



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

MONDAY, 27 MAY 2019

CONFIRMED - 11 JUNE 2019

HUME CITY COUNCIL

Minutes of the
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL
held on Monday, 27 May 2019
at 7.02 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

Present:	a: Council	Cr Carly Moore	Mayor
		Cr Naim Kurt	Deputy Mayor
		Cr Joseph Haweil	
		Cr Jodi Jackson	
		Cr Drew Jessop, OAM	
		Cr Leigh Johnson	
		Cr Jack Medcraft	
		Cr Geoff Porter	
		Cr Ann Potter	
		Cr Karen Sherry	
		Cr Jana Taylor	
	b: Officers	Mr Peter Waite	Director Sustainable Infrastructure and Services
		Mr Daryl Whitfort	Director Corporate Services
		Mr Hector Gaston	Director Community Services
		Mr Michael Sharp	Director Planning and Development
		Ms Kylie Ezzy	Director Communications, Engagement and Advocacy
		Ms Kirsty Miller	Manager Statutory Planning and Building Control Services
		Mr Greg McLaren	Manager Urban and Open Space Planning
		Mr Matt Wilson	Coordinator Urban Design and Landscape Architecture
		Ms Cathy Marshall	Coordinator Social and Community Planning
		Mr Brad Mathieson	Senior Governance Officer
		Mr Matthew Wilton	Governance Support Officer

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

The Mayor read the following:

"I would like to acknowledge that we are meeting on country for which the members and elders of the Gunung-Willam-Balluk community and their forebears have been custodians for many centuries. The Gunung-Willam-Balluk of the Wurundjeri are the Traditional Custodians of this land. I would like to pay respect to the existing family members of the Gunung-Willam-Balluk. I would also like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.

Today marks the of the 2019 National Reconciliation Week. It is a significant time of recognition of the identity and culture of our Aboriginal and Torres Strait Islander community and for all Australians to learn about our shared histories, cultures and achievements.

This week is a celebration and acknowledgement of the ongoing process of reconciliation, and I look forward to continuing to walk together on our journey towards reconciliation."

Proceedings to be Recorded

The Mayor reminded Councillors and members of the Gallery that an audio recording of the Council meeting will be made and published to Council's website within 2 working days of the meeting.

The Mayor advised Councillors that she had received a request to make a video recording of the meeting. The Mayor asked Councillors if there were any objections to the granting of consent to the request to video proceedings. No Councillors declared any objection to the request. The approval was granted.

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, members of the gallery will be invited to speak for up to two minutes either in support of or against an officer's recommendation.

ORDER OF BUSINESS**1. PRAYER**

The Mayor read the 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.

No Councillors indicated they had a conflict of interest to declare.

4. CONDOLENCE MOTIONS

Nil.

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

Report No.	Report	Page in Agenda
HE090	Sunbury Recreation Reserve Netball Court Upgrade	5

Mr Brian O'Loughlin addressed Council regarding the Officer's recommendation.

Moved Cr Jack Medcraft, **Seconded** Cr Leigh Johnson

That Council:

- 2.1 Approves the submission of an application for the *Sunbury Recreation Reserve Netball Court Upgrade* project to Sport and Recreation Victoria.**

- 2.2 Approves the inclusion of an additional \$140,000 in the 2019/20 Council budget as a contribution towards the project subject to a successful grant application from Sport and Recreation Victorian and subject to Council obtaining all the necessary approvals.

CARRIED

Report No.	Report	Page in Agenda
HE091	Sports Aid Grants - May 2019	9

Moved Cr Geoff Porter, **Seconded** Cr Jana Taylor

That Council award four individuals a Hume City Council Sports Aid Grant:

Name	Sport	Travel Category	Amount
Tahlia Sweeney	Softball	International	\$750.00
Diamond Fakalata	Basketball	International	\$750.00
Max Busuttil	Athletics	Interstate	\$400.00
Zein Ehrek	Muay Thai	Interstate	\$400.00

CARRIED

Report No.	Report	Page in Agenda
HE092	Draft Gambling Harm Minimisation Policy	15

Moved Cr Joseph Haweil, **Seconded** Cr Karen Sherry

That Council endorses the *Draft Gambling Harm Minimisation Policy 2019* for public exhibition for a period of 4 weeks.

