



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

MONDAY, 28 OCTOBER 2019

CONFIRMED - 11 NOVEMBER 2019

HUME CITY COUNCIL

Minutes of the

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

held on Monday, 28 October 2019

at 7:06 PM

at the Council Chamber, Hume Global Learning Centre, Broadmeadows

Present:	a: Council	Cr Carly Moore	Mayor
		Cr Naim Kurt	Deputy Mayor
		Cr Joseph Haweil	
		Cr Jodi Jackson	
		Cr Drew Jessop, OAM	
		Cr Leigh Johnson	
		Cr Jack Medcraft	
		Cr Geoff Porter	
		Cr Ann Potter	
		Cr Karen Sherry	
		Cr Jana Taylor - arrived at 7.24pm	
	b: Officers	Mr Domenic Isola	Chief Executive Officer
		Ms Sue Haviland	Acting Director Communications, Engagement and Advocacy
		Mr Hector Gaston	Director Community Services
		Mr Michael Sharp	Director Planning and Development
		Mr Peter Waite	Director Sustainable Infrastructure and Services
		Mr Daryl Whitfort	Director Corporate Services
		Ms Kirsty Miller	Manager Statutory Planning and Building Control Services
		Ms Kristen Cherry	Manager Community Strengthening
		Mr Fadi Srour	Manager Finance and Property Development
		Mr David Fricke	Manager Assets
		Ms Louise McFarland	Manager Communications and Events
		Mr Gavan O'Keefe	Manager Governance
		Mr Brad Mathieson	Senior Governance Officer

The Mayor acknowledged former Mayor Jack Ogilvie, who was seated in the Gallery.

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**1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND**

The Mayor read the following:

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

2. PRAYER

The Mayor read the following:

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

Amen

3. APOLOGIES

Nil.

4. DISCLOSURE OF INTEREST

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

Cr Carly Moore declared an indirect interest in item CC103 - *2020 Community Grants Program*, by way of conflicting duty, as she is a member of the Advisory Board for Craigieburn Salvation Army, who is proposed to receive grant funding for 2020.

Cr Drew Jessop declared an indirect interest in item CC103 - *2020 Community Grants Program*, by way of conflicting duty, as he is Treasurer of the Craigieburn War Memorial and Remembrance Committee Inc., who is proposed to receive grant funding for 2020 and 2021.

Cr Jodi Jackson declared an indirect interest in item SU450 - *20 Hothlyn Drive Craigieburn - Development of fourteen double storey dwellings - Extension of Time*, by way of having become an interested party, as she spoke against the initial proposal on behalf of residents who couldn't attend the meeting on 15 December 2014.

Cr Ann Potter declared a direct interest in item GE386 - *Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries*, by way of close association and conflicting duty, as she is a Trustee on the Sunbury Cemetery Trust.

5. CONDOLENCE MOTIONS

Nil.

6. OFFICER'S REPORTS

Reports Identified as Requiring Individual Discussion

Report No.	Report	Page in Agenda
CC103	2020 Community Grants Program	23

Cr Carly Moore having declared an indirect interest in item CC103 - *2020 Community Grants Program*, by way of conflicting duty, as she is a member of the Advisory Board for Craigieburn Salvation Army, who is proposed to receive grant funding for 2020, vacated the Chair and left the meeting prior to the motion being moved, the time being 7:13 pm.

Cr Naim Kurt, Deputy Mayor, assumed the Chair prior to the motion being moved, the time being 7:13 pm.

Cr Drew Jessop having declared an indirect interest in item CC103 - *2020 Community Grants Program*, by way of conflicting duty, as he is Treasurer of the Craigieburn War Memorial and Remembrance Committee Inc., who is proposed to receive grant funding for 2020 and 2021, left the meeting prior to the motion being moved, the time being 7:13 pm.

