



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

MONDAY, 26 AUGUST 2019

UNCONFIRMED MINUTES

It should be noted that these minutes are not in their final form until Council has formally resolved to confirm them.

These minutes will be presented to Council for confirmation on Monday, 9 September 2019.

HUME CITY COUNCIL

Minutes of the

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

held on Monday, 26 August 2019

at 7:10 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 Domenic Isola	Chief Executive Officer
		Ms Sue Haviland	Acting Director Communications, Engagement and Advocacy
		Mr Hector Gaston	Director Community Services
		Mr Michael Sharp	Director Planning and Development
		Mr Peter Waite	Director Sustainable Infrastructure and Services
		Mr Daryl Whitfort	Director Corporate Services
		Ms Kirsty Miller	Manager Statutory Planning and Building Control Services
		Mr Joel Farrell	Manager Organisational Performance and Engagement
		Ms Amanda Dodd	Senior Coordinator Sustainable Environment and Waste
		Mr Peter Faull	Coordinator Governance and Corporate Support
		Mr Matthew Wilton	Governance Support Officer

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.

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. 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."

2. PRAYER

The Mayor read the following:

“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

3. APOLOGIES

Nil.

4. 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.

Cr Joseph Haweil declared an indirect interest in item SU433 - *10 Newham Crescent Dallas - The development of three double storey dwellings*, by way of close association.

5. CONDOLENCE MOTIONS

Nil.

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

Report No.	Report	Page in Agenda
SU430	13 Stanhope Street Broadmeadows - The development of four double storey dwellings	5

Mr Peter Shine addressed Council regarding the Officer's recommendation.

Moved Cr Drew Jessop, **Seconded** Cr Jack Medcraft

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the development of four double storey dwellings at 13 Stanhope Street, Broadmeadows, subject to the following conditions:

- 2.1 Before the development permitted by this permit commences, 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 dated 22.03.2019 and 11.07.2019, prepared by Beyond Design Group, but modified to show:**
- a. The provision of both porch lighting and, either, bollard or wall mounted lighting, along the shared driveway.**
 - b. The ensuite window on the eastern elevation of Dwelling 1 to be constructed of fixed, obscure glazing.**
 - c. The bathroom window on the eastern elevation of Dwelling 2 to be constructed of fixed, obscure glazing.**
 - d. A replacement paling fence 2 metres in height on the eastern boundary, dropping down to 1.5 metres in height within 3 metres of the street.**

- e. The fence on the western boundary to be a maximum of 1.5 metres in height within 3 metres of the street boundary.
 - f. Landscaping pursuant to Condition 7 of the planning permit.
- 2.2 The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
 - 2.3 Once the approved development has started, it must be continued and completed to the satisfaction of the responsible authority except with the prior consent of the responsible authority.
 - 2.4 The external materials, finishes and paint colours of the approved building must be to the satisfaction of the responsible authority.
 - 2.5 The boundary fencing proposed shall be constructed at the developers cost.
 - 2.6 Any equipment required for refrigeration, air-conditioning, heating and the like must be located appropriately on the land/building and must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the responsible authority.
 - 2.7 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 which is to include the planting of a minimum of one large canopy tree in the front setback of dwelling 1 and a small-medium canopy tree within the secluded private open space areas of all dwellings; and low scale planting and screening wherever practicable, and in accordance with Council's guidelines and to include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), irrigation and when approved an endorsed copy must form part of this permit.
 - 2.8 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.
 - 2.9 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.
 - 2.10 Any cut or fill must not interfere with the natural overland stormwater flow.
 - 2.11 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 causing damage/nuisance from the subject land across any road or footpath or onto adjoining land. All stormwater tanks must have the overflow pipe connected to the legal point of discharge.

- 2.12 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.
- 2.13 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
- 2.14 Vehicle access to and from the subject land from any roadway 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.
- 2.15 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:

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

Permit Notes:

- If a request for an extension of commencement/completion dates is made out of time allowed, 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.
- Drainage investigation is required for the development (fees apply) and must be submitted to Council's Assets (Civil) Department for approval. 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.
- Following the Drainage Investigation, internal drainage plans must be submitted to Council's Assets (Civil) Department for approval.
- An "Application for Legal Point of Stormwater Discharge" is required to be submitted to Council prior to connection to the drainage system.
- The internal stormwater drainage design must be approved by the relevant Building Surveyor as per the Building Regulation 2006, Reg. 610.

- An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing 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.
- Any structure built over an easement requires Council and relevant service authorities approval.

CARRIED

Report No.	Report	Page in Agenda
SU431	160 Riddell Road, Sunbury- Twenty-One Lot Subdivision, Removal of Native Vegetation and Creation of Access to a Road Zone Category 1	27

Ms Katie Knuiksis and Ms Julie Lancashire addressed Council regarding the Officer's recommendation.

Moved Cr Jack Medcraft, **Seconded** Cr Karen Sherry

That Council, having considered the application on its merits and the submissions received, resolves to issue a Notice of Decision to Grant a Planning Permit for a 21 lot subdivision, removal of native vegetation and creation of access to a road in a Road Zone Category 1 at 160 Riddell Road, Sunbury, subject to the following conditions:

- 2.1 Before the plan of subdivision can be certified, 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 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) Trees 4 and 11 to be shown in a tree reserve instead of road reserve.
 - b) Fully surveyed tree protection zones around all trees identified for retention in accordance with Australian Standard AS4970-2009- Protection of Trees on Development Sites.
- 2.2 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.
- 2.3 The subdivision permitted by this permit must be carried out to the satisfaction of the Responsible Authority.
- 2.4 An endorsed copy of the plans to be certified under the *Subdivision Act 1988* must form part of this permit.
- 2.5 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 P21717 must be complied with or otherwise to the satisfaction of the responsible authority.

Section 173 agreement

- 2.6 Prior to the commencement of works, 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 and associated outbuildings outside of the building exclusion zones (tree protection zones) 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 in accordance with Australian Standard AS4970-2009- Protection of trees on development sites. 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.

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.

Environment

- 2.7 Prior to the commencement of works a Conservation and Landscape Reserve Management Plan (CLRMP) must be prepared to the satisfaction of the responsible authority. The plan must cover all proposed open space areas within the property boundaries. This plan must detail boundary fencing, weed control, removal of dams, removal of rubbish, revegetation, biomass management and pest animal management requirements for a period of two years. The CLRMP plan must specify actions and standards required to be achieved, prior to statement of compliance to the satisfaction of the responsible authority.
- 2.8 Prior to statement of compliance the approved Conservation and Landscape Reserve Management Plan (CLRMP) must be implemented to the satisfaction of the Responsible Authority.

- 2.9 A Tree Management Plan for all trees shown to be retained on the endorsed plans must be prepared by a suitably qualified and experienced arborist and submitted to and approved by the responsible authority. The Tree Management Plan must identify methods and procedures to protect and maintain trees in a healthy and safe condition e.g. above ground pruning requirements. Once approved this plan will form part of the permit.
- 2.10 Prior to 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.
- 2.11 All indigenous and native trees permitted to be removed must be taken into a nearby conservation reserve for inclusion as large logs. These logs must be cut into a minimum of 1.5 metre lengths and placed onto the reserve under the direction of a suitably qualified ecologist or Council Environment Officer.
- 2.12 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 generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, cut and fill, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.
- 2.13 Prior to commencement of works, contractors must be inducted into the CSEMP and all flora and fauna conservation requirements.
- 2.14 The approved CSEMP must be implemented to the satisfaction of the Responsible Authority.
- 2.15 No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understorey, or revegetation areas.
- 2.16 Prior to the commencement of works, a soil and fill recovery plan must be submitted to the satisfaction of the responsible authority. This plan must detail the quantity of soil and/or fill to be generated during construction, the reuse options for any excess soil and/or fill generated within the site and the quantity of soil and/or fill to be removed offsite. The contractor is to nominate in writing at the pre-commencement meeting the legal/approved location where the soil and fill will be disposed. Evidence of legal/approved disposal will be required to be submitted to the satisfaction of the responsible authority.

