ORDINARY COUNCIL MEETING OF
THE HUME CITY COUNCIL

TUESDAY, 27 JANUARY 2009

7:00 PM

COUNCIL CHAMBER, HUME GLOBAL LEARNING CENTRE,
BROADMEADOWS

OUR VISION:

Hume – A prosperous, sustainable and vibrant City: renowned
for social justice, lifelong learning and community inclusion.
Notice of an
ORDINARY COUNCIL MEETING OF THE HUME CITY COUNCIL
to be held on Tuesday, 27 January 2009
at 7:00 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

ORDER OF BUSINESS

1. PRAYER

Hume City’s religious diversity strengthens and enriches community life and supports the well-being of the citizens of Hume City. Hume City Council acknowledges the importance of spiritual life and the leadership offered by the Hume City Inter Faith Leaders Network. In recognition of the religious diversity of residents in Hume City, Council has invited the Inter Faith Leaders Network to take responsibility for the opening prayer at Council meetings. This evening’s prayer will be led by Reverend David Peake from the Broadmeadows/Dallas Anglican Church.

Spirit of justice and truth, grant to all our governments to all who serve in public life, wisdom and skill, imagination and energy; protect them from corruption and the temptation of self-serving. Help all those who represent the people of the City of Hume. Help them to commit to the common good that this community may be a secure home for all its citizens.

Amen.
2. APOLOGIES

3. DISCLOSURE OF CONFLICTS OF INTERESTS:

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

4. CONFIRMATION OF COUNCIL MINUTES


RECOMMENDATION:

THAT the Minutes of the Meetings of the Hume City Council held on 10 November 2008, 24 November 2008, 4 December 2008 and 15 December 2008, including Confidential Minutes, as circulated, be confirmed.

5. RECEIPT OF COUNCIL AND COMMUNITY COMMITTEE MINUTES AND RECOMMENDATIONS TO COUNCIL TO BE ADOPTED:

5.1 Section 86 Committees

- Minutes of the Audit Committee held on 18th November 2008;

- Minutes of the Gladstone Park Community Hall Committee of Management held on 29th October 2008;

- Minutes of the Tullamarine Community Hall Committee of Management General Meeting held on 20th October 2008;

- Minutes of the Westmeadows Hall Committee of Management General Meeting held on 23rd October 2008;

- Minutes of the Campbellfield Community Centre Committee of Management held on 9th October 2008.

The following are recommendations and actions submitted by Section 86 Committees which manage community facilities:
5.1.1 **Campbellfield Community Centre Committee of Management General Meeting held on 9th October 2008.**

(a) That the Financial statement for the year ending 30th June 2008 be received and adopted;

(b) That Council receives and adopts the statement of accounts for the period from 10/07/08 to 9/10/2008;

(c) That Council approves the Committee contributing a maximum of $250 towards the Committee’s annual Christmas Dinner to be held on 13th December 2008;

(d) That Council approves the following nominations for membership and office bearers of the Campbellfield Community Centre Committee of Management for 2009:

   i. Mohamad Abbouche   Chairperson
   ii. Michael Brincat    Secretary
   iii. Rosaleen Stagnitta Treasurer / Coordinator
   iv. Mario Stagnitta    Member
   v. Victor Dougall      Member
   vi. Emmanuel Papageorgiou Member
   vii. Beth Jones        Member / Acting Chairperson;
   viii. Mansour Rahme    Member

(e) That approval be granted for the annual fee for service paid to Michael Brincat for Secretarial duties and to Rosaleen Stagnitta for Treasurer duties be retained at the present level of $600 and $750 respectively;

(f) That approval be granted to purchase 5 fold away plastic table units.

5.1.2 **Gladstone Park Community Centre Committee of Management General Meeting held on 29th October 2008.**

(a) That the Council endorses the following nominations for membership of the Gladstone Park Community Centre Committee of Management for 2009.

   Dorothy White  Community Representative  
   Raymond Camilleri  Community Representative  
   Patricia Townsend  U3A Representative  
   Vera Crosley  U3A Representative  
   Chio Foong  U3A Representative  

   (A statement of acceptance of nomination form has not been received from Chio Foong)

(b) That Council receives as presented the Gladstone Park Community Centre Committee of Management’s statement of accounts for the period year ending 30th September 2008.
5.1.3 **Tullamarine Community Hall Committee of Management General Meeting held on 20th October 2008.**

(a) That all financial information for the year ending 30th June 2008 has been supplied.

(b) That all of the current Committee members have agreed to stand for the Committee for 2009, these being:

- Robert Romans Community Representative
- Jan Hutchinson Community Representative
- Ian Hutchinson Community Representative
- Marilyn Causer Community Representative
- Sandie Cottell Community Representative

(c) That the Committee purchase 25 new tables and trolley to suit as per the quote to be given to Council.

The Committee subsequently requested the urgent purchase of the items and the Manager Corporate Services has authorised the purchase as per the quote.

5.1.4 **Westmeadows Hall Committee of Management General Meeting held on 23rd October 2008.**

(a) That the statement of accounts to 29th September be forwarded to the Hume City Council for their records.

(b) That Council approves the Committee contributing a maximum of $250 towards the Committee’s Thank You lunch to be held on 4th December 2008;

(c) That Council endorses the applications for members to be appointed to Westmeadows Hall Committee of Management for 2009. (All nomination forms have been received)

5.2 **Advisory Committees**

- Minutes of the Municipal Fire Prevention Committee held on 13th October 2008.

**RECOMMENDATION:**

5.3 **That Council notes the minutes of the Section 86 Committees and Advisory Committee and adopts the following recommendations.**

5.3.1 **Campbellfield Community Centre Committee of Management General Meeting held on 9th October 2008:**

(a) That the Financial statement for the year ending 30th June 2008 be received and adopted;
(b) That Council notes the statement of accounts for the period from 10/07/08 to 9/10/2008;

(c) That Council approves the Committee contributing a maximum of $250 towards the Committee’s annual Christmas Dinner held on 13th December 2008;

(d) That Council approves the following nominations for membership and office bearers of the Campbellfield Community Centre Committee of Management for 2009:

- Mohamad Abbouche, Chairperson
- Michael Brincat, Secretary
- Rosaleen Stagnitta, Treasurer / Coordinator
- Mario Stagnitta, Member
- Victor Dougall, Member
- Emmanuel Papageorgiou, Member
- Beth Jones, Member
- Mansour Rahme, Member

(e) That the Chairperson be advised that Mansour Rahme cannot participate as a Committee member until a statement of acceptance of responsibility and obligations has been received by Council;

(f) That approval be granted for the annual fee for service paid to Michael Brincat for Secretarial duties and to Rosaleen Stagnitta for Treasurer duties be retained at the present level of $600 and $750 respectively;

(g) That approval be granted to purchase 5 fold away plastic table units subject to the Committee obtaining quotes and approval to purchase from the Manager Corporate Services.

5.3.2 Gladstone Park Community Centre Committee of Management General Meeting held on 29th October 2008:

(a) That the Council approves the following nominations for membership of the Gladstone Park Community Centre Committee of Management for 2009;

- Dorothy White, Community Representative
- Raymond Camilleri, Community Representative
- Patricia Townsend, U3A Representative
- Vera Crosley, U3A Representative

(b) Subject to the completion of a compliant statement of acceptance of responsibilities and obligations as a special committee member by Chio Foong (U3A Representative) that he be approved as a member of the Committee of Management;

(c) That Council advise the Committee that in order to comply with the Instrument of Delegation for membership (clause 4.3) a broader range of Committee member representation will be required in the future;
(d) That Council notes the Gladstone Park Community Centre Committee of Management’s statement of accounts for the period ending 30th September 2008.

5.3.3 Tullamarine Community Hall Committee of Management General Meeting held on 22 October 2007:

(a) That Council notes that all financial information for the Tullamarine Community Hall Committee for the year ending 30th June 2008 has been received;

(b) That Council approves the current Committee nominations for membership of the Tullamarine Community Hall Committee, these being:

- Robert Romans  Community Representative
- Jan Hutchinson  Community Representative
- Ian Hutchinson  Community Representative
- Marilyn Causer  Community Representative
- Sandie Cottell  Community Representative

(c) That Council endorses the Manager Corporate Services approval for the purchase of new tables and trolley as per the quote submitted as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>25 tables (23 @ $311 plus 2 free tables)</td>
<td>$7153.00</td>
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<tr>
<td>1 Table trolley</td>
<td>$495.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7648.00</strong></td>
</tr>
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</table>

5.3.4 Westmeadows Hall Committee of Management General Meeting held on 23rd October 2007:

(a) That Council notes the Westmeadows Hall Committee statement of accounts for the period ending 29th September 2008;

(b) That Council approves the Committee contributing a maximum of $250 towards the Committee’s Thank You lunch to be held on 4th December 2008;

(c) That Council approves the nominations for membership of the Westmeadows Hall Committee, these being:

- John Clifford  Community Representative
- Gwen Wilson  Community Representative
- Esther Sanderson  Community Representative
- Margaret Scott  Community Representative
- Dorothy White  Community Representative
6. PRESENTATION OF AWARDS

6.1 Resident of the Month – Mr Glen Milner

7. PUBLIC QUESTION TIME

Answers will be provided to questions lodged by members of the public by noon on the day of the Council meeting pursuant to Council’s Governance Local Law No. 2.

8. NOTICES OF MOTION

9. OFFICERS REPORTS

The Mayor will ask the Councillors and gallery at the commencement of this section, which reports they wish to speak to. These reports will then be discussed in the order they appear on the notice paper. Reports not called will be dealt with in a block resolution at the end.

