

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Planning Permit Application: TP-2017-4

21 March 2017

North Melbourne Recreation Reserve, 204-206 Arden Street, North Melbourne

Presenter: Evan Counsel, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application lodged by the Melbourne City Council to construct buildings and works (including a new multi-purpose court, retaining wall, fence and paths) at the existing North Melbourne Recreation Reserve.
2. This application relates to the currently vacant grassland, bounded by Fogarty Street to the west, the North Melbourne Community Recreation Centre to the south, football oval to the east and park land to the north (refer to Attachment 2 – Locality Plan).
3. The site is located within the Public Park Recreation Zone and is affected by a Land Subject to Inundation Overlay. Part of the North Melbourne Recreation Reserve is located in a Heritage Overlay (HO1106) however no works are proposed within the Heritage Overlay as part of this application.
4. A planning permit is not required for the proposed land use as an open sports ground.
5. A planning permit is only required for the proposed buildings and works as the site is affected by the Land Subject to Inundation Overlay (LSIO).
6. The Melbourne City Council is the public land manager and committee of management for the North Melbourne Recreation Reserve.

Key issues

7. The key issue to consider is limited to potential inundation and flooding.
8. The application has been referred to Melbourne Water who does not object to the proposal subject to conditions being included on a permit should one issue.
9. The proposal satisfies the requirements of the LSIO and is consistent with the relevant state and local policy provisions of the Melbourne Planning Scheme.

Recommendation from management

10. That the Future Melbourne Committee resolves that a Planning Permit be issued subject to the conditions set out in the delegate report (refer Attachment 4 – Delegate Report).

Attachments:

1. Supporting Attachment (page 2 of 14)
2. Locality Plan (page 3 of 14)
3. Selected plans (page 4 of 14)
4. Delegate Report (page 9 of 14)

Supporting Attachment

Legal

1. Pursuant to Section 96 (1) of the *Planning and Environment Act 1987* (Act), 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority, unless the planning scheme gives an exemption.
2. Clause 67.01 of the Melbourne Planning Scheme (MPS) provides an exemption from the provisions of Section 96 of the Act for the use and development of land for the purpose of leisure and recreation.

Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. Pursuant to Clause 67.02 of the MPS the application is exempt from notice requirements as a permit is only required under the Land Subject to Inundation Overlay (LSIO).
6. Pursuant to Clause 44.04-5 of the MPS the application was referred to Melbourne Water who is a determining referral authority.

Relation to Council policy

7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

8. Not relevant to this application as Clause 22.19 Energy, Water and Waste Efficiency of the MPS does not apply to applications for the buildings and works for the purpose of leisure and recreation.

