



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

MONDAY, 23 SEPTEMBER 2019

CONFIRMED - 14 OCTOBER 2019

HUME CITY COUNCIL

Minutes of the

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

held on Monday, 23 September 2019

at 7:05 PM

at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To: a: Council	Cr Carly Moore Cr Naim Kurt Cr Joseph Haweil Cr Jodi Jackson Cr Drew Jessop, OAM Cr Leigh Johnson Cr Jack Medcraft Cr Geoff Porter Cr Ann Potter Cr Karen Sherry Cr Jana Taylor	Mayor Deputy Mayor
b: Officers	Mr Domenic Isola Ms Sue Haviland Mr Hector Gaston Mr Michael Sharp Mr Peter Waite Mr Daryl Whitfort Mr Bruce Fordham Mr Blake Hogarth-Angus Mr Joel Kimber Mr Greg McLaren Mr Matthew Wilson Mr Fadi Srour Mr Brad Mathieson Mr Matthew Wilton	Chief Executive Officer Acting Director Communications, Engagement and Advocacy Director Community Services Director Planning and Development Director Sustainable Infrastructure and Services Director Corporate Services Manager Leisure Centres and Sports Acting Manager Statutory Planning and Building Control Services Coordinator Communications and Events - Projects Manager Urban and Open Space Planning Coordinator Urban Design and Landscape Architecture Manager Finance and Property Development Senior Governance Officer Governance Support Officer

Proceedings to be Recorded

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

Gallery Behaviour

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

ORDER OF BUSINESS**Acknowledgement - Mr Tony Cartwright**

The Mayor advised Councillors and members of the Gallery that Cr Geoff Porter would like to make an acknowledgement, as follows:

Cr Geoff Porter acknowledged Mr Tony Cartwright, who was seated in the gallery, and wished him a Happy 100th Birthday.

1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

The Mayor read the following:

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

2. PRAYER

The Mayor read the 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

3. APOLOGIES

Nil.

4. DISCLOSURE OF INTEREST

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

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

5. CONDOLENCE MOTIONS

CNM023

CONDOLENCE MOTION - MR WILSON KANDO

Cr Joseph Haweil

Moved Cr Joseph Haweil, **Seconded** Cr Geoff Porter

That Council acknowledge the recent passing of Mr Wilson Kando.

CARRIED

6. OFFICER'S REPORTS

Reports Identified as Requiring Individual Discussion

Report No.	Report	Page in Agenda
ED033	2020 Education Scholarship Program	5

Moved Cr Geoff Porter, **Seconded** Cr Ann Potter

That Council awards a \$1,000 Education Scholarship to each of the 51 students named in Attachment 1, in recognition of their demonstration of good citizenship and high scholastic achievements throughout their primary education.

CARRIED

Report No.	Report	Page in Agenda
HE100	Seabrook Reserve Masterplan	9

Mr Brent Silva, Mr Jeff Mulcahy and Mr Matthew Lane addressed Council regarding the Officer's recommendation.

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

That Council:

- 2.1 adopts the Seabrook Reserve Final Masterplan (refer Attachment 1).
- 2.2 supports the establishment of a National Rugby League State training facility with shared access for Northern Thunder Rugby Club at Seabrook Reserve.
- 2.3 authorises the CEO to undertake negotiations regarding the apportionment of costs for the shared rugby facilities and access elements depicted in the Seabrook Reserve Final Masterplan.

Cr Jodi Jackson left the meeting after the motion was moved, and before the vote on item HE100 - *Seabrook Reserve Masterplan*, the time being 7:44 pm, and did not return to the meeting.

CARRIED

Report No.	Report	Page in Agenda
CC102	Social Justice Charter Annual Report 2019	19

Cr Ann Potter left the meeting before the motion was moved on item CC102 - *Social Justice Charter Annual Report 2019*, the time being 7:48 pm.

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

That Council:

- 2.1 notes the 2018/19 Social Justice Charter actions and achievements.
- 2.2 adopts the Social Justice Charter Annual Report 2019.

Cr Ann Potter returned to the meeting during discussion and prior to the vote on item CC102 - *Social Justice Charter Annual Report 2019*, the time being 7:50 pm.

