

Office Use Only Application No.:

Date Lodged: / /

Application to AMEND a Planning Permit

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

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

- Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.
- This form cannot be used to amend a permit issued at the direction of VCAT.
- Questions marked with an asterisk (*) are mandatory and must be completed.

The Land

- 1 Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 13	St. Name: Kraft Court
Suburb/Locality: Broadmeadows vic		Postcode: 3047

Formal Land Description *

Complete either A or B.

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

A	Lot No.: 19	☐ Lodged Plan	☐ Title Plan	☒ Plan of Subdivision	No.: 6008570
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name: Broadmeadows					

Planning Permit Details

- 2 What permit is being amended? *

Planning Permit No.:	P22715
----------------------	--------

The Amended Proposal

- You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

- 3 What is the amendment being applied for? *

- Indicate the type of changes proposed to the permit.

- List details of the proposed changes.

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

This application seeks to amend:

- | | |
|--|--|
| ☐ what the permit allows | ☐ plans endorsed under the permit |
| ☒ current conditions of the permit | ☐ other documents endorsed under the permit |

Details: Reverse conditions 3 + 4
Please see my separate submission

- Provide plans clearly identifying all proposed changes to the endorsed plans, together with; any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

Development Cost

- 4 Estimate cost of development *

If the permit allows *development*, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development

Cost of the permitted development

Cost difference (+ or -):

\$ NIL	-	\$ NIL	=	\$ NIL
--------	---	--------	---	--------

Insert 'NA' if no development is proposed by the permit (eg. change of use, subdivision, removal of covenant)

- You may be required to verify this estimate.

Existing Conditions

5 Describe how the land is used and developed now *

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

Have the conditions of the land changed since the time of the original permit application? ☐ Yes ☒ No

If yes, please provide details of the existing conditions.

Existing Gym for females only

☒ Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information

6 Encumbrances on title *

If you need help about the title, read:

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

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

☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

☒ No

☒ Not applicable (no such encumbrance applies).

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

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

Please provide at least one contact phone number *

Name:

Title: **MV**

First Name: **Con**

Surname: **TSCHANAKIS**

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.: **PO Box**

If it is a P.O. Box, enter the details here:

St. Name: **77 Ashburton Vic**

Suburb/Locality: **vic**

State: **3147**

Postcode: **3147**

Contact person's details *

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

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name:

Suburb/Locality:

State:

Postcode:

Owner *

The person or organisation who owns the land

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

Name:

Same as applicant ☐

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name:

Suburb/Locality:

State:

Postcode:

Owner's Signature (Optional):

TSCHANAKIS

Date: **16/9/2022**
dd / mm / yyyy

Declaration

8 This form must be signed by the applicant *

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

☒ I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.

Signature:

Matthew O'Mara

Date:

13/9/2022
dd / mm / yyyy

Need help with the Application?

If you need help to complete this form, read [How to complete the Application to Amend a Planning Permit Form](#) or contact Council's planning department. General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

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

9 Has there been a pre-application meeting with a council planning officer?

☐ No

☒ Yes

If 'yes', with whom?:

Matthew O'Mara

Date:

September 2022
dd / mm / yyyy

Checklist

10 Have you:

☒ Filled in the form completely?

☒ Paid or included the application fee?

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

☒ Attached all necessary supporting information and documents?

☒ Completed the relevant council planning permit checklist?

☒ Signed the declaration (section 8)?

Lodgement

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

Hume City Council
PO Box 119 Dallas VIC 3047

1079 Pascoe Vale Road, Broadmeadows VIC 3047

Contact information:

Telephone: 03 9205 2200

Fax: 03 9309 0109

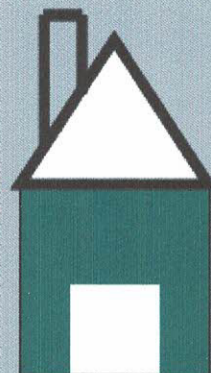
Email: email@hume.vic.gov.au

DX: 94718

Translation: (03) 9205 2200 for connection to Hume Link's multilingual telephone information service

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CON TSOUROUNAKIS TOWN PLANNING SERVICES



Suite 4/707 Mount Alexander Road, Moonee Ponds,
Victoria 3039.

Postal Address, P.O BOX 77, ASHBURTON, VICTORIA 3147

Phone 9363-4480, Fax 9363-4480, Mobile 0447 382 952

Email ctsourounakis@bigpond.com

16 September 2022

**Statutory Planning
Town Planning Department
City of Hume Council
Council Offices
PO Box 119,
Dallas, Victoria 3047**

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RE: Town Planning Application Submission to the City of Hume Council in support of the current proposal to amend town planning permit number P22715 Issued by Council on 10 May 2021

Proposed amendment of town planning permit conditions 3 and 4 in association with the restricted recreation facility operating as a gymnasium for a maximum of sixty (60) female members at any given time including three (3) female staff members at any given time and also for the increase in the current trading hours from 6am till 9pm Monday till Sunday

Property at Lot 2 Number 13 Kraft Court, Broadmeadows Victoria 3047

Municipal Authority City of Hume Council – Amendment to Town Planning Permit Number P22715

I would like to formally apply to the local Council to have both Conditions 3 and 4 further amended as outlined above and as the original town planning permit was obtained during the COVID period of time and the current number of members and also the trading and or operation times have both been altered.

For any further queries and or information regarding any of the above matters, please don't hesitate to contact me at my offices or on my mobile on 0447 382 952 or email me at ctsourounakis@bigpond.com

Yours Sincerely


Con M. Tsourounakis
Certified Practising Town Planner CPP No.6544R
MPIA MVPELA

Date 16 September 2022

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

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

Page 1 of 2

VOLUME 12214 FOLIO 543

Security no : 124110286358B
Produced 04/11/2023 09:28 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 830658M.
PARENT TITLE Volume 11083 Folio 536
Created by instrument PS830658M 22/05/2020

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AF622004J 01/02/2008

DIAGRAM LOCATION

SEE PS830658M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 13A KRAFT COURT BROADMEADOWS VIC 3047

ADMINISTRATIVE NOTICES

NIL

eCT Control 22959A XARY LAWYERS PTY LTD
Effective from 16/06/2020

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS830658M

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

Page 2 of 2

DOCUMENT END

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Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	PS830658M
Number of Pages (excluding this cover sheet)	3
Document Assembled	04/11/2023 09:34

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PLAN OF SUBDIVISION

EDITION 1

PS 830658M

LOCATION OF LAND

PARISH: WILL WILL ROOK

TOWNSHIP: ----

SECTION: 11

CROWN ALLOTMENT: ----

CROWN PORTION: 8 (PART)

TITLE REFERENCE: Vol. 11083 Fol. 536

LAST PLAN REFERENCE: Lot 19 on PS 600857Q

POSTAL ADDRESS: 13 KRAFT COURT
(at time of subdivision) BROADMEADOWS 3047

MGA94 CO-ORDINATES: E: 317180 ZONE: 55
(of approx centre of land N: 5827930 GDA 94
in plan)

Council Name: Hume City Council

Council Reference Number: S008851
Planning Permit Reference: P22073
SPEAR Reference Number: S137048A

Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988
Date of original certification under section 6: 06/03/2020

Statement of Compliance

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Public Open Space

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

Digitally signed by: Jouna KOLOSE for Hume City Council on 30/04/2020

VESTING OF ROADS AND/OR RESERVES

NOTATIONS

IDENTIFIER

COUNCIL/BODY/PERSON

NIL

NIL

LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS.

For details of any Owners Corporations including purpose, responsibility, entitlement and liability see Owners Corporation Search Report, Owners Corporation Additional Information and, if applicable, Owners Corporation Rules.

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY

SURVEY:

This plan is based on survey.

STAGING:

This is not a staged subdivision.
Planning Permit No.

This survey has been connected to Will Will Rook PM 30

In Proclaimed Survey Area No. ----

BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS

LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:

MEDIAN: BOUNDARIES MARKED 'M'

EXTERIOR FACE: ALL OTHER BOUNDARIES

HATCHING WITHIN A PARCEL INDICATES THAT THE STRUCTURE OF THE RELEVANT WALL IS CONTAINED IN THAT PARCEL

CP1 DENOTES COMMON PROPERTY No.1

EASEMENT INFORMATION

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

Easements and Rights Implied by Section 12(2) of the Subdivision Act 1988 apply to the Whole of the Land on this Plan.

