



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

MONDAY, 17 DECEMBER 2018

CONFIRMED - 11 FEBRUARY 2019

HUME CITY COUNCIL

Minutes of the
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL
held on Monday, 17 December 2018
at 7.00 PM
at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council	Cr Carly Moore	Mayor
	Cr Naim Kurt	Deputy Mayor
	Cr Joseph Haweil	
	Cr Jodi Jackson	
	Cr Leigh Johnson	
	Cr Jack Medcraft	
	Cr Ann Potter	
	Cr Karen Sherry	
	Cr Jana Taylor	
b: Officers	Mr Domenic Isola	Chief Executive Officer
	Mr Peter Waite	Director Sustainable Infrastructure and Services
	Mr Daryl Whitfort	Director Corporate Services
	Mr Hector Gaston	Director Community Services
	Mr Michael Sharp	Director Planning and Development
	Ms Kylie Ezzy	Director Communications, Engagement and Advocacy
	Ms Kirsty Miller	Manager Statutory Planning and Building Control Services
	Mr Blake Hogarth-Angus	Coordinator Statutory Planning
	Mr Joel Kimber	Coordinator Grants and Projects
	Mr Gavan O'Keefe	Manager Governance
	Mr Matthew Wilton	Governance Support Officer

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

The Mayor read the following:

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

Proceedings to be Recorded

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

Gallery Behaviour

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

ORDER OF BUSINESS**1. PRAYER**

The Mayor read the prayer

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

Amen

2. APOLOGIES

An apology was received from Cr Geoff Porter and Cr Drew Jessop.

3. DISCLOSURE OF INTEREST

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

Cr Jodi Jackson declared a direct interest in item COGE226 - *Councillor Request for Legal Advice*, by way of become an interested party, as she is the Councillor who has made the request for Legal Advice.

Cr Jack Medcraft declared an indirect interest in item SU360 - *46 Gap Road, Sunbury - Amendment to Planning Permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans*; and in item SU361 - *46 Gap Road, Sunbury - Use and development of a pharmacy within an existing medical centre*, by way of close association, as the applicant is his doctor.

4. CONDOLENCE MOTIONS**CNM14 MR IBRAHIM HASAN DELLAL**

Councillor Naim Kurt

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

That a letter be from the Mayor sent to Sirius College and Mr Ibrahim Hasan Dellal's family acknowledging the contribution he has made to the community.

CARRIED

Cr Kurt asked that Council acknowledge the recent sad passing of Mr Ibrahim Hasan Dellal, a significant figure in the Turkish, Cypriot and Islamic community, and one who played a large role in many charitable and educational causes in our municipality.

Mr Dellal was the founder and first president of the Sylamir foundation based in Dallas and pivotal in the establishment of Sirius College in the late 1990s, and was a passionate advocate for improving education outcomes in Hume.

After migrating to Australia, Mr Dellal was active in establishing the Cypriot Turkish Society, the Australian Federation of Islamic Councils, the Islamic Society of Victoria and helped in the establishment of Mosques across Melbourne.

Ibrahim made substantial contributions to Australia through opening up new markets to the Australian Halal industry leading to him being awarded the Silver Jubilee Medal by Queen Elizabeth in 1977 and added as a Member of the Order of Australia in 2007.

Cr Kurt was fortunate to attend Mr Dellal's funeral last Friday which had over 400 people present, which spoke to the high esteem he was held within our community of Hume. Vale Ibrahim

Cr Joseph Haweil left the meeting following the Condolence Motion item, and did not return to the meeting, the time being 7:05 pm

5. OFFICER'S REPORTS

Reports Identified as Requiring Individual Discussion

Report No.	Report	Page in Agenda
SU360	46 Gap Road, Sunbury - Amendment to Planning Permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans.	5

Cr Jack Medcraft, having declared an indirect interest in item SU360 - *46 Gap Road, Sunbury - Amendment to Planning Permit P8039 to delete reference to reduced car parking and the number of practitioners, extend the hours of operation and amend the plans*, by way of close association, as the applicant is his doctor, left the meeting prior to the motion being moved, the time being 7:14 pm, and did not take part in any discussion or debate on the item.

