

# Assessment Officer Report

PA240297, 32-44 Leonard Crescent, Ascot Vale

Use and Development of an Automated Collection Point as known as Reverse Vending Machine (Kiosk) and the display of business identification signage



Officer Assessment Report  
Development Approvals & Design

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# Executive Summary

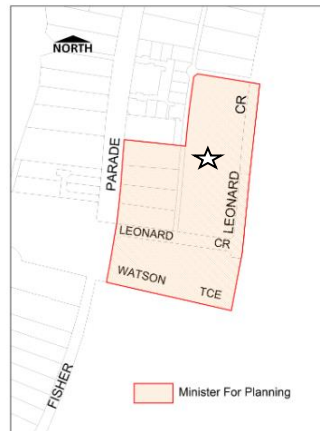


Key Information	Details
Application No:	PA2402911
Received:	07 May 2024
Statutory Days:	8
Applicant:	SLR Consulting Australia Pty Ltd
Planning Scheme:	Moonee Valley
Land Address:	32-44 Leonard Crescent, Ascot Vale Lot 37 & 38 on Plan of Subdivision 000402 Lots 1 & 2 on Title Plan 142653V Lots 1 & 2 on Title Plan 746972L  The proposed kiosk is located on Lot 38 LP402.
Proposal:	Use and Development of an Automated Collection Point (Reverse Vending Machine (Kiosk)) and the display of business identification signage
Development Value:	\$35000

**Why is the Minister responsible?**

In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for administering and enforcing the planning scheme for:

- The land at Flemington Racecourse:



The subject site is identified within the area (marked by the yellow star) where the Minister of Planning is the responsible authority.

Why is a permit required?	Clause	Control	Trigger
<b>Zone:</b>	37.02	Comprehensive Development Zone – Schedule 1 (CDZ1)	<i>Clause 1.0 of Schedule 1 of Clause 37.02 – An Automated Collection Point is a Section 2 use provided it does not meet the requirements of Clause 52.13-5. The proposed front setback is 500mm (not meeting the 4m setback requirement). Clause 37.02-4 – Construct a building or construct or carry out works.</i>
<b>Overlays</b>	45.06	Development Contributions Plan Overlay – Schedule 1 (DCPO1)	<i>N/A – A permit is not triggered under DCPO1 given that the Moonee Valley Development Contributions Plan has been incorporated into the Scheme.</i>



<b>Particular Provisions:</b>	52.05	Signs	<i>Clause 52.05-13 – Display of business identification sign (Section 2).</i>
	52.06	Car Parking	N/A
	52.13	Victoria’s Container Deposit Scheme	N/A

**Cultural Heritage:** The site is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is not required in this instance as significant ground disturbance has already occurred on site to accommodate the car park.

**Total Site Area:** ~ 7030sqm

**Referral Authorities:** No referrals required.

**Public Notice:** Notice of the application under section 52 of the Act was not required for this application due to the notice exemption under Clause 52.13-11. Pursuant to Clause 52.13-11 (Victoria’s Container Deposit Scheme of Moonee Valley Planning Scheme, an application to use or develop land for an automated collection point including the construction of or putting up for display a sign in conjunction with an automated collection point 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.

**Delegates List:** Delegation not required for this application.

**Planning Permit History:** N/A



## Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	07 May 2024
Further information requested	27 May 2024
Further information received & formally amended the application under s50 of the Act	02 July 2024  The proposed s50 amendment request is inclusive of the following: <ul style="list-style-type: none"><li>• Additional permit trigger for signage under 52.05-13. The proposed signage does not meet the exemption under Clause 52.05-10.</li><li>• Relocation of the Automated Collection Point (Kiosk), further north on the site.</li></ul>
Decision Plans	Architectural Plans, submitted by SLR on 21 June 2024.  Signage Elevations, submitted by SLP on 11 July 2024.  Signage Measurement Plans, submitted by SLR on 02 July 2024.
Other Assessment Documents	Planning Report, prepared by SLR and dated 21 June 2024.  Operational Plan, prepared by TOMRA and dated April 2023.