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<tr>
<th>Item No</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>EN36</td>
<td>Hume Green Wedge Management Plan - Phase 2, Project Deferred</td>
<td>10</td>
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<td>AP22</td>
<td>Inquiry into Agribusiness in Outer Suburban Melbourne - Submission</td>
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<td>CN449</td>
<td>VCAT Status Report January 2009</td>
<td>17</td>
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<td>CN450</td>
<td>Statutory Planning Delegated Report January 2009</td>
<td>19</td>
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<td>CN451</td>
<td>9 Lima Court, Westmeadows - Development of two single-storey dwellings to the rear of an existing dwelling</td>
<td>26</td>
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<td>CN452</td>
<td>214-216 Mickleham Road, Tullamarine-Extension to operating hours at existing car wash facility</td>
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<tr>
<td>CN453</td>
<td>Section 173 Agreement - 19 Nash Court, Meadow Heights</td>
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<tr>
<td>CN454</td>
<td>Section 173 Agreement - 48 Rushwood Drive; Craigieburn</td>
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<tr>
<td>CN455</td>
<td>Section 173 Agreement- 75 and 85 Northcorp Boulevard, Broadmeadows...</td>
<td>51</td>
</tr>
<tr>
<td>CN456</td>
<td>Section 173 Agreement - 35 Emu Road, Sunbury</td>
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<tr>
<td>CN457</td>
<td>General Valuation 2010</td>
<td>55</td>
</tr>
<tr>
<td>CN458</td>
<td>Quarterly Financial Report - December 2008</td>
<td>58</td>
</tr>
</tbody>
</table>
10. PETITIONS AND JOINT LETTERS

PJL191 Petition objecting to increase in the hours of operation of the car wash facility at 214-216 Mickleham Road, Gladstone Park.

A petition has been received containing 7 signatures, objecting to the increase in the hours of operation of the car wash facility at 214-216 Mickleham Road, Gladstone Park, being Planning Application number P9458. The first named petitioner has been advised that the petition has been referred to the Manager Statutory Planning.

RECOMMENDATION

That the petition be received and be considered as part of Council's consideration of planning permit application no P9458.

PJL192 Petition objecting to proposed development of five single storey dwellings and the removal of trees at 69 Anderson Road, Sunbury

A petition has been received from residents of Anderson Road, Sunbury, containing 17 signatures, objecting to the proposed development of five single storey dwellings and the removal of trees at 69 Anderson Road, Sunbury. The first named petitioner has been advised that the petition has been referred to the Manager Statutory Planning.

RECOMMENDATION

That the petition be received and be considered as part of Council’s consideration of planning permit application no P13078.

11. DEPUTATIONS

12. URGENT BUSINESS

13. DELEGATES REPORTS

14. GENERAL BUSINESS

15. CONFIDENTIAL MATTERS

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

RECOMMENDATION:

THAT the Council close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss any matter which the Council or special committee considers would prejudice the Council or any person.
16. CLOSURE OF MEETING

DOMENIC ISOLA
CHIEF EXECUTIVE OFFICER

22 January 2009
COUNCIL PLAN THEME – ENVIRONMENT

REPORT NO: EN36
REPORT TITLE: Hume Green Wedge Management Plan - Phase 2, Project Deferred
SOURCE: Stacey Gardiner, Strategic Planner
DIVISION: City Sustainability
FILE NO: HCC08/553
POLICY: Environment
STRATEGIC OBJECTIVE: An environmentally sustainable city

1. SUMMARY OF REPORT:

Work has commenced on Phase 2 of the Hume Green Wedge Management Plan (GWMP) including the preparation of a project brief as well as the appointment of a Consultant. Phase 2 of the Hume GWMP proposes an extensive community engagement program with Green Wedge land owners and other key stakeholders. The consultation program is currently scheduled between February – April 2009. Since the commencement of Phase 2 the State Government has released Melbourne@5Million (Melbourne2030: A Planning Update) and The Victorian Transport Plan which both impact on planning for the Hume Green Wedge. The State Government is proposing consultation relating to the review of the Urban Growth Boundary and the Outer Metropolitan Ring Transit Corridor (OMR) at the same time as Council proposes to undertake consultation for Phase 2 of the GWMP. It is recommended that Phase 2 of the GWMP is deferred until consultation is completed on the review of the Urban Growth Boundary and the alignment of the OMR. Deferring Phase 2 will ensure that planning of the Hume Green Wedge can continue with some certainty on the extent of the location of the Green Wedge area.

2. RECOMMENDATION:

That Council defers Phase 2 of the Hume Green Wedge Management Plan until the State Government completes consultation on the review of the Urban Growth Boundary as part of Melbourne@5Million and the alignment of the Outer Metropolitan Ring Transit Corridor.
3. FINANCIAL IMPLICATIONS:

3.1 Phase 2 of the Hume GWMP is funded entirely by a grant of $45,000 from the Department of Planning and Community Development. If Phase 2 was deferred it is unlikely to be completed by June 2009 and accordingly the grant would need to be rolled over into the 2009/2010 financial year.

4. DISCUSSION:

4.1 Background

4.1.1 The Hume Green Wedge is comprised as all land outside the Urban Growth Boundary (Appendix 1 – circulated separately).

4.1.2 Council considered the Final Report for Phase 1 of the Hume GWMP at its Council Meeting held 10 December 2007. Council noted as part of its considerations that findings and recommendations as part of Phase 1 would form the basis of work to be completed as part of Phase 2 of the Hume GWMP.

4.1.3 Further to the completion of Phase 1 of the Hume GWMP the Department of Planning and Community Development provided Council with a grant of $45,000 to complete further work on the GWMP.

4.1.4 In accordance with the grant conditions a project brief was prepared for Phase 2. The Project Brief outlined a process and identified project outputs for this Phase.

4.1.5 Phase 2 is expected to identify the opportunities, risks and threats to values and features as well as the development of a suite of objectives within 6 Green Wedge Precincts. A significant component to deliver these outputs is a community engagement program. Accordingly it was identified that a Consultant was required to assist with Phase 2.

4.1.6 Following a tender submission process, Council appointed Thorne Partners to assist in the completion of Phase 2 including the completion of extensive community engagement.

4.1.7 The Community Engagement Plan which forms part of Phase 2 currently schedules community engagement between February – April 2009. This would result in the completion of Phase 2 of the Hume GWMP before 30 June 2009.

4.1.8 Since the commencement of Phase 2 of the Hume GWMP, the State Government has released information that impacts on planning for the Hume Green Wedge. This includes the release of:

(a) Melbourne@5Million (Melbourne 2030: A Planning Update),
(b) The Victorian Transport Plan.
4.2 Melbourne@5Million

4.2.1 Melbourne@5Million identifies Investigation Areas which are to be investigated for inclusion into growth areas in order to meet the housing and employment needs of future populations (Appendix 2 - circulated separately).

4.2.2 The Investigation Areas are currently made up of land designated as Green Wedge and outside the Urban Growth Boundary.

4.2.3 The Department of Planning and Community Development has indicated that the process for consideration of the Investigation Areas and the review of the Urban Growth Boundary will include the following:
(a) Submissions sought, 20 February 2009
(b) Public Consultation, April – May 2009
(c) Consideration of Submissions by Minister for Planning, June – September 2009

4.2.4 As a result of the analysis of Investigation Areas, land currently within the Hume Green Wedge will be moved within the Urban Growth Boundary and designated for future urban purposes. As such consultation on the Green Wedge as part of the GWMP will deal with land that could be included within the Urban Growth Boundary.

4.3 Victorian Transport Plan

4.3.1 The Victorian Transport Plan identifies the need for an Outer Metropolitan Ring Transport Corridor (OMR) (Appendix 3 - circulated separately). The broad alignment of the OMR commences at the Princes Freeway in the proximity of Avalon Airport and traverses north to ultimately connect to the Hume Freeway and the Melbourne-Sydney railway reservation.

4.3.2 It is likely that part of the OMR alignment will run through the Hume Green Wedge. Accordingly, the proposed OMR and alignment through Hume City will have a significant impact on planning for the Hume Green Wedge.

4.3.3 VicRoads has indicated that consultation will be held in areas that the OMR will pass through, including Wyndham City Council, Melton Shire Council and Hume City Council in February 2009.

4.4 Phase 2 of Hume GWMP – Project Delivery and Timing

4.4.1 Consultation proposed by the State Government relating to Melbourne@5Million (Melbourne2030: A Planning Update) and the OMR will occur at the same time as the proposed consultation which forms part of Phase 2 of the Hume GWMP.

4.4.2 The analysis of Investigation Areas (currently Green Wedge land) which reviews the location of the Urban Growth Boundary, as well as the alignment of the OMR, result in uncertainty for the Green Wedge in Hume.
4.4.3 Community engagement for Phase 2 of the Hume GWMP is likely to be ineffective and dominated by these issues until the review of the Urban Growth Boundary and consultation on the OMR is completed and the extent of the Green Wedge is settled.

4.4.4 Accordingly it is recommended that Phase 2 of the Hume Green Wedge Management Plan is deferred until the completion of the review of the Urban Growth Boundary and consultation on the OMR.

4.4.5 Deferring Phase 2 will ensure that planning of the Hume Green Wedge can continue with some certainty on the extent of the location of the Green Wedge area. Importantly it will also allow the Hume GWMP to consider how the GWMP can manage interface issues within areas of the OMR.