Mr Stefan Furst, Ms Julie McKellar, Mr Matthew Law-Taylor and Mr Neville Moller addressed Council regarding the Officer's recommendation.

Moved Cr Naim Kurt, **Seconded** Cr Ann Potter

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant an amendment to Planning Permit P8039.01 to delete reference to reduced car parking, delete the condition relating to the number of practitioners, extend the hours of operation and amend the plans at 46 Gap Road, Sunbury, subject to the following conditions:

1. Amended plans

Before the use and development permitted by this permit commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) the width of the accessway located to the north of the site increased to a minimum of 3.6 metres as per the approved plans under this permit.
 - b) the two car spaces located to the rear of the specialist medical centre building to be converted to one car space with a maximum length of 5.5 metres.
2. The deletion of condition 33 relating to the number of practitioners.
 3. Amendment to condition 34 relating to the hours of operation as follows:
 - Monday to Friday – 7.30am to 10:00pm
 - Saturday – 8:00am to 6:00pm
 - Sunday – 9:00am to 6:00pm
 4. Deletion of the wording 'reduced carparking' in the preamble of the planning permit.
 5. The subsequent re-numbering of the remaining conditions.

CARRIED

Report No.	Report	Page in Agenda
SU361	46 Gap Road, Sunbury - Use and development of a pharmacy within an existing medical centre	17

Cr Jack Medcraft, having also declared an indirect interest in item SU361 - *46 Gap Road, Sunbury - Use and development of a pharmacy within an existing medical centre*, by way of close association, as the applicant is his doctor, did not return to the meeting prior to the motion being moved, and did not take part in any discussion or debate on the item.

Ms Julie McKellar, Mr Matthew Law-Taylor and Mr Neville Moller addressed Council regarding the Officer's recommendation.

Moved Cr Leigh Johnson, **Seconded** Cr Ann Potter

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of a pharmacy within an existing medical centre at 46 Gap Road, Sunbury, subject to the following conditions:

1. The use and development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
2. Except with the prior written consent of the Responsible Authority, the pharmacy use permitted by this permit may only operate between the following times:
Monday to Sunday – 9:00am to 6:00pm
3. The use must at all times be conducted in a manner ensuring the residential amenity of nearby residential properties is not detrimentally affected.
4. This permit will expire if one of the following circumstances applies:
 - the use and development is not started within three years of the date of this permit; or
 - the development is not completed within six years of the date of this permit.
The responsible authority may extend the periods referred to if a request is made in writing:
 - before or within six months after the permit expiry date, where the development allowed by the permit has not yet started; or
 - within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires

Note:

1. If a request for an extension of commencement/completion dates is made out of time allowed, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for review of the matter.

CARRIED

Cr Jack Medcraft returned to the meeting following the vote on item SU361 - *46 Gap Road, Sunbury - Use and development of a pharmacy within an existing medical centre*, the time being 7:30 pm.

Report No.	Report	Page in Agenda
SU365	43 Elmhurst Road and 3 Wannan Street, Gladstone Park - The development of five double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002	111

Mr John Houston addressed Council regarding the Officer's recommendation.

Moved Cr Karen Sherry, **Seconded** Cr Naim Kurt

That Council, having considered the application on its merits and the objection received, resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of five double storey dwellings, the waiver of one visitor car parking space and the removal of restrictive covenants contained in Instrument of Transfers D607680 & D829002 at 43 Elmhurst Road and 3 Wannan Court, Gladstone Park on the following grounds:

1. **The proposal fails to satisfy Clause 52.02 (Easements, Reserves & Restrictions) of the *Hume Planning Scheme*.**
2. **The proposal fails to satisfy Section 60(5) of the *Planning and Environment Act 1987*.**
3. **The proposal fails to satisfy the garden area requirements of Clause 32.08-4 of the *Hume Planning Scheme*.**
4. **The development fails to comply with the number of car parking spaces required under Table 1 of Clause 52.06-5 of the *Hume Planning Scheme*.**
5. **The development fails to comply with the following objectives and standards of Clause 55 of the Hume Planning Scheme:**
 - a) **Clause 55.02-1 Neighbourhood Character (Standard B1)**
 - b) **Clause 55.03-1 Street Setback (Standard B6)**
 - c) **Clause 55.03-7 Safety (Standard B12)**
 - d) **Clause 55.03-8 Landscaping (Standard B13)**
 - e) **Clause 55.04-1 Side and rear setbacks (Standard B17)**
 - f) **Clause 55.04-6 Overlooking (Standard B22)**
 - g) **Clause 55.04-7 Internal Views (Standard B23)**
 - h) **Clause 55.05-2 Dwelling Entry (Standard B26)**
 - i) **Clause 55.06-1 Design Detail (Standard B31)**
 - j) **Clause 55.05-4 Site Services (Standard B34)**

CARRIED

Report No.	Report	Page in Agenda
SU366	Use and Development of a Childcare Centre - 3 Cimberwood Drive and 1 Rokeby Crescent Craigieburn	137

Mr Evan Boloutis, Ms Maureen Reed, Mr Shane Lynch and Mr Jacob Abboud addressed Council regarding the Officer's recommendation.

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

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a Childcare Centre at 3 Cimberwood Drive and 1 Rokeby Crescent, Craigieburn, on the following grounds:

- a) **The proposed use will generate unacceptable traffic volumes at peak periods which will have a detrimental impact on the safe and efficient use of the surrounding road network and on traffic movements.**
- b) **The proposal is contrary to the objectives and strategies of Clause 18.01-1S (Land use and transport planning) and Clause 18.02-3S (Road system) of the Hume Planning Scheme.**
- c) **The proposal is contrary to the objectives and strategies of Clause 21.07 (Transport Connectivity and Infrastructure) regarding impacts from increased traffic volumes on the road network.**

Cr Ann Potter left the meeting after the motion was moved, and prior to the vote on item SU366 - *Use and Development of a Childcare Centre - 3 Cimberwood Drive and 1 Rokeby Crescent Craigieburn*, and did not vote on the item, the time being 7:47 pm.

CARRIED

Cr Ann Potter returned to the meeting following the vote on item SU366 - *Use and Development of a Childcare Centre - 3 Cimberwood Drive and 1 Rokeby Crescent Craigieburn*, the time being 7:50 pm.

Report No.	Report	Page in Agenda
SU367	Statutory Planning Monthly Report December 2018	151

Moved Cr Jodi Jackson, **Seconded** Cr Jack Medcraft

That the report be noted.

CARRIED

Report No.	Report	Page in Agenda
GE317	Correspondence received from or sent to Government Ministers or Members of Parliament - November 2018	181

Moved Cr Jack Medcraft, **Seconded** Cr Jana Taylor

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

Cr Leigh Johnson left the meeting after the motion was moved and prior to the vote on item GE317 - *Correspondence received from or sent to Government Ministers or Members of Parliament - November 2018*, and did not vote on the item, the time being 7:52 pm.

CARRIED

Report No.	Report	Page in Agenda
GE318	Fraud Control Policy Review - November 2018	203

Moved Cr Karen Sherry, **Seconded** Cr Ann Potter

That Council revokes the previous Fraud Control Policy approved by Council on 28 September 2015 and approves the updated Fraud Control Policy as attached.

Cr Leigh Johnson returned to the meeting after the motion was moved and prior to the vote on item GE318 - *Fraud Control Policy Review - November 2018*, the time being 7:54 pm.

CARRIED

Reports Not Otherwise Dealt With

Moved Cr Jana Taylor, **Seconded** Cr Ann Potter

THAT the recommendations relating to:

Report No.	Report	Page in Agenda
SU362	17 Fraserburgh Crescent, Greenvale - The development of two double storey dwellings.	31
SU363	15 Emu Creek Road, Wildwood - Buildings and works associated with the construction of a Telecommunications Facility.	55
SU364	32 Shadforth Street, Westmeadows - Development of four double storey and two single storey dwellings.	83
GE316	Victorian Government Grants Outcomes June to December 2018	163

be adopted.

