Emu Creek Road, Wildwood, 3429, Habitat Ecology, 4 June 2018, updated 6 June 2018).
15. The recommendations in the Arborist Report (Arboricultural Impact Assessment V. 2 15 Emu Creek Road, Wildwood, 3429, Habitat Ecology, 4 June 2018, updated 6 June 2018) must be implemented to the satisfaction of the responsible authority.
16. Any fill brought into the property must be classified as 'Fill material' as per EPA Soil Hazard Categorisation and Management (IWRG), Publication IRWG621. All fill must be free of weed propagules and pathogens.
17. Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the responsible authority to address the potential impacts of construction works. The CSEMP must be in generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archeological/heritage impacts.
18. Prior to commencement of works, all personnel on site must be inducted into the CSEMP and all flora and fauna conservation requirements.
19. The approved CSEMP must be implemented to the satisfaction of the responsible authority.
20. Fill resulting from the development is not to be stored on the site and must be removed from the property at the completion of the development works.
21. Any fill removed from site must be taken to a legal disposal site.
22. Any road base material brought onto the site for access track construction must be free of diseases.
23. This permit will expire if one of the following circumstances applies:
  - the development is not started within three years of the date of this permit; or
  - the development is not completed within six years of the date of this permit.

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

- before or within six months after the permit expiry date, where 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:

- a) If a request for an extension of commencement/completion dates is made out of time allowed by condition 23, 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.

REPORT NO: SU363 (cont.)

- b) 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. Any service relocations are to the approval of the Service Authority and at the owners cost.

3. PROPOSAL:

- 3.1 Planning approval is sought for buildings and works associated with the construction of a telecommunications facility comprising a 40 metre high monopole and ancillary equipment contained within a secure compound measuring approximately 104 square metres.
- 3.2 The proposed facility is to be located adjacent to the northern boundary, approximately midway within the subject site. From the remaining property boundaries, the proposed compound will be setback approximately 158 metres from Emu Creek Road (to the east), 236 metres from the rear (west) boundary and 165 metres from the southern boundary.
- 3.3 The specific components of the proposed telecommunications facility can be summarised as follows:
- A 40m monopole;
  - Three (3) 12 port panel antennas mounted on a turret headframe at a centreline elevation of 41.05 metres;
  - A 600mm parabolic antenna;
  - Ancillary equipment mounted on new face frame members including fibre hybrid cable, 15 remote radio units, 6 combiners and 3 breakout boxes;
  - Vodafone 300mm wide elevated cable ladder running between the monopole and equipment shelter. The feeder cables are to be installed inside the monopole;
  - Proposed 2 bay Vodafone outdoor equipment unit (ODU) to be painted pale eucalypt;
  - Vodafone underground power route into existing meter board; and
  - Total lease area of 104 square metres.
- 3.4 The facility is designed to enhance indoor and outdoor coverage to the residential and rural properties surrounding Sunbury and Wildwood, specifically the facility would provide improved Vodafone 3G and 4G services to the area.
- 3.5 Vehicle access to the compound will be gained off Emu Creek Road via a new 3 metre wide gravel track adjacent the north boundary. The track will be designed to an appropriate standard for heavy construction and maintenance vehicles.
- 3.6 Once constructed, the facility will function independently without staffing with maintenance works expected sporadically throughout the year.
- 3.7 Careful consideration has been given to the location of the compound; access track and underground power route to ensure any significant vegetation on the site is avoided and protected.
- 3.8 The compound will be setback approximately 158 metres from Emu Creek Road on the north property boundary. It will be approximately 100 metres north of the existing dwelling on the site.
- 3.9 Power supply will be obtained from the existing power source located at the main front gate via a new, underground electrical easement which runs to the house and then north-west to the proposed Vodafone installation.
- 3.10 No significant earthworks are required.

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3.11 No native vegetation is proposed to be removed as part of the proposal.

**4. SITE AND SURROUNDS:**

- 4.1 The subject site is located on the west side of Emu Creek Road, in Wildwood and is a large semi-rural property of approximately 7.3ha. Vodafone has leased a rectangular shaped, parcel of the land measuring 12.4m x 8.4m mid-way on the north boundary (total area of 104.16sqm).
- 4.2 The land contains a dwelling and a number of outbuildings generally situated to the south-east of the proposed compound area and is currently utilised for low-scale agriculture. The land predominantly contains depleted grass cover / pasture with sporadic instances of canopy trees primarily along the main vehicle access and in the front section of the site.
- 4.3 Vehicle access is off Emu Creek Road via a gravel track traversing generally through the centre of the site leading to a circular drive forward of the dwelling.
- 4.4 Topographically, there is no significant level change across the front two-thirds of the site. The land then declines into a gully toward Emu Creek which abuts the west site boundary.
- 4.5 Surrounding land comprises similar rural-residential allotments containing single detached dwellings with ancillary sheds / outbuildings. The closest dwellings to the proposed facility are:
- 25 Emu Creek Road located immediately north of the site: 75 metres
  - 30 Emu Creek Road located diagonally opposite on Emu Creek Road: 250 metres
  - 20 Emu Creek Road located directly opposite on Emu Creek Road: 300 metres
  - 5 Emu Creek Road located immediately south of the site: 350 metres
- 4.6 The site is approximately 4km east of the centre of Sunbury, east of Lancefield Road. The Emu Creek vegetation corridor abuts the west boundary of the site.

**Restrictions on Title**

- 4.7 There are no registered restrictive covenants recorded on title.

**Planning History**

- 4.8 A review of Council records indicates that several planning permits have been issued for the site. These include:
- Planning permit P8528 was approved on 29 January 2004 and allowed for the *'development of a shed'* on the site.
  - Planning permit P10052 was approved on 1 April 2005 and allowed for *'buildings and works to allow for the construction of multiple verandahs'* on the site.
  - Planning permit P11862 was approved on 20 November 2007, and allowed for the *'use and development of animal boarding (cattery)'* on the site. An amendment to this permit was approved by Council on 16 September 2008.
- 4.9 No previous planning permit approvals impact on the subject application.

**Aboriginal Cultural Heritage**

REPORT NO: SU363 (cont.)

- 4.10 The western portion of the site within 200 metres of the Emu Creek is within an area of Aboriginal Cultural Heritage Sensitivity. However, the proposed telecommunications facility will be located further east, outside the affected area and subsequently there are no requirements under the *Aboriginal Heritage Act 2006* or the *Aboriginal Heritage Regulations 2018*.

**Major Electricity Transmission Lines**

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

**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 11.01-1R: Green Wedges – Metropolitan Melbourne Clause 12.01: Biodiversity Clause 12.01-2S: Native Vegetation Management Clause 14.01: Agriculture Clause 19.03-4R: Telecommunications – Metropolitan Melbourne
<i>Municipal Strategies:</i>	Clause 21.02-1: Managing Growth and Increasing Choice Clause 21.02-3: Sunbury Clause 21.02-4: Non-Urban Land Clause 21.03-1: Liveable Communities Clause 21.06-1: Economic Development Clause 21.08-1: Natural Heritage Clause 21.08-2: Environmental Land Management
<i>Local Policies:</i>	Clause 22.02: Rural Land Character and Urban Design Local Policy
<i>Zones:</i>	Clause 35.04: Green Wedge Zone (GWZ)
<i>Overlays:</i>	Clause 42.01: Environmental Significance Overlay, Schedule 1 (ESO1)
<i>Particular Provisions:</i>	Clause 52.06: Car Parking Clause 52.17: Native Vegetation Clause 52.19: Telecommunications Facility
<i>General Provisions:</i>	Clause 65.01: Approval of an Application or Plan

**Planning Policy Framework**

- 5.2 The stated objective of Clause 19.03-4S (Telecommunications) of the Scheme is to ‘*facilitate the orderly development, extension and maintenance of telecommunication infrastructure*’.
- 5.3 Strategies include:
- *Facilitate the upgrading and maintenance of telecommunications facilities.*
  - *Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.*

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- *Ensure the communications technology needs of business, domestic, entertainment and community services are met.*
  - *Ensure that the use of land for a telecommunications facility is not prohibited in any zone.*
  - *Encourage the continued deployment of broadband telecommunications services that are easily accessible by:*
    - *Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.*
    - *Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.*
  - *Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*
  - *Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.*
- 5.4 The stated strategy of Clause 19.03-4R (Telecommunications – Metropolitan Melbourne) is to 'support the provision of high-quality telecommunications infrastructure in Melbourne's employment, urban renewal and growth areas through early planning for fibre-ready facilities and wireless infrastructure.'
- 5.5 However, consideration must also be given to policies which seek to manage development within rural areas. Clause 22.02 – Rural Land Character and Urban Design Local Policy has the following objectives:
- *To ensure that the siting and design of new development protects and enhances the character of the City's rural areas.*
  - *To minimise the visual impact of development on and near prominent hilltops, steep slopes and ridgelines.*
  - *To protect significant roadside views of hilltops, creek valleys and other important features of landscape interest, from development that is poorly sited, or of an inappropriate scale, height, bulk or appearance.*
- 5.6 This policy specifically discourages buildings which are not residential in scale; buildings not constructed of materials and painted in colours to blend with the surrounding landscape and seeks to maximise the retention of native vegetation.

**Zone and Overlay Provisions**

Green Wedge Zone

- 5.7 The subject site is located within the Green Wedge Zone. The purposes of the zone are:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for the use of land for agriculture.*
  - *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
  - *To encourage use and development that is consistent with sustainable land management practices.*
  - *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
  - *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
  - *To protect and enhance the biodiversity of the area.*

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Environmental Significance Overlay (Schedule 1)

- 5.8 Part of the site is affected by the Environmental Significance Overlay (ESO1). However, the overlay only applies to the rear portion of the site (proximate to the Emu Creek). All development and works associated with this application fall outside the affected area. The proposal therefore is not subject to any assessment against these provisions.

**Particular Provisions**

Clause 52.17 – Native Vegetation

- 5.9 As the site has a site area exceeding 4ha it is subject to the provisions of Clause 52.17 of the Scheme (Native Vegetation). The purpose of the Clause is:
- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
    1. *Avoid the removal, destruction or lopping of native vegetation.*
    2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
    3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
  - *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Clause 52.19 – Telecommunications Facilities

- 5.10 The purpose of this clause is:
- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost-effective manner to meet community needs.*
  - *To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.*
  - *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*
- 5.11 Decision guidelines are detailed at Clause 52.19-5, and require consideration of the Code of Practice, effects on adjacent land and provisions of any applicable overlay.

**Planning Permit Trigger/s**

- 5.12 Clause 62.01 of the Scheme provides that the use of land for a telecommunications facility does not require a permit if the associated building and works meet the requirements of Clause 52.19 (Telecommunications Facility).
- 5.13 Clause 52.19-1 of the Scheme (Telecommunications Facility) stipulates that ‘a permit is required to construct a building or construct or carry out works for a telecommunications facility’. The various exemptions listed under this Clause do not apply in this instance, noting that the proposal is not a low-impact facility as described in the *Telecommunications (Low-impact) Facilities Determination 1997*.

**6. REFERRALS:**

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- 6.1 The application was not required to be referred to any statutory authorities under Section 55 of the *Planning and Environment Act 1987* (“the Act”).
- 6.2 An internal referral was made to Council's Environment Department when the application was received. This Department initially raised various concerns with the proposal in relation to potential impact on native vegetation and the Golden Sun Moth habitat.
- 6.3 A revised arborist assessment was subsequently submitted; however it lacked detail regarding potential vegetation impacts from the vehicle access track and the electrical easement/connection. A site inspection was subsequently undertaken by Council's Environment Officer together with the applicant's planning consultant and arborist/ecologist to determine the most suitable location/access route that would have least impact to vegetation, including investigating a possible alternate route adjacent to the north boundary to avoid various trees through the centre / mid-section of the site.
- 6.4 Based on the most recent set of plans dated 6 September 2018 and the revised arborist assessment prepared by Habitat Ecology dated 17 June 2018 these matters have been resolved as follows.
  - 6.4.1 The tower will be located adjacent to the northern boundary of the property, with the vehicle access track also adjacent to the north boundary. The power supply route will be connected to the existing power source at the south-east corner (front) of the property, traversing diagonally to the north-east corner of the residence then across to the tower site.
  - 6.4.2 The existing understorey vegetation on the site is severely degraded. The vegetation at the tower site, vehicle access track and proposed electrical easement alignment is generally dominated by exotic and noxious weeds and bare ground.
  - 6.4.3 The native vegetation cover within the proposed tower complex was assessed as being 7% whilst the remainder of the front portion of the property was assessed as 18%. Under the classification within the Guidelines (2017a) this does not represent a remnant patch which has a total perennial understorey plant cover of 25% or greater.
  - 6.4.4 The site contains various native and indigenous trees in the vicinity of the proposed tower, vehicle access track and power supply track. The trees are generally Grey Box or Red Gum varying in height from 8 metres to 18 metres. The medium-high amenity trees are Tree # 1 – Grey Box, Tree # 5 – Grey Box, Trees # 9 - # 12 – Grey Box.
  - 6.4.5 The proposed works will have minimal impact on this existing canopy vegetation.
  - 6.4.6 The vehicle access track generally adjacent to the northern boundary can also be aligned to avoid the Tree Protection Zone (TPZ) of Trees # 10 and Tree # 11 as demonstrated on Drawing No. 340352-G1A Rev D.
  - 6.4.7 The geology of the site is extensive exposed and unexposed rock and the use of boring techniques to establish new power supply is problematic, therefore trenching is the preferred option to install the underground power supply.



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- 6.4.8 The proposed power supply route can be aligned such that any associated trenching does not impact the TPZ of any existing trees (Trees # 2 - Tree # 10) as demonstrated on the Drawing No. 340352-G1A Rev D.
- 6.4.9 There is a 600mm space between Trees # 7 and # 8 where trenching with a small excavator or by hand would be required. The trench must not exceed 300mm with rumble boards three (3) meters either side of the trench.
- 6.4.10 Tree protection conditions included the use of fencing and rumble boards would sufficiently provide for the retention and protection of existing canopy trees during construction.
- 6.4.11 The placement of the tower and associated infrastructure occurs within an area subject to a grant to undertaken restoration works, some of which has already been undertaken including weed control and fencing. There is capacity in the agreement to alter the funding arrangement of approval from the Hume City Council is obtained. An amended agreement can be established.
- 6.4.12 Concern has been raised by Council's Environment Officer regarding the chosen power supply route and whether it truly meets the principles of avoidance and minimisation to native vegetation. Alternate options have been suggested a number of times including providing the power route underneath the north vehicle access with a new 'power pit' installed at the north-east site corner, or from the existing 'power pit' along the east (front) boundary and then underneath the vehicle access to avoid traversing through the centre of the site (and avoid this vegetation altogether).
- 6.4.13 The applicant has advised that the first option is not feasible as Jemena is not supportive of a second underground service 'power pit' as they seek to limit the number of power pits servicing an individual property. The second option would likely impact a significant number of trees and vegetation clustered near the site frontage. Whilst the diagonal route across the site along the site frontage is somewhat cumbersome, it appears to be the best available option, and can be managed appropriately to minimise impact to existing protected vegetation as discussed. The plans were amended to show the diagonal alignment of the power supply as preferred by Council's officers.
- 6.5 Council's Sustainable Environment Department now have no objection to the proposal but require several conditions to be placed on the permit.
- 6.6 The revised plans showing the provision of an access track and new crossover onto Emu Creek Road were referred Council's Traffic department for comment. There was no objection or concern with standard conditions requested to be placed on the permit.

**7. ADVERTISING:**

- 7.1 As the proposal relates to a telecommunications *tower*, the exemptions from notice and review set out at Clause 52.19-4 do not apply and the proposal is subject to the usual 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 The application was advertised under Section 52 of *the Act* by way of letters to adjoining land owners and occupiers and a notice board placed on site. A total of four (4) objections were received in response. The grounds of objection can be summarised as follows:

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- Loss of visual amenity;
- Not in keeping with green wedge land / rural landscape;
- Overshadowing;
- Contrary to conservation values of the area;
- Health and safety related concerns including exposure to radiation;
- Contradiction in planning policies which control the colour of a roof to maintain the rural aesthetic yet potentially allow the construction of a large telecommunications tower;
- Many other (more appropriate) locations;
- Fire risk; and
- Loss of property value.

**8. OBJECTIONS**

8.1 The above concerns are addressed below.

8.2 Loss of Visual Amenity / visual dominance

The proposed tower compound is setback 158 metres from Emu Creek Road on the north site boundary. The land is relatively flat through the front section of the site and around the tower and the site has few sensitive abuttals (as opposed to a typical residential area). Given the road setback there is good opportunity to provide new landscaping, including new canopy trees, forward of the compound fence to screen the lower section of the tower and ancillary equipment.

The visual impact to the neighbouring dwelling to the north at 25 Emu Creek Road which is situated approximately 75 metres from the tower compound has also been considered. The location of the compound and associated works has been chosen to ensure the trees on the site are protected through Tree Protection Zones and the requirements and obligations within the funding agreement through the Commonwealth under the Valuing our Volcanic Plains Incentive Program and through Council under the Conserving our Rural Environment grant are upheld. Consequently, the location of the compound adjacent to the northern boundary is essentially 'fixed', resulting in the compound not being able to be moved off the shared boundary to allow for some screen planting between the compound and the northern boundary. In this instance, the scattered native trees on the adjoining property and the requirement of a 3-metre wide landscaping buffer to the southern and eastern side of the compound will assist in screening the lower section of the facility.

Whilst it is acknowledged that the monopole will not be screened (it would be impractical to require it to be), the provision of the 3-metre wide landscape buffer and the existing mature and semi-mature trees on the site and adjoining properties go some way to limit the visual impact of the ground level structures and assist to retain the rural setting of the area. It is considered that the proposed visual impact is acceptable having regard to the distance to nearby residences, flat terrain of the land (towards Emu Creek Road) which does not accentuate the tower, limited views from any public vantage point and the absence of any other significant environmental constraint.

It is noted that the 40 metre height of the facility is typical of these devices and the height is required to provide optimal coverage and network connections to the surrounding fixed wireless network.

Visual impact is discussed in more detail in the assessment section below.

8.3 Overshadowing

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The proposal will not result in any significant shade to any adjoining property. Given the orientation of the lot, with 25 Emu Creek situated directly north, any shade cast by the tower and compound complex will fall within the subject site.

8.4 *Not in keeping with the Green Wedge / rural land*

The Green Wedge Zone is classified as a rural zone and is not specifically reserved for agriculture (i.e. Farming Zone). Rather it is more flexible and allows semi-rural development and some alternate land uses which may be difficult to locate in more densely populated areas. This particular site is just outside the Urban Growth Zone which extends between Lancefield Road and the Emu Creek. It is not uncommon for these types of facilities to be positioned on the fringe of growth areas which will require such facilities as they develop. A smaller, semi-rural, property as opposed to broad-scale agricultural land, is generally considered a more suitable location as there is no compromise to, or conflict with, any significant agricultural production.

It is also noted that a typical rural landscape often contains large infrastructure associated with the agricultural use of land including sizeable sheds and machinery. A distant view of a telecommunications tower therefore is not entirely out of keeping with this setting, noting the extent of land around the structure (and the fact it will not be raised on a hilltop) further reduces impact to the landscape character.

8.5 *Contrary to the conservation values of the area*

The location of the tower compound is outside the site area affected by the Environmental Significance Overlay (ESO1) which relates to the Emu Creek corridor. It does, however, have native vegetation controls (Clause 52.17 – Native Vegetation). The impact of the proposal on existing native vegetation, and the fact there is a funding agreement in place through the Commonwealth and with Council which prohibits the removal of native vegetation and requires planting of new native vegetation, have both been carefully considered through the application process. Council has sought to ensure that the tower facility, access track and electricity connections are sited and aligned to minimise impact to existing native vegetation. The application has now been refined so that all existing canopy trees can be retained and protected and there is opportunity to secure the provision of new indigenous vegetation, including canopy trees, which will assist to restore the fairly degraded state of much of the site, as well as minimise the visual impact of the compound structure.

The siting of the compound is appropriately setback from the Emu Creek Corridor and native vegetation has now been adequately addressed. The proposal is considered reasonable in terms of maintaining the conservation values of the area.

8.6 *Health related concerns*

In terms of health impacts, the *Code of Practice for Telecommunications Facilities in Victoria, July 2004* requires compliance with the ARPANSA Standard (*Australian Radiation Protection and Nuclear Safety Agency*). ARPANSA is the Federal Government agency responsible for protecting the health and safety of people and the environment from all sources of radiofrequency (RF) electromagnetic energy (EME). The applicant has provided an Environmental EME Report which confirms that the proposal will be designed and installed to satisfy the relevant requirements of the ARPANSA standards. Indeed, it is advised that the facility at Wildwood will operate substantially below the ARPANSA maximum public exposure limit (maximum predicted output of 0.45% of the allowable limit).

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From a planning perspective, the Tribunal has previously stated that it is not the appropriate body to assess the suitability of the applicable standards (i.e. *Heland Pty Ltd v Kingston City Council* (2005) VCAT 2927). In *Telstra Ltd v Bass Coast SC* (2004) VCAT 1324, the Tribunal found “that it is obliged to adopt the applicable regulatory standard as they apply to emissions from the type of facility, and that it is not the Tribunal’s role to assess whether or not the standards are adequate”.

Given these determinations, the applicant has satisfied planning requirements by providing evidence of compliance with the regulatory standard and it is outside the parameters of the planning assessment to undertake any further scrutiny of the assessment measure itself.

8.7 *Contradiction in planning policies which control the colour of a roof to maintain the rural aesthetic yet potentially allow the construction of a large telecommunications tower*

Planning policies guiding development in rural areas generally seek to limit visual intrusion where possible and thus often require rural sheds be painted in colours to match the rural surrounds. A telecommunications facility has a much broader planning consideration than other development applications such as a typical rural shed. Any visual impact to a rural aesthetic / landscape must be weighed against much broader policy objectives encouraging the provision of telecommunications facilities in an efficient and cost effective manner to meet the communication/service needs of the wider community. The wider community benefit must be weighed against any consequence such as perceived detracting from the rural aesthetic.

8.8 *Many other appropriate locations / areas of non-residential land available*

The applicant has provided sufficient evidence that other locations in the area have been carefully considered and for various reasons deemed unsuitable (i.e. inadequate radio coverage / transmission; proximity to residences; proximity to other sensitive land uses; adverse impact to sightlines; inappropriate access etc.).

8.9 *Fire risk*

The telecommunications tower has been designed, and will operate, in accordance with the *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

*Devaluation of property values*

Loss of property value is not a matter for consideration under the *Planning and Environment Act 1987*.

9. **ASSESSMENT:**

- 9.1 A detailed discussion of the proposal against the specific requirements of Clauses 35.05 and 52.19 is provided below. In short, the proposal achieves compliance with the relevant provisions, including the *Code of Practice for Telecommunications Facilities in Victoria* subject to permit conditions.

**Clause 35.04 – Green Wedge Zone**

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

**The Municipal Planning Strategy (MSS) and the Planning Policy Framework (PPF).**

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- 9.3 The proposal is consistent with the directions of the MSS and the PPF which seeks to provide choice and equitable access to a range of infrastructure, including telecommunications facilities, to meet the needs of Hume's growing population and business enterprises.

***The capability of the land to accommodate the proposed or development.***

- 9.4 Telecommunications facilities are often found in rural areas where adjoining land uses are less sensitive and where land is not constrained for other environmental, topographical, or heritage related reasons. Given the small footprint of the facility (104sqm) there is little impact to the current semi-agricultural use of the land.

***How the use or development relates to agricultural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.***

- 9.5 The land is not currently used for any substantial agricultural production. It is a semi-rural property with a dwelling that is utilised occasionally for sheep grazing. The site forms part of a small cluster of 29 semi-rural lots, each of approximately 7ha, situated between Wildwood Road and the Emu Creek corridor along Emu Flats Road to the north and Southern Plains Road to the south. They appear to be part of an older rural/residential subdivision and are unlikely to be suitable for any broad scale agricultural production without amalgamation / consolidation. Once constructed, the compound and access track will occupy a very small portion of the overall lot (104sqm and access track) and will not compromise the existing semi-agricultural use of the site. Given the particular site context, it is unlikely the site would be suitable candidate for more extensive agricultural production in the future.

- 9.6 The proposal has no impact to cultural heritage, recreation or tourism.

***Whether the site is suitable for the use or development and whether the proposal will have an adverse impact on surrounding land uses.***

- 9.7 A telecommunication facility is not a prohibited use under the provisions of the Green Wedge Zone.
- 9.8 The development will not compromise any existing agricultural or the potential of the site to be used for agriculture. The location of the facility has been chosen to ensure the agreements in place through the Commonwealth and with Council (which prohibits the removal of native vegetation and requires planting of new native vegetation) are adhered to and ensuring there is minimal impact to existing native vegetation. The location of the facility and it's associated 'works' have now been refined so that all existing canopy trees are retained and protected.
- 9.9 The proposal will not undermine the function of any nearby land uses. Once constructed there will be no required staffing and nominal traffic generation. There may be some noticeable impacts during construction such as increased traffic on the nearby rural road network, however this is a short-term issue and will no longer be present once the facility is built. It therefore presents no impediment from a planning perspective.
- 9.10 Broader permit conditions will also assist to ensure there is minimal impact to surrounding properties.

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***Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.***

- 9.11 Telecommunications towers are essential pieces of modern infrastructure which facilitate communication between people. The Scheme specifically encourages the development of an efficient and cost-effective Statewide telecommunications network to ensure communities have good access and network coverage. Inherently, this requires different service providers (Vodafone) to ensure healthy market competition and market value. Whilst sites in urban areas can sometimes be found (i.e. recreation reserves), common logic suggests that such facilities have a much less impact in a less populated area. The function of a telecommunications facility is likely much better on flat, rural terrain where there are less signal obstructions such as tall buildings.

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

- 9.12 The site and immediate area is not one of recognised architectural, scientific or cultural heritage significance, or of natural scenic beauty or importance. That being said, it has a typical rural character, the retention of which is important.
- 9.13 The visual impact of the proposal is discussed in detail in the report below. The proposal is considered satisfactory due provision of a landscape buffer which will assist in screening the lower section of the facility and security fence, the setback of the compound from local roadways and the retention of all the existing vegetation on the site, ensures the character, appearance and natural scenic beauty of the rural area is maintained.

***The maintenance of agricultural production and the impact on the local rural economy.***

- 9.14 The proposal will have a nominal impact on agricultural production and the local rural economy as the land is not currently utilised for any substantial agriculture and the footplate of the compound at 104sqm is minimal in relation to the size of the lot (over 7ha).

***The need to prepare an integrated land management plan.***

- 9.15 An integrated land management plan will be sought by condition to ensure vegetation is managed appropriately and that the land is restored following construction of the facility and trenching for the underground electrical connections.

***The impact on the existing and proposed rural infrastructure.***

- 9.16 The proposal will upgrade existing telecommunications infrastructure.
- 9.17 The ongoing function of the tower will require electrical connection and is capable of operating without significantly impacting the reliability of this service to other consumers.
- 9.18 The proposal does not require waste disposal or stormwater infrastructure.

***The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.***

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- 9.19 It is understood that these structures are stand-alone facilities required to be located within certain distances of each other to provide connecting signals. The built form is not expected to expand beyond what is currently being proposed. The recommended approval does not allow for the expansion of the facility without further consent of the responsible authority.

***The protection and retention of land for future sustainable agricultural activities.***

- 9.20 As detailed, the proposal has a small development footprint of 104sqm and does not significantly hinder any future agricultural activities on the site. That being said, given the size of the lot at 7ha and subdivision pattern of the immediate area, it is unlikely the lot would be suitable for any broad scale agricultural production unless consolidated with other lots (there is no restructure overlay that would suggest this is a desired outcome).
- 9.21 There is no anticipated conflict between the ongoing low-scale agricultural use of the balance lot and the proposed telecommunications tower.

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

- 9.22 Careful consideration has been given to the location of the compound and associated works to ensure no significant vegetation was required to be removed to facilitate the proposal. Vegetation on the site will be protected by way of permit conditions.

***The need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the revegetation of land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline recharge and discharge areas.***

- 9.23 This part of the site is not within the area affected by the ESO1 which only applies to the western portion of the site closer to the Emu Creek corridor.

***How the use or development relates to sustainable land management and the need to prepare a sustainable land management plan.***

- 9.24 The preparation of a sustainable land management plan is not required in this instance as once the telecommunications tower is constructed there will be no emissions requiring ongoing regulation (excepting noise) and very little site visitation except for maintenance a few times a year.

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

- 9.25 The proposal will have minimal impact on major roads, noting its location on a local rural road. Lancefield Road is the closest major road and is approximately 1.5 kilometres west of the subject site. Given the very flat terrain of the area and lack of tree cover, there may be some very distant views of the tower however they will not be significant in the wider landscape context. Whilst the monopole is of a height much greater than any typical rural building, the headframe presents no significant visual bulk and the structure is not emphasised in the landscape by way of material or colour.

***The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.***



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- 9.26 The proposal will have no impact on other existing infrastructure.
- 9.27 The provision of a new vehicle access to the site will not result in any adverse visual impact to the landscape.
- 9.28 The visual impact of the proposed infrastructure is discussed below.

***The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.***

- 9.29 The proposal will have no impact to any recognised archaeological site, or area of historic or scientific significance, or natural scenic beauty or importance.
- 9.30 The occasional instances of telecommunications towers in a rural landscape context are not uncommon, particularly where on the fringe of a demarcated urban growth area.

**Clause 52.19 – Telecommunications Facility**

- 9.31 The proposal is consistent with the design, siting, construction and operation principles set out in *A Code of Practice for Telecommunications Facilities in Victoria*, and any adverse effect on adjacent land is limited to visual intrusion only. This shortcoming is not to the extent that would warrant a refusal of the application, and a number of measures to mitigate this impact are being implemented as previously outlined.
- 9.32 The proposal is consistent with the principles of *A Code of Practice for Telecommunications Facilities in Victoria* as detailed below.

**Principle 1 - Siting the facility to minimise visual impact**

- 9.33 The applicant has provided in depth detail of the site selection and decision-making process which has carefully considered the visual impact of the structure in the rural landscape, with particular regard to the site location within the Green Wedge Zone. The siting and visual impact of the proposal is generally considered satisfactory for the reasons set out below.
- 9.34 The surrounding landscape comprises very flat topography with a decline to the Emu Creek Valley to the rear of the site. The topography does not accentuate the proposal from any public vantage point, however as the land contains minimal vegetation there is little inherent screening with respect to short – mid range views from nearby local roads, and there may also be longer range views from Wildwood Road (east 750 metres); Gellies Road (south approx. 1.2km) and Lancefield Road (west approx. 1.5km).
- 9.35 Principle 1 aims to ‘minimise’ the visual impact on the area, rather than requiring that the facility be screened altogether. This view has been substantiated by the Tribunal in the case *Telstra Ltd v Bass Coase SC* (2004) VCAT 1324 where the Member stated *“there is nothing in the Planning Scheme which requires these facilities to be completely screened from view, and such an outcome would be clearly unrealistic. The fact that the structure will be visible is not itself sufficient for me to form the view that its visual impact has not been minimized or that it will have an unacceptable impact. The fact that the structure will be visible must be balanced against the policy provisions of the planning scheme which support the provision of this form of infrastructure and the*

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*wider community benefit to be derived from the development of a comprehensive telecommunication network.”*

- 9.36 The site is not in an area identified as one where the landscape attributes are to the extent to warrant any protection (such as a Significant Landscape Overlay) and the proposal will not impact any significant vista or panorama of a particular feature. That being said, there is a consistent concern in the letters of objection regarding loss of visual amenity and detriment to the rural landscape character. Notably, both local policy (Clause 22.02) and the Green Wedge Zone aim to retain a rural setting, an integral part of which is minimising visual intrusion.
- 9.37 Having weighed these somewhat competing policy considerations, another recent VCAT decision is particularly informative. In *Righeiti v Hepburn SC* (2013) VCAT 750 the Member again corroborated the view that it is untenable to require such a structure to be screened from view altogether, rather one must seek to minimise visual intrusion. In this case, where the site was also in a flat, rural location and the development particulars included a 40m high monopole and associated ground level equipment, the Member found that the fairly open landscape in the immediate surrounds of the monopole would result in clear views which could be minimised by providing appropriate setbacks and landscape buffers to a minimum depth of 1.5 metres.
- 9.38 In this case, the road setback is already more than adequate to provide a good visual and landscape buffer to the proposed facility from the local roadways. To further minimise the visual impact, at least to the ground level structures, a 3-metre wide landscape buffer incorporating screen planting suitable to the rural area and of a height and depth to screen the facility has been required as a condition on permit. Screen planting of the compound could also minimize visual intrusion to the Emu Creek corridor and any longer range views from Lancefield Road. Whilst it is recognised that tree planting would not screen the structure altogether, this is not the requirement of the scheme, rather it would assist to *minimise* visual intrusion.