Landscaping

- 2.17 Prior to commencement of works, all trees to be retained are to be fenced with 1.8m temporary fencing 1m beyond the Tree Protection Zone.
- 2.18 Prior to the issue of Statement of Compliance all trees to be retained are to have weeds controlled and mulch applied to 1m beyond the Tree protection Zones, and pruning works carried out to ensure maximise public safety and tree longevity to Council's satisfaction.

- 2.19 The owner or developer under this permit shall be required to submit to the responsible authority for approval three copies of landscape development plans for all open space, streetscape developments and landscape elements. When approved, the plans will be endorsed and will then form part of the permit. The development of these areas, including fencing of all reserves must be completed in accordance with the approved plans prior to the issue of a Statement of Compliance.
- 2.20 Following approval of the landscape development plans and prior to Statement of Compliance, the owner or developer under this permit will be required to forward to Council's Subdivision Landscape Officer a copy of the specification and an estimate of costs for all works.
- a) In accordance with the Subdivision Act 1988, payment will be required for works within the road reserves at the following rates:
- plan checking fee: 0.75% of the value of the works;
 - supervision fee: 2.5% of the value of the works.
- 2.21 Prior to Statement of Compliance, Council requires payment of:
- a plan checking and supervision fee for all reserves, in accordance with Council's currently adopted fees and charges.
 - 5% Maintenance Bond to the satisfaction of Council.
- 2.22 Prior to Statement of Compliance, Council requires that all nature strips and disturbed areas are stabilised with hydromulch in accordance with standard note required on all approved civil plans. These works are unable to be bonded.
- 2.23 The contractors undertaking the associated landscape development works must arrange a pre-construction meeting with Council's Subdivision Landscape Officer prior to commencement of any works.
- 2.24 The Responsible Authority must be notified of the completion of the public open space/landscape areas. An inspection must be undertaken and a verified costing of the works provided to Council before the maintenance period is to commence. The open space areas/landscape must be maintained for a minimum period of two (2) years after completion.
- 2.25 Council requires that developers forward as constructed electronic files in DWG, PDF and O-Spec formats for all landscape development works (including approved irrigation systems) to Council at the beginning of the maintenance period.
- 2.26 At the end of the specified maintenance period, the developer should request an end of maintenance inspection. This inspection will ensure that the asset has been maintained to the prescribed standard and can be handed over to Council.
- 2.27 Prior to commencement of the maintenance period, the owner or developer under this permit will be required to provide a safety and functional audit for the design and construction of all raingardens, bioretention, sediment collection facilities and wetlands, and to complete any rectification works required under that audit.

- 2.28 Prior to handover Council, the owner or developer under this permit will be required to provide a functional audit - including infiltration tests - for all Water Sensitive Urban Design elements (including tree pits, raingardens, bioretention, sediment collection facilities and wetlands), and to complete any rectification works required under that audit.

Wildfire Management Plan

- 2.29 The permit holder is required to submit a Wildfire Management Plan to Council's Municipal Fire Prevention Officer prior to October each year, for the duration of the subdivision construction.

Public Open Space

- 2.30 Prior to a Statement of Compliance being issued for the Plan of Subdivision under section 21 of the Subdivision Act 1988, a contribution equivalent to 5% of the site value of all land in the subdivision must be paid to the responsible authority as a public open space contribution.

Subdivision/Drainage Requirements:

- 2.31 Prior to the plan of subdivision being certified under the Subdivision Act 1988, a construction plan for any lots which propose driveways within a tree protection zone is to be submitted to the satisfaction of the responsible authority. The plan must show:
- a) The driveway to be constructed at the existing grade of the land where appropriate.
 - b) The materials to be used for the driveway construction, which must be air and water permeable.
 - c) No excavation deeper than 30mm being carried out within the Tree Protection Zone (TPZ) of any tree.
 - d) The protection measures for each tree during the service infrastructure and driveway construction phase including excavation/grading techniques that will prevent adverse damage to the tree's critical root zone.
 - e) Any service infrastructure to be provided within the driveways of these lots.

Once approved the plan will form part of the permit.

- 2.32 Prior to a statement of compliance being issued, the driveway and all co-located service infrastructure are to be constructed and completed in accordance with the approved driveway construction plan to the satisfaction of the responsible authority.
- 2.33 Prior to the approval of construction plans required under condition 34 of this permit, a detailed drainage strategy plan must be submitted for approval by the responsible authority. The drainage strategy plan must show all drainage discharge points, channel drains, treatment ponds and swales, temporary swales required to discharge stormwater from the subdivision, bunds/ cut off drains required to protect the subdivision from external overland flow and must address the interim responsibility for maintenance of the bunds and temporary

swales until the ultimate drainage infrastructure is built, all to the satisfaction of Council and Melbourne Water. All works identified on the drainage strategy plan including bunds and temporary swales must be covered by easements in favour of the relevant authority.

- 2.34 Prior to the commencement of any road and/or drainage works associated with any stage of the subdivision, detailed design plans must be submitted to and approved by the responsible authority for construction under the provisions of Part 3 of the Subdivisions Act 1988.

When approved the construction plans will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be submitted for stamping approval. The plans must include:

- a) Engineering plans, standard drawings and specifications in accordance with an Infrastructure Design Manual approved by the responsible authority for the proposed works that are to become public assets such as roads, intersections, drains, conduits, bridges, public lighting and the like.
- b) Typical cross-sections for each street type with a road reserve width flared out to a width of 16 metres, dimensioning individual elements, such as service offsets, concrete footpaths, shared pathways, kerb and channel with either, Barrier kerb or SM2 profile types, public lighting, cut off drains and any other spatial requirements applying to the land.
- c) A table of offsets for all utility services and street trees.
- d) The provision of conduits to service premises fronting on to the roads, created for the more efficient or easy laying, repairing or replacing of water services and gas services.
- e) Details of any water, gas, electricity and/or telecommunication conduits as required by the relevant service provider and/or the responsible authority.
- f) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths and traffic controls.
- g) Fully sealed pavement with kerb and channel dimensioned with pavement width 7.3 metre in width invert to invert.
- h) Where appropriate in accordance with the design guidelines, a 1.5 metre wide concrete footpath on the western side for the full length of the court.
- i) Provision of a 2.0 metre minimum width walkway that is fully paved extending from the court head and connecting with existing pedestrian pathways adjacent to the north-east corner of the site and within Holland Road west of the site.
- j) A raised pavement traffic calming device to be provided at the entrance to the court to the satisfaction of the Responsible Authority.