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

That Council:

- 2.1 endorses the distribution of \$398,454 to the 2020 Community Grants Program in the following manner:**
- (i) \$165,246 to groups and projects specified in table 1a of Attachment 1 - Pre-committed Partnership projects**
 - (ii) \$49,806 to the groups and projects specified in table 1b of Attachment 1 - Partnership projects.**
 - (iii) \$9,900 to the groups and projects specified in table 2 of Attachment 1 – Specialist Partnership Grant category;**
 - (iv) \$27,318 to the groups and projects specified in table 3 of Attachment 1 – Project Grant category;**
 - (v) \$129,384 to the groups and projects specified in table 4 of Attachment 1 – Community Group Activity Grant category;**
 - (vi) \$16,800 to the groups and projects specified in table 5 of Attachment 1 - Community Group Operations Grant category;**
- 2.2 notes that by approving Recommendation 2.1.1 \$85,596 would be pre-committed for Partnership projects in the 2021 Community Grant Program (see Attachment 2 – Table 1: Partnership Grants 2021).**
- 2.3 notes that by approving Recommendation 2.1.4 \$16,800 would be pre-committed for Community Operational Projects in the 2021 Community Grant Program (see Attachment 2 – Table 2: Community Operational Grants 2021).**
- 2.4 acknowledges the successful applicants for year-round grants identified in Table 1 – Attachment 2.**
- 2.5 notes that \$31,445 of funds was awarded in the year-round categories between 11 June 2019 and 12 September 2019. Attachment 3.**

- 2.6 approves re-opening the Specialist Partnership Grant (Reducing Gambling Harm) in March 2020 to encourage further applications.

CARRIED

Cr Naim Kurt, Deputy Mayor, vacated the Chair following the vote on item CC103 - 2020 Community Grants Program, the time being 7:18 pm, and returned to his seat.

Cr Carly Moore returned to the meeting and resumed the Chair following the vote on item CC103 - 2020 Community Grants Program, the time being 7:18 pm

Cr Drew Jessop returned to the meeting following the vote on item CC103 - 2020 Community Grants Program, the time being 7:18 pm

Report No.	Report	Page in Agenda
CC104	Trial removal of library overdue fines	43

Moved Cr Naim Kurt, **Seconded** Cr Joseph Haweil

That Council:

- 2.1 Undertake a trial removal of overdue fines across Hume Libraries from 1 January 2020 to 30 June 2021 inclusive.
- 2.2 notes the financial impact of removing overdue fines as shown in item 4 of this report.
- 2.3 notes that a *Food for Fines* amnesty will occur at Hume Libraries from 1 November 2019 to 31 December 2019 inclusive.
- 2.4 considers a report evaluating the progress of the trial in early 2021.

Cr Jana Taylor entered the Chamber after the motion was moved, and prior to the vote on item CC104 - Trial removal of library overdue fines, the time being 7:24 pm.

CARRIED

Report No.	Report	Page in Agenda
SU449	34 Clare Boulevard, Greenvale, Amendment to planning permit	129

Cr Ann Potter left the meeting before the motion was moved on item SU449 - 34 Clare Boulevard, Greenvale, Amendment to planning permit, the time being 7:24 pm

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

That Council, having considered the application on its merits and the objection received, resolves to issue a Notice of Decision to Grant Approval for the amendment to Planning Permit P17438 under Section 72 of the *Planning and Environment Act* for the development of two attached three storey dwellings subject to the following new condition number 13 as follows (all other subsequent conditions will be renumbered accordingly):

- 2.1 Tree Protection Zones must be installed in accordance with Australian Standard (AS4970-2009) prior to the commencement of any works related to the crossover construction. The Tree Protection Zone must protect the Callery Pear (*Pyrus calleryana*) within the road reserve and meet the following requirements to the satisfaction of the Responsible Authority:

- a. The Tree Protection Zone must be the length of the nature strip, excluding legal crossings, adjacent to where the work is being undertaken;
- b. It must be formed of a 1.8m high continuous chain wire mesh fence along the kerbing of the Tree Protection Zone;
- c. It must be put in place prior to the commencement of site work and remain in place until site work has been completed;
- d. The fence shall be repositioned at the instruction of either a Road Management Officer or Council Arborist;
- e. The fence shall not be moved toward the trunk of the tree without the prior written consent of the Responsible Authority.

