

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Planning Permit Application: TP- 2016-241
92-102 & 104-108 Hawke Street, West Melbourne

7 June 2016

Presenter: Leon Wilson, Team Leader Land Survey

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for a planning permit lodged by Melbourne City Council for the removal of Reserve 1 on PS730822J under the provisions of section 24A of the *Subdivision Act 1988* and creation of new consolidated Reserve in accordance with PS800323Q (refer to Attachment 2 – Locality Plan).
2. The site has a total area of 1083 square metres and is currently used for the Hawke and Adderley Street Park and there is a single storey warehouse built on the southern portion. A planning permit (TP-2015-1183) has been issued for the demolition of the warehouse to increase the size of the park.
3. The site is located within the General Residential Zone Schedule 1 and is affected by the Heritage Overlay (HO3 - North & West Melbourne Precinct).
4. Council recently purchased the property at 104 Hawke Street West Melbourne for the extension of the existing Hawke and Adderley Street Park.

Key issues

5. The existing reserve must be removed by the direction of a planning permit before the new extended reserve can be created.
6. The extension and protection of the reserve status of the site for a public recreation reserve will provide net community benefit whilst making a positive contribution to the character and amenity of the area.

Recommendation from management

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

Attachments

1. Supporting Attachment (*Page 2 of 9*)
2. Locality Plan (*Page 3 of 9*)
3. Plan (*Page 4 of 9*)
4. Delegate Report (*Page 6 of 9*)

Supporting Attachment

Legal

1. Pursuant to Section 96 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 provides an exemption from the provisions of Section 96 of the Act for the removal of a reserve.

Finance

3. There are no direct financial issues arising from the recommendations contained within 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. Notification of this application was not required because the responsible authority is satisfied the grant of the permit would not cause material detriment to any person.

Relation to Council policy

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

Environmental sustainability

7. Not relevant to this application as Clause 22.19 Energy, Water and Waste Efficiency does not apply to applications for the removal of a reserve.

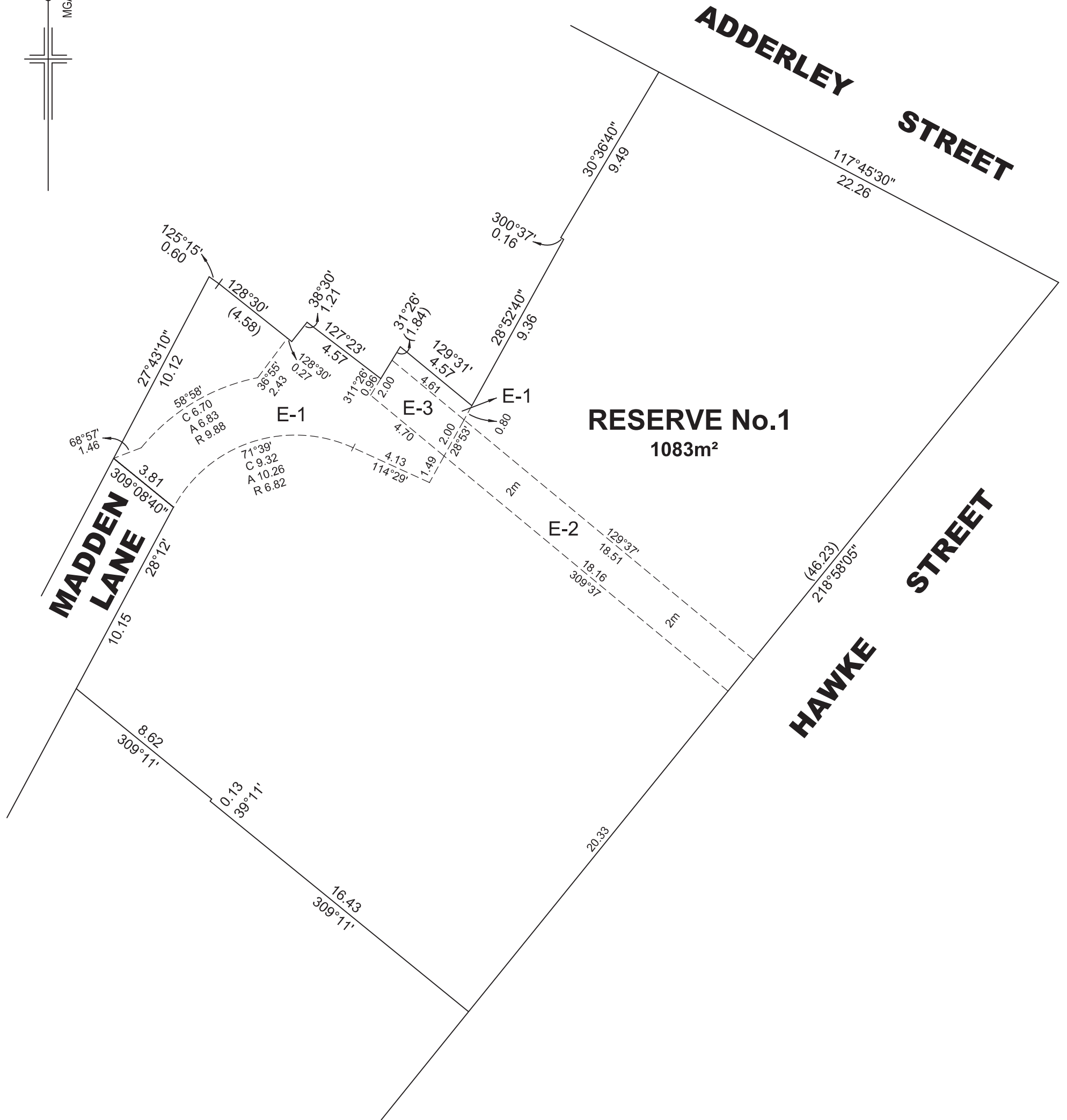
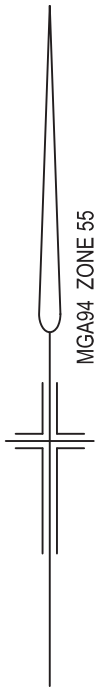