**Principle 2 - The facility should be co-located wherever practicable**

- 9.39 There are no existing telecommunications facilities in the area that the proposal could be co-located on. The applicant has provided evidence that four (4) alternative new sites were investigated, as well as the possibility of upgrading / co-locating three (3) existing sites, however all sites were deemed unsuitable for various reasons. As the site is located on the edge of Sunbury it will have the ability to serve the existing urban area while also meeting coverage demand for future urban development in the nearby Urban Growth Zone.

**Principle 3 – Health standards for exposure to radio emissions will be met**

- 9.40 As detailed earlier in the report, the Tribunal has previously determined that any health related impacts of telecommunications towers are outside the remit of the *Planning and Environment Act 1987*, and that the Tribunal is not the appropriate body to assess such issues. Health and safety in this setting is governed by ARPANSA and the Code requires that any telecommunications proposal comply with ARPANSA Standards. In this case, the applicant has demonstrated that the proposal will be designed and installed to satisfy all relevant requirements of the ARPANSA standards.

**Principle 4 – Disturbance and risk relating to siting and construction should be minimized**

- 9.41 Construction of the facility is unlikely to cause any significant disruption to any adjoining land or public access areas. It has been advised that construction will likely take

REPORT NO: SU363 (cont.)

approximately 10 weeks and will likely require some heavy vehicles and a crane to assemble the structure. Any disturbance to nearby rural residential properties will be short-term only and therefore does not constitute grounds to repudiate the proposal given the wider, ongoing benefits the proposal presents. Once the construction is complete, there will be minimal disturbance to nearby residences as site visitation will only occur occasionally for maintenance. Indeed, the ongoing use of the facility will likely have less vehicle movements than a dwelling.

**10. CONCLUSION**

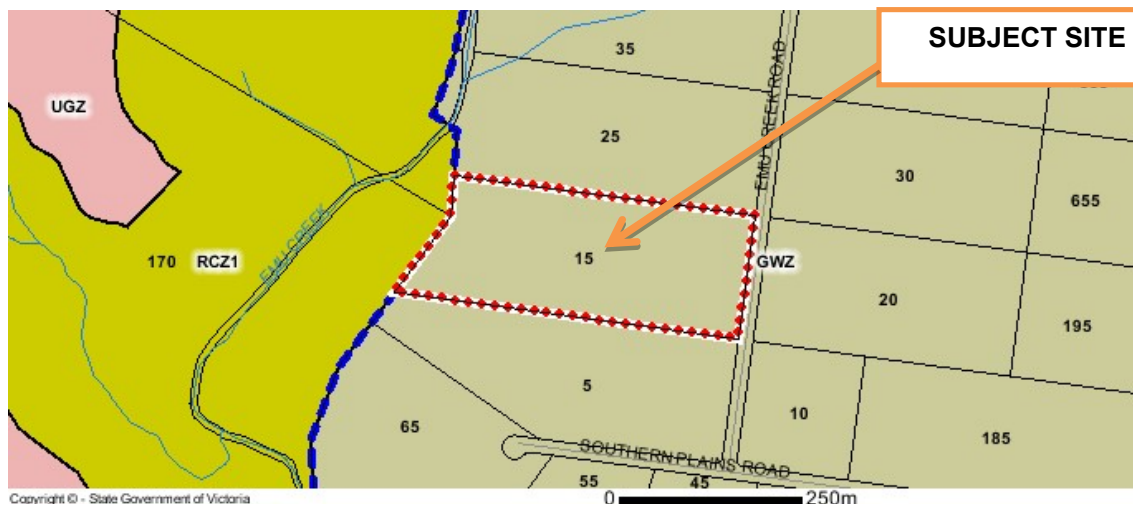
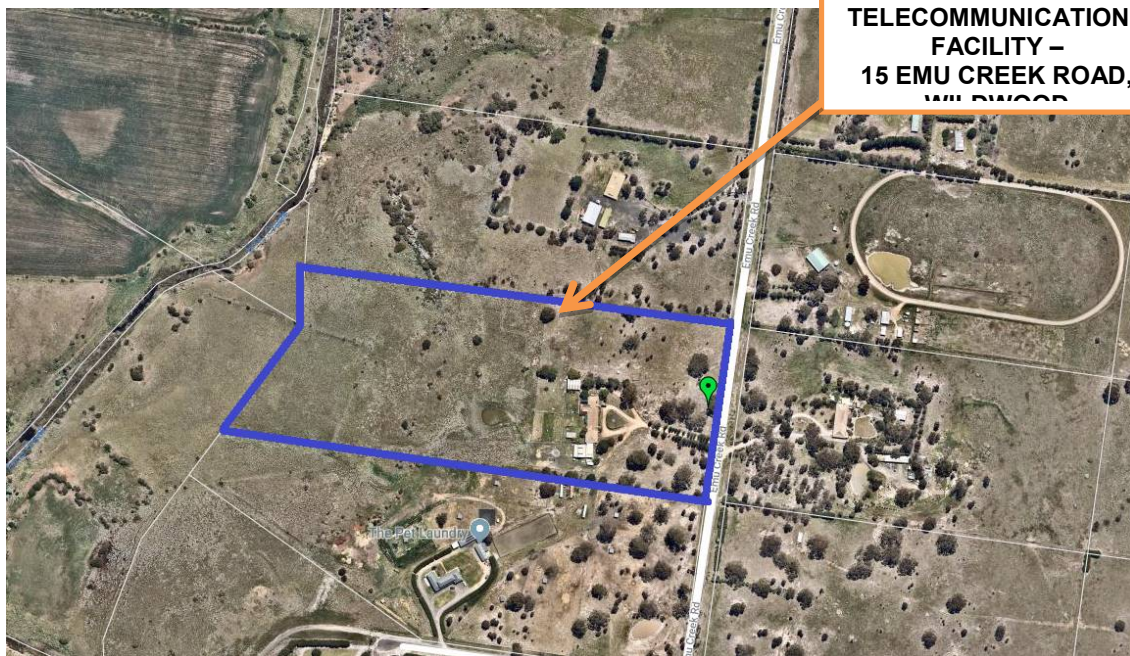
- 10.1 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme*, including the Municipal Strategic Statement and the Planning Policy Framework and is considered to be generally consistent with the relevant purposes and strategies.
- 10.2 Both levels of policy provide very strong support for integrating telecommunications facilities in appropriate locations and there is no policy or requirement that would, in principle, prevent such a facility in a rural location such as this.
- 10.3 The visual impact of the proposal has been duly considered and whilst it is impossible to screen the tower in its entirety and, indeed, not a requirement under the *Scheme*, there is reasonable grounds to require landscaping around the compound to minimise visual impact to nearby residences, Emu Creek Road and in relation to the wider rural landscape, noting the very flat topography and sparsely treed landscape.
- 10.4 Vegetation impacts have been carefully considered through the application process. Council's Environmental Officer is now satisfied that the structure can be built without requiring significant vegetation removal, and that existing vegetation can be suitably protected and retained through construction works.
- 10.5 It is considered that the application should be approved and a Notice of Decision to Grant a Planning Permit issued subject to conditions.



## LOCALITY MAP

P20727

15 EMU CREEK ROAD, WILDWOOD







DATE OF ISSUE	1	2	3	4					
15/09/17									
01/11/17									
24/07/18									
06/09/18									


  

DRAWING PACKAGE VERSION	1	2	3	4					

GENERAL DRAWINGS	A	B	C	D					
G1   SITE AND LOCALITY PLANS	-	-	-	-					
G1A   SITE PLAN AND TREE PROTECTION ZONES	-	-	-	-					
G2   SITE SETOUT PLAN	A	B	C	D					
G3   SITE ELEVATION	A	B	C	D					



# vodafone

VODAFONE AREA PM: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGN: \_\_\_\_\_

VODAFONE RF ENGINEER: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGN: \_\_\_\_\_

VODAFONE SITE 340352

WILDWOOD

15 EMU CREEK ROAD

WILDWOOD

VIC 3429

**DRAFT**

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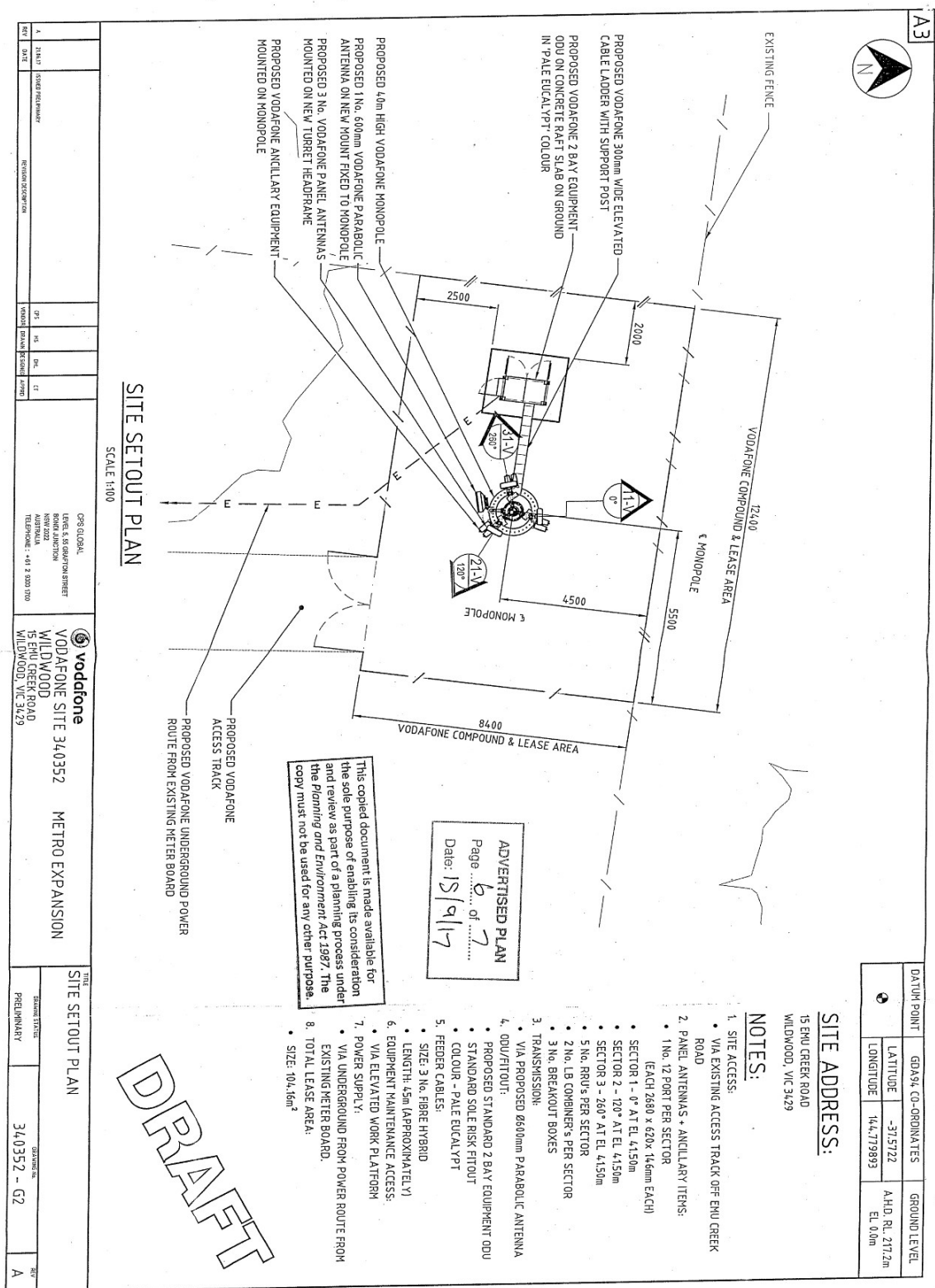
METRO EXPANSION

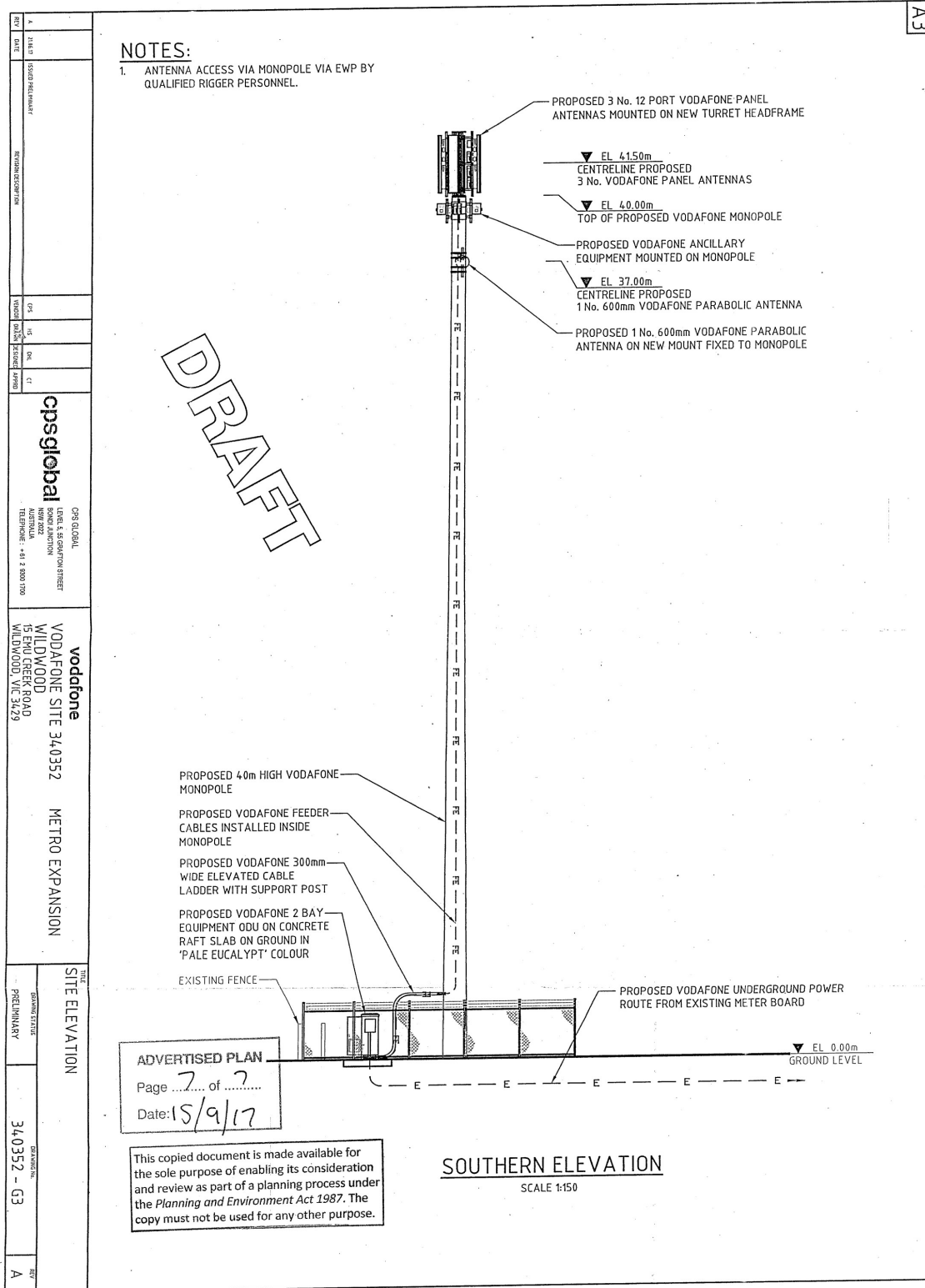
PRELIMINARY

DRAWING NO. 340352-00













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<b>REPORT NO:</b>	SU364
<b>REPORT TITLE:</b>	32 Shadforth Street, Westmeadows - Development of four double storey and two single storey dwellings.
<b>SOURCE:</b>	Natalie Calleja, Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P21460
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	1. <i>Development Plan</i> 2. <i>Locality Plan</i>

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<b>Application No:</b>	P21460
<b>Proposal:</b>	Development of six dwellings being four double storey dwellings and two single storey dwellings.
<b>Location:</b>	32 Shadforth Street, Westmeadows
<b>Zoning:</b>	General Residential 1
<b>Applicant:</b>	Planning & Design Pty Ltd
<b>Date Received:</b>	6 June 2018

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#### 1. SUMMARY OF REPORT:

Planning approval is sought for the development of four double storey dwellings and two single storey dwellings on the land at 32 Shadforth Street, Westmeadows. The application was advertised and forty-two objections were received. The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme* including the issues raised within the objections. On balance, the proposal is considered acceptable and it is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

#### 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 six dwellings at 32 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) The location of the crossovers for dwellings 1 and 6 relocated to abut the north and south boundaries respectively, whilst the garages remain in situ so that a minimum of 6.0 metres is achieved between splays along the frontage of the site. The second vehicle must be able to park directly in line with the proposed crossing locations for these dwellings.

REPORT NO: SU364 (cont.)

- b) Access way widths increased to a minimum of 6.4 metres, in accordance with Design Standard 2, Table 2 of Clause 52.06-9 of the *Hume Planning Scheme* for the accessway in front of the garages for dwellings 2 to 5 and the visitor's car space.
  - c) The access way must have a radius of 4 metres where it turns into the visitors parking bay as required by Standard 1 of Clause 52.06-9 of the *Hume Planning Scheme*.
  - d) The visitors parking bay must be clearly line marked and signed.
  - e) The setback of the first floor of dwelling 6 from the south boundary increased to comply with Standard B20 of Clause 55.04-4 of the *Hume Planning Scheme*.
  - f) A notation on the ground floor plan that *the splay area clear of visual obstructions may include adjacent structures (mailboxes) and landscaped areas, provided the structures and landscaping in those areas are less than 900mm in height*.
  - g) The height of the letterboxes for dwellings 1-6 in accordance with condition 1(f).
  - h) The provision of lighting along the length of the internal access way; to ensure visibility and surveillance during hours of darkness.
  - i) The mailboxes for dwellings 2-5 orientated parallel to the street, in accordance with Australia Post Standards.
  - j) Dwelling 4 is to be provided with a minimum of 6m<sup>3</sup> of accessible external storage space.
  - k) The clothesline for dwelling 4 relocated to the service yard to the rear of its garage.
  - l) Minimum 450mm eaves to be provided along the east elevation of dwellings 3 and 4 and the south and north living/meals room windows of dwellings 3 and 4 respectively.
  - m) The habitable room windows at ground level along the length of the shared accessway to meet the requirements of Standard B15 of Clause 55 of the *Hume Planning Scheme*.
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 one (1) canopy tree in the front setback of dwellings 1 & 2 and the rear setbacks of all six 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

**REPORT NO: SU364 (cont.)**

- botanical names), and when approved an endorsed copy must form part of this permit.
4. 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.
  5. The cost (including the removal and replacement) of any street tree is at the expense of the owner/developer.
  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.
  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. Prior to the occupation of the dwellings, the existing redundant vehicle crossing is to be removed and the kerb and channel and nature strip reinstated, to the satisfaction of the responsible authority.
  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. Provision of litter control at storm water inlet points within car park and paved areas. All storm water pits to be Channel Grated or Grated as per Council's Standard Dwg SD 210/215 or SD225 respectively.
  13. A drainage investigation is required for this development (fees apply). Plans are 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. 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.

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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.
- 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.
- 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. Any service relocations are to the approval of the Service Authority and at the owners cost.
- Any structure built over an easement requires Council and relevant service authorities approval.

2. PROPOSAL:

- 2.1 The proposal seeks to develop the site with six dwellings being four double storey and two single storey dwellings on the land. The details of the proposal as advertised relate to the plans prepared by Planning & Design, dated 14 September 2018, Rev. C. Details of the proposal are as follows:

Dwellings 1 & 6 (double storey)

- Dwellings have their frontage to Shadforth Street.
- The internal layout comprises a combined open plan living/kitchen/meals, laundry and WC on the ground floor and three bedrooms (the master bedroom with an ensuite) and a bathroom at the first floor.
- These dwellings will be provided with one car space, contained within a single width garage (minimum internal dimensions of 3.5 metres x 6.0 metres) and a tandem car space accessed from their own independent driveways from proposed crossovers to Shadforth Street.
- East orientated secluded private open space of approximately 35 square metres; accessible from a living room.

**REPORT NO: SU364 (cont.)**

- Maximum height of dwelling – 7.4 metres.

**Dwellings 2 & 5 (double storey)**

- Dwellings have their frontage to the internal accessway.
- The internal layout comprises a combined open plan living/kitchen/meals, laundry and WC on the ground floor and three bedrooms (the master bedroom with an ensuite) and a bathroom at the first floor.
- These dwellings will be provided with two car spaces, contained within a double width garage (minimum internal dimensions of 5.5 metres x 6.0 metres) accessed from the shared accessway.
- West orientated secluded private open space of approximately 48 square metres; accessible from a living room.
- Maximum height of dwelling – 7.6 metres.

**Dwellings 3 & 4 (single storey)**

- Dwellings have their frontage to the internal accessway.
- The internal layout comprises a combined open plan living/kitchen/meals, two bedrooms, laundry and bathroom which includes a WC.
- These dwellings will be provided with one car space each, contained within a single width garage (minimum internal dimensions of 3.5 metres x 6.0 metres) accessed from the shared accessway.
- East orientated secluded private open space of a minimum of 44 square metres; accessible from a living room.
- Maximum height of dwellings – 4.8 metres.

**Architecture**

- The architectural style is reasonably contemporary with construction materials proposed of face brick at ground level and selected linea weatherboard and render at the upper level and tiled roofing. Eaves are incorporated into the roof design at most elevations, where they are not provided they will be required to do so via condition of permit.

**Crossovers**

- The existing crossover is to be removed and reinstated with kerb and channel.
- Three new 3.0 metre wide crossovers are provided along the frontage of the site. The centrally proposed driveway caters for dwellings 2 – 5.
- One visitor car parking space is provided between dwellings 2 and 3 with access from the shared accessway.

**Summary Table of the Development:**

Site Area	1245.3 square metres
Dwelling Density	1:207 square metres
Site Coverage	44.3% (60% max)
Permeability	36% (20% min)
Garden Area	35.2 (35% required)

REPORT NO: SU364 (cont.)

3. SITE AND SURROUNDS:

- 3.1 The site known as 32 Shadforth Street, Westmeadows and formally described as Lot 2 on LP 142838 is located on the east side of Shadforth Street, approximately 20 metres south of Kenny Street.
- 3.2 The regular shaped site has a frontage of 24.54 metres and a depth of approximately 50.5 metres along the north and south boundaries with an overall site area of 1245.3 square metres.
- 3.3 The site has an approximate 500mm fall from the rear down to the front of the site. The site currently comprises an existing double storey, single fronted, brick veneer dwelling with a frontage to Shadforth Street and outbuildings and garage located to the side and rear of the dwelling. An existing crossover is located toward the northwest corner of the site.
- 3.4 Vegetation is scattered across the site; however there are no trees of any significance or worthy of retention.
- 3.5 The site is located within an established residential area of Westmeadows. Westmeadows is located approximately 18 kilometres north of Melbourne's central business district.
- 3.6 *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.*
- 3.7 *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.*
- 3.8 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 scattered across the neighbourhood.
- 3.9 Surrounding land uses:
  - North: The site is abutted by dwellings; one is a single storey dwelling with its frontage to Shadforth Street setback approximately 7.6 metres from the front boundary and 1.1metres from the shared boundary. The other two are side by side, double storey dwellings with their frontage to Kenny Street, with a minimum setback from the shared boundary of approximately 1.0 metre.

REPORT NO: SU364 (cont.)

- West: On the opposite side of Shadforth Street is the Westmeadows Primary School.
- South: A single storey dwelling setback a minimum of 7.6 metres from the street frontage and 1.4 metres from the shared boundary.
- East: A single storey dwelling with its frontage to Kenny Street with a garage located on the shared boundary.

3.10 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**

3.11 No registered covenants are recorded on title.

**Planning History**

3.12 There is no relevant planning history for the site.

**4. PLANNING CONTROLS:**

4.1 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>	<p>Clause 11: Settlement</p> <p>Clause 11.01-1R1: Metropolitan Melbourne</p> <p>Clause 11.01-1S: Settlement</p> <p>Clause 11.02-1S: Supply of urban land</p> <p>Clause 15: Built Environment and Heritage</p> <p>Clause 15.01: Built Environment</p> <p>Clause 15.01-1S: Urban design</p> <p>Clause 15.01-2S: Building design</p> <p>Clause 16: Housing</p> <p>Clause 16.01-1S: Integrated housing</p> <p>Clause 16.01-2S: Location of residential development</p> <p>Clause 16.01-3S: Housing diversity</p> <p>Clause 16.01: Residential Development</p> <p>Clause 18: Transport</p> <p>Clause 19: Infrastructure</p>
<i>Local Planning Policy Framework</i>	Clause 21:



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<i>Municipal Strategic Statement (MSS)</i>	<p>Clause 21.01-2: Key Issues and Influences</p> <p>Clause 21.01-3: Vision and Strategic Framework Plan</p> <p>Clause 21.02: Urban Structure and Settlement</p> <p>Clause 21.02-1: Managing Growth and Increasing Choice</p> <p>Clause 21.03-1: Liveable Communities</p> <p>Clause 21.03-2: Housing</p> <p>Clause 21.04-1: Urban Design</p> <p>Clause 21.04-2: Environmentally Sustainable Design and Development</p>
<i>Local Policies</i>	<p>Clause 22.05: Residential neighbourhood character – Westmeadows Local Policy</p>
<i>Zoning</i>	<p><i>Clause 32.08</i>: General Residential Zone Schedule 1</p>
<i>Overlays</i>	<p><i>Nil</i></p>
<i>Particular Provisions</i>	<p>Clause 52.06: Car Parking</p> <p>Clause 55: Two or More Dwellings on a Lot &amp; Residential Buildings</p>
<i>General Provisions</i>	<p>Clause 65: Approval of an Application or Plan</p> <p>Clause 66: Referrals and Notice Provisions</p>

**REPORT NO: SU364 (cont.)**

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 In order to address this, the Hume MSS recognises the following relevant objectives:
  - 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**

- 4.8 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**

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

**Planning Permit Triggers**

- 4.10 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.

**5. REFERRALS:**

- 5.1 The application was not required to be referred to any statutory authorities under Section 55 of the *Planning and Environment Act 1987*
- 5.2 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.
- 5.3 The application was referred to Council's Parks Department.

REPORT NO: SU364 (cont.)

No objections to the removal of the street trees subject to payment of removal and replacement costs.

**6. ADVERTISING:**

- 6.1 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.
- 6.2 A total of 42 objections were received 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, including during construction of dwellings.
  - Over-development of the site.
  - Noise and dust will be disruptive to students.
  - Overlooking.
  - Inconsistencies between drawings.

**7. OBJECTIONS:**

- 7.1 The grounds of objection are addressed below:
- 7.2 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 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*, including the provision of one visitor car space. With modifications to the plans as required by condition 1 of any permit issued, two car spaces are available in front of the site. It should be noted that with the setback of the existing crossover from the north boundary there is currently only provision for two on-street car parking spaces. Therefore the number of on street car parking spaces in front of the site has not been reduced as part of this proposal.

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.

REPORT NO: SU364 (cont.)

It is considered that the redevelopment of the site with six 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.

7.3 Overdevelopment of the site.

Given the general compliance with the standards and objectives of Clause 55 of the *Hume Planning Scheme* it is considered that the proposal is not an overdevelopment of the site. If Council were to consider it as an overdevelopment then there would be offsite impacts such as, but not limited to; visual bulk, scale and massing; adversely affecting the amenity of the site and surrounds, excessive site coverage, overshadowing, non-compliance with the garden area requirements; and insufficient on-site car parking. However in this instance, these issues are not evident and therefore it is considered that the proposal is not an overdevelopment.

7.4 Creates an unsafe environment for children, including during construction of dwellings and Noise and dust will be disruptive to students.

If these matters become a concern during the construction stage they will be dealt with by the appointed Building surveyor &/or the EPA. The VicRoads Crash Information System database, which lists all recorded injury crashes, indicates that there have been no recorded casualty crashes along Riddell Street, Kenny Street and Shadforth Street in the vicinity of the school in the most recently available five year period between 1 July 2012 and 30 June 2017.

7.5 Overlooking.

Overlooking has been addressed in the proposal as habitable room windows with the potential of overlooking are shown as having a sill height of a minimum height of 1.7 metres above finished floor level or having obscured glazing and fixed to a height of 1.7 metres above finished floor level.

7.6 Inconsistencies between drawings.

Dwelling 3 has a finished floor level of 98.30 not 98.10 as detailed by the objector. With the dwelling's finished floor level essentially at natural ground level along the rear east elevation and the 1.9 metre high boundary fencing, it is considered that overlooking will not unreasonably affect the amenity of the adjoining property to the rear. It should be noted that Standard B22, *Overlooking* states *this standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.*

8. **ASSESSMENT:**

8.1 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.

8.2 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 35.2% of the site as garden area, satisfying the requirement.

**Clause 52.06 (Car Parking):**

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

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- 8.4 Dwelling 1, 2, 5 and 6 comprise three bedrooms whilst dwellings 3 and 4 comprise two bedrooms each.
- 8.5 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.*
- 8.6 All dwellings will be provided with the required number of car spaces in accordance with the above provisions of Clause 52.06-5.
- 8.7 There is a requirement for one visitor car parking space due to 5 dwellings proposed. One visitor car space has been provided on site.
- 8.8 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*.
  - Conditionally, access is acceptable for all Dwellings.
  - The plans provide a visibility splay for the accessways in accordance with Clause 52.06-9.
  - A permit condition will require "...Any structures or vegetation within these splays 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):**

- 8.9 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.
- 8.10 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)**

- 8.11 Single storey dwellings dominate the neighbourhood character of the area. 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.
- 8.12 Neighbourhood character objectives seek to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood

REPORT NO: SU364 (cont.)

character and that the development responds to the features of the site and the surrounding area.

- 8.13 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 setbacks to the rear ensure that the open space corridor is maintained.
- 8.14 The design provides an appropriate written response demonstrating consistency with relevant housing policy objectives.
- 8.15 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"> <li><i>Retain existing large trees and under storey wherever possible.</i></li> <li><i>Prepare a landscape plan to accompany all new dwelling proposals that utilises native vegetation.</i></li> </ul>	<ul style="list-style-type: none"> <li>There are no high canopy trees worthy of retention on the site.</li> <li>This will be required as condition of permit.</li> </ul>
<i>To minimise excavation and site erosion.</i>	<ul style="list-style-type: none"> <li><i>Buildings and other development should follow the topography of the site or minimise their impact on the natural slope of the site.</i></li> <li><i>Retain existing significant vegetation, especially on steeply sloping sites.</i></li> </ul>	<ul style="list-style-type: none"> <li>The site only has a gradual fall. The dwellings follow the gentle topography of the site.</li> <li>There is no significant vegetation contained on the site, worthy of retention.</li> </ul>
<i>To reflect the existing rhythm of dwelling spacing.</i>		Dwelling 1 and 6, being the front dwellings are setback from both side boundaries.
<i>To ensure that new buildings do not dominate the streetscape and wider treed landscape setting.</i>	<i>Design new buildings and extensions so as not to exceed the predominant tree canopy height.</i>	The dwellings are only double storey thereby not exceeding the larger tree heights in the area. It should be noted that the existing dwelling on the site is a double storey dwelling.