CARRIED

Report No.	Report	Page in Agenda
SU362	17 Fraserburgh Crescent, Greenvale - The development of two double storey dwellings.	31

Moved Cr Jana Taylor, **Seconded** Cr Ann Potter

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the development of two double storey dwellings at 17 Fraserburgh Crescent, Greenvale, subject to the following conditions:

1. **Before the development permitted by this permit commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans dated 27 July 2018 and received by Council on 17 September 2018, but modified to show:**

- a) The garage doors leading to the secluded open space of both dwellings 1 and 2 to open out of the garages, to allow for a clear dimension of 6 metres measured internally;
 - b) Provision of 450mm eaves along the north and west ground floor elevations of dwelling 1 and 2, above the kitchen/living/dining areas.
 - c) Provision of 450mm eaves to dwelling 2 first floor master bedroom window.
 - d) The location of visibility splays in accordance with the requirements of Clause 52.06-9 of the *Hume Planning Scheme*. A notation on the Site and Ground Floor Plan stating that the splay area must be clear of visual obstructions and may include adjacent structures (mailboxes) and landscaped areas, provided the structures and landscaping in those areas are less than 900mm in height.
 - e) Landscaping pursuant to Condition 5 of the planning permit.
2. The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
 3. Once the approved development has started, it must be continued and completed to the satisfaction of the responsible authority except with the prior consent of the responsible authority.
 4. The external materials, finishes and paint colours of the approved building must be to the satisfaction of the responsible authority.
 5. The development permitted by this permit must not be commenced until a satisfactory landscape plan for the whole of the subject land is submitted to and approved by the responsible authority. Such plan must show the area(s) set aside for landscaping which is to include the planting of a minimum of one (1) large canopy tree in the front setback of dwellings 1 and 2 and the rear setbacks of dwellings 1 and 2, a minimum of 1.8 metres in height when planted and in accordance with Council's guidelines and to include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), irrigation and when approved an endorsed copy must form part of this permit.
 6. The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
 7. Before the development is occupied, the areas set aside for the parking of vehicles together with the aisles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) surfaced with a durable all-weather seal;

- (c) drained to the nominated point of discharged;
- (d) line-marked to indicate each car space and access lanes;
- (e) marked to show the direction of traffic along access lanes and driveways; and
- (f) provided with concrete kerbs or other barriers to prevent direct vehicle access to an adjoining road other than by a vehicle crossing, all to the satisfaction of the responsible authority.

The areas must be maintained in a useable condition to the satisfaction of the responsible authority.

8. The following are the maximum gradients for a parking bay as per AS2890.1:2004 Clause 2.4.6.
 - 1 in 20 (5%) measured parallel to the angle of parking
 - 1 in 16 (6.25%) measured in any other direction.
9. Owners will be responsible to carry out any work as required by and to the satisfaction of the Council and other responsible authorities if the existing conditions/assets on road reserve differ from that as shown on the plans submitted.
10. Any equipment required for refrigeration, air-conditioning, heating and the like must be located appropriately on the land/building and must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the responsible authority.
11. The following measures must be undertaken to retain the street tree *Quercus palustris* (pin oak) HTMS ID 97012 prior commencement of works:
 - a) Establish a tree protection zone of 1.5 metres from the base of the tree;
 - b) Erect a 1.8m high continuous non-moveable hurricane wire fence around the tree protection zone; the fence is to be put in place prior to commencement of works and remain in place until all works have been completed;
 - c) Prior to commencement of site works the positioning of the fence is to be approved by a Road Management Officer or a Council Arborist and shall be repositioned if not in accordance with Council's requirements;
 - d) The fence shall not be moved towards the trunk of the tree without the prior written consent of a Council Arborist;
 - e) The applicant is to call the Senior Arborist on 9205 2302 to arrange pruning of the tree to enable the protective fencing be installed;
 - f) None of the following activities shall be permitted within the dripline of the tree:
 - Alter soil levels or the water table through filling, excavation or compaction of soils;
 - Damage root systems through amputation, cutting or crushing or exposure to the weather;
 - Cause damage to the tree through fire, storage of materials or chemicals;
 - Poison the tree through the release of substances