Locality Plan

North Melbourne Recreation Reserve, 204-206 Arden Street, North Melbourne



DO NOT SCALE - USE WRITTEN DIMENSIONS ONLY

Attachment 3
Agenda item 6.1
Future Melbourne Committee
21 March 2017




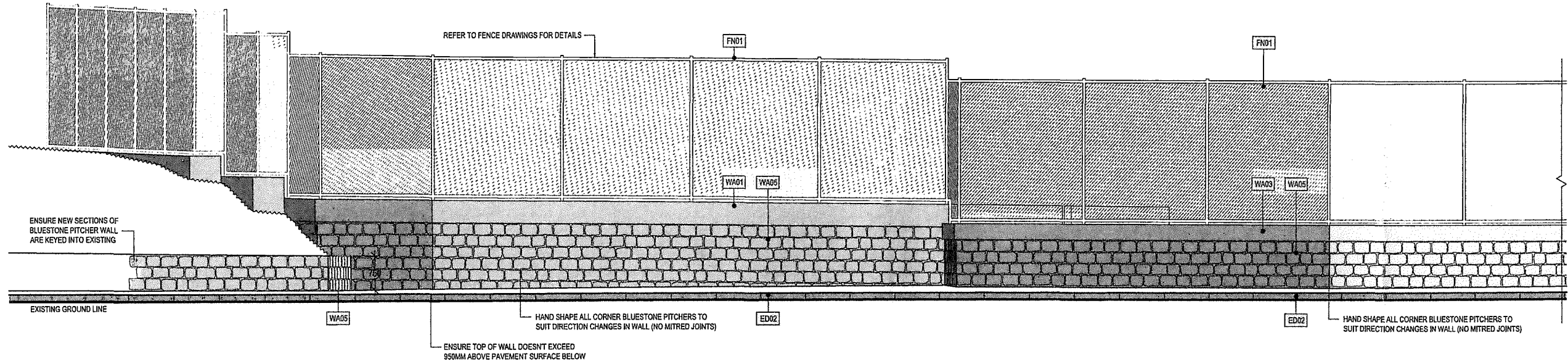
RESERVE TREE PLANTING PLAN

PLANNING
03 JAN 2017

TREE SPECIES LIST

- Ab. *Araucaria bidwillii*
Bunya Pine
- Acco. *Angophora costata*
Smooth-barked Apple
- Acu. *Araucaria cunninghamii*
Hoop Pine
- Ar. *Agathis robusta*
Kauri Pine
- Ba. *Brachychiton acerifolius*
Illawarra Flame Tree
- Cc. *Corymbia citriodora*
Lemon scented Gum
- El. *Eucalyptus leucoxylon* 'Rosea'
Yellow Gum
- Er. *Eucalyptus sideroxylon* 'Rosea'
Red Iron Bark
- Fa. *Flindersia australis*
Australian Teak
- Fin. *Ficus macrophylla*
Morton Bay Fig
- Sm. *Schinus molle*
Peppercorn

 <p>CITY OF MELBOURNE</p>		
<p>CITY DESIGN LEVEL 6 / 240 LT COLLINS STREET MELBOURNE VIC 3000 TELEPHONE: (03) 9608 9000 FACSIMILE: (03) 9608 8840</p>		
<p>CLIENT DESIGN & URBAN ENVIRONMENT</p>		
<p>PROJECT NORTH MELBOURNE RECREATION RESERVE ARDEN STREET, NORTH MELBOURNE</p>		
<p>DRAWING RESERVE TREE PLANTING PLAN</p>		
<p>STATUS FOR DISCUSSION</p>		
PASSED / REVIEWED	APPROVED / AUTH FOR USE	
NORTH POINT	DESIGN HB	DRAWN HB
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	DATE PLOTTED 27 JUL 2010	
PROJ NO 902292	DWG NO -	REV -
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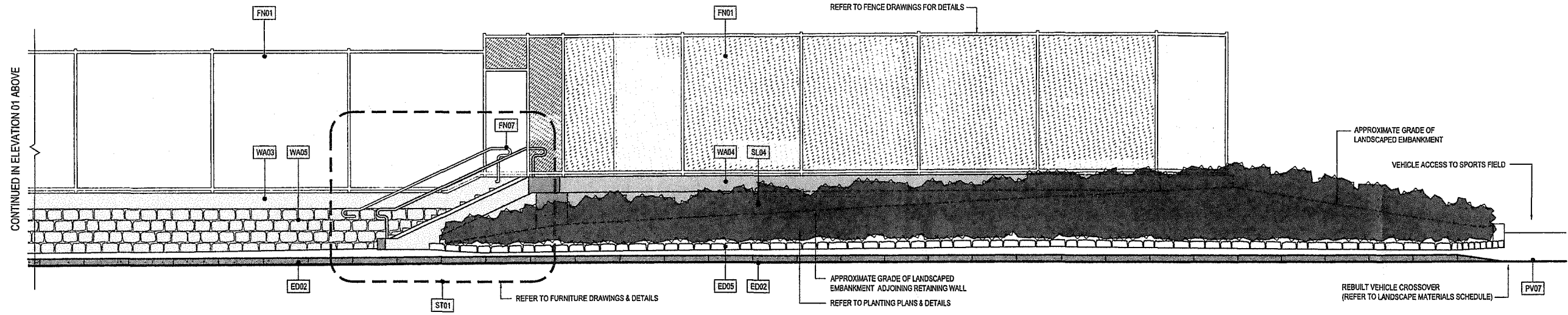


01 FOGARTY STREET ELEVATION
NORTH SIDE 1:50

CONTINUED IN ELEVATION 02 BELOW

DO NOT SCALE - USE WRITTEN DIMENSIONS ONLY

No	DATE	AMENDMENTS	AUT.