Other than the construction of the approved crossover, none of the following activities shall be permitted within the dripline of the tree:

- f. Alter soil levels or the water table through filling, excavation or compaction of soils;
- g. Damage root systems through amputation, cutting or crushing or exposure to the weather;
- h. Cause damage to the tree through fire, storage of materials or chemicals;
- i. 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;
- j. No chemicals or other materials are to be stored or mixed within the dripline of the tree;
- k. No work (including pruning) shall be conducted on the tree without the prior written consent of a Council Arborist;
- l. Except for work in the crossover itself, all excavation within the dripline of any tree shall be undertaken by either hydro excavation or air spade;
- m. Disposing of water used tow ash down machinery (e.g. concrete mixers) on the root plate of the tree or allowed to run off onto the root plate of the tree is to be undertaken.

Cr Ann Potter returned to the meeting during discussion and prior to the vote item SU449 - *34 Clare Boulevard, Greenvale, Amendment to planning permit*, the time being 7:25 pm

CARRIED

Report No.	Report	Page in Agenda
SU452	Precedence Drive, Craigieburn - Traffic Investigation	163

Ms Zahra Baho and Mr Adnan Javed addressed Council regarding the Officer's recommendation.

Moved Cr Drew Jessop, **Seconded** Cr Joseph Haweil

That Council:

- 2.1 refer the installation of lighting at the Aston Recreation Reserve car park at an estimated cost of \$50,000 to Council's Future Capital Works Budget for funding consideration.

- 2.2 note parking conditions on Precedence Drive will be monitored following the installation of lighting at the Aston Recreation Reserve car park.
- 2.3 notify the first named signatory of the petition in writing of Council's resolution.

CARRIED

Report No.	Report	Page in Agenda
GE386	Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries	187

Cr Ann Potter, having declared a direct interest in item GE386 - *Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries*, by way of close association and conflicting duty, as she is a Trustee on the Sunbury Cemetery Trust, left the meeting, the time being 7:46 pm.

Mr Richard Vandeloo and Mr Jack Ogilvie addressed Council regarding the Officer's recommendation.

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

That Council:

- 2.1 **Determine that the provision of administrative, operational and secretarial support services to the Sunbury and Bulla Cemetery Trusts is not a core service of Council.**
- 2.2 **Write to both the Sunbury and Bulla Cemetery Trusts advising that Council cease to provide support services to the Trusts from 1 July 2020.**
- 2.3 **Provide support to both the Sunbury and Bulla Cemetery Trusts to transition to alternate providers for the provision of administrative, operational and secretarial support services.**

Cr Joseph Haweil left the meeting after the motion was moved on item GE386 - *Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries*, the time being 8:08 pm.

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

For

Cr Geoff Porter
Cr Jana Taylor
Cr Karen Sherry
Cr Naim Kurt
Cr Drew Jessop
Cr Carly Moore
Cr Jack Medcraft

Against

Cr Leigh Johnson
Cr Jodi Jackson

CARRIED

Cr Joseph Haweil returned to the meeting following the vote on item GE386 - *Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries*, the time being 8:12 pm, and did not partake in the division or vote on the item.

Cr Ann Potter returned to the meeting following the vote on item GE386 - *Review of the Provision of Cemetery Services - Sunbury and Bulla Cemeteries*, the time being 8:12 pm.

Report No.	Report	Page in Agenda
GE389	Correspondence received from or sent to Government Ministers or Members of Parliament - September 2019	389

Moved Cr Leigh Johnson, **Seconded** Cr Joseph Haweil

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 on item GE389 - *Correspondence received from or sent to Government Ministers or Members of Parliament - September 2019*, the time being 8:22 pm.

Cr Leigh Johnson returned to the meeting during discussion and prior to the vote on item GE389 - *Correspondence received from or sent to Government Ministers or Members of Parliament - September 2019*, the time being 8:24 pm.