- toxic to the tree, either directly into or onto the tree, or into or onto the soil within the dripline of the tree;
- No chemicals or other materials are to be stored or mixed within the dripline of the tree;
 - No machinery or vehicles are to be driven inside or parked inside the dripline of the tree;
 - No work (including pruning) shall be conducted on the tree without the prior written consent of a Council Arborist;
 - No mechanical excavation is to be carried out within the dripline of the tree without prior written consent of a Council Arborist. All excavations within the dripline of the tree are not to be undertaken by air spade or hand;
 - Disposing of water used to wash down machinery (e.g. concrete mixers) on the root plate of the tree or be allowed to run off on to the root plate of the tree.
12. A separate underground drainage system is to be designed to cater for each dwelling and connect to the legal point of discharge for the site. An additional legal point of discharge for the 2nd dwelling may be requested.
13. Stormwater from all paved area must be retained within the property and drained to the sites underground stormwater system.
14. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
15. Any cut or fill must not interfere with the natural overland stormwater flow.
16. This permit will expire if one of the following circumstances applies:
- a) the development is not started within three years of the date of this permit; or
 - b) the development is not completed within six years of the date of this permit.

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

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

Permit Notes:

- If a request for an extension of commencement/completion dates is made out of time allowed, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- An "Application for Legal Point of Stormwater Discharge" is required to be submitted to Council prior to connection

to the drainage system.

- The internal stormwater drainage design must be approved by the relevant Building Surveyor as per the Building Regulation 2006, Reg. 610.
- An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owners cost.

CARRIED

Report No.	Report	Page in Agenda
SU363	15 Emu Creek Road, Wildwood - Buildings and works associated with the construction of a Telecommunications Facility.	55

Moved Cr Jana Taylor, **Seconded** Cr Ann Potter

That Council, having considered the application on its merits, resolves to issue a Notice of Decision to Grant a Planning Permit for building and works associated with the construction of a telecommunications facility at 15 Emu Creek Road, Wildwood subject to the following conditions:

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with plans Drawing Nos. 340352-00, 340352-G1 (Rev D), 340352-G1A (Rev D) dated 6 September 2018, 340352-G2 (Rev A), 340352-G3 (Rev A) dated 21 June 2017 but modified to show:
 - a) A minimum 3 metre wide landscape buffer along the southern and eastern sides of the fenced compound area (excluding gate area). The landscape buffer is to include canopy trees and a depth of understorey planting without impeding the TPZ of Tree # 1 – Grey Box.
 - b) Landscaping pursuant to Condition 3 of the planning permit.
 - c) Provision of an integrated land management plan.
2. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the responsible authority.
3. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified person drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) 3-metre wide screen tree planting to the southern and eastern sides of the fenced enclosure.

- b) A tree protection zone and structural root zone for each tree to be retained; and the location and details of root control barriers.
 - c) Unless otherwise agreed in writing by the responsible authority, all trees and shrubs must be species of local provenance and trees must be capable of achieving a minimum height of 10 metres at maturity.
4. The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
5. Once the development permitted by this permit has commenced, it must be continued and completed to the satisfaction of the responsible authority.
6. New buildings or works must not be erected or constructed and existing buildings must not be enlarged, rebuilt or extended except with the written consent of the responsible authority.
7. The development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.
8. External lighting on the facility must be designed, baffled and located to the satisfaction of the responsible authority so as to prevent any adverse effect on adjoining land.
9. The surface of the access track must be treated to the satisfaction of the responsible authority so as to prevent any loss of adverse amenity to the area by dust emission or the discharge of uncontrolled drainage.
10. Any services that require relocation must be approved by the relevant service authority and any such relocation must be made at the owner's or developer's cost.
11. Prior to the commencement of works, all trees to be retained must be temporarily fenced off with secure and obvious fencing in accordance with Australian Standard (AS4970-2009). Fencing must be signposted as 'tree protection zone'. The tree protection fence must remain in place until the works are completed. Fill, machinery and building materials must not be placed, even for a short time within the tree protection zone.
12. Unless with the prior written consent of the responsible authority, the following must not occur within a 'tree protection zone':
 - Vehicular or pedestrian access;
 - Trenching or soil excavation;
 - Storage or dumping of materials, tools, equipment or waste.
13. All tree and root pruning is to be carried out by a qualified and experienced arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*.
14. A qualified and experienced arborist must be on site when works are occurring in close proximity to the trees identified