02 FOGARTY STREET ELEVATION
SOUTH SIDE 1:50

CITY OF MELBOURNE
CITY DESIGN STUDIO
LEVEL 5/240-251 COLLINS STREET
MELBOURNE VIC 3000
TELEPHONE: (03) 9658 9658
FACSIMILE: (03) 9658 8840

CLIENT
PARKS & WATERWAYS

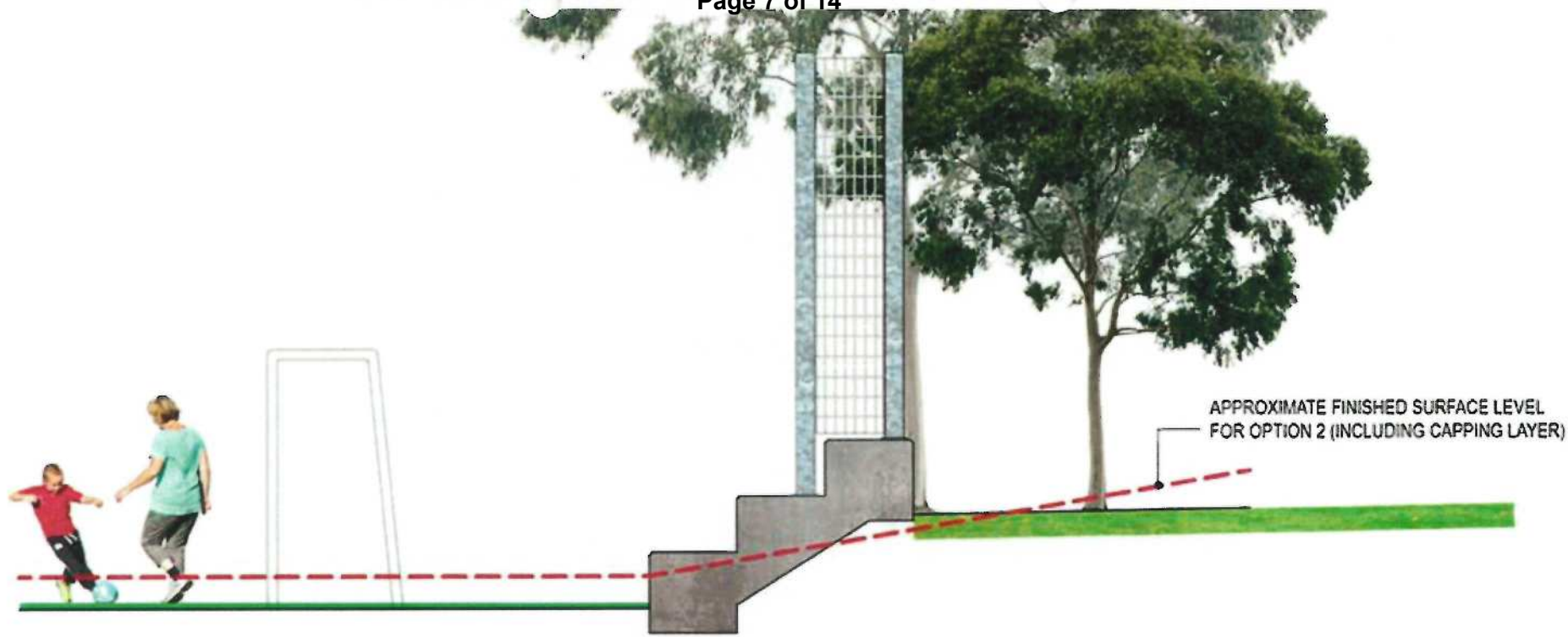
PROJECT
NORTH MELBOURNE RECREATION RESERVE
MULTIPURPOSE COURT

DRAWING
ELEVATIONS

STATUS
DESIGN DEVELOPMENT

CHECKED	REVIEWED	AUTH. FOR USE
NORTH POINT	DESIGN HAB	DRAWN HAB
	A1 1:50	A3 1:100
DATE PLOTTED 08 SEP 2016		
PROJ. NO. 903573	DWG. NO. LA200	REV. A