- 8.16 The development provides meaningful dwelling diversity with a range of smaller affordable household types.
- 8.17 The development is well integrated with the street and internal accessway in terms of vehicle and pedestrian links.
- 8.18 The proposed dwellings are appropriately located in the context of an established urban environment and infrastructure, properly connected to all relevant services and utilities.
- 8.19 The dwelling's design is generally characteristic of the character of the built form of the surrounding dwellings as follows:

REPORT NO: SU364 (cont.)

- Use of face brick to the façade and the use of a lightweight material (render and weatherboard) at the upper level.
- The proposed roof form is hipped. Eaves are generally provided at both levels reflecting the character of the area, where they are not they will be required via condition of permit.
- 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 garages for dwellings 1 and 6 are setback from the front facade thus 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.

8.20 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):**

8.21 The ground floor plan annotates the two adjoining dwellings setback at 7.6 metres. Therefore pursuant to Standard B6, the average of the two adjoining setbacks is 7.6 metres. The development proposes a minimum front setback of 7.6 metres, with the garages set further back. It is considered that the setback meets the standard and is reasonable in the streetscape in this instance.

8.22 The maximum building height of the proposal is 7.6 metres. With respect to Standard B7 of ResCode this is considered satisfactory, given the maximum height limit under this clause is 9 metres. Being single storey, the rear dwellings reduce the perception of visual bulk when viewed from the rear of adjoining properties.

8.23 Site coverage is approximately 44.3% and permeable area is 36%, meeting the requirements of Standards B8 and B9 respectively.

8.24 With the orientation of the site, the dwellings receive adequate access to northern light.

8.25 Energy efficiencies and (neighbourhood character) can be further improved with eaves along the east elevation of dwellings 3 and 4 and the living/meals room along the north elevation of dwelling 4 as conditions of permit.

8.26 The double storey nature of the proposal also achieves energy efficiencies, in accordance with Standard B10.

8.27 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.

8.28 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.

8.29 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.

8.30 The existing crossover is to be removed and reinstated with kerb and channel and three new crossovers are proposed along the frontage of the site. The percentage of the street frontage comprising crossovers is 36%; the percentage of crossovers along the frontage should not exceed 33% pursuant to Standard B14. Although the percentage of the frontage comprising crossovers exceeds the Standard by approximately 3% it is considered that it is not to the detriment of the site or surrounds, given the width of the site frontage, the minimal percentage of which the crossovers



**REPORT NO: SU364 (cont.)**

exceed and that it will not result in any additional on street car parking if the percentage was reduced to 30%.

- 8.31 Conditionally, vehicle access is safe, manageable, and convenient, in accordance with Standard B14.
- 8.32 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.
- 8.33 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 do not comply with this standard. A condition of permit will ensure that the windows along the length of the shared accessway meet the requirements of Standard B15.

**Clause 55.04 – Amenity Impacts (Standards B17 to B24)**

- 8.34 The proposed side and rear setbacks for the proposed dwelling satisfies standard B17.
- 8.35 Walls constructed on boundaries comply with the requirements of Standard B18.
- 8.36 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 with the exception of the upper level of dwelling 6 which is setback 2.41metres and pursuant to B20 should be setback 2.44 metres. Although this is a minor variation, the availability of light into the northern orientated window to the south is crucial and a minimum setback of 2.44 metres as a will be required condition of permit.
- 8.37 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.
- 8.38 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.
- 8.39 Uses associated with the proposed development are residential. Noise generated by residential use is expected within this context and an increase of five dwellings is not considered detrimental and therefore meets standard B24.

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

- 8.40 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, with the single storey dwellings to the rear.
- 8.41 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.
- 8.42 All habitable room windows face an adequate light court in accordance with standard B27.

**REPORT NO: SU364 (cont.)**

- 8.43 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	35 square metres of POS
Dwelling 2	48 square metres of POS
Dwelling 3	44 square metres of POS
Dwelling 4	47 square metres of POS
Dwelling 5	55 square metres of POS
Dwelling 6	37 square metres of POS

The secluded open space of all dwellings has convenient access from a family/meals room as per the requirements of B28.

- 8.44 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.
- 8.45 With the exception of dwelling 4, each of the dwellings is 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)**

- 8.46 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.
- 8.47 It is considered that the proposed dwellings will blend well within this context. 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 in a contemporary manner. The garages and parking location sit well with the character of the surrounding dwellings by being a recessive element to the streetscape.
- 8.48 The single storey dwellings located to the rear and the setbacks from the rear boundary maintain the open space corridor which is characteristic of the area.
- 8.49 No front fencing is proposed; this is consistent with the streetscape (B32).
- 8.50 In the event of a subdivision, common property areas can easily be maintained and managed as per standard B33.
- 8.51 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. Notwithstanding this, the clothesline for dwelling 4 is to be relocated as condition of permit to the service yard which is closer to the laundry and improves the useability of the secluded open space.
- 8.52 Bin storage areas are adequately provided for each of the dwellings. The relocation of the crossovers to dwellings 1 and 6 closer to the boundaries will enable all bins to be located in the road reserve in front of the site on collection day.

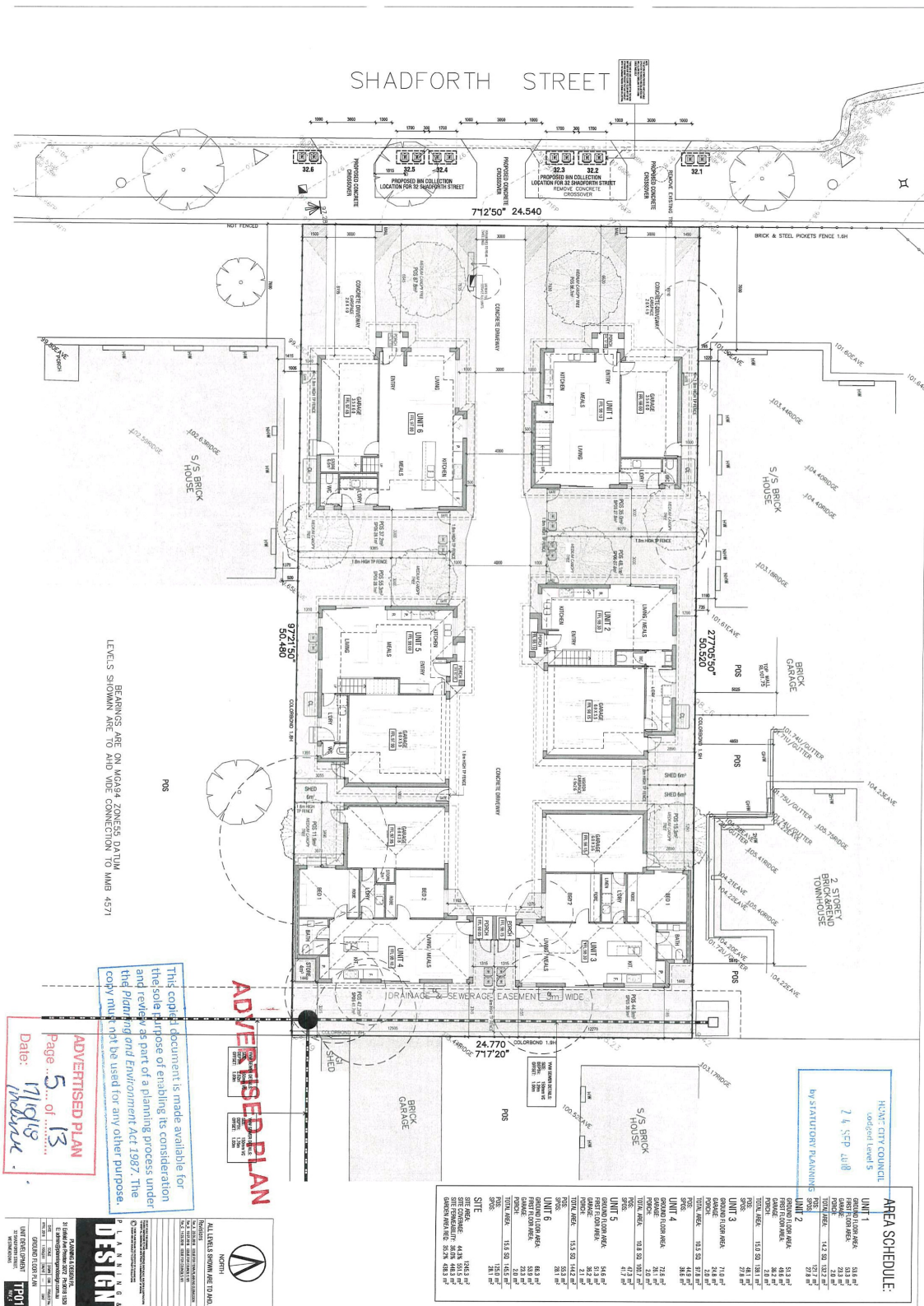
**REPORT NO: SU364 (cont.)**

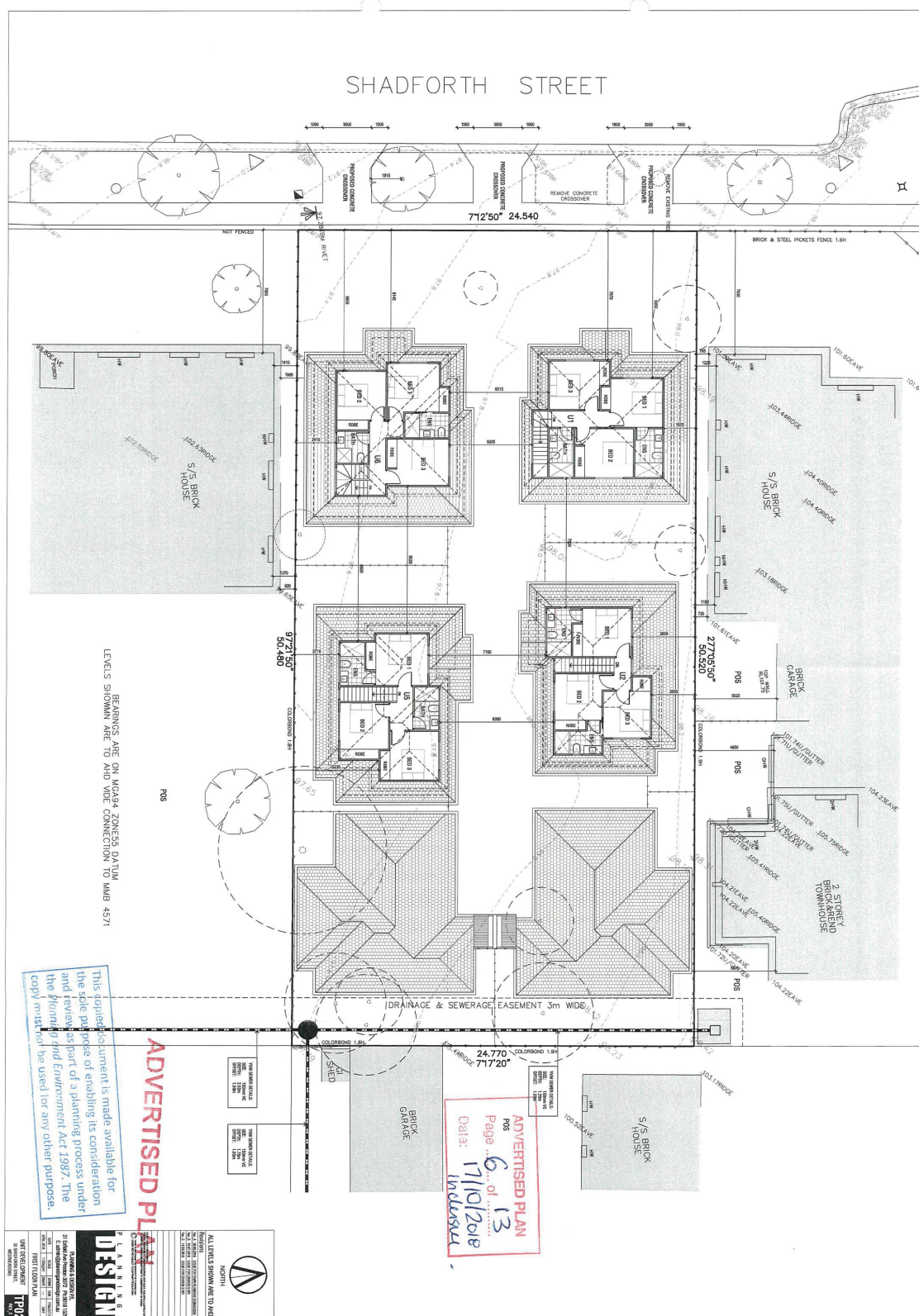
- 8.53 Letterboxes have been indicated and are within the visibility splay required by Clause 52.06-9. A condition of permit will require an amendment to the plans to include a notation on the ground floor plan that the splay area clear of visual obstructions may include adjacent structures (mailboxes) and landscaped areas, provided the structures and landscaping in those areas are less than 900mm in height.
- 8.54 The mailboxes for dwellings 2-5 are not orientated parallel to the street; a condition of permit will require that they are located parallel with the street alignment in accordance with Australia Post standards.

**9. CONCLUSION**

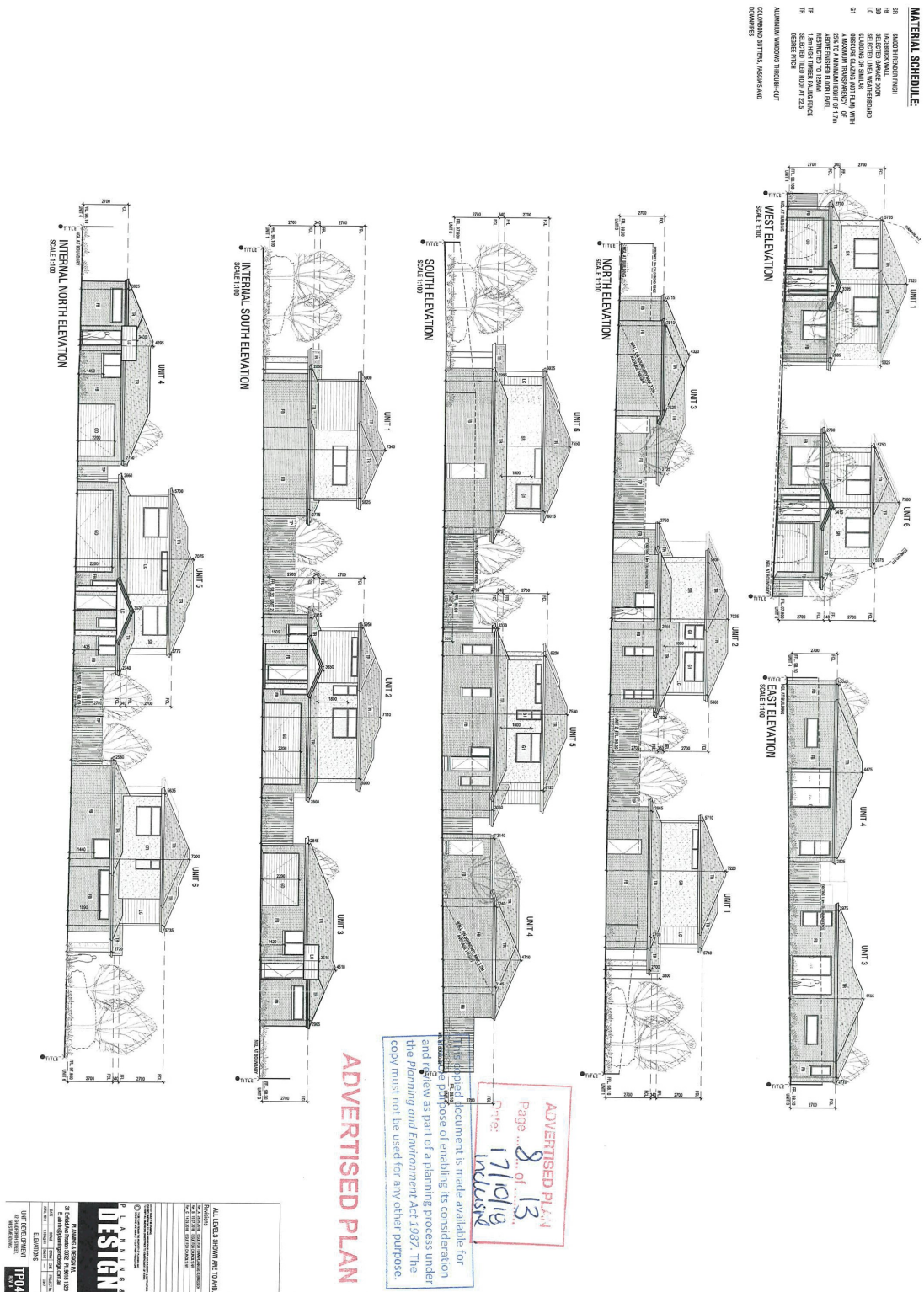
- 9.1 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme*, including Planning Policy Frameworks (inclusive of the MSS) and is considered to be generally consistent with the relevant purposes and strategies pertaining to the urban environment, sustainable development, and residential/housing development. The objections have also been considered in the assessment of this proposal.
- 9.2 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 limited impact on the amenity of surrounding properties and the character of the area.
- 9.3 On this basis, it is recommended that the application is supported and the a Notice of Decision to Grant a Permit is issued.



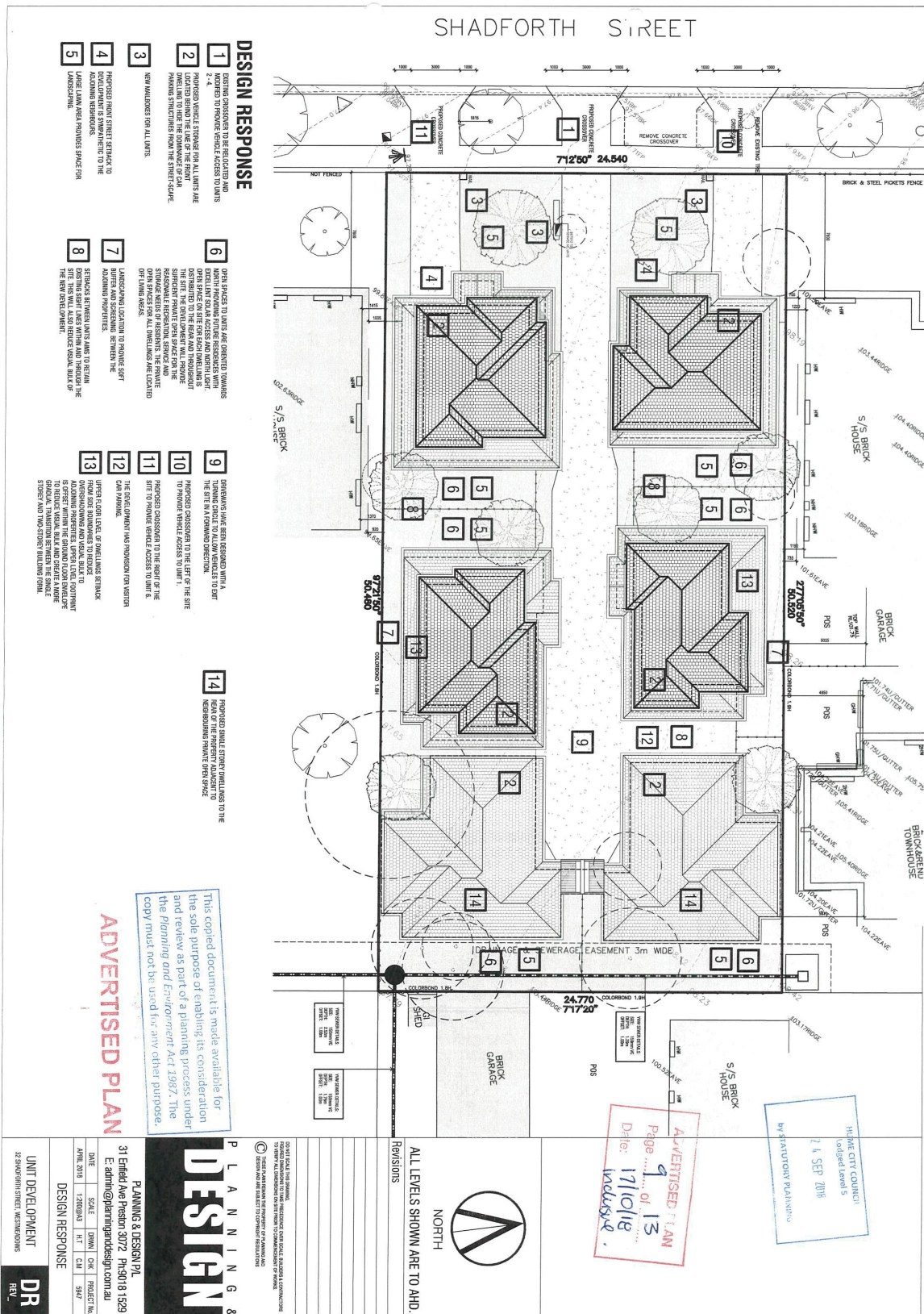


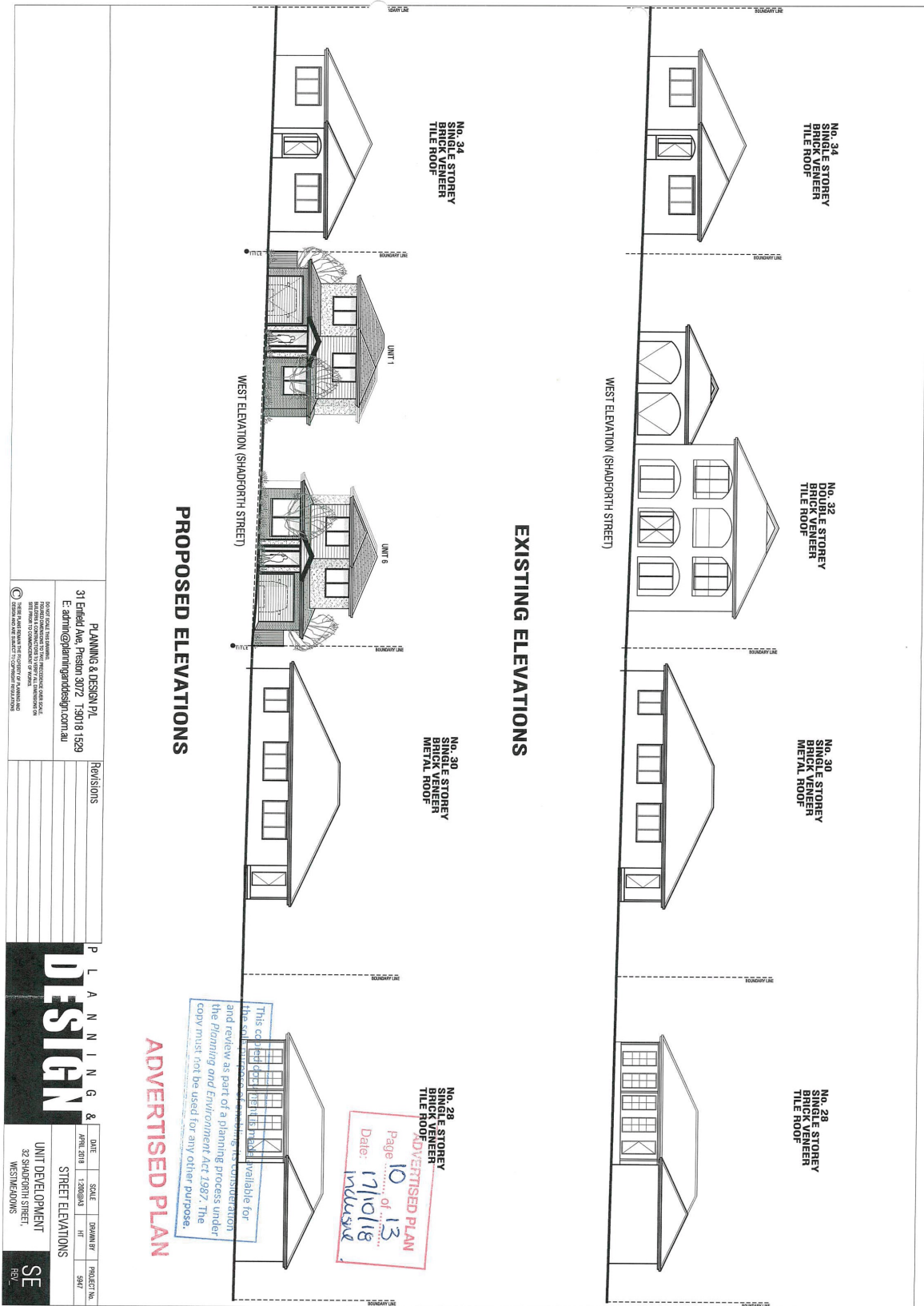




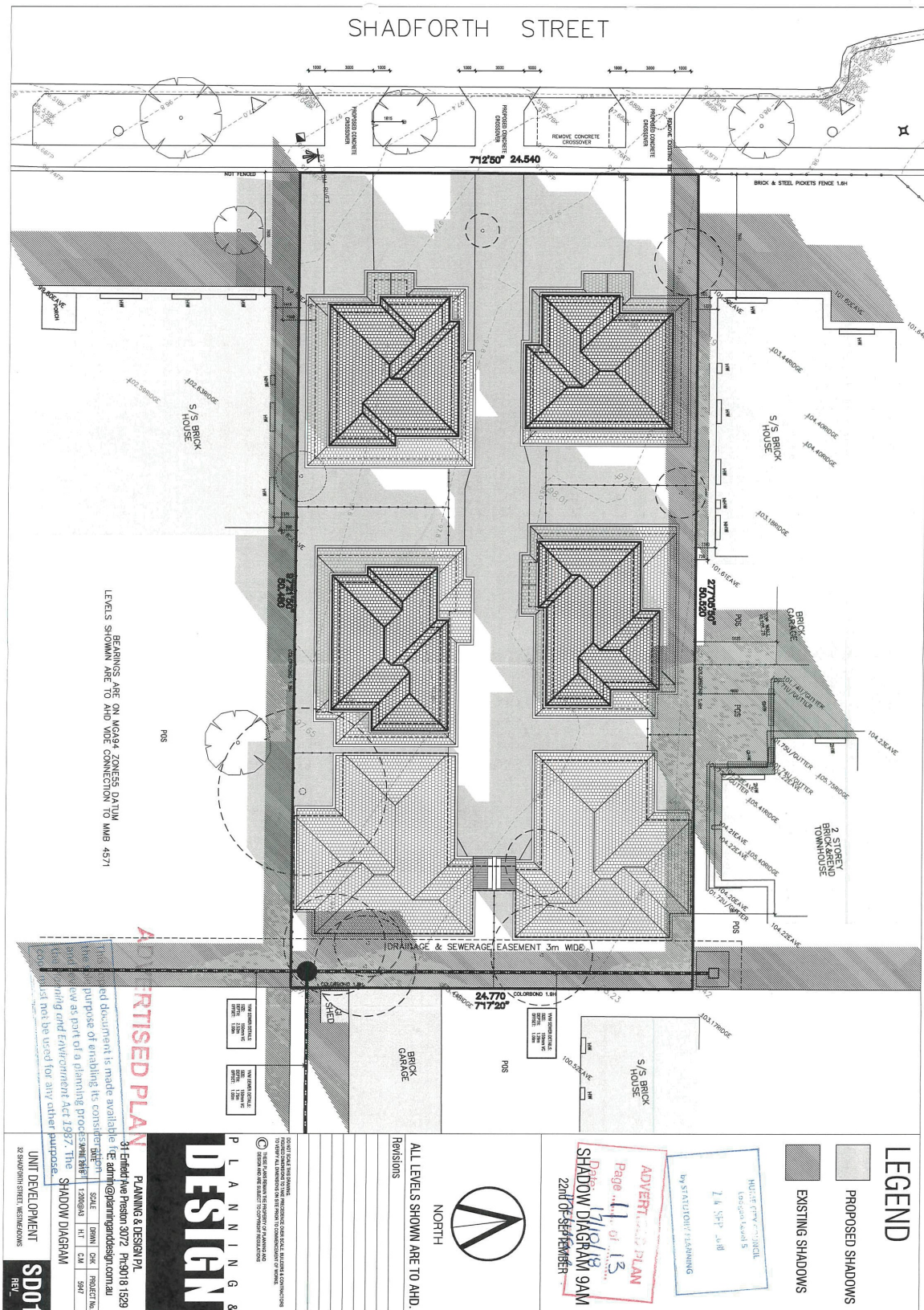








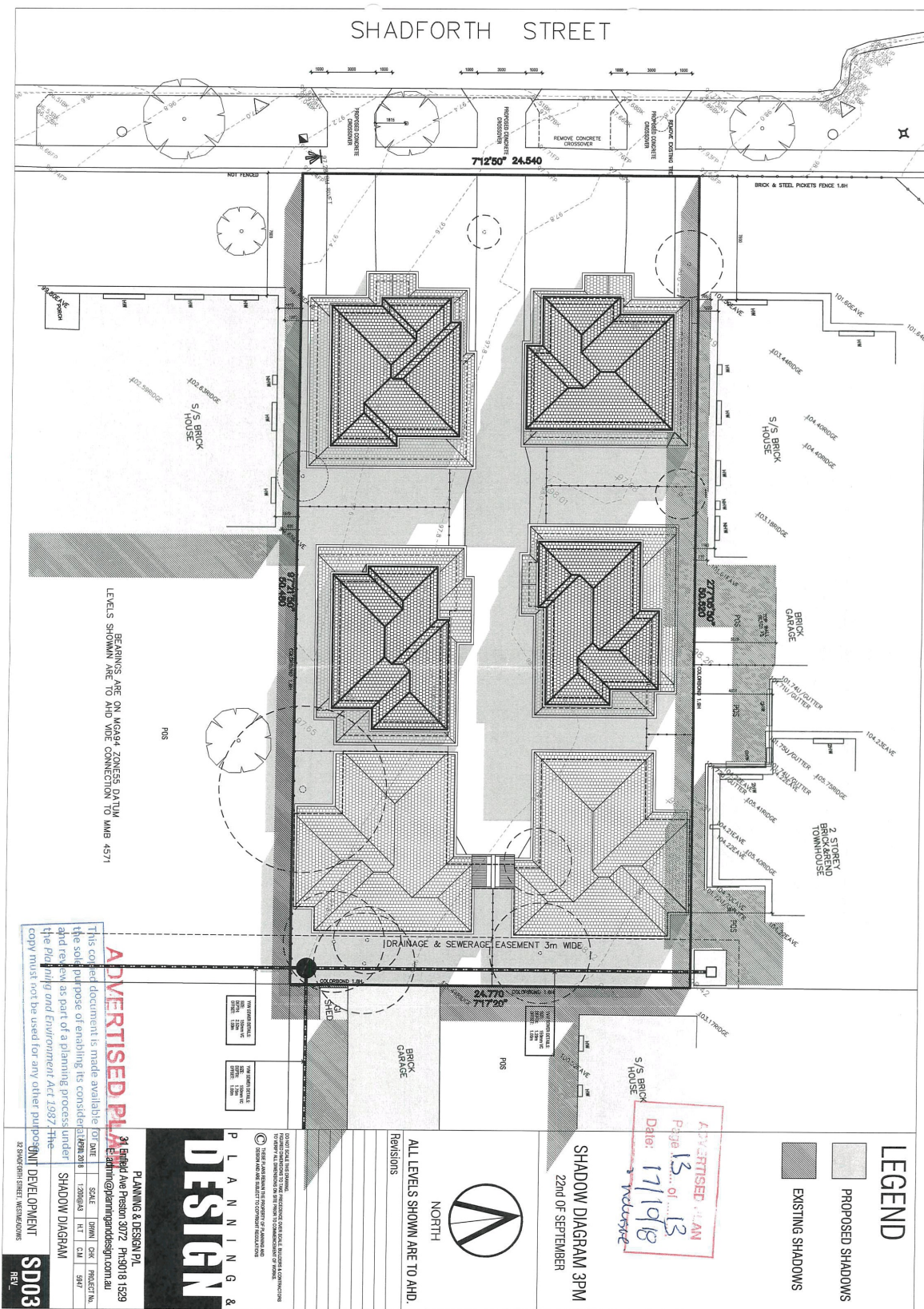












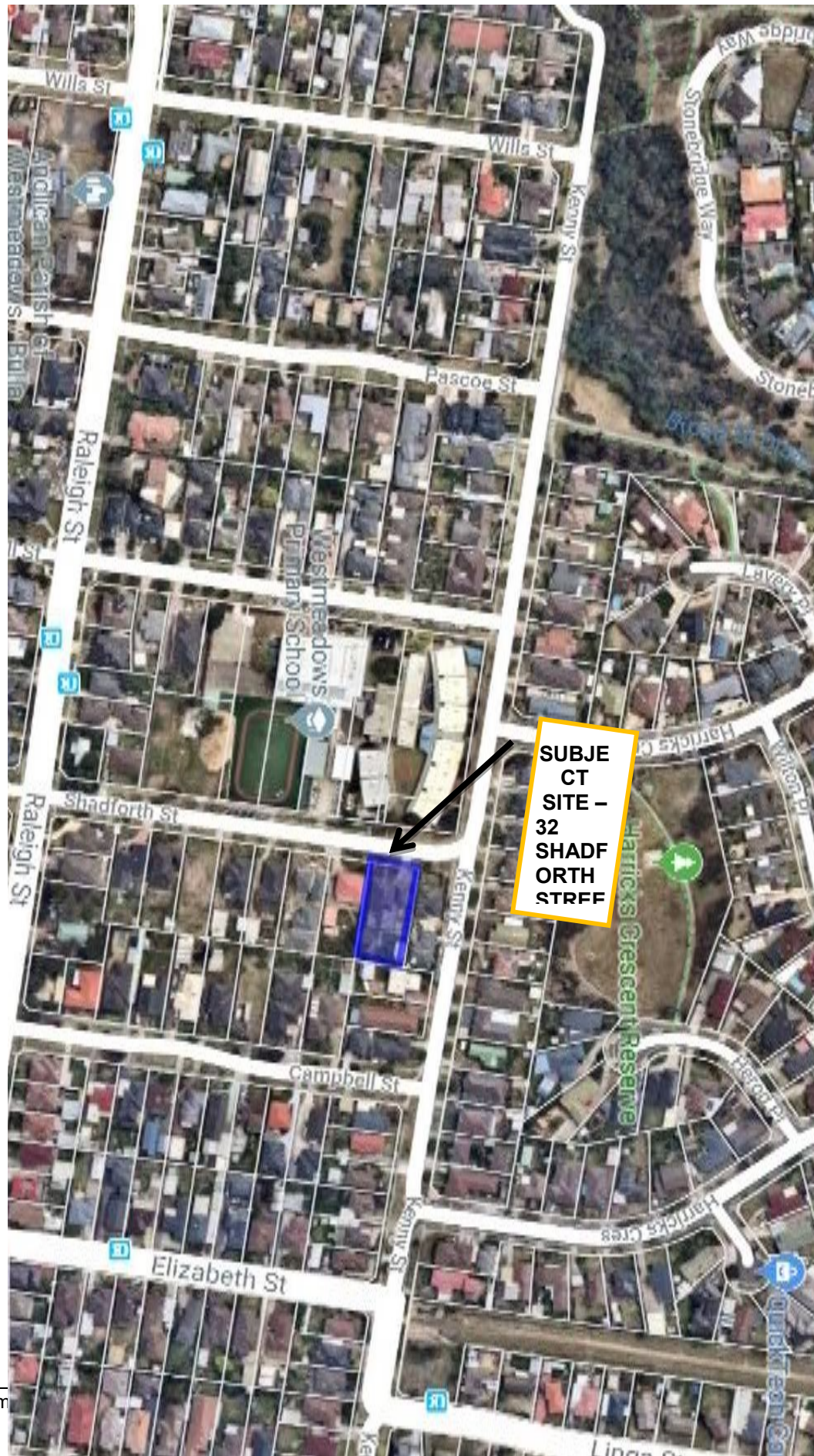
## LOCALITY MAP

P21460

32 SHADFORTH STREET, WESTMEADOWS









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<b>REPORT NO:</b>	SU365
<b>REPORT TITLE:</b>	43 Elmhurst Road and 3 Wannon Street, Gladstone Park - The development of five double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002
<b>SOURCE:</b>	Natalie Calleja, Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P20820
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	1. <i>Development Plans</i> 2. <i>Locality Plan</i>