CARRIED

Report No.	Report	Page in Agenda
SU399	30 Eucalyptus Court, Mickleham- 2 Lot Subdivision, Removal of Native Vegetation and Variation to Restrictive Covenant W590031V	37

Councillor Jack Medcraft left the meeting prior to the motion being moved on item SU399 - *30 Eucalyptus Court, Mickleham- 2 Lot Subdivision, Removal of Native Vegetation and Variation to Restrictive Covenant W590031V*, the time being 7:34 pm, and returned to the meeting before the motion was moved on the item, the time being 7:39 pm.

Mr Mitchell Belden, Ms Rose Ambrosio, Mr Nick Triantafyllopoulos and Mr Hilal Chaar addressed Council regarding the Officer's recommendation.

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

That Council, having considered the application on its merits resolves to issue a Notice of Decision to Grant the Planning Permit for a 2 lot subdivision, removal of native vegetation and variation to restrictive covenant to remove the word 'single' W590031V at 30 Eucalyptus Court, Mickleham, subject to the following conditions:

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the plans submitted with the application but modified to show:

- a) The shared boundary between each lot realigned to avoid the Tree Protection Zone of Tree 39 (as referenced in the Arboricultural Report dated 25th October 2017, prepared by Tree Response).
 - b) The building envelopes for each lot must be setback a minimum of 10 metres from the Tree Protection Zone of all river red gums being retained.
 - c) The proposal must provide for the retention of Trees 1 and 46.
2. The layout of the subdivision as shown on the endorsed plans must not be altered or modified except with the written consent of the responsible authority.
 3. The subdivision permitted by this permit must be carried out to the satisfaction of the responsible authority.
 4. Prior to a Statement of Compliance being issued for the Plan of Subdivision under Section 21 of the Subdivision Act 1988, all conditions of Planning Permit P20815 must be complied with or otherwise to the satisfaction of the responsible authority.

Section 173 Agreement

5. Prior to the issue of Statement of Compliance, the permit holder must enter into and execute an agreement under Section 173 of the Planning and *Environment Act 1987* which provides for:
 - a) Construction of all dwellings, associated outbuildings and driveways on each lot within the building and driveway envelopes approved under this permit except with the prior written consent of the responsible authority.
 - b) All trees identified for retention on the plans endorsed under this permit to be protected from removal, destruction or lopping except with the prior written consent of the responsible authority.
 - c) The prevention of any buildings or works as well as the storage of any machinery or equipment within the designated tree protection zones at any time.
 - d) The installation of fencing around the designated protection zones of all trees identified for retention under this permit. The fencing is to be installed and inspected by suitably qualified Council officers no later than one month prior to the commencement of any dwelling construction on corresponding allotments. The protective fencing is not to be removed until all building and works associated with the construction of any dwelling and outbuilding are completed.
 - e) The implementation of the Recommendations within the Arboricultural Report (Development Impact Assessment) For the Proposed Development of 30 Eucalyptus Ct, Mickleham 3064, Tree Response, 25 October 2017
 - f) The location of all effluent disposal areas within the designated effluent envelope except with the prior written consent of the Responsible Authority.

Before the issue of the Statement of Compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under section 181 of the Act.

The permit holder must pay the reasonable costs of the preparation, execution and registration of this Section 173 Agreement.

6. Prior to certification, the restrictive covenant W590031V affecting the subject site must be varied, certified and lodged with the Land Registry. The varied covenant will read: *“...that the Transferee shall not at any time erect, construct or build or cause to be erected, constructed or built or allow to remain erected, constructed or built on the said land sold or any part thereof any building apart from the necessary outhouses and garages other than a dwelling house having an interior floor area of not less than 20 square metres (imperial) constructed of brick or brick veneer with a tiled roof or such other materials as may be approved by the transferors...”*.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
9. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
10. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
11. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority,

unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour the relevant authority for which the easement or site is to be created.

Prior to the issue of a Statement of Compliance for the subdivision authorised by this permit and shown on the endorsed plans must be provided with reticulated water, sewerage, drainage and electricity to the satisfaction of the responsible authority.

12. The issue of a Statement of Compliance under the Subdivision Act 1988 shall be subject to the satisfaction of authority requirements with such satisfaction being verified by a written statement from each authority.
13. Before the issue of a Statement of Compliance, the land must be drained to the satisfaction of the responsible authority in accordance with plans and specifications approved by the responsible authority under the Subdivisions Act 1988.