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	2	PS 600857Q	HUME CITY COUNCIL
E-2	PARTY WALL	0.08	THIS PLAN	LOT 2 IN PS 830659K
A-1	PARTY WALL	0.08	PS 830659K	LOT 1 IN THIS PLAN

PETER RICHARDS SURVEYING

337-339 GREENSBOROUGH ROAD WATSONIA 3087
Tel: 9432 6944 Fax: 9434 4052
POSTAL ADDRESS: P.O. Box 237
WATSONIA 3087
subdivisions@prsurveying.com.au

SURVEYORS FILE REF: 16833

Digitally signed by: Cheng Yee Tan, Licensed Surveyor,
Surveyor's Plan Version (4),
07/04/2020, SPEAR Ref: S137048A

ORIGINAL SHEET
SIZE: A3

SHEET 1 OF 3 SHEETS

PLAN REGISTERED

TIME: 2:44PM DATE: 22/05/2020

A.R.T.
Assistant Registrar of Titles

PS 830658M

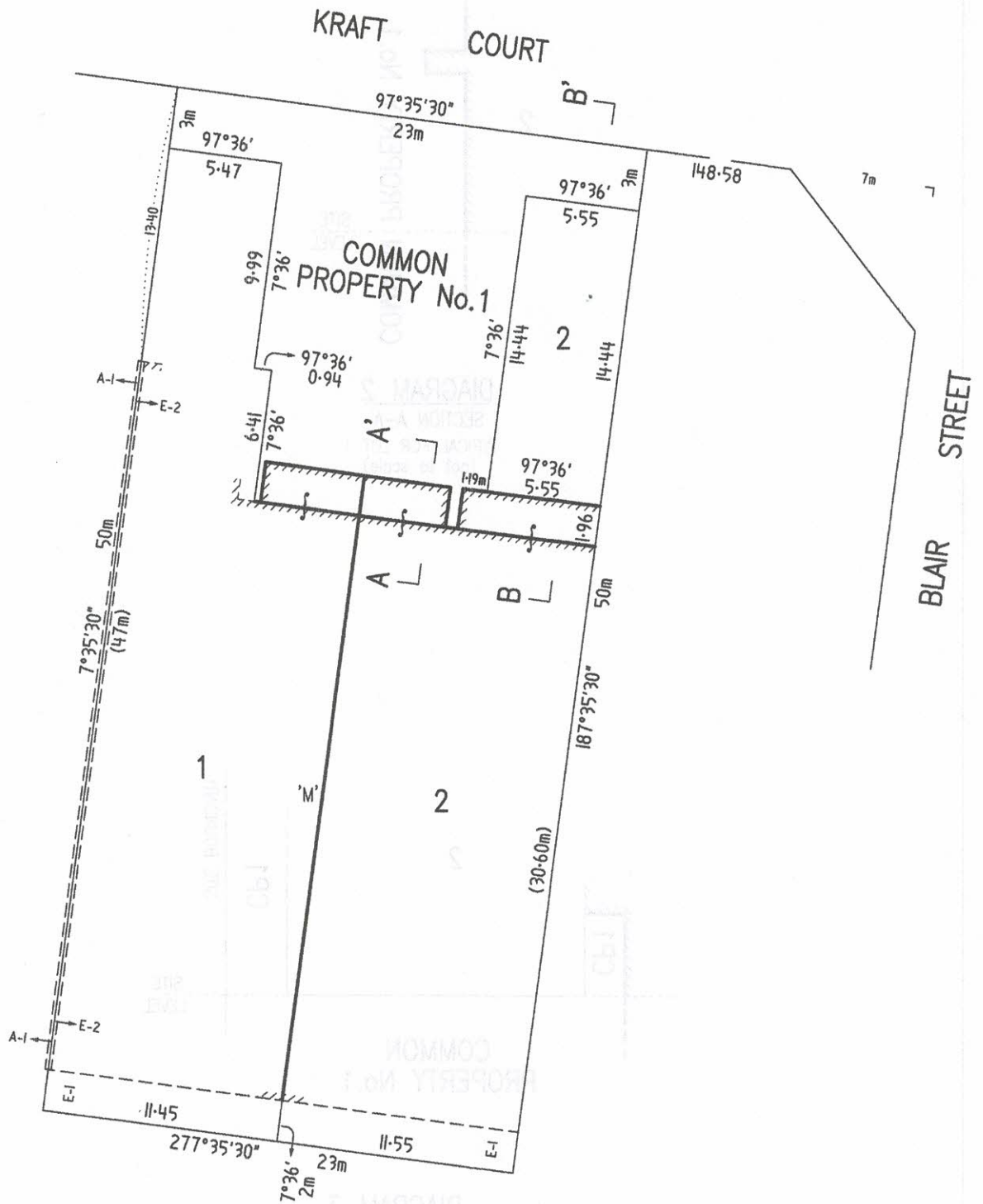


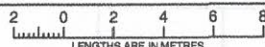
DIAGRAM 1
SITE PLAN

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SURVEYORS FILE REF: 16833

PETER RICHARDS SURVEYING
337-339 GREENSBOROUGH ROAD WATSONIA 3087
Tel: 9432 6944 Fax: 9434 4052
POSTAL ADDRESS: P.O. Box 237
WATSONIA 3087
subdivisions@prsurveying.com.au

SCALE
1:200



Digitally signed by: Cheng Yee Tan, Licensed Surveyor,
Surveyor's Plan Version (4),
07/04/2020, SPEAR Ref: S137048A

ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by:
Hume City Council,
30/04/2020,
SPEAR Ref: S137048A

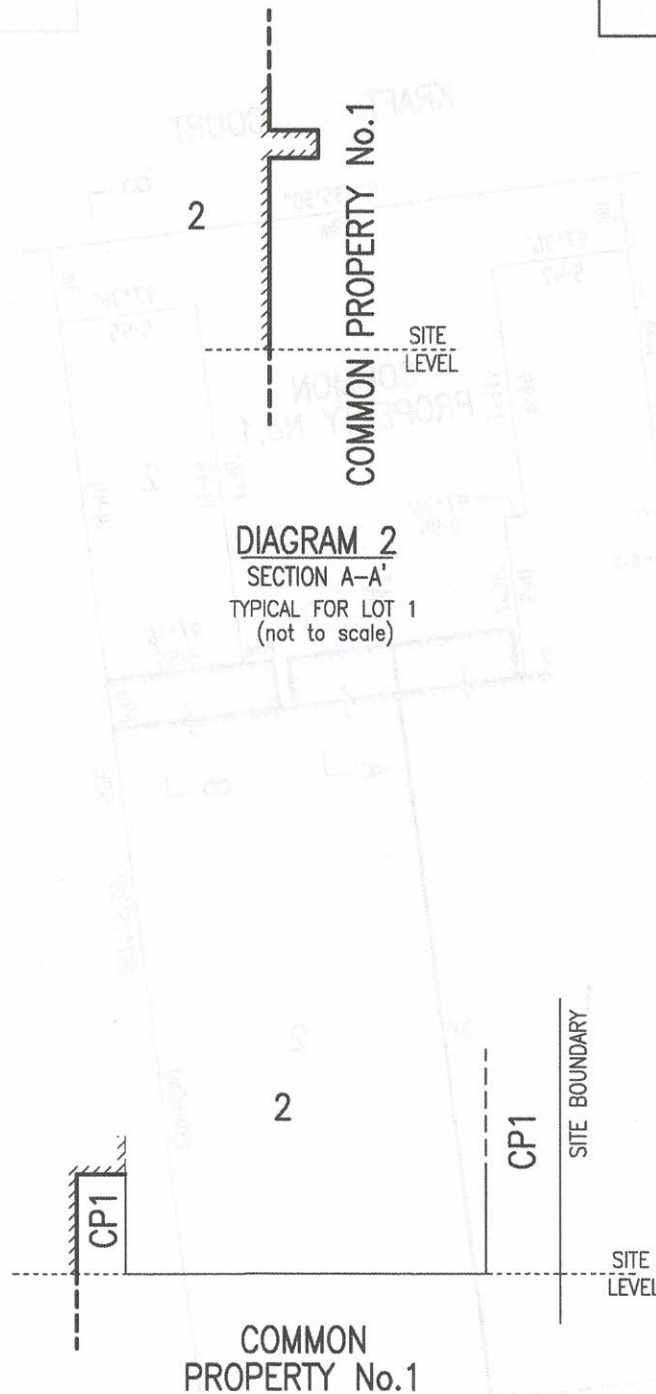


DIAGRAM 3

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SURVEYORS FILE REF: 16833

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POSTAL ADDRESS: P.O. Box 237
WATSONIA 3087
subdivisions@prs surveying.com.au

Digitally signed by: Cheng Yee Tan, Licensed Surveyor,
Surveyor's Plan Version (4),
07/04/2020, SPEAR Ref: S137048A

ORIGINAL SHEET
SIZE: A3

SHEET 3

Digitally signed by:
Hume City Council,
30/04/2020,
SPEAR Ref: S137048A



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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Produced: 04/11/2023 09:34:23 AM

OWNERS CORPORATION 1
PLAN NO. PS830658M

The land in PS830658M is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1, 2.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

13A KRAFT COURT BROADMEADOWS VIC 3047

OC048107M 22/05/2020

Owners Corporation Manager:

NIL

Rules:

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

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC048107M 22/05/2020

Notations:

NIL

Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	10	10
Lot 2	10	10
Total	20.00	20.00

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



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 04/11/2023 09:34:23 AM

OWNERS CORPORATION 1
PLAN NO. PS830658M

Statement End.