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<b>Application No:</b>	P20820
<b>Proposal:</b>	The development of 5 double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002.
<b>Location:</b>	43 Elmhurst Road and 3 Wannon Street, Gladstone Park
<b>Zoning:</b>	General Residential Zone Schedule 1
<b>Applicant:</b>	Melbore Building Designers
<b>Date Received:</b>	2 October 2017

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## 1. SUMMARY OF REPORT:

Planning approval is sought for the development of five double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002 on the land commonly known as 43 Elmhurst Road and 3 Wannon Court, Gladstone Park. The application was advertised and six objections were 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 for the development of five double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002 at 43 Elmhurst Road and 3 Wannon Court, Gladstone Park on the following grounds:**

- 1. The proposal fails to satisfy Clause 52.02 (Easements, Reserves & Restrictions) of the *Hume Planning Scheme*.**
- 2. The proposal fails to satisfy Section 60(5) of the *Planning and Environment Act 1987*.**

REPORT NO: SU365 (cont.)

3. The proposal fails to satisfy the garden area requirements of Clause 32.08-4 of the *Hume Planning Scheme*.
4. The development fails to comply with the number of car parking spaces required under Table 1 of Clause 52.06-5 of the *Hume Planning Scheme*.
5. 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 55.03-1 Street Setback (Standard B6)
  - c) Clause 55.03-7 Safety (Standard B12)
  - d) Clause 55.03-8 Landscaping (Standard B13)
  - e) Clause 55.04-1 Side and rear setbacks (Standard B17)
  - f) Clause 55.04-6 Overlooking (Standard B22)
  - g) Clause 55.04-7 Internal Views (Standard B23)
  - h) Clause 55.05-2 Dwelling Entry (Standard B26)
  - i) Clause 55.06-1 Design Detail (Standard B31)
  - j) Clause 55.05-4 Site Services (Standard B34)

3. PROPOSAL:

The construction of five, double storey dwellings

- 3.1 The proposal seeks to develop the site with five, double storey dwellings on the land. The details of the proposal relate to the plans dated 17 August 2018. Details of the proposal are as follows:

Dwellings 1 & 2 (mirror image):

- The dwellings comprise an open plan family/kitchen/meals, master bedroom with ensuite, laundry and WC at the ground level and three bedrooms with one bedroom containing an ensuite and access to a balcony, retreat area and a bathroom at the first floor.
- Two car spaces are provided for the dwelling contained within a single width garage and a tandem car space accessed via individual crossovers from Wannon Street.
- The dwellings are setback from the street frontage a minimum of 3.0 metres at ground level.
- Minimum of 45m<sup>2</sup> of secluded open space is provided for each dwelling.

Dwelling 3

- This dwelling comprises an open plan family/kitchen/meals, bedroom, laundry and WC at the ground level and two bedrooms, retreat area and a bathroom at the first floor.
- Two car spaces are provided for the dwelling contained within a single width garage and a tandem car space accessed by an individual crossover from Wannon Street.
- The dwelling is setback from the street frontage a minimum of 6.3 metres at ground level from Elmhurst Road and 2.1 metres from Wannon Street.
- Minimum of 34m<sup>2</sup> of secluded open space is provided.

Dwellings 4-5

**REPORT NO: SU365 (cont.)**

- The dwellings comprise an open plan family/kitchen/meals, master bedroom with ensuite, laundry and WC at the ground level and three bedrooms with one bedroom containing an ensuite, retreat area and a bathroom at the first floor.
- Two car spaces are provided for the dwelling contained within a single width garage and a tandem car space accessed individual crossovers from Elmhurst Road.
- The dwelling is setback from the street frontage a minimum of 6.3 metres at ground level.
- Minimum of 25m<sup>2</sup> of secluded open space is provided.

Summary Table of the Development:

Site Area	1072 square metres
Dwelling Density	1:214 square metres
Site Coverage	52.76% (60% max)
Permeability	37.78% (20% min)
Garden Area	Not indicated (35% required)

The waiver of one visitor car space.

3.2 No onsite visitor car parking is proposed.

The removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002

3.3 The covenants relate to a single dwelling restriction and external construction materials.

**4. SITE AND SURROUNDS:**

- 4.1 The site known as 43 Elmhurst Road and 3 Wannon Street, Gladstone Park and formally described as PC 155515 and Lot 1 on TP 83149 are located on the northwest corner of Wannon Street and Elmhurst Road, Gladstone Park.
- 4.2 Combined, the slightly irregular shaped site has an Elmhurst Road street frontage of 18.05 metres and a Wannon Street street frontage of 39.4 metres along with an overall site area of 1072 square metres.
- 4.3 The site is relatively flat with any minimal fall across the site. The site currently comprises a single storey, brick veneer dwelling on each lot, with carports located along the side of their respective dwellings. An existing crossover to each lot is located along Wannon Street.
- 4.4 Vegetation is scattered across the site, with no trees of any significance or worthy of retention.
- 4.5 The site is located within an established residential area of Gladstone Park which is located approximately 15 kilometres northwest of Melbourne's central business district.
- 4.6 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.

REPORT NO: SU365 (cont.)

- 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 in generous front and rear setbacks.
- A 2.44 metre wide easement is located partially along the western boundary of the site.

4.7 Surrounding land uses:

- North: Single storey dwelling with its frontage to Wannon Street setback approximately 8.9 metres from the front boundary and 6.4 metres from the shared boundary with a garage constructed on the shared boundary.
- West: Across Wannon Street, single storey, brick veneer dwellings.
- South: Across Elmhurst Road, single storey dwellings with frontage to Elmhurst Road.
- East: Single storey dwellings with their frontage to Elmhurst Road and Koonalda Road with a garage located on the shared boundary.

4.8 There is no evidence of any medium density developments within proximity of the site.

4.9 Bus route 477 is located within walking distance of the site along South Circular Road, Gladstone Park. Broadmeadows Train Station is located within reasonable proximity of the site. Shopping and recreation are also located within reasonable proximity of the site (Broadmeadows Shopping Centre and lower level local shops - Gladstone Park Shopping and Melrose Drive Shopping Strip). Schools (primary and secondary) are located within proximity of the site and it has convenient access to arterial roads.

**Restrictions on Title**

4.10 A title search produced on 13 April 2018 reveals that the land is encumbered with The following covenants.

4.11 Covenant D607680 states as follows:

*...shall not at any time erect construct or build or cause to be erected constructed or built on each of the said lots 1,7,10,18,19 and 20 any building other than one dwelling house with usual outbuildings having external walls constructed of brick veneer store or masonry and a covenant to the foregoing effect shall appear...*

4.12 Covenant D829002 states as follows:

*...shall not at any time erect construct or build or cause to be erected constructed or built on each of the said lot 9 any building other than one dwelling house with usual outbuildings having external walls constructed of brick veneer store or masonry and a covenant to the foregoing effect shall appear...*

4.13 The proposal for more than one dwelling on each of the two lots and the construction materials of render contravene the above-mentioned covenants.

**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:

State Planning Policy Framework:	Clause 11:Settlement Clause 11.01-1R1:Metropolitan Melbourne Clause 11.01-1S:Settlement Clause 11.02-1S:Supply of urban land
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REPORT NO: SU365 (cont.)

	<p>Clause 15: Built Environment and Heritage</p> <p>Clause 15.01: Built Environment</p> <p>Clause 15.01-1S: Urban design</p> <p>Clause 15.01-2S: Building design</p> <p>Clause 16: Housing</p> <p>Clause 16.01-1S: Integrated housing</p> <p>Clause 16.01-2S: Location of residential development</p> <p>Clause 16.01-3S: Housing diversity</p> <p>Clause 16.01: Residential Development</p> <p>Clause 18: Transport</p> <p>Clause 19: Infrastructure</p>
<i>Local Planning Policy Framework:</i> Municipal Strategic Statement (MSS)	<p>Clause 21:</p> <p>Clause 21.01-2: Key Issues and Influences</p> <p>Clause 21.01-3: Vision and Strategic Framework Plan</p> <p>Clause 21.02: Urban Structure and Settlement</p> <p>Clause 21.02-1: Managing Growth and Increasing Choice</p> <p>Clause 21.03-1: Liveable Communities</p> <p>Clause 21.03-2: Housing</p> <p>Clause 21.04-1: Urban Design</p> <p>Clause 21.04-2: Environmentally Sustainable Design and Development</p>
<i>Zone:</i>	<i>Clause 32.08:</i> General Residential Zone Schedule 1
<i>Overlays</i>	<i>Nil</i>
<i>Particular Provisions</i>	<p>Clause 52.02: Easements Restrictions &amp; Reserves</p> <p>Clause 52.06: Car Parking</p> <p>Clause 55: Two or More Dwellings on a Lot &amp; Residential Buildings</p>
<i>General Provisions</i>	<p>Clause 65.01: Approval of an Application or Plan</p> <p>Clause 66: Referrals and Notice Provisions</p>

- 5.2 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.

**REPORT NO: SU365 (cont.)**

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 In order to address this, the Hume MSS recognises the following relevant objectives:
  - 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**

- 5.7 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**

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

**Planning Permit Triggers**

- 5.9 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 construction of two or more dwellings on a lot.
- 5.10 Pursuant to Clause 52.02 (Easements, Restrictions & Reserves) a planning permit is required for the removal of a covenant.

**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 could be applied if a permit was issued.

**7. ADVERTISING:**

- 7.1 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*

REPORT NO: SU365 (cont.)

*(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.

7.2 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.*

7.3 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 three signs were required to be erected across the two street frontages of the site for a minimum of 14 days as prescribed under the Act.

7.4 Two residents advised Council that one of the signs was only erected for one day and the other signs were located and not erected to enable them to be adequately viewed. The Applicant was advised that the advertising process was not adequately undertaken and provided the following response:

*In addition, to clearly place the advertisement sign, there would not have been any better way. There are trees and fences throughout both properties. So there are no clear stops to place the sign, unless you would allow us to place signs on the nature strips.*

*And as for one sign disappearing, I don't know if you recall there has been several storms that occurred after the signs were placed. I had not been up there to check if the signs were fine, due to not being able to drive because of medical conditions I have been faced with recently.*

Although the Statutory Declaration has been signed by the applicant that the notices were maintained in a good order and condition for 14 days, it is considered that they were not adequately maintained with the applicant being unable to confirm that they satisfactorily erected for 14 days.

In this instance to re-erect the signs for 14 days is not considered necessary as a notice was published in the local paper, all adjoining owners/occupiers and all beneficiaries to the covenant were notified by mail and it is recommended that the application be refused.

7.5 A total of six objections were received in response and the grounds of objection, four of which were from beneficiaries, the objections are summarised as follows:

REPORT NO: SU365 (cont.)

- Insufficient car parking provided on site, result in increased number of cars parked in street, creating a safety concern.
- Increase in traffic.
- Traffic safety
- Waiving of visitor car parking result in parking issues in street.
- Covenants exist for a reason and will pave the way for others to do the same.
- Once the area becomes full of townhouses, this will decrease the appeal to many buyers and result in a decrease in property values.
- Overlooking
- Signage not erected correctly.
- Insufficient notice given to residents.
- Visual Bulk and dominance
- Construction of double storey dwellings will be unpleasant to the eye.
- Removal of the existing covenants regarding single dwelling and external building materials would alter the general appearance of the area.
- Currently a peaceful pocket of residential homes sue to single dwellings and single family combinations.
- Out of character with the area.
- Loss of single dwelling home with substantial garden character
- Loss of mature trees and established gardens.
- Five double storey dwellings will create more noise, congestion in both streets and parking problems as well as extra pollution created by so many more homes in proximity.

**8. OBJECTIONS:**

The above concerns are addressed below:

**8.1 Covenant issues**

In addition to the decision guidelines of the *Hume Planning Scheme*, the responsible authority is required before deciding on an application, to consider the interests of affected people. Section 60(5) of the Act pertains to covenants placed on title prior to 25 June 1991. This section further requires the responsible authority to not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefited by the restriction 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.

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. However, the relevant test in this instance is Section 60(5) of the Act, which is solely based on whether the owner is likely to suffer any detriment of any kind by virtue of the covenant removal.

This planning application includes a proposal for a medium density development being the construction of five double storey dwellings.



REPORT NO: SU365 (cont.)

- 8.2 Insufficient car parking provided on site, result in increased number of cars parked in street, creating a safety concern, Increase in traffic, Traffic safety

No concerns were raised by Council's traffic engineers to the increased number of vehicles utilising the street network or concerns with the potential for additional on street parking demand or safety.

- 8.3 Waiving of visitor car parking result in parking issues in street.

Although Council's traffic engineers did not raise any concerns with the proposal it is considered that as given the subject site is not located within the Principal Public Transport Network Area maps, a visitor car space should be provided. This is particularly given that three single width crossovers and one double width crossover are proposed along both street frontages, reducing the ability for on street car parking with further restrictions in car parking as a result of setbacks required from the intersection of Elmhurst Road and Wannon Street.

- 8.4 Covenants exist for a reason and will pave the way for others to do the same.

Each planning application for the removal or variation of a covenant will be assessed on its own merits.

- 8.5 Once the area becomes full of townhouses, this will decrease the appeal to many buyers and result in a decrease in property values.

It has been upheld at VCAT on numerous occasions that a perceived decrease in property values is not a valid planning objection.

- 8.6 Overlooking

There is no screening proposed to the upper floor bedroom windows of dwellings 1 and 2 along the west elevation which will result in overlooking to the adjoining property/s to the west.

The north elevation of dwelling 5 has not been provided as part of the application documents so it is unclear as to whether there is any overlooking from the upper level.

- 8.7 Signage not erected correctly and Insufficient notice given to residents.

All beneficiaries and adjoining owners/occupiers were notified of the application, a notice was placed in the local newspaper and signs were erected on the site. The applicant however cannot confirm whether the signage was erected and maintained for a period of 14 days. Notwithstanding this the advertising which did occur is considered satisfactory given officer's recommendation of Notice of Refusal to Grant a Permit.

- 8.8 Visual Bulk and the dominance

The double storey and attached nature of the proposal creates a visual bulk and massing that is not supported, particularly the minimal setbacks from the west boundary of dwelling 5.

- 8.9 Construction of double storey dwellings will be unpleasant to the eye, removal of the existing covenants regarding single dwelling and external building materials would alter the general appearance of the area, currently a peaceful pocket of residential homes sue to single dwellings and single family combinations, out of character with the area, loss of single dwelling home with substantial garden character and loss of mature trees and established gardens.

The above concerns raised by the objectors all generally relate to character of the area. It is considered that the construction of the development in terms of the number of dwellings proposed on each lot, the attached nature of the dwellings and the construction materials of render and smooth render finish on James Hardie Axcon would compromise the character of the area.

REPORT NO: SU365 (cont.)

Front and rear garden areas are also characteristic of the area and these are compromised with minimal front and rear setbacks and the expanse of hard surface.

Five double storey dwellings will create more noise, congestion in both streets and parking problems as well as extra pollution created by so many more homes in proximity.

Noise generated by residential use is expected within this context and with an increase of three dwellings it is not considered detrimental and meets standard B24 of the *Hume Planning Scheme*.

**9. ASSESSMENT:**

**Removal of Covenant:**

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*.

9.2 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).

9.3 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. The proposal is not able to satisfy a number of the requirements of the respective provisions.

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

9.4 Section 60 (What Matters Must a Responsible Authority Consider) of the *Planning & Environment Act 1987* and in particular Section 60(5) of the Act relates specifically to those covenants created before 25 June 1991 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.*

As the covenants subject of this application were created prior to 25 June 1991 that being 22 December 1969 and 8 September 1970 the stringent tests of Section 60(5) of the Act apply.

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 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.

In determining what constitutes 'detriment' for the purposes of Section 60(5), it is necessary to identify the purpose of the Covenant in question.

REPORT NO: SU365 (cont.)

- 9.5 It is Council's position that the Covenant is to establish and maintain a neighbourhood of a particular character and density therefore it is considered that a potential wide range of impacts (amenity, neighbourhood character, built form, increase in traffic) can constitute relevant detriment for the purposes of Section 60(5) of the Act.
- 9.6 Section 60(5) does not require or permit Council to consider whether restrictions imposed by a covenant are sensible or appropriate but rather determine whether the beneficiaries of that covenant are likely to suffer a relevant detriment and whether any objections are in good faith.
- 9.7 Therefore given the objections raised particularly regarding neighbourhood character; Council is not satisfied that the beneficiaries of the Covenant would not suffer any detriment (including perceived detriment). Council therefore cannot be satisfied that there will be no detriment to a beneficiary as a consequence of removing the covenants and thus must refuse to grant a planning permit.

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

- 9.8 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.
- 9.9 The interests of affected people have been considered and it is Council's opinion that having regard to the terms of Section 60(5) of the Act and the matters required to be considered in Clause 52.02 that Council is not satisfied that the removal of the Covenant would not create any detriment or perceived detriment to beneficiaries of the Covenant and therefore must refuse the planning application.

**Medium Density Development**

- 9.10 Council must refuse the planning application based on objections received by beneficiaries to the covenants which are considered to be made in good faith and are not considered vexatious. Therefore a brief discussion of the proposal against the particular requirements of Clause 52.06 and Clause 55 of the *Hume Planning Scheme* where compliance is not achieved is provided below. The proposal is not able to satisfy a number of the requirements of the respective provisions.
- 9.11 Pursuant to Clause 32.08-4 the proposal is required to provide a minimum of 35% of the site as garden area. The proposal does not provide the garden area percentage on any of the plans, thus not satisfying the requirement.

Clause 52.06 (Car Parking):

- 9.12 Clause 52.06 (Car Parking) relates to car parking and outlines the required parking rates and design standards for development.
- 9.13 Dwelling 1, 2, 5 and 6 comprise three bedrooms whilst dwellings 3 and 4 comprise two bedrooms each.
- 9.14 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.*
- 9.15 All dwellings will be provided with the required number of car spaces in accordance with the above provisions of Clause 52.06-5.
- 9.16 There is a requirement for one visitor car parking space due to 5 dwellings proposed. One visitor car space has not been provided on site.

**REPORT NO: SU365 (cont.)**

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

- The plans provide a visibility splay for the accessways however there is no detail as to whether they are in accordance with Clause 52.06-9.

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

9.18 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.

9.19 Notwithstanding the proposal not being generally in accordance with the Development Plan, under 32.08-6, the dwellings must meet Clause 55. The proposal demonstrates partial compliance with Clause 55, with the exception of the following clauses:

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

9.20 Single storey dwellings dominate the neighbourhood character of the area. There are no medium density and/or double storey infill development in proximity of the site.

9.21 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.

9.22 The proposal is for an attached, double storey, contemporary medium density development. Given the covenants that affect the site and surrounds the character of the area is quite distinct. The development does not have appropriate regard for the existing pattern of residential development.

9.23 The dwelling's design are generally not characteristic of the character of the built form of the surrounding dwellings as follows:

- The attached, double storey dwellings with minimal street setbacks to Wannon Street and limited opportunity for meaningful landscaping is uncharacteristic of the low scale, detached, built form and generous landscaped areas to the front and rear which are dominant.
- Use of render and James Hardie Axon in an area of brick veneer construction.
- A lack of meaningful garden areas within front and rear setbacks in an area that has well established and meaningful landscaped areas.
- A lack of any visible frontage for dwellings 1 and 2 in an area where the built form has clearly defined frontages presenting to the street.

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

9.24 The ground floor plan annotates the adjoining dwelling to the west of the property along Elmhurst Road is setback at 7.6 metres. Therefore pursuant to Standard B6, the setbacks of the proposed dwellings should have a minimum front setback of 7.6 metres. A setback of 6.9 metres is proposed along the Elmhurst Road frontage. A minimum front setback of 3.0 metres is proposed along the Wannon Street frontage, although this complies with the standard it is not considered that these setbacks meet the objective of respecting the existing neighbourhood character of the area, particularly given the double storey and attached nature of the built form in an area where generous landscaping within front setbacks is common.

9.25 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) with the exception of dwellings 1 and 2 whose entries are obscured their own built form.

**REPORT NO: SU365 (cont.)**

- 9.26 Open space areas are insufficient to provide appropriate landscaping in accordance with Standard B13 to reflect the character of the area.

Clause 55.04 – Amenity Impacts (Standards B17 to B24):

- 9.27 The proposed side setback for dwelling 5 does not satisfy standard B17 and consequently creates a visual bulk and massing within the front setback of the adjoining dwelling at 41 Elmhurst Road that is unacceptable and uncharacteristic. The setback at the upper level from the west boundary is 1.1 metres, the height of this wall which is not dimensioned is scaled at 6.0 metres therefore it should have a minimum setback from the boundary of 1.72 metres.

- 9.28 The habitable room windows at the upper level of dwellings 1 and 2 are not screened to prevent overlooking internally or externally of the development. The rear elevation of dwellings 3-5 have not been provided so it is unclear as to whether there is compliance with Standards B22 and B23 of the *Hume Planning Scheme*.

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

- 9.29 Entries to dwellings 1 and 2 are not visible and nor easily identifiable from Wannon Street, they are located to the rear of an alcove type area to the rear of a bedroom. These two dwellings are not provided with a sense of personal address, thus inconsistent with standard B26.

Clause 55.06 – Detailed Design (Standards B31 to B34):

- 9.30 The established neighbourhood character of the area can be largely defined by brick, single storey, detached dwellings with a hipped roof form comprising of eaves, typically constructed circa 1960-70s with generous front and rear setbacks which are landscaped.

- 9.31 It is considered that the proposed dwellings do not complement the existing built form. The dwellings do not provide a similar mix and composition of external finishes of dwellings in the area which have been created by the covenants that affect the site and surrounds. The attached and double storey built form is at odds with the built form within the streetscape.

- 9.32 Outdoor clothes drying facilities have not been provided within the secluded open space areas of the dwellings in accordance with B34 of Clause 55.

- 9.33 Bin storage areas and letterboxes have not been indicated on the plans, which is another area of non-compliance.

**10. CONCLUSION**

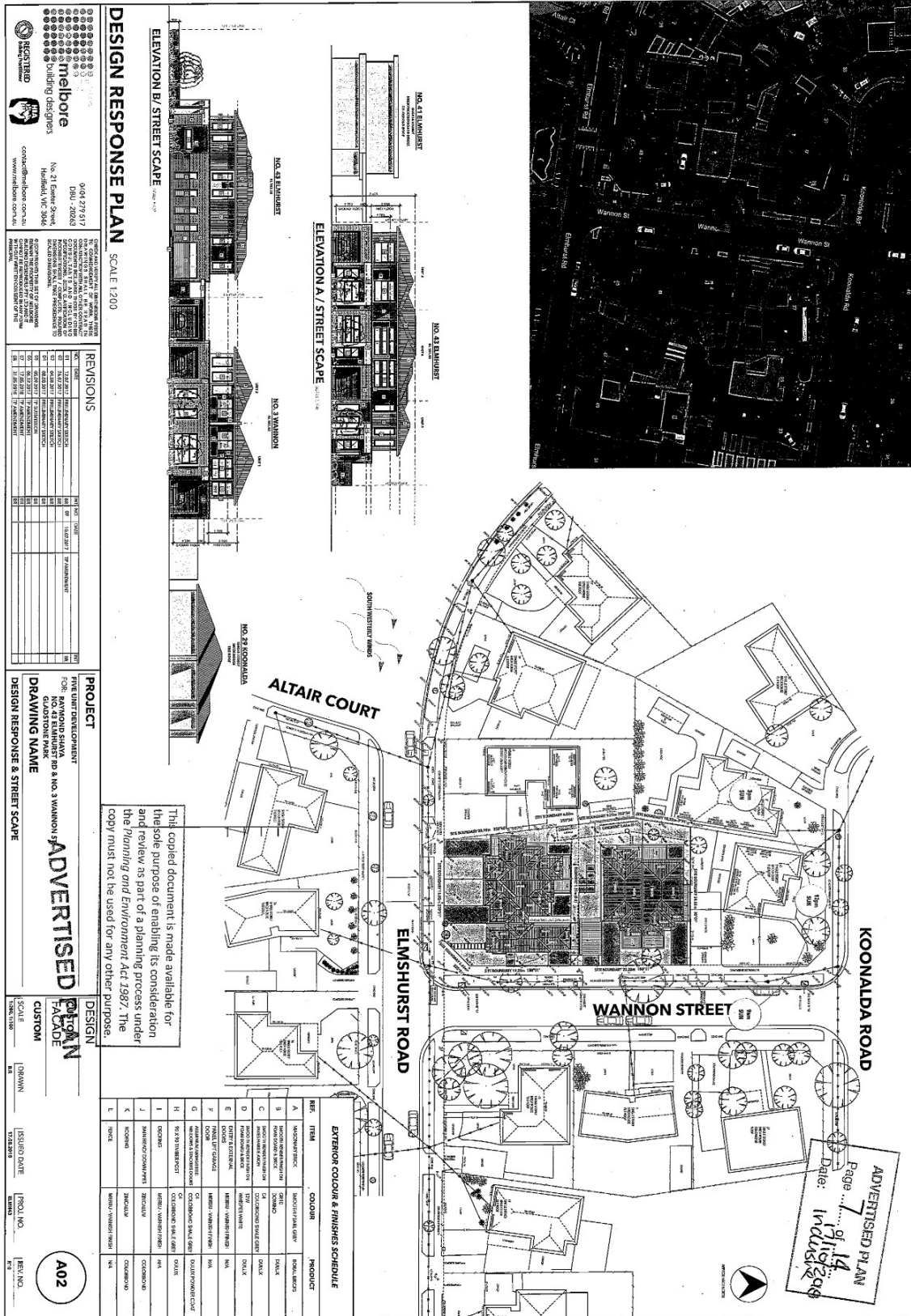
An assessment against the particular requirements of Clause 52.02 of the *Hume Planning Scheme* and Section 60(5) of the *Planning & Environment Act 1987* has been undertaken. In summary, the proposal is not able to satisfy the requirements of the respective provisions. In particular Council has determined that the beneficiaries of the Covenant are likely to suffer detriment (including perceived detriment) and that the objections are not vexatious and have been made in good faith.