Biodiversity

14. Prior to the issue of Statement of Compliance, all trees to be retained must be temporarily fenced off with secure and obvious fencing in accordance with Australian Standard (AS4970-2009). Fencing must be signposted as 'tree protection zone'. The tree protection fence must remain in place until the works are completed. Fill, machinery and building materials must not be placed, even for a short time within the tree protection zone.
15. Prior to the issue of Statement of Compliance the methods and procedures detailed in the approved Tree Management Plan must be implemented by a suitably qualified and experienced arborist to the satisfaction of the responsible authority.
16. To offset the removal of 0.188 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
 - a. A general offset of 0.156 general habitat units:
 - i. located within the Port Philip and Western Port Catchment Management Authority boundary or Hume City Council municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.467
17. Prior to the Statement of compliance, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or

- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
18. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
19. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
20. In the event that a security agreement is entered into as per condition 18 the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Expiry

21. This permit will expire if one of the following circumstances applies:
- a) The subdivision is not commenced within two years of the date of this permit.
 - b) The subdivision is not completed within five years of the date of commencement.

If a plan of subdivision is not certified within two years of the date of this permit, the responsible authority may extend the time for certification if a request is made in writing prior to expiry of the permit or within 6 months after the expiry date.

Notes

1. If a request for an extension of commencement is made out of time allowed by the permit 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.
2. An application to install a septic tank is required to be submitted to Council's Environmental Health Department for approval before any building permit is obtained for a dwelling on either lot.

CARRIED

Report No.	Report	Page in Agenda
SU400	Unit 2/6-10 Nathan Drive, Campbellfield - Use of the land for a place of worship and a reduction in the car parking requirements	57

Ms Robyn Smith addressed Council regarding the Officer's recommendation.

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

That this item be deferred.

CARRIED

Report No.	Report	Page in Agenda
SU401	72 Medway Road and 1 Waverley Court, Craigieburn - Development of 4 double storey dwellings and 1 single storey dwelling.	77

Ms Margie Sincoe addressed Council regarding the Officer's recommendation.

Moved Cr Drew Jessop, **Seconded** Cr Jodi Jackson

That Council, having considered the application on its merits and the objection received, resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of four double storey dwellings and one single storey dwelling and a waiver of one visitor car parking space at 72 Medway Road and 1 Waverley Court, Craigieburn on the following grounds:

1. The proposal is an overdevelopment of the site.
2. Inaccuracies in the detail on the plans.
3. The development fails to comply with the following objectives and standards of Clause 55 of the *Hume Planning Scheme*:
 - a) Clause 55.02-1 Neighbourhood Character Policy (Standard B1)
 - b) Clause 55.02-2 Residential Policy (Standard B2)
 - c) Clause 55.03-1 Street Setback (Standard B6)
 - d) Clause 55.03-5 Energy Efficiency (Standard B10)
 - e) Clause 55.03-8 Landscaping (Standard B13)
 - f) Clause 55.03-9 Access (Standard B14)
 - g) Clause 55.04-6 Overlooking (Standard B22)
 - h) Clause 55.04-7 Internal Views (Standard B23)
 - i) Clause 55.05-5 Solar Access to Open Space (Standard B29)
 - j) Clause 55.05-6 Internal Views (Standard B30)
 - k) Clause 55.06-1 Design Detail (Standard B31)
4. The applicant has failed to provide sufficient information for a full and comprehensive assessment of the proposal against the *Hume Planning Scheme*.
5. The proposal does not meet Design Standards of Clause 52.06-9 of the *Hume Planning Scheme*.
6. The proposal does not comply with the Garden Area Requirements of Clause 32.08-4 of the *Hume Planning Scheme*.