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Lot	Area (sqm)	Area (sqm)
1	10.00	10.00
2	10.00	10.00
3	10.00	10.00
4	10.00	10.00
5	10.00	10.00
6	10.00	10.00
7	10.00	10.00
8	10.00	10.00
9	10.00	10.00
10	10.00	10.00
11	10.00	10.00
12	10.00	10.00
13	10.00	10.00
14	10.00	10.00
15	10.00	10.00
16	10.00	10.00
17	10.00	10.00
18	10.00	10.00
19	10.00	10.00
20	10.00	10.00
21	10.00	10.00
22	10.00	10.00
23	10.00	10.00
24	10.00	10.00
25	10.00	10.00
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92	10.00	10.00
93	10.00	10.00
94	10.00	10.00
95	10.00	10.00
96	10.00	10.00
97	10.00	10.00
98	10.00	10.00
99	10.00	10.00
100	10.00	10.00

FORM 18

Schedule 1 of the *Planning and Environment Regulations 2005*

**APPLICATION BY A RESPONSIBLE AUTHORITY
FOR THE MAKING OF A RECORDING OF AN AGREEMENT**



Planning and Environment Act 1987

Section 181

AF622004J



Lodged by:

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: DS:CH:0604.1411

Customer Code: 0485 U

The Authority having made an Agreement referred to in Section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register for the land.

Land: Certificate of Title Volume 8435 Folio 618
93-99 Blair Street, Broadmeadows

Authority: Hume City Council

Section and Act under which Agreement made:

Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature for the Authority: *K. Birtwistle*

Name of Officer: K. BIRTWISTUE

Date: 14.1.08

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AF622004J

01/02/2008 \$97

173



HUME CITY COUNCIL

Council

- and -

CITY AND SUBURBAN DEVELOPMENTS PTY LTD

ACN 060 215 161

the Owner

AGREEMENT UNDER SECTION 173 OF THE *PLANNING AND ENVIRONMENT ACT 1987*

Subject Land: 93-99 Blair Street
BROADMEADOWS VIC 3047

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BEST HOOPER

Solicitors

563 Little Lonsdale Street

MELBOURNE 3000

Telephone: 9670 8951

Facsimile: 9670 2954

Reference: DS:CH:0604.1411

F:\Margaret\lan Pitt\City & Suburban Devt PL re 93-99 Blair St's. 173 Agreement.30.7.07 version 2.doc

AF622004J



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PLANNING AND ENVIRONMENT ACT 1987

SECTION 173 AGREEMENT

THIS AGREEMENT is made the *8th* day of *January* 2008

BETWEEN:

Hume City Council
of 1079 Pascoe Vale Road
Broadmeadows, Victoria, 3047
("Council")

- and -

City and Suburban Developments Pty Ltd
(ACN 060 215 161)
of 391 Canterbury Road, Surrey Hills, Victoria, 3127
("the Owner")

INTRODUCTION

- A. The Council is the Responsible Authority for the Planning Scheme under the Act.
- B. The Owner is or is entitled to be registered as the proprietor of the Subject Land.
- C. On 9 March 2007 the Council granted Planning Permit No. P11426 permitting land subdivision and removal of easement in accordance with the endorsed plans and subject to conditions, including condition 5 which provides:

"Prior to the issue of a Statement of Compliance, the owner must enter into and execute an agreement (in a form satisfactory to the Responsible Authority) with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for:

- (a) *Design guidelines that achieve:*
 - *a minimum building set back of 6.0 metres from Riggall Street including a landscape setback of 3.0 metres on the combined Lots 1 and 2;*
 - *A 1.5 metre landscape setback of proposed car parking on Lots A-D from Riggall Street and a 3.0 metre*

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landscape setback of proposed car parking on Lots A and B from the proposed Kraft Court;;

- *buildings with reasonable articulation and detailing to reduce the impact of building bulk;*
- *buildings with extensive glazing and Alucabond or similar in front facades and other side walls visible from existing streets and the reserve;*
- *exposed walls abutting the southern boundary with a clean finish in muted tones;*
- *examples of preferred architectural designs;*
- *appropriate fencing suitable to a mix of industry and office use and development;*
- *a planting schedule consistent with Hume City Council Landscape Guidelines September 2005;*
- *the storage of waste where it is not visible from the public domain;*
- *the installation of water tanks connected to an irrigation system for landscape setbacks and the municipal reserve.*

- (b) *A restriction on loading vehicles associated with the development travelling along Railway Crescent, south of King William Street and north of Riggall Street overpass.*
- (c) *A maximum size loading vehicle permitted up to a 12.5 metre Heavy Rigid Truck to service lots with access from Railway Crescent.*
- (d) *The construction of 75% of the car parking spaces delineated on each of Lots A to D shown on the endorsed plan under the permit, prior to the occupation of the buildings unless otherwise agreed in writing by the Responsible Authority.*
- (e) *The construction of the remaining car parking spaces delineated on each of Lots A to D shown on the endorsed plans in the event that the vehicles associated with the use are forced to park outside the constructed car park and/or if the employee or visitor parking occupy neighbouring streets..*
- (f) *The owner being responsible for the retention and maintenance of water treatment wetlands to the satisfaction of Council and Melbourne Water."*

- D. On 10 July 2007 Council amended the Permit to delete 25% of" in Condition 5(e) on the Permit.

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- E. As at the date of this Agreement, the Subject Land is encumbered by Mortgage No. AE674243E in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement with respect to the Subject Land.
- F. The parties enter into this Agreement -
 - (a) to give effect to the requirements of the Permit; and
 - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

IT IS AGREED:

1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise -

- 1.1 **"the Act"** means the *Planning and Environment Act 1987*.
- 1.2 **"this Agreement"** means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 **"Council"** means the Hume City Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.
- 1.4 **"Design Guidelines"** mean the "Urban Design Guidelines the Broadlink Estate Blair Street, Broadmeadows" an original duplicate copy of which may be inspected at the offices of the Council.
- 1.5 **"Endorsed Plan"** means the plan(s), endorsed with the stamp of the Council from time to time, as the plan(s) which form part of the Permit.
- 1.6 **"Mortgagee"** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.
- 1.7 **"Owner"** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.
- 1.8 **"Permit"** means Planning Permit No. P11426 as amended from time to time and described in recital C of this Agreement.
- 1.9 **"Plan of Survey"** means the Hellier McFarland Plan of Survey reference number 6324P-3 endorsed with the stamp of Council from time to time as the plans which form part of the Permit.

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1.10 "Planning Scheme" means the Hume Planning Scheme and any other planning scheme which applies to the Subject Land.

1.11 "Subject Land" means the land situated at 93-99 Blair Street, Broadmeadows, Victoria, being the land comprised in Certificate of Title Volume 8435 Folio 618 and any reference to the Subject Land in this Agreement will include a reference to any lot created by the subdivision of the Subject Land or any part of it.

1.12 "Water Treatment Wetlands" means the areas shown "green" on the Plan of Survey.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.6 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.7 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land PROVIDED THAT if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees:

- 3.1 *The land must only be developed in accordance with the Design Guidelines..*
- 3.2 *Loading vehicles associated with the use and development of the Subject Land must not travel along Railway Crescent south of King William Street and north of the Riggall Street overpass.*

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3.3 *The Subject Land must not be accessed by loading vehicles of more than 12.5 metres being Heavy Rigid Trucks directly from Railway Crescent.*

3.4 Prior to occupation of any buildings on Lots A to D on the Subject Land at least 75% of the car parking spaces on the lots must be constructed unless otherwise agreed in writing by the Council.

3.5 If in the event the car parking to be provided under clause 3.4 of this Agreement proves to be inadequate and as a consequence vehicles associated with the use are forced to park outside of the car park areas identified on the Plan of Survey the construction of the remaining car parking spaces delineated on any of lots A to D on the Plan of Survey may be required to the satisfaction of Council.

3.6 To be responsible for the retention and maintenance of Water Treatment Wetlands on the Subject Land to the satisfaction of the Council in consultation with Melbourne Water Ltd.

3.7 Council's Costs to be Paid

The Owner must pay to the Council, the Council's reasonable costs and expenses (including legal expenses on a party/party basis) of and incidental to the preparation, drafting, finalisation, engrossment, execution and registration of this Agreement and until those costs are paid they will remain a debt of the Owner to the Council.

4. ACKNOWLEDGMENT AND COVENANTS OF COUNCIL

4.1 The Council acknowledges that the Owner's covenants in this Agreement satisfy condition 5 it will forthwith apply to register this Agreement pursuant to Section 181 of the Act.

5. FURTHER OBLIGATIONS OF THE OWNER

The Owner further covenants and agrees that:

5.1 Notice and Registration

The Owner will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

5.2 Further actions

5.2.1 the Owner will do all things necessary, including signing any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owner carries out the Owner's covenants under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants and undertakings;

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- 5.2.2 the Owner will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

6. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

7. OWNERS WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

8. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:-

- 8.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 8.2 execute a deed agreeing to be bound by the terms of this Agreement.

9. GENERAL MATTERS

9.1 Notices

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

- 9.1.1 by delivering it personally to that party;
- 9.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

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9.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party hand delivery or prepaid post.

9.2 A notice or other communication is deemed served:

9.2.1 if delivered, on the next following business day;

9.2.2 if posted, on the expiration of two business days after the date of posting; or

9.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

9.3 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

9.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

9.5 No Fettering of the Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

10. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

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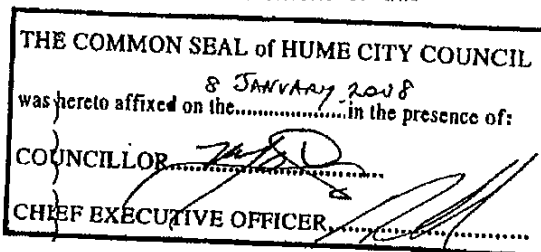
11. ENDING OF AGREEMENT

11.1 This Agreement ends when the Owner has complied with all of the covenants by the Owner under the Agreement to the satisfaction of the Council.