- k) **Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination. Unless otherwise approved, no overland flows will be permitted to be discharged through private property.**
- l) **Drainage outfall system (both interim and ultimate) indicating legal point of discharge and any access requirements for construction and maintenance.**
- m) **Underground drainage network (both major and minor) incorporating, as appropriate:**
 - i. **Easement drainage and inlets for all allotments which slope to the rear.**
 - ii. **Connection to the underground drainage network for all allotments that slope towards a road.**
 - iii. **Land required for maintenance access.**
 - iv. **Watercourses, lakes, wetlands, silt ponds.**
 - v. **Piped elements (for major drains) showing sizing.**
- n) **Cut-off drains to intercept stormwater run-off from adjoining properties. Where cut-off drains are placed on adjoining properties in different ownership than the subdivision developer, written approval to construct the cut-off drain along with the creation of an easement over the drain is to be provided by the adjoining land owner.**
- o) **Court heads designed to allow for sufficient road reserve width to accommodate a three point turn for a single unit truck.**
- p) **Provision of street trees within the road reserve.**
- q) **Location and design of street lighting in accordance with the requirements of AS/NZS 1158.1.1:2005, vehicular traffic (category V) lighting, Pedestrian Area (Category P) lighting, Essential Services Commission Public Lighting Code 2005 and AGLC Public Lighting Technical standard. Non-standard street lighting will be permitted in accordance with Council's Public Place Lighting Policy.**
- r) **Any water sensitive urban design (WSUD) features to prevent litter, sediments and oils from entering the drainage system in accordance with Best Practice Environmental Management Guidelines (CSIRO 1999).**
- s) **Permanent survey marks levelled to the Australian Height Datum and coordinated to the Australian Map Grid (MGA Zone 55 GDA94).**
- t) **On street carparking to be provided to deliver one space per allotment.**
- u) **Details of any cut and fill.**
- v) **Details of any traffic control.**
- w) **Details of any Tree Protection Zones.**
- x) **Provision of a vehicular crossing to each lot and municipal reserve created by the subdivision as follows.**
 - i. **Vehicle crossover layout and specifications which must be designed in accordance with the Standard Drawings.**

- ii. Vehicle crossovers which must be located a minimum 1m from any service facilities.
 - iii. Unless an alternative treatment is approved by the responsible authority, crossovers on lots with frontages of 10 metres or less must abut a crossover on an abutting lot to create a combined crossover of no more than 3 metres in width (excluding splays) at the kerb.
 - iv. Minimum clearance between adjoining vehicle crossing must be 7m at kerb.
- y) Intersection treatments from an existing carriageway designed and constructed in accordance with AustRoads Guide to Traffic Engineering Practice, Intersections at Grade.
- z) The location of fire hydrants in accordance with clause 56.09-3 of the Hume Planning Scheme.
- aa) A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council. The drawings in AutoCAD format are required to meet the following:
- i. Drawings shall be in AutoCAD format, from a version no more than 3 years older than the current version.
 - ii. Drawings shall be prepared in GDA94 mapping coordinates.
 - iii. All additional attribute data for subdivision assets must be clearly tabulated on digital drawings.
 - iv. Where available all identifiable areas such as pavement surfaces, footpaths and nature strips to be polygonised and displayed in different drawing layers.

PDF plans are to comply with the following:

- Pipe offsets for drainage services are to be shown from nearest boundary.
- To be created in archive format. (PDF/A).
- Are not to have any security modes set.
- Are to be multi-page single file.

2.35 Unless agreed to in writing by Council under section 21(1)(b)(ii) of the Subdivision Act 1988, all works shown on the endorsed construction plans must be constructed and are to be completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance pursuant to Section 21 of the Subdivisions Act 1988 for the relevant stage.

Temporary Drainage Construction

2.36 Before any works associated with the subdivision start, the need for a temporary retarding basin to mitigate flows from the land or temporary outfall to Melbourne Water’s drainage system before permanent drainage infrastructure is in place must be investigated and determined.

- 2.37 Any temporary drainage works required must be designed and constructed to the satisfaction of Melbourne Water and the responsible authority.
- 2.38 The temporary drainage works must be installed before the issue of a Statement of Compliance for the relevant stage.
- 2.39 Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
- 2.40 Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the responsible authority.
- 2.41 Prior to commencement of the maintenance period, the owner or developer under this permit will be required to provide a safety and functional audit for the design and construction of all rain gardens, bioretention, sediment collection facilities and wetlands, and to complete any rectification works required under that audit.
- 2.42 Prior to handover to Council, the owner or developer under this permit will be required to provide a functional audit - including infiltration tests - for all Water Sensitive Urban Design elements (including tree pits, rain gardens, bioretention, sediment collection facilities and wetlands), and to complete any rectification works required under that audit.

Land Vested in Council or other Authorities

- 2.43 Land required for community facilities, public open space, reserves or public roads must be shown on a plan of certification as a reserve in favour of Hume City Council or another relevant person or body.
- 2.44 Within four (4) weeks of the registration of the plan of subdivision at the Land Titles Office the following must be sent to the responsible authority:
- a) A Certificate of Title for all land vested in the responsible authority on the plan of subdivision;
 - b) A clear A3-sized photocopy of the Plan of Subdivision approved by the Land Title Office

Telecommunications

- 2.45 The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of 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.

- 2.46 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.

Melbourne Water Conditions:

- 2.47 Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 2.48 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 2.49 All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
- 2.50 Stormwater drainage shall be to the Council's Satisfaction.
- 2.51 Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)1999'.
- 2.52 Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
- 2.53 Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
- 2.54 Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
- 2.55 The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
- 2.56 Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.

The following conditions are required by AusNet Gas Services:

2.57 The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

The following conditions are required by Western Water:

2.58 Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

2.59 Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property to the satisfaction of Western Water.

2.60 Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

2.61 All internal sewer and water mains servicing the development must be owned and maintained by an owner's corporation.

2.62 The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

The following conditions are required by VicRoads

2.63 Before the works associated with the subdivision starts, functional layout plans for the intersection of Riddell Road Sunbury and the proposed access must be submitted to the land approved by the Road Corporation. When approved by the Road Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application (Subdivision Concept Plan by Urban Design and Management Ref 18003-SCP dated 3/09/18, and Schematic Intersection Arrangement by Traffix Group dated 7/09/18). The plan by Traffix Group must be modified to show:

- a) Break in the painted median to facilitate right turning movement onto the site.
- b) Improved sight distances for right turning traffic onto the subject site and Strathearn Drive Sunbury.

2.64 Before the plan of subdivision is submitted to the Responsible Authority for a Statement of Compliance, the road works required at the intersection of Riddell Road Sunbury and the proposed access, must be completed to the satisfaction of and at no cost to the Roads corporation.

The following conditions are required by Jemena Electricity Networks (Vic) Ltd

2.65 The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Jemena Electricity Networks (Vic) Ltd in accordance with Section 8 of that Act.

2.66 The applicant shall:

- a) Enter into an agreement for the extension, upgrading or re-arrangement of the electricity supply to lots on the plan of subdivision as required by Jemena Electricity Networks (Vic) Ltd. (A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required).
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Supply and Installation Rules issued by the Local Government Electricity Supply Association (Vic) and Distribution Authorities to the extent determined by Jemena Electricity Networks (Vic) Ltd.

The following conditions are required by DELWP

- 2.67 Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 2.68 The total area of native vegetation proposed to be removed totals 1.026 hectares, comprised of:
 - a) 7 patches of native vegetation [containing 7 large trees]
 - b) 1 large scattered tree
 - c) 5 small scattered trees
- 2.69 To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.326 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Hume municipal area,
 - b) with a minimum strategic biodiversity score of at least 0.83,
 - c) the offset(s) secured must also protect 8 large trees.
- 2.70 Before the issue of the Statement of Compliance, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be 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.
- 2.71 A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning at DELWP Port Phillip Region office, 123 Brown Street Heidelberg Vic 3084.

- 2.72 Where the offset includes a first party offset(s), the permit holder must provide an 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.
- 2.73 Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
- 2.74 A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
- 2.75 A Construction Environmental Management Plan must be prepared for the approval of the responsible authority which outlines the following:
- a) Clearly identify vegetation to be retained and removed in accordance with the approved plans;
 - b) Measures to protect retained native vegetation, consistent with Permit Note 1;
 - c) Wildlife management requirements consistent with condition 8.