5. CONCLUSION:

Since the commencement of Phase 2 of the Hume GWMP the State Government has released Melbourne@5Million (Melbourne 2030: A Planning Update) and The Victorian Transport Plan. Both these documents impact on the planning for the Hume Green Wedge. It is recommended that consultation proposed as part of Phase 2 of the GWMP is deferred until the completion of consultation relating to the review of the Urban Growth Boundary and the OMR is completed. This will ensure that further planning of the Green Wedge can continue with some certainty relating to the extent of the Hume Green Wedge as well as the need to manage interface issues with the OMR.
COUNCIL PLAN THEME – APPEARANCE OF THE CITY

REPORT NO: AP22
REPORT TITLE: Inquiry into Agribusiness in Outer Suburban Melbourne - Submission
SOURCE: Stacey Gardiner, Strategic Planner
DIVISION: City Sustainability
FILE NO: HCC008/553
POLICY: Environment
STRATEGIC OBJECTIVE: An environmentally sustainable city

1. SUMMARY OF REPORT:

In November 2008, the Victorian Parliament's Outer Suburban/Interface Services and Development Committee (Committee) announced an Inquiry into Agribusiness in Outer Suburban Melbourne (the Inquiry). As part of the Inquiry the Committee called for public submissions to assist in its deliberations. It is proposed that Council makes a submission to the Inquiry. It is recommended that Council forwards a submission consistent with issues outlined in this report for consideration by the Committee as part of its deliberations.

2. RECOMMENDATION:

That Council forwards a submission to the Victorian Parliament’s Outer Suburban/Interface Services and Development Committee Inquiry into Agribusiness in Outer Suburban Melbourne as attached.

3. DISCUSSION:

3.1 Inquiry into Agribusiness in Outer Suburban Melbourne

3.1.1 In November 2008, the Victorian Parliament’s Outer Suburban/Interface Services and Development Committee (Committee) announced an Inquiry into Agribusiness in Outer Suburban Melbourne (the Inquiry).

3.1.2 As part of the Inquiry the Committee called for public submissions to assist in its considerations of the promotion of sustainable Agribusiness opportunities within interface and municipalities and per-urban areas of Melbourne. The closing date for Submissions was Monday 8 December 2008.
3.1.3 In order to provide an opportunity for Council to consider a Submission, after the completion of the Council election period an extension was requested and provided. The submission is now due by Monday 2 February 2009.

3.1.4 The Committee has identified that as part of the Inquiry it is interested in Council’s views, insights and experiences in the agribusiness sector.

3.2 Studies into Agribusiness and the Green Wedge

3.2.1 The Hume Green Wedge is comprised of all land outside the current Urban Growth Boundary and is the land subject to the Inquiry. The areas designated as Green Wedge were introduced as part of Melbourne 2030: Planning for Sustainable Growth, in 2002. The stated purpose of Green Wedge land in Melbourne 2030, is to protect land for its agricultural value amongst other important environmental, landscape and infrastructure values.

3.2.2 Council over time has developed a base of information relevant to agribusiness activities within the Green Wedge and this has included the completion of a number of studies relevant to the Green Wedge. These studies have assisted in the preparation of the Submission. Specifically the relevant studies include:

(a) The Agribusiness Report, 2004
(b) The Environmental Planning Atlas, 2004
(c) Final Report for Phase 1 of the Hume Green Wedge Management Plan.

3.2.3 The Agribusiness Report completed a review of current agricultural activities within the Green Wedge as well identifying some of the challenges to agriculture activity. The Agribusiness Report largely concluded that there was generally a decline in agricultural activity, it was not viable or economically sustainable and that there were several impediments to carrying out agricultural activity within Hume City.

3.2.4 The Environmental Planning Atlas undertook an analysis of land capability and environmental features within Hume City. The atlas concluded that soils within the green wedge had low agricultural values and this combined with climatic conditions were significant constraints to agricultural activity.

3.2.5 In 2007 Phase 1 of the Hume Green Wedge Management Plan (GWMP) was completed. Phase 1 of the GWMP highlighted the continued challenges facing land owners within the Green Wedge in undertaking sustainable agricultural activities. Phase 1 also identified that the Hume Green Wedge was valued highest for its lifestyle opportunities and the landscape and recommended that future phases of the GWMP should consider actions and strategies to support sustainable rural living within the Green Wedge.
3.3 Submission

3.3.1 The proposed submission to the Inquiry highlights the findings of the above studies and suggests that sustainable and viable agribusiness within Hume City is limited as a result of physical constraints, climatic conditions, availability of water, conflicts which arise as a result of urban interface, weeds and loss of rural infrastructure. A draft of the submission is provided at Attachment 1.

3.3.2 The submission highlights the need for greater emphasis on programs and support for rural living and a sustainable Green Wedge including the need for improved and substantial Government assistance and resources.

3.3.3 In addition the submission identifies that the potential to support agribusiness within Hume City lies within promoting Hume City as a location for the processing and manufacturing of agricultural production. The strategic location of the Hume City combined with existing freight infrastructure and the availability of employment land provide real opportunities for investment in this industry within Hume City. It is likely that this would also lead to increased diversity in the local economy as well as new employment opportunities.

3.3.4 Finally, whilst the future of agribusiness within the Green Wedge is expected to be minimal there is significant potential for Hume City to support agricultural processing and manufacturing industries.

4. CONCLUSION:

It is recommended that Council makes a submission into the Victorian Parliament’s Outer Suburban/Interface Services and Development Committees Inquiry into Agribusiness in Outer Suburban Melbourne in accordance with issues raised within Section 3.3 of this report.
1. **SUMMARY OF REPORT:**

Each month, a report is presented to Council providing a listing of current VCAT hearings against Council decisions. This report lists and outlines current and outstanding Victorian Civil and Administrative Tribunal (VCAT) hearings.

2. **RECOMMENDATION:**

That the report on the status of matters before VCAT be noted.

3. **DISCUSSION:**

Since last reported, the following actions have taken place regarding VCAT appeals.

### 3.1 FUTURE APPEALS – HEARING DATES YET TO BE SET

#### 3.1.1 Child care centre – 23 Gladstone Park Drive, Gladstone Park (P12131)

Objectors have appealed against Council’s Notice of Decision to Grant a Planning Permit. No hearing date has been set yet.
3.2 FUTURE APPEALS – HEARING DATES SET

3.2.1 Subdivision and removal of native vegetation – 410 Racecourse Road, Sunbury (P11179)

An appeal has been lodged against Council’s Notice of Decision to Grant a Planning Permit. The hearing has been scheduled for 27 and 28 January 2009.

3.2.2 Service Industry and Trade supplies – 2-4 Neill Street, Sunbury (P12543)

The applicant has appealed against Council’s Failure to Determine the application. The hearing has been rescheduled for 13 February 2009.

3.2.3 Filling of land – 70 Bardwell Drive, Mickleham (P12383)

The applicant has appealed against conditions on the Planning Permit. A mediation hearing has been set for 18 March 2009.

3.2.4 Three dwellings – 10 Aberdeen Avenue, Greenvale (P12272)

The applicant has appealed against Council’s Refusal to Grant a Planning Permit. The hearing has been scheduled for 1 April 2009.

3.2.5 Proposed seven lot subdivision – Elizabeth Drive, Sunbury (P12677)

The applicant has appealed against Council’s Failure to Determine the matter. The hearing has been scheduled for 8 April 2009.

3.2.6 Proposed Motel, Convenience Shop, Caretakers Residence and Childcare Centre – 730 Elizabeth Drive, Sunbury (P12546)

The applicant has appealed against Council’s Failure to Determine the matter. The hearing has been scheduled for 8 April 2009.

3.3 APPEALS HEARD – DECISIONS PENDING

3.3.1 Nil

3.4 APPEAL DECISIONS RECEIVED

3.4.1 Residential subdivision and removal of native vegetation – 160 Riddell Road, Sunbury (P10120)

The applicant appealed against Council’s Refusal to Grant a Planning Permit. The hearing was held on 9 December 2008 and VCAT have determined to uphold Councils decision and no planning permit will issue.
1. SUMMARY OF REPORT:

Every month a report is presented to Council noting the decisions made by Council officers under delegation. Applications that are able to be determined under delegated authority are planning applications that receive 2 objections or less, applications to amend planning permits or plans, applications to extend planning permits, applications to certify plans of subdivision, and the issuing of Statements of Compliance under the Subdivision Act. The following items were dealt with under Delegated Authority between 2 December 2008 and 12 January 2009.

2. RECOMMENDATION:

That the report on matters determined under delegated authority be noted.

3. DISCUSSION:

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<thead>
<tr>
<th>FILE</th>
<th>PROPOSAL</th>
<th>ADDRESS OF PROPERTY</th>
<th>ACTION TAKEN</th>
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<tbody>
<tr>
<td>P11098</td>
<td>Use of Existing Building as Brothel and Subdivision of Building into 2 Tenancies</td>
<td>5 Truck City Dr Campbellfield</td>
<td>Extension of Time Issued</td>
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<tr>
<td>P11443</td>
<td>Single Storey Residential Dwelling</td>
<td>105 Callaway Dr Mickleham</td>
<td>Extension of Time Issued</td>
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<tr>
<td>P10868</td>
<td>16 Lot Subdivision</td>
<td>1-5 Heversham Gr Greenvale</td>
<td>Extension of Time Issued</td>
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<td>P10529.01</td>
<td>63 Lot Residential Subdivision</td>
<td>210 Reservoir Rd. Sunbury</td>
<td>Amended Plans Endorsed</td>
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<tr>
<td>P11714.01</td>
<td>10 Lot Subdivision</td>
<td>79-81 Maffra St Coolaroo</td>
<td>Amended Permit issued</td>
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<tr>
<td>P11933.02</td>
<td>Buildings and Works associated with an Upper Level Extension to an Existing Single</td>
<td>155 Old Sydney Rd Mickleham</td>
<td>Amended Plans Endorsed</td>
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**REPORT NO: CN450 (cont.)**