2. The subject of this report is the decision plans (as described above).

## Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
<b>Proposal:</b>	<p>The proposed use and development of the Automated Collection Point (i.e. kiosk) will involve:</p> <ul style="list-style-type: none"><li>• Dimensions of the kiosk: 5m by 6m (floor area = 30sqm)</li><li>• Proposed hours of operation:<ul style="list-style-type: none"><li>○ 8am to 7pm, 7 days a week</li></ul></li><li>• Occupying 5 car parking spaces to accommodate the kiosk.</li><li>• Partial demolition of existing fence.</li><li>• Construction of concrete slab to accommodate kiosk location.</li><li>• Installation of three (3) inground bollards.</li><li>• Installation of fencing around the Customer Service Interface (CSI) area.</li></ul> <p>The proposed signage to be attached to the Automated Collection Point (i.e. kiosk) will involve:</p> <ul style="list-style-type: none"><li>• Combination of business identification and directional signage.</li><li>• Total display area for:<ul style="list-style-type: none"><li>- Business identification signage = 8.18sqm</li><li>- Directional signage = 6.2sqm</li></ul></li></ul>

- The proposed colour scheme is primarily blue, white and orange, which is typical colours for an automated collection point.
- No animated, internally illuminated, or floodlit signs are proposed.

The proposed directional sign is classified under Section 1 under Category 3 of Clause 52.05-13, and therefore a permit is not required for this sign.

<b>Total Site Area:</b>	~7030 sqm
<b>Gross Floor Area:</b>	34.2sqm
<b>Height:</b>	2.591m
<b>Setbacks:</b>	North: 39.4m South: 85.64m West: 42.85m East: 0.5m
<b>Car Parking:</b>	The proposed kiosk will occupy 5 car parking spaces. Furthermore, the shortfall of 5 car parking spaces does not trigger a permit under Clause 52.06 as the 'use' of a car park is not listed under Table 1 of Clause 52.06-5. The remaining car parking spaces in the existing car park are considered sufficient to the satisfaction of the responsible authority.

4. The applicant has submitted following plans of the proposal:

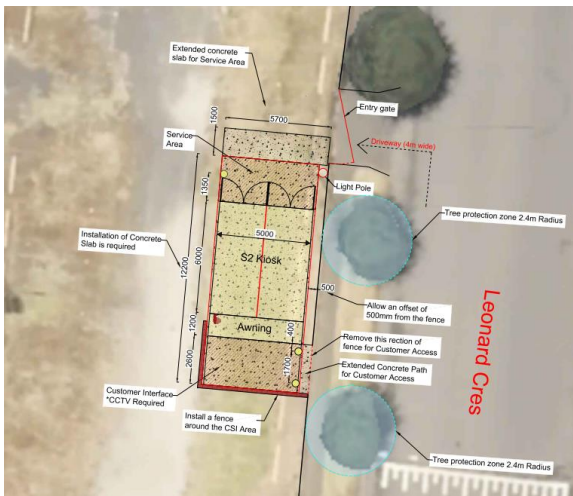


Figure 1 - Proposed Floor Plan (Source: Decision Plans)



Figure 2 - Proposed Signage Plan (Side) (Source: Decision Plans)

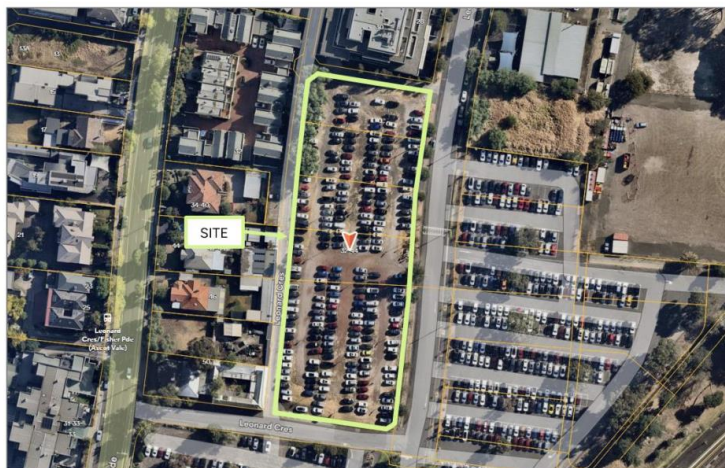


## Site Description

5. The site is located at 32-44 Leonard Crescent, Ascot Vale, and is identified as the Victoria University Leonard Crescent Car Park.
6. The site does not contain any built form elements, apart from a pay station, access gate, lighting, signage and CCTV cameras. Access to the site is provided via a combined ingress/egress driveway onto Leonard Crescent.
7. The site contains six parcels of land that is generally regular in shape that covers an area of approx. 7030 sqm.
8. The site is formally described as comprising the following land parcel:
  - Lot 37 and 38 of LP000402
  - Lot 1 and Lot 2 of TP142653
  - Lot 1 and Lot 2 of TP746972
9. There are no easements or restrictions on the title.

## Site Surrounds

10. The surrounding development consists of established residential dwellings to the north and west, car parks to the south and east, Flemington Racecourse and Flemington Racecourse Railway Station further east, and open reserves to the west.
11. The Maribyrnong River is located approx. 148m west of the site.



**Figure 3 - Aerial Imagery (Source: Planning Report)**





## Planning Policy Framework

- The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.
- The following objectives and strategies of the PPF are relevant to the proposal:

Clause	Description
13.05-1S	Noise Management
13.07-1S	Land Use Compatibility
15.01-1L	Signs
15.01-2L-03	Environmentally Sustainable Development
17.03-2S	Sustainable Industry
18.01-3S	Education Facilities

## Zoning and Overlays

### Comprehensive Development Zone (Schedule 1) [CDZ1]

- A planning permit is required for the following under CDZ1:
  - Clause 1.0 of Schedule 1 of Clause 72.02 – An Automated Collection Point is a Section 2 use provided it does not meet the requirements of Clause 52.13-5. The proposed kiosk is not setback 4m from the frontage as per Clause 52.13-6; the proposed front setback is 500mm to the western boundary.
  - Clause 37.02-4 – Construct a building or construct or carry out works.
- The proposed automated collection point (kiosk) will complement the existing land use of a car park and will not contravene the relevant comprehensive development plan incorporated in the scheme (Flemington Green Comprehensive Development Plan).

### Development Contributions Overlay (Schedule 1) [DCOP1]

- The subject site is subject to Development Contributions Overlay (Schedule 1).
- A permit is not triggered for the buildings and works under DCPO1 given that the Moonee Valley Development Contributions Plan has been incorporated into the Scheme. A Development Contribution Plan Levy is not required for this proposal provided that the kiosk is less than 50sqm.

## Particular and General Provisions

### Provisions that Require, Enable or Exempt a Permit

- Clause 52.05 sets out the requirements for signs. Pursuant to Clause 52.05-13, a permit is required for the display of business identification signage. The proposed directional sign is classified under Section 1 under Category 3 of Clause 52.05-13, and therefore a permit is not required for this sign. Pursuant to Clause 52.05-10, the proposed signage does not meet the exemption requirements as the display area exceeds the prescribed 8sqm.
- Clause 52.06 sets out the requirements of car parking rate. Pursuant to Clause 53.13-7, an automated collection point is exempt from the requirements of Clause 52.06. Furthermore, the shortfall of 5 car parking spaces does not trigger a permit under Clause 52.06 as the 'use' of a car park is not listed under Table 1 of Clause 52.06-5. The remaining car parking spaces in the existing car park are considered sufficient to the satisfaction of the responsible authority.
- Clause 52.13 sets out the requirements for an automated collection point and a container deposit scheme centre to support waste reduction and recycling under Victoria's container deposit scheme.



## Referrals

21. The application was not required to be referred pursuant to section 55 of the Act.

## Notice

22. Notice of the application under section 52 of the Act was not required for this application due to the notice exemption under Clause 52.13-11. Pursuant to Clause 52.13-11 (Victoria's Container Deposit Scheme of Moonee Valley Planning Scheme, an application to use or develop land for an automated collection point including the construction of or putting up for display a sign in conjunction with an automated collection point 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.

23. No objections have been received to the application.

24. Moonee Valley Council were informed of the application but did not provide any advice or comments as of 10/07/2024.

## Other Matters

### Cultural Heritage

25. The site is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is not required for the application provided that significant ground disturbance has already occurred on site to accommodate the car park.





## Key Considerations

26. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Decision Guidelines of CDZ1
- Decision Guidelines Clause 52.13 (Victoria's Container Deposit Scheme)
- Decision Guidelines of Clause 52.05 (Signs)

## Decision Guidelines of CDZ1

27. The proposal is appropriate, having regard to the decision guidelines of CDZ1 as follows:

- The proposal is consistent with the Planning Policy Framework and purpose of the CDZ1.
- The proposal is unlikely to impact the existing and future amenity of residents, provided that the noise output is negligible, based on the setback maintained to the nearest dwelling at 72.5m away and the proposed hours of operation, which are between 8am to 7pm, 7 days per week.
- The proposal will not impact the ongoing operation of Flemington Racecourse and Melbourne Showgrounds.
- The proposed automated collection point is to be used as a public waste vessel subject to the Container Deposit Scheme. The proposed kiosk is of relatively minor nature, with a floor area of 34.2 sqm. The proposal promotes sustainable recycling practices within the local community and does not impact the existing character or sense of place of the site and its surroundings.
- The proposal will not adversely impact the surrounding road network, nor the internal manoeuvrability of the site. The proposed kiosk is located in close proximity to the entry of an accessway that is not in use, as it is gated and locked, as shown below.



**Figure 4** - Street View of the Accessway on Leonard Crescent (Source: Google Street View)


- The proposal does not conflict the views of Moonee Valley City Council. As noted above, the council did not provide any comments regarding this application.
- The proposal will not impact existing community infrastructure, nor any street trees located on road reserves, with an encroachment of tree protection zones being below the 10% threshold.

28. Based on the above, the application is considered meet the purpose and decision guidelines of the CDZ1.

## Decision Guidelines of Clause 52.13

29. The proposal is appropriate, having regard to the decision guidelines of Clause 52.13 as follows:

- The effect on the existing car parking spaces is considered minimal as the site is opposite Flemington Racecourse car parking and accessible from Flemington Racecourse Railway Station.
- The entire site is located adjacent to residential zoned land (GRZ1) to the west. The proposed kiosk is located on the Leonard Crescent frontage of the site and is therefore appropriately setback of 72.5m from residential land.
- The location of the kiosk fronting the Leonard Crescent is setback 500mm from the western boundary. The kiosk will not adversely impact the functioning of the road due to the buffer of the pedestrian footpath and the road reserve as well as the accessway not being in use.

- 
- The kiosk is appropriately positioned to not impact manoeuvrability or views within the site.
  - The kiosk is not proposed on residential or rural land.
  - The kiosk design utilises colours and non-reflective finishes that are standard for an automated collection point.
  - There are no other automated collection points on site.
  - The kiosk will be sufficiently insulated to minimise any adverse acoustic effects and maintains an adequate distance from residential properties.
  - The operational plan details both the litter management process and the security measures for the kiosk.
  - The location of the kiosk will not adversely affect safe pedestrian and vehicular movements onsite, particularly as the kiosk will abut the kerbing of the carpark.
  - There are minimal amenity impacts on adjoining land uses, as the kiosk is primarily for local residents and is suitably located away from sensitive areas, resulting in negligible noise, emissions, and traffic movements.

30. Based on the above, the application is considered meet the purpose and decision guidelines of Clause 52.13.

#### **Decision Guidelines of Clause 52.05**

31. The proposal is appropriate, having regard to the decision guidelines of Clause 52.05 as follows:

- The proposed business identification signage is located on all four elevations of the kiosk. The information advertised on the kiosk, including font, colour scheme, and messaging, is typical in nature to support Victoria's Container Deposit Scheme and is compatible with the existing character of the area.
- The proposed business identification signage does not impact views, vistas, or road safety, provided it is located appropriately within an existing car park. The overall scale of the kiosk is minor, and the total height of the signage reaches 2.415 meters. The nearby vehicle crossover is not in use, so the kiosk will not obstruct a driver's line of sight or views of traffic.
- The proposal does not impact any street trees.
- No structures associated with the signage, as it will be displayed on the faces of the kiosk.
- No animated, internally illuminated, or floodlit signs are proposed.

32. Based on the above, the application is considered meet the purpose and decision guidelines of Clause 52.13.



33. It is **recommended** that the delegate of the Minister of Planning:

- Issue a Planning Permit No. **PA2402911** for the Use and Development of an Automated Collection Point as known as Reverse Vending Machine (Kiosk) and the display of business identification signage, at **32-44 Leonard Crescent, Ascot Vale**, subject to conditions.
- Approve and endorse the decision plans as per the following:
  - Architectural Plans, submitted by SLR on 12 July 2024
  - Signage Elevations, submitted by SLR on 11 July 2024.
  - Signage Measurement Plans, submitted by SLR on 02 July 2024.
- Notify the permit applicant and Moonee Valley City Council of the decision in writing.



Prepared by: [REDACTED]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

[REDACTED]

Reviewed and Approved by: [REDACTED]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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[REDACTED]