CARRIED

Reports Not Otherwise Dealt With

Cr Jodi Jackson, having declared an indirect interest in item SU450 - *20 Hothlyn Drive Craigieburn - Development of fourteen double storey dwellings - Extension of Time*, by way of having become an interested party, as she spoke against the initial proposal on behalf of residents who couldn't attend the meeting on 15 December 2014, left the meeting, the time being 8:28 pm, and did not participate in item - *Reports Not Otherwise Dealt With*.

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

THAT the recommendations relating to:

Report No.	Report	Page in Agenda
ED036	Hume Libraries Annual Report	5
HE101	Sports Aid Grants - October 2019	15
SU444	40 & 50 Captain Pearson Drive, Mickleham - Proposed Development Plan	49
SU445	Two lot subdivision and variation to covenant at 40 Captain Pearson Drive Mickleham	61
SU446	Two lot subdivision and variation to Covenant at 50 Captain Pearson Drive, Mickleham	77
SU447	680 Somerton Road, Greenvale, Stage Multi Lot Subdivision	93
SU448	670 Somerton Road, Greenvale - Use of the land for a child care centre, service station, medical centre and shops	103
SU450	20 Hothlyn Drive Craigieburn - Development of fourteen double storey dwellings - Extension of Time	141
SU451	Statutory Planning Monthly Report October 2019	151
GE384	S173 Agreements - Building Over Easement - 1 July 2019 - 30 September 2019	175
GE385	Proposed sale of 60 Erinbank Crescent, Westmeadows	179
GE387	Election Caretaker Period Policy 2020	193
GE388	Hume City Council Annual Report 2018/19	207

be adopted.

CARRIED

Report No.	Report	Page in Agenda
ED036	Hume Libraries Annual Report	5

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

That Council:

2.1 notes the 2018-2019 achievements of Hume Libraries.

2.2 adopts the Hume Libraries 2018-2019 Annual Report as shown in Attachment 1.

CARRIED

Report No.	Report	Page in Agenda
HE101	Sports Aid Grants - October 2019	15

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

That Council award the following 13 individuals a Hume City Council Sports Aid Grant:

Name	Sport	Travel Category	Amount
Taliah Kelly	Softball	Interstate	\$400.00
Matthew Bedwell	Softball	Interstate	\$400.00
Bonnie Bailey	Softball	Interstate	\$400.00
Qudre Tuakana-Kuki	Athletics	Interstate	\$400.00
Mohamed Lebdeh	Taekwondo	Interstate	\$220.00*
Elanur Tiren	Taekwondo	Interstate	\$220.00*
Lucas Mamonitis	Taekwondo	Interstate	\$220.00*
Lilijana Talevska	Taekwondo	Interstate	\$220.00*
Khadijur Ali	Taekwondo	Interstate	\$220.00*
Melik Ali	Taekwondo	Interstate	\$220.00*
Andrea Ishac	Taekwondo	Interstate	\$220.00*
Ali Ustunel	Taekwondo	Interstate	\$220.00*
Arif Kupucu	Taekwondo	Interstate	\$220.00*

* Guideline 5 Funding Available Clause states that *in cases where several Hume residents have applied for funding for the same sport, Hume City Council reserves the right to cap total funding for that sport at \$2000 for the financial year.*

CARRIED

Report No.	Report	Page in Agenda
SU444	40 & 50 Captain Pearson Drive, Mickleham - Proposed Development Plan	49

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

That Council, having considered the proposed development plan application on its merits, resolves to approve the Development Plan over the land at 40 and 50 Captain Pearson, Drive Mickleham.