11.2 This Agreement may be ended by agreement between Council and the Owner.

EXECUTED by the parties on the date set out at the commencement of this Agreement.

EXECUTED by
on behalf of the **HUME CITY COUNCIL**
pursuant to the power delegated to him by an
Instrument of delegation dated the day
of 2007 in the presence of:



..... Witness.

**THE COMMON SEAL of CITY & SUBURBAN
DEVELOPMENTS PTY LTD ACN 060 215 161**
was hereunto affixed in accordance with
its Constitution/Articles of Association
in the presence of:



Director :

[Signature]

Print Name :

G. SHARAE

Usual Address.

Suite 648 1 Queens Road Melbourne

Director/~~Secretary~~

[Signature]

Print Name

S-R. DELANY

Usual address

226 Toorak Rd South Yarra

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Mortgagee's Consent

WESTPAC BANKING CORPORATION as Mortgagee of registered mortgage No. **AE674243E** consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

For and on behalf of the Mortgagee

SIGNED, SEALED AND DELIVERED on
behalf of WESTPAC BANKING
CORPORATION ABN 33 007 457 141
by its attorney under power of attorney dated 17
January 2001, a certified copy of which is filed in
the Permanent Order Book, No. 277, Page 16
in the presence of:

Witness (signature)

James Henry
Witness (print name)

By executing this document the attorney states that
they have received no notice of revocation of the
power of attorney.

Attorney (signature)

ROBERT SUTAN
Name of Attorney (print)
TIER THREE ATTORNEY

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;61 3 9670 2954 # 2/ 2

Connect: Dominic Scally
Direct Line: 9691 0219
Direct Email: dscally@besthooper.com.au
Partner: Dominic Scally
Our Ref: DS:CH0604.1411
Your Ref:

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BESTHOOPER
SOLICITORS

31 January 2008

Director
Land Victoria
570 Bourke Street
MELBOURNE VIC 3000

Dear Sir

re: 93-99 Blair Street, Broadmeadows
Plan of Subdivision Application No: PS 600857Q
Section 173 Agreement

We act on behalf of City and Suburban Developments Pty Ltd and hereby give notice that our client has authorised us to lodge an Agreement under Section 173 of the *Planning and Environment Act 1987* in relation to the above mentioned plan of subdivision. We request that the Section 173 Agreement precede the application for a plan of subdivision.

Yours faithfully
BEST HOOPER


Dominic Scally
Partner

enc:

MELBOURNE OFFICE

563 Little Lonsdale Street
Melbourne 3000

PO Box 13312
Law Courts 8010

DX 38215 Flagstaff

Tel 03 9670 8951

Fax 03 9870 2954

www.besthooper.com.au

AFFILIATED OFFICES

Brisbane

Sydney

ASSOCIATIONS

LAWorld International

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31/01 2008 THU 16:48 FAX NORTON GLEDHILL HMAS

2002/002

Norton Gledhill
COMMERCIAL LAWYERS

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AUTHORITY

To:

Land Victoria
570 Bourke Street
Melbourne Vic 3000

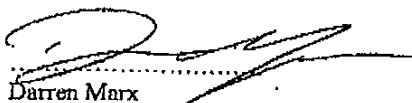
Level 23, 459 Collins Street
Melbourne Vic 3000
Australia

Tel +61 3 9614 8933
Fax +61 3 9629 1415
DX 602

Plan of Subdivision PS600857Q

I, Darren Marx, of Norton Gledhill, hereby authorise Best Hooper to lodge a Section 173 Agreement in relation to the above plan of subdivision. We request that the Section 173 Agreement precede the application for a plan of subdivision.