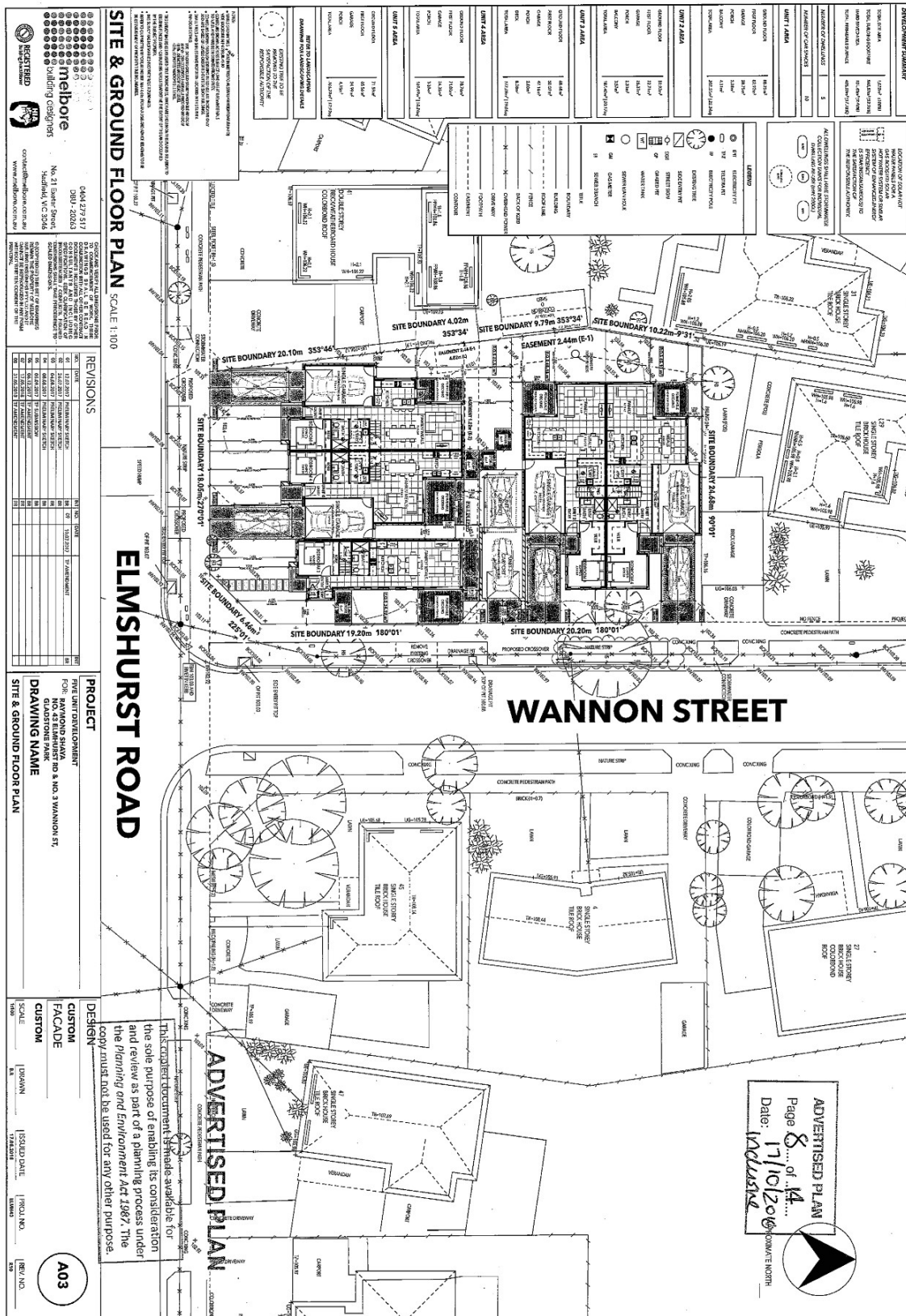
However, on review, it is considered the proposal does not respond to key standards relating to Clauses 52.06 and 55. In light of these, it is recommended that the proposal be refused in its current form and a Notice of Decision to Refuse to Grant a Permit is granted.

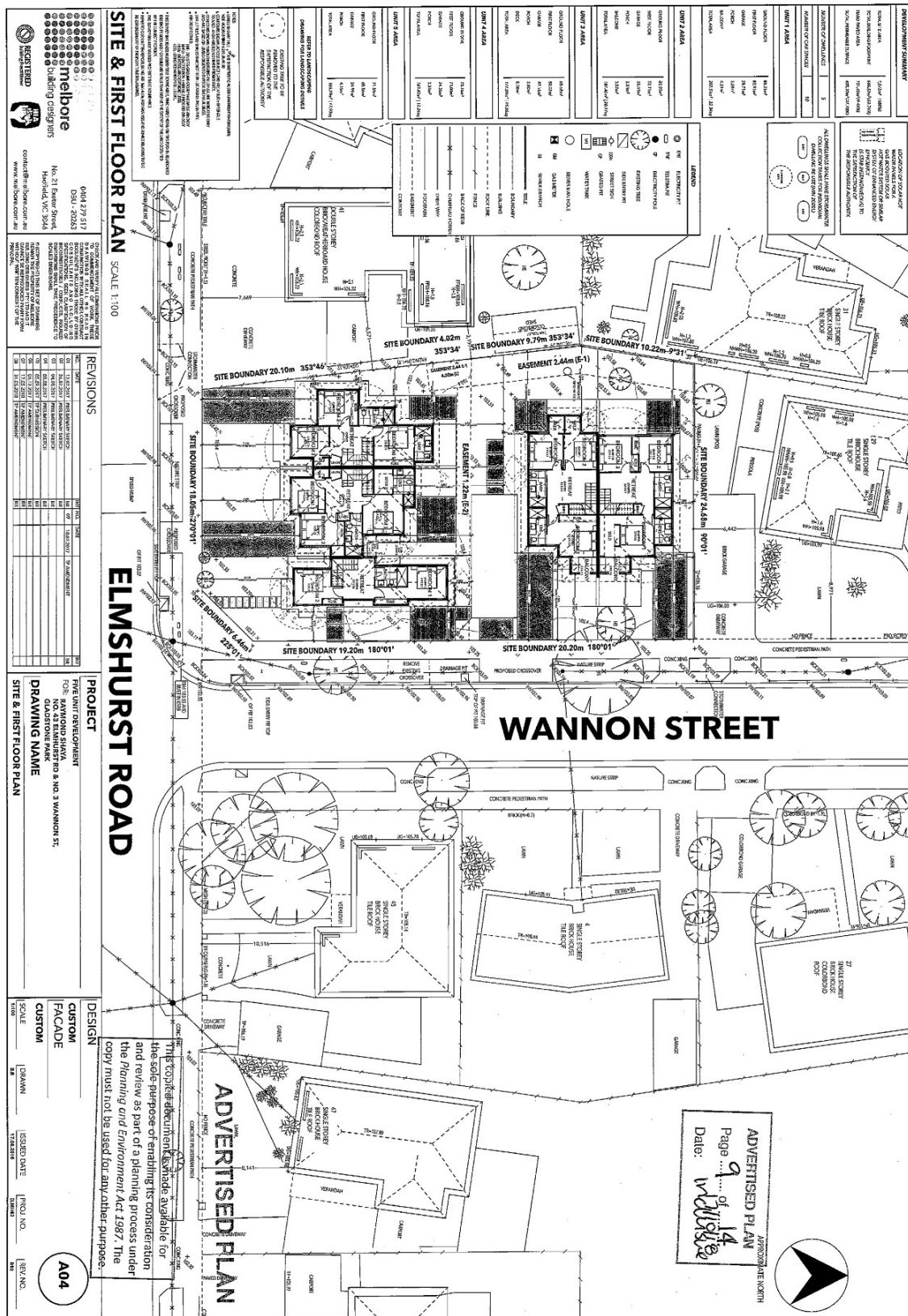




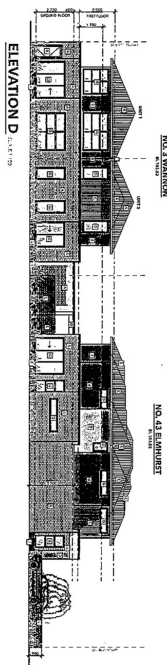








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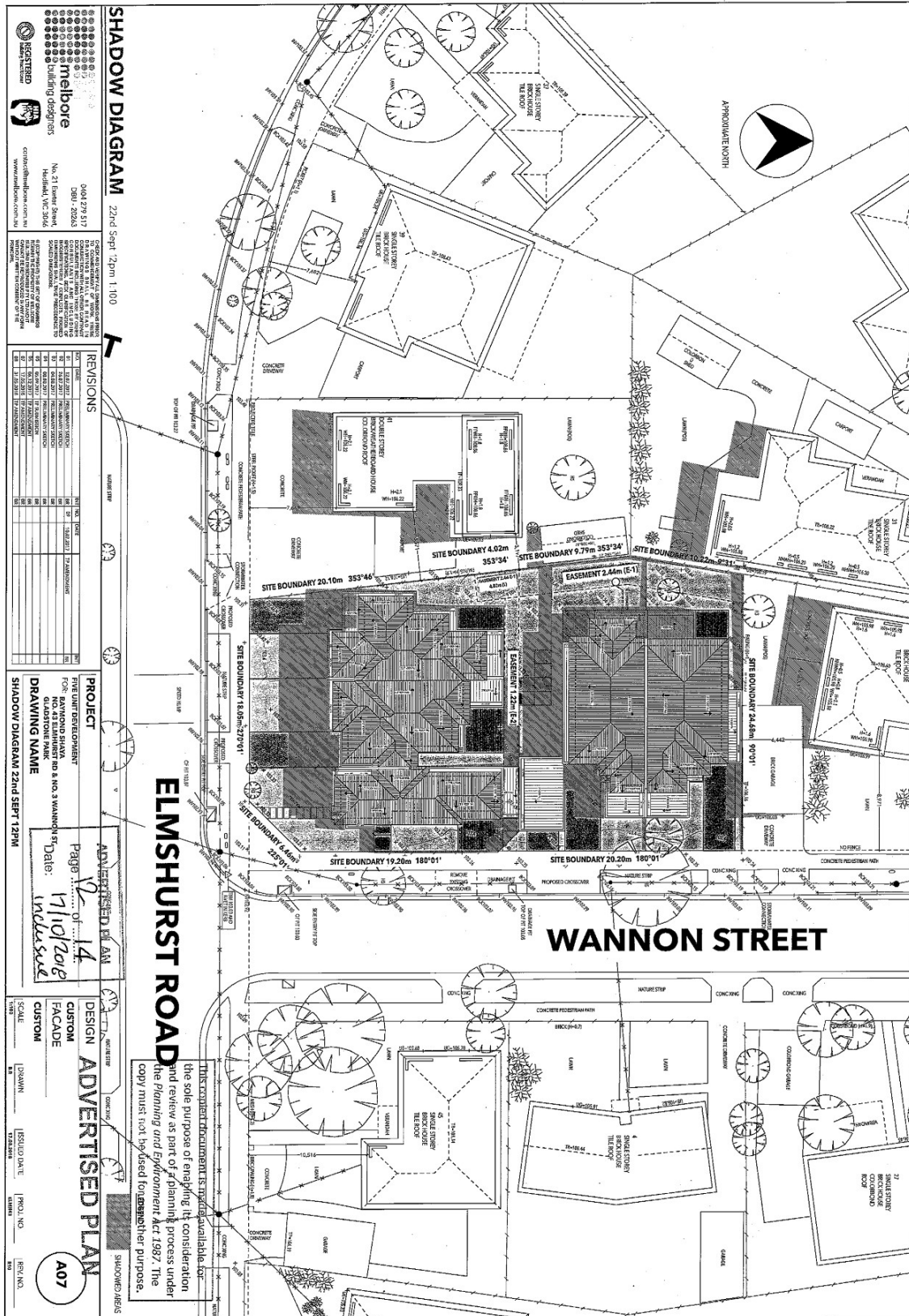
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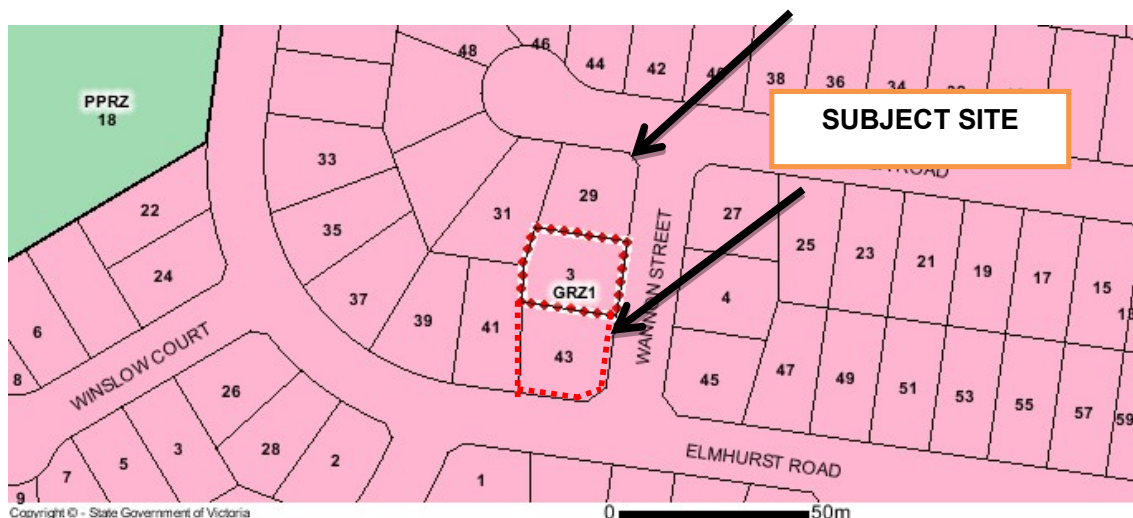
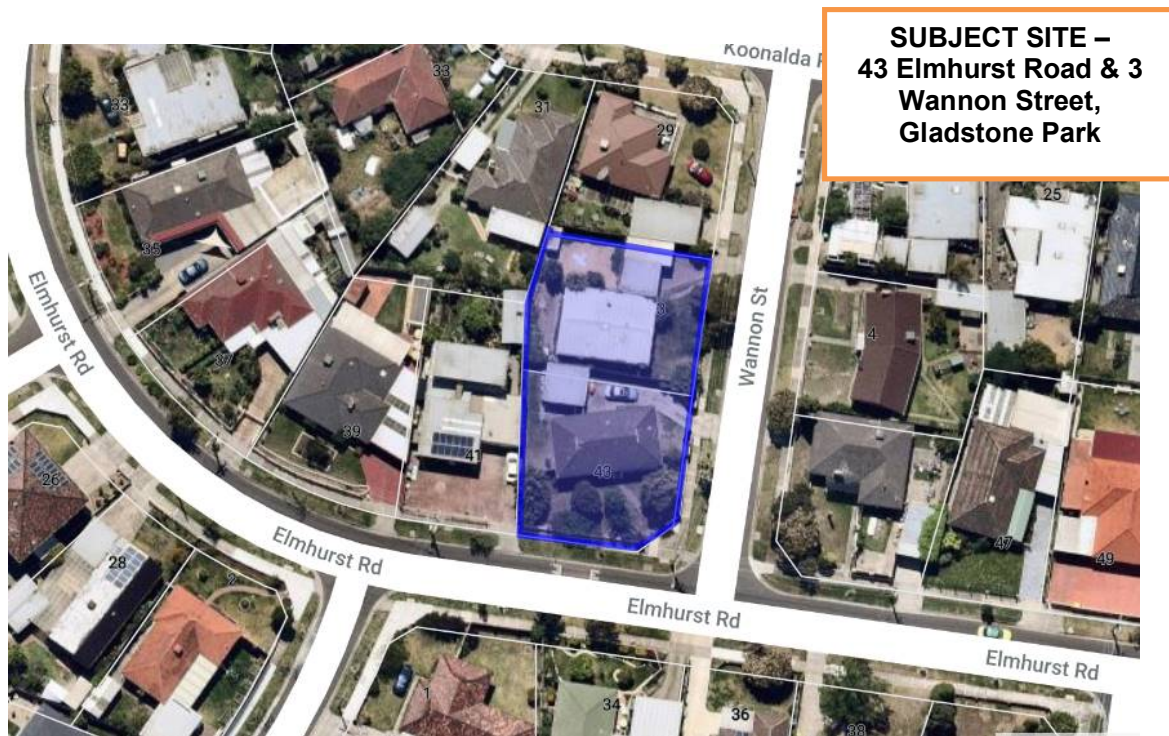




# LOCALITY MAP

P20820

43 ELMHURST ROAD & 3 WANNON STREET, GLADSTONE PARK





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<b>REPORT NO:</b>	SU366
<b>REPORT TITLE:</b>	Use and Development of a Childcare Centre - 3 Cimberwood Drive and 1 Rokeby Crescent Craigieburn
<b>SOURCE:</b>	Sharon Macaulay, Statutory Planning And Building Control Services
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P20954
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	1. <i>Locality and Zoning Map</i> 2. <i>Site, Floor and Elevation Plans</i>

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<b>Application No:</b>	P20954
<b>Proposal:</b>	Use and Development of a Child care centre
<b>Location:</b>	3 Cimberwood Drive and 1 Rokeby Crescent Craigieburn
<b>Zoning:</b>	General Residential Zone 1
<b>Applicant:</b>	MCN Property Group
<b>Date Received:</b>	13 November 2017

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**1. SUMMARY OF REPORT:**

Planning approval is sought to develop a two-storey child care centre at 3 Cimberwood Drive and 1 Rokeby Crescent, Craigieburn, for up to 84 children. The application was advertised and 12 objections were received. The application has been assessed against the relevant policies and provisions of the Hume Planning Scheme including the issues raised by objectors, the traffic impacts are not considered acceptable accordingly, it is recommended that the application be refused.

**2. RECOMMENDATION:**

**That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a Childcare Centre at 3 Cimberwood Drive and 1 Rokeby Crescent, Craigieburn, on the following grounds:**

- a) **The proposed use will generate unacceptable traffic volumes at peak periods which will have a detrimental impact on the safe and efficient use of the surrounding road network and on traffic movements.**
- b) **The proposal is contrary to the objectives and strategies of Clause 18.01-1S (Land use and transport planning) and Clause 18.02-3S (Road system) of the Hume Planning Scheme.**
- c) **The proposal is contrary to the objectives and strategies of Clause 21.07 (Transport Connectivity and Infrastructure) regarding impacts from increased traffic volumes on the road network.**

**3. PROPOSAL:**

- 3.1 It is proposed to use and develop the land for a Child care centre catering for up to 84 children. The development will be constructed across two lots in an L shaped configuration on the southwest corner of Cimberwood Drive and Rokeby Crescent Craigieburn. The key aspects of the proposal can be summarised as:

**REPORT NO: SU366 (cont.)**

- 3.2 A two-storey building located in the north eastern portion of the site with a total floor area of 760 square metres; comprising a depth of 12.2 metres and a length of approximately 28 metres at ground level.
- 3.3 The building will have a total wall height of 7.1 metres and a varied roof form incorporating gabled sections up to total ridgeline height of 8.72 metres.
- 3.4 The building will be setback 7.4 metres from Cimberwood Drive; 2 metres from Rokeby Crescent and 2 metres from the neighbouring dwelling to the south (1 Cimberwood Drive) at both ground and first floor levels.
- 3.5 Access and on-site car parking for 18 vehicles will be provided via Rokeby Crescent with the upper level outdoor play space cantilevering over a section of the car park near the frontage. An elevated play area at upper level is also proposed at the east elevation of the building having an area of 122 square metres. The play areas will be enclosed with timber panel fencing and decorated with butterfly images.
- 3.6 Substantial upper level glazing is proposed for the north, east and south elevations with obscure glazing proposed along the south elevation to avoid overlooking into the adjoining residential property. The upper level is stepped in from the ground level on the east elevation by approximately 8 metres. To break up the upper level mass the roof form is varied with a series of four pitched rooves along the building's length.
- 3.7 Four child care rooms (two on each level) are proposed; consisting of two rooms for up to 22 children each at ground level, one room for 16 children and one room for 24 children at upper level. A lift and stairs are proposed. The children's rooms at ground level will also have substantial glazing on the south and north elevations.
- 3.8 The ground level will accommodate an office, reception area, staff room, kitchen, communal dining area, laundry and amenities. It will have an outdoor play area to the east with a depth of 7.4 metres and to the west with a depth of 7 metres. Acoustic timber fencing is proposed along the boundaries at ground floor level as well as acoustic fencing to the upper level outdoor play areas.
- 3.9 The application was accompanied a Social Impact Assessment summary which highlighted the opportunity for a local service to assist commuting parents' enroute to work, while fostering local community connections, and supporting the economy by enabling parents the opportunity to work. It also provided comment on the design response.

**4. SITE AND SURROUNDS:**

**Site and Surrounds**

- 4.1 The subject land is comprised of two lots (3 Cimberwood Drive and (1 Rokeby Crescent) currently occupied by a detached single storey dwelling on each lot.
- 4.2 The subject site(s) have an existing crossover to each street frontage.
- 4.3 The subject site(s) are relatively flat and devoid of any significant vegetation.
- 4.4 The site(s) are located in an established residential neighbourhood primarily of single-storey detached dwellings with hipped tiled rooves.
- 4.5 Immediately south of the site (1 Cimberwood Drive) is a detached single storey dwelling with associated outbuilding. Immediately west of the site (1 Rokeby Crescent) is a detached single storey dwelling with associated outbuildings.
- 4.6 Cimberwood Drive is a local collector street which intersects with Craigieburn Road approximately 65 metres to the south.



**REPORT NO: SU366 (cont.)**

4.7 The Craigieburn Sporting Club, Golf Course and Aitken Creek Reserve are located around 100 metres south of the property.

4.8 Craigieburn Central is situated approximately 850 metres to the west.

**Restrictions on Title**

4.9 No registered restrictive covenants are recorded on title as the previous covenants were removed in early 2018. 1 Rokeby Crescent has a 3m wide easement along its southern rear boundary and a 2.5m easement E-1 along its eastern side boundary. These are for drainage and sewerage.

**Planning History**

4.10 Planning permits P20266 and P20267 were issued 9<sup>th</sup> May 2017 and 23<sup>rd</sup> May 2017 to remove the restrictive covenant from each lot. The covenants required that a main building shall not be erected other than a single dwelling with walls of brick or stone and included a land use restriction so land could only be used for residential uses.

**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 15 Built Environment and Heritage Clause 17 Economic Development Clause 18 Transport Clause 19 Infrastructure
<i>Local Planning Policy Framework including Municipal Strategic Statement (MSS)</i>	Clause 21 Clause 21.02 Urban Structure and Settlement Clause 21.04 Built Environment and Heritage Clause 21.06 Economic Development Clause 21.07 Transport connectivity and infrastructure
<i>Zone</i>	General Residential Zone
<i>Overlays</i>	Nil
<i>Particular Provisions</i>	Clause 52.06 Car Parking
<i>General Provisions</i>	Clause 65: Approval of an Application or Plan

A detailed assessment of the proposal against these controls is outlined in the main body of the report.

**Planning Permit Trigger**

5.2 Under the General Residential Zone at Clause 32.08-2 a planning permit is required to use the land for a Child care centre. Under clause 32.08-9 a planning permit is required to construct a building or carry out works associated with a Section 2 use.

**6. REFERRALS:**

6.1 No external referrals were required.

6.2 The application was referred internally to Council’s Traffic and Civil Engineering, and Social & Community Planning Departments. Traffic and Civil Engineering determined that the proposal could not be supported on a number of traffic grounds which will be discussed in the main body of the report.

REPORT NO: SU366 (cont.)

- 6.3 Social & Community Planning raised a number of concerns regarding design and function and concluded that it could not support the proposal in its current form. The applicant provided a written response to the Social & Community Planning concerns and revised plans to assist the assessment process and noted that some matters related to operational obligations which would be met under the relevant regulations for child care centres.

**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 two signs were placed on the site for a minimum of 14 days as prescribed under the Act.
- 7.2 A total of 12 objections were received in response and the grounds of objection are summarised as follows:
- Increased traffic congestion and safety concerns
  - Insufficient car parking provided.
  - Commercial use not suited to residential area
  - Overdevelopment of the site and scale and form is not in keeping with established neighbourhood character
  - Overlooking and overshadowing
  - Excessive noise impacts from the use (including proximity of the car park to rear gardens and waste collection and delivery vehicles)

**8. OBJECTIONS**

- 8.1 A response to the objections is provided below:

8.2 Increased traffic congestion and safety concerns

In response to the notable traffic objections Council's Traffic Engineering department requested a Traffic Impact Assessment to:

- include an intersection survey of existing traffic movements at the intersection of Cimberwood Drive and Craigieburn Road during peak times.
- model the traffic movements during peak times including traffic generated by the development to see the impact.
- consider VicRoads intention to duplicate Craigieburn Road in the future and have the Cimberwood Drive/Craigieburn Road intersection upgraded to traffic signals.

Upon consideration of this report, Council's Traffic Engineering Department determined it could not support the proposal because of the impacts on the surrounding road network. These concerns are explored in detail in the main body of the report.

8.3 Insufficient car parking provided

The proposal seeks to accommodate a maximum of 84 children on site; triggering a parking requirement of 18 spaces in accordance with clause 52.06 of the Hume Planning Scheme (0.22 spaces per child). 18 parking bays are shown on site, therefore meeting this requirement.

8.4 Commercial use not suited to residential area

Child care centres are discretionary uses within the General Residential Zone (GRZ). The GRZ provisions envisage a number of non-residential uses such as schools and child care centres, subject to these uses meeting other criteria within the planning scheme to ensure they are compatible with residential development.

REPORT NO: SU366 (cont.)

8.5 Overdevelopment of the site and scale and form is not in keeping with established neighbourhood character

Whilst the proposal is a two storey building in an area comprising of mostly single storey dwellings, the design response is considered to be respectful of the existing neighbourhood character and provides for appropriate setbacks, articulation and interface to adjoining properties. Accordingly it is not considered to be an overdevelopment of the site.

8.6 Overlooking and overshadowing

The upper level windows facing adjoining properties will be opaque to ensure no overlooking occurs as required under ResCode. The shadow diagrams confirm overshadowing only relates to a portion of the rear garden area to the south (1 Cimperwood Drive) and is considered acceptable in terms of allowing solar access to this property.

8.7 Excessive noise impacts from the use (including proximity of car park to rear gardens, waste collection and deliveries)

The level of noise generated by the proposal is considered acceptable within a residential area. Traffic noise will be largely concentrated to the peak drop off and pick up times. The movement of waste collection and delivery vehicles is not anticipated to adversely impact the amenity of surrounding residents. Acoustic timber fencing is proposed along the southern boundary and around the perimeter of the first floor play areas to lessen the impacts of noise.

9. **ASSESSMENT:**

9.1 In considering an application for a non-residential use and development, the responsible authority must apply the following relevant Decision guidelines set out under Clause 32.08-13 of the General Residential Zone:

**General**

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*

**Non-residential use and development**

- *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.*

9.2 There are a number of broader clauses within the Hume Planning Scheme that encourage the provision of services such as child care centres, in an effort to meet market demand, diversify land uses and maximise accessibility to these services. The proposal accords with these principles.

9.3 Clauses 15.01-2S (Building design) and 21.04-1 (Urban Design) set out objective 1 *to improve the image and appearance of Hume Corridor's established areas... and ...achieve building design outcomes that contribute positively to the local context and enhance the public realm...* It is considered that the design and siting of the proposal, articulation, mix of materials and associated landscaping will make a positive contribution to the streetscape.

REPORT NO: SU366 (cont.)

- 9.4 Clause 15.01-5S (Neighbourhood character) sets out the Objective *to recognise, support and protect neighbourhood character, cultural identity, and sense of place*. Strategies include ensuring development:
- *...Contributes to existing or preferred neighbourhood character... and ...responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the ...pattern of local urban structure and subdivision...*
- 9.5 The two storey built form is considered acceptable within this context where the existing dwelling at 3 Cimperwood Drive and the dwelling to the south at 1 Cimperwood Drive are both double storey. The proposed child care has lower and upper level setbacks that respond to the residential interfaces, including an increased setback to the southern boundary. Despite the front setback to Rokeby Crescent being 2 metres, this allows for greater separation between the building and abutting residential properties, in addition to providing a built form which adequately addresses both street frontages.
- 9.6 The building is appropriately articulated with a number of design elements and mix of building materials. Additionally, the roof form is broken up to reduce massing and to harmonise with the residential scale of the area. It is therefore considered that the proposal responds to neighbourhood character
- 9.7 Clause 18.01-1S (Land use and transport planning) sets out the objective *to create a safe and sustainable transport system by integrating land use and transport*. Subclause 18.02-3S (Road system) sets out the objective *to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure*.
- 9.8 Consideration of these clauses requires the responsible authority to have regard to the hierarchy of roads and ensure traffic impacts do not cause traffic flow or safety issues when determining a planning application.
- 9.9 Council's Traffic Engineering department has concluded that upon review of the applicant's traffic impact assessment, volumes and wait times for vehicles exiting onto Craigieburn Road will not be acceptable from a traffic management and safety perspective. Accordingly the proposal is considered to be contrary to the relevant policy under Clause 18.
- 9.10 Clause 21.07-1 (Connectivity and Choice) identifies the management and response to increases in traffic demand and the timing and funding of upgrades to arterial roads, public transport infrastructure and services, walking and cycling infrastructure as key issues within the City of Hume.
- 9.11 In regards to the proposal it is considered that the increased travel demands associated with a child care centre must be carefully managed. Crucial to this is the timing of the upgrade to Craigieburn Road; which will involve the duplication of the carriageway and a potentially signalised intersection at the corner of Cimperwood Drive and Craigieburn Road.
- 9.12 Council's Traffic Engineers are of the view that until the signalisation and duplication is complete, the vehicle movements generated by the proposed use and the impact on the surrounding road network is not supported at this time.
- 9.13 A Traffic Impact Assessment (TIA) was prepared by Traffic Solutions, dated 12<sup>th</sup> November 2018 and submitted to Council in an attempt to address the traffic issues surrounding the proposal. A subsequent updated report was provided dated 4 December with revised modelling.

**REPORT NO: SU366 (cont.)**

- 9.14 Council's Traffic Engineers found a number of discrepancies within the TIA, including the number of vehicle movements, the distribution of traffic and the average delay times.
- 9.15 Based on a traffic generation rate of 0.8 vehicle trips per child, the TIA assumed a total of 34 entry and 34 exit vehicle movements in the AM peak hour and 29 entry and 29 exit vehicle movements during the PM peak hour.
- 9.16 The TIA indicated 25% of traffic would be generated from and destined to the south of the site and 75% of traffic generated from and destined to the north of the site. Council's engineers disagreed with this assumption as the arterial road status of Craigieburn Road would be more likely to account for 75% of the traffic distribution (south of the site) in the morning, with only 25% of the traffic being distributed to the north and in the evening 50% of vehicles would exist to the north and 50% to the south.
- 9.17 Applying this more accurate rate of distribution would result in an 51 vehicle movements (75% of 68) in the AM peak hour and 29 vehicle movements (50% of 58) in the PM peak hour existing or entering via Craigieburn Road in addition to existing traffic volumes.
- 9.18 The existing average delay (queue time) is just under 1 minute to make a right turn from Cimperwood Drive to Craigieburn Road. The TIA's increase traffic volumes based on 25% of traffic heading south from the child care centre would exacerbate this existing issue and increase the right turn delays to 2 minutes in the AM peak period and 3 minutes in the PM peak period.
- 9.19 These increases in the queue times are based on the lower rates used in the TIA. Council's Engineers have stated that applying the additional figures to account for 75% of vehicle movements exiting to Craigieburn Road, the delays would be significantly worse.
- 9.20 It is determined that the traffic generated by the proposed child care centre would adversely impact on the functionality and safety of the existing road network and should not be supported at present and that the TIA needs to be corrected.
- 9.21 The proposal generally meets the decision guideline requirements in terms of the zoning and built form provisions as aforementioned. However, the proposed use fails to adequately address the safety, efficiency and traffic impact criteria for all the reasons outlined above.
- 9.22 Under Clause 52.06 (Car parking) the proposed use requires provision for 18 spaces based on the rate of 0.22 spaces per child. A car parking impact assessment accompanied the application. The Clause is satisfied by the proposal and includes provision for a suitably designed and located disabled car parking space. Council's Traffic Engineers are satisfied with the car parking provision and access design with the driveway area being 6.4m wide to allow for exiting the site in a forward direction.

**10. CONCLUSION**

The proposed Child care centre is in accordance with the key purposes of the zone and has merit with regards to urban design, provision of adequate car parking, respect for neighbourhood character, economic development and employment opportunities. However the resultant traffic impacts on the local street network are a valid concern and substantial enough that the proposal should not be supported at this time in the absence of an upgrade to the intersection of Cimperwood Drive and Craigieburn Road. Accordingly, the proposal is contrary to State and Local Planning Policy of relevance to transport and the efficient and safe use of road infrastructure. Having regard to the above considerations it is recommended that the application not be supported and a Notice of Decision to refuse to grant a permit be issued.



