



**ORDINARY COUNCIL (TOWN PLANNING) MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 24 APRIL 2017

CONFIRMED - 8 MAY 2017

HUME CITY COUNCIL

Minutes of the
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL
held on Monday, 24 April 2017
at 7.02 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council	Cr Drew Jessop Cr Ann Potter Cr Joseph Haweil Cr Jodi Jackson Cr Carly Moore Cr Leigh Johnson Cr Jack Medcraft Cr Naim Kurt Cr Geoff Porter Cr Karen Sherry Cr Jana Taylor	Mayor Deputy Mayor
b: Officers	Mr Domenic Isola Mr Peter Waite Mr Daryl Whitfort Ms Margarita Caddick Mr Kelvin Walsh Ms Kylie Ezzy Mr Bruce Fordham Mr John Monaghan Mr Fadi Srour Mr Kamal Hasanoff Mr Gavan O'Keefe Mr Peter Faull	Chief Executive Officer Director Sustainable Infrastructure and Services Director Corporate Services Director Community Services Director Planning and Development Director Communications, Engagement and Advocacy Manager Leisure Centres and Sports Manager Manager Capital Works And Building Maintenance Manager Finance and Property Development Coordinator Statutory Planning & Administration Manager Governance Coordinator Governance and Corporate Support

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

The Mayor read the following:

"I would like to acknowledge that we are meeting on Gunung-Willam-Balluk land. The Gunung-Willam-Balluk of the Wurundjeri are the first and original people of this land. I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today."

Requests to Record Proceedings

The Mayor advised Councillors that he had not received a request to make an audio recording of the meeting. The Mayor reminded the gallery that under Council's Code of Meeting Procedures any person other than the CEO must not record on audio or visual recording equipment or any other device or means of recording, any part of the proceedings of a Council meeting.

Gallery Behaviour

The Mayor reminded the gallery that Council's Code of Meeting Procedures requires the gallery to be silent at all times, and that members of the gallery must not interject or take part in the debate. Any person who is called to order, may be asked to leave the Chamber. The Mayor advised that notwithstanding this, he will invite members of the gallery to speak, for up to two minutes either in support of or against an officer's recommendation.

ORDER OF BUSINESS**1. PRAYER**

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Hume City.

Amen

2. APOLOGIES

Nil

3. DISCLOSURE OF INTEREST

The Mayor drew Councillors' attention to the provisions of the Local Government Act 1989 in relation to the disclosure of conflicts of interests. Councillors are required to disclose any conflict of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the Chamber during discussion and not vote on the relevant item.

4. OFFICER'S REPORTS**Reports Identified as Requiring Individual Discussion**

Report No.	Report	Page in Agenda
SU211	267 Mickleham Road, Westmeadows-Use of the land for the purpose of a Function Centre and Restaurant.	21

Mr Gareth Fry, Mr Andrew Gray and Ms Kathy Maggio addressed Council regarding the Officer's recommendation.

Moved Cr Geoff Porter, **Seconded** Cr Jack Medcraft

That Council, having considered the application on its merits and the concerns of the objectors, resolve to issue a Notice of Decision to Grant a Planning Permit for the use of a restaurant and function centre at 267 Mickleham Road, Westmeadows, subject to the following conditions and notes:

1. **The layout of the site and/or the size of the proposed or existing buildings and works and/or the internal layout and use of the buildings as shown on the endorsed plan/s shall not be altered or modified except with the written consent of the Responsible Authority.**
2. **Within 6 months of the issue date of this permit the applicant must apply to the Victorian Civil and Administrative Tribunal to cancel permit P4087 issued on 22 July 1997.**
3. **Accommodation for patrons must not exceed 150 except with the written consent of the responsible authority.**
4. **Except with the prior written consent of the responsible authority, the uses permitted by this permit may only operate between the following times:**
 - **Sunday to Thursday 10am to 10pm.**
 - **Friday to Saturday 10am to 11pm.**
5. **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.**
6. **The use hereby permitted shall at all times be conducted in a manner which ensures that the residential amenity of nearby residential properties is not detrimentally affected.**