Expiry

- 2.76 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:

Permit Expiry:

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.

DELWP:

Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:

- a) Any vehicle or pedestrian access, trenching or soil excavation; and

- b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products; and
- c) Entry or exit pits for underground services; and
- d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

Report No.	Report	Page in Agenda
SU433	10 Newham Crescent Dallas - The development of three double storey dwellings	63

Cr Joseph Haweil having declared an indirect interest in item SU433 - *10 Newham Crescent Dallas - The development of three double storey dwellings*, by way of close association, left the meeting prior to the motion being moved, the time being 7:37 pm, and did not take part in any discussion or vote on the item.

Mr Trevor Hellyer and Mr Said Touma addressed Council regarding the Officer's recommendation.

Councillor Jack Medcraft left the meeting before the motion was moved on item SU433 - *10 Newham Crescent Dallas - The development of three double storey dwellings*, the time being 7:37 pm.

Councillor Jack Medcraft returned to the meeting before the motion was moved on item SU433 - *10 Newham Crescent Dallas - The development of three double storey dwellings*, the time being 7:39 pm.

Moved Cr Drew Jessop, **Seconded** Cr Jack Medcraft

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the development of three double storey dwellings at 10 Newham Crescent Dallas, subject to the following conditions:

2.1 Before the development permitted by this permit commences, 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 received by Council 5 March 2019, prepared by YD Architectural Drafting Services but modified to show:

- a. The provision of a 4-metre-radius turning into the garage of Dwelling 2; in accordance with Clause 52.06, and the removal of the ground floor footprint within this area.
- b. The provision of a built-in wardrobe in Bedroom 3 of Dwelling 1;
- c. Relocation of the garden gate associated with the Secluded Private Open Space of Dwelling 1, from its current location opening onto the shared driveway, to be reoriented to face Newham Crescent.
- d. The provision of bollard or wall mounted lighting, along the shared driveway and within the shared access area.
- e. Mailboxes to be orientated to face Newham Crescent, and provided to the satisfaction of Australia Post.
- f. An annotation detailing 'the existing front brick fence to be removed'.

- 2.9 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.
- 2.10 Any cut or fill must not interfere with the natural overland storm water flow.
- 2.11. 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 storm water causing damage/nuisance from the subject land across any road or footpath or onto adjoining land. All storm water tanks must have the overflow pipe connected to the legal point of discharge.
- 2.12 Storm water 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.
- 2.13 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
- 2.14 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.
- 2.15 Vehicles must not be parked within the shared accessway, serving Dwellings 2 and 3.
- 2.16 This permit will expire if one of the following circumstances applies:
- a. the development is not started within three years of the date of this permit; or
 - 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:
- 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:

- If a request for an extension of commencement/completion dates is made out of time allowed, 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.

- Drainage investigation is required for the development (fees apply) and must be submitted to Council's Assets (Civil) Department for approval. 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.
- Following the Drainage Investigation, internal drainage plans must be submitted to Council's Assets (Civil) Department for approval.
- An "Application for Legal Point of Storm water Discharge" is required to be submitted to Council prior to connection to the drainage system.
- The internal storm water drainage design must be approved by the relevant Building Surveyor as per the Building Regulation 2006, Reg. 610.
- An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing 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.

CARRIED

Report No.	Report	Page in Agenda
SU435	5 Lakeview Drive Mickleham - A proposed development plan, and the use and development of a place of worship	115

Cr Joseph Haweill returned to the meeting before the motion was moved on item SU435 - 5 *Lakeview Drive Mickleham - A proposed development plan, and the use and development of a place of worship*, the time being 7:57 pm.

Mr Scott Wynd, Mr Luciano Bucelio, Mr Gurdarshan Singh and Ms Tania De Carli addressed Council regarding the Officer's recommendation.

Councillor Ann Potter left the meeting before the motion was moved on item SU435 - 5 *Lakeview Drive Mickleham - A proposed development plan, and the use and development of a place of worship*, the time being 8:02 pm.

Councillor Ann Potter returned to the meeting before the motion was moved on item SU435 - 5 *Lakeview Drive Mickleham - A proposed development plan, and the use and development of a place of worship*, the time being 8:05 pm.

Moved Cr Drew Jessop, **Seconded** Cr Jack Medcraft

2.1 That Council, having considered the proposed development plan application on its merits, resolves to issue a Notice of Refusal to Grant a Development Plan, at the land of 5 Lakeview Drive in Mickleham, on the following grounds:

- a) The proposal is contrary to the requirements of the Development Plan Overlay Schedule 8;
- b) The proposal will not contribute to the integrated development of the area;
- c) The proposal will facilitate a land use outcome which is contrary to the intent of the Inter-Urban Break, and the Mt Ridley Local Structure Plan;

- d) The proposal is contrary to the objectives of the Planning and Environment Act 1987, as it does not provide for fair and orderly planning.
- e) The proposal does not have sufficient evidence that there will be no impact to the native vegetation.

2.2 That Council, having considered the planning permit application on its merits, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a place of worship at 5 Lakeview Drive in Mickleham, on the following grounds:

- a) Pursuant to Section 61(4) of the Planning and Environment Act 1987, the application must be refused as the proposal is in breach of the registered restrictive covenant contained in Instrument of Transfer W279794E dated 10 September 1999;
- b) The proposal does not meet the requirement of Clause 43.04-1, and therefore a permit must not be granted to use or develop the land, as there is no approved development plan;
- c) The land use is considered to be contrary to the purpose of the Rural Living Zone;
- d) The proposal is contrary to the objectives of the Planning and Environment Act 1987, as it does not provide for fair and orderly planning;
- e) The proposal does not have sufficient evidence that there is no impact to native vegetation.

CARRIED

Report No.	Report	Page in Agenda
SU436	41 Mitchells Lane, Sunbury - Staged multi lot subdivision of land, construction of dwellings on lots under 300sqm, and creation of an access onto a Road Zone - Category 1	141

Ms Julie Lancashire addressed Council regarding the Officer's recommendation.

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

- A. That Council delegate officers or appointed representatives to negotiate on 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.
- B. That Council, having considered the application on its merits resolves to advise the Victorian Civil and Administrative Tribunal that Council has formed the view to support the application for the staged multi lot subdivision, construction of dwellings on lots under 300sqm and creation of access to a Road Zone – Category 1 at 41 Mitchells Lane, Sunbury, subject to the approval of the amended Rosenthal Development Plan, prior to the scheduled VCAT hearing and subject to the following conditions:

- 2.1 Before the plan of subdivision can be certified, 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans submitted with the application but modified to show:**
- a) The passive open space to have a minimum 70m in each dimension. This will necessitate a modification to the subdivision layout immediately surrounding the passive open space consistent with the approved Rosenthal Development Plan and clause 56 of the Hume Planning Scheme.**
 - b) The north/south road reserve west of the proposed conservation reserve to provide a 7.3 metre wide road pavement.**
 - c) The easternmost north/south road south of Davenport Drive to be terminated at its northern end in accordance with the approved Road Hierarchy Plan in the approved Rosenthal Development Plan. This may necessitate the re-orientation of interface allotments so that these allotments can be provided with access to a road.**
 - d) The easternmost north-south road onto Mitchells Lane terminated at its northern edge to avoid conflict with existing traffic calming devices within the Mitchells Lane road reservation. This will necessitate the re-orientation of interface allotments so that they front and are directly accessed from Mitchell's Lane.**
 - e) The extent and boundary of the existing environmental offset area surveyed and clearly outlined.**
 - f) The existing environmental offset site to be fully contained within the proposed Conservation Reserve.**
 - g) Details of all batters and retaining walls immediately adjacent to within 10m of the conservation reserve.**
 - h) A 1.0 metre wide buffer planting reserve abutting all edges of the proposed conservation reserve in accordance with the set buffer planting, fencing and access gate design under the Commonwealth Government-Approved Offset Management Plan for Conservation Areas' requirements.**
- 2.2 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.**
- 2.3 The subdivision permitted by this permit must be carried out to the satisfaction of the Responsible Authority**
- 2.4 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 P22043 must be complied with to the satisfaction of the Responsible Authority.**