within the Arborist Report (Arboricultural Impact Assessment V. 2 15 Emu Creek Road, Wildwood, 3429, Habitat Ecology, 4 June 2018, updated 6 June 2018).

15. The recommendations in the Arborist Report (Arboricultural Impact Assessment V. 2 15 Emu Creek Road, Wildwood, 3429, Habitat Ecology, 4 June 2018, updated 6 June 2018) must be implemented to the satisfaction of the responsible authority.
16. Any fill brought into the property must be classified as 'Fill material' as per EPA Soil Hazard Categorisation and Management (IWRG), Publication IRWG621. All fill must be free of weed propagules and pathogens.
17. Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the responsible authority to address the potential impacts of construction works. The CSEMP must be in generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archeological/heritage impacts.
18. Prior to commencement of works, all personnel on site must be inducted into the CSEMP and all flora and fauna conservation requirements.
19. The approved CSEMP must be implemented to the satisfaction of the responsible authority.
20. Fill resulting from the development is not to be stored on the site and must be removed from the property at the completion of the development works.
21. Any fill removed from site must be taken to a legal disposal site.
22. Any road base material brought onto the site for access track construction must be free of diseases.
23. This permit will expire if one of the following circumstances applies:
 - the development is not started within three years of the date of this permit; or
 - the development is not completed within six years of the date of this permit.

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

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

Notes:

- a) If a request for an extension of commencement/completion dates is made out of time allowed by condition 23, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- b) An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council

for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owners cost.

CARRIED

Report No.	Report	Page in Agenda
SU364	32 Shadforth Street, Westmeadows - Development of four double storey and two single storey dwellings.	83

Moved Cr Jana Taylor, Seconded Cr Ann Potter

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the development of six dwellings at 32 Shadforth Street, Westmeadows, subject to the following conditions:

1. Before the development permitted by this permit commences, three copies of plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible authority. When approved the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The location of the crossovers for dwellings 1 and 6 relocated to abut the north and south boundaries respectively, whilst the garages remain in situ so that a minimum of 6.0 metres is achieved between splays along the frontage of the site. The second vehicle must be able to park directly in line with the proposed crossing locations for these dwellings.
 - b) Access way widths increased to a minimum of 6.4 metres, in accordance with Design Standard 2, Table 2 of Clause 52.06-9 of the *Hume Planning Scheme* for the accessway in front of the garages for dwellings 2 to 5 and the visitor's car space.
 - c) The access way must have a radius of 4 metres where it turns into the visitors parking bay as required by Standard 1 of Clause 52.06-9 of the *Hume Planning Scheme*.
 - d) The visitors parking bay must be clearly line marked and signed.
 - e) The setback of the first floor of dwelling 6 from the south boundary increased to comply with Standard B20 of Clause 55.04-4 of the *Hume Planning Scheme*.
 - f) A notation on the ground floor plan that the splay area clear of visual obstructions may include adjacent structures (mailboxes) and landscaped areas, provided the structures and landscaping in those areas are less than 900mm in height.
 - g) The height of the letterboxes for dwellings 1-6 in accordance with condition 1(f).
 - h) The provision of lighting along the length of the internal