7. No emptying of bottles into garbage bins will occur after 9pm on any night or before 7am on any day.
8. The use hereby permitted shall at all times be conducted in accordance with the Venue and Patron Management Plan dated June 2016 and endorsed as forming part of this permit.
9. The owners shall ensure that all patrons leave the premises in a quiet and orderly manner.
10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
11. Noise levels emanating from the premises must be limited to within the State Environment Protection Policy (Control of Music Noise from Public Premises), No N-2 noise limits at 63, 125 and 250Hz. This must be controlled by a noise limiter on the audio system.
12. The noise limiter installed on the audio system shall be secured to the satisfaction of the responsible authority to prevent settings being altered.
13. New buildings or works must not be erected or constructed and existing buildings must not be enlarged, rebuilt or extended except with the written consent of the Responsible Authority.
14. 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.
15. The loading and unloading of goods from vehicles and the delivery of goods must at all times be carried out within the boundaries of the subject land.
16. The car parking area at the western end of the abutting motel site must be resurfaced to the satisfaction of the responsible authority within 12 months of the issue date of this permit.
17. The subject premises must, at all times be operated and supervised by a person over the age of 18 years who will be known as "the manager". The manager will be responsible for the conduct of patrons and shall be authorised to make statements and admissions to Council and Police officers, concerning such conduct and operation of the premises.
18. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority *and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.
19. The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.
20. Odour filters must be installed and maintained to control cooking odours, fumes and smoke to the satisfaction of the Responsible Authority so as to prevent the emission of odours outside the premises.
21. 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.

22. 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.
23. The collection of garbage/rubbish from the subject land must only occur between the following times unless as part of a normal municipal rubbish collection services: 9am-5pm (Monday to Sunday).
24. Any alarm or security system installed on the subject land or premises must be of a silent type, connected to a registered security firm.
25. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the car parking area at 265 Mickleham Road, Westmeadows. Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority.
26. Entertainment only in the form of pre-recorded background music may be provided for the benefit of patrons of the premises. Highly amplified music must not be played.
27. The permit will expire if:
 - a) The use permitted by this permit does not commence within two years of the date of this permit.
 - b) The use is discontinued for a period of two years.
 - c) The License Agreement dated 27 September 2001 between the owners of 265 and 267 Mickleham Road, Westmeadows lapses or is ended.
 - d) The car spaces associated with the use hereby permitted, and made available to the land on 265 Mickleham Road, Westmeadows by way of the Licensed Agreement dated 27 September 2001, are reduced in any way unless this reduction is done in conjunction with an amendment to this permit which also reduces the maximum number of patrons specified so that it accords with the relevant car parking provisions specified for a restaurant use in the Hume Planning Scheme.

The responsible authority may extend the periods referred to if a request is made in writing before or within six months after the permit expiry date, where the use allowed by the permit has not yet started.

Note: If a request of an extension of commencement date is made out of time allowed by 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.

Notes:

Prior to the commencement of the use associated with this permit, the permit holder must contact Council's Health Department to determine whether approval for the use is required pursuant to the provisions of the Health Act 1958.

CARRIED

Report No.	Report	Page in Agenda
SU212	765 - 785 Mt Ridley Road, Yuroke - Use and development of the land for the disposal of clean fill and earthworks (clean fill) and the creation of access to a road in a Road Zone Category 1.	32

Mr Paul Barbuto addressed Council regarding the Officer's recommendation.

Moved Cr Jack Medcraft, **Seconded** Cr Joseph Haweil

That Council, having considered the application to amend permit P18003 on its merits and the Statement of Grounds, resolves to advise the Victorian Civil and Administrative Tribunal that Council:

1. **Supports the alternate access to the earthworks (clean fill) at 765 – 785 Mt Ridley Road Yuroke from Mickleham Road, across land known as 1775 Mickleham Road, Yuroke.**
2. **Supports amendments to permit P18003 per the marked changes in the attached permit, submitted to Council on 20 January 2017, with the inclusion of the following additional conditions as follows:**
 - **The removal of the stone wall to facilitate the crossover to Mickleham Road must be to the minimum extent necessary. The stone must be relocated to the south east corner between the internal stone wall and the Mickleham Road stone wall for the duration of the project. Within 30 days of the completion of the works the stone wall must be rebuilt by a suitable qualified person to the satisfaction of the responsible authority.**
 - **The proposed temporary access to Mickleham Road is to be removed and reinstated accordingly once the operation of the land fill has ceased (3 years).**

CARRIED

Report No.	Report	Page in Agenda
SU213	17 Fidge Court, Jacana - Development of two double storey dwellings and one single storey dwelling on a lot.	56

Mr Peter Shine, Mr Paul Lambert and Ms Ashlee Lynch addressed Council regarding the Officer's recommendation.