Environmental Site Assessments

- 2.5 Before the plan of subdivision can be certified, a detailed environmental site assessment prepared by a suitably qualified professional in accordance with the requirements of the *Potentially Contaminated Land General Practice Note, Department of Sustainability and Environment, June 2005* must be submitted for approval to the responsible authority. The report must:
- a) Identify the nature and extent of any contamination present on the land,
 - b) Advise whether or not a separate environmental audit is required pursuant to the *Environment Protection Act 1970*.
 - c) Where no further auditing is required, provide recommendations for any remediation works that may be necessary prior to any sensitive use commencing.
 - d) Confirm the suitability of the site to accommodate sensitive land uses.

In its consideration of the assessment, the responsible authority may require that a peer review of the revised assessment be undertaken with all costs associated with the peer review borne by the permit holder.

- 2.6 If the environmental site assessment advises that an environmental audit of all or part of the land is required, then before the plan of subdivision can be certified, the following must be provided to the responsible authority, either:
- a) A Certificate of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970*, or
 - b) A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970* stating that the environmental conditions of the relevant site are suitable for a sensitive use (with or without conditions on the use of the site).
- 2.7 Before the plan of subdivision can be certified, any remediation works identified in the approved environmental site assessment must be undertaken at the direction and supervision of a suitably qualified professional.
- 2.8 Upon completion of the remedial works, a written report prepared by this suitably qualified and appointed professional must be submitted to the responsible authority prior to the certification of the plan of subdivision. The report must confirm that all works were undertaken in accordance with the relevant provisions of the *Environment Protection Act 1970* and that the site is now suitable for sensitive uses.

Wildfire Management Plan

- 2.9 The holder of this permit is required to submit a Wildfire Management Plan to Council's Municipal Fire Prevention Officer prior to October each year, for the duration of the subdivision construction.

Singe Dwellings on Lots Less than 300sqm

- 2.10 Prior to the construction of a dwelling on each lot less than 300 sqm, 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 drawn to scale with dimensions and three copies must be provided. The dwelling designs must be in accordance with clause 54 of the Planning Scheme and provide for each dwelling.
- a) A site plan showing the location of the proposed dwelling, setbacks, private open space areas, landscaping, car parking and vehicle crossover;
 - b) Elevations of the proposed dwelling; and
 - c) A schedule of external materials, colours and finishes.

Land vested in Council or other Authorities

- 2.11 Land required for community facilities, public open space, reserves or public roads must be shown on a plan of subdivision as a reserve in favour of Hume City Council or another relevant person or body.
- 2.12 Within four weeks of the registration of the plan of subdivision at the Land Titles Office the following must be sent to the Responsible Authority:
- A. Certificate of Title for all land vested in the Hume City Council on the plan of subdivision; and
 - B. A clear A3 sized photocopy of the Plan of Subdivision approved by the Land Title Office

Environment

- 2.13 Prior to the removal of any native vegetation in the area covered by this planning permit, all conditions within planning permit P18681 must be complied with to the satisfaction of the responsible authority and the Department of Environment, Water, Environment and Planning.
- 2.14 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 archaeological/heritage impacts.
- 2.15 Prior to commencement of works, all personnel on site (including all contractors) must be inducted into the CSEMP and all flora and fauna conservation requirements.
- 2.16 The approved CSEMP must be implemented to the satisfaction of the Responsible Authority.
- 2.17 Works must be restricted to the area of development shown on the endorsed plan. Drainage outfalls and creek areas must be adequately protected during construction works. No polluted or sediment laden water may enter drainage outfalls of creek areas.

- 2.18 No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understorey, or revegetation areas to be retained.
- 2.19 Prior to the commencement of works, a soil and fill recovery plan must be submitted to the satisfaction of the responsible authority. This plan must detail the quantity of soil and/or fill to be generated during construction, the reuse options for any excess soil and/or fill generated within the site and the quantity of soil and/or fill to be removed offsite. The contractor is to nominate in writing at the pre-commencement meeting the legal/approved location where the soil and fill will be disposed. Evidence of legal/approved disposal will be required to be submitted to the satisfaction of the responsible authority.
- 2.20 The approved CSEMP must be implemented to the satisfaction of the responsible authority.

Construction Plans

- 2.21 Prior to submission of the construction plans for stage E3 or any later stage, a detailed Drainage Strategy Plan must be prepared to the satisfaction of the Responsible Authority and the relevant drainage authority.

The Drainage Strategy Plan must:

- a. Include all integrated water management proposals;
 - b. Assess the capacity of the downstream catchment from where it discharges at Vineyard Road to the Melbourne Water main drain, determining the capacity of the downstream drainage pipe network and the Q100 overland flow path that will be required to accommodate the existing developed catchment and the developed flows that will be created by the subdivision;
 - c. Indicate how it is intended to provide all drainage discharge points, channel drains, treatment ponds and swales, temporary swales required to discharge stormwater from the subdivision and the external catchment flows entering and running along the boundary of the subdivision.
 - d. Where existing drainage easements across the development are to be rearranged these need to have the existing flows addressed in the rearrangement bunds/ cut off drains required to protect the subdivision from external overland flow;
 - e. Address any proposed interim responsibility for maintenance of the bunds and temporary swales until the ultimate drainage infrastructure is built and;
all to the satisfaction of Council and Melbourne Water.
- 2.22 No overland flows are to be discharged through the conservation reserve unless approved by the Responsible Authority.
- 2.23 A cycle and footpath network plan in accordance with the approved Rosenthal Development Plan to be submitted for approval to the responsible authority prior to submission of engineering construction plan.

- 2.24** The construction of Carlson Street road reservation between the Mitchells Lane intersection and the north-eastern corner of the conservation reserve to an urban standard prior to issue of Statement of Compliance for Stage E8. The construction will need to connect with the east west road along the northern boundary of the conservation reserve. All works must include the provision of a footpath, kerbing, nature strips and street tree plantings for this section of the road reserve.
- 2.25** Prior to the commencement of any road and/or drainage works associated with any stage of the subdivision, detailed design plans including drainage works required to be undertaken accordance with the drainage strategy approved by condition 21 of this permit must be submitted to and approved by the Responsible Authority for construction under the provisions of Part 3 of the Subdivisions Act 1988

When approved the construction plans will then form part of the permit. The plans must be drawn to scale with dimensions and two (one A1 and one A3) and one electronic copy in pdf format (on CD or via e-mail) must be submitted for review. Three copies must be submitted for stamping approval. The plans must include:

- f.** Engineering plans, standard drawings and specifications in accordance with the VPA Engineering Design and Construction Manual or by agreement with the responsible Authority, Hume City Council Infrastructure Standards Manual, for the proposed works that are to become public assets such as roads, intersections, drains, conduits, bridges and the like.
- g.** Typical cross-sections for each road/street type dimensioning individual elements such as service offsets, concrete footpath, shared pathways, kerb and channel, public lighting, cut off drains, lots and any other spatial requirements identified in the approved Rosenthal Development Plan.
- h.** A table of offsets for all utility services and street trees.
- i.** The provision of conduits to service premises fronting on to the roads, created for the more efficient or easy laying, repairing or replacing of water services and gas services. These conduits must be placed a minimum of 2m from the conservation reserve.
- j.** Details of any water, gas, electricity and/or telecommunication conduits as required by the relevant service provider and/or the responsible authority. These conduits must be placed a minimum of 2m from the conservation reserve.
- k.** Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- l.** Fully sealed pavements with kerb and channel to dimensions generally in accordance with the relevant road cross sections in the approved Rosenthal Development Plan applying to the land, including traffic management devices where appropriate.