CARRIED

Report No.	Report	Page in Agenda
SU445	Two lot subdivision and variation to covenant at 40 Captain Pearson Drive Mickleham	61

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

That Council resolves to issue a planning permit to vary restrictive covenant to V918887U and allow a 2 lot subdivision of 40 Captain Pearson Drive, Mickleham, subject to the following conditions:

- 2.1 The layout of the subdivision as shown on the endorsed plans must not be altered or modified except with the written consent of the responsible authority.
- 2.2 The subdivision permitted by this permit must be carried out to the satisfaction of the responsible authority.
- 2.3 Ensure relevant applications are to be submitted Council's Public Health Unit prior to the installation or alteration of any onsite domestic wastewater treatment facilities or septic tanks systems as required per Section 53 Part IXB of the Environment Protection Act 1970.
- 2.4 All lots created under the subdivision must be drained and constructed to an approved standard in accordance with the design and construction plans approved by the Hume City Council under the provision of Part 3 of the Subdivision Act 1988. Hume City Council Infrastructure Standards Manual, Standard drawings and specifications shall be used to design and construct all proposed works in the subdivision.
- 2.5 Prior to a Statement of Compliance being issued for the Plan of Subdivision under Section 21 of the Subdivision Act 1988, all conditions of Planning Permit P22200 must be complied with or otherwise to the satisfaction of the responsible authority.

Section 173 Agreement

- 2.6 Prior to the issue of Statement of Compliance, the permit holder must enter into and execute an agreement under Section 173 of the Planning and *Environment Act 1987* which provides for:
 - a) Construction of all dwellings, associated outbuildings and driveways on each lot within the building and driveway envelopes approved under this permit except with the prior written consent of the responsible authority.

- b) The location of all effluent disposal areas within the designated effluent envelope except with the prior written consent of the Responsible Authority.

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

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

- 2.7 Prior to certification, the restrictive covenant V918887U affecting the subject site must be varied, certified and lodged with the Land Registry. The varied covenant will include the removal of Clause 13 and variation of clauses 1, 2, 3 & 20 as follows (variations in italics):

- Clause 1: Erect, build or use, or permit or suffer to be erected, built or used, more than *two* private dwelling *houses* on the land or any part of it;
- Clause 2: Erect or build or use, or permit or suffer to be erected, built or used *any* private dwelling house on the land, or any part of it, of a size less than two hundred and thirty square metres in area (being approximately twenty five squares in the Imperial measurement).

The following are not to be included for the purpose of determining whether a private dwelling on the land or any part of it, is of a size less than two hundred and thirty square metres in area:

- Any garage on the land or any part of it;
- Any carports on the land or any part of it;
- Any verandah which may be attached to the private dwelling house;
- Any sheds or storage areas which may be attached to the private dwelling house;
- Clause 3: Fail to commence erecting or building a private dwelling house on the land within six years from the date of acquisition of the land. This Clause 3 is only of application if there is not already a private dwelling house existing on the land or any part of it, and this Clause 3 does not in any way authorise or permit more than *two* private dwelling *houses* to be erected or built on the land or any part of it.
- Clause 20: Erect or affix to the land, or any part of it, entrance gates other than those *of the same, or similar, make and description as the entrance gates originally supplied* by Mt Ridley Developments Pty Ltd (ACN 078 659 711). If such entrance gates are to be replaced, they must be replaced with entrance gates of the same, or similar, make and description as the entrance gates originally supplied by Mount Ridley Development Pty Ltd

- 2.8 The owner of the land must enter into agreements with the relevant authorities for the provision of water, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- 2.9 The owner of the land must enter into agreements with the relevant authorities for the provision of water, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 2.10 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 2.11 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 2.12. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 2.13 Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour the relevant authority for which the easement or site is to be created.