CARRIED

Report No.	Report	Page in Agenda
SU405	2-24 & 26-32 King William Street, Broadmeadows- Use and Development of the land for Dwellings, Shop, Office, Food and Drinks Premises and Reduction in Carparking	177

Moved Cr Karen Sherry, **Seconded** Cr Geoff Porter

That Council, having considered the application on its merits, resolves to Grant a Planning Permit for the Use and development of the land for the Dwellings, Shop, Office, Food and Drink Premises and Reduction in Carparking at 2-26 King William Street, Broadmeadows, subject to the following conditions:

1. Before the use and development permitted by this permit commences, three copies of amended 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 and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A clear staging plan for the sequencing of development, including the construction of the Council road within the first stage (Stage 2 in this instance).
 - b) A notation stating that any recommendations (if any) of the acoustic report required by Condition 7 will be implemented to mitigate the impacts of noise generated from the loading area on the proposed dwellings.
 - c) A notation stating that threshold treatments or appropriate design measures will be undertaken at the intersection of the public and private roads to demarcate the public and private realm.
 - d) A notation stating that indented parking and the relocation and/or upgrade of the bus stop on Blair Street will be explored to the satisfaction of Transport for Victoria and the responsible authority.
 - e) A notation stating that a smooth path (at grade or pram crossing) will be provided to all locations where bins are wheeled onto the road pavement for collection to the satisfaction of the responsible authority.
2. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
3. Once the development permitted by this permit has commenced, it must be continued, completed and maintained thereafter to the satisfaction of the Responsible Authority

Land Contamination

4. Prior to the development commencing, in respect of all or that part of the land as the case may be, the following must be provided to the responsible authority; either:
 - 4.1 A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970, or

- 4.2 A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental condition of the relevant land is suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the construction of any building on the relevant land, which details:

Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit; and
The responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

Section 173 Agreement

5. Prior to the commencement of any buildings and works, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 to provide for the following:
- a) The amount, timing and payment of development contributions in relation to road and community infrastructure as required by the Development Plan Overlay 24 Schedule and the approved Development Plan.
 - b) The amount, timing and payment of development contributions in lieu of communal open space being provided within the site
 - c) The implementation of the endorsed Waste Management Plan prepared by Leigh Design dated 25th March 2019.
 - d) All roads will be constructed to the appropriate Council standard to allow municipal waste collection for residential dwellings
 - e) Council will be indemnified against any damage to the body corporate roads resulting from municipal waste collection
 - f) Amendments to the Waste Management Plan, to be made only with the prior written consent of the responsible authority.

Prior to the commencement of any buildings and works, application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner/operator under this permit must pay the reasonable costs of the preparation, (and) execution and registration of the section 173 agreement.

Noise attenuation

6. Prior to the commencement of any buildings and works on site, a suitably qualified Acoustic Engineer must submit an Acoustic report to the responsible authority for approval. The report must assess the noise impacts of the loading/service area on the western edge of the mixed use building on surrounding dwellings. The assessment must provide a list of design and operational recommendations (if required) to mitigate any noise impacts on residents.
7. Prior to the occupation of any building within stage 4 of the development, any recommendations of the Acoustic Report required under Condition 6 must be implemented and certified by a qualified Acoustic Engineer, to the satisfaction of the responsible authority.
8. '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.

Amenity Conditions

9. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.
10. Any equipment required for air-conditioning, heating and the like must be located on the subject land or premises so that they are not visible from the street and surrounding public open space reserves and must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the Responsible Authority.
11. 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.
12. Any equipment required for air-conditioning, heating and the like must be located on the subject land or premises so that they are not visible from the street and surrounding public open space reserves and must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the Responsible Authority.

Engineering

13. A traffic treatment must be provided at the intersection of King William Street and Blair Street, to the satisfaction of the responsible authority.
14. All private 'Common Accessway' areas, as shown on plans, shall be designed to be visually distinct and clearly defined from that of Council 'Public Roadways', to the satisfaction of the responsible authority.

15. Prior to the occupation of any buildings within the first stage, the temporary vehicular access to stage 1 of permit P21093 must be removed, replaced with a pedestrian path and landscaped to the satisfaction of the responsible authority.
16. Prior to the occupation of any building in stage 4, additional on street parking must be provided to the satisfaction of the responsible authority.
17. The installation of omnistop bollards is required along the edge of the road reserve adjacent to Meadow Link, to prevent parking / vehicle entry to the satisfaction of the responsible authority.
18. 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.
19. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
20. Any vehicle access to and from the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority after first obtaining a road opening permit from Council.
21. Prior to the occupation of the dwellings hereby approved, any existing redundant vehicle crossings are to be removed and the kerb and channel and nature strip to be reinstated at the applicant/owners expense to the satisfaction of the responsible authority.
22. Any services within the road reserve that require relocation must be approved by the relevant service authority and any such relocation must be made at the owner's or developer's cost.
23. Prior to the commencement of any buildings or works, engineering plans showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas (including any approved WSUD standards) must be submitted to and approved by the Council's Civil Design Section.
24. The whole of the subject land, including any landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority so as to prevent the discharge of stormwater from the subject land across any road or footpath or onto adjoining land. All stormwater storage tanks must have the overflow pipe connected to the legal point of discharge.
25. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge in a road or to an underground pipe drain and the drainage system must be designed to the requirements and satisfaction of the relevant Building Surveyor.