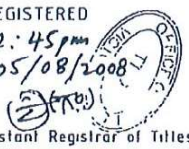
Dated: 23 January 2008

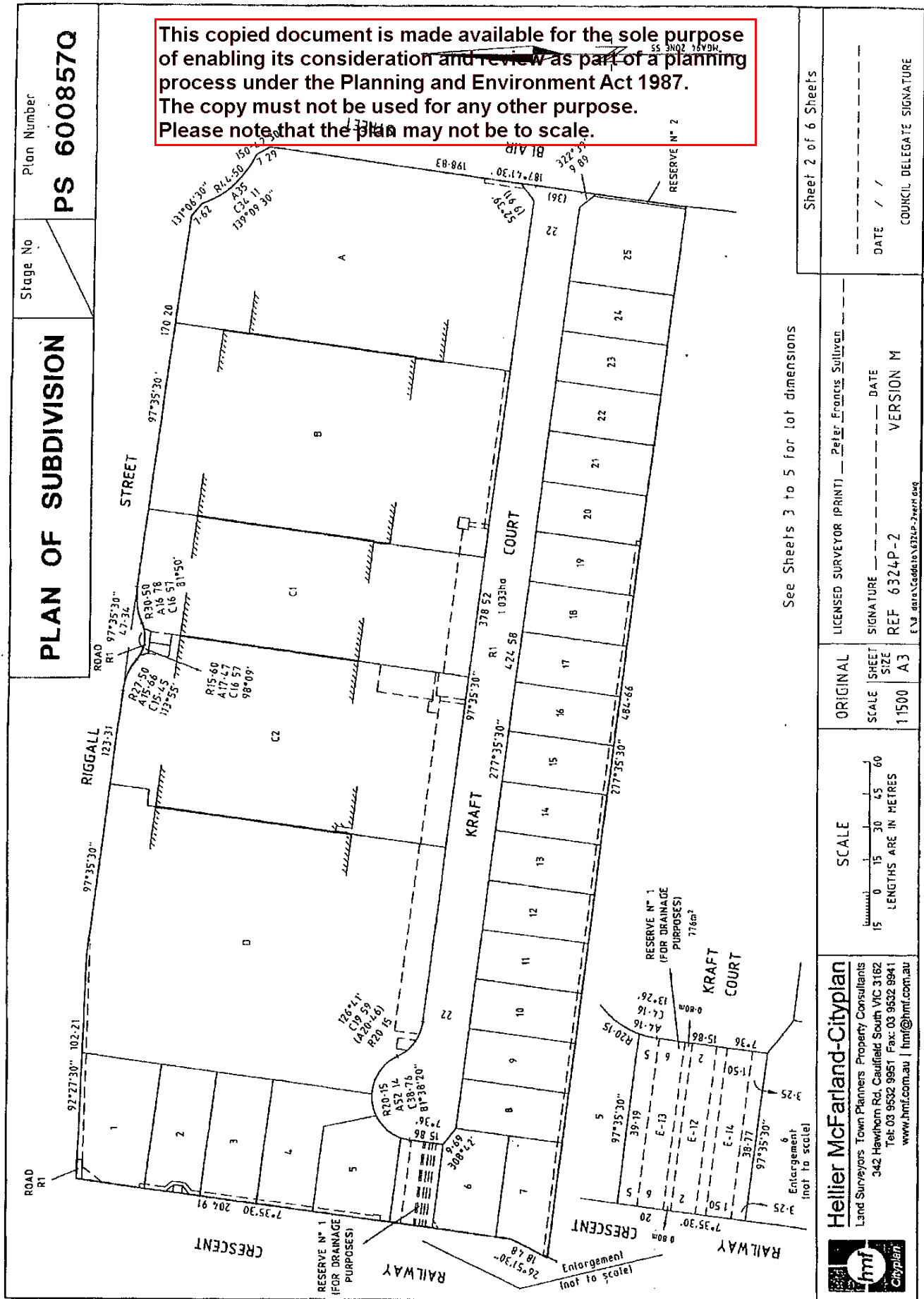

Darren Marx
Principal

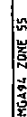
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PLAN OF SUBDIVISION		Stage No	LRS use only	Plan Number PS 600857Q
Location of Land Parish Will Will Rook Township Section 11 Crown Allotment Crown Portion 8 (part) Title References Vol. 8435 Fol 618 Last Plan Reference Lot 1 PS 600509Q Postal Address 93-99 Blair Street, (At time of subdivision) Broadmeadows VIC 3047 MGA Co-ordinates E 317 110 (Of approx centre of plan) N 5,828,030 ZONE 55		Council Certification and Endorsement Council Name Hume City Council Ref S4991 1 This Plan is certified under Section 6 of the Subdivision Act 1988 2 This plan is certified under section 11(7) of the Subdivision Act 1988 Date of original certification under section 6 9/10/07 3 This is a statement of compliance issued under section 21 of the Subdivision Act 1988 OPEN SPACE (i) A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made (ii) The requirement has been satisfied (iii) The requirement is to be satisfied in Stage Council delegate Council seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988 Council delegate Council seal Date 14/5/08		
Vesting of Roads or Reserves				
Identifier	Council/Body/Person			
Road R1 Reserve N° 1 Reserve N° 2	Hume City Council Hume City Council Hume City Council			
Notations				
Depth Limitation Does not apply		Staging This is not a staged subdivision Planning permit No P11426		
Other Notations Boundaries shown by thick continuous lines are defined by buildings - median boundaries marked M - external face boundaries marked E Other Purpose of the Plan - to remove the drainage and sewerage easement shown marked E-1 on C/T Vol 8435 Fol 618 Grounds for Removal of Easement - by direction in Hume City Council Planning Permit N° P11426		Lot numbers on this plan are - lots 1 to 25 (both inclusive) & - Lots A, B, C1, C2 & D Survey This plan is based on survey This survey has been connected to permanent marks nos 30 & 154		
Easement Information				
Legend A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Section 12(2) of the Subdivision Act 1988 applies to lots A, B, C1, C2 & D on this plan				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	Drainage	See Plan	This Plan	Hume City Council
E-2	Underground Electricity Supply	See Plan	This Plan	Alinta AE Limited
E-3	Carriageway	See Plan	This Plan	Lot C1 on This Plan
E-4	Underground Electricity Supply	See Plan	This Plan	Alinta AE Limited
	Carriageway	See Plan	This Plan	Lot C1 on This Plan
E-5	Underground Electricity Supply	See Plan	This Plan	Alinta AE Limited
	Drainage	See Plan	This Plan	Lots A to D on this plan
E-6	Underground Electricity Supply	See Plan	This Plan	Alinta AE Limited
	Drainage	See Plan	This Plan	Lots A to D on this plan
E-7	Carriageway	See Plan	This Plan	Lot C1 on This Plan
	Drainage	See Plan	This Plan	Lots A to D on this plan
E-8	Data Transmission	See Plan	This Plan	Lot C1 on This Plan
E-9	Carriageway	See Plan	This Plan	Lots on This Plan
E-10	Power Line	See Plan	This Plan	Lot C2 on This Plan
E-11	Drainage	See Plan	This Plan	Alinta AE Limited
E-12	Sewerage	See Plan	This Plan	Lots A to D on this plan
E-13	Water Supply	See Plan	This Plan	Yarra Valley Water Ltd
	Gas Supply	See Plan	This Plan	Yarra Valley Water Ltd
E-14	Underground Electricity Supply	See Plan	This Plan	SPI Networks Pty Ltd
	Data Transmission	See Plan	This Plan	Alinta AE Limited
				Lots on This Plan
Helier McFarland-Cityplan Land Surveyors Town Planners Property Consultants 342 Hawthorn Rd, Caulfield South VIC 3162 Tel: 03 9532 9951 Fax 03 9532 9941 www.hmf.com.au hmf@hmf.com.au				Licensed Surveyor (Print) Peter Francis Sullivan SIGNATURE _____ DATE 30/4/08 REF 6324P-2 VERSION M E:\8 data\Caddo\6324P-2verM.dwg
LRS use only Statement of compliance/ Exemption Statement Received ☒ Date 01/08/08 LRS use only PLAN REGISTERED TIME 12:45pm DATE 05/08/2008  Assistant Registrar of Titles Sheet 1 of 6 Sheets DATE 14/5/08 COUNCIL DELEGATE SIGNATURE Original sheet size A3				





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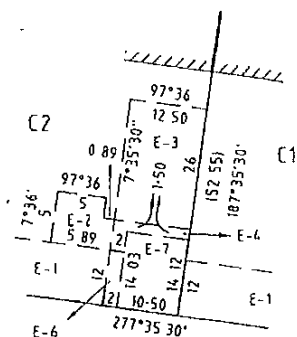
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PLAN OF SUBDIVISION

Stage No

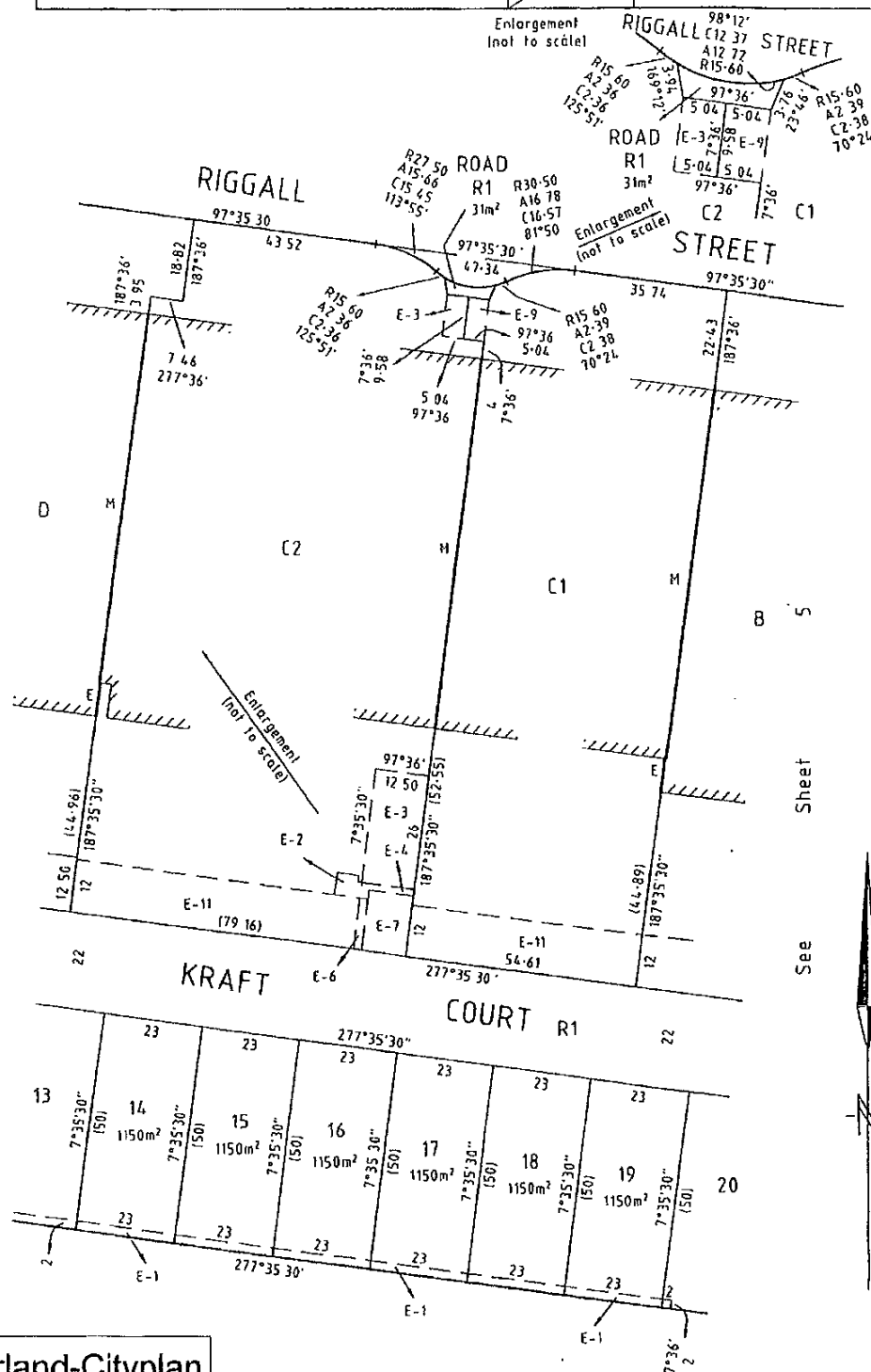
Plan Number

PS 600857Q



KRAFT COURT

Enlargement
(not to scale)



KRAFT

COURT R1



Hellier McFarland-Cityplan

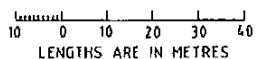
Land Surveyors Town Planners Property Consultants

342 Hawthorn Rd, Caulfield South VIC 3162

Tel: 03 9532 9951 Fax: 03 9532 9941

www.hmf.com.au | hmf@hmf.com.au

SCALE



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SIGNATURE DATE

REF 6324P-2 VERSION M

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Sheet 4 of 6 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