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<tr>
<td>P12099.01</td>
<td>An Additional Single Storey Dwelling to the rear of the Existing Dwelling</td>
<td>58 Malmsbury Dr Meadow Heights</td>
<td>Amended Plans Endorsed</td>
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<td>P12104.01</td>
<td>Development of a Double Storey Dwelling to the rear of an Existing Dwelling</td>
<td>12 Buchan St. Meadow Heights</td>
<td>Amended Plans Endorsed</td>
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<tr>
<td>P12114.01</td>
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<td>10 Linlithgow Way Greenvale</td>
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<tr>
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<td>Salesian College 3-5 Macedon St. Sunbury</td>
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<td>3/2-10 Reservoir Dr. Coolaroo</td>
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<td>P12523.01</td>
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<td>P12967.01</td>
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<td>33 Metrolink Cct Campbellfield</td>
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<td>P6994.01</td>
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<td>P12941</td>
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<td>S005487</td>
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<td>31 Brook St &amp; 18 Barkly St, Sunbury</td>
<td>Plan Certified with Statement of Compliance on 23 December 2008</td>
</tr>
<tr>
<td>S005486</td>
<td>Plan of Subdivision (Boundary Re-Alignment)</td>
<td>882 Cooper St, Somerton</td>
<td>Plan Certified on 23 December 2008</td>
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<tr>
<td>S005511</td>
<td>Plan of Creation of Easement</td>
<td>Lot M Jabiru Trail, Craigieburn</td>
<td>Plan Certified with Statement of Compliance on 24 December 2008</td>
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<tr>
<td>S5107</td>
<td>31 Lot Subdivision (City Link Industrial Estate)</td>
<td>Lot F Premier Dr, Campbellfield</td>
<td>Plan Re-Certified on 5 January 2009</td>
</tr>
<tr>
<td>S005433</td>
<td>2 Lot Subdivision (Dual Occupancy)</td>
<td>200 Donnybrook Rd, Mickleham</td>
<td>Plan Certified on 7 January 2009</td>
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<td>2 Lot Subdivision (Industrial Factory/Warehouse)</td>
<td>18 Ari Dr, Campbellfield</td>
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<td>S005396</td>
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<td>173 Hothlyn Dr, Craigieburn</td>
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<tr>
<td>S005373</td>
<td>52 Lot Subdivision (Highlands Estate - Stage 60)</td>
<td>Lot U Wattletree St, Craigieburn</td>
<td>Statement of Compliance issued on 7 January 2009</td>
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<tr>
<td>S005277</td>
<td>50 Lot Subdivision (Highlands Estate - Stage 49)</td>
<td>Lot N The Garlands, Craigieburn</td>
<td>Plan Re-Certified on 8 January 2009</td>
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<tr>
<td>S005470</td>
<td>3 Lot Subdivision (Multi Unit)</td>
<td>15 Bicentennial Cres, Meadow Heights</td>
<td>Plan Certified on 8 January 2009</td>
</tr>
<tr>
<td>S005500</td>
<td>2 Lot Subdivision (Multi Unit)</td>
<td>26 Hillcrest Dr, Westmeadows</td>
<td>Plan Certified on 8 January 2009</td>
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<tr>
<td>FILE</td>
<td>PROPOSAL</td>
<td>ADDRESS OF PROPERTY</td>
<td>ACTION TAKEN</td>
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| S005505 | 4 Lot Subdivision  
(Multi Unit)  
Stage 2 | 26 Hillcrest Dr, Westmeadows             | Plan Certified on 8 January 2009       |

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<td>P12728</td>
<td>Single Storey Dwelling to the rear of an Existing Dwelling</td>
<td>16 Gordon St Tullamarine</td>
<td>Notice of Decision Issued</td>
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<tr>
<td>P12788</td>
<td>Double Storey Dwelling to the rear of an Existing Dwelling</td>
<td>22 Apollo Cres Dallas</td>
<td>Notice of Decision Issued</td>
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<tr>
<td>P12925</td>
<td>3 Double Storey Dwellings</td>
<td>122 Cuthbert St Broadmeadows</td>
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<tr>
<td>P12951</td>
<td>Double Storey Dwelling to the rear of the Existing Single</td>
<td>11 Stanhope St Broadmeadows</td>
<td>Notice of Decision Issued</td>
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<tr>
<td>P12955</td>
<td>4 Two Storey Dwellings</td>
<td>12 Blair St Broadmeadows</td>
<td>Notice of Decision Issued</td>
</tr>
<tr>
<td>P13008</td>
<td>Development and Use of the Land for the Purpose of Treatment of Liquid Wastes</td>
<td>3 / 41-43 Freight Dr Somerton</td>
<td>Notice of Decision Issued</td>
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An application has been received for the development of two single storey dwellings at the rear of an existing dwelling at No. 9 Lima Court, Westmeadows (Melway Map Ref 6, D6). The application was advertised and three objections were received of which one was subsequently withdrawn. The proposal has been assessed against Clause 55 of the Hume Planning Scheme and is considered to be inconsistent with the State and Local Planning Policy Framework and is regarded as an overdevelopment of the site. Refusal is recommended.

2. RECOMMENDATION:

That Council, having considered all objections, resolves to issue a Notice of Refusal to Grant a Planning Permit for the development of Two Single Storey Dwellings to the rear of an existing dwelling at 9 Lima Court, Westmeadows, on the following grounds:

1. The proposed development does not comply with the Neighbourhood Character Objective (B1) of the Hume Planning Scheme.

2. The proposal is contrary to Standard B5 of Clause 55.02-5, Integration with the Street Objective.
3. The proposed development does not comply with the Safety Objective (B12) of the Hume Planning Scheme.

4. The proposed development does not comply with the Access Objective (B14) of the Hume Planning Scheme.

5. The proposed development does not comply with the Parking Location Objectives (B15) of the Hume Planning Scheme.

6. The proposed development does not comply with the Parking Provision Objectives (B16) of the Hume Planning Scheme.

7. The proposed development does not comply with the Private Open Space Objective (B28) of the Hume Planning Scheme.

8. The proposed development does not comply with the Detailed Design Objective (B31) of the Hume Planning Scheme.

9. The proposal does not adequately take into account the opportunities and constraints of the site and does not constitute site responsive design.

10. The proposal is an over-development of the site.

11. The proposal would result in potential vehicle conflicts given the proposed location of the car parking spaces.

3. PLANNING CONTROLS:

3.1 The subject site is located within a Residential 1 Zone. Pursuant to Clause 32.01-4 of the Hume Planning Scheme, a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Hume Planning Scheme.

3.2 The purpose of the Residential 1 Zone is:

‘To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character.

In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs’.

3.3 Clause 55 (ResCode) applies to an application for two or more dwellings on a lot or residential building in a Residential 1 Zone. ResCode’s main focus is to respect neighbourhood character, protect amenity and promote more sustainable development.
3.4 Clause 65 of the Hume Planning Scheme sets out decision guidelines which the Responsible Authority must consider when deciding on an application. Council is required to consider both the State and Local Planning Policy Framework including the Municipal Strategic Statement.

3.5 Council is required to consider both the State and Local Planning Policy Framework including the Municipal Strategic Statement.

3.6 As it relates to the proposal, the following aspects of the State Planning Policy Framework are relevant.

3.7 Clause 12 of the Scheme relates to Metropolitan Development. The objectives and related strategies aim ‘to ensure that land use and transport planning and investment always contribute to economic, social and environmental goals.’

3.8 The objective of Clause 12.01, A More Compact City is:

‘To facilitate more sustainable development that takes full advantage of existing settlement patterns, and investment in transport a communication, water and sewerage and social facilities.’

3.9 The objective of Clause 12.05, A Great Place to Be is:

‘To create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity.’

3.10 The objective of Clause 14.01: Planning for Urban settlement is:

‘To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, industrial and other public uses.’

To facilitate the orderly development of urban areas.

3.11 Clause 16.02 of the Scheme relates to Medium Density Housing and the stated objective is:

‘To encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficient housing.’

3.12 The subject site is located within the Greenvale, Attwood and Westmeadows neighbourhood. The stated objectives as they relate to this application at Clause 21.03-3 of the Scheme are:

‘To continue to plan for Greenvale, Attwood and Westmeadows as high quality urban environments with convenient access to a range of social and physical infrastructure and services that are linked by attractive open space networks and streetscapes.’
To protect the open, rural character of the area by limiting new urban development to designated areas, and by protecting and maintaining the significant heritage and environmental features of the area.’

3.13 Melbourne 2030

3.13.1 Melbourne 2030 recognises the need for development of new urban areas to accommodate the forecast growth in population and households, but intends that new housing developments at the fringe should be balanced by more intensive use of existing infrastructure, facilities and opportunities within Metropolitan Melbourne.

3.13.2 Melbourne 2030 supports continued change in housing stock in established areas as a way of providing a range of options to meet the changing needs of residents.

4. REFERRALS:

4.1 Pursuant to Clause 66 of the Hume Planning Scheme, the application was not required to be referred to any referral authorities. However, the application was referred internally to Council’s Traffic and Civil Design Section for comments.

4.2 Council’s Traffic Engineers offered no objection to the application subject to an increase in the garage measurements of Dwellings 2 and 3 which has been rectified. In addition, Council’s Civil and Drainage Engineers have advised that the site has been affected by localised flooding in the past and therefore, the floor level of the proposed dwellings must be 500mm above the existing ground level.

5. ADVERTISING:

The application was advertised to neighbouring property owners and occupiers by mail and a notice was erected on site. Three objections were initially received. Two of the three objectors offered to withdraw their objections provided the new dwellings were single storey and greater setbacks were provided. In one case the objectors concerns were met however not the other. Therefore two valid objections remain.

6. DISCUSSION:

6.1 Background

6.1.1 The applicant originally lodged an application for two-double storey dwellings at the rear of the existing dwelling. At that time, several further information letters were sent to the applicant advising that it was considered that the development proposed was an overdevelopment of the site in terms of bulk and overlooking concerns. Subsequently, the applicant agreed to address these concerns and reduced the double storey component to single storey development. However, the original footprints and a redesign of the proposed dwellings were not considered.
6.1.2 The applicant had been made aware of the developmental issues arising from the proposal via several further information letters in particular Council’s advice of the perceived overdevelopment of the site. The decision of the applicant to ignore Council’s advice has consequently resulted in the application being advertised with a number of concerns concerning the development not being addressed.