26. Any cut or fill must not interfere with the natural overland stormwater flow.
27. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during construction.
28. Stormwater from all paved area must be retained within the property and drained to the sites underground stormwater system, including pavement over the easement area.
29. Provision of litter control at stormwater inlet points within car park and paved areas. All stormwater pits to be Channel Grated or Grated as per Council's Standard Dwg SD 210/215 or SD225 respectively.

Landscaping

30. Prior to the commencement of any buildings and works, the owner or developer under this permit shall be required to submit to the Responsible Authority for approval 3 x A1 copies of detailed landscape plans for all landscape elements, including semi-mature (2m high) trees planted along King William Street and details of the pedestrian path and associated landscaping to replace the temporary vehicular access to stage 1 of permit P21093. When approved the plans will be endorsed and will then form part of the permit. The development of these areas, including fencing to all reserves, must be completed in accordance with the approved plans prior to the use of the development.
31. 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.
32. No existing street trees are to be removed or relocated as part of the development without prior written consent from Council's Parks Department. Any street trees approved to be removed/relocated are to be replaced/relocated by Council at the developer's expense.

Construction Site Environmental Management Plan

33. Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the Responsible Authority to address the potential impacts of construction works. The CSEMP must be in generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archeological/heritage impacts.
34. The approved CSEMP must be implemented to the satisfaction of the Responsible Authority requirements and satisfaction of the relevant Building Surveyor.
35. Any cut or fill must not interfere with the natural overland stormwater flow.

General Use and Development Conditions

36. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.

37. All external cladding and roofing of the buildings hereby permitted must be of a non-reflective nature and must be coloured or painted in colours satisfactory to the Responsible Authority.
38. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
39. 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.
40. The building hereby permitted must be designed and constructed in accordance with Australian Standard 1428-1993 "Design Rules for Access by the Disabled".
41. Provision shall be made on site for the storage of trade waste disposal bins. The bins provided shall not occupy or obstruct access to any car parking area indicated on the endorsed plan.

The following conditions are required by Transport for Victoria:

42. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then 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 application but modified to show:
 - a) The existing location of the bus stop and all associated infrastructure along Blair Street
 - b) Bus stop upgrade consisting of;
 - i. Concrete hard stand for passengers with tactile ground surface indicators (based upon PTV standard drawings STD_0064, STD_0065, STD_0066 or STD_0067);
 - ii. A barrier kerb for the 9.2m prior to the bus flag position (situated as per PTV standard drawings & barrier kerb built to VicRoads standard design);
 - iii. Bus shelter to be located nearby the boarding point/bus flag (as per PTV standard drawings STD_0069 or STD_0070) Shelter type must be agreed with local council/PTV;
 - iv. bus stop pole, flag and timetable case to PTV requirements (as per PTV standard drawings STD_0062 & STD_0063).
 - c) An alternative location for the existing bus stop and associated infrastructure (including upgraded bus stop design) north of the subject site, with appropriate (300 – 400 meters) spacing between stop pairs north and south of the subject bus stop or;
 - d) An alternative location for the existing bus stop and associated infrastructure (including upgraded bus stop design) south of the subject site, with appropriate (300 – 400 meters) spacing between stop pairs north and south of the subject bus stop.

- e) Details of pedestrian access (DDA compliant) connecting the bus stop to the proposed development.
 - f) All works must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
 - g) Any new proposed road treatments to accommodate ultralow-floor buses and;
43. The existing bus stop and associated infrastructure on Blair Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.
44. Prior to the occupation of the development, or other time agreed in writing with the Head, Transport for Victoria, all works outlined on the endorsed plans must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
45. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Blair Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing bus.stop.relocations@ptv.vic.gov.au.
46. The permit holder must provide GPS co-ordinates and high-resolution photos (300dpi) capturing the arrival and departure side (where relevant) and grade of the stop and include the pole, flag, timetable case and braille ID case to the satisfaction of Public Transport Victoria.