- access way; to ensure visibility and surveillance during hours of darkness.
- i) The mailboxes for dwellings 2-5 orientated parallel to the street, in accordance with Australia Post Standards.
 - j) Dwelling 4 is to be provided with a minimum of 6m³ of accessible external storage space.
 - k) The clothesline for dwelling 4 relocated to the service yard to the rear of its garage.
 - l) Minimum 450mm eaves to be provided along the east elevation of dwellings 3 and 4 and the south and north living/meals room windows of dwellings 3 and 4 respectively.
 - m) The habitable room windows at ground level along the length of the shared accessway to meet the requirements of Standard B15 of Clause 55 of the *Hume Planning Scheme*.
2. The layout of the site and/or the size of the proposed or existing buildings and works and/or the internal layout and use of the buildings as shown on the endorsed plan/s shall not be altered or modified except with the written consent of the responsible authority.
 3. The development permitted by this permit must not be commenced until a satisfactory landscape plan for the whole of the subject land is submitted to and approved by the Responsible authority. The landscape plan is to support the vegetation located within the environs of the Moonee Ponds Creek. Such plan must show the area(s) set aside for landscaping which is to include the planting of a minimum of one (1) canopy tree in the front setback of dwellings 1 & 2 and the rear setbacks of all six dwellings, a minimum of 1.8 metres in height when planted and in accordance with Council's guidelines and include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), and when approved an endorsed copy must form part of this permit.
 4. The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
 5. The cost (including the removal and replacement) of any street tree is at the expense of the owner/developer.
 6. All works on or facing the boundaries of adjoining properties must be finished and the surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the responsible authority.
 7. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.
 8. All air-conditioning equipment, external drying facilities and other plant equipment must be screened and must not be visible from outside the land to the satisfaction of the responsible authority.

9. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plan(s) and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and provided and maintained in a continuously useable condition to the satisfaction of the responsible authority.
10. Prior to the occupation of the dwellings, the existing redundant vehicle crossing is to be removed and the kerb and channel and nature strip reinstated, to the satisfaction of the responsible authority.
11. The external lighting along internal accessway shown on the endorsed plans must be located and designed with suitable baffles so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
12. Provision of litter control at storm water inlet points within car park and paved areas. All storm water pits to be Channel Grated or Grated as per Council's Standard Dwg SD 210/215 or SD225 respectively.
13. A drainage investigation is required for this development (fees apply). Plans are to be submitted to Council's Civil Design section for assessment. This will determine if on-site detention system, upgrading of Council's existing drainage pipes or new drainage pipes are required by the owners/developers. Following the Drainage Investigation, internal drainage plans to be submitted to Council Civil Design section for approval.
14. Any cut or fill must not interfere with the natural overland storm water flow.
15. Stormwater from all paved area must be retained within the property and drained to the sites underground stormwater system.
16. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during construction.
17. This permit will expire if one of the following circumstances applies:
 - the development is not commenced within three years of the date of this permit; or
 - the development is not completed within six years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

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

NOTES:

- If a request for an extension of commencement/completion dates is made out of time allowed by the condition, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- Prior to commencement of any works within the road reserve or works that require alteration/connection to Council's drainage assets in the road reserve, an '*Application form for Consent to work within a Hume City Council Road Reserve*' is required to be submitted to Council to obtain a permit to carry out the works.
- An application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing is to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owners cost.
- Any structure built over an easement requires Council and relevant service authorities approval.

CARRIED

Report No.	Report	Page in Agenda
GE316	Victorian Government Grants Outcomes June to December 2018	163

Moved Cr Jana Taylor, **Seconded** Cr Ann Potter
That Council notes the report.

CARRIED

5. CONFIDENTIAL MATTERS

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

Moved Cr Leigh Johnson, **Seconded** Cr Jana Taylor

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

Report No.	Title	Reason for Confidential
COCC026	Contract – Building Contractors for the Construction of Greenvale West Community Centre, Greenvale	(d) contractual matters
COGE223	Proposed Acquisition of the Land known as Loop Road, Broadmeadows	(e) proposed developments
COGE224	Contract - Provision of Fencing Services for Hume City Council	(d) contractual matters

COGE225	Designation of Information provided at Strategy and Policy Briefings as confidential information - December 2018	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
COGE226	Councillor Request for Legal Advice	(f) matters relating to legal advice

CARRIED

The meeting was closed to the public at 7:58 PM.

The meeting was reopened to the public at 8:21 PM.

6. CLOSURE OF MEETING

The meeting closed at 8:21 PM.

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COUNCILLOR CARLY MOORE
MAYOR