6.2 Site and surrounds

6.2.1 The subject site is located on the east side of Lima Court in Westmeadows. The irregular shaped site has a street frontage of 12.4 metres and a depth of 40.01 metres to the north, 32.99 metres to the south, and 37 metres to the eastern boundary. The overall site area is 784m². A 3 metre wide easement runs along the northern and eastern boundaries.

6.2.2 The site is located 1.5km east of the Broadmeadows Town Centre, and within close proximity to open space reserves such as the Broadmeadows Valley Park and community facilities. Westmeadows Heights Primary School is approx 500m to the north. A local bus service is on Toora Drive and Broadmeadows Railway Station is 2.5km to the east.

6.2.3 The land is currently occupied by a single storey dwelling proposed to remain as part of the development. The existing front setback is 8.5 metres with ample private open space located to the rear and existing crossover adjacent to the northern boundary.

6.2.4 Predominantly, the area is characterised by single storey residential dwellings with mixed urban character. While single storey dwellings are the main form of development, double storey and medium density developments can be seen throughout the locality. Homes have provision for on-site car parking. Front fence styles vary along the street, yet are generally low in height if they exist, allowing for views into semi-mature setback gardens which provide for an attractive street garden character.

6.2.5 A restrictive covenant applies to the land which states that within five years of the issue of the title, a house must be built on the land. This has been complied with.

The Proposal

6.2.6 The proposal can be summarised as follows:

a) Retention of the existing single storey dwelling.
b) Retention of the existing crossover fronting Lima Court which will be utilised by all three dwellings.
c) Construction of two single storey dwellings to the rear of the existing dwelling.
d) Each dwelling will comprise two bedrooms, family room, kitchen and dining area and associated amenities.
e) The existing dwelling will be provided with 30m² of private open space and 70m² of open space to the frontage of the dwelling.
f) The proposed dwellings will have their secluded private open space to the rear including 6m³ of externally accessible storage shed.
g) A carport proposed for the existing dwelling will be located on the northern boundary of the dwelling.

h) A single carport for each of the proposed dwellings will be sited to the side of each of these dwellings.

i) Maintain the existing dwelling setback of 8.5 metres.

j) The proposed building material will consist of face brickwork finish, boxed front entry porch canopy and selected tiled roofs.

6.3 Assessment of Planning Issues

6.3.1 In considering this application, regard has been given to the State and Local Planning Policy frameworks, the provisions of the Hume Planning Scheme, in particular, the Westmeadows Residential Neighbourhood Character Policy, the objection received and the individual merits of the application. On this basis, the following comments are made:

Clause 55.02 - Neighbourhood Character and Infrastructure (Incorporating Standards B1 to B5)

6.3.2 Neighbourhood character objectives seek to ensure that any proposed design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and that development responds to the features of the site and the surrounding area.

6.3.3 The proposed dwellings lack articulation and are not comparable in scale with neighbouring dwellings. The site does not allow for a visual address to be provided. Carports have not been set back behind main facades and visually dominate the streetscape. The proposed dwellings are not sympathetic to the neighbourhood character in terms of dwelling style, mass, proportion, roof form and pitch.

6.3.4 The proposed dwellings have been appropriately located in the context of an established urban environment and infrastructure, properly connected to all relevant services and utilities. However, the Design Response does not adequately justify the development in respect to neighbourhood character.

6.3.5 The integration of the layout of the development with the street is an important aspect of Clause 55 and this is stipulated in Standard B5. This standard requires development to be orientated to front existing streets. The proposal fails to adequately provide a link with the street and the dwellings are proposed to be located behind inappropriately located double carport. The predominant private open space area for the existing dwelling is located to the frontage of the site which is contrary to the objectives of this clause and will result in poor integration of the development of the street.

6.3.6 It is considered that this development does not contribute to the enhancement of the existing neighbourhood character. The proposed development does not integrate well with the street nor introduce innovative development to improve the streetscape of Lima Court.
Clause 55.03- Site Layout and Building Massing (Incorporating Standards B6 to B16)

6.3.7 Standard B12 lists as an objective the need to ensure that the layout of development provides for the safety and security of residents and property. It requires that entrances to dwellings should not be obscured or isolated from the street. The proposed development provides that the entry to the existing dwelling is not visible from the street, being located behind the proposed carport.

6.3.8 Pursuant to Standard B14 of ResCode, a development must be designed to ensure that vehicle access to and from a development is safe, manageable and convenient. Developments must allow vehicles to enter and exit in a forward motion. The existing dwelling’s garage location fails to comply with this Standard. In addition, developments must have an internal radius of at least 4m at changes of directions. Whilst an internal radius of at least 4m at changes of directions has been provided, it does not provide for sufficient vehicle movements. These dwellings have not been designed to ensure vehicle ingress and egress is safe, manageable and convenient.

6.3.9 The development raises safety and efficiency concerns regarding vehicle movements internal to the site.

6.3.10 Standards B15 and B16 both relate to car parking and require adequate, safe, secure and convenient locations of car spaces. Whilst adequate car parking provision has been proposed for the development, no safety, security and convenience measures have been considered as part of this development.

6.3.11 The proposed carports for the development are inappropriate and dominate the facades of the dwellings.

Clause 55.05 - On-Site Amenity and facilities (Incorporating Standards B25 to B30)

6.3.12 The objective Clause 55.02-2 of the Hume Planning Scheme is the need to provide each dwelling with its own sense of identity. It requires as a standard that entries to dwellings should be visible and easily identifiable from streets and provide a sense of personal address. In the context of the current application, it is proposed that the proposed dwellings will have their front entry located behind the carport for the existing dwelling. This is an unacceptable design treatment for this site.

6.3.13 Pursuant to Standard B28 of ResCode, a development must be provided with adequate private open space for the reasonable recreation and service needs of the residents. Pursuant to this standard, ‘a dwelling should have private open space consisting of either:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

6.3.14 None of the dwellings have provided an adequate private open space area as specified in Standard B28. Dwelling 1 is provided with 30 square metres of south facing open space and an open space to the front of the dwelling totalling 70 square metres. Whilst the proposed dwellings have open space to the rear of the dwellings, the open space is not considered appropriate in the current location as no northern orientation aspects have been provided.

Clause 55.06 - Detailed Design (Incorporating Standards B31 toB34)

6.3.15 The objective of Standard B31 seeks to encourage design detail that respects the existing or preferred neighbourhood character. The development does not meet the requirements of this standard as the proposed carport to service the existing dwelling is not enclosed with appropriate design features.

6.3.16 The proposed development of two additional dwellings on the 784m² site appears too tight, provides a poor response to the site in terms of layout and is an over-development of the site as reiterated in previous correspondence sent to the applicant.

6.3.17 The proposed development provides a poor response to the site in terms of layout and is considered an over-development of the site.

7. SUMMARY OF OBJECTIONS:

7.1 A summary of the objectors’ concerns and officer response follows:

Car parking and traffic congestion

7.2 The proposed dwellings to the rear have been provided with a carport in addition to the carport for the existing dwelling, complying with the minimum car parking requirements of ResCode. Off-site car parking and traffic congestion is inevitable in any given suburban area and whilst the proposed development will increase the demand for additional car parking, Council’s Traffic Engineers have confirmed that the traffic generated by the two additional dwellings is acceptable within the neighbourhood.

Increase in noise

7.3 The impact on the amenity of the surrounding area is likely to be insignificant.

Property Devaluation

7.4 The devaluation of properties as a direct result of unit developments has continually been dismissed by VCAT as being subjective and not a relevant planning consideration. In Campbell v Whitehorse CC (2004) VCAT 661 (13 April 2004), Mr
Thompson (Responsible Authority) referred to the decisions of the Tribunal in 
*Australand Holdings Ltd v Monash City Council & Others* (2000) VCAT 1621 (31 July 
2002) and to *W R Pty Ltd v Stonnington* [2000] VCAT 250, 18 April 2002 where 
Member Baird said:

‘A number of submissions raise the matter of property devaluation. As the Tribunal 
frequently states, the matters which will determine the final outcome of this application 
for review must be placed on planning considerations. There is no specific evidence in 
support of decreased property values and the Tribunal cannot rule in favour of these 
objections.

*I know of no provision in the planning scheme which requires the Tribunal to consider 
the impact on property values.*' 

**Loss of privacy**

7.5 The loss of privacy is an issue which cannot be substantiated. No overlooking issues 
are raised with the proposal. Internal and external overlooking into adjoining properties 
is generally prevented through the provision of a 1.8m high timber paling fence along 
the property boundaries. Loss of privacy is therefore not considered a concern for the 
proposed development.

**Development is too close to boundary**

7.6 A concern raised by one of the objectors is that the proposed dwellings will be built too 
close to his boundary fence. An offer to withdraw the objection was received by Council 
on the proviso that the proposed dwellings be built at least 3.5 metres from his fence 
and no windows face his house. In this instance, the proposed dwellings will be built 2 
metres from the boundary therefore the objection stands. The family and meals area 
windows will be facing the northern boundary facing the objector’s title boundary.

7.7 The second objection was withdrawn due to the proposed dwellings being amended to 
single and not double storey and that the distance from the boundary is within Council’s 
standards.