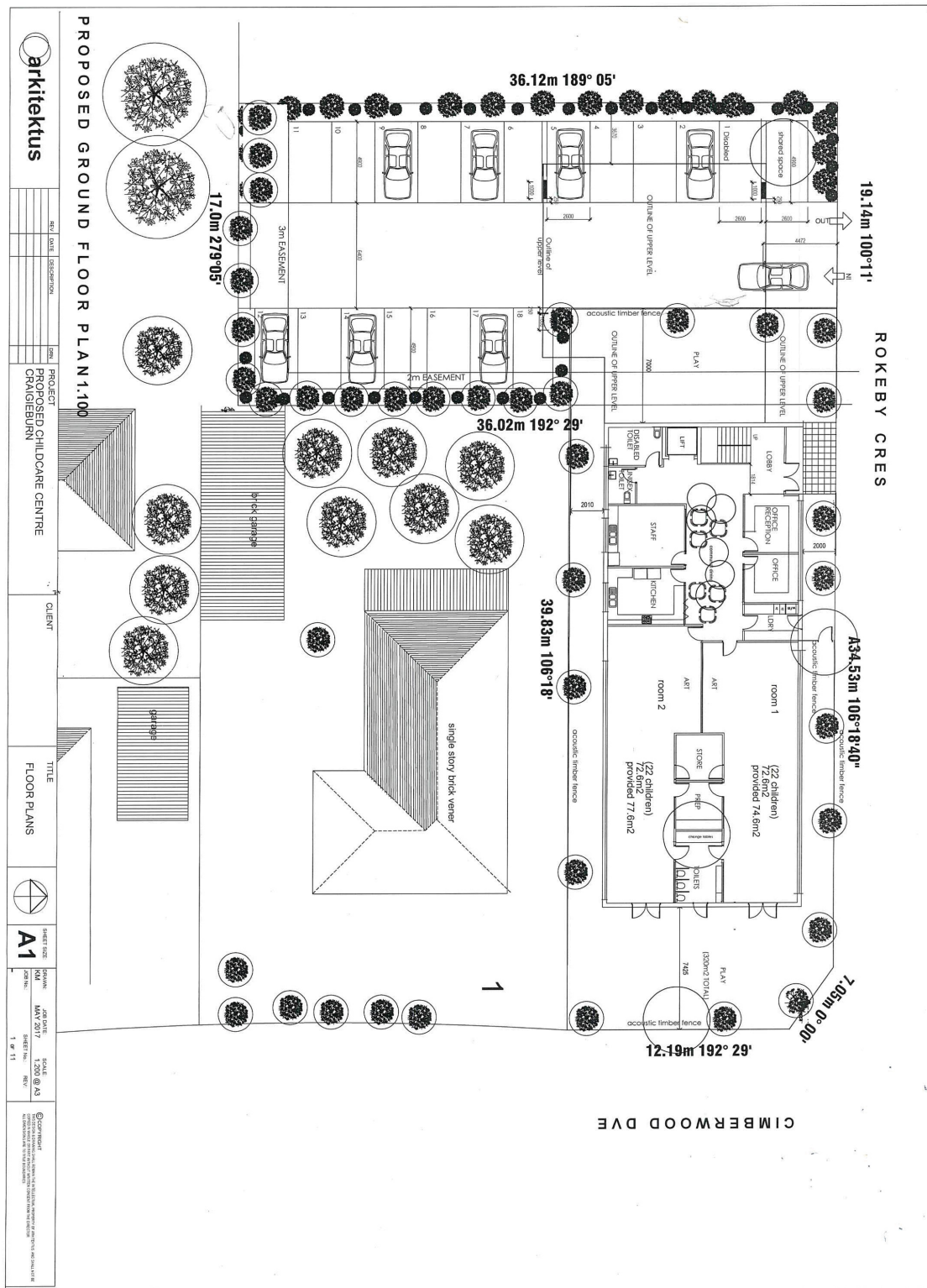
## LOCALITY AND ZONING MAP

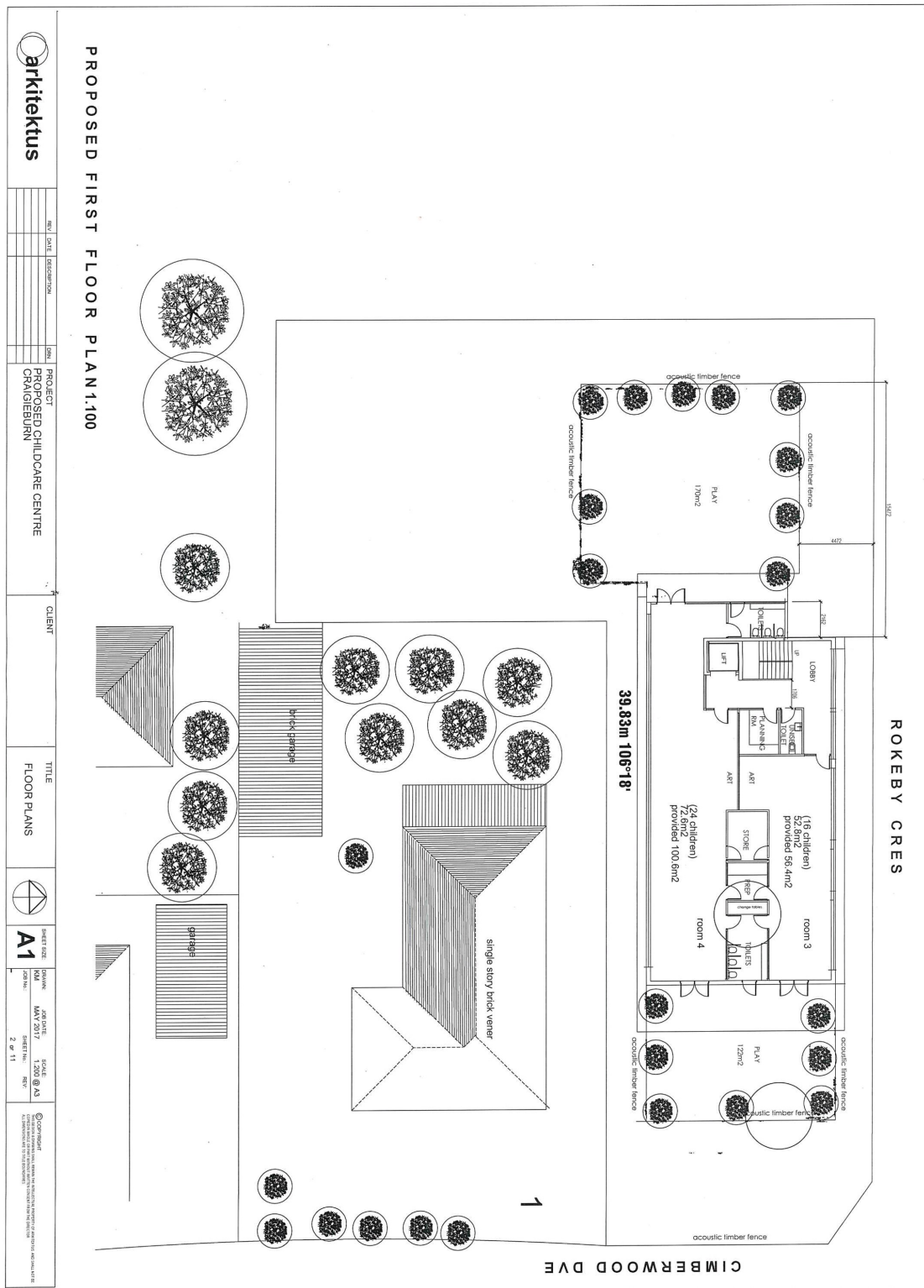
### 3 CIMBERWOOD DRIVE AND 1 ROKEBY CRESCENT, CRAIGIEBURN

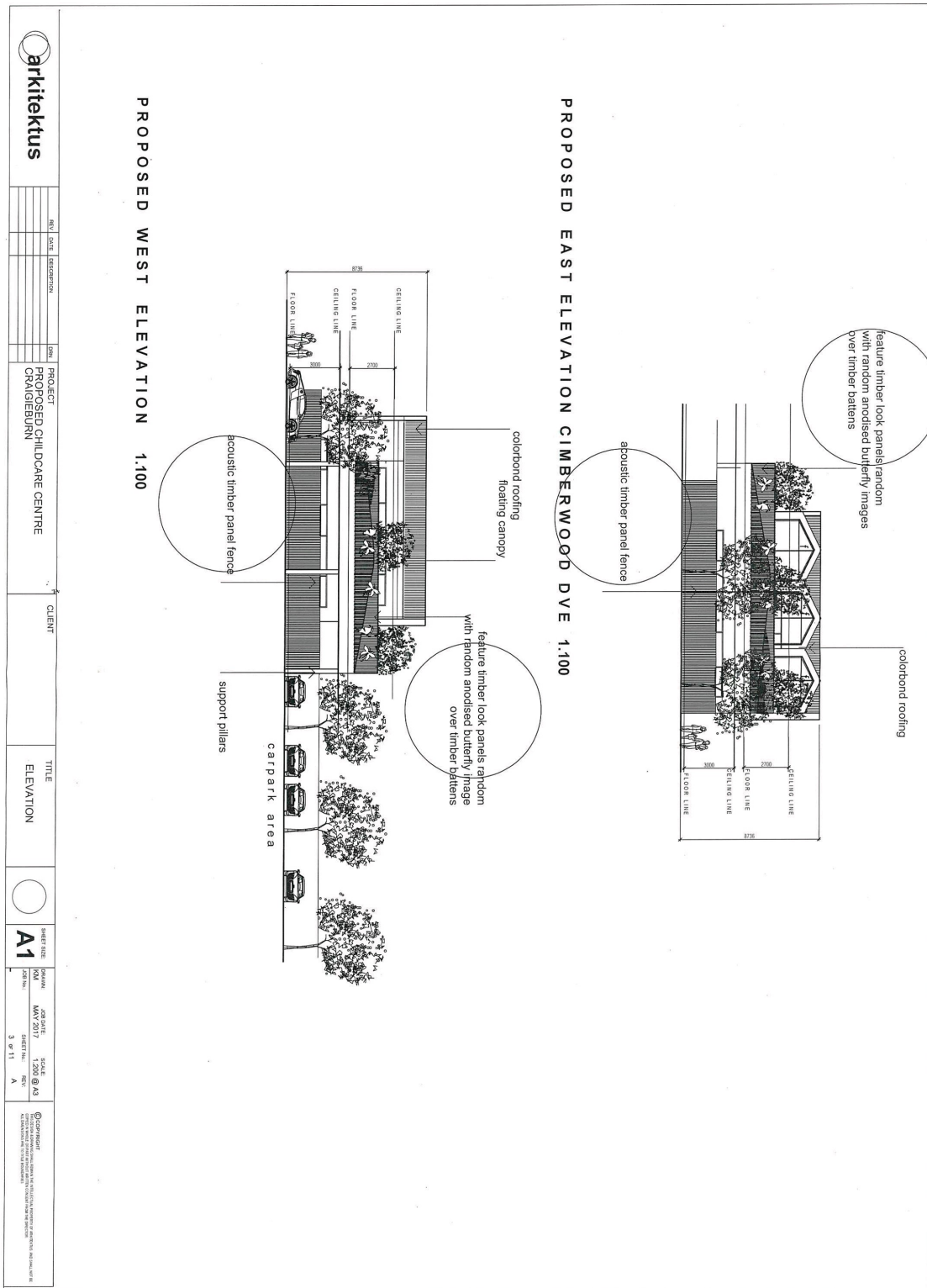














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<b>REPORT NO:</b>	SU367
<b>REPORT TITLE:</b>	Statutory Planning Monthly Report December 2018
<b>SOURCE:</b>	Blake Hogarth-Angus, Town Planner (Growth Areas)
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	-
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	Nil

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**1. SUMMARY OF REPORT:**

This report incorporates the VCAT appeals update and decisions made by Council officers under delegation for the month of November. 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.

108 permit applications were received in November, representing the highest number of applications within the last 12 months. 85 permits were issued in November; an increase of 10 from the number of permits that were issued in October. 17 applications were closed off in November, which is the second highest total in the last 12 months, following on from the application data clean up undertaken in October. The number of total outstanding applications in November was 567; up slightly from the October figure of 559.

The percentage of applications decided in 60 days or less was 41% for the month of November, compared to 43% for the previous month. The average number of gross days taken to determine planning applications decreased to 103 in October; down from 113 days in September. 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 166 average days (Growth Council's) respectively.

The percentage of simple applications issued in 60 days or less increased by 20% in November to a total of 60%. The percentage of average applications issued in 60 days or less decreased by 25% from the previous month. No complex applications were issued in the month of November.

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

**1.2 Delegated matters**

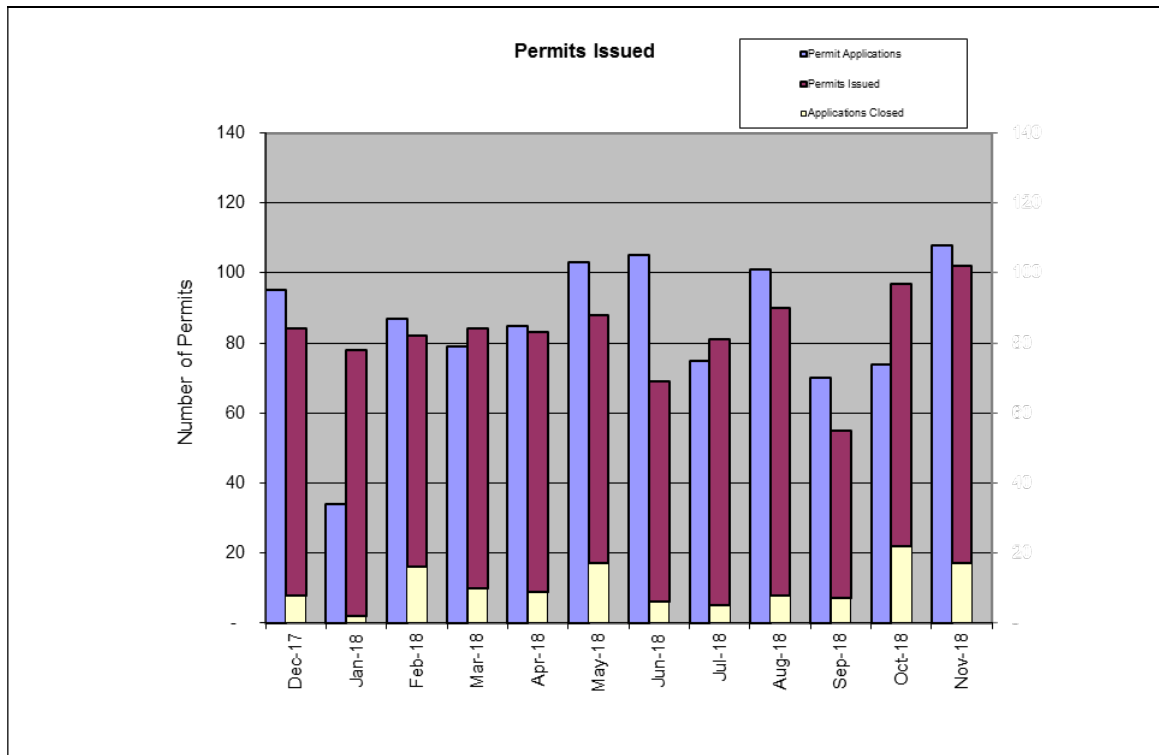
The table within Section 4 of this report further details applications that have been determined under delegated authority including planning applications that receive two objections or less, applications to amend planning permits or plans, applications to extend planning permits, applications to certify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

**2. RECOMMENDATION:**

**That the report be noted.**

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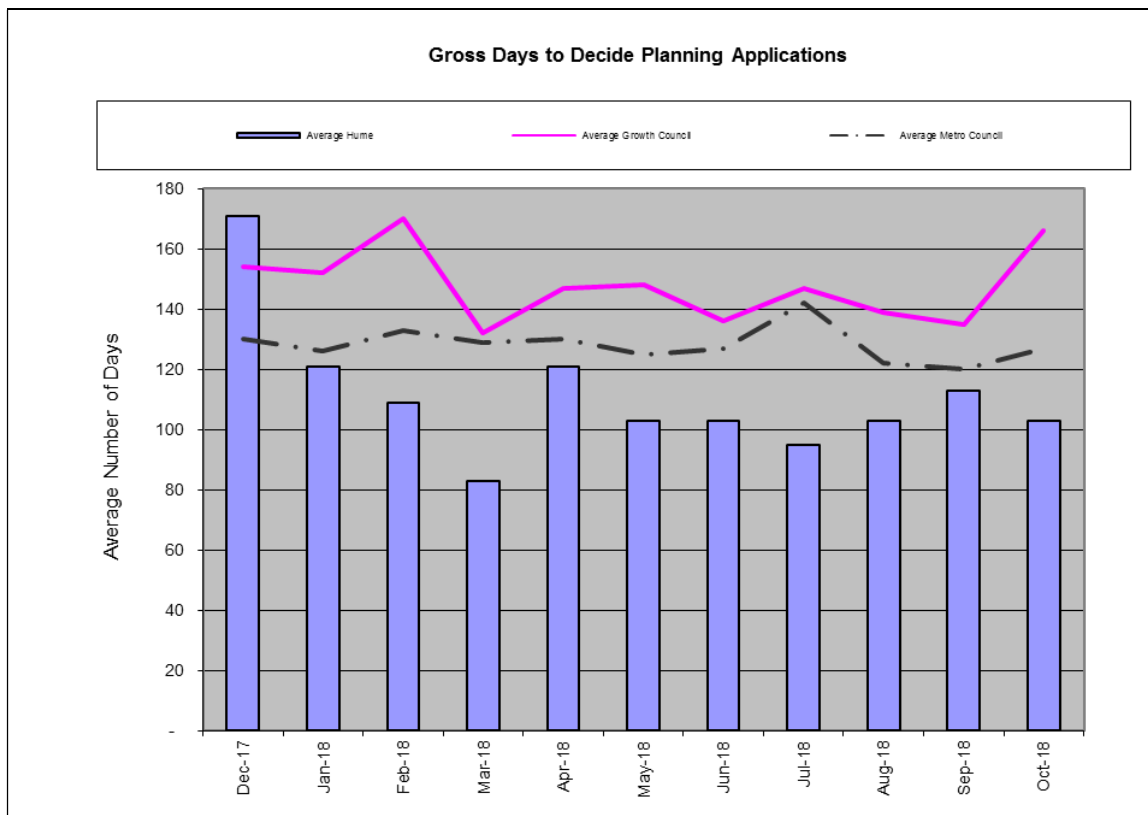
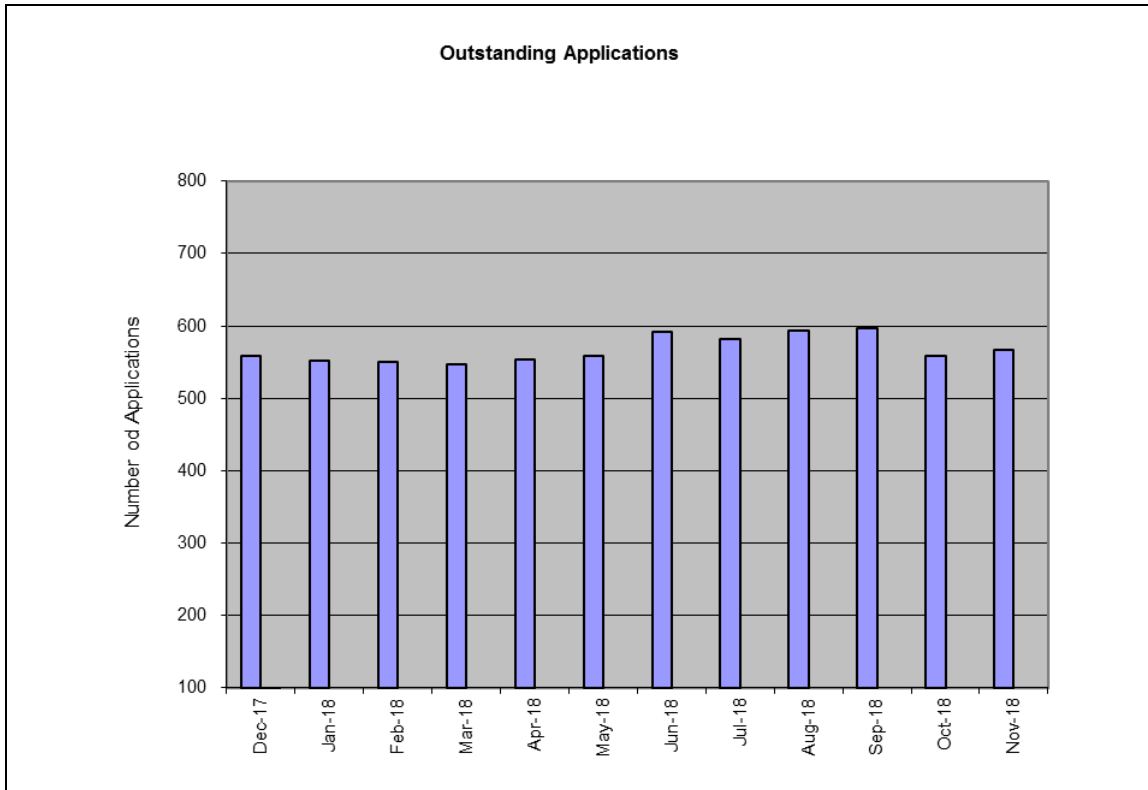
November 2018	
Permit Applications	108
Permits Issued	85
Applications Closed	17



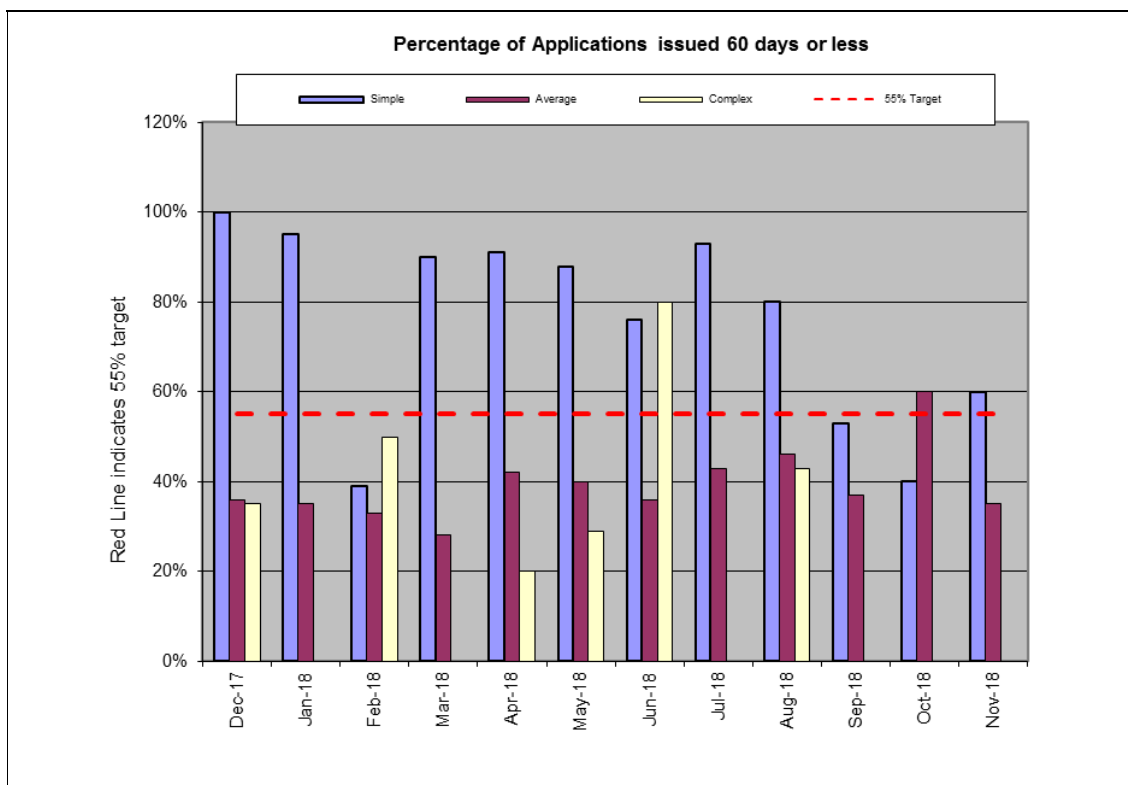
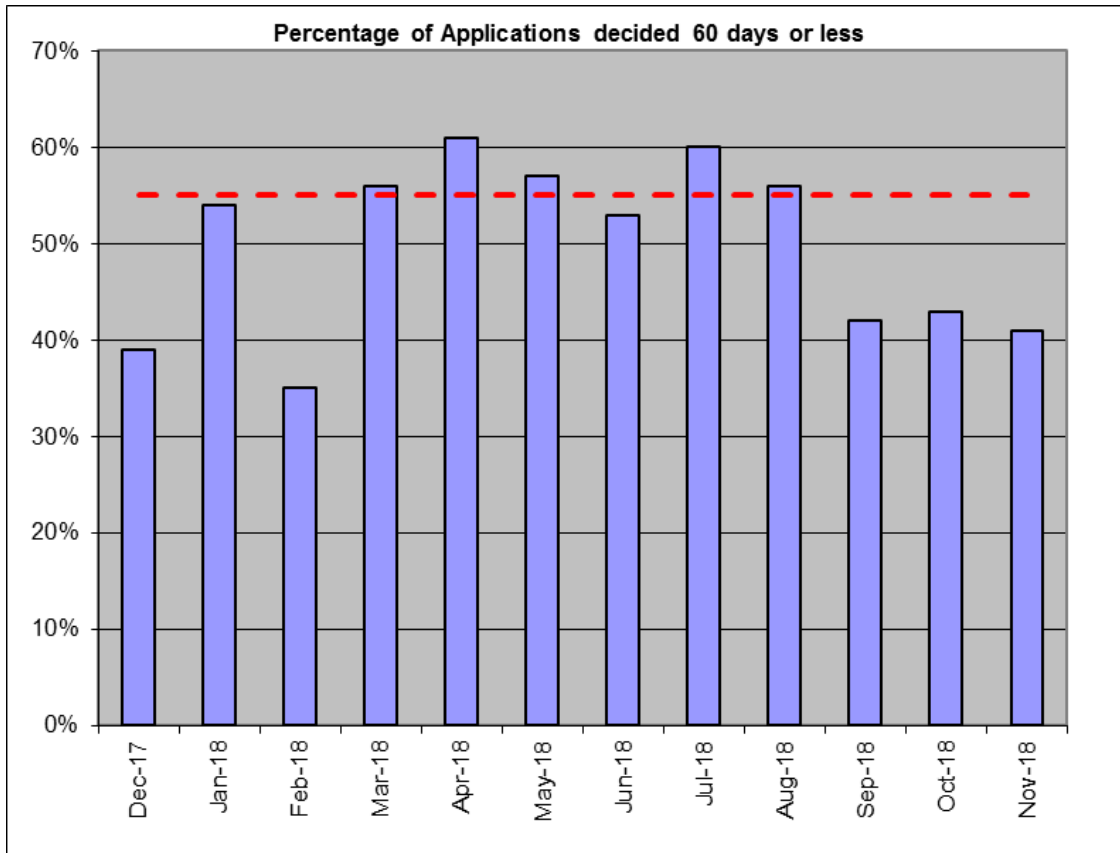
\*Permits issued include: Permits, VicSmart, permit from NOD, VCAT Permit (including S72)  
 \*Applications closed includes: prohibited, no permit required, withdrawn, cancelled, lapsed and, failure to determine (including S72)  
 (not included are Notices Of Decisions and Notices of Refusals)



REPORT NO: SU367 (cont.)



REPORT NO: SU367 (cont.)



**REPORT NO: SU367 (cont.)**

**3. APPEAL DECISIONS TO DATE:**

3.1 This report includes all VCAT decisions received in the month of November 2018 and further includes the current month prior to the Council meeting to give Council a more up to date report on VCAT decisions. Three initiating orders were received by Council in November and two amending orders were issued by the Tribunal to postpone the hearing dates. No VCAT decisions have been received since the last Council meeting.

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	To be heard
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
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

**REPORT NO: SU367 (cont.)**

WARD	APP. NUMBER	PROPOSAL	ADDRESS	DECISION	APPEAL TYPE	DATE	STATUS
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

**4. MATTERS DETERMINED UNDER DELEGATION:**

The following table lists all matters dealt with under delegation between 30 October 2018 and 26 November 2018.