- m. The minimum road reserve for all internal streets must be as per approved Rosenthal Development Plan.
- n. Where appropriate in accordance with the design guidelines, concrete footpaths on both sides of every road with the exception of any access lane and any other circumstances as agreed with the responsible authority.
- o. Shared paths in accordance with the approved Rosenthal Development Plan.
- p. Bus stop infrastructure to be provided along the future bus routes to the approval of Council and Public Transport Victoria.
- q. Traffic calming devices to be provided to the satisfaction of the responsible authority.
- r. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination in accordance with the approved Drainage Strategy Plan. Unless otherwise approved, no overland flows will be permitted to be discharged through private property.
- s. Drainage outfall system in accordance with the approved drainage scheme (both interim and ultimate) indicating legal point of discharge and any access requirements for construction and maintenance.
- t. Underground drainage network (both major and minor) incorporating, as appropriate:
 - i. Easement drainage and inlets for all allotments which slope to the rear.
 - ii. Road drainage with inlets for all allotments that slope towards the road.
 - iii. Land required for maintenance access to drainage facilities.
 - iv. Watercourses, lakes, wetlands, silt ponds.
- u. Cut-off drains and bunds to intercept stormwater run-off from adjoining properties. Where cut-off drains are placed on adjoining properties in different ownership than the subdivision developer written approval to construct the cut-off drain along with the creation of an easement over the drain is to be provided by the adjoining land owner. The cut off drains/ bunds must be capable of discharging Q100 flows safely from the external catchments to the destination in accordance with the Drainage Strategy Plan.
- v. Temporary turn-around areas within the site for waste collection vehicles (single unit truck) at the temporary dead end of any road.
- w. Court heads designed to allow for sufficient road reserve width to accommodate a three point turn for a single unit truck.
- x. Lane-way 'dead-ends' designed to allow for sufficient road reserve width to accommodate a three point turn for a standard vehicle.

- y. Provision of street trees within the road reserve.
- z. Location and design of street lighting in accordance with the requirements of AS/NZS 1158.1.1:2005, vehicular traffic (category V) lighting, Pedestrian Area (Category P) lighting, Essential Services Commission Public Lighting Code 2005 and AGLE Public Lighting Technical standard. Nonstandard street lighting will be permitted in accordance with Council's Public Place Lighting Policy.
- aa. Any water sensitive urban design (WSUD) features to prevent litter, sediments and oils from entering the drainage system in accordance with Best Practice Environmental Management Guidelines (CSIRO 199).
- bb. Permanent survey marks levelled to the Australian Height Datum and coordinated to the Australian Map Grid (MGA Zone 55 GDA94).
- cc. Details of any cut and fill.
- dd. On street car parking to be provided within each stage to deliver one space per allotment.
- ee. Details of any traffic control.
- ff. Details of any Tree Protection Zones
- gg. Provision of a vehicular crossing to each lot and municipal reserve created by the subdivision as follows.
 - i. Vehicle crossover layout and specifications which must be designed in accordance with the Standard Drawings.
 - ii. Vehicle crossovers which must be located a minimum 1m from any service facilities.
 - iii. Vehicle crossovers which must be offset a minimum of 9m from intersecting kerb line at intersections.
 - iv. Unless an alternative treatment is approved by the responsible authority, crossovers on lots with frontages of 10 metres or less must abut a crossover on an abutting lot to create a combined crossover of no more than 3 metres in width (excluding splays) at the kerb.
 - v. Minimum clearance between adjoining vehicle crossing must be 7m at kerb
- hh. Intersection treatments from an existing carriageway designed and constructed in accordance with AustRoads Guide to Traffic Engineering Practice, Intersections at Grade.
- ii. Roundabouts must be designed:
 - i. At the intersection of two connector streets to accommodate an ultra-low floor bus (ULFB, 12.5m) through and turning movement;
 - ii. At the intersection of two local access streets to cater for service vehicles through and turning movement
- jj. Splays (minimum 3m x 3m) which must be provided at all intersections of the local road network.

- kk. Splays of 2m x 2m which must be provided at the intersection with any laneway.
- ll. The location of all fire hydrants in accordance with the requirements of clause 56.09-3 of the Hume Planning Scheme.
- mm. A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council. The drawings in AutoCAD format are required to meet the following:
 - i. Drawings shall be in AutoCAD format, from a version no more than 3 years older than the current version.
 - ii. Drawings shall be prepared in GDA94 mapping coordinates.
 - iii. All additional attribute data for subdivision assets must be clearly tabulated on digital drawings.
 - iv. Where available all identifiable areas such as pavement surfaces, footpaths and nature strips to be polygonised and displayed in different drawing layers

PDF plans are to comply with the following:

- Pipe offsets for drainage services are to be shown from nearest boundary.
- To be created in archive format. (PDF/A).
- Are not to have any security modes set.
- Are to be multi-page single file.

2.26 Unless agreed to in writing by Council under section 21(1)(b)(ii) of the Subdivision Act 1988, all works shown on the endorsed construction plans must be constructed and are to be completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for any stage pursuant to Section 21 of the Subdivisions Act 1988 for the relevant stage.

Temporary Drainage Construction

- 2.27 Before any works associated with the subdivision start, the need for a temporary retarding basin to mitigate flows from the land or temporary outfall to Melbourne Water’s drainage system before permanent drainage infrastructure is in place must be investigated and determined.
- 2.28 Any temporary drainage works required must be designed and constructed to the satisfaction of Melbourne Water and the responsible authority.
- 2.29 The temporary drainage works must be installed before the issue of a Statement of Compliance for the relevant stage.
- 2.30 Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
- 2.31 Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the responsible authority.

Landscape

- 2.32 The owner or developer under this permit shall be required to submit to the Responsible Authority for approval 3 copies of landscape development plans for all open space, streetscape developments and landscape elements. When approved the plans will be endorsed and will then form part of the permit. The development of these areas, including fencing of all reserves must be completed in accordance with the approved plans prior to the issue of a Statement of Compliance
- 2.33 Following approval of the landscape development plans, prior to the issue of Statement of Compliance, the owner or developer under this permit will be required to forward to Council's Subdivision Landscape Officer a copy of the specification and an estimate of costs for all works.
- a. In accordance with the Subdivision Act 1988, payment will be required for works within the road reserves at the following rates:
- plan checking fee: 0.75% of the value of the works;
 - supervision fee: 2.5% of the value of the works.
- 2.34 Prior to Statement of Compliance, Council requires payment of:
- a set plan checking and supervision fee for all reserves in accordance with Councils recently adopted fees and charges.
 - 5% Maintenance Bond to the satisfaction of Council.
- 2.35 Prior to Statement of Compliance, Council requires that all naturestrips and disturbed areas are stabilised with hydromulch in accordance with standard note required on all approved civil plans. These works are unable to be bonded.
- 2.36 The contractors undertaking the associated landscape development works must arrange a pre-construction meeting with Council's Subdivision Landscape Officer prior to commencement of any works.
- 2.37 The Responsible Authority must be notified of the completion of the public open space/landscape areas. An inspection must be undertaken and a verified costing of the works provided to Council before the maintenance period is to commence. The open space areas/landscape must be maintained for a minimum period of two (2) years after completion.
- 2.38 Council requires that developers forward as constructed electronic files in DWG, PDF and O-Spec formats for all landscape development works (including approved irrigation systems) to Council at the beginning of the maintenance period.
- 2.39 At the end of the specified maintenance period, the developer should request an end of maintenance inspection. This inspection will ensure that the asset has been maintained to the prescribed standard and can be handed over to Council.
- 2.40 Prior to commencement of the maintenance period, the owner or developer under this permit will be required to provide a safety and functional audit for the design and construction of all raingardens, bioretention, sediment collection facilities and wetlands, and to complete any rectification works required under that audit.