Expiry

47. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within three years of the date of this permit.
 - b) 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:

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

If a request for an extension of commencement/completion dates 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.

NOTE

1. An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing/s (including the modification of existing vehicle crossings) is 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.
2. An application for Legal Point of Stormwater discharge is required to obtain approval for the connection to the legal point of discharge.
3. Prior to any works carried out within Road Reserve (nature strip), an application for "Non Utility Minor Works within Municipal Road Reserve must be lodged with and approved by Council.
4. The permit holder must notify PTV a minimum of 8 weeks prior to any bus stop relocation and/or temporary relocation works approved under this permit. The permit holder must notify PTV by emailing bus.stop.relocations@ptv.vic.gov.au.
5. To assist in the preparation of detailed engineering drawings and to obtain requirements relating to the compliance of the final design of the bus stop, please contact PTV by providing a copy of this letter and any additional information via email to bus.stop.relocations@ptv.vic.gov.au.

CARRIED

Report No.	Report	Page in Agenda
SU407	Broadmeadows Railway Station Upgrade Business Case - Design Response	271

Moved Cr Naim Kurt, **Seconded** Cr Jack Medcraft

That Council:

- 2.1 reaffirms its commitment to the comprehensive redevelopment of Broadmeadows Railway Station precinct as a strategic urban renewal initiative as outlined in the Revitalisation Board's Advice to Government.
- 2.2 notes and endorse the submission of officers to the business case design response outlined as attachment 2 to the report.
- 2.3 writes to the Minister for Suburban Development, the Hon. Marlene Kairouz MP, The Minister for Public Transport, the Hon. Melissa Horne, the Minister for Transport Infrastructure the Hon Jacinta Alan, The Premier of Victoria the Hon Daniel Andrews, Local Member of Parliament Frank McGuire and the Victorian Government Department of Transport calling for project management and scope of the project be revised to address the urban renewal objectives for Broadmeadows as a Metropolitan Activity Centre.

Councillor Ann Potter left the meeting after the motion was moved on item SU407 - *Broadmeadows Railway Station Upgrade Business Case - Design Response*, the time being 8:19 pm.

Councillor Ann Potter returned to the meeting during discussion and prior to the vote on item SU407 - *Broadmeadows Railway Station Upgrade Business Case - Design Response*, the time being 8:21 pm.

CARRIED

Councillor Leigh Johnson left the meeting after the vote on item SU407 - *Broadmeadows Railway Station Upgrade Business Case - Design Response*, the time being 8:34 pm.

Reports Not Otherwise Dealt With

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

THAT the recommendations relating to:

Report No.	Report	Page in Agenda
SU402	13-19 Langport Crescent, Sunbury- Development of 28 dwellings	115
SU403	15 Eastgate Road, Craigieburn - Variation of Restrictive Covenant F999017 in Vol.10651 Fol. 667 to Remove Reference to the Construction of a Single Dwelling	135
SU404	1440 Hume Highway, Kalkallo - Multilot subdivision of land within the PAO	167
SU406	Statutory Planning Monthly Report May 2019	257
GE344	Council Plan 2017-2021 (2018/2019 Actions) Third Quarter Progress Report	281
GE345	Correspondence received from or sent to Government Ministers or Members of Parliament - April 2019	393

be adopted.

CARRIED

Report No.	Report	Page in Agenda
SU402	13-19 Langport Crescent, Sunbury- Development of 28 dwellings	115

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

That Council, having considered the application on its merits resolves to advise VCAT that Council has formed the view not to support the application for the development of 28 dwellings at 13-19 Langport Crescent, Sunbury on the following grounds:

1. The proposed development fails to satisfy policies 13.04-2S (Erosion & Landslip) 21.08-2 (Environmental Land Management) of the *Hume Planning Scheme*.
2. The development fails to demonstrate acceptable outcomes in terms of Clause 65.01 of the *Hume Planning Scheme*.
3. The applicant has failed to provide sufficient information for a full and comprehensive assessment of the proposal against the *Hume Planning Scheme*.
4. The application has not demonstrated that the proposal meets the requirements of the Section 173 Agreements (Instruments AH890249J (part 3(v)) and AJ680255T (part 3(vi))).