**CONCLUSION:**

On balance, the development fails to adequately meet relevant Clause 55 standards and 
objectives and the design is not site responsive. Furthermore, private open spaces areas per 
dwelling and on site manoeuvrability of vehicles have not been satisfactorily provided. As a 
result, this is considered to be an overdevelopment of the site and refusal is recommended.
LOCALITY PLAN

9 LIMA COURT, WESTMEADOWS

P12441

Subject Site

Attachment 1
1. SUMMARY OF REPORT:

Council has received an application to amend an existing Planning Permit (P9458) which allows the use of a Car Wash Facility at No. 214-216 Mickleham Road, Gladstone Park (Melway Ref Map 5, K9). The amendment request seeks an extension to the operating hours of the existing car wash facility. The application was advertised and one objection along with a petition was received. The proposal has been assessed against the objectives and standards of the State and Local Planning Policy Frameworks including the Municipal Strategic Statement of the Hume Planning Scheme. Approval is recommended.

2. RECOMMENDATION:

That Council, having considered the objections, resolves to issue a Notice of Decision to amend Planning Permit P9458 which allows a Car Wash Facility at 214-216 Mickleham Road, Gladstone Park by deleting the existing Condition 3 and replacing it with the following:

“Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:

5.00am to 12.00pm midnight seven days a week.”
3. PLANNING CONTROLS:

3.1 The subject site is located within a Residential 1 Zone. Pursuant to Clause 32.01-1 of the Hume Planning Scheme, a planning permit is required to use land for the purpose of a car wash.

3.2 The purpose of the Residential 1 Zone is:

- ‘To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.’

3.3 Clause 65 set out decision guidelines which the Responsible Authority must consider when deciding on an application relating to the Planning and Environment Act 1987 and the Hume Planning Scheme.

3.4 Council is required to consider the State Planning Policy Framework, the Local Planning Policy Framework and the Municipal Strategic Statement when assessing planning applications.

3.5 As it relates to the proposal, Clause 19.03 of the State Planning Policy Framework aims:

“To achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.”

3.6 The subject site is located within the Gladstone Park and Tullamarine neighbourhood at Clause 21.03-4 of the Hume Planning Scheme which includes the following relevant objective:

‘To enhance the livability and amenity of the neighbourhood and the community’s accessibility to a range of education, retail, community and recreation services and facilities.’

3.7 Clause 52.13 of the Hume Planning Scheme relates to a Car Wash.

3.8 The purpose of the Car Wash are:

- ‘To ensure that amenity, site layout and design are considered when land is to be used for a car wash, especially if the site adjoins a residential zone.”
To ensure that use of land for a car wash does not impair traffic flow or road safety.

4. REFERRALS:

No external referrals were triggered under Section 55 of the Planning and Environment Act 1987 or Clause 66 of the Hume Planning Scheme.

5. ADVERTISING:

The application was advertised to adjoining property owners and occupiers by mail and a notice was erected on the site. One objection and a petition comprising seven signatories were received at the end of the advertising period.

6. DISCUSSION:

6.1 Background

6.1.1 Planning Permit P9458 was issued on 1 October 2004 for the use and development of a car wash facility with associated landscaping at the site.

6.1.2 Currently Condition 3 of the above Planning Permit requires that:

‘Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:

7.30am to 10.00pm Sunday – Saturday during daylight saving time
7.30am to 9.00pm Monday to Friday at all other times.
8.00am – 9.00pm on weekends at all other times.’

6.1.3 The car wash is currently operating in accordance with these operating times.

6.2 Site and Surrounds

6.2.1 The subject site is located on the eastern side of Mickleham Road and north of Gladstone Park Drive. The site has a frontage of 36 metres to Mickleham Road and a depth of 34 metres. The site is accessible through a road reserve off Mickleham Road. The site’s area is 1218 square metres.

6.2.2 The site comprises of a car wash facility with four main bays and an auto wash bay. An office with amenities and a plant room also exist on site. Ancillary vending machines premises are available on the site selling goods associated with the car wash and vacuum bays.
6.2.3 A three metre wide landscape strip is provided along the north and east title boundary as the site abuts residential properties to this side and a service station to the south. A 1.378 metre landscape is located along the front of the site.

6.2.4 Access to the site is from a service road off Mickleham Road. The proposal provides for one entry and one exit. A 2.4 metre high acoustic fence exists along the northern and eastern title boundaries where abutting residential properties. In addition, tall screen trees have been provided to avoid water spray onto adjoining properties.

6.2.5 Residential properties adjoin the site to the north and east. A 24 hour Shell Service Station adjoins the site to the south, whilst business activities are located adjacent to the site.

6.2.6 A registered restrictive covenant contained in instrument No. D38711 exist on the subject title which requires that any front fence or within 25 feet of the frontage or side should not be more than 3 feet above ground level. This has been dealt with in the previous Planning Permit (P9458) issued for the use and development of the car wash.

6.3 The proposal

6.3.1 The proposal seeks to extend the hours of operation of the car wash facility from 5.00am to 12.00 midnight 7 days per week. The current hours of operation as previously authorised under the Planning Permit are as follows:

- 7.30am to 10.00pm Sunday-Saturday during daylight saving time
- 7.30am to 9.00pm Monday to Friday at all other times
- 8.00am-9.00pm on Weekends at all other times

6.3.2 The applicant has stated that the reason for the proposed extension of hours is to meet the existing demand in the area, specifically, the site's location near Melbourne Airport. The location of the existing Service Station also plays a key role in providing business to the car wash. In addition, the car wash business is licensed with the 5 star water saving rating which uses less than 40 litres of water per vehicle. This certificate is issued by the Australian Car Wash Association.

6.4 Assessment of Planning Issues

6.4.1 Having regard to the State and Local Planning Policies and the intention of the zone, the key planning issues are as follows:

Amenity

6.4.2 The requirements of Clause 52.13 states that ‘the amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.’

6.4.3 Given that the car wash is existing, the proposed extension of hours will not cause any adverse amenity impacts on the adjoining residential dwellings. A
letter has been received from the owner and tenant of No. 218 Mickleham Road in support of the proposed extension of hours. The owner maintains that the car wash has been operating their business within the permit conditions and in 'a professional manner'. The letter defends the use of the car wash due to the current 3A water restrictions as customers have the need to wash their vehicles in a car wash to meet the water recycling criteria. This is seen as an essential service for the community.

6.4.4 An inspection of the site showed that the dwellings on Payne Street (to the rear of the subject land) who have objected to the proposal have substantial setbacks from the boundary of the car wash and the backyards act as noise buffers.

Noise

6.4.5 Some noise emission arising from a car wash is inevitable. However, a 2.4 metre high acoustic fence is located on the eastern and northern boundary of the site so as to reduce the amount of noise being emitted.

6.4.6 Furthermore it is a condition of the permit that noise emissions from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

7. SUMMARY OF OBJECTIONS:

7.1 A summary of objections and officer response follows:

Bright lights

7.2 An objection has been raised in relation to the lights associated with the car wash. As reiterated on the permit issued for the car wash ‘exterior lights shall be installed in such positions so as to effectively illuminate all pertinent public areas and shall be connected to a time clock switch or other approved system to the satisfaction of the Responsible Authority. Therefore, it is the responsibility of the occupiers to ensure that this condition is satisfied.

Not adhering to the original Planning Permit conditions

7.3 Policing of any planning permit conditions is a normal practice of the Planning Investigation Unit who will endeavour to resolve any issues arising from the car wash. There has been no history of significant complaints relating to this site previously.

Loud music and noise issues

7.4 The inspection revealed that there are signs relating to the use of loud music and speakers currently attached to the vacuum bays. In addition, the acoustic fence also acts as a noise buffer.

Inappropriate hours of operation

7.5 The proposed hours of operation from 5.00am to 12.00 midnight, 7 days a week is considered reasonable given that the site adjoins a 24 hour service station. In the case
of *Nedrac Nominees Pty Ltd v Maribyrnong CC* (2003) VCAT 1182, where a 24 hour car wash was approved for a site that adjoined a service station, VCAT determined that ‘the proposal fulfils a need in the area and it is not creating any loss of amenity for adjacent neighbours.’

7.6 Similarly in this case, it can be argued that the proposed hours of operation will not cause any detriment to the adjoining neighbours on the basis that the area is already affected by the existing 24 hour operation of the service station, and acoustic protection is provided by the fencing that exists around the site.

8. **CONCLUSION:**

Having regard to the State and the Local Planning Policy Framework including the Municipal Strategic Statement, the proposed extension of hours to the car wash is considered satisfactory. Given that the adjoining service station operates on a 24 hour basis, the proposed amendment to extend the hours will not cause any further detriment to the surrounding residential uses. In addition, the proposed extension of the car wash from 5.00am to 12.00 midnight will complement the adjoining use of the service station. As the site is not a ‘pristine’ residential precinct, it is considered that the proposed extension to the operating hours is appropriate from a planning perspective.
LOCALITY PLAN

214-216 MICKLEHAM ROAD, GLADSTONE PARK

P9458.01

SUBJECT SITE
1. SUMMARY OF REPORT:

Council has previously approved Planning Permit P11516 for a three lot subdivision of a unit development site. The applicant has submitted a Section 173 Agreement to facilitate the subdivision of the land which will ensure that the development accords with the approved planning permit for the unit development. The agreement provided has been reviewed and is suitable for signing and sealing.

2. RECOMMENDATION:

That Council resolves to sign and seal the submitted Section 173 Agreement in accordance with Planning Permit P11516.

3. FINANCIAL IMPLICATIONS

The applicant will pay all costs associated with creation and registration of this Section 173 Agreement on the relevant Certificate of Title’s.

4. LEGISLATIVE POWERS

Section 173 of the Planning and Environment Act 1987.
5. BACKGROUND

Council approved Planning Permit P11516 for a three lot residential subdivision in accordance with endorsed plans. This subdivision was consistent with Planning Permit P9605 which authorised the development of one double and one single storey dwelling at the rear of an existing dwelling.