- 2.41 Prior to handover Council, the owner or developer under this permit will be required to provide a functional audit - including infiltration tests - for all Water Sensitive Urban Design elements (including tree pits, raingardens, bioretention, sediment collection facilities and wetlands), and to complete any rectification works required under that audit.
- 2.42 Landscape development plans for playgrounds must show in colour all fall zones for all play equipment in accordance with Australian Standards for playgrounds and must be accompanied by a completed Playspace Design Checklist.
- 2.43 Prior to commencement of the maintenance period, the developer must provide a Certificate of Compliance to show that the playground meets Australian Standards.
- 2.44 Prior to handover to Council the developer must provide a playground condition audit conducted by a suitably qualified playground auditor.
- 2.45 Complete records of all playground inspections and maintenance works carried out during the maintenance period must be forwarded to Council at handover
- 2.46 No street trees are to be removed as part of this development without the prior written approval of the Responsible Authority. Any street or reserve trees approved to be removed and/or replaced are to be removed and/or replaced by Council at the owner's or developer's expense.
- 2.47 In order to prevent driver confusion and disorientation, headlight glare planting is required to be approved by Council for all road reserves between parallel roads in this development and existing adjacent roads

Telecommunications

- 2.48 The owner of the land must enter in to an agreement with:
- a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;
 - 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 areas where the National Broadband Network will not be provided by optical fibre.
- 2.49 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.

Melbourne Water Conditions

- 2.50 Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 2.51 No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 2.52 Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- 2.53 Prior to Certification of any Plan of Subdivision associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Hume City Council. The strategy must demonstrate the following:
 - a. The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 % AEP flood event;
 - b. That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change;
 - c. The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
 - d. Modelling must be submitted for the entire Rosenthal Estate demonstrating outfall flows with the construction of the ultimate retarding basin are maintained below the agreed maximum flow to be delivered through the viaduct railway crossing at no greater than 15m³/s in the 1% AEP flood event. Should the proposed road downstream of the viaduct railway crossing be under construction, the construction of the retarding basin upstream of the Estate outfall is to occur prior to flows of 15m³/s in the 1% AEP flood event at the Estate outfall or alternative interim arrangements must be made to retard flows to the required outfall to the satisfaction of Melbourne Water and Council;
 - e. Requirements for the Harpers Creek crossing and Waterway Reserve;
 - f. Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

- 2.54 Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)1999'.
- 2.55 Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP year ARI storm event.
- 2.56 All new lots are to be filled to a minimum of 300mm above the 1% AEP flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
- 2.57 Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
- 2.58 Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
- 2.59 Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
- 2.60. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
- 2.61 Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
- 2.62 Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.

Western Water Conditions

- 2.63 Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment;
- 2.64 Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water
- 2.65 Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.

- 2.66 Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
- 2.67 The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (potable water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter), required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water's Procurement Procedure and Guide to New Customer Contributions.
- 2.68 Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
- 2.69 Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.
- 2.70 The developer must produce for approval by Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.
- 2.71 The IWMP must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the IWMP must then form part of the permit.
- 2.72 The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.
- 2.73 All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a) Own a metered hydrant approved by Western Water
 - b) Meter and pay for all water taken;
 - c) Display a Western Water Permit Number Sticker on the tanker;
 - d) Only take water from nominated hydrants or standpipes;

- e) Only use water for the purpose approved in the Water Carters Permit;
- f) Avoid wastage of water on site; and
- g) Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Jemena Conditions

- 2.74 The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Jemena Electricity Networks (Vic) Ltd in accordance with Section 8 of that Act.
- 2.75 The applicant shall enter into an agreement for the extension, upgrading or re-arrangement of the electricity supply to lots on the plan of subdivision as required by Jemena Electricity Networks (Vic) Ltd. (A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required).
- 2.76 Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Supply and Installation rules issued by the Local Government electricity Supply Association (Vic) and Distribution Authorities to the extent determined by Jemena Electricity Networks (Vic) Ltd.

VicRoads Conditions

- 2.77 Prior to certification, ultimate functional layout plans of the intersection of Vineyard Road and McDougall Road must be submitted to and approved by the Roads Corporation. The plans must show but not limited to:
 - a. The proposed western leg, any necessary deceleration lanes and the pedestrian path;
 - b. any intersection upgrade as necessary.
- 2.78 The Plan of Subdivision must be amended and submitted to the Responsible Authority for certification under the Subdivision Act 1988, must be generally in accordance with the plans submitted with the application (Urban Design and Management, Subdivision concept Plan, Plan Ref.11031_SCP_NE, Rev A, dated 5 February 2019) and must be updated to show:
 - a. The land to be set aside for the fourth leg of the intersection as necessary;
 - b. Re-configuration of the northern side lots along the access road adjacent to the intersection of Vineyard Road and McDougall Road;

2.79 Prior to the issue of a Statement of Compliance for the Stage E6, the roadworks approved by the Roads Corporation must be completed at no cost to and to the satisfaction of the Roads Corporation and the Responsible Authority (as stated below):

- a. Construction of the fourth leg to the existing signals, any signal modifications and any intersection upgrade as required;
- b. Any associated works.

Downer Utilities Conditions

2.80 The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Transport for Victoria Conditions

2.81 The permit holder must take all reasonable steps to ensure that disruption to bus operation along both Mitchells Lane and Vineyard Road are 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 (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

Expiry

2.82 This permit will expire if:

- a) The subdivision for the first stage is not certified within two years of the date of this permit; or
- b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit.
- c) The registration of the last stage of the subdivision is not completed within five years of the certification of that plan of subdivision.

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 subdivision allowed by the permit has not yet commenced; or
- b) within 12 months after the permit expiry date, where the subdivision allowed by the permit has lawfully commenced before the permit expires.

NOTES:

VicRoads

The proposed development requires roadworks within the declared road and the road reserve. A separate approval for this activity is required to be obtained from Roads Corporation under the Road Management Act. Please contact the Roads Corporation prior to commencing any works.

CARRIED

Report No.	Report	Page in Agenda
GE368	Historical Street Sign Name Project	195
	Moved Cr Ann Potter, Seconded Cr Jack Medcraft	
	2.1 THAT Council commences the installation of historical street signage.	
	2.2 THAT members of the public and historical and heritage associations be invited to provide submissions to request a historical street sign be installed.	
	2.3 THAT Council endorse the sign design and colour in Attachment 1, as the sign to be used for historical street signs.	

Cr Leigh Johnson left the meeting after the motion was moved on item GE368 - *Historical Street Sign Name Project*, the time being 8:42 pm.

CARRIED

Cr Leigh Johnson returned to the meeting after the vote on item GE368 - *Historical Street Sign Name Project*, the time being 8:42 pm.

Report No.	Report	Page in Agenda
GE369	International Campaign to Abolish Nuclear Weapons Cities Appeal	201

Mr Frances Evans, Mr John Blight and A/Prof. Tilman Ruff AM addressed Council regarding the Officer's recommendation.