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

- 2.14 The issue of a Statement of Compliance under the Subdivision Act 1988 shall be subject to the satisfaction of authority requirements with such satisfaction being verified by a written statement from each authority.
- 2.15 Before the issue of a Statement of Compliance, the land must be drained to the satisfaction of the responsible authority in accordance with plans and specifications approved by the responsible authority under the Subdivisions Act 1988.
- 2.16 Hume City Council Infrastructure Standards Manual, standard drawings and specifications shall be used to design and construct all proposed works in the subdivision.
- 2.17 All lots created under the subdivision must be drained and constructed to an approved standard in accordance with the design and construction plans approved by the Hume City Council under the provision of Part 3 of the Subdivision Act 1988. Hume City Council Infrastructure Standards Manual, Standard drawings and specifications shall be used to design and construct all proposed works in the subdivision. The general construction details applicable are:
- a) Construction of open swale drains to serve all allotments created which slope towards the rear, including a connecting swale drain picking up all external catchments abutting the subdivision site.
 - b) Construction of open swale drains to drain the constructed internal subdivision open swales drained to the existing Council waterway reserve to the west through the existing properties located to the north west.
 - c) Creation of drainage easements in favour of Hume City Council over all open swale drains constructed.
 - d) Construction of culvert vehicle crossings to provide access into properties created in the subdivision.
 - e) All service connections across the existing abutting road pavement are to be bored.
 - f) Prior to commencement of works submit to Council for approval, an Environmental Management Plan.
 - g) A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council.
- 2.18 A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council. The drawings in AutoCAD format are required to meet the following:
- i. Drawings shall be in AutoCAD format, from a version no more than 3 years older than the current version.
 - ii. Drawings shall be prepared in GDA94 mapping coordinates.
 - iii. All additional attribute data for subdivision assets must be clearly tabulated on digital drawings

- iv. Where available all identifiable areas such as pavement surfaces, footpaths and nature strips to be polygonised and displayed in different drawing layers. PDF plans are to comply with the following: Pipe offsets for drainage services are to be shown from nearest boundary, to be created in archive format. (PDF/A), are not to have any security modes set, are to be multi-page single file.

Expiry

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

- a) The subdivision is not commenced within two years of the date of this permit.
- b) The subdivision is not completed within five years of the date of commencement.

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

Notes:

- 1. If a request for an extension of commencement is made out of time allowed by the permit condition, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- 2. An application to install a septic tank is required to be submitted to Council's Environmental Health Department for approval before any building permit is obtained for a dwelling on either lot.

CARRIED

Report No.	Report	Page in Agenda
SU446	Two lot subdivision and variation to Covenant at 50 Captain Pearson Drive, Mickleham	77

Moved Cr Ann Potter, Seconded Cr Jack Medcraft

That Council resolves to issue a Notice of Decision to Grant the Planning Permit for a 2 lot subdivision and variation to restrictive covenant V764115A at 50 Captain Pearson Drive, Mickleham, subject to the following conditions:

- 2.1 The layout of the subdivision as shown on the endorsed plans must not be altered or modified except with the written consent of the responsible authority.
- 2.2 The subdivision permitted by this permit must be carried out to the satisfaction of the responsible authority.
- 2.3 Ensure relevant applications are to be submitted Council's Public Health Unit prior to the installation or alteration of any onsite domestic wastewater treatment facilities or septic tanks systems as required per Section 53 Part IXB of the Environment Protection Act 1970.

- 2.4 Prior to a Statement of Compliance being issued for the Plan of Subdivision under Section 21 of the Subdivision Act 1988, all conditions of Planning Permit P22192 must be complied with or otherwise to the satisfaction of the responsible authority.

Section 173 Agreement

- 2.5 Prior to the issue of Statement of Compliance, the permit holder must enter into and execute an agreement under Section 173 of the Planning and *Environment Act 1987* which provides for:
- a) Construction of all dwellings, associated outbuildings and driveways on each lot within the building and driveway envelopes approved under this permit except with the prior written consent of the responsible authority.
 - b) The location of all effluent disposal areas within the designated effluent envelope except with the prior written consent of the Responsible Authority.

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

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

- 2.6 Prior to certification, the restrictive covenant V764115A affecting the subject site must be varied, certified and lodged with the Land Registry. The varied covenant will include the removal of Clause 13 and variation of Clauses 1, 2, 3 & 20 as follows (indented words are changed):

- Clause 1: Erect, build or use, or permit or suffer to be erected, built or used, more than *two* private dwelling *houses* on the land or any part of it;
- Clause 2: Erect or build or use, or permit or suffer to be erected, built or used *any* private dwelling house on the land, or any part of it, of a size less than two hundred and thirty square metres in area (being approximately twenty five squares in the Imperial measurement).