Moved Cr Jack Medcraft, **Seconded** Cr Ann Potter

That Council, having considered the application on its merits and the concerns of the objectors, resolve to issue a Notice of Decision to Grant a Planning Permit for the development of three dwellings (two double storey and one single storey) at 17 Fidge Court, Jacana subject to the following conditions and notes:

1. **Before the development commences, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed to form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the advertised plans but modified to show:**

- a) The 4 metre turning radii for dwellings 2 and 3. Plans will need to be amended accordingly, to ensure vehicles from these dwellings can enter and exit the site in a forward direction.
 - b) The inclusion of a notation regarding visibility splays to state “no obstruction greater than 900mm in height are to be placed within the pedestrian visibility splays including fencing structures, letterboxes and landscaping”.
2. The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
 3. The development permitted by this permit must not be commenced until a satisfactory landscape plan for the whole of the subject land is submitted to and approved by the responsible authority. Such plan must show the area(s) set aside for landscaping and in accordance with Council’s guidelines and include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), and when approved an endorsed copy must form part of this permit.
 4. Before development allowed by this permit is occupied, landscaping works as shown on the endorsed plan(s) must be completed to the satisfaction of the responsible authority.
 5. The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
 6. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.
 7. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that it is well presented to neighbouring properties in a manner to the satisfaction of the responsible authority.
 8. Outdoor lighting must be provided to the entrances of all dwellings and designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on neighbouring land.
 9. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.
 10. New fencing or fence extensions must be provided and paid for solely by the owner/developer of the subject site and constructed to the satisfaction of the responsible authority.
 11. Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the subject land or premises and/or must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the responsible authority.
 12. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed

plan(s) and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and provided and maintained in a continuously useable condition to the satisfaction of the responsible authority.

13. Car spaces, access lanes and driveways shown on the endorsed plan must be kept available for these purposes at all times to the satisfaction of the responsible authority.
14. No vehicles are to park behind the garages of Dwellings 2 and 3. These areas are turning areas and no parking is permitted. If parking occurs vehicles would not be able to drive out in a forward motion.
15. Any service relocations must be to the approval of the service authority and at the owners cost.
16. Stormwater from all paved areas must be drained to an underground stormwater system.
17. Any cut or fill must not interfere with the natural overland stormwater flow.
18. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during construction.
19. This permit will expire if one of the following circumstances applies:
 - The development is not started within three years of the date of this permit;
or
 - The development is not completed within six years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing:

- a) Before or within six months after the permit expiry date, where the development allowed by the permit has not yet started; or
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes:

- a) If a request for an extension of commencement/completion dates is made out of time allowed by the condition 19, 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.
- b) An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing must be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details must be attached to the application. Any service relocations must be carried out to the approval of the service authority and at the owners cost.
- c) Any modifications to existing vehicle crossings require an application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owners cost.

- d) Application for Legal Point of Stormwater discharge is required to obtain approval for the connection to the legal point of discharge.
- e) Drainage investigation is required for this development (fees apply). Plans to be submitted to Council's Civil Design section for assessment. This will determine if on-site detention system, upgrading of Council's existing drainage pipes or new drainage pipes are required by the owners/developers.
- f) Following the Drainage Investigation, internal drainage plans to be submitted to Council Civil Design section for approval.
- g) Prior to commencement of any works within the road reserve or require alteration/connection to the Council's drainage assets in the road reserve/easement, an 'Application form for Consent to work within a Hume City Council Road Reserve' is required to be submitted to Council to obtain a permit to carry out the works

A division was requested: The result of the division was as follows:

For	Against
Cr Joseph Haweil	Cr Karen Sherry
Cr Carly Moore	Cr Jana Taylor
Cr Naim Kurt	Cr Geoff Porter
Cr Drew Jessop	Cr Jodi Jackson
Cr Jack Medcraft	Cr Leigh Johnson
Cr Ann Potter	

CARRIED

Report No.	Report	Page in Agenda
SU214	133-141 Western Ave Westmeadows - Use and development of the land for a Residential Hotel	73

Mr Ofer Fridberg addressed Council regarding the Officer's recommendation.