CARRIED

Report No.	Report	Page in Agenda
SU440	34 Mitford Crescent Craigieburn - Development of a double storey dwelling to the rear of the existing dwelling	55

Ms Karen Fitzpatrick, Ms Erin Fitzpatrick, Mr Ross Fitzpatrick and Ms Leigh Martin addressed Council regarding the Officer's recommendation.

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

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of one double storey dwelling to the rear of the existing dwelling at 34 Mitford Crescent, Craigieburn, on the following grounds:

- 2.1. The proposal represents an overdevelopment of the site.
- 2.2. The development does not comply with Clause 55.02-1 of the Scheme (Standard B1 – Neighbourhood character objective) as the design fails to provide an appropriate response consistent with the existing neighbourhood character. The design and layout do not contribute positively to the enhancement of the surrounding urban environment.
- 2.3. The development does not comply with Clause 55.03-8 of the Scheme (Standard B13 – Landscaping objective).
- 2.4. The development does not comply with Clause 55.04-7 of the Scheme (Standard B23 – Internal views objective).
- 2.5. The development does not comply with Clause 55.05-1 of the Scheme (Standard B25 – Accessibility objective).
- 2.6. The development does not comply with Clause 55.05-2 of the Scheme (Standard B26 – Dwelling entry objective).
- 2.7. The development does not comply with Clause 55.06-1 of the Scheme (Standard B31 – Design detail objective).
- 2.8. The development does not comply with Clause 52.06 of the Scheme (Car Parking).

CARRIED

Report No.	Report	Page in Agenda
GE379	2019/20 Growing Suburbs Fund	99

Cr Leigh Johnson left the meeting before the motion was moved on item GE379 - *2019/20 Growing Suburbs Fund*, the time being 8:24 pm.

Moved Cr Drew Jessop, **Seconded** Cr Naim Kurt

That Council:

- 2.1 **approves the submission of the following projects to the Growing Suburbs Fund:**
 - 2.1.1 **John Laffan Reserve Pavilion redevelopment**
 - 2.1.2 **Kalkallo North Community Centre**
 - 2.1.3 **Cloverton Recreation Reserve Pavilion**

- 2.1.4 Greenvale Recreation Reserve Playspace
- 2.1.5 Goonawarra Neighbourhood House redevelopment
- 2.1.6 Selwyn Avenue Neighbourhood House redevelopment
- 2.1.7 Gladstone Park Reserve Pavilion redevelopment
- 2.2 Notes the allocation of funding from the 2019/20 budget, including:
 - 2.2.1 \$850,000 for Greenvale Recreation Reserve Playspace
 - 2.2.2 \$57,000 for Goonawarra Neighbourhood House redevelopment
 - 2.2.3 \$22,500 for Gladstone Park Reserve Pavilion redevelopment
- 2.3 Notes the commitment of funding from future Council budgets of:
 - 2.3.1 \$875,000 for the John Laffan Reserve Pavilion redevelopment (2020/21)
 - 2.3.2 \$254,000 for the Selwyn Avenue Neighbourhood House redevelopment (2020/21)
 - 2.3.3 \$201,600 for Goonawarra Neighbourhood House redevelopment (2020/21)
 - 2.3.4 \$727,500 for Gladstone Park Reserve Pavilion redevelopment (2020/21 and 2021/22)

Cr Leigh Johnson returned to the meeting during discussion and before the vote on item GE379 - 2019/20 Growing Suburbs Fund, the time being 8:24 pm

CARRIED

Reports Not Otherwise Dealt With

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

THAT the recommendations relating to:

Report No.	Report	Page in Agenda
SU439	5 Pecos Place, Roxburgh Park - The development of two double storey dwellings	31
SU441	1440 Hume Highway, Kalkallo - Multilot subdivision of land and the creation of access to a road within a Road Zone Category 1	77
SU442	Statutory Planning Monthly Report September 2019	87
GE380	Update of Council's Instrument of Delegation to Members of Council Staff	103
GE381	Proposed sale of 65 Kirkham Drive, Greenvale	103
GE382	Correspondence received from or sent to Government Ministers or Members of Parliament - August 2019	163

be adopted.