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

2.1 That Council:

- 2.1.1 **pass a resolution to endorse the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Campaign.**
- 2.1.2 **write to the Federal Government and opposition to request that Australia sign the Treaty on the Prohibition of Nuclear Weapons.**

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

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

CARRIED

Report No.	Report	Page in Agenda
GE370	2018/19 Grant Announcements	205

Moved Cr Geoff Porter, **Seconded** Cr Jana Taylor
That Council notes the report.

Cr Ann Potter left the meeting after the motion was moved on item GE370 - *2018/19 Grant Announcements*, the time being 9:08 pm.

Cr Ann Potter returned to the meeting prior to the vote on item GE370 - *2018/19 Grant Announcements*, the time being 9:10 pm.

CARRIED

Report No.	Report	Page in Agenda
GE372	Correspondence received from or sent to Government Ministers or Members of Parliament - July 2019	353

Moved Cr Jack Medcraft, **Seconded** Cr Naim Kurt
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 Geoff Porter, **Seconded** Cr Drew Jessop

THAT the recommendations relating to:

Report No.	Report	Page in Agenda
SU432	Common Property to the Rear of 351 Barry Road, Campbellfield - Use and development of a store room in association with an existing shop and the reduction of one car parking space on common property	51
SU434	135 Forest Red Gum Drive Mickleham -The use and development of a telecommunications facility, and the removal of native and non-native vegetation	89
SU437	Statutory Planning Monthly Report August 2019	183
GE371	Council Plan 2017-2021 (2018/2019 Actions) Final Progress Report and Summary	219

be adopted.

CARRIED

Report No.	Report	Page in Agenda
SU432	Common Property to the Rear of 351 Barry Road, Campbellfield - Use and development of a store room in association with an existing shop and the reduction of one car parking space on common property	51

Moved Cr Geoff Porter, **Seconded** Cr Drew Jessop

That Council having considered that application on its merits resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a store room in association with an existing shop and the reduction of one car parking space on the common property at the rear of 351 Barry Road, Campbellfield, on the following grounds:

- 2.1 The proposal undermines the purpose and function of the common property.
- 2.2 The proposal reduces the availability of car parking.
- 2.3 The building and works will affect on-site maneuverability and parking of vehicles.
- 2.4 The proposal will result in reduced visibility of rear entrance/s of adjoining property/s.
- 2.5 The proposal does not represent fair and orderly planning.
- 2.6 The proposal does not meet the policy objectives of Clause 22.11 of the *Hume Planning Scheme*.
- 2.7 The proposal does not meet the decision guidelines of the Commercial 1 Zone.
- 2.8 The proposal does not satisfy the objectives and standards of Clause 52.06 of the *Hume Planning Scheme*.

CARRIED

Report No.	Report	Page in Agenda
SU434	135 Forest Red Gum Drive Mickleham -The use and development of a telecommunications facility, and the removal of native and non-native vegetation	89

Moved Cr Geoff Porter, **Seconded** Cr Drew Jessop

That Council, having considered the application on its merits, resolves to issue a Planning Permit for the use and development of a telecommunications facility, and the removal of native and non-native vegetation, at 135 Forest Red Gum Drive in Mickleham, subject to the following conditions:

- 2.1 Before the development permitted by this permit commences, 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 plans prepared by Visionstream but modified to show:

- a. A minimum three-metre wide landscape buffer along all sides of the fenced compound area (excluding gate area), which includes canopy trees and a depth of understorey planting.
 - b. A vegetation removal plan, indicating all trees to be removed, and areas of scattered grasses to be removed, in association with the proposal.
 - c. Tree Protection Zones for any trees proposed to be retained.
 - d. Landscaping in accordance with Condition 3 of the planning permit.
- 2.2 The use and 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.
- 2.3 Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- a. Three-metre wide screen vegetation planting, featuring both canopy trees and understorey, along all sides of the fenced enclosure, excluding the gate area.
 - b. A tree protection zone and structural root zone for each tree to be retained; and the location and details of root control barriers.
 - c. Unless otherwise agreed in writing by the responsible authority, all trees and shrubs must be species of local provenance and trees must be capable of achieving a minimum height of ten metres at maturity.
- 2.4 Once the development permitted by this permit has commenced, it must be continued and completed to the satisfaction of the responsible authority.
- 2.5 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.
- 2.6 The development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.
- 2.7 External lighting on the facility must be designed, baffled and located to the satisfaction of the responsible authority so as to prevent any adverse effect on adjoining land.
- 2.8 The surface of the access track must be treated to the satisfaction of the responsible authority so as to prevent any loss of adverse amenity to the area by dust emission or the discharge of uncontrolled drainage.
- 2.9 Any services 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.

- 2.10 Prior to the commencement of works, 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.
- 2.11 Works must be restricted to the area of development shown on the endorsed plans. Drainage channel areas must be adequately protected during construction works. No polluted or sediment laden water may enter the waterway.
- 2.12 Fill resulting from the development is not to be stored on the site and must be removed from the property at the completion of the development works.
- 2.13 Any fill removed from site must be taken to a legal disposal site.
- 2.14 All machinery must enter and exit work sites along defined routes which do not impact on native vegetation.
- 2.15 Noxious weeds must be controlled. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material used in the construction process must be controlled.
- 2.16 Best practice erosion and sedimentation control must be installed during construction where a hazard is identified.

Ausnet Transmission Group conditions

- 2.17 No Monopole shall be constructed within 15m metres of AusNet Transmission Group's easement,
- 2.18 Details of any road or track construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
- 2.19 Gates must be installed in any new boundary fences that cross the easement to enable access by AusNet Transmission Group vehicles.
- 2.20 Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
- 2.21 A 'Permit to Work Adjacent to Exposed High Voltage Electrical Apparatus' must be obtained prior to the commencement of any works on the easement that involves the use of any plant or equipment exceeding 3 metres operating height.
- 2.22 Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.

Expiry of permit:

- 2.23 This permit will expire if one of the following circumstances applies:
 - a. The development is not started within three years of the date of this permit; or
 - 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.

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

Notes:

- If a request for an extension of commencement/completion dates is made out of time allowed by condition 23, 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.
- An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing 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.
- The definition of fill for the purposes of this condition includes any soil, rock, substrate, clay, sand or other natural material generated through the excavation of the site.

CARRIED

Report No.	Report	Page in Agenda
SU437	Statutory Planning Monthly Report August 2019	183
	Moved Cr Geoff Porter, Seconded Cr Drew Jessop	
	That the report be noted.	

CARRIED

Report No.	Report	Page in Agenda
GE371	Council Plan 2017-2021 (2018/2019 Actions) Final Progress Report and Summary	219
	Moved Cr Geoff Porter, Seconded Cr Drew Jessop	
	That Council notes final progress on the actions and indicators of the Council Plan 2017-2021 (2018/2019 Actions) [Refer Attachments One and Two].	

CARRIED

7. CONFIDENTIAL MATTERS

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

Moved Cr Jack Medcraft, **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
COCC031	Harmony OAM Sponsorship	(g) matters affecting the security of Council property
COGE251	Designation of Information Provided at a Strategy and Policy Briefing as Confidential Information - August 2019	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE252	30 19 2942 Development and Implementation of a new Hume City Council website	(d) contractual matters
COGE253	Capital Works Report 2018/19 - June 2019 Update	(d) contractual matters

CARRIED

The meeting was closed to the public at 9:21 PM.

The meeting was reopened to the public at 9:22 PM.

8. CLOSURE OF MEETING

The meeting closed at 9:22 PM.

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COUNCILLOR CARLY MOORE
MAYOR