6. THE PROPOSAL:

Lawyers for the applicant have submitted an Agreement under Section 173 of the Planning and Environment Act 1987 to allow a Statement of Compliance to be issued for the subdivision of land, while ensuring that the development to occur accords with the approved development permit.

7. ASSESSMENT:

It is appropriate to use a Section 173 Agreement in this instance as it ensures that unless Council otherwise agrees, the development of land must occur in the way approved under Planning Permit P9605.

Two minor corrections have been made to the Section 173 Agreement submitted by the applicant. These are;

7.1 Point D under sub-heading BACKGROUND: has been amended to read: “THE Planning Permit was issued subject to the following conditions requirement:”

7.2 Point 4 under sub-heading AGREEMENT: has been amended to read: “THE Owners covenant that the development of the Subject Land will be undertaken in accordance with Planning Permit P11516 P9605.”

8. CONCLUSION:

As the Section 173 Agreement provided will ensure that the development of No. 19 Nash Court accords with the approved development permit, it is suitable for signing and sealing.
1. SUMMARY OF REPORT:

Solicitors acting on behalf of the owner of No. 48 Rushwood Drive, Craigieburn have lodged a Section 173 Agreement in accordance with Condition No. 5 of Planning Permit P11347. The Agreement is required to be registered on Title to ensure that the development on the site is in accordance with the endorsed plans under Planning Permit P11347. The Agreement also ensures that a Statement of Compliance for the subdivision cannot be issued until a Dealing Number from the Titles Office is provided to Council to ensure its registration on each lot. It is recommended that the Agreement be signed and sealed.

2. RECOMMENDATION:

That Council resolves to sign and seal the Section 173 Agreement submitted in accordance with Condition No. 3 of the Planning Permit P11347.

3. PLANNING CONTROLS:

Section 173 of the Planning and Environment Act 1987
4. DISCUSSION:

4.1 Planning Permit P11347 was issued by Council on 24 April 2007. The permit allowed for an eight (8) lot industrial subdivision and the removal of an easement and native vegetation.

4.2 The Planning Permit requires that the owner must enter into a Section 173 agreement with the Responsible Authority which provides that a building envelope must be created on Lot 7 and that any buildings constructed on this lot may be constructed only within the building envelope (this restriction excluded the use of the land for car parking purposes). Lot 7 adjoins the Merri Creek and appropriate design controls are considered necessary to ensure that any future buildings erected on the site respect this interface. For this reason the proposed building envelope defines that any building built on this boundary must be less than 70% of the length to allow surveillance and views to the adjoining parkland.

4.3 The Agreement enforces the creation of a building envelope(s) on Lot 7 in accordance with the planning permit condition.

5. CONCLUSION:

As the Agreement has been submitted in accordance with the Planning Permit requirement, it is recommended that it be signed and sealed.
1. SUMMARY OF REPORT:

1.1 Solicitors acting on behalf of the owner/s of No's 75 and 85 Northcorp Boulevard, Broadmeadows have lodged a Section 173 Agreement in accordance with Condition 2 of Planning Permit P12413. The permit allows the extension to the existing factory that comprises a covered unloading area and amenities room.

1.2 The Agreement is essential in ensuring that the subject site has legal and ongoing access to sufficient parking provisions. The additional parking requirement will be provided on the adjoining property at No. 85 Northcorp Boulevard, Broadmeadows.

1.3 The Agreement is required to be registered on the Certificate of Title of both No’s 75 and 85 Northcorp Boulevard, Broadmeadows. It is recommended that the Agreement be signed and sealed.

2. RECOMMENDATION:

2.1 That Council resolves to sign and seal the Section 173 Agreement submitted in accordance with Condition 2 of Planning Permit P12413.
3. PLANNING CONTROLS:

3.1 Section 173 of the *Planning and Environment Act 1987*.

4. DISCUSSION:

4.1 Planning Permit P12413 was issued by Council on 28 April 2008. The permit allows for the extension of the existing factory that comprises a covered unloading area and amenities room at No. 75 Northcorp Boulevard, Broadmeadows.

4.2 Condition 2 of Planning Permit P12413 requires that:

Prior to the commencement of the use and/or development, the Owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act 1987 to provide the following:

Until Lots 10 and 18 on Plan of Subdivision 348064G are consolidated into one lot under the Subdivision Act 1988 and the plans certified by Council and lodged in the Office of Titles, the Owner must enter into a Section 173 Agreement with the Council in which the Owner agrees:

- that the car parking spaces will be made available on the land in Lot 18, Plan of Subdivision 348064G (“the Adjoining Land”);
- that the use of the subject land will cease if the car parking spaces cease to be available on the adjoining land;
- to facilitate the Owners of the adjoining land to enter into a Section 173 Agreement for the use of their land for car parking spaces;
- to pay to the Council the reasonable costs involved in the preparation and lodging of these Section 173 Agreements.

4.3 The Agreement will ensure that No. 75 Northcorp Boulevard will have sufficient and ongoing legal access to car parking that will be provided on the adjoining property at No. 85 (Lot 18) Northcorp Boulevard, Broadmeadows.

5. CONCLUSION:

5.1 As the Agreement has been submitted in accordance with the requirements of the Planning Permit, it is recommended that it be signed and sealed.
REPORT NO: CN456
REPORT TITLE: Section 173 Agreement - 35 Emu Road, Sunbury
SOURCE: Gloria Osagiede, Town Planner
DIVISION: City Sustainability
FILE NO: P9165
POLICY: Hume Planning Scheme
STRATEGIC OBJECTIVE: Visionary, strategic and accountable leadership and service excellence

Application No: P9165
Proposal: Section 173 Agreement
Location: 35 Emu Road, Sunbury
Zoning: Low Density Residential Zone
Applicant: J & J Smit Nom Pty Ltd
Date Received: 28 November 2008

1. SUMMARY OF REPORT:

The owners of No. 35 Emu Road, Sunbury have lodged a Section 173 Agreement in accordance with Condition 5 of Planning Permit P9165. The Agreement is required to be registered on the title to ensure that the development of the site is in accordance with the endorsed development plan for the site. The Agreement also ensures that a Statement of Compliance for the subdivision cannot be issued until a Dealing Number from the Titles Office is provided to Council to ensure its registration on each lot. It is recommended that the Agreement be signed and sealed.

2. RECOMMENDATION:

That Council resolves to sign and seal the Section 173 Agreement submitted in accordance with Condition 5 of Planning Permit P9165.

3. PLANNING CONTROLS:

Section 173 of the Planning and Environment Act 1987.

4. DISCUSSION:

4.1 Planning Permit P9165 was issued by Council on 17 August 2004. The permit allowed for a four lot subdivision at No. 35 Emu Road, Sunbury. The subdivision was in accordance with the development plan for the site.
4.2 The planning permit requires that prior to the issue of a Statement of Compliance, the owner of the subject land must, at no cost to the Responsible Authority, enter into and execute (in a form satisfactory to the Responsible Authority) an agreement with the Responsible Authority Pursuant to Section 173 of the Planning and Environmental Act 1987. This agreement provides that any lot owner on this plan of subdivision shall not:

- Construct any dwelling, garage or shed outside of the building envelope and access area unless with the written consent of the Responsible Authority;
- Site a building other than in accordance with the provisions of Rescode without the written consent of the Responsible Authority;
- Remove any tree outside of the building envelope without the written consent of the Responsible Authority.

5. CONCLUSION:

5.1 As the Agreement has been submitted in accordance with the planning permit requirement, it is recommended that it be signed and sealed.
1. SUMMARY OF REPORT:

This report recommends that Council formally resolve to conduct a General Valuation (revaluation) of all rateable properties in accordance with Section 13DC(3) the Valuation of Land Act 1960.

2. RECOMMENDATION:

2.1 That Council:

2.1.1 In accordance with Section 13DC(3) of the Valuation of Land Act 1960 (‘the Act’) resolves to conduct a general valuation of all rateable properties to be returned on or before 30 June 2010.

2.1.2 Gives notice of this resolution to the Valuer General and to every other rating authority interested in the general valuation as required by Section 6 of the Act.

2.1.3 In accordance with Section 13DA(1) of the Act appoint Mr Bill Katsianis, who is a Certified Practicing Valuer and Associate of the Australian Property Institute, Member No 2994, to return the general valuation.

2.1.4 Notes the making of the statutory declaration by Mr Bill Katsianis, Council appointed contract valuer for the purposes of Section 13 DH(3).

3. FINANCIAL IMPLICATIONS:

The effect of the general valuation will be a redistribution of the amount paid in rates by Council’s ratepayers in a fair and equitable manner by using current valuations.
3.1 At its meeting of 27 October 2008 Council awarded Contract Number 30 09 1760 for the Provision of Valuation Services for Hume City Council to Valuelt Pty Ltd for the 2010 general revaluation with the option for the 2012 and 2014 general revaluations.

3.2 In addition to the redistribution of Council rates, the revaluation data is also purchased by the State Revenue Office to assess Land Tax. Revenue from the State Revenue Office for the 2010 Revaluation will be received in the 2010/2011 rating year.

4. LEGISLATIVE POWERS:

4.1 The power to conduct a General Valuation is provided in Section 6 and 13DC(4) of the Act.

4.2 Mr Bill Katsianis, Council’s Contract Valuer, is appointed under Section 13DA of the Act to make and return the valuations.

4.3 A statutory declaration is required under Section 13DH(2) of the Act.

5. COMMUNITY CONSULTATION:

5.1 Ratepayers will be advised of the revaluation through articles published in the local papers and Hume Pride community magazine early in 2010.

5.2 Further information regarding general trends and shifts in property values across the municipality will be presented in a report to Council in mid 2010.

6. DISCUSSION:

6.1 The Office of the Valuer General has notified Council that in accordance with the Act, Council is required to return a general valuation of all rateable property within the municipality by 30 June 2010. The Valuer General has also advised that 1 January 2010 will be the date for the revaluation of all properties within Hume.