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SECTION
SD-01 MULTIPURPOSE COURT SEATING TERRACES 1:25



SECTION
SD-02 FOGARTY STREET ACCESS STAIR 1:25

PLANNING
 03 JAN 2017



SECTION
SD-03 PASSIVE RECREATION AREA 1:25



MULTI-PURPOSE COURT: CONCEPT SECTIONS

CLIENT CITY OF MELBOURNE	PROJECT NMRR MULTIPURPOSE COURT	PASSED -	APPROVED -	DRAWN HAB	DATE 16APR15	SCALE 1:25	PROJECT NUMBER 903573	DRAWING NUMBER SD-03
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SECTIONS
SD-01 FOGARTY STREET RETAINING WALL 1:25



SECTIONS
SD-02 OUTDOOR FITNESS AREA & GARDEN BEDS 1:25

PLANNING
03 JAN 2017



MULTI-PURPOSE COURT: CONCEPT SECTIONS

CLIENT CITY OF MELBOURNE	PROJECT NMRR MULTIPURPOSE COURT	PASSED -	APPROVED -	DRAWN HAB	DATE 16APR15	SCALE 1:25	PROJECT NUMBER 903573	DRAWING NUMBER SD-02
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DELEGATED PLANNING APPLICATION REPORT

APPLICATION NO:	TP-2017-4
APPLICANT:	City Of Melbourne
ADDRESS:	North Melbourne Recreation Reserve, 204-206 Arden Street, NORTH MELBOURNE VIC 3051
PROPOSAL:	Construction of buildings and works (including a new multi-purpose court, retaining wall, fence and paths) to the existing North Melbourne Recreation Reserve
DATE OF APPLICATION:	03-Jan-2017
RESPONSIBLE OFFICER:	Oh Young Lee

1. SUBJECT SITE AND SURROUNDS

The North Melbourne Recreation Reserve (NMRC), first developed in the 1850s, is the administrative headquarters and training ground of the North Melbourne Football Club. A redevelopment was completed in 2010 which included office for the football club, a fencing centre, basketball court, a community centre and gymnasium.



Fig 1) Subject site and surrounds – works are proposed to the area highlighted.

To the east of the Reserve, on the corner of Arden Street and Macaulay Road, stands the North Melbourne Swimming Centre.

To the west of the Reserve, facing Arden Street is the former site of the Council's stonemasonry and civil works depot. Facing Arden Street is a single storey brick 1960's administrative building.

To the south of the Reserve, all land is zoned Industrial 1 (INZ1). Accordingly a number of larger scale industrial and commercial uses are located here.

The surrounds generally comprise a mix of residential, industrial and commercial buildings of varying character and significance.

This application particularly relates to the currently vacant grassland, bounded by Fogarty Street to the west, the North Melbourne Community Recreation Centre to the south, football oval to the east and park land to the north (refer to figure 1 above).

Whilst the North Melbourne Community Recreation Centre is partially located in a Heritage Overlay, this overlay does not apply to the area where the works are proposed under this application.

City of Melbourne is the public land manager and committee of management for the NMRC.

2. BACKGROUND AND HISTORY

Amendments during the process

This application was not amended during the process.

Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site:

TP number	Description of Proposal	Decision & Date of Decision
TP-2008-554	Use and buildings and works associated with the development of a 'Leisure and Recreation Facility' including football administration centre and landscaping and the provision of car parking to Council's satisfaction	Permit issued 5 November 2008

3. PROPOSAL

The application seeks approval for the construction of buildings and works to the existing North Melbourne Recreation Reserve. Details of the proposal are follows:

- Removal of the player's race and redundant vehicle cross-over
- Construction of a synthetic multi-purpose court with 3000mm perimeter fence and lighting. The court will be used to accommodate futsal, netball, basketball and blind soccer and the model for public informal recreation use will be managed through the Recreation and Libraries branch at the City of Melbourne.
- Construction of retaining wall/fence. The bluestone pitchers from the demolished player's race will be re-used on site for the retaining walls around the multi-purpose court and outdoor fitness area.
- Construction of new paths.