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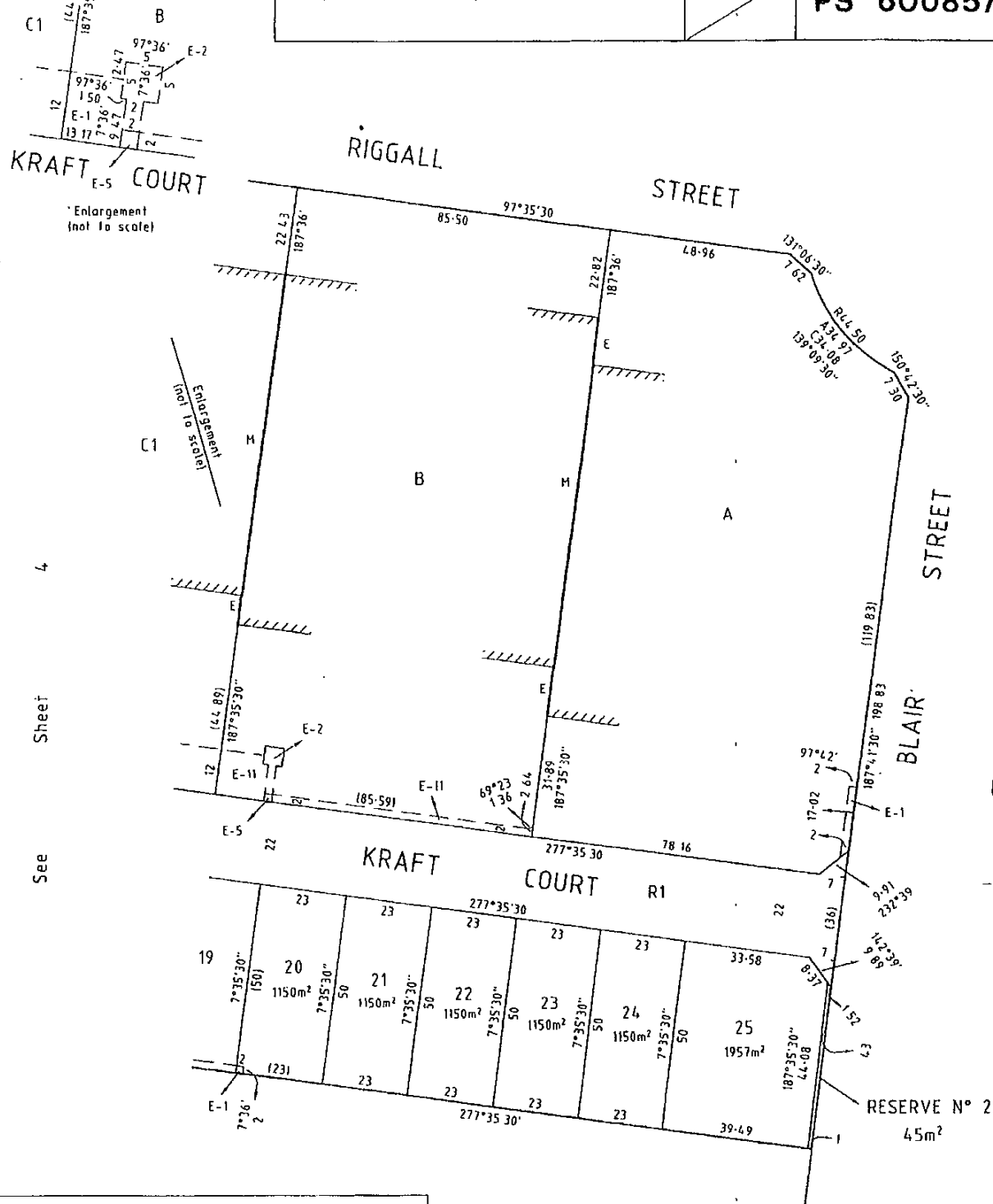
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PLAN OF SUBDIVISION

Stage No

Plan Number

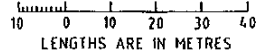
PS 600857Q



Hellier McFarland-Cityplan

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SHEET SIZE A3

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SIGNATURE DATE

REF 6324P-2

VERSION M

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Sheet 5 of 6 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

Archer Consultants Pty Ltd

PH: 03 7067 9240

ABN: 79 661 164 683

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13A Kraft Court, Broadmeadows VIC 3047

TRAFFIC & PARKING IMPACT ASSESSMENT

Gymnasium Development

Client - Con Tsourounakis

Revision - 1A

Prepared For - City of Hume - October 2023

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INTRODUCTION

Archer Consultants Pty Ltd was engaged by Con Tsourounakis to prepare a Parking Demand Assessment for the proposed 24/7 gymnasium at 13A Kraft Court, Broadmeadows VIC 3047. This report will assess the implications of the proposed development on existing traffic and parking conditions surrounding the site. The following items have been included in the subsequent sections of this report:

- ◆ public and active transport accessibility at the site;
- ◆ proposed development summary;
- ◆ expected traffic generation and impact; and
- ◆ conclusions of the above findings.

During the course of preparing this assessment, the subject site and its environment have been inspected, and all relevant traffic and parking data collected and analysed.

BACKGROUND AND EXISTING CONDITIONS

Subject Site Location

The proposed development is located at 13A Kraft Court, Broadmeadows which is located approximately 15 km north from Melbourne's CBD. The subject site falls within the Hume City Council. The use of land surrounding the subject site is primarily commercialised warehouses with the site bounded by Kraft Court to the north.

The proposed subject site is shown in Figure 1 below.



Figure 1

Subject Site Location

source: Google Maps

An aerial view of the subject site showing the surrounding suburbs is shown in Figure 2.

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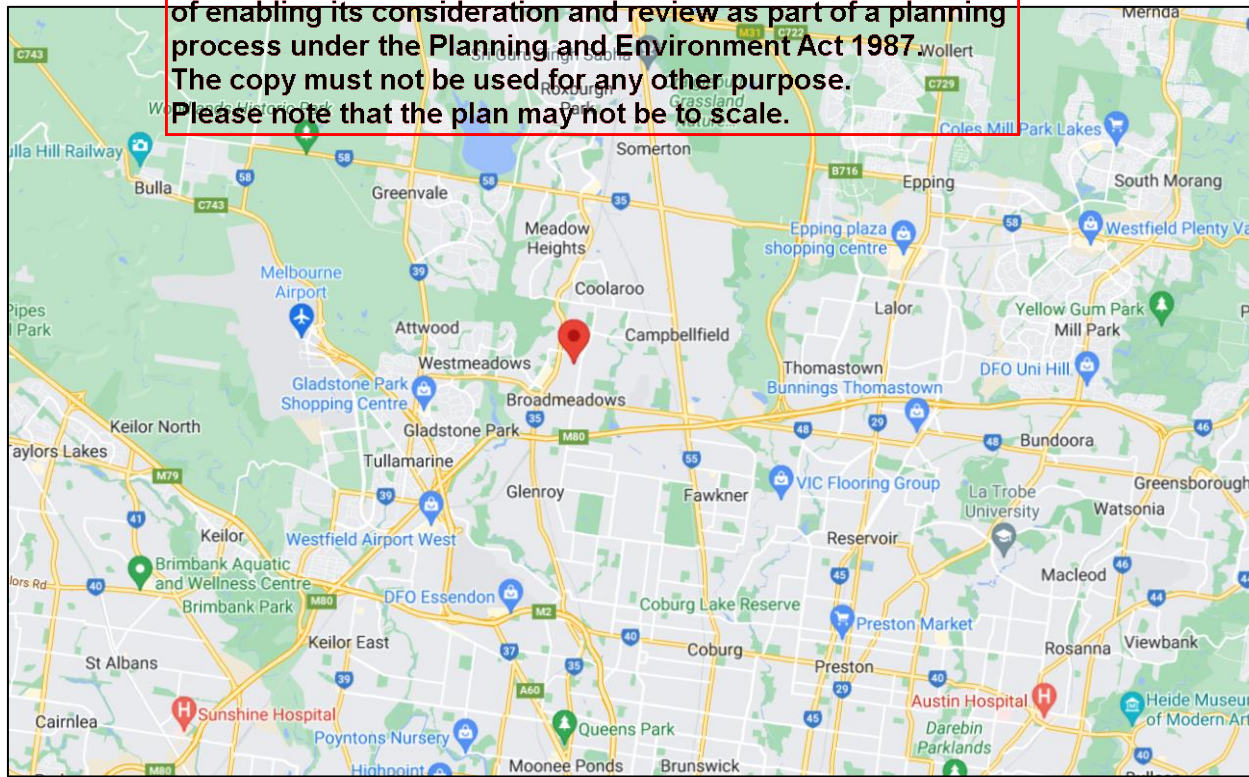


Figure 2 Surrounding Suburbs

source: Google Maps

PLANNING ZONES & OVERLAY

The subject site is situated within a Commercial 2 Zone (C2Z). An extract of the subject site's zone is shown in Figure 3 below.