6.2 Before any general valuation and return is made, the person appointed to make the return must make a statutory declaration that the valuation and return will be impartial and true to the best of that person’s judgement.

6.3 A copy of the statutory declaration made by Mr Bill Katsianis, an employee of Valuelt Pty Ltd forms attachment 1. Mr Katsianis is a qualified valuer and holds the qualifications and experience specified in the Act.

6.4 Council’s City Valuer, Ms Hayley Drummond will supervise and manage the contract on behalf of Council.

7. CONCLUSION:

In accordance with the Act, this report recommends that Council resolves to conduct a revaluation (general valuation) of all rateable properties. This is to be returned to Council by 30 June 2010 with the relevant date for the valuations being 1 January 2010.
STATUTORY DECLARATION

I, Bill Katsiaris, of Valuelt Pty Ltd, Level 4, 271 William St, Melbourne, Victoria and holding the position of appointed Contract Valuer for Hume City Council, do solemnly and sincerely declare pursuant to Section 13D(2) of the Valuation of Land Act 1960 that the valuation and return I make on behalf of Hume City Council will be impartial and true to the best of my judgement.

AND I make this solemn declaration believing the same to be true and by virtue of the provisions of an Act of Parliament of Victoria rendering persons making false declarations punishable for wilful and corrupt perjury.

DECLARED at Hume City Council Municipal Offices, Broadmeadows
In the State of Victoria this 
12th day of January, 2009

Before me

DOMENIC ISOLA
A senior officer of Council as defined in the
Local Government Act 1989
1. SUMMARY OF REPORT:

The quarterly financial report provides information to the community and stakeholders on the financial performance and position of Council as at 31 December 2008, as required on a quarterly basis under section 138 – Quarterly Statements of the Local Government Act, 1989.

2. RECOMMENDATION:

That the Finance Report for the quarter ended 31 December 2008 be received and noted.

3. FINANCIAL IMPLICATIONS:

3.1 Reports

3.1.1 The financial statements consist of three main reports:

1. The Income Statement;
2. The Balance Sheet; and

3.1.2 Two additional reports have also been included that show the level of payments that Council directly makes to businesses, community groups, individuals and employees within Hume.
3.1.3 From a governance and accountability perspective, Council receives quarterly reports on key financial data with detailed commentary on variance analysis and actions being undertaken. The reporting of this key financial data on a quarterly and annual basis adds to the commitment Council has made to govern in an open manner and be accountable to residents for the management of resources and funding.

4. KEY FINANCIAL INFORMATION:

4.1 Income Statement [Attachment 1]

4.1.1 The Income Statement measures how well Council has performed from an operating or recurrent nature. It reports revenues and expenditure from the activities and functions undertaken with the net effect being the resulting surplus figure.

4.1.2 Attachment 1 identifies that Council has generated $66.8m in revenue, has incurred $58.4m in expenses and has generated a gain on disposal of property, plant and equipment of $0.4m for the six months ended 31 December 2008. This has generated a surplus of $19m which is $4.9m ahead of budget.

4.1.3 Council’s Revenue Base

(a) The majority of Council’s revenue is derived from rates and charges. During the financial year ended 30 June 2008, rates income was $77.3m. This equated to 47% of Council’s total revenue of $164.4m.

(b) For the six months ended 31 December 2008, rates revenue was $43.1m which equates to 56% of total revenue. Therefore, Council continues to be reliant on its rates revenue as a major source of income.

4.1.4 For the six months ended 31 December 2008, the major items of revenue earned by Council include:

(a) Rates revenue $43.1m
(b) Grants $11.9m
(c) Contributions, including developer contributed assets $10.8m
(d) User and statutory fees and charges $10.2m

4.1.5 Council’s Expense Base

(a) The majority of Council’s expenses relates to employee benefits. During the financial year ended 30 June 2008, employee benefits were $51.7m. This equated to 45% of Council’s total expenses of $115.9m.

(b) For the six months ended 31 December 2008, employee benefits were $28.3m which equates to 48% of total expenditure for the same period.

4.1.6 For the six months ended 31 December 2008, the major items of expenditure incurred by Council include:
4.2 Balance Sheet [Attachment 2]

4.2.1 The Balance Sheet is a statement at a point in time which shows all the resources controlled by Council and the obligations of Council. The aim of the Balance Sheet is to summarise the information contained in the accounting records relating to assets, liabilities and equity in a clear and intelligible form.

4.2.2 The major item on the Balance Sheet consists of property, infrastructure, plant and equipment. These fixed assets made up 93\% of Council’s total asset base in 2007/08 – a total of $1,226m. As at 31 December 2008, fixed assets made up 94\% of Council’s total asset base – a total of $1,240m.

4.2.3 The impact of sound financial management can be seen in the ratepayer equity of $1,280m which reflects the strong financial position of Council. The information contained within the Balance Sheet also demonstrates that liquidity is strong as demonstrated by the favourable cash balance. Council assets are increasing, which is largely due to developer contributed assets and a substantial capital works program. All of these factors have led to favourable key ratios as identified in this report.

4.3 Statement of Cash Flows [Attachment 3]

4.3.1 The Statement of Cash Flows shows what was actually received and paid by Council, not what was owed or what was recorded. This is largely why it is different to the Income Statement which shows what income was raised and payments incurred during the same period.

4.3.2 For example, Council may make a purchase of some goods/services today but may not make payment for those goods/services for another 30 days (in accordance with Council’s credit terms). However, as the goods/services have already been provided, the accounting standards require that the cost of these goods/services be recorded in the Income Statement as soon as they have been provided.

4.3.3 Another reason for the difference between the surplus figure reported in the Income Statement and the Cash Flow Statement is the significant level of non-monetary contributed assets recorded as income, $10m to 31 December 2008, (in the Income Statement) with no resulting cash receipts.

4.3.4 For the six months ended 31 December 2008, Council’s cash position is $15.3m favourable to budget. The reason for this is due to the following:

(a) The cash balance at the start of the financial year being $8.6m higher than expected, primarily due to developer (cash) contributions of $4m, higher carried forward capital works of $1.8 and capital grants received in advance of $3m.

(b) Rates receipts ahead of budget due to higher supplementary rates and improved debtor management practices, $1.2m.
4.4 Buying Local [Attachment 4]

4.4.1 The Buying Local Report highlights the level of payments made by Council to businesses, community groups and individuals within the municipality. The report includes payments for grants and contributions, materials and services, building and utility costs and contractor and other services. For the six months to 31 December 2008, Council made payments to local suppliers totalling $5.7m. Significantly, the level of local expenditure as a proportion of Council’s total payments to suppliers (including capital works) was 16% for this period.

4.4.2 It should be noted that the report only includes payments to suppliers whose mailing address is listed within Hume. There is therefore the possibility that the level of payments to local suppliers is in fact higher.

4.5 Employees Residing within Hume [ATTACHMENT 5]

4.5.1 The “Employees Residing within Hume” report highlights the level of salaries paid to employees who reside within Hume and also the number of employees who reside within Hume.

4.5.2 For the six months to 31 December 2008, Council paid salaries to employees residing within Hume totalling $12.3m, representing 44% of total employee benefits. Also for the six months to 31 December 2008, there were 900 employees residing within Hume representing 58% of total employees.

4.6 Financial Ratios

4.6.1 The following financial ratios are required to be included in Council’s financial report at year-end. Although their value may be limited as key financial indicators, they do provide information on trends.

<table>
<thead>
<tr>
<th>Ratios</th>
<th>Six Months to 31-Dec-08 2008/09</th>
<th>Six Months to 31-Dec-07 2007/08</th>
<th>Twelve Months to 30-Jun-08 2007/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Servicing Ratio</td>
<td>1.14%</td>
<td>1.22%</td>
<td>1.15%</td>
</tr>
<tr>
<td>This ratio measures the extent to which long-term debt is impacting on the annual total income of Council and identifies the capacity of Council to service outstanding debt. The ratio expresses the amount of interest paid as a percentage of Council’s total revenue. (The lower the ratio the better).</td>
<td></td>
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<tr>
<td>Debt Commitment Ratio</td>
<td>5.36%</td>
<td>4.21%</td>
<td>7.48%</td>
</tr>
<tr>
<td>This ratio identifies Council’s debt redemption strategy and expresses the percentage of rate revenue utilised to pay interest and redeem debt principal. (The lower the ratio the better).</td>
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</table>
### Ratios

<table>
<thead>
<tr>
<th>Ratios</th>
<th>Six Months to 31-Dec-08 2008/09</th>
<th>Six Months to 31-Dec-07 2007/08</th>
<th>Twelve Months to 30-Jun-08 2007/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Ratio</td>
<td>55.99%</td>
<td>49.53%</td>
<td>47.00%</td>
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<tr>
<td>This ratio identifies Council's reliance on rates as a source of income. (The lower the ratio the better).</td>
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<tr>
<td>Debt Exposure Ratio</td>
<td>5.70%</td>
<td>7.32%</td>
<td>7.31%</td>
</tr>
<tr>
<td>This ratio identifies Council's exposure to debt and expresses the total indebtedness to total realisable assets. (The lower the ratio the better).</td>
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</tr>
<tr>
<td>Working Capital Ratio</td>
<td>303.01%</td>
<td>250.37%</td>
<td>195.60%</td>
</tr>
<tr>
<td>This ratio identifies Council's ability to meet current liabilities and enables an assessment of Council's liquidity and solvency. The ratio compares the current assets to current liabilities. (The higher the ratio the better).</td>
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### CONCLUSION:

The quarterly report has been prepared on an accrual basis and in accordance with accounting practices, including an Income Statement, Balance Sheet and Statement of Cash Flows. Council's financial performance is ahead of expectations.