Other works described in the application, including any demolition, park furniture including drinking fountain and direction sign do not require a planning permit (further discussed in Section 4 of this report).

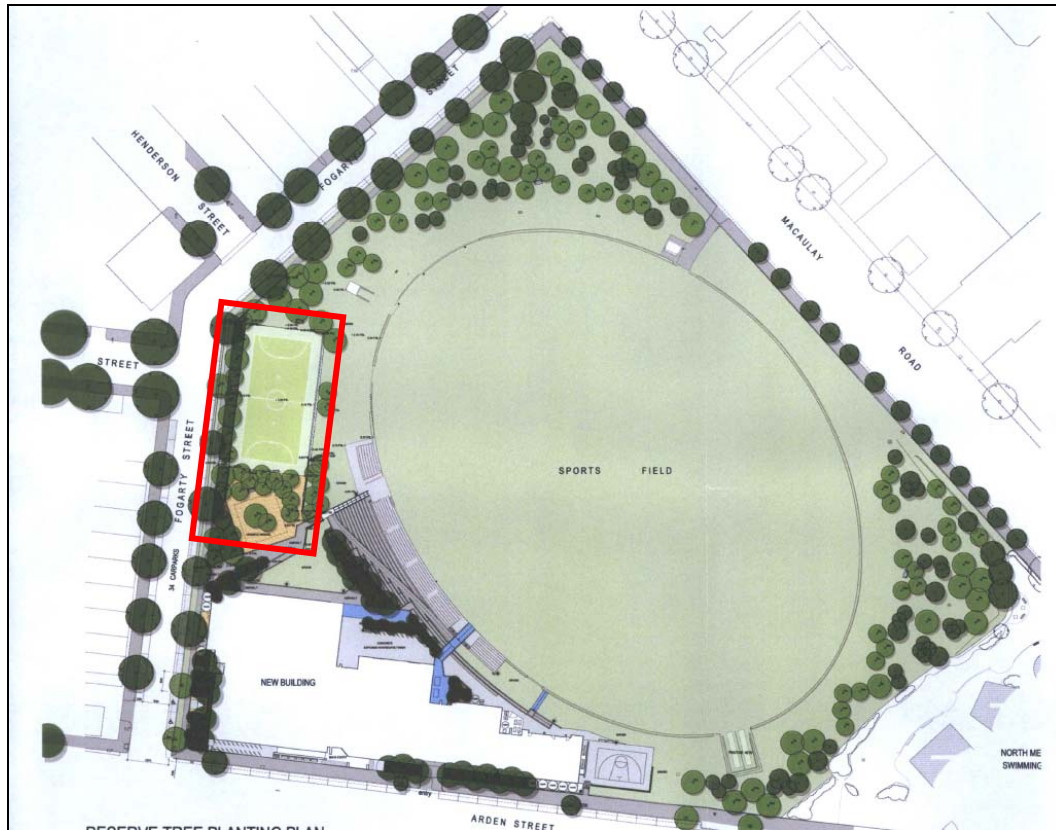


Fig 2) Proposed works (new court and paths) as shown in the plan

4. STATUTORY CONTROLS

The following controls apply to the site, with planning permit triggers as described.

Clause	Permit Trigger
<p>Public Park and Recreation Zone</p> <p>Clause 36.02</p>	<p>Pursuant to Clause 36.02-1 a permit is not required for the use as an open sports ground provided that the use meets the following criteria:</p> <ul style="list-style-type: none"> • <i>Must be conducted by or on behalf of the public land manager.</i> • <i>Must not be on coastal Crown land under the Coastal Management Act 1995.</i> • <i>Must not be costeaning or bulk sampling.</i> <p>The application meets the above criteria. Therefore no permit is required for the proposed use.</p> <p>Pursuant to Clause 36.02-2 a permit is not required for a building or works carried out by or on behalf of a public land manager.</p> <p>Pursuant to Clause 36.02-8 advertising sign requirements are at Clause 52.05. This zone is in Category 4 which does not require a permit for a direction sign.</p>
<p>Land Subject to Inundation Schedule 1</p> <p>Clause 44.04</p>	<p>Pursuant to Clause 44.04-1 a permit is required to construct a building or construct or carry out works.</p> <p>Thee application must be referred to Melbourne Water who are a determining referral authority.</p>