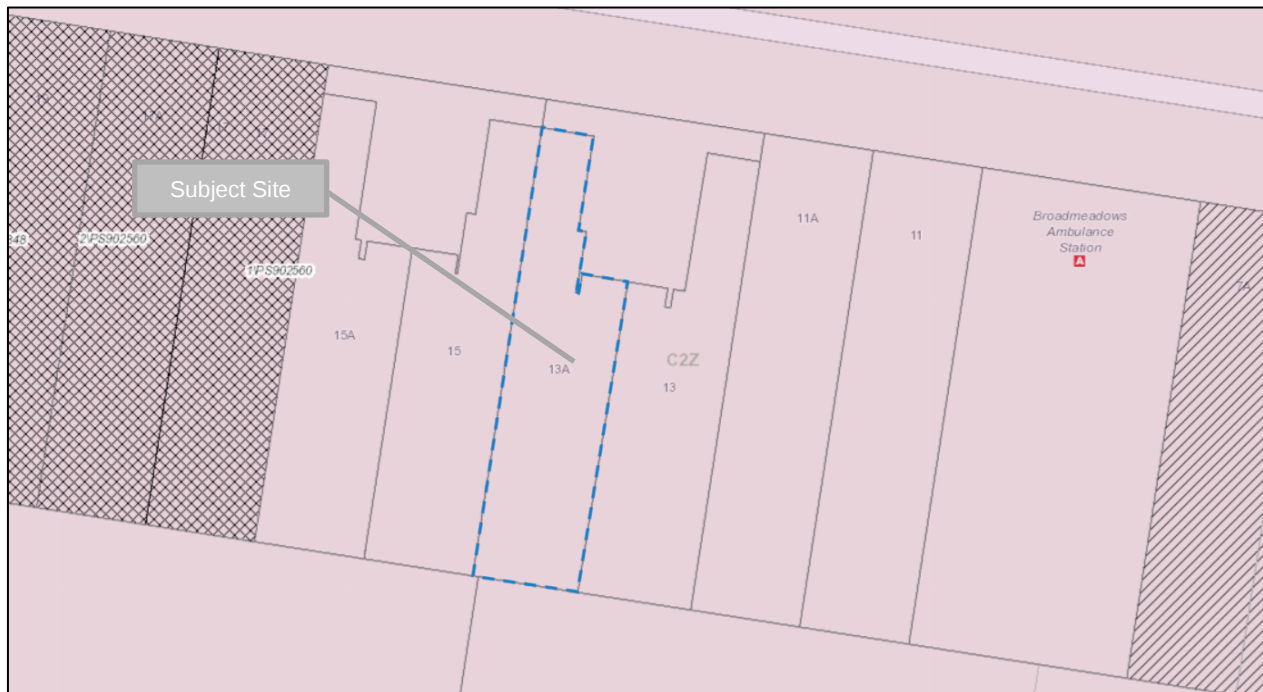


Figure 3 Subject Site Planning Zones & Overlay

source: VicPlan MapShare

EXISTING ROAD NETWORK

Kraft Court

Kraft Court is a local road that facilitates for two-way traffic movements in the east-west. In the vicinity of the site, unrestricted kerbside parking is permitted on both sides of the road.

The cross-section of Kraft Court adjacent to the site is shown in Figure 4 and Figure 5 below.

A 50km/hr speed limit applies on Kraft Court at the access to the site.



Figure 4 Kraft Court facing west along the site frontage

source: Google Maps

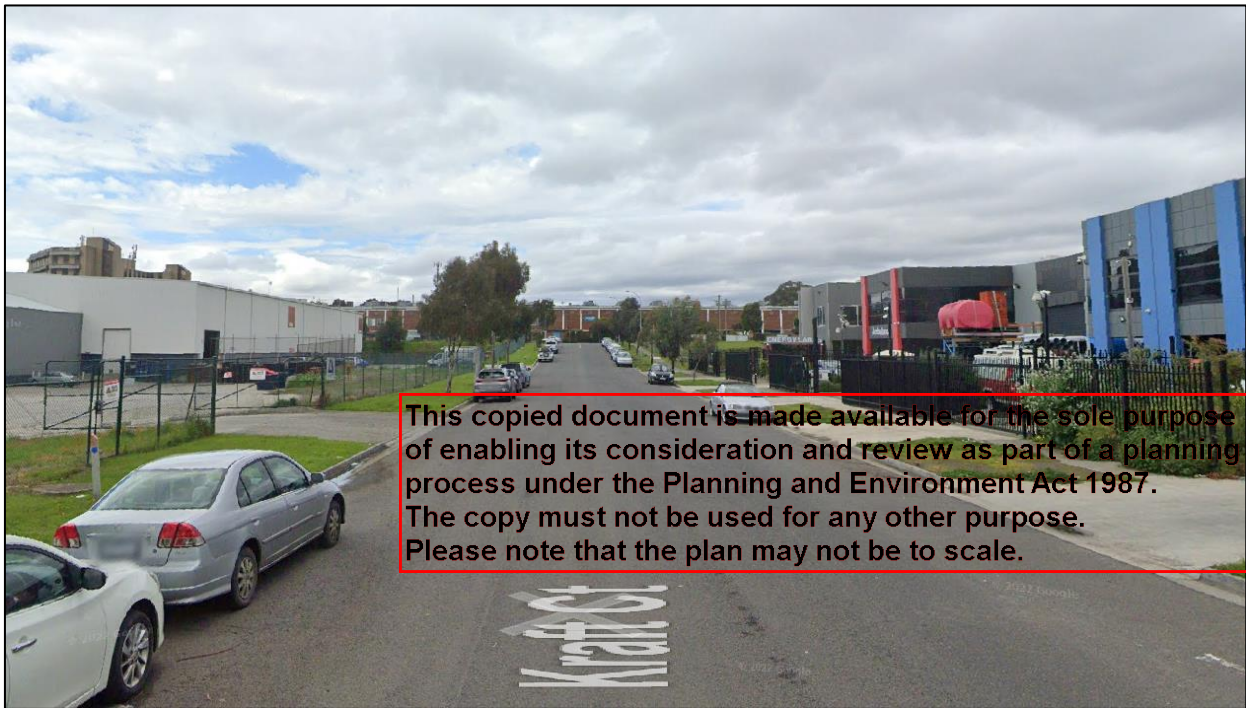


Figure 5 Kraft Court facing east along the site frontage

source: Google Maps

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PUBLIC TRANSPORT

The public transport map is shown in Figure 5 below which outlines the public transport services and routes available surrounding the subject site.



Figure 6 Hobsons Bay PTV Map

source: PTV

As shown above, the subject site is in an area that has access to the 2 bus routes that is within walking distance to the site.

The closest public transport to the stop is the Eltham Street /Blair Steet bus stop which is approximately 450 metres away (6-minute walk). This bus stop provides the 523 and 540 bus routes which provide connectivity to Craigieburn Station, Upfield Station and Broadmeadows Station. These bus routes also provide connectivity between Upfield and Broadmeadows via Coolaroo.

The aforementioned bus routes provide a high number of services during both AM and PM peak periods providing a suitable mode of alternative sustainable transport

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PROPOSED DEVELOPMENT

It is proposed to develop the subject site for the purposes of a 24/7 gymnasium with access permitted to members only.

A maximum of 60 members is proposed on-site at any time.

The proposed peak periods are expected to occur during group class sessions at the following times;

- Monday to Thursday; 8:30am – 11:15am and 5:30pm – 8:15pm
- Friday to Saturday; 8:30am – 11:15am

It is proposed to retain the existing 5 on-site car parking spaces.

The proposed development has a floor area 330m².

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CAR PARKING REQUIREMENTS

The statutory car parking requirements for developments are specified under Clause 52.06 of the Hume Planning Scheme. As no car parking rate for a gymnasium is specified under Clause 52.06 of the Planning Scheme, the car parking rate for a gymnasium specified within the *RMS Guide to Traffic Generating Developments (2002)* is utilised with results shown below.

Land Use	Rate	Car Parking Requirement	Parking Spaces Available	Shortfall/Surplus
Education Centre	0.4 to each student that is part of the maximum number of students on the site at any time	40 spaces	90 spaces on-site (9 allocated)	Excess of 50 spaces on-site

Table 1 RMS Guide to Traffic Generating Developments (2002)

As shown above, the proposed development requires 15 spaces to be provided under the *RMS Guide to Traffic Generating Developments*. With an on-site car parking supply of 5 spaces, there is a shortfall of 10 car parking spaces.

As such, a car parking demand assessment is undertaken.

Car Parking Demand Assessment

Public Transport Accessibility

As previously discussed, the subject site is within an area provided with great public transport accessibility. The closest bus stop to the site is located a 6-minute walk from the site and provides 2 bus routes with services available throughout the day. The 523 and 540 bus route provide commuters with connection the major railway stations which further extend the connectivity for students and staff of the site. As such, considering the availability of public transport services in the area, it is expected that there is possibility for a reduced reliance of private vehicles when travelling to the site.

On-Street Car Parking Demand Surveys

As mentioned above, car parking surveys have been undertaken to determine the availability of parking within the area and on-site. Car parking surveys were undertaken on;

- Wednesday 4th October (8:00am – 12:00pm)
- Friday 6th October (8:00am – 12:00pm)
- Saturday 7th October (5:00pm – 9:00pm)

The survey area considered all suitable on-street parking spaces within a walking distance of the subject site. The survey area is shown in Figure 6 below with detailed results available in Appendix A.