CARRIED

Report No.	Report	Page in Agenda
SU439	5 Pecos Place, Roxburgh Park - The development of two double storey dwellings	31

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

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 5 Pecos Place, Roxburgh Park, subject to the following conditions:

- 2.1 Before the development permitted by this permit commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans dated 28 June 2019 but modified to show:
 - a) A materials and colour schedule.
 - b) Title boundary measurements to be included to the ground floor plans.
 - c) Increase front setback of living room of Dwelling 1 by 500 millimetres whilst maintaining the 1 metre setback between the two proposed dwellings.
 - d) The capacity of each storage area to be added to the ground floor plan to comply with Standard B30 of the Hume Planning Scheme.
 - e) Increase the setback of the garage to Dwelling 2 by 100 millimetres to have total setback of 5.5 metres, whilst still maintaining a 6 metre long garage.
 - f) Landscaping details pursuant to condition 3 of the planning permit.
- 2.2 The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 2.3 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) The location of all existing trees and other vegetation to be retained on site.
 - (b) Provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development.
 - (c) planting to soften the appearance of hard surface areas such as driveways and other paved areas.
 - (d) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.

- (e) the location and details of all fencing
 - (f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - (g) details of all proposed hard surface materials including pathways, patio or decked areas.
- 2.4 Once the approved development has started, it must be continued and completed to the satisfaction of the responsible authority except with the prior consent of the responsible authority.
- 2.5 The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.
- 2.6 The external materials finishes and paint colours of the approved building must be to the satisfaction of the responsible authority.
- 2.7 All services, including water, electricity, gas, sewerage and telephone, must be located and installed underground to the satisfaction of the responsible authority.
- 2.8 Any services within the road reserve requiring relocation must be approved by the relevant service authority and carried out and completed to the satisfaction of the responsible authority.
- 2.9 Before the use starts or the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 2.10 The whole of the land, including any landscaped and paved areas, must be graded and drained to the satisfaction of the responsible authority so as to prevent the discharge of stormwater causing damage from the land across any road or footpath or onto adjoining land. All stormwater storage tanks must have the overflow pipe connected to the legal point of discharge to the satisfaction of the responsible authority.
- The following conditions (11-15) are required by Council's Civil Design Department:
- 2.11 Stormwater all paved area must be retained within the property and drained to the sites underground stormwater system.
- 2.12 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.
- 2.13 The internal stormwater drainage design must be approved by a Relevant Building Surveyor under the Building Regulation 2006, Reg. 610.
- 2.14 Any cut or fill must not interfere with the natural overland stormwater flow.
- 2.15 No polluted or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during construction.

The following conditions (16-19) are required by Council's Traffic Department:

- 2.16 New vehicles crossings and/or modifications to existing vehicle crossings require an application for a 'Consent to Dig in the Road Reserve' permit for a vehicle crossing to be submitted to Council for approval. A copy of the Council endorsed plan showing all vehicle crossing details is to be attached to the application. Any service relocations are to the approval of the Service Authority and at the owner's cost.
- 2.17 The proposed crossover must have a minimum clearance of 2.5m to any tree or consultation with parks department is required.
- 2.18 The existing redundant vehicle crossing is to be removed. The kerb and channel and nature strip to be reinstated.
- 2.19 The crossover must be constructed as per standard drawing SD301 – Residential Vehicular Crossing.

The following conditions (20-27) are required by Council's Parks Department:

- 2.20 The tree protection zone shall be the length of the nature strip, excluding legal crossings, adjacent to where work is being undertaken;
- 2.21 A 1.8m high continuous chain wire mesh fence is to be erected along the kerbing of the tree protection zone;
- 2.22 The fence is to be put in place prior to commencement of site work and remain in place until site work has been completed;
- 2.23 The fence shall be repositioned at the instruction of either a Road Management Officer or a Council Arborist;
- 2.24 Once site work has been completed the fence may be moved to the next work site;
- 2.25 The fence is to be put in place prior to commencement of work at the new site and remain in place until work at that site has been completed;
- 2.26 The fence shall not be moved towards the trunk of the tree(s) without the prior written consent of a Council Arborist.
- 2.27 None of the following activities shall be permitted within the dripline of the tree(s):
 - a) Alter soil levels or the water table through filling, excavation or compaction of soils;
 - b) Damage root systems through amputation, cutting or crushing or exposure to the weather;
 - c) Cause damage to the tree(s) through fire, storage of materials or chemicals;
 - d) Poison the tree through the release of substances toxic to the tree(s), either directly into or onto the tree(s), or into or onto the soil within the dripline of the tree(s);
 - e) No chemicals or other materials are to be stored or mixed within the dripline of the tree(s);
 - f) No machinery is to be driven inside or stored inside the dripline of the tree(s);