5. The proposal is an over-development of the site.
6. The development fails to comply with the following objectives and standards of Clause 55 of the *Hume Planning Scheme*:
 - a) Clause 55.02-1 Neighbourhood Character (Standard B1)
 - b) Clause 55.03-2 Building height objective (Standard B7)
 - c) Clause 55.03-8 Landscaping (Standard B13)
 - d) Clause 55.03-10 Parking location objectives (Standard B21)
 - e) Clause 54.04-6 Overlooking objective (Standard B22)
 - f) Clause 55.05-4 Private open space objective Standard B28)
 - g) Clause 55.05-5 Solar Access objective (Standard B29)
 - h) Clause 55.05-6 Storage objective (Standard B30)
 - i) Clause 55.06-3 Common property objective (Standard B33)
 - j) Clause 55.06-4 Site Services (Standard B34)
7. That Council delegates officers or appointed representatives to negotiate on the above points based on any additional and relevant information provided as part of the Victorian Civil and Administrative Tribunal compulsory conference and/or hearing scheduled for the application.

CARRIED

Report No.	Report	Page in Agenda
SU403	15 Eastgate Road, Craigieburn - Variation of Restrictive Covenant F999017 in Vol.10651 Fol. 667 to Remove Reference to the Construction of a Single Dwelling	135

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

That Council, having considered the application on its merits and the objection received, resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit to vary the restrictive covenant as it applies to Lot 100, LP 113700 (Vol. 10651 Fol. 667) contained in the Transfer of Land with dealing number F999017 dated 19 December 1975 by way of removing reference to the construction of only a single dwelling house at 15 Eastgate Road, Craigieburn on the following grounds:

1. The proposal fails to satisfy the tests contained in s.60(5) of the *Planning & Environment Act 1987*.
2. The proposal fails to satisfy the Decision Guidelines of Clause 52.02 (Easements, Reserves & Restrictions) of the *Hume Planning Scheme*.
3. The proposal fails to satisfy the Decision Guidelines of Clause 65 (Decision Guidelines) of the *Hume Planning Scheme*.
4. The proposal has failed to satisfactorily demonstrate that the variation to the Covenant will not compromise the character of the area.

CARRIED

Report No.	Report	Page in Agenda
SU404	1440 Hume Highway, Kalkallo - Multilot subdivision of land within the PAO	167

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

That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Permit for the multi lot subdivision and the creation of access to a road within a Road Zone Category 1 at 1440 Hume Highway Kalkallo on the following Grounds:

1. **The proposed subdivision is inconsistent with the relevant purpose of the PAO3 affecting the land, which is to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.**
2. **The proposed subdivision is not generally in accordance with the Lockerbie Precinct Structure Plan**
3. **The subdivision is proposed on land that is or may be required for a public purpose and is therefore contrary to the orderly and proper planning of the site and surrounding area.**
4. **The proposed subdivision will prejudice the delivery of infrastructure of strategic significance at a regional and state level.**
5. **VicRoads as a Determining Authority under the provisions of Clause 66.03 of the Hume Planning Scheme and Section 55 of the Planning & Environment Act has objected to the application.**

CARRIED

Report No.	Report	Page in Agenda
SU406	Statutory Planning Monthly Report May 2019	257

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

That the report be noted.

CARRIED

Report No.	Report	Page in Agenda
GE344	Council Plan 2017-2021 (2018/2019 Actions) Third Quarter Progress Report	281

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

That Council notes the progress on the actions and indicators of the Council Plan 2017-2021 (2018/2019 Actions) [Refer Attachments One and Two].

CARRIED

Report No.	Report	Page in Agenda
GE345	Correspondence received from or sent to Government Ministers or Members of Parliament - April 2019	393

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

That Council notes this report on correspondence sent to and received from Government Ministers and Members of Parliament.

CARRIED

5. CONFIDENTIAL MATTERS

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

Moved Cr Drew Jessop, **Seconded** Cr Jana Taylor

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
COGE242	Organisational Matter	(h) any other matter which the Council or special committee considers would prejudice the Council or any person

CARRIED

The meeting was closed to the public at 8:35 pm.

The meeting was reopened to the public at 8:36 pm.

6. CLOSURE OF MEETING

The meeting closed at 8:36 pm.

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COUNCILLOR CARLY MOORE
MAYOR