<p>Clause 62.02-2 Uses, buildings, works, subdivisions and demolition not requiring a permit</p>	<p>Pursuant to Clause 62.02-2, a permit is not required for buildings and works unless specifically required by the planning scheme, including:</p> <ul style="list-style-type: none"> • Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets. <p>Pursuant to Clause 62.05 a permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.</p> <p>The Zone and Overlay applicable to the site make no reference to demolition or park furniture; as such a permit is not required for the proposed park furniture and demolition.</p>
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5. STRATEGIC FRAMEWORK

State Planning Policy Framework

Clause 11.03 Open Space

Clause 11.04-4 Liveable communities and neighbourhoods

Local Planning Policy Framework (Municipal Strategic Statement)

Clause 21.10-2 Open Space

Clause 21.16-5 North and West Melbourne

In relation to the infrastructure, this clause makes the following relevant statements:

- Support the provision of open space and recreational facilities for the local resident and working community.

Local Planning Policy Framework (Local Policies)

There are no directly relevant local policies for this application.

6. PARTICULAR/ GENERAL PROVISIONS

Particular Provisions

There are no relevant Particular Provisions for this proposal.

General Provisions

The following General Provisions applies to the application:

Clause 65 Decision Guidelines

Clause 66.03 Referral of permit applications under other State standard provisions

Clause 67 Applications under Section 96 of the Act

7. PUBLIC NOTIFICATION

The subject site is affected by the Land Subject to Inundation Overlay. Pursuant to Clause 44.04-4 an application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Pursuant to Clause 67.02 of the Melbourne Planning Scheme the application is exempt from notice requirements as a permit is only required under the Land Subject to Inundation Overlay (LSIO).

8. OBJECTIONS

The application has not received any objections.

9. REFERRALS

Pursuant to Clause 44.04-5 the application was referred to Melbourne Water who does not object to the proposal subject to the following conditions and footnotes:

1. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
2. Imported fill must be kept to a minimum on the property and only be used for the areas of the proposed building and works.

Footnotes:

The applicable flood level for the property is 2.9 metres to Australian Height Datum.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **286475**.

10. ASSESSMENT

The application seeks approval for the construction of buildings and works (including a new multi-purpose court, retaining wall, fence and paths) to the existing North Melbourne Recreation Reserve.

The application has been lodged by the City of Melbourne who is the Public Land Managers of the site.

A planning permit is only required in this instance pursuant to Clause 44.04-1 as the site is affected by the Land Subject to Inundation Overlay(LSIO).

The application has been referred to Melbourne Water who have advised it does not object to the proposal subject to conditions being included on the permit, should one issue. The requested conditions are included in the recommendation at section 11 of this report.

The proposal successfully satisfies the requirements of the LSIO and is consistent with the relevant state and local policy provisions of the Melbourne Planning Scheme as it contributes to:

- Ensuring land is set aside and developed in residential areas for local recreational use.
- Ensuring that urban open space provides for recreation and play, formal and informal sport, social interaction and peace and solitude.
- Accommodating community sports facilities in a way that is not detrimental to other park activities.

- Creating healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.
- Supporting the maintenance and creation of a variety of public open space to meet the needs of the growing population for formal and informal outdoor recreation.
- Supporting the provision of open space and recreational facilities for the local resident and working community.

11. RECOMMENDATION

It is considered that the proposal is consistent with the relevant provisions of the Melbourne Planning Scheme, as discussed above, and that a Planning Permit be issued subject to the following conditions:

1. The development as shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority.

Melbourne Water

2. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
3. Imported fill must be kept to a minimum on the property and only be used for the areas of the proposed building and works.

Time Limit

4. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes:

The applicable flood level for the property is 2.9 metres to Australian Height Datum.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **286475**.