Approx. Scale 1:500

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PLAN NUMBER
PS 800323Q



WARNING
THIS PLAN IS AN UNREGISTERED PLAN OF SUBDIVISION. DIMENSIONS AND LAYOUT MAY VARY PRIOR TO FINAL APPROVAL OF PLAN

REF: **22368/3TF** VERSION: **B** DATE: 04/04/16
22368-3-TF-M-B.DGN

SCALE **1:200**

LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE **A3**

SHEET **2**



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TOMAS CHAMPION

DELEGATED PLANNING APPLICATION REPORT

Application No:	TP-2016-241
Subdivision Reference No:	SA-2016-37
Plan No:	PS800323Q
Applicant:	City of Melbourne
Address:	92-102 & 104-108 Hawke Street, WEST MELBOURNE VIC 3003
Proposal:	Removal of Reserve 1 on PS730822J under the provisions of section 24A of the Subdivision Act 1988 and creation of new consolidated Reserve in accordance with PS800323Q
Date of Application:	04-Apr-2016
Responsible Officer:	Leon Wilson

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the western corner of Hawke and Adderley Street in West Melbourne. Madden Lane is located to the rear of the site. The site is irregular in shape and has a total site area of 1083m². The site is currently used for the Hawke and Adderley Street Park and there is a single storey warehouse built on the southern portion. A planning permit has been issued for the demolition of the warehouse to increase the size of the park. The subject site is located in a residential area.



Figure 1: Subject site shown in red

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

There have been pre-application discussions with Property Services, Parks Services, the Statutory Planning Team and Land Survey Team prior to this application being lodged.

2.2 Planning Application History

The following applications relate to the site and this application.

TP or SA Number	Description of Proposal	Decision & Date of Decision
SA-2016-37	Certification of 35(8) plan of subdivision including removal of reserve using section 24A in accordance with PS800323Q	Lodged
TP-2015-1183	Demolition of existing building including common wall with the neighbouring house at 110 Hawke Street to use the subject land for the purposes of informal outdoor recreation	Permit issued 4/5/2016

3 PROPOSAL

Melbourne City Council has recently purchased 104 Hawke Street in order to extend the existing Hawke and Adderley Street Park; the proposal removes the existing reserve status and replaces it immediately with a new consolidated reserve over the extended Council owned area.