- g) No work (including pruning) shall be conducted on the tree(s) without the prior written consent of a Council Arborist;
- h) With the exception of work in the road itself, all excavation within the drip line of any tree shall be undertaken by either hydro excavation or air spade;
- i) Disposing of water used to wash down machinery (e.g. concrete mixers) on the root plate of the tree(s) or be allowed to run off on to the root plate of the tree(s).

2.28 This permit will expire if one of the following circumstances applies:

- the development is not started within three years of the date of this permit; or
- the development is not completed within six years of the date of this permit.

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

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

Permit Notes:

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 a review of the matter.
2. With regards to the relocation of the tree in Pecos Place road reserve, the developer/owner must contact Council's Senior Arborist Shane Moohan on 9205 2302 for approval. No tree/bushes in the road reserve to be cut or removed without the consent of Council's Arborist.
3. An "Application for Legal Point of Stormwater Discharge" is required to be submitted to Council prior to connection to the drainage system.
4. Prior to commencement of any works within the road reserve or require alteration/connection to the 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.
5. Consultation with Councils Garbage Service to agree on format of garbage collection.

CARRIED

Report No.	Report	Page in Agenda
SU441	1440 Hume Highway, Kalkallo - Multilot subdivision of land and the creation of access to a road within a Road Zone Category 1	77

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

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

2.1 The proposed subdivision is inconsistent with the relevant purpose of the PAO1 and PAO3 affecting the land, which is to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

Note

- VicRoads as a Determining Authority under the provisions of Clause 66.03 of the Hume Planning Scheme and Section 55 of the Planning & Environment Act has objected to the application.

CARRIED

Report No.	Report	Page in Agenda
SU442	Statutory Planning Monthly Report September 2019	87

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

That the report be noted.

CARRIED

Report No.	Report	Page in Agenda
GE380	Update of Council's Instrument of Delegation to Members of Council Staff	103

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

2.1 That Council approves the Instrument of Delegation to Members of Council Staff, which is provided as Attachment 1 to this report, to take effect on 1 October 2019.

2.2 That the Instrument of Delegation to Members of Council Staff provided as Attachment 1 to this report, if approved, be signed and sealed.

CARRIED

Report No.	Report	Page in Agenda
GE381	Proposed sale of 65 Kirkham Drive, Greenvale	155
	Moved Cr Ann Potter, Seconded Cr Leigh Johnson	
	That Council notes the land known as 65 Kirkham Drive, Greenvale (Land) is surplus to Council's needs and in accordance with sections 189 and 223 of the <i>Local Government Act (Act)</i> , the statutory process has commenced to sell the Land.	
		CARRIED

Report No.	Report	Page in Agenda
GE382	Correspondence received from or sent to Government Ministers or Members of Parliament - August 2019	163
	Moved Cr Ann Potter, Seconded Cr Leigh Johnson	
	That Council notes this report on correspondence sent to and received from Government Ministers and Members of Parliament.	
		CARRIED

7. CONFIDENTIAL MATTERS

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

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

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
COHE043	Proposal for a State Rugby League Centre - Seabrook Reserve	(d) contractual matters
COCC032	Transfer of Jacksons Hill Land to Hume City Council	(e) proposed developments
COSU136	Works-in-Kind (WIK) Agreement with the developers of 780 Somerton Road, Greenvale for the delivery of Greenvale West Development Contribution Plan Item IT05	(d) contractual matters
COGE257	Designation of Information Provided at a Strategy and Policy Briefing as Confidential Information - September 2019	(h) any other matter which the Council or special committee considers would prejudice the Council or any person

CARRIED

The meeting was closed to the public at 8:26 PM.

The meeting was reopened to the public at 8:27 PM.

8. CLOSURE OF MEETING

The meeting closed at 8:27 PM.

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**COUNCILLOR CARLY MOORE
MAYOR**