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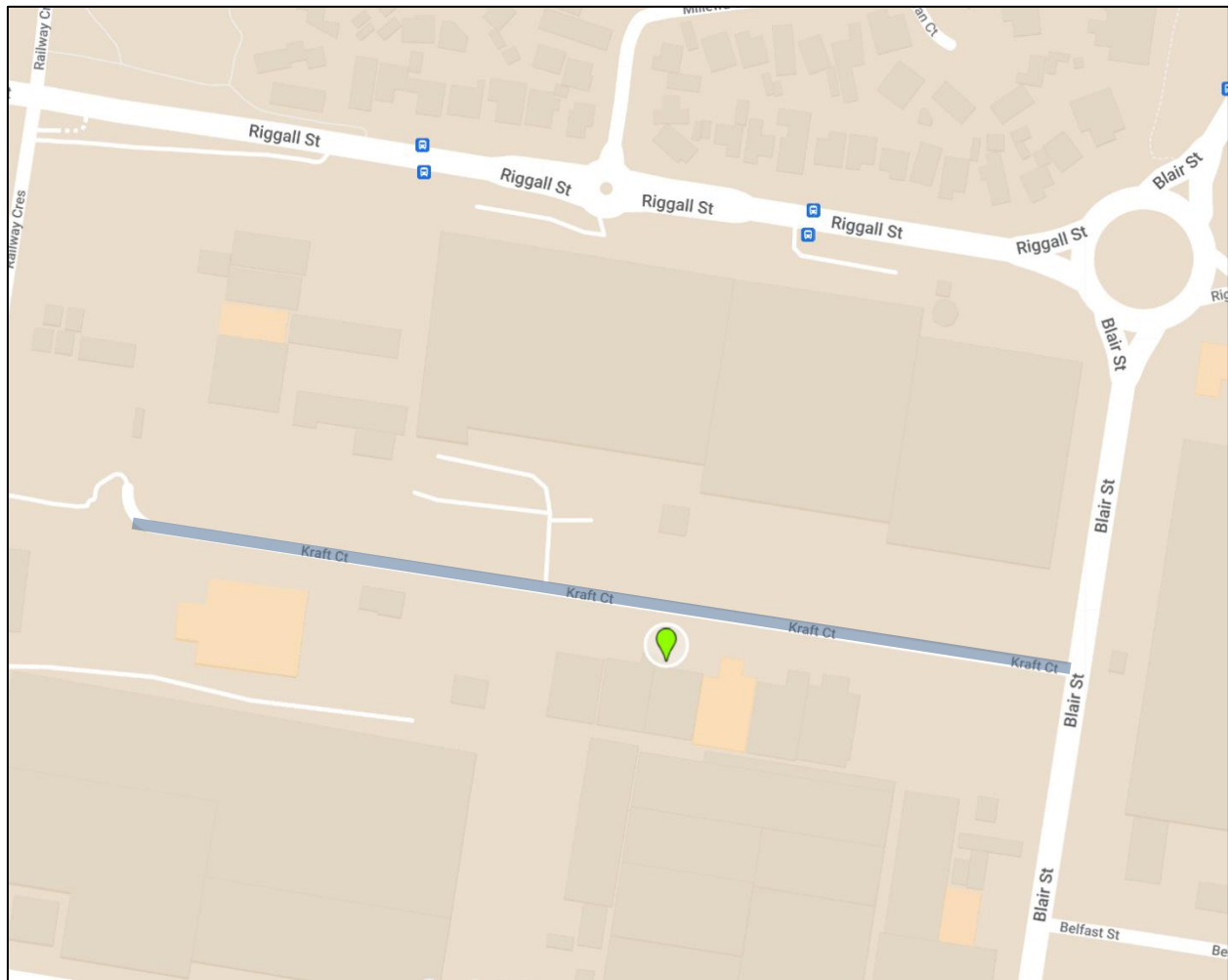


Figure 7 **Survey Locations**

source: Google Maps

On-Street Parking Survey Results

The parking observations showed that there are 59 unrestricted on-street car parking spaces along Kraft Court in the vicinity of the site.

As shown in the survey results in Appendix A, a maximum on-street parking occupancy occurs at 12:00pm on the Friday with 31 spaces occupied leaving no fewer than 28 spaces available for use. As such, it is acknowledged that a suitable number of on-street spaces are available during the proposed development peak periods which can comfortably accommodate for the car parking shortfall without risk of exhausting the on-street parking supply.

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TRAFFIC

The traffic generated from the subject site is expected to be a direct result of the supply of car parking spaces provided on-site. Typically observed at gymnasiums, patrons tend to stay on-site for 1 – 1.5 hours per session. For the purpose of this assessment, it is conservatively assumed that patrons will stay for 1 hour each session and with 5 on-site parking spaces provided, it is expected that the development will generate 10 vehicle movements per hour comprising of 1 inbound and 1 outbound trip per parking space.

This level of traffic generation is considered to be quite low with 10 vehicle movements expected per hour equating to 1 movement every 6 minutes.

This level of traffic is considered to be low and will have little impact to the existing road network.

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CONCLUSIONS

Based on the assessment presented in this report, it is considered that:

- ◆ The proposed development at 13A Kraft Court, Broadmeadows is for an 24/7 gymnasium.
- ◆ The subject site is within walking distance to the 523 and 540 bus route which provides members and staff a sustainable alternate mode of transportation to and from the site.
- ◆ The proposed development has a car parking requirement of 15 spaces under the car parking rates specified within the RMS Guide to Traffic Generating Developments (2002). With 5 spaces provided on-site, there is a statutory car parking shortfall of 10 spaces.
- ◆ The on-street car parking surveys undertaken indicate that the on-street parking availability during peak operating hours can comfortably accommodate for a shortfall of 10 parking spaces. As such, the provision of no on-site spaces is appropriate.

In conclusion, this study indicates that the proposed development is not envisioned to have adverse impacts on the surrounding car parking conditions. Therefore, the proposed development should be supported on traffic and parking grounds.

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APPENDIX A: ON-STREET SURVEYS

Wednesday 4th October 2023

LOCATION				PARKING	DEMAND					
STREET	BETWEEN		SIDE	RESTRICTION	SUPPLY	8:00am	9:00am	10:00am	11:00am	12:00pm
Kraft Court	Blair Street	250m westbound	E	No Restriction	27	6	8	12	14	13
	250m westbound	Cobham Street	W	No Restriction	32	10	11	15	13	11
					59	16	19	27	27	24
					Occupancy (%)	27.1	32.2	45.8	45.8	40.7

Friday 6th October 2023

LOCATION				PARKING	DEMAND					
STREET	BETWEEN		SIDE	RESTRICTION	SUPPLY	8:00am	9:00am	10:00am	11:00am	12:00pm
Kraft Court	Blair Street	250m westbound	E	No Restriction	27	8	12	11	10	14
	250m westbound	Cobham Street	W	No Restriction	32	10	10	13	16	17
					59	18	22	24	26	31
					Occupancy (%)	30.5	37.3	40.7	44.1	52.5

Saturday 7th October 2023

LOCATION				PARKING	DEMAND					
STREET	BETWEEN		SIDE	RESTRICTION	SUPPLY	5:00pm	6:00pm	7:00pm	8:00pm	9:00pm
Kraft Court	Blair Street	250m westbound	E	No Restriction	27	9	9	7	5	5
	250m westbound	Cobham Street	W	No Restriction	32	7	6	6	6	6
					59	16	15	13	11	11
					Occupancy (%)	27.1	25.4	22.0	18.6	18.6

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PLANNING PERMIT



Permit No.: P22715
Planning scheme: Hume Planning Scheme
Responsible authority: Hume City Council

ADDRESS OF THE LAND:

(Lot 19 PS 600857Q Vol 11083 Fol 536),
13 KRAFT CT
BROADMEADOWS VIC 3047

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THE PERMIT ALLOWS:

USE OF EXISTING WAREHOUSE FOR A RESTRICTED RECREATION FACILITY (GYM) IN ACCORDANCE WITH THE ENDORSED PLANS

NOTE: THIS IS A PLANNING PERMIT - NOT A BUILDING APPROVAL. IF THIS PROPOSAL INCLUDES ANY BUILDING WORK A BUILDING APPROVAL UNDER THE BUILDING ACT 1993 ('The Act') WILL ALSO BE REQUIRED. IF ANY SUCH PLAN ENDORSED WITH THIS PERMIT NEEDS TO BE MODIFIED TO MEET ANY REQUIREMENTS FOR BUILDING APPROVAL OR FOR ANY OTHER REASON YOU MUST SUBMIT ANY SUCH MODIFIED PLAN TO THE COUNCIL'S PLANNING DEPARTMENT FOR ENDORSEMENT.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and/or 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.
2. The use of the land or of any buildings on the subject land shall not be altered or changed to some other use except with the written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, the maximum number of persons on the premises at any one time must not exceed:

Patrons/members: 20

Staff: 1

4. Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:

Monday – Sunday: 6am – 7:30pm.

5. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

Date issued: 10 May 2021

**Signature for the
responsible authority:**

A handwritten signature in blue ink, appearing to read 'D. King', written over a horizontal line.

6. The subject land must be maintained in an orderly and neat manner at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
7. Goods, equipment, packaging material or machinery must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
8. Except with the further consent of the Responsible Authority no form of public address system shall be used on the premises so as to be audible outside the building.
9. Noise levels emanating from the land must not exceed the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
10. No public address or sound system shall be used on the subject land except one which is audible only within the building on the land.
11. No external sound amplification equipment or loud speakers may be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
12. The use or development must not adversely affect the amenity of the area.
13. Any alarm or security system installed on the land must:
 - Be silent in accordance with any relevant Australian Standard;
 - Be connected to registered security firm.All to the satisfaction of the Responsible Authority.
14. The use and occupation of the development must be managed so that the amenity of the area is not detrimentally affected, including through the:
 - a) transportation of materials, goods or commodities to or from the subject land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; or
 - e) in any other way.
15. This permit shall expire if the use permitted by this permit is not commenced within two years of the date of this permit, or if the use is discontinued for a period of two years.

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

Any signs displayed must not be floodlit or illuminated by external lights except with the further written approval of the Responsible Authority.

Date issued: 10 May 2021

**Signature for the
responsible authority:**



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- (a) from the date specified in the permit, or
- (b) if no date is specified, from –
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - (c) the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if –
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if –
 - (a) the development or any stage of it does not start within the time specified in the permit, or;
 - (b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
 - (d) the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision –
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- (a) The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- (b) An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- (c) An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- (d) An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- (e) An application for review must state the grounds upon which it is based.
- (f) A copy of an application for review must also be served on the responsible authority.
- (g) Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 10 May 2021

Signature for the
responsible authority:

