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Jacksons Hill Precinct (Caloola Site)

Town Planning Report

The Re-subdivision of land

March 2022

Name: Jacksons Hill

Job Ref 301938

VRS-TMP-120_7

Contents

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1. Introduction

This application has been prepared on behalf of the permit applicant, the Department of Environment, Land Water and Planning (DELWP).

The project objective is to re-subdivide the Jacksons Hill Precinct in order to facilitate the Jacksons Hill Masterplan (October 2018) ('The Masterplan') implementation strategy by enabling the sale and subsequent development of superlots broadly defining the Masterplan's sub-precinct boundaries.

This application re-subdivides the boundaries of five (5) current titles, all currently owned by the Minister for Planning, for the purpose of creating five (5) superlots, one (1) Municipal Reserve and a carriageway easement, generally in accordance with the Masterplan.

Four (4) of the proposed superlots would be retained by the Minister for Planning, whilst one (1) of them is to be sold to the Victorian Department of Education and Training. The proposed Municipal Reserve is to be vested to Hume City Council.

It is anticipated that the approval of the re-subdivision proposed in this application will allow the vision of the Masterplan to come to fruition and support desirable future use and development of a historically significant site.



FIGURE 1: A DRONE IMAGE OF JACKSONS HILL [SOURCE: COVER PAGE JACKSONS HILL MASTERPLAN]

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2. Site Context Description and Subject Site

SITE CONTEXT DESCRIPTION

The Minister for Planning purchased the Jacksons Hill, Sunbury site ('the site') on behalf of the Victorian State Government from Victoria University in December 2018. The site is known as Caloda (former Sunbury Mental Hospital), it is approximately 33ha in area and comprises six titles (see figures 2 and 3) below.

Of both local and state historical importance, Jacksons Hill is made up of a series of heritage buildings and is located on an elevated section on the outskirts of the township of Sunbury.



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FIGURE 2: JACKSONS HILL SITE AERIAL VIEW [SOURCE: VICPLAN]

The precinct is accessed through residential suburbs and via Circular Drive. It incorporates park-like areas with mature vegetation, the Sunbury Primary School, other local sealed roads and heritage

listed buildings. Located on a hill, the precinct offers unique views of the surrounding area. Contextually, Jacksons Reserve is considered to be part of the Sunbury township, within the Metropolitan Melbourne region.

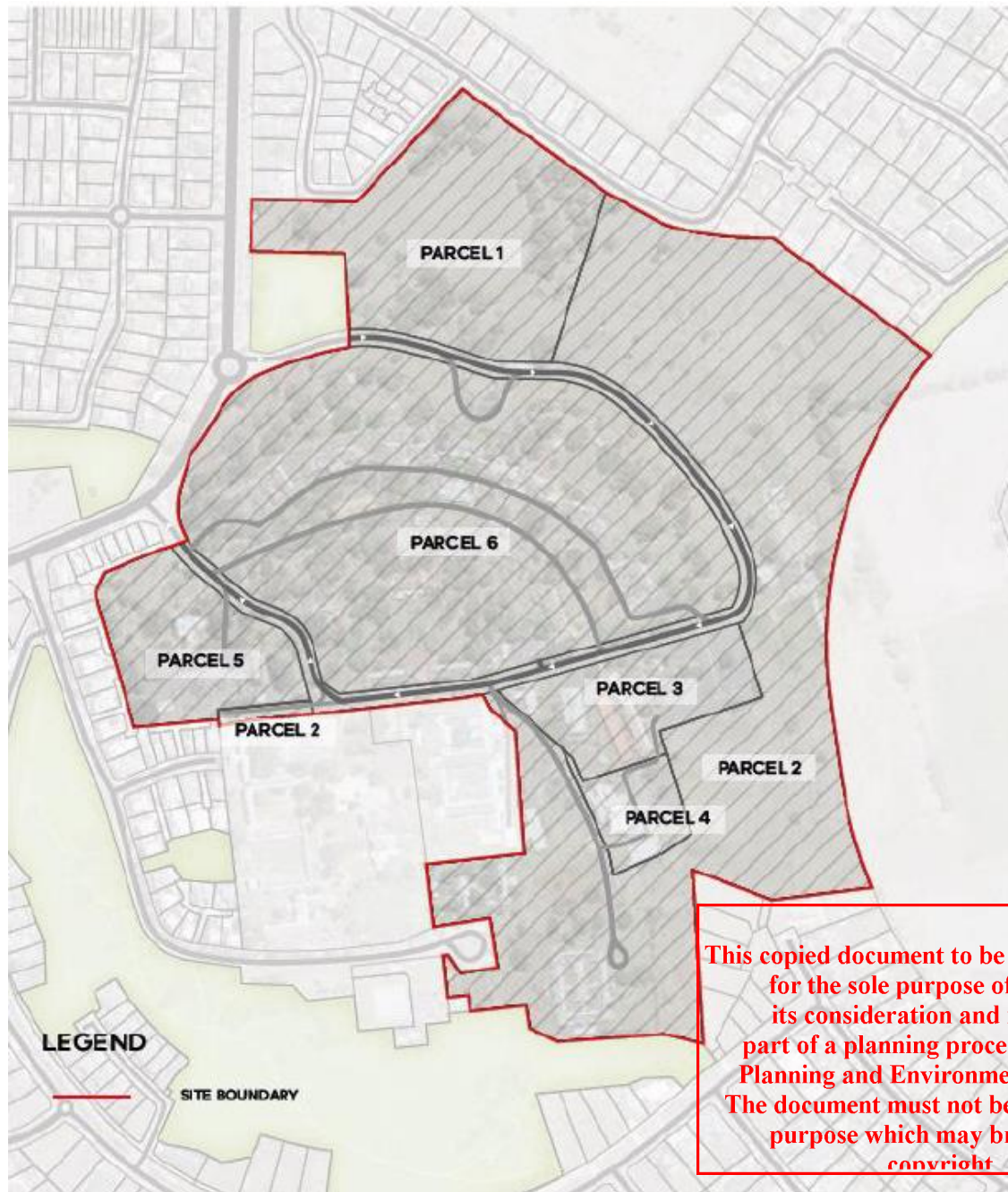


FIGURE 3: CURRENT LAND PARCELS (TITLES) IN CONTEXTUAL LOCATION (SOURCE: DELWP)

THE SUBJECT SITE

Given the proposal only affects five (5) of the six (6) Jacksons Hill site titles, such five (5) titles are to be referred to as the subject site.

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The subject site's topography defines the character of Jacksons Hill and creates significant vistas to and from the area.

Similarly, the character of Jacksons Hill is also defined by the presence of established vegetation of moderate and very high retention value scattered throughout the site and mainly concentrated within Parcel 6 of the Jacksons Hill site.

Below is a more detailed description of the subject site's titles:

Parcel 1

The title for this parcel is formally described in Certificate of Title Volume 10465 Folio 392 as Lot 1 on PS424958P.

This title is irregular in shape and has an area of 4.291 hectares and has legal access via The Avenue and Circular Drive from its western and southern boundaries respectively.

A 3m wide water supply easement in favour of Western Region Water Authority affects its south-eastern side.

There are no covenants, restrictions or agreements registered on title.

Parcel 2

The title for this parcel is formally described in Certificate of Title Volume 10447 Folio 249 as Lot SS on PS4209874S.

This title is split in two irregular parts having a total area of 13.38 hectares and having legal access via Circular Drive along its western and eastern sides.

This title is affected by several water supply, drainage, sewerage, electricity supply and telephone easements scattered throughout this parcel.

There are no covenants, restrictions or agreements registered on title.

Parcel 3

The title for this parcel is formally described in Certificate of Title Volume 10139 Folio 037 as Crown Allotment 13 Section 25 Parish of Holden.

This title is near rectangular in shape, has an area of 1.656 hectares and has legal access via Circular Drive along its northern boundary.

This title is not affected by easements.

There are no covenants, restrictions or agreements registered on title.

Parcel 4

The title for this parcel is formally described in Certificate of Title Volume 10265 Folio 554 as Lot B on PS342871H.

This title is near square in shape, has an area of 6,767 square metres and gains legal access via Circular Drive on its northern side.

This title is not affected by easements.

There are no covenants, restrictions or agreements registered on title.

Parcel 5

The title for this parcel is formally described in Certificate of Title Volume 10139 Folio 036 as Crown Allotment 12 Section 25 Parish of Holden.

This title is irregular in shape, has an area of 1.932 hectares and has legal access via Circular Drive along its eastern boundary.

This title is not affected by easements.

There are no covenants, restrictions or agreements registered on title.

Parcel 6 (Not part of the subject site)

Parcel 6 is formally described as Crown Allotment 11 Section 25 Parish of Holden. As illustrated in Figure 3 above, it is located in the central part of the Jacksons Hill site and does not form part of this application and will remain unchanged.

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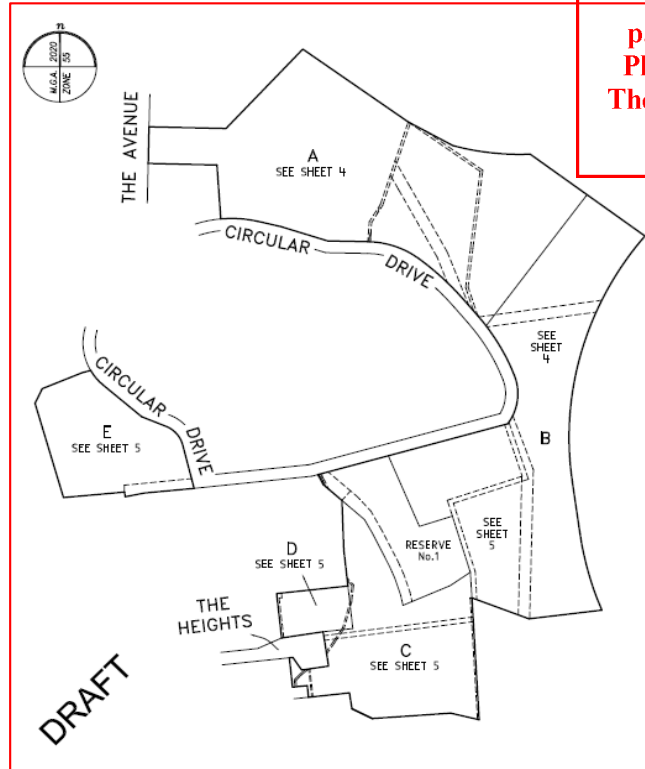
3. Proposal

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This application consists of the following:

- Re-subdividing Parcels 1-5 (described in Section 2 of this report) into **Five (5) Superlots**, as described below:
 - **Superlot A:** This 7.941 hectares in size superlot is to be located on the northern side of the Jacksons Hill site and it defines the boundaries of its Masterplan's *Education and Open Space* precinct, which is to host open space and a future government school which may be a TAFE, a tech school or a secondary school. This superlot is to be accessed via Circular Drive along its southern boundary.
 - **Superlot B:** This 6.721 hectares in size superlot is to be located on the eastern side of the Jacksons Hill site and it defines the boundaries of its Masterplan's *The Landing* precinct. This precinct is envisaged to be highly connected to the Jacksons Creek open space corridor via public path links and to supply new homes amongst tree-lined streets and landscaped areas, enabling unobscured views from higher on the hill. This superlot is to be accessed via Circular Drive along its western boundary.
 - **Superlot C:** This 3.269 hectares in size superlot is located on the southern side of the Jacksons Hill site and it defines the boundaries of the *Community Arts Precinct*. Given a Municipal Reserve is to be created (as further described in this section), there is a discrepancy between the boundaries of Superlot C and the Masterplan's *Community Arts Precinct*. Notwithstanding this, Superlot C would enable the envisaged consolidation of a thriving creative precinct which enables play performances, people meeting for conferences, community groups and artists working in studios and workshops. This lot is to be accessed via a proposed carriageway easement (as further described in this section) gaining access from Circular Drive from the north.
 - **Superlot D:** This 4,856 square metres in size superlot is located on the south-western side of the Jacksons Hill site and it defines the boundaries of the *Sunbury and Macedon Ranges School Expansion* site, being identified in the Masterplan as a catalyst project, which has been funded in the 2018/2019 Victorian State Budget to meet student numbers demand. This superlot is expected to be acquired by the Victorian Department of Education and Training.
 - **Superlot E:** This 2.040 hectares in size superlot is located on the western side of the Jacksons Hill site and it defines the boundaries of the *Jacksons Retreat* precinct. This precinct is envisaged to host new townhouses and retirement living facilities.
- Creating a 1.483 hectares in size **Municipal Reserve** is to be vested to Hume City Council and it is located on the Jacksons Hill site southern side, within the Masterplan's *Community Arts Precinct*. As part of the contract of sale for the site, the Victorian Government has agreed to honour an earlier agreement between Hume City Council and Victoria University to transfer land within the *Community Arts Precinct*. This proposed Municipal Reserve is to be accessed via Circular Drive from its northern side.
- Creating a **Carriageway Easement** within the above Municipal Reserve, providing legal access from Circular Drive to Superlot C.

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FIGURE 4: PROPOSED RE-SUBDIVISION OF LAND [SOURCE: DRAFT PS865387C VERSION: A, VERIS]

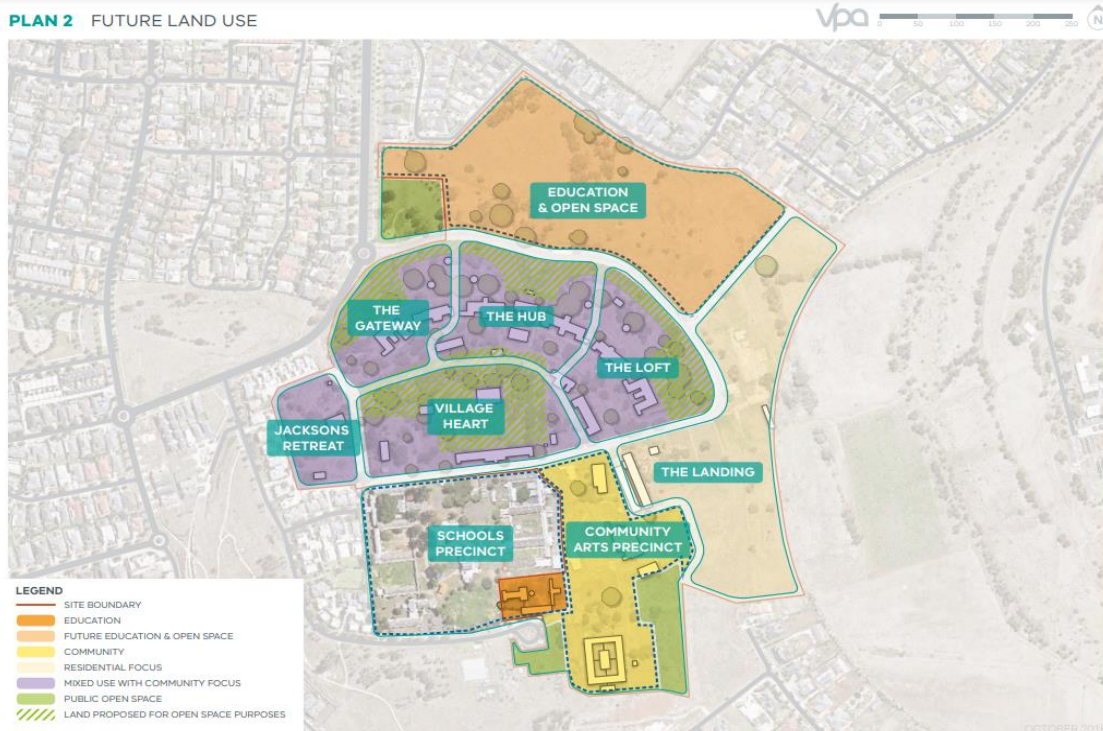


FIGURE 5: FUTURE LAND USE PLAN [SOURCE: JACKSONS HILL MASTERPLAN – OCTOBER 2018]

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4. Hume Planning Scheme

The following Planning Policy Framework, Local Planning Policy and planning controls are relevant to the consideration of the proposed re-subdivision.

4.1 Permit Triggers

A permit is triggered under:

- Clause 36.01-2 Public Use Zone
- Clause 37.02-3 The Comprehensive Development Zone, and
- Clause 43.01-2 Heritage Overlay

All relevant planning controls relevant to the site will be addressed.

4.2 Hume Planning Scheme

Planning schemes establish policies for the use and development of the land and provide a framework allowing land use planning decisions to be made. The Hume Planning Scheme provides for the framework for use and development of the land within the municipality.

4.3 Planning Policy

The following planning policies are relevant to this proposal:

PLANNING POLICY FRAMEWORK

- Clause 11 Settlement
- Clause 12 Environmental and landscape values
- Clause 15 Built Environment and Heritage
- Clause 19 Infrastructure

LOCAL PLANNING POLICY FRAMEWORK

- Clause 21 Municipal Strategic Statement
- Clause 21.02 Urban Structure and Settlement
- Clause 21.03 Liveable Neighbourhoods and Housing
- Clause 21.04 Built Environment and Heritage
- Clause 21.06 Economic Development

4.4 Zones

The subject site is affected by two planning zones, the Comprehensive Development Zone – Schedule 1 (CDZ1) and the Public Use Zone – Schedule 2 (PUZ2) under the Hume Planning Scheme. How the proposal impacts the purpose of each zone and addresses the decision requirements of each zone is detailed below:

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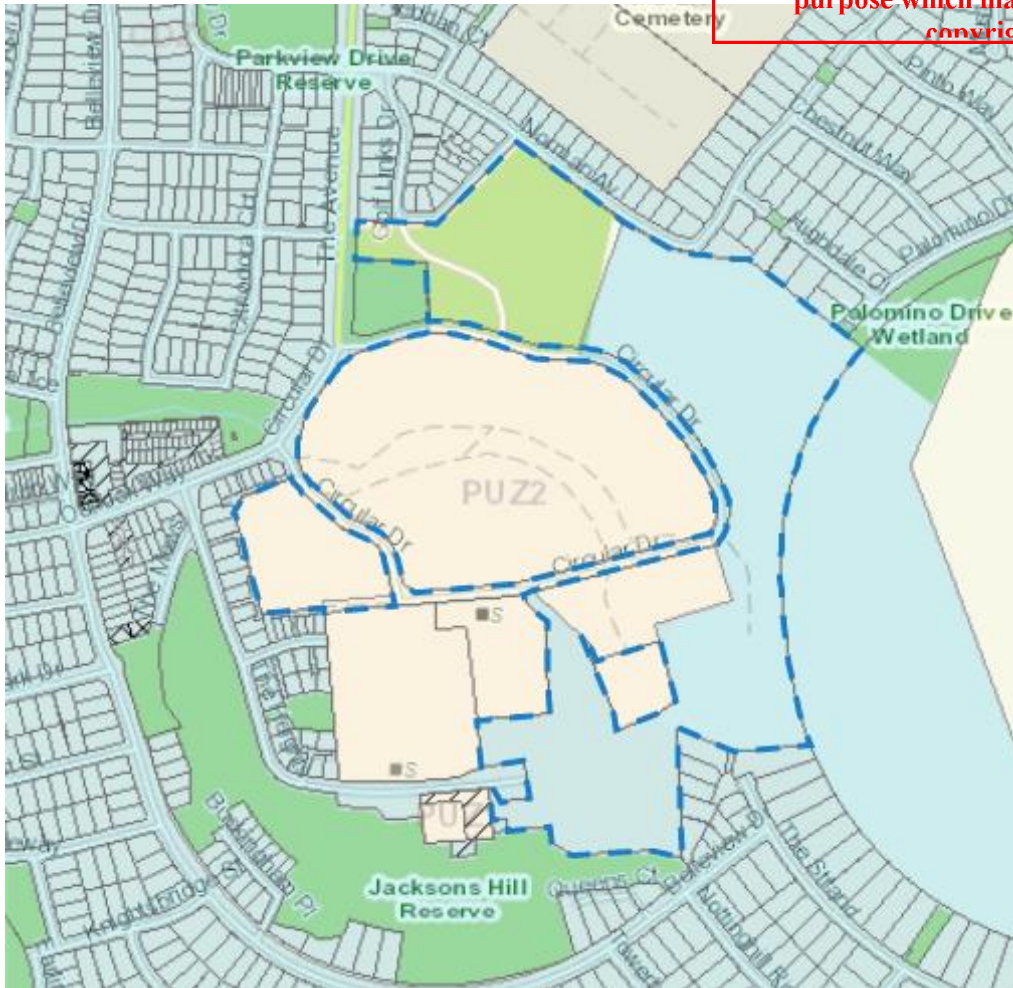


FIGURE 6: JACKSONS HILL SITE - ZONING MAP (CDZ1 IN BLUE AND PUZ2 IN CREAM) [SOURCE: VICPLAN 2022]

CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE – SCHEDULE 1 (CDZ1)

The purposes of the Comprehensive Development Zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

Pursuant to Clause 37.02-3 of the CDZ, a permit is required to subdivide land and any requirement in the schedule to the zone must be met.

Clause 37.02-3 specifies that an application to subdivide land for residential purposes, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet relevant requirements of Clause 56 'Residential Subdivision' of the Hume Planning Scheme. The proposed subdivision is a re-subdivision which creates superlots to facilitate the implementation of the Jacksons Hill Masterplan (October 2018) and as such it does not have a residential purpose. Consequently this requirement for a Clause 56 assessment is not relevant to the proposal.

The Jacksons Hill Masterplan (October 2018) was approved by the Planning Minister and gazetted on 8th November 2018.

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The purposes of the CDZ1 are:

- *To designate land suitable for urban development.*
- *To provide for development of land generally in accordance with any relevant comprehensive development plan.*
- *To facilitate a range of housing and lot types in sizes to meet a diversity of lifestyle choices.*
- *To ensure that non-residential users do not cause loss of amenity to people in areas set aside and used for housing.*
- *To provide for a range of commercial and community facilities of appropriate sizes to serve needs of existing and future residents of the area.*
- *To ensure that development is consistent with planning policy as expressed in general and strategy plans in force from time to time.*
- *To protect and conserve indigenous flora and fauna. To conserve water quality and watercourse capacity.*

Sub-Clause 2.2 'Local Structure Plan' of the CDZ1 establishes that no subdivision may take place before the land to be subdivided is included in a local structure plan prepared to the satisfaction of the responsible authority.

Sub-Clause 3 'Subdivision' stipulates that a permit may be granted where the responsible authority is satisfied that the proposed subdivision is generally consistent with the relevant local structure plan and where services can be provided to meet the requirements of authorities specified as referral authorities.

The Jacksons Hill Local Structure Plan was developed and approved by Hume City Council on 13 July 2001.

CLAUSE 36.01 PUBLIC USE ZONE – SCHEDULE 2 (PUZ2)

The purposes of the PUZ are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The PUZ2 purpose is *Education*.

Pursuant to Clause 36.01-2 of the PUZ, a permit is required to subdivide land.

Pursuant to Clause 36.01-3 of the PUZ, an application for a permit by a person other than the public land manager must be accompanied by written consent of the public land manager in respect to the application being made and the proposed subdivision. The present application is accompanied by a letter on behalf of the public land manager (the Minister for Planning), authorising Veris Australia to lodge the present application on behalf of the permit applicant (DELWP).

The table of public land use found within the provisions of Clause 36.01 guides development toward the preferred public use. In this instance, the purpose of PUZ2 is to provide land for education. The proposal meets the objective as it stands now through the continued use of the buildings for community educational purposes. The parcel as it is now will not be altered.

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4.5 Overlays

CLAUSE 43.01 HERITAGE OVERLAY – SCHEDULE 38

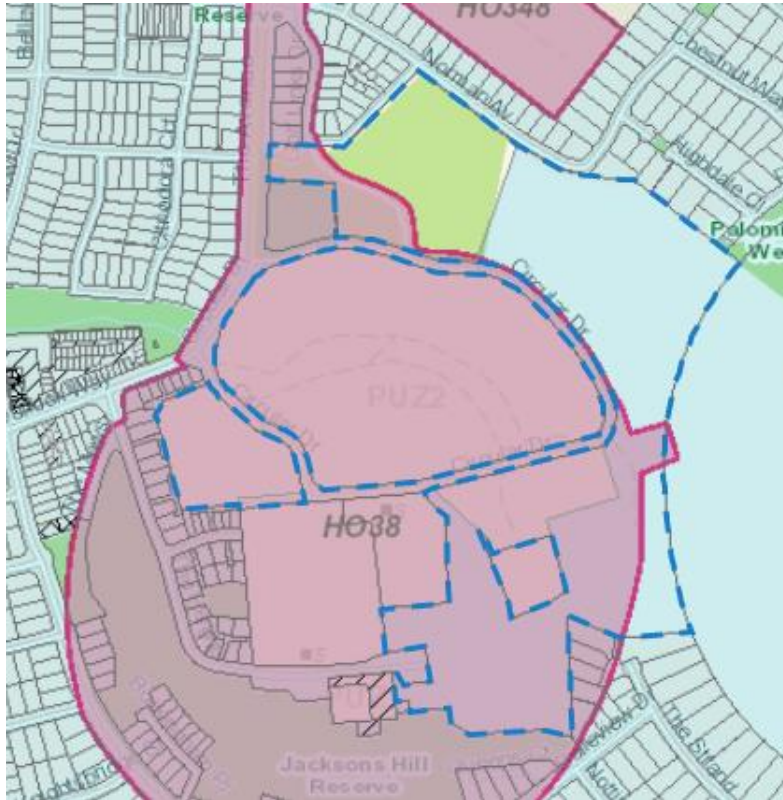


FIGURE 7: JACKSONS HILL SITE - HO38 MAP [SOURCE: VICPLAN 2022]

The purposes of the HO are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The HO38 represents the heritage place Caloola (former Sunbury Mental Hospital) and incorporates the Avenue, The Heights, Hilltop Court, Outlook Way, Circular Drive, Golf Links Drive, Bellevue Drive, Hilltop Court, Schoolhouse Lane, Florence Lane, Peppercorn Lane and York Place. Sunbury. Registered as reference H937 on the Victorian Heritage Register. Caloola is of historical, architectural, aesthetic, archaeological and social significance to the State of Victoria.

Pursuant to Clause 43.0-1, a permit is required to subdivide land.

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CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY – SCHEDULE 7 (DPO7)

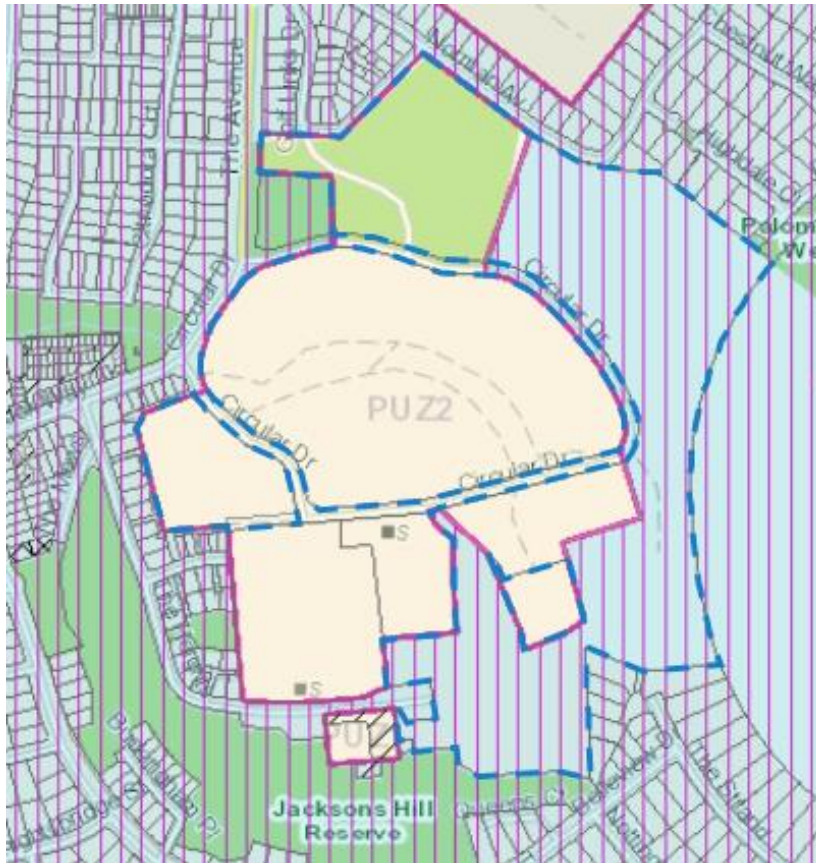


FIGURE 8: JACKSONS HILL SITE - DPO7 OVERLAY MAP [SOURCE: VICPLAN 2019]

The purposes of the DPO are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Sub-Clause 2 of the DPO7 states that before deciding on any application, the Responsible Authority must consider the purposes of the zone and the approved development plan.

The relevant plan approved under the DPO7 is the Jacksons Hill Local Structure Plan, which was developed and approved by Hume City Council on 13 July 2001.

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4.6 Particular provisions

CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

The purpose of this clause is:

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

CLAUSE 53.01-1 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

Pursuant to Clause 53.01, A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

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5. Planning Assessment

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PLANNING POLICY FRAMEWORK (PPF)

Clause 11 *Settlement* broadly seeks to supply land which meets demand and the needs of communities whilst facilitating integrated place-based planning and the orderly development of urban areas.

The proposal facilitates the delivery of superlots which will facilitate development of sub-precincts within the Jacksons Hill Masterplan. In this context, the proposal would contribute towards the creation of a walkable, highly connected, high quality, liveable and sustainable mixed use precinct which delivers homes, jobs, educational, recreational and other facilities to the Jacksons Hill community.

Clause 12 *Environmental and Landscape Values* seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

The proposal would not have a negative impact upon any landscape values of Jacksons Hill, given it supports the creation of sub-precincts as generally envisaged by the Masterplan. In this respect, the proposal supports the future use and development activity of Jacksons Hill which will require the creation and enhancement of public open space and landscaping works via future planning applications, ensuring the landscape values of the overall precinct are protected and enhanced.

Clause 15 *Built Environment and Heritage* broadly supports the creation of safe, healthy, functional and enjoyable urban environments that contribute to a sense of place and cultural identity and ensuring the conservation of places of heritage significance.

The proposal supports the creation of educational, residential and community sub-precincts facilitating the future use and development of the precinct in accordance with the Masterplan. As these sub-precincts creation is generally in accordance with the Masterplan, it sets the scene for future use and development applications avoiding inappropriate land fragmentation which does not facilitate and is contrary to the vision of the Masterplan.

The subject site is considered to be affected by an area of Aboriginal Heritage sensitivity, as defined under the *Aboriginal Heritage Regulations 2018*. A Cultural Values Assessment of Jacksons Hill was undertaken by Andrew Long and Associates under sponsorship from the Victorian Planning Authority (VPA). A report dated 9 May 2018 was submitted as a guiding and supporting document to the Plan. The purpose of this report is to provide comment on the local Wurundjeri historical and cultural values, and incorporate them into future development where appropriate. The report stipulates that any Cultural Heritage Management Plan (CHMP) completed for future development, Wurundjeri must be consulted with. In this respect, the applicant has commissioned a qualified Aboriginal Heritage consultant to prepare and manage the approval of a Cultural Heritage Management Plan (CHMP). This CHMP is currently underway, it is estimated to be completed in July 2022 at which the time it will be submitted to the responsible authority in support of the present application.

Clause 19 *Infrastructure* acknowledges that planning should provide for community resources, education facilities, cultural, health and community support facilities. Planning should ensure that growth and development of settlements provides for a logical and efficient provision of infrastructure, including future transport routes.

The proposal is consistent with the requirements of the Jacksons Hill Masterplan as it facilitates the creation of educational, residential and community sub-precincts facilitating the future use and development of the precinct in accordance with the Masterplan.

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LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Local planning policies aims to address key issues including population growth and changing demographics, housing and infrastructure needs, protecting Hume's natural areas, improving the Hume corridor image and protecting Sunbury's character (Clause 21 Municipal Strategic Statement). These issues are addressed by the proposal through the policy responses below.

The proposal responds to Clause 21.02 *Urban Structure and Settlement* by supporting the implementation and future development of the Jacksons Hill precinct via superlots which support the creation of sub-precincts recognising, protecting and retaining Jacksons Hill's historical and cultural significance whilst respecting and enhancing its focal educational role.

Clause 21.03 *Liveable Neighbourhoods and Housing* ensures communities contain a 'quality of life', consider the wellbeing of the community and encourages housing diversity through future development.

The proposal would facilitate the future consolidation of residential neighbourhoods which would enjoy the privilege of living within the Jacksons Hill community within walking distances to educational, recreational and community facilities in a sustainable, leafy and liveable precinct with a unique character and views.

Clause 21.04 *Built Environment and Heritage* focuses on urban design principles including the layout of an area, appearance and function of a subdivision.

The proposal defines the Masterplan's sub-precincts facilitating the future sale, use and development of land. It provides sufficient land for future integrated development products which would positively contribute towards achieving the Masterplan's vision being to create a *vibrant and sustainable precinct where heritage protection, creativity, learning and community are at heart*.

Clause 21.06 Economic Development acknowledges the importance of increasing the number and diversity of employment opportunities in Hume and acknowledges the challenges in achieving this and attracting investment.

As previously discussed, the proposal creates superlots which define the Jacksons Hill Masterplan sub-precincts and facilitates the sale of these parcels to prospective developers and thus ignites the implementation of the Masterplan via development activity and the delivery of jobs in the educational and community facilities that the precinct will host, bringing tremendous benefit to the Hume Municipality and Victoria.

ZONING

CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE – SCHEDULE 1 (CDZ1) AND PUBLIC USE ZONE – SCHEDULE 2 (PUZ2)

The proposal is consistent with the purposes of the CDZ1 and PUZ2 as it accords with the purposes of the Jacksons Hill Local Structure Plan (2001) and the Jacksons Hill Masterplan (October 2018).

JACKSONS HILLS MASTERPLAN (OCTOBER 2018)

As previously noted in the report, the *Jacksons Hill Masterplan*, October 2018 is the overarching document that will guide future use and development through the implementation of five principals:

- Protect and celebrate the heritage values of the site
- Strengthen the education, community and arts offering
- Support a mix of complementary uses to build vibrant places

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- Improve access to the site and surrounding areas
- Require high quality design of buildings and public realm

The proposed re-subdivision complements the Masterplan intention, by delivering lots in line with precincts that value the historical significance of the area. This will enable development to occur in a desirable and holistic manner, in-keeping with the preferred character of the area.

PLAN 1 ILLUSTRATIVE CONCEPT PLAN



FIGURE 9: JACKSONS HILL ILLUSTRATIVE CONCEPT PLAN [SOURCE: JACKSONS HILL MASTERPLAN, OCTOBER 2018]

Overleaf is a table summarising the proposal’s response to key elements of the Jacksons Hill Masterplan.

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JACKSONS HILL MASTERPLAN (OCTOBER 2018) RESPONSE		
Masterplan Relevant Element	Page Reference	Proposal Response
Key Move 1 'Enable Catalyst Projects'	18	The proposed re-subdivision enables the early activation of key areas of the site (sub-precincts) facilitating investment from the public and private sectors.
Key Move 2 'Improve Circulation & Connections'	18	The proposal provides access to all superlots (sub-precincts) via Circular Drive and The Heights, as envisaged in the Masterplan. Any required future widening of Circular Drive can be undertaken within the extent of Parcel 6 (Current Crown Allotment 11 Section 25 Parish of Holden) as part of the future development of this parcel.
Key Move 3 'Establish a Cultural Spine'	18 & 71	The proposal creates a carriageway easement which aligns and facilitates the north-south pedestrian connection between the key cultural and community places, from the Administration Building to Boilerhouse Theatre.
Key Move 6 'Diverse & Distinctive Places'	19	The proposal supports a precinct approach via the creation of superlots, which would facilitate the future
Key Actions	28	The proposal supports the "sale and subdivision of the site in line with the master plan", as it subdivides the subject site into Masterplan acknowledged 'sub-precincts' thus facilitating the sale and future subdivision of land in accordance with the Masterplan. In addition, it supports the ownership and management responsibilities of the Sunbury and Macedon Ranges Specialist School sub-precinct, facilitating the delivery of this key project.
Next Steps & Future Implementation Plan	29	This section of the Masterplan acknowledges the Jacksons Hill site six parcel/titles and the need to re-subdivide and sell these precincts. The proposal is evidently facilitating this process.
Site Conditions (Landscape and Visual Sensitivity)	42 & 43	The proposed re-subdivision and superlot boundaries do not impact upon the landscape values areas of Jacksons Hill, as identified in Plan 8 of the Masterplan.
Site Conditions (Access and Movement)	48, 49, 62 & 64	The proposed superlots facilitate the subsequent creation of key roads, secondary roads and pedestrian links, in accordance with the Maserplan.

OVERLAYS

CLAUSE 43.01 HERITAGE OVERLAY – SCHEDULE 38 (HO38)

The proposal is broadly consistent with the purposes of the HO, as it subdivides the land in accordance with the Jacksons Hill Masterplan will not create a detrimental outcome to the significance of Caloola, but will instead allow opportunities to protect, preserve and enhance the heritage place.

A Heritage Impact Statement (HIS) is to be submitted in support of this application, specifically outlining how the proposal addresses the heritage values of the subject site.

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CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY – SCHEDULE 7 (DPO7)

As previously discussed, the relevant plan approved under the DPO7 is the Jacksons Hill Local Structure Plan, which was developed and approved by Hume City Council on 13 July 2001.

We understand Hume City Council regards this document as effectively redundant as land affected by the DPO7 has already been developed since 2001 and given the gazettal of the Jacksons Hill Masterplan (October 2018) which regulates the use and development of the subject site.

In this context, the Jacksons Hill Local Structure Plan (July 2001) is not considered to be relevant to this application, whilst the application is generally consistent with the Jacksons Hill Masterplan (October 2018) as discussed in this report.

PARTICULAR PROVISIONS

CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

We submit the proposed creation of a Municipal Reserve and Carriageway Easement components of this application do not trigger a permit under Clause 52.02 of the Hume Planning Scheme, as they are created as part of the proposed subdivision of land. Specifically, we submit we are not acting under Sections 23, 24A or 36 of the *Subdivision Act 1988*.

In respect to the purpose of Clause 52.02, we submit that the interests of affected people will be considered as part the process of this application.

CLAUSE 53.01-1 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

Given the schedule to Clause 53.01 does not specify a public open space contribution amount, such contribution is required under Section 18 of the Subdivision Act 1988, being a percentage set by the Council not exceeding 5 per cent in the form of land and/or a payment contribution.

The permit applicant advises that the public open space contribution required to support the subject site's subdivision is to be exclusively dealt with via a future planning scheme amendment. In this context, the permit applicant requests deferring payment of the public open space requirement under Clause 53.01 of the Hume Planning Scheme.

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6. Conclusion

The proposal consists of re-subdividing five (5) titles within Jacksons Hill into five (5) superlots, creating a Municipal Reserve and a carriageway easement providing legal access to one of the superlots.

The proposed re-subdivision supports the creation of sub-precincts generally in accordance with the Jacksons Hill Masterplan and in this context it facilitates the sale and prospective development of the Jacksons Hill Precinct, bringing major benefit to Sunbury, the Hume Municipality and Victoria.

The proposal is supported by a Draft Plan of Subdivision illustrating the proposal, a Heritage Impact Statement and a Cultural Heritage Management Plan (currently underway and expected to be completed and submitted in July 2022).

Given the above, we respectfully request a permit is issued in support of the proposal.