MATTERS DEALT WITH UNDER DELEGATION			
P14164	2 dwellings at rear of existing dwelling	6 Harker St, Sunbury	Amended plans endorsed (Secondary Consent)
P15114	1 double storey dwelling to rear of existing single storey dwelling	1 Sparkford Rd, Craigieburn	Extension of Time issued
P17836	3 double storey dwellings	53 Jackson St, Sunbury	Extension of Time issued
P18031	2 single storey dwellings to rear of existing dwelling	87 Shankland Bvd, Meadow Heights	Extension of Time issued
P18210	3 double storey dwellings	30 Henderson Rd, Tullamarine	Extension of Time issued
P18232	4 double storey dwellings	160 Somerset Rd, Campbellfield	Extension of Time issued
P18240	Double storey dwelling on lot less than 300sqm	11 Bowes Pl, Craigieburn	Extension of Time issued
P18390	3 double storey dwellings	21 Benston St, Craigieburn	Extension of Time issued
P18417	8 double storey dwellings	39 Graham St, Broadmeadows	Extension of Time issued
P18611	Double storey dwelling to rear of existing dwelling	123 Dallas Dr, Dallas	Extension of Time issued
P18639	4 double storey dwellings	19 Ardlie St, Westmeadows	Extension of Time issued
P18816	Construction of building for use of warehouse, motor repairs & café with reduced car parking	51 McDougall Rd, Sunbury	Extension of Time issued
P19154	3 double storey dwellings & 1 single storey dwelling	8 Ortolan Ave, Broadmeadows	Amended plans endorsed (Secondary Consent)

**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION</b>			
P19546	Ancillary office space, office building & food & drink premises with reduction car parking	11 Northpark Dr, Somerton	Amended plans endorsed (Secondary Consent)
P19552	10 warehouses with associated offices	8 Bubeck St, Sunbury	Extension of Time issued
P19713	Subdivision of 4 lots into 9 lots, reserve for drainage purposes & partial road network	30 Donnybrook Rd, Mickleham	Extension of Time issued
P19746	4 dingle storey & 2 double storey dwellings	81-83 Menzies Dr, Sunbury	Amended plans endorsed (Secondary Consent)
P20949	3 warehouses with ancillary offices & reduction car parking	118 National Bvd, Campbellfield	Amended plans endorsed (Secondary Consent)
P21026	Additions & alterations to existing dwelling & associated outbuildings & removal of native vegetation	624 Wildwood Rd, Wildwood	Amended plans endorsed (Secondary Consent)
P17834.01	2 double storey dwellings to rear of existing dwelling	5 Morris Ct, Meadow Heights	Amended plans endorsed
P15575.03	Multi lot staged subdivision & creation of access to Road zone Category 1	550 Craigieburn Rd, Craigieburn	Amended permit issued
P19637.01	4 double storey dwellings & 1 single storey dwelling	5 Metelman Ct, Broadmeadows	Amended permit issued & amended plans endorsed
P19468.01	2 double storey dwellings	73 Almurta Ave, Coolaroo	Amended plans endorsed
P19407.01	2 double storey dwellings on lot in Melbourne Airport Environs Overlay	9 Tongio Ct, Broadmeadows	Amended plans endorsed
P16024.03	Alterations & additions to existing factory & waiver of 32 car spaces	23-49 Maffra St, Coolaroo	Amended permit issued
P19372.01	Child care centre	765 Mickleham Rd, Greenvale	Amended permit issued
P20322	Outbuilding for purpose of place of assembly	Kardingpoola, 45 Providence Rd, Greenvale	Permit issued
P20845	3 double storey dwellings & 1 single storey dwelling	424 Camp Rd, Broadmeadows	Permit issued
P20880	Single storey dwelling at rear of existing dwelling	27 Deakin St, Sunbury	Permit issued
P21030	Dwelling	64 Patterson St, Kalkallo	Permit issued
P21080	Staged multilot subdivision, creation of reserves & easements, use & development of land in public acquisition overlay & access to Road Zone 1	200 Donnybrook Rd, Mickleham	Permit issued
P21202	Trade supplies premises	36 Lisa Pl, Coolaroo	Permit issued
P21253	Double storey dwelling at rear of existing dwelling	33 Rosebud Cres, Broadmeadows	Permit issued
P21273	4 lot subdivision	15 Colin Ct, Broadmeadows	Permit issued
P21290	Use of land for car & truck sales & construction of shed for undercover car parking	151 Northbourne Rd, Campbellfield	Permit issued
P21293	Warehouse & office development with associated car parking	6 Transit Dr, Campbellfield	Permit issued
P21298	Installation of 12 metre high internally illuminated & electronic major promotional sign	1099-1169 Pascoe Vale Rd, Craigieburn	Permit issued

**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION</b>			
P21318	Extension of garage	1484-1488 Sydney Rd, Campbellfield	Permit issued
P21325	3 double storey dwellings	19 Lahinch St, Broadmeadows	Permit issued
P21327	Warehouse & ancillary office space including reduction car parking	25 Salvator Dr, Campbellfield	Permit issued
P21330	2 double storey dwellings to rear of existing dwelling	53 Nicholson Cres, Meadow Heights	Permit issued
P21341	Single storey dwelling to rear of existing dwelling	33 Northleigh Ave, Craigieburn	Permit issued
P21347	5 double storey dwellings	26 Colin Ct, Broadmeadows	Permit issued
P21360	4 double storey dwellings	106 Cuthbert St, Broadmeadows	Permit issued
P21388	4 double storey dwellings	142 Cuthbert St, Broadmeadows	Permit issued
P21396	Storage room to rear of existing food & drink premises & reduction car parking	195B Melrose Dr, Tullamarine	Permit issued
P21398	Service industry (motor vehicle repairs) with car parking	51 Yellowbox Dr, Craigieburn	Permit issued
P21435	Internal buildings & works of mezzanine level within existing factory	30 Production Dr, Campbellfield	Permit issued
P21456	Mezzanine floor to existing factory	5/28-30 Lisa Pl, Coolaroo	Permit issued
P21466	Double storey dwelling to rear of existing dwelling	19 Cimperwood Dr, Craigieburn	Permit issued
P21474	4 warehouses with offices & reduction car parking	6 Newton Dr, Somerton	Permit issued
P21484	Single storey dwelling to rear of existing dwelling	3 Norval Cres, Coolaroo	Permit issued
P21527	Alterations & additions to existing dwelling (enclosed balcony)	4 Harricks Cres, Attwood	Permit issued
P21529	2 warehouses with offices & reduction car parking	17 Burnett St, Somerton	Permit issued
P21549	Staged multi lot subdivision of land	450-500 Donnybrook Rd, Mickleham	Permit issued
P21563	Warehouse & ancillary office, reduction car parking & removal native vegetation	200 Donnybrook Rd, Mickleham	Permit issued
P21566	Replacement of advertising signage (internally illuminated) at existing service station	1/80 Camp Rd, Broadmeadows	Permit issued
P21572	Single storey dwelling to rear of existing dwelling	1043 Pascoe Vale Rd, Jacana	Permit issued
P21590	Buildings & works to existing food & drink premises (replacement of roof)	323 Barry Rd, Campbellfield	Permit issued
P21596	Installation of new entry door	790 Sunbury Rd, Sunbury	Permit issued
P21613	Verandah to existing grouped dwelling	28 The Garlands, Craigieburn	Permit issued
P21618	Repair to historic blue stone outbuilding by dismantling & rebuilding south west wall & underpinning 3 other walls	20 Loemans Rd, Bulla	Permit issued
P21622	Warehouse	10 Katz Way, Somerton	Permit issued

**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION</b>			
P21625	Instalment of motorised entry gate & star picket boundary fence	790 Sunbury Rd, Sunbury	Permit issued
P21627	Extend existing dwelling & removal of native vegetation	270 Arundel Rd, Keilor	Permit issued
P21631	Dependent persons unit	198 Railway Cres, Dallas	Permit issued
P21639	3 lot subdivision	60 Parkfront Cres, Roxburgh Park	Permit issued
P21646	Variation to restrictive covenant	151 Northbourne Rd, Campbellfield	Permit issued
P21650	3 lot subdivision	119 Vantage Bvd, Craigieburn	Permit issued
P21655	4 lot subdivision	27 Hanson Rd, Craigieburn	Permit issued
P21666	1 double storey dwelling & 3 single storey dwellings	66 Railway Cres, Broadmeadows	Permit issued
P21674	3 lot subdivision	32-34 Ainslie Rd, Campbellfield	Permit issued
P21710	5 lot subdivision	185-193 Hume Hwy, Somerton	Permit issued
P21715	3 lot subdivision	1 Reverence Dr, Craigieburn	Permit issued
P21716	3 lot subdivision	7 Reverence Dr, Craigieburn	Permit issued
P21720	3 lot subdivision	5 Dixie Ct, Meadow Heights	Permit issued
P21725	5 lot subdivision	1/28 Birch Ave, Tullamarine	Permit issued
P21727	Change of use of storage shed to place of assembly (men's shed) & reduction car parking	30 Carol Gr, Tullamarine	Permit issued
P21739	35 dwellings	80 Central Park Ave, Craigieburn	Permit issued
P21746	Warehouse & car parking dispensation	49 Lakeside Dr, Broadmeadows	Permit issued
P21763	Erection business sign	17B/114-126 Evans St, Sunbury	Permit issued
P21772	2 lot subdivision	24 Ortolan Ave, Broadmeadows	Permit issued
P21782	3 lot subdivision	40 Gerbert St, Broadmeadows	Permit issued
P21802	Existing building to be utilised as educational training facility	60 Belfast St, Broadmeadows	Permit issued
S008118	41 lot subdivision - Kallo Estate - Stage 13	40A Dwyer Street, Kalkallo	Plan Re-Certified 30 October 2018
S008580	2 lot subdivision - industrial	9 Burnett St Somerton	Plan Certified with Statement of Compliance 31 October 2018
S008678	2 lot subdivision - dual occupancy	40 Fortitude Drive, Craigieburn	Plan Certified 31 October 2018
S008477	2 lot subdivision - dual occupancy	60 Mitchells Lane, Sunbury	Plan Certified 1 November 2018
S008705	2 lot subdivision - commercial	2 Brook Street, Sunbury	Plan Certified 1 November 2018
S008142	68 lot subdivision - Highlands Estate - Stage 225	415 Mt Ridley Road, Craigieburn	Statement of Compliance 2 November 2018



**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION</b>			
S008678	2 lot subdivision - dual occupancy	40 Fortitude Drive, Craigieburn	Statement of Compliance 2 November 2018
S008251	65 lot subdivision - Highlands Estate - Stage 226	475 Mt Ridley Road, Craigieburn	Statement of Compliance 2 November 2018
S008738	Creation of Easement	135 Donnybrook Road, Mickleham	Plan Certified with Statement of Compliance 5 November 2018
S008243	65 lot subdivision - Cloverton Estate - Stage 303	1440 Hume Freeway, Kalkallo	Plan Re-Certified 9 November 2018
S008400	99 lot subdivision - Merrifield Estate - Stage 36	450A Donnybrook Road, Mickleham	Plan Re-Certified 9 November 2018
S008685	2 lot Subdivision - dual occupancy	33 Gunbower Crescent, Meadow Heights	Plan Certified 9 November 2018
S008355	89 lot subdivision - Botanical Estate - Stage 2	2090 Mickleham Road, Mickleham	Plan Re-Certified 9 November 2018
S008250	54 lot subdivision - Annadale Estate - Stage 16	495 Donnybrook Road, Mickleham	Plan Re-Certified 9 November 2018
S008240	21 lot subdivision - Cloverton Estate - Stage 304	1440D Hume Freeway, Kalkallo	Plan Re-Certified 12 November 2018
S008328	36 lot subdivision - Cloverton Estate - Stage 309	1440 Hume Freeway, Kalkallo	Plan Re-Certified 12 November 2018
S008553	74 lot subdivision - Highlands Estate - Stage 332	475C Mt Ridley Road, Craigieburn	Plan Re-Certified 12 November 2018
S008563	15 lot subdivision - multi unit	2-10 Fortitude Drive, Craigieburn	Plan Certified with Statement of Compliance 14 November 2018
S008520	2 lot Subdivision - dual occupancy	10 Mitchell Crescent, Meadow Heights	Statement of Compliance 14 November 2018
S008243	65 lot subdivision - Cloverton Estate - Stage 303	1440 Hume Freeway, Kalkallo	Statement of Compliance 14 November 2018
S008621	2 lot subdivision - industrial	161 Northbourne Road, Campbellfield	Statement of Compliance 15 November 2018
S008127	69 lot subdivision - Highlands Estate - Stage 303	550F Craigieburn Road, Craigieburn	Statement of Compliance 15 November 2018
S008415	4 lot subdivision - multi unit	8 Fidge Court, Jacana	Plan Certified 19 November 2018
S008477	2 lot subdivision - dual occupancy	60 Mitchells Lane, Sunbury	Statement of Compliance 19 November 2018
S008516	9 lot subdivision - multi unit	6-8 Meredith Street, Broadmeadows	Plan Certified with Statement of Compliance 20 November 2018
S008124	2 lot subdivision - industrial	40 Zakwell Court, Coolaroo	Statement of Compliance 20 November 2018
S008543	5 lot subdivision - multi unit	148 Somerset Road, Campbellfield	Statement of Compliance 20 November 2018

**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION</b>			
S007992	9 lot subdivision - multi unit	605 Mickleham Road, Greenvale	Plan Certified 20 November 2018
S008492	131 lot subdivision - Merrifield Estate - Stage 37	450 Donnybrook Road, Mickleham	Plan Re-Certified 20 November 2018
S008577	141 lot subdivision - Merrifield Estate - Stage 38	450 Donnybrook Road, Mickleham	Plan Re-Certified 20 November 2018
S008281	55 lot subdivision - Cloverton Estate - Stage 305	1440 Hume Freeway, Kalkallo	Plan Re-Certified 22 November 2018
S008331	55 lot subdivision - Waratah Estate - Stage 9	425 Donnybrook Road, Mickleham	Plan Re-Certified with Statement of Compliance 22 November 2018
S008458	2 lot subdivision - dual occupancy	11 Hamilton Street, Craigieburn	Plan Certified with Statement of Compliance 22 November 2018
S008226	46 lot subdivision - Roxburgh Park Central Estate - Stage 6	2 Truscott Avenue, Roxburgh Park	Statement of Compliance 23 November 2018
S008475	3 lot subdivision - multi unit	95 Arena Avenue, Roxburgh Park	Plan Certified 23 November 2018
S008240	21 lot subdivision - Cloverton Estate - Stage 304	1440 Hume Freeway, Kalkallo	Statement of Compliance 23 November 2018
S008281	55 lot subdivision - Cloverton Estate - Stage 305	1440 Hume Freeway, Kalkallo	Statement of Compliance 23 November 2018
S008566	3 lot subdivision - multi unit	15 Meredith Street, Broadmeadows	Plan Certified with Statement of Compliance 26 November 2018
S008557	4 lot subdivision - multi unit	56 Gordon Street, Tullamarine	Plan Certified with Statement of Compliance 26 November 2018

<b>MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS</b>			
<b>FILE</b>	<b>PROPOSAL</b>	<b>ADDRESS OF PROPERTY</b>	<b>ACTION TAKEN</b>
P20655	4 double storey dwellings & 1 single storey dwelling	144 Cuthbert St, Broadmeadows	Notice of Decision to Grant a Permit
P20864	3 lot subdivision	2-4 Bath St, Craigieburn	Notice of Decision to Grant a Permit
P20900	3 double storey dwellings & 1 single storey dwelling	39 Dunkeld St, Meadows Heights	Notice of Decision to Grant a Permit
P20924	2 single storey dwellings	7 Oxley St, Sunbury	Notice of Decision to Grant a Permit
P21081	6 double storey dwellings	110 Anderson Rd, Sunbury	Notice of Decision to Grant a Permit
P21128	3 double storey dwellings	43 Hanson Rd, Craigieburn	Notice of Decision to Grant a Permit
P21142	62 dwellings	6-12 Anderson Rd, Sunbury	Notice of Decision to Grant a Permit
P21222	1 single storey dwelling to rear of existing dwelling	4 May Gr, Sunbury	Notice of Decision to Grant a Permit
P21291	Place of assembly (community hall) with reduction car parking	10 Quest Ct, Craigieburn	Notice of Decision to Grant a Permit
P21300	4 first floor offices with modifications to existing shop & reduction car parking	319 Barry Rd, Campbellfield	Notice of Decision to Grant a Permit

**REPORT NO: SU367 (cont.)**

<b>MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS</b>			
<b>FILE</b>	<b>PROPOSAL</b>	<b>ADDRESS OF PROPERTY</b>	<b>ACTION TAKEN</b>
P21362	2 single storey dwellings	27 Harker St, Sunbury	Notice of Decision to Grant a Permit
P21379	6 dwellings	11 Marmal Ct, Tullamarine	Notice of Decision to Grant a Permit

<b>SECTION 173 AGREEMENTS SIGNED UNDER DELEGATION</b>			
<b>FILE</b>	<b>PROPOSAL</b>	<b>ADDRESS OF PROPERTY</b>	<b>ACTION TAKEN</b>
	NIL		

<b>VICSMART PERMITS SIGNED UNDER DELEGATION</b>			
<b>FILE</b>	<b>PROPOSAL</b>	<b>ADDRESS OF PROPERTY</b>	<b>ACTION TAKEN</b>
P21482	New signage to existing tyre shop & workshop canopy & addition of internal mezzanine	5/1185-1197 Pascoe Vale Rd, Broadmeadows	Permit issued
P21736	Alteration & extension to existing dwelling	35 Homestead Way, Sunbury	Permit issued
P21776	2 lot subdivision	124 South Circular Rd, Gladstone Park	Permit issued
P21777	Development of shed (20m x 8m)	11 Peregrine Rd, Oaklands Junction	Permit issued
P21785	2 lot subdivision	30 Baggygreen St, Sunbury	Permit issued
P21790	2 lot subdivision	53 Stanley Dr, Somerton	Permit issued
P21794	2 lot subdivision	19 Quarter St, Roxburgh Park	Permit issued
P21830	2 lot subdivision	9 Gerbert St, Broadmeadows	Permit issued

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<b>REPORT NO:</b>	GE316
<b>REPORT TITLE:</b>	Victorian Government Grants Outcomes June to December 2018
<b>SOURCE:</b>	Joel Kimber, Coordinator Grants and Projects
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC10/315
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENT: RELATED PREVIOUS ITEMS</b>	1. <i>June to December 2018 Grants Outcomes</i> HE078 - Current Victorian Government Grants Opportunities - Ordinary Council - 12 Jun 2018 7.00 PM

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**1. SUMMARY OF REPORT:**

- 1.1 The Victorian Government offered significant funding between June and December 2018 for Councils to access funds towards the delivery of community infrastructure and community development activities.
- 1.2 The 24 November State election also provided opportunities for all Political parties to make election commitments to deliver projects/services for local communities.
- 1.3 Council submitted 24 grant applications to 12 different Victorian Government grant programs seeking in excess of \$11 million of funding. Over \$8 million was announced for Council during this time period.
- 1.4 Funding was also received for two projects that Council did not submit funding applications for (*Livvi's Place Outdoor Splash Park* and *Sunbury Memorial Hall Upgrade*). These projects have resulted in over \$240,000 being announced for Council and have been allocated from the 2018/19 state budget.
- 1.5 Additional to this, two election commitments were made by the Victorian Labor Party (which will be funded following their re-election on 24 November 2018) for Council which will result in \$3 million in total being provided to two reserves in Sunbury (Boardman Reserve and Langama Park).
- 1.6 In total, these grant seeking efforts and election commitments have proved to be very successful with over \$11.4 million announced for Council.

**2. RECOMMENDATION:**

**That Council notes the report.**

**3. LEGISLATIVE POWERS:**

The provision of community facilities and community activities are a function specified in accordance with the *Local Government Act 1989*.

**4. FINANCIAL IMPLICATIONS:**

- 4.1 As part of the 24 grant applications that were submitted, over \$31 million in Council funding had been committed.
- 4.2 The amounts shown in the Total Cost column in Attachment 1, (excluding the Operating Program grants) represent Council's committed funds from the 2018/19 Council budget and/or future budgets.

**REPORT NO: GE316 (cont.)**

- 4.3 As part of the 2018/19 Annual Budget, an estimate of an additional \$2 million in capital works grants funding was included.
- 4.4 It is anticipated that the majority of funding will be received by Council in 2018/19 and 2019/20. This is above and beyond the \$2 million that was budgeted for in 2018/19 (excluding income for *Roads to Recovery* and *Aitken Hill Community Centre*).
- 4.5 The grants that have been announced will reduce Council's investment in each respective project by the funded amount – with the potential exception of the Sunbury Streetscape Upgrade project which is still subject to confirmation of scope.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

The capital projects are being developed with environmental sustainability as a strong theme in the planning, design and implementation phases.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

The design and construction of the capital projects will be cognisant of the implications of climate change in order to minimise the impacts of ongoing operations.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

Hume's diverse population is driving the need for a greater range of responsive, affordable, accessible and equitable community facilities and activities. Through the development of these projects, a strong commitment is being made to achieve social justice outcomes.

**8. COMMUNITY CONSULTATION:**

Many of these projects have been developed in consultation with local residents, local community groups and sporting clubs. This is recognised through these projects being prioritised in the following strategic documents:

- Hume City Council Plan 2017-2021
- Hume City Council Leisure Strategy 2013 – 2018
- Outdoor Sports Lighting Policy and Plan
- Sports Pavilion Plan
- Hume Early Years Framework 2014 – 2018
- Multicultural Action Plan
- Hume City Council Youth Strategy Insight 2015 – 2019
- Sunbury Town Centre Plan

**9. DISCUSSION:**

- 9.1 The table in Attachment 1 outlines Council's grant seeking efforts over the period June to December 2018.
- 9.2 Of the 24 applications that were submitted by Council, 20 were successful which will deliver over \$8.4 million in funding to Council towards community infrastructure and community development projects. With the addition of the two election commitments for Boardman Reserve and Langama Park, Council will receive over \$8.4 million from the Victorian Government for projects in our community.
  - 9.2.1 Whilst four projects did not receive grant funding, Council will still fund the total cost of these projects.
- 9.3 With the addition of the two election commitments for Boardman Reserve and Langama Park, Council will receive over \$11.4 million from the Victorian Government for projects in our community.

REPORT NO: GE316 (cont.)

- 9.4 Many of these grants were announced publically via community events – thus providing an opportunity for local residents and key local stakeholders (Ward Councillors, tenant clubs, community groups etc.) to partake in activities with Councillors and the elected Victorian Government representatives.
- 9.5 Photos and project details from these events/announcements were shared through Council's social media channels (*Hume Advocates* Facebook page) and traditional media channels (Council's website and the distribution of media releases), to ensure that the wider community was provided with an understanding of the diversity of projects Council has committed to undertake on behalf of our community in partnership with the Victorian Government.



Some excited people celebrating news that the State Government will contribute \$100,000 towards netball facilities at John McMahon Recreation Reserve - home to the East Sunbury Sporting Club. Thanks to Josh Bull MP for Sunbury, Minister for Sport [John Eren MP](#) and the State Government for supporting local sport!



*McMahon  
Recreation  
Reserve Netball  
Court  
announcement  
with Josh Bull MP,  
Member for  
Sunbury  
19 July 2018*

REPORT NO: GE316 (cont.)



Hume Advocates shared a post.

September 25 · 🌐

Celebrating a \$1.75m investment in Sunbury! Sunbury laneways and Galaxyland Regional playspace are set to have an exciting future thanks to the Victorian Government's Growing Suburbs Fund.

Hume City Council will match dollar for dollar the Victorian Government funding announced, which includes \$500,000 for the much loved Galaxyland redevelopment and \$375,000 to upgrade Sunbury's laneways. Thank you to Local Member Josh Bull MP for Sunbury, Minister for Local Government, the Hon [Marlene Kairouz MP](#) and the Victorian Government for this investment in our community.

Read more:

[https://www.hume.vic.gov.au/.../Fund\\_to\\_help\\_growing\\_Sunbury\\_...](https://www.hume.vic.gov.au/.../Fund_to_help_growing_Sunbury_...)



*Sunbury  
Streetscape  
Upgrade and  
Galaxyland  
Regional  
Playspace  
Redevelopment  
announcement  
with Josh Bull MP,  
Member for  
Sunbury.*

24 September  
2018





REPORT NO: GE316 (cont.)



**Ros Spence**

October 2 · 🌟

...

Giddy up! Today I had the pleasure of visiting Greenvale Equestrian Centre to announce that the Andrews Labor Government will contribute \$200,000 to help build a much-needed new modular pavilion.

This is great news for Bulla Adult Riders, Tullamarine Riding Club, Oaklands Horse and Driving Club and Goulburn Valley Horse Trials Association, providing their members with the modern facilities that they deserve.

A big thanks to everyone who took the time to come along today - in particular Vicky Lee for providing Josh Bull MP for Sunbury and I with a ride around the centre's grounds.



*Greenvale  
Equestrian Pavilion  
announcement  
with Ros Spence  
MP, Member for  
Yuroke.*

2 October 2018



REPORT NO: GE316 (cont.)



*Broadmeadows  
Town Park Lighting  
announcement  
with Frank  
McGuire MP,  
Member for  
Broadmeadows.  
4 October 2018*



*Bulla Tennis Club  
Pavilion  
announcement  
with Josh Bull MP,  
Member for  
Sunbury.  
4 October 2018*



REPORT NO: GE316 (cont.)



...

Exciting projects in Hume have received an additional \$5.78 million in funding from the Victorian Government's Growing Suburbs Fund on top of the \$8.26 million Hume City Council is investing to deliver these projects for our community.

A big thank you to the Victorian Government, particularly the Minister for Local Government [Marlene Kairouz MP](#), for recognising the support our community needs. We also thank Local Members across the suburbs funded - Member for Yuroke [Ros Spence MP](#) and Josh Bull MP for Sunbury for their efforts, which have ensured Hume receives the funding it deserves.



*Cloverton South  
Community Hub,  
Craigieburn  
Softball Centre  
Pavilion and Hume  
Tennis and  
Community Centre  
Playspace  
Upgrade  
announcement  
with Ros Spence  
MP, Member for  
Yuroke.*

26 September  
2018



REPORT NO: GE316 (cont.)



**Ros Spence** is with Geoff Porter and Drew Jessop at Merrifield. ...  
October 15 · Mickleham · 🌟

Great news for kids and families living in Mickleham! 🙌 The Andrews Labor Government will contribute \$1.55 million to the new Merrifield West Northern Community Hub.

This huge new facility will include nearly 200 preschool places, child & maternal health services and multipurpose activity rooms to support early years and community activities.

Thanks to Early Childhood Education Minister Jenny Mikakos MP for coming out today to share this fantastic news.



*Merrifield West – Northern Community Hub project announcement with the Hon Jenny Mikakos, Minister for Families and Children and Ros Spence MP, Member for Yuroke  
15 October 2018*



**Frank McGuire** ...  
October 18 · 🌐

Andrews Labor Government helps fund \$200,000 investment providing lights to make reserves available longer for sport and recreation, including Hume United FC's pitch in Dallas. Partnership with Hume City Council improves community access and safety. #auspol #vicpol #SpringSt  
[https://twitter.com/Frank\\_McGuire/status/1052671632899100673](https://twitter.com/Frank_McGuire/status/1052671632899100673)



*Laura Douglas Reserve Lighting announcement with Frank McGuire MP, Member for Broadmeadows  
17 October 2018*

REPORT NO: GE316 (cont.)

**Hume Advocates**  
October 29 at 7:05 PM · 🌐

The Community Sports Infrastructure Fund is helping our community kick goals! Thank you to the Victorian Government for investing \$10,000 for new goal posts at Greenvale Recreation Reserve.



You and 3 others

**Josh Bull MP for Sunbury**  
October 31 at 7:04 PM · 🌐

I've just left Boardman Reserve after making a BIG announcement 🐘 🐘

If re-elected on 24 November, the Andrews Labor Government will embark on a massive \$2 million upgrade of the pavilions and social rooms at Boardman Reserve.

And on top of that, Hume City Council tonight announced that they would kick in \$1 million dollars towards this project - which would see a total of \$3 million invested into Eric Boardman Reserve. ... [See More](#)



154

15 Comments 20 Shares

*Greenvale  
Recreation  
Reserve Goal  
Posts  
announcement  
with Ros Spence  
MP, Member for  
Yuroke.  
24 October 2018*

*Boardman  
Reserve Upgrade  
Election  
Commitment  
announcement  
with Josh Bull MP,  
Member for  
Sunbury.  
31 October 2018*



REPORT NO: GE316 (cont.)



Hume Advocates shared a post.

November 6 at 8:20 PM · 🌐

Fun times at Livvi's Place Craigieburn this week, where Ros Spence MP announced \$200,000 for a new community splash park! 🎉



Ros Spence

November 6 at 8:15 PM · ⚙️

Who doesn't like playing with cool water on a hot day?

I'm thrilled that the Andrews Labor Government is providing \$200,000 for a new community splash park in A...

[See More](#)

*Livvi's Place  
Outdoor Splash  
Park*

announcement  
with Ros Spence  
MP, Member for  
Yuroke.

5 November 2018

REPORT NO: GE316 (cont.)

**Josh Bull MP for Sunbury**  
November 8 at 7:01 PM · 🌐

What a way to finish off the day!

Joined the United crew at Langama Park tonight to announce some pretty exciting news.

There's not too many clubs that can boast soccer, cricket and rugby players amongst their ranks - and with an ever growing membership base, I'm thrilled to announce that a re-elected Andrews Labor Government will deliver \$1 million towards upgrading the facilities at this great sporting club! ...

[See More](#)



 125

17 Comments 15 Shares

 Like  Comment  Share

*Langama Park  
Upgrade Election  
Commitment  
announcement  
with Josh Bull MP,  
Member for  
Sunbury.*

8 November 2018

**10. CONCLUSION:**

- 10.1 The Victorian Government had a number of grant programs available for Councils to compete for funding for capital works or community development activities between June and December 2018.
- 10.2 A list of projects was presented to Council in June which provided opportunities for Council to potentially off-set committed capital funding in future budgets.
- 10.3 Additionally the 24 November State election presented opportunities for all political parties to make election commitments to secure local community support.
- 10.4 Council's strategic grant seeking efforts and external advocacy to local Members of Parliament has proven to be quite successful with over \$11.4 million to be provided to Council for 27 projects right across Hume City.





**ATTACHMENT 1 – VICTORIAN GOVERNMENT GRANT OUTCOMES – JUNE TO DECEMBER 2018**

PROJECT	GRANT PROGRAM	PROJECT DETAILS	TOTAL COST	COUNCIL CONTRIBUTION	FUNDING SOUGHT	FUNDING ANNOUNCED
Gladstone Park Reserve Pitch 1 and Pitch 2 Lighting	2018/2019 World Game Facilities Fund	Lighting upgrades at Gladstone Park Reserve	\$380,000	\$190,000	\$190,000	Unsuccessful
Greenvale Equestrian Pavilion	Community Sports Infrastructure Fund	Construction of a new modular pavilion at the Greenvale Recreation Reserve	\$850,000	\$650,000	\$200,000	\$200,000
Laura Douglas Reserve Soccer Pitch 1 Lighting	Community Sports Infrastructure Fund	Lighting upgrades at Laura Douglas Reserve	\$200,000	\$150,000	\$50,000	\$50,000
DS Aitken Reserve Pavilion Upgrade	2018/2019 Female Friendly Facilities Fund	Upgrade of the existing pavilion at DS Aitken Reserve	\$2,426,904	\$1,926,904	\$500,000	Unsuccessful
Cloverton South Community Hub	Growing Suburbs Fund	Construction of a new integrated child and community hub.	\$5,763,783	\$3,106,892	\$2,656,891	\$2,656,891
Bulla Tennis Club Pavilion	Growing Suburbs Fund	Construction of a new modular pavilion for the Bulla Tennis Club.	\$600,000	\$300,000	\$300,000	\$300,000
Galaxyland Regional Playspace Redevelopment	Growing Suburbs Fund	Redevelopment of the Galaxyland Regional Playspace	\$1,000,000	\$500,000	\$500,000	\$500,000

**REPORTS – GOVERNANCE AND ENGAGEMENT**  
**17 DECEMBER 2018**

Attachment 1 - June to December 2018 Grants Outcomes

**ORDINARY COUNCIL (TOWN PLANNING)**

PROJECT	GRANT PROGRAM	PROJECT DETAILS	TOTAL COST	COUNCIL CONTRIBUTION	FUNDING SOUGHT	FUNDING ANNOUNCED
Hume Tennis and Community Centre Playspace Upgrade	Growing Suburbs Fund	Playspace upgrade for the Hume Tennis and Community Centre	\$935,000	\$485,000	\$450,000	\$450,000
Merrifield West Recreation Reserve Development	Growing Suburbs Fund	Construction of new AFL and tennis facilities, including a field, tennis courts and pavilion.	\$9,828,958	\$7,982,896	\$1,846,062	Unsuccessful
Craigieburn Softball Centre Pavilion	Growing Suburbs Fund	Development of a new pavilion for the Craigieburn Softball Centre	\$5,000,000	\$3,500,000	\$1,500,000	\$1,500,000
Broadmeadows Town Park Precinct Redevelopment	Growing Suburbs Fund	Upgrade of the Broadmeadows Town Park	\$1,715,000	\$965,000	\$500,000	Unsuccessful
	Public Safety Infrastructure Fund	Installation of lighting for the Broadmeadows Town Park.			\$250,000	\$227,272
Sunbury Streetscape Upgrade	Growing Suburbs Fund	Upgrade of the laneways within the Sunbury Town Centre	\$750,000	\$375,000	\$375,000	\$375,000
McMahon Recreation Reserve Netball Court	Country Football Netball Program	The project will include a new netball court, two light towers, two shelters and fencing around the court.	\$240,000	\$100,000	\$100,000	\$100,000
Merrifield West – Northern Community Hub project	Children's Facilities Capital Program	Construction of a new integrated child and community centre.	\$12,926,849	\$11,326,849	\$1,551,826	\$1,551,826

**REPORTS – GOVERNANCE AND ENGAGEMENT****17 DECEMBER 2018**

Attachment 1 - June to December 2018 Grants Outcomes

**ORDINARY COUNCIL (TOWN PLANNING)**

PROJECT	GRANT PROGRAM	PROJECT DETAILS	TOTAL COST	COUNCIL CONTRIBUTION	FUNDING SOUGHT	FUNDING ANNOUNCED
Learmonth Street Preschool – Synthetic Turf Installation and play space refurbishment	Children's Facilities Capital Program	Synthetic turf installation and play space upgrade	\$17,500	\$7,500	\$10,000	\$10,000
McEwen Drive Preschool – Synthetic Turf Installation and play space refurbishment	Children's Facilities Capital Program	Synthetic turf installation and play space upgrade	\$10,000		\$10,000	\$10,000
Dawson Street Preschool – Play space refurbishment and reinstatement of sand pit	Children's Facilities Capital Program	Play space upgrade and reinstatement sand pit	\$8,720		\$8,720	\$8,720
FReeZA (Operating Program)	FReeZA	Hume FReeZA is a platform for young people to express their ideas and learn transferable skills. Hume will host two committees in Sunbury and Craigieburn.	\$72,000		\$72,000	\$72,000
Celebrating Community Harmony in Hume (Operating Program)	Community Harmony Program	Running cultural events across the municipality to promote community harmony.	\$70,000	\$10,000	\$60,000	\$6,000

**REPORTS – GOVERNANCE AND ENGAGEMENT**  
**17 DECEMBER 2018**

Attachment 1 - June to December 2018 Grants Outcomes

**ORDINARY COUNCIL (TOWN PLANNING)**

PROJECT	GRANT PROGRAM	PROJECT DETAILS	TOTAL COST	COUNCIL CONTRIBUTION	FUNDING SOUGHT	FUNDING ANNOUNCED
Disability Sport and Recreation Hub @ Broadmeadows Aquatic and Leisure Centre (Operating Program)	High Level Projects	The hub will provide a one stop shop for NDIS participants and people living with a disability wanting to participate in community sport and active recreation in Hume.	\$120,322		\$120,322	\$120,322
All that Glitters (Operating Program)	HEY Grants	This project will be youth-led, by existing and new members of the Craigieburn and Sunbury GLITTER (Gay Lesbian Intersex Transgender Together Everyone's Respected) crew.	\$20,720		\$10,000	\$10,000
It's Lit (Operating Program)	Victorian Youth Week	Hume Youth Week 2019 - It's Lit!	\$5,490	\$1,490	\$2,000	\$2,000
Greenvale Recreation Reserve Goal Posts	Community Sports Infrastructure Fund	New AFL goal posts at Greenvale Recreation Reserve	\$10,000		\$10,000	\$10,000
Livvi's Place Outdoor Splash Park	Community Sports Infrastructure Fund	Outdoor water play elements at Livvi's Place	\$200,000			\$200,000
Sunbury Memorial Hall Upgrade	N/A	To upgrade lighting sound system, stage access and curtains.	\$194,000			\$44,000

**REPORTS – GOVERNANCE AND ENGAGEMENT**  
**17 DECEMBER 2018**

Attachment 1 - June to December 2018 Grants Outcomes

**ORDINARY COUNCIL (TOWN PLANNING)**

PROJECT	GRANT PROGRAM	PROJECT DETAILS	TOTAL COST	COUNCIL CONTRIBUTION	FUNDING SOUGHT	FUNDING ANNOUNCED
Langama Park Upgrade	Election Commitment	Shade and Seating, Pavilion 2 Upgrade, Lighting on pitches 1-5 and portable changerooms and canteen	\$1,850,000	\$850,000	\$1,000,000	\$1,000,000
Boardman Reserve Upgrade	Election Commitment	Pavilion 2 Upgrade, Pavilion 3 & Social Room Upgrade, Oval 2 Lighting and car park 3 upgrade	\$3,000,000	\$1,000,000	\$2,000,000	\$2,000,000
<b>TOTAL</b>			<b>\$48,195,246</b>	<b>\$33,427,531</b>	<b>\$14,272,821</b>	<b>\$11,404,031</b>





<b>REPORT NO:</b>	GE317
<b>REPORT TITLE:</b>	Correspondence received from or sent to Government Ministers or Members of Parliament - November 2018
<b>AUTHOR:</b>	Yuri Guzman, Manager Information and Technology; Paul White, Coordinator Knowledge Management
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC04/13
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>Commuter Parking at Broadmeadows Train Station</i></li><li>2. <i>Bulla Bypass</i></li><li>3. <i>Community Centre at Valley Park Westmeadows</i></li><li>4. <i>State Schools Packages and Commitment</i></li><li>5. <i>Notice of Preparation of C211</i></li><li>6. <i>Community Revitalisation Employment Readiness Program</i></li><li>7. <i>C225 - Extension of Time</i></li><li>8. <i>Grant / Funding Opportunities</i></li></ol>

**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 November 2018 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: GE317 (cont.)**

**TABLE 1 CORRESPONDENCE IN RELATION TO COUNCIL GENERAL BUSINESS ITEMS**

	<b>Subject</b>	<b>Minister or Member of Parliament</b>	<b>Date Received / Sent</b>	<b>Responsible Officer</b>	<b>Council Minute Reference</b>	<b>Attachment</b>
Outwards	General Business - Correspondence to Frank McGuire MP Regarding Car Parking Advocacy in Broadmeadows	Member for Broadmeadows	19/11/2018	Manager Urban & Open Space Planning	POR131	1
Outwards	General Business - Correspondence to Roads Minister Regarding Bulla Bypass	Minister for Roads and Road Safety	27/11/2018	Manager Assets	MED246	2
Outwards	General Business - Update on Community Centre at Valley Park Westmeadows	Member for Broadmeadows	27/11/2018	Coordinator Social and Community Planning	SHE017	3
Outwards	General Business - Correspondence Regarding State Schools Package and Commitment	Minister for Education and Emergency Services  Member for Yuroke	15/11/2018	Manager Communications & Events	HAW037	4

**TABLE 2 GENERAL CORRESPONDENCE THAT MAY BE OF INTEREST TO COUNCILLORS**

Outwards	Notice of Preparation of C211 Amendment to the Hume Planning Scheme - Rezoning of 2-6 Phillip Street, Dallas - The Hon. Lisa Neville, MP	Minister for Water	1/11/2018	Manager Strategic Planning		5
Inwards / Outwards	Community Revitalisation Employment Readiness Program - Victorian Government offer to HCC funding Support of \$150,000  Response Included.	Minister for Industry & Employment	7/11/2018	Manager Economic Development		6
Outwards	Hume Planning Scheme Amendment C225 Request for an Exemption from a Requirement of Ministerial Direction No. 15	Minister for Planning	28/11/2018	Strategic Planner		7

REPORT NO: GE317 (cont.)