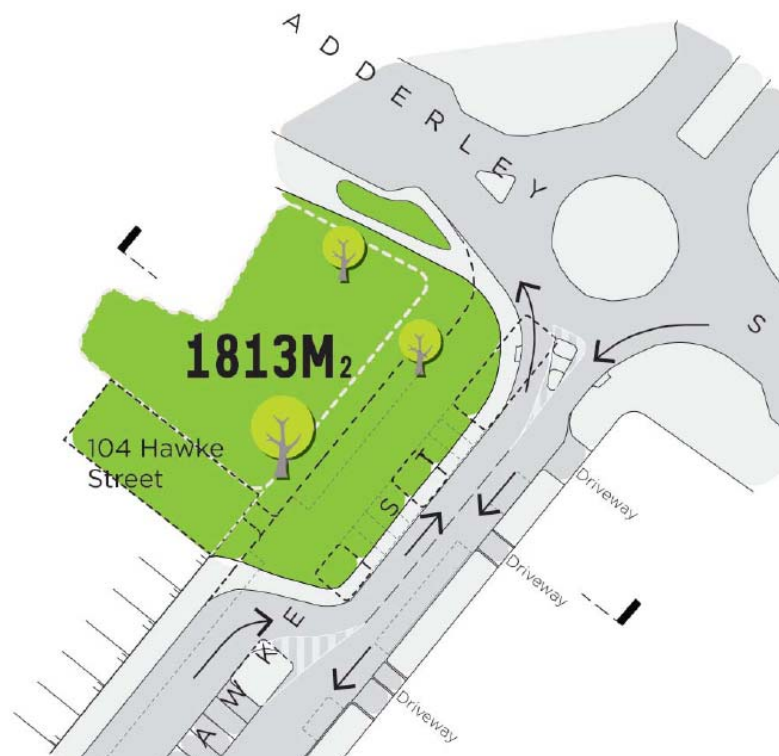


Figure 2: Concept plan of extended public recreation reserve.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 52.02 Easements Restrictions and Reserves	Pursuant to Clause 52.02, a planning permit is required before a person proceeds under section 24A of the <i>Subdivision Act 1988</i> .

5 ZONE

The subject site is located within the General Residential Zone Schedule 1 where a planning permit is not required for the consolidation of titles into one title

6 OVERLAY(S)

The subject site is affected by the Heritage Overlay Schedule 3 (North & West Melbourne Precinct) where a planning permit is not required for the consolidation of titles into one title.

7 PARTICULAR/GENERAL PROVISIONS

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

8 PUBLIC NOTIFICATION

Notification of this application was not required because the responsible authority is satisfied the grant of the permit would not cause material detriment to any person.

9 OBJECTIONS

No objections have been received.

10 REFERRALS

The application was not required to be referred as stipulated in Section 8(4) of the *Subdivision Act 1988*.

11 ASSESSMENT

The application seeks approval for the removal of Reserve 1 on PS730822J and creation of a new consolidated Reserve in accordance with PS800323Q. The removal and reinstatement of the reserve on the one plan is simultaneous and does not adversely affect the heritage value or amenity of the area. The application is an administrative process for the expansion and protection of the status of the Hawke and Adderley Street Park, and will provide a net community benefit as well as contributing positively to the character and amenity of the area.

12 RECOMMENDATION

The proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above. It is recommended that a Planning Permit be issued subject to the following conditions:

1. The layout and site dimensions of the proposed plan as shown on the endorsed plan(s) shall not be altered or modified without the consent of the Responsible Authority.
2. Any like plan submitted for certification under the provisions of the *Subdivision Act 1988*, ("the certified plan") shall be to the satisfaction of the Responsible Authority (Team Leader - Land Survey).
3. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - 3.1. The plan is not certified under the *Subdivision Act 1988* within two years of the date of issue of this permit. The Responsible Authority may extend this time if a request is made in writing before the permit expires, or within six months afterwards; or
 - 3.2. The registration of the plan is not completed within five years of the date of certification. The time for registration of the plan cannot be extended.

Leon Wilson
Team Leader Land Survey

13 May 2016