Moved Cr Naim Kurt, **Seconded** Cr Jodi Jackson

That Council, having considered the application for use and develop the land for a residential hotel at 133-141 Western Ave, Westmeadows on its merits and the Statement of Grounds, resolves to advise the Victorian Civil and Administrative Tribunal that Council does not support the proposed use and development on the following grounds:

1. The residential hotel use and development conflicts with the intent of the land to provide for Business Park and industrial development as identified in Clause 21.03 and 21.06 of the *Hume Planning Scheme*.
2. The use and development of a residential hotel on the land is inconsistent with Council's strategic intent to rezone the subject land to Industrial 3 via Amendment C218.
3. The scale, form and height of the proposed residential hotel are contrary to the predominantly lower height and scale of the immediate area. The proposal provides a lack of transition from the lower scale farmland and residential areas to the north and north east and will result in a visually prominent building in the landscape.

CARRIED

Report No.	Report	Page in Agenda
SU215	Statutory Planning Monthly Report April 2017	95
	Moved Cr Karen Sherry, Seconded Cr Geoff Porter	
	That the report be noted.	
		CARRIED

Report No.	Report	Page in Agenda
SU216	VicRoads 2016/17 Road Safety and Network Improvement Projects	105
	Moved Cr Jana Taylor, Seconded Cr Leigh Johnson	
	That Council note:	
	2.1 the 2016/2017 successful Road Safety Projects, listed in <u>Table 1 of Attachment 1</u>.	
	2.2 the 2017/2018 proposed Road Safety Funding Applications, listed in <u>Table 2 of Attachment 1</u>.	
	2.3 the VicRoads Road Safety and Network Improvement Projects Council is currently advocating for, listed in <u>Table 3 of Attachment 1</u>.	
	2.4 the VicRoads Arterial Road Duplication Projects Council is currently advocating for, listed in <u>Table 4 of Attachment 1</u>.	
	2.5 the history of traffic volumes on arterial roads requiring duplication shown on <u>Attachment 2</u>.	
		CARRIED

Report No.	Report	Page in Agenda
GE193	Correspondence received from or sent to Government Ministers or Members of Parliament - March 2017	141
	Moved Cr Jack Medcraft, Seconded Cr Jana Taylor	
	That Council notes this report on correspondence sent to and received from Government Ministers and Members of Parliament.	
		CARRIED

Reports Not Otherwise Dealt With

Moved Cr Joseph Haweil, Seconded Cr Carly Moore
THAT the recommendations relating to:

Report No.	Report	Page in Agenda
HE055	Public Health Unit Annual Report 2016	4
GE190	S173 Agreements - Building Over Easement - 1 January 2017 - 31 March 2017	117
GE191	Building Control Services Delegations Report - 1 January 2017 to 31 March 2017	120
GE192	Quarterly Financial Report - March 2017	132

be adopted.

CARRIED

Report No.	Report	Page in Agenda
HE055	Public Health Unit Annual Report 2016 Moved Cr Joseph Haweil, Seconded Cr Carly Moore That Council note the attached Public Health Unit Annual Report 2016.	4 CARRIED
GE190	S173 Agreements - Building Over Easement - 1 January 2017 - 31 March 2017 Moved Cr Joseph Haweil, Seconded Cr Carly Moore That Council notes the listing of all Agreements under <i>Section 173 of the Planning and Environment Act 1987</i> dealt with under delegation between 1 January 2017 and 31 March 2017 (Attachment 1).	117 CARRIED
GE191	Building Control Services Delegations Report - 1 January 2017 to 31 March 2017 Moved Cr Joseph Haweil, Seconded Cr Carly Moore 2.1 That this report be received and noted.	120 CARRIED
GE192	Quarterly Financial Report - March 2017 Moved Cr Joseph Haweil, Seconded Cr Carly Moore That the Finance Report for the nine months ended 31 March 2017 be noted.	132 CARRIED

5. CONFIDENTIAL MATTERS

The Meeting may be closed to members of the public to consider confidential matters.

Councillor Ann Potter left the meeting before the vote and motion was moved on item 5. Confidential Matters, the time being 8:06pm.

Moved Cr Jodi Jackson, **Seconded** Cr Karen Sherry

THAT the Council close the meeting to the public pursuant to Section 89(2) (sub sections as listed), of the Local Government Act 1989 to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for Confidential
COHE019	Proposed Development	(e) proposed developments
COSU065	Contract Matter	(d) contractual matters
COGE125	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE126	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE127	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE128	Contract Matter	(d) contractual matters

CARRIED

The meeting was closed to the public at 8:06PM.

The meeting was reopened to the public at 8:18PM.

6 CLOSURE OF MEETING

The meeting closed at 8:18PM.

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COUNCILLOR DREW JESSOP
MAYOR