TABLE 3 CORRESPONDENCE ANNOUNCING GRANT / FUNDING OPPORTUNITIES FROM STATE AND COMMONWEALTH GOVERNMENT.						
Inwards	<i>Grant / Funding Opportunities:</i> Significant Sporting Events Program - Funding Announcement - Support for 2019 & 2020 Melbourne Wheelchair Tennis Open	Member for Yuroke				8



– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/576)  
Enquiries: Greg McLaren  
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](http://www.hume.vic.gov.au)

Thursday 15 November 2018

Mr Frank McGuire MP  
Member for Broadmeadows  
PO Box 3213  
BROADMEADOWS VIC 3047

Dear Mr McGuire

**RE: COMMUNTER CAR PARKING AT THE BROADMEADOWS TRAIN STATION**

Hume City Council at its meeting of 12 November 2018 resolved:

*"That Council writes to the local member for Broadmeadows, Mr Frank McGuire MP, to advocate for more commuter car parking at Broadmeadows Train Station on behalf of the Hume community. This is a follow up to the Premier's media release on 16 September 2018."*

Council welcomes the recent investment of revitalisation funds to upgrade the Broadmeadows Railway Station by the State Government which includes the preparation of a business case for further redevelopment of the Station and surrounding precinct.

With the recent announcement that a State Labor Government will deliver 11,000 new parking spaces at railway stations across the State as part of the \$150 million *Car Parks for Commuters Fund*, Council is requesting that funding be committed to providing additional parking to support the redevelopment of the Broadmeadows Railway Station.

Redevelopment of the Broadmeadows Railway Station was the priority recommendation to Government from the Broadmeadows Revitalisation Board which you chaired.

Given funding for the total redevelopment of the Station has not been committed, securing funding towards commuter car parking would be a significant first step and tangible demonstration of the Labor Government's commitment towards the much needed redevelopment of the Station.

Council is therefore seeking your support in achieving the commitment of \$5.5m to deliver 150 additional parking spaces for the Broadmeadows Railway Station provided in a multi-deck with a contribution to improving the surrounding road network.

Additional parking would ease congestion on residential streets around the Station, promote economic growth in the Broadmeadows Metropolitan Activity Centre and improve access to jobs, services and education in the northern corridor. Upon funding being allocated, Council would work in partnership with the State Government to deliver the commuter car parking in a multi-deck that would also provide much needed parking for Police and government services located in the Broadmeadows Town Centre.

.../2

- 2 -

Should you require further information or assistance in relation to this matter, please contact Mr Greg McLaren, Manager Urban and Open Space Planning on or email

Yours sincerely



**CR CARLY MOORE**  
**MAYOR**

Attachment: Premier's Media Release – 11,000 new car parks for stations across the State - 16 September 2018



## Media Release

The Hon Daniel Andrews MP  
Premier



Sunday, 16 September 2018

### 11,000 NEW CAR PARKS FOR STATIONS ACROSS THE STATE

A re-elected Andrews Labor Government will make it easier for commuters to find a car park, building over 11,000 new spaces at stations across the state.

The \$150 million *Car Parks for Commuters Fund* will see new carparks being built at some of our busiest metropolitan and regional train stations.

With around 55,000 station spaces currently across the state, the investment will see a 20 per cent bump in available parking. The additional 11,000 spaces are on top of the close to 10,000 new and upgraded spaces built by the Andrews Labor Government over the past four years, and is expected to create and support over 400 jobs.

Premier Daniel Andrews and Minister for Public Transport Jacinta Allan today visited Dandenong Station, alongside local Member Gabrielle Williams, to announce an extra 1,500 new station car parks along the Cranbourne and Pakenham lines.

That includes at least 150 new car parks at Dandenong and 135 new spaces at Lynbrook Station, with Cranbourne Station to benefit from at least 400 extra parks, up from the current 683. With communities along the Pakenham line also feeling the pinch, parking at Pakenham Station will be more than doubled with an extra 450 parks.

A re-elected Labor Government will consult with local communities to maximise the number of car parks along the lines, with a commitment to bring the total number of new parks to at least 1,500.

The extra spaces are expected to relieve pressure along the lines, unclogging neighbouring streets and alleviating the need for commuters to 'car park hop', driving from station to station in order to find a park.

Additional stations and communities will benefit from the Fund, with more announcements to be made in the coming weeks. In addition to building the new parking, funding will also go towards making our stations even safer and more accessible for commuters with new lighting, security and signage.

While the former Liberal Government failed to invest in our state's growing suburbs, cutting funding for schools, hospitals, road and rail – only Labor can be trusted to deliver the big projects local communities really need.

#### Quote attributable to Premier Daniel Andrews

*"We know how frustrating it is to get to the train station but not be able to find a car park. That's why Labor will create 11,000 new parks across the state."*

#### Quote attributable to Minister for Public Transport Jacinta Allan

*"From building the Metro Tunnel to removing those dangerous level crossings, it's clear - only Labor has the track record local passengers can rely on."*

#### Quote attributable to Member for Dandenong Gabrielle Williams

*"Not only will we build more spaces at Dandenong Station, we'll reduce parking pressure along the whole line. This will mean fewer people driving into Dandenong just to find a park, and less competition for local commuters."*

**Media contact:** Hayley Bester 0424 753 775 | [hayley.bester@minstaff.vic.gov.au](mailto:hayley.bester@minstaff.vic.gov.au)



– OFFICE OF THE MAYOR –



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Our File: HCC18/447 (HCC-CM18/568)  
Enquiries: David Fricke  
Telephone:

Friday 23 November 2018

The Hon Luke Donnellan MP  
Minister for Roads and Road Safety  
Level 22, 1 Spring Street  
MELBOURNE VIC 3000

Dear Minister

**RE: BULLA BYPASS**

Hume City Council at its meeting of 12 November 2018 resolved:

*"That Council write to the Roads Minister (new or old) for answers to the following:*

- a) When will Bulla bypass commence and finish?*
- b) What contingencies are in place for Major accidents on Bulla bridge?*
- c) Where are the reports stating that the incline is too steep?*
- d) With Sunbury Precinct Structure Plans coming online, how will extra traffic be able to cope on a single bridge?"*

Council previously wrote to you in November 2017 and April 2018 regarding its concerns with the lack of capacity and safety of the current Bulla Bridge. However, having considered your responses, 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 and any other contingencies the Government may have in mind.

Should you require further information, please 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: HCC16/557 (HCC-CM18/574)  
Enquiries: Cathy Marshall  
Telephone: -----



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[www.hume.vic.gov.au](http://www.hume.vic.gov.au)

Friday 23 November 2018

Mr Frank McGuire MP  
State Member for Broadmeadows  
PO BOX 3213  
BROADMEADOWS VIC 3429

Dear Mr McGuire

**RE: UPDATE ON PROPOSED COMMUNITY CENTRE VALLEY PARK,  
WESTMEADOWS**

Hume City Council at its meeting of 12 November 2018 resolved:

*"That Council writes to the Department of Health and Human Services (DHHS) and Mr Frank McGuire MP, State Member for Broadmeadows, asking for an update on the provision of a Community Centre at Valley Park, Westmeadows."*

In March 2018, the Department of Health and Human Services provided advice to Council that it was no longer using Place Management in housing developments and as such it would not be in a position to honour its commitment to provide and maintain a new multipurpose community facility including a dedicated Maternal and Child Health care component as described in the 2012 Land Exchange Agreement between Hume City Council and the former Department of Human Services.

Whilst the Department has agreed to work with Council to facilitate an alternate facility, such as the consideration of providing a property for maternal child health and associated uses, there has been no tangible outcome achieved to date.

Council seeks your support in advocating to the Victorian State Government for a community centre at Valley Park to support the needs of the local community.

Should you have any further queries in relation to this matter, please contact Council's Director Community Services, Mr Hector Gaston on

Yours sincerely

A handwritten signature in cursive script that reads 'Moore'.

**CR CARLY MOORE**  
**MAYOR**

cc: Ms Kym Peake, Secretary - Department of Health and Human Services



- OFFICE OF THE MAYOR-



Our File: HCC18/447 (HCC-CM18/571)  
Enquiries: Louise McFarlane  
Telephone:

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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 'Cr Carly Moore'.

**CR CARLY MOORE**  
**MAYOR**



– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM18/571)  
Enquiries: Louise McFarlane  
Telephone:

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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 'Cr Carly Moore'.

**CR CARLY MOORE**  
**MAYOR**

Our File: HCC15/783  
Enquiries: David Haizler  
Telephone: [REDACTED]



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2 November 2018

The Hon. Lisa Neville, MP  
Minister for Water  
PO Box 137  
Heidelberg VIC 3184

Dear Ms. Neville

**RE: NOTICE OF PREPARATION OF C211 AMENDMENT TO THE HUME PLANNING  
SCHEME – REZONING OF 2-6 PHILLIP STREET, DALLAS**

Hume City Council has prepared Planning Scheme Amendment C211 to the Hume Planning Scheme.

The Amendment affects land at 2-6 Phillip Street, Dallas and the road on Phillip Street and Blair Street to the south and east of 2-6 Phillip Street.

The Amendment proposes to rezone the land from Industrial 3 Zone to Commercial 1 Zone and insert the Incorporated Plan Overlay – Schedule 6 into the Hume Planning Scheme.

A legal agreement will be entered into prior to the adoption of the Amendment that includes: acknowledgment that the land is affected by aircraft noise, requirements for the development to meet relevant building standards in regards to noise attenuation, and a number of matters relating to public realm improvements. The Agreement will also include the provision that following the initial subdivision of the development allowed by the provision of the Incorporated Plan Overlay, additional dwelling subdivisions of the land will be prohibited.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Hume City Council  
Broadmeadows Office  
1079 Pascoe Vale Road  
Broadmeadows 3047

Hume City Council  
Craigieburn Office  
75-95 Central Park Avenue  
Craigieburn 3064

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at: [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

Written submissions must be received by 10 December 2018 and can be sent to the Hume City Council, PO Box 119, Dallas, 3047 or via email to:  
[strategicplanning@hume.vic.gov.au](mailto:strategicplanning@hume.vic.gov.au)

Any submission received will be considered by Council and may be referred to an independent panel for review before any decision is made on the proposed Amendment. Please note in accordance with Section 21 of the Planning and Environment Act, Council will make a copy of all submissions available for any person to inspect free of charge.

If you have any further questions regarding the above, please contact David Hajzler,  
Strategic Planner on [REDACTED] or by e-mail to [strategicplanning@hume.vic.gov.au](mailto:strategicplanning@hume.vic.gov.au)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Andrew Johnson', with a horizontal line extending from the end of the signature.

**ANDREW JOHNSON**  
**MANAGER STRATEGIC PLANNING**



The Hon Ben Carroll MP

Minister for Industry and Employment

Level 16, 121 Exhibition Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 2240  
DX 210074

Ref: BMIN18004637R

Cr Geoff Porter  
Mayor  
Hume City Council  
Economic Development, 3rd Floor, Hume City Council  
Tanderrum Way, Broadmeadows Vic 3047

Dear Mayor <sup>Geoff</sup> Porter

**COMMUNITY REVITALISATION EMPLOYMENT READINESS PROGRAM**

I am pleased to advise that the Victorian Government is able to offer Hume City Council funding support of \$150,000 (exclusive of GST) to support the delivery of a new social innovation initiative for the Hume (Broadmeadows) Community Revitalisation project.

This funding offer will remain valid for 5 days from the date of this letter. The acceptance of this offer will not constitute any binding agreement until formal agreements have been executed by the parties. This funding offer is made on a confidential basis and formal legal agreements will set out the conditions upon which the assistance will be provided. Payment of the funding amounts will be dependent on the achievement of agreed milestones and deliverables.

I am delighted to make this offer to support Hume City Council to deliver the Imagineering program that will support the outcomes of the Community Revitalisation project.

If you require further information, please contact Fiona Wright, Manager Community Revitalisation, Department of Economic Development, Jobs, Transport and Resources on telephone (03) 9651 9019 or [fiona.wright@ecodev.vic.gov.au](mailto:fiona.wright@ecodev.vic.gov.au).

Yours sincerely

**The Hon Ben Carroll MP**  
Minister for Industry and Employment

Cc: Frank McGuire MP, Member for Broadmeadows

Date: 20 / 10 / 18



– OFFICE OF THE MAYOR –



Our File: HCC18/238 [IN2018/45961]  
Enquiries: George Osborne  
Telephone:

1079 PASCOE VALE ROAD  
BROADMEADOWS  
VICTORIA 3047

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[www.hume.vic.gov.au](http://www.hume.vic.gov.au)

Wednesday 7 November 2018

The Hon Ben Carroll MP  
Minister of Industry and Employment  
Level 16, 121 Exhibition Street  
MELBOURNE VIC 3000

Dear Minister

**RE: COMMUNITY REVITALISATION EMPLOYMENT READINESS PROGRAM**  
**REF: BMIN18004637R**

I refer to your offer of funding dated 30 October 2018, addressed to the former Mayor of Hume City, Cr Geoff Porter, for delivery of the new social innovation initiative to deliver the Imagineering Program under the Hume Community Revitalisation Project. Hume City Council is delighted to accept this offer which will make a positive impact on our residents and support the outcomes of the Hume Community Revitalisation Project.

Council is appreciative of the ongoing support provided by the Victorian Government and looks forward in continuing to strengthen our existing collaborative partnership.

Should you have any queries in relation to this matter, please do not hesitate to contact Council's Manager Economic Development, Mr George Osborne on or via email at

Yours sincerely

A handwritten signature in cursive script that reads 'Moore'.

**CR CARLY MOORE**  
**MAYOR**

Our File: HCC18/419  
Enquiries: Fenella Maine  
Telephone: -----



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www.hume.vic.gov.au

Tuesday, 27 November 2018

Minister for Planning  
c/o planning.amendments@delwp.vic.gov.au

Dear Minister

**RE: HUME PLANNING SCHEME AMENDMENT C225 REQUEST FOR AN  
EXEMPTION FROM A REQUIREMENT OF MINISTERIAL DIRECTION NO. 15**

I refer to Amendment C225 to the Hume Planning Scheme that was authorised on 9 August 2018.

Council requests an exemption from the need to comply with the following requirement of Ministerial Direction No. 15:

- The planning authority must make a decision within 60 business days of the closing date for submissions.

Council considers that an exemption is appropriate for the following reason:

- Council requires further time to consider the submissions received and observe proper reporting procedures. In particular, Council requires additional time to engage with the submitters and address the issues raised within the submissions. Furthermore, with the Christmas/New Year period approaching there is no opportunity to report to Council for a decision within the month of January.

Council has reviewed the timelines for this amendment and intends to report to Council at the end of March.

If you have any queries regarding this matter please contact Fenella Maine of Hume City Council via email at \_\_\_\_\_ or on \_\_\_\_\_

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Fenella Maine', with a horizontal line extending to the right.

**FENELLA MAINE**  
**STRATEGIC PLANNER**





# Ros Spence MP

STATE MEMBER FOR YUROKE



29<sup>th</sup> October 2018

Cr Geoff Porter  
Mayor  
Hume City Council  
PO Box 119  
DALLAS VIC 3047

Dear Cr Porter,

## Significant Sporting Events Program

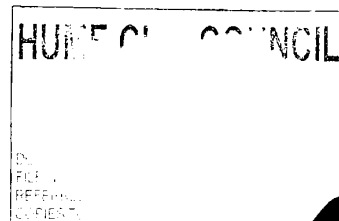
I am writing to inform you of a new funding announcement from the Andrews Labor Government, with \$20,000 allocated through our Significant Sporting Events Program to support the 2019 & 2020 Melbourne Wheelchair Tennis Open.

Having previously attended the Wheelchair Tennis Open in past years, I understand how valuable it is to be able to host this tournament locally at the Hume Tennis and Community Centre.

I am delighted that the Labor Government is providing the support needed to ensure that future tournaments are a success, and I look forward to working with Council to ensure that our community continues to attract significant events that benefit our community and our local economy.

Kind regards,

**Ros Spence MP**  
**State Member for Yuroke**  
**Parliamentary Secretary for Public Transport**  
**Parliamentary Secretary for Roads**



CC: Aitken Ward & Meadow Valley Ward Councillors, Mr Joel Kimber

**OFFICE:** Shop D00-02B Craigieburn Central Shopping Centre  
340 Craigieburn Road Craigieburn VIC 3064

**POSTAL:** PO Box 132, Craigieburn, VIC 3064

**P:** 8377 4477 **E:** ros.spence@parliament.vic.gov.au





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<b>REPORT NO:</b>	GE318
<b>REPORT TITLE:</b>	Fraud Control Policy Review - November 2018
<b>SOURCE:</b>	Gavan O'Keefe, Manager Governance
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC06/175
<b>POLICY:</b>	Fraud Control Policy
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENT:</b>	1. <i>Fraud Control Policy</i>

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**1. SUMMARY OF REPORT:**

- 1.1 A scheduled review and update of Council's Fraud Control Policy has recently been completed by the Manager Governance.
- 1.2 The updated Policy was presented to Council's Audit Committee at its meeting of 30 November 2018. The Audit Committee resolved that the amended Fraud Control Policy (attachment 1) be recommended to Council for adoption. This report seeks Council's approval of the updated Fraud Control Policy.

**2. RECOMMENDATION:**

**That Council revokes the previous Fraud Control Policy approved by Council on 28 September 2015 and approves the updated Fraud Control Policy as attached.**

**3. LEGISLATIVE POWERS:**

Not applicable.

**4. FINANCIAL IMPLICATIONS:**

There are no financial considerations as a result of this report.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

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

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

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

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

There are no considerations that impact upon the Charter of Human Rights as a result of this report.

**8. COMMUNITY CONSULTATION:**

There is no requirement for community consultation as a result of this report.

**9. DISCUSSION:**

- 9.1 Council manages the risk of fraud through its Fraud Control Program. The Fraud Control Program consists of three official documents:
  - 9.1.1 Fraud Control Policy
  - 9.1.2 Fraud Control Plan
  - 9.1.3 Fraud Control Staff Guide

**REPORT NO: GE318 (cont.)**

- 9.2 The Fraud Control Plan and the associated Fraud Control Staff Guide were reviewed and updated by the Manager Governance and endorsed by Council's Audit Committee on 30 November 2018.
- 9.3 The Fraud Control Policy is an approved Council Policy that was most recently approved by Council on 28 September 2015. The Policy was developed in accordance with the principles detailed in Australian Standard AS 8001-2008 Fraud and Corruption Control. As the Australian Standard has not changed since the introduction of Council's fraud control program only minor amendments have been made such as changes to officer titles.
- 9.4 It is proposed that the Fraud Control Policy be next scheduled for review in November 2021, in conjunction with the Fraud Control Plan and Fraud Control Staff Guide, to provide for a consistent review period.

**10. CONCLUSION:**

The review of the Fraud Control suite of documents ensures Council's commitment to fraud control is representative of current best practice.



# FRAUD CONTROL POLICY

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<b>Policy Reference No.</b>	POL/170
<b>File No.</b>	HCC06/175
<b>Strategic Objective</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs
<b>Adopted by Council</b>	28 September 2015
<b>Re-Adopted</b>	
<b>Date for Review</b>	November 2021
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

## FRAUD CONTROL POLICY

### 1 POLICY STATEMENT

- 1.1 Council will establish and maintain an environment in which fraud is not tolerated, and stakeholders, including staff, contractors and volunteers are encouraged to actively protect Council's assets, reputation and ethical standing.
- 1.2 Council will take all reasonable steps to protect those who assist Council by providing information about suspected fraud. This will include confidentiality of identity and protection from harassment.

### 2 PURPOSE

- 2.1 Council has obligations and responsibilities, both legislatively and ethically, to prevent and detect fraud.
- 2.2 This policy demonstrates Council's commitment to the prevention and control of fraud in all forms.

### 3 SCOPE

This policy will apply to Councillors, all Council employees including management, contractors and volunteers

### 4 OBJECTIVE

To provide Councillors, Council employees, contractors and volunteers with clear direction on Hume City Council's commitment to maintaining an environment in which fraud is not tolerated.

### 5 POLICY IMPLEMENTATION

- 5.1 In seeking to prevent fraudulent activity it is important for Council to maintain an effective internal control environment, develop and foster an ethical culture amongst stakeholders, and to enhance awareness of the risk of fraud across all levels. This Policy will be implemented in association with three other key documents:
  - 5.1.1 A Fraud Control Staff Guide which will be provided to all staff, explaining what fraud is, how to recognise fraud and what to do if fraud is suspected.
  - 5.1.2 A Fraud Control Plan which will contain the detailed elements of the Policy implementation, including an awareness and training program. The Fraud Control Plan has been prepared in accordance with the requirements documented in *Australian Standard – Fraud and Corruption Control 8001-2008*.
  - 5.1.3 A Conflict of Interest Policy which explains the definition of a conflict of interest and the procedure that must be followed by Council officers when encountering a conflict of interest during the course of their duties. The Conflict of Interest Policy has been prepared in accordance with the requirements of the Local Government ACT 1989, which specifies the actions that should be taken to resolve a conflict of interest should one occur.

Policy Reference No:	POL/170	Responsible Officer:	Manager Governance
Date of Re/Adoption:		Department:	Governance
Review Date:	November 2021		

Page 2 of 6

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**FRAUD CONTROL POLICY**

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**5.2 Responsibilities**

Personnel at all levels within Council have responsibilities in terms of fraud control and it is important that staff are aware of what these responsibilities are. A prerequisite for everyone is that all Council policies and procedures are complied with, including this Fraud Control Policy. Specific responsibilities include:

**5.2.1 Councillors**

- a) Comply with the Code of Conduct for Councillors.
- b) Promote a genuine commitment to fraud control within Council.
- c) Ensure the highest standards of integrity and ethical leadership are maintained.

**5.2.2 Executive Management (CEO & Directors)**

- a) Implement and promote the Fraud Control Policy and Plan across Council.
- b) Establish and maintain an effective internal control environment.
- c) Provide appropriate organisational resources to ensure proper implementation of the Fraud Control Policy and Plan, including the establishment of a fraud awareness program.
- d) Investigate all reports of fraud in accordance with Council Policy.
- e) The Director Corporate Services will be responsible for fraud control and reporting from an organisational perspective, including the reporting of fraud to the CEO and the Audit Committee.
- f) Comply with the Employee Code of Conduct, Staff Conflict of Interest Policy and all other Council policies.

**5.2.3 Manager, Coordinators, Team Leaders and Supervisors**

- a) Establish and maintain effective fraud management practices, systems, and procedures.
- b) Ensure that all staff understand their responsibilities through adequate supervision, written procedures and awareness training.
- c) Be aware of, and actively monitor, key fraud indicators and symptoms.
- d) Respond positively to matters raised by Internal and External Audit.
- e) Act upon all reports of fraud in accordance with this Policy and the Fraud Control Plan.
- f) Comply with the Employee Code of Conduct, Staff Conflict of Interest Policy and all other Council policies.

**5.2.4 Employees, Contractors and Volunteers**

- a) Report suspected instances of fraud or misuse of Council assets and resources.

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- b) Comply with the Employee Code of Conduct, Staff Conflict of Interest Policy and all other Council policies.

**5.2.5 Audit Committee**

- a) Monitor the implementation of the Fraud Control Policy and Fraud Control Plan.
- b) Direct and guide the internal audit function and approve, monitor and manage the annual internal audit plan.
- c) Ensure appropriate internal audit coverage is given to fraud control issues.
- d) Liaise closely with internal and external audit and ensure issues and recommendations are appropriately actioned.

**5.3 Reporting of Fraud**

5.3.1 Reporting of fraud by employees is one of the main avenues from which fraud is uncovered. To assist with this, the Fraud Control Staff Guide has been developed to provide employees with a broad understanding of what constitutes fraud and what red flags to look out for.

5.3.2 For fraud reporting to work successfully it is important that the reporting chain is clear and staff are aware of who they should be reporting to. The following table summarises the reporting chain, and this has also been incorporated into the Fraud Control Plan and the Fraud Control Staff Guide.

Activity Involving	Report to	Contact
A fellow employee	Departmental Manager Director Corporate Services Manager Governance	9205 2777 9205 2240
Manager	Director Corporate Services)	9205 2777
Director	Chief Executive Officer	9205 2201
Chief Executive Officer	Mayor  Independent Chairman of the Audit Committee	Refer PA to Director Corporate Services on 9205 2221 for contact details Refer PA to Director Corporate Services on 9205 2221 for contact details
Mayor or Councillor	Chief Executive Officer Independent Chairman of the Audit Committee	9205 2201 Refer PA to Director Corporate Services on 9205 2221 for contact details
Non staff member	Departmental Manager Director Corporate Services Manager Governance	9205 2777 9205 2240

5.3.3 All reports of fraud received should be reported to the Director Corporate Services for consideration and investigation. The Director is responsible for reporting the fraud allegation to the Manager Human Resources to ensure relevant Human Resource policies are being complied with.

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5.3.4 Reports of fraud can be made anonymously if necessary and they will be investigated thoroughly. However, reports of this nature are often more difficult to investigate as there may be gaps in the information provided. There should however be reasonable grounds upon which a report of fraud is made. If there is any doubt it should be discussed with the departmental manager, Director Corporate Services or Manager Governance.

5.3.5 Employees should also be aware of the provisions of the Protected Disclosure Act 2012 (PD Act) and Council procedures under this Act. A person is entitled to report suspicions of fraud and receive the protections afforded by the PD Act. In such circumstances, referral to the Independent Broad-Based Anti-Corruption Commission (IBAC) or other investigating authority will follow the protocol as detailed in Council's Protected Disclosure Procedures. These procedures are available on the Intranet.

5.3.6 Council has a legislative responsibility to comply with the protection clauses contained in this Act. Council's Protected Disclosure Procedures provide a statement which outlines Council's commitment to supporting the aims and objectives of the PD Act, as follows:

*"Hume City Council is committed to the aims and objectives of the Protected Disclosure Act 2012 (PD Act). It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.*

*Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.*

*Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice, as defined in the PD Act to the person who is the subject of the disclosure."*

5.3.7 If you are in any doubt as to the level of your protection you should read Council's Protected Disclosure Procedures or talk to the Director Corporate Services or Manager Governance.

5.3.8 All reports of fraud will be taken seriously and will be investigated in accordance with the Fraud Control Plan.

### 5.4 Prosecution

Instances of fraud will be prosecuted in accordance with the detailed procedures documented in the Fraud Control Plan. This may involve police investigation and criminal prosecution or civil action, at the discretion of the Chief Executive Officer.

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**5.5 Further Information**

If any employee requires further information on this policy or wishes to discuss any aspect of fraud or suspected fraud, they can contact:

- Director Corporate Services (9205 2777)
- Manager Governance (9205 2240)

**5.6 Policy Review**

The Fraud Control Policy shall be reviewed and adopted by Council at periods not exceeding three years.

**6 DEFINITIONS AND ABBREVIATIONS**

6.1 This section sets out definitions for technical terms and other key terms referred to in the Policy which is different from common use.

6.2 Acronyms should not be included in the definitions but included in the body of the Policy section of the document with the first use including the title cited in full followed by the acronym.

6.3 Enter 'NIL' if no terms need to be defined.

**7 RELATED DOCUMENTS**

Where appropriate, list the related documents and attach to the policy. These may include:

- Legislative requirements
- Procedures
- Other supporting information

<b>Date Adopted</b>	28 September 2015
<b>Date Re-Adopted</b>	
<b>Review Date</b>	November 2021

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