The following are not to be included for the purpose of determining whether a private dwelling on the land or any part of it, is of a size less than two hundred and thirty square metres in area:

- a) Any garage on the land or any part of it;
 - b) Any carports on the land or any part of it;
 - c) Any verandah which may be attached to the private dwelling house;
 - d) Any sheds or storage areas which may be attached to the private dwelling house;
- Clause 3: Fail to commence erecting or building a private dwelling house on the land within six years from the date of acquisition of the land. This Clause 3 is only of application if there is not already a private dwelling house existing on the land or any part of it, and this Clause 3 does not in any way authorise or permit more than *two* private dwelling *houses* to be erected or built on the land or any part of it.

- **Clause 20: Erect or affix to the land, or any part of it, entrance gates other than those of the same, or similar, make and description as the entrance gates originally supplied by Mt Ridley Developments Pty Ltd (ACN 078 659 711). If such entrance gates are to be replaced, they must be replaced with entrance gates of the same, or similar, make and description as the entrance gates originally supplied by Mount Ridley Development Pty Ltd;**
- 2.7 The owner of the land must enter into agreements with the relevant authorities for the provision of water, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 2.8 The owner of the land must enter into agreements with the relevant authorities for the provision of water, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 2.9 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 2.10 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 2.11 The owner of the land must enter into an agreement with:**
- a) a telecommunications network or service provider for the provision telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 2.12 Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**
- a) telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour the relevant authority for which the easement or site is to be created.

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

- 2.13 The issue of a Statement of Compliance under the Subdivision Act 1988 shall be subject to the satisfaction of authority requirements with such satisfaction being verified by a written statement from each authority.
- 2.14 Before the issue of a Statement of Compliance, the land must be drained to the satisfaction of the responsible authority in accordance with plans and specifications approved by the responsible authority under the Subdivisions Act 1988.
- 2.15 All lots created under the subdivision must be drained and constructed to an approved standard in accordance with the design and construction plans approved by the Hume City Council under the provisions of Part 3 of the Subdivisions Act 1988.
- 2.16 Hume City Council Infrastructure Standards Manual, standard drawings and specifications shall be used to design and construct all proposed works in the subdivision.
- 2.17 All lots created under the subdivision must be drained and constructed to an approved standard in accordance with the design and construction plans approved by the Hume City Council under the provision of Part 3 of the Subdivision Act 1988. Hume City Council Infrastructure Standards Manual, Standard drawings and specifications shall be used to design and construct all proposed works in the subdivision. The general construction details applicable are:
 - a) Construction of open swale drains to serve all allotments created which slope towards the rear, including a connecting swale drain picking up all external catchments abutting the subdivision site.
 - b) Construction of open swale drains to drain the constructed internal subdivision open swales drained to the existing Council waterway reserve to the west through the existing properties located to the north west.
 - c) Creation of drainage easements in favour of Hume City Council over all open swale drains constructed.
 - d) Construction of culvert vehicle crossings to provide access into properties created in the subdivision.
 - e) All service connections across the existing abutting road pavement are to be bored.
 - f) Prior to commencement of works submit to Council for approval, an Environmental Management Plan.
 - g) A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council.

- 2.18 A CD or email containing the “as constructed drawings” in electronic format in both AutoCAD and PDF format to be forwarded to Council. The drawings in AutoCAD format are required to meet the following:
- i. Drawings shall be in AutoCAD format, from a version no more than 3 years older than the current version.
 - ii. Drawings shall be prepared in GDA94 mapping coordinates.
 - iii. All additional attribute data for subdivision assets must be clearly tabulated on digital drawings.
 - iv. Where available all identifiable areas such as pavement surfaces, footpaths and nature strips to be polygonised and displayed in different drawing layers. PDF plans are to comply with the following: Pipe offsets for drainage services are to be shown from nearest boundary, to be created in archive format. (PDF/A), are not to have any security modes set, are to be multi-page single file.

Expiry

- 2.19 This permit will expire if one of the following circumstances applies:
- a) The subdivision is not commenced within two years of the date of this permit.
 - b) The subdivision is not completed within five years of the date of commencement. If a plan of subdivision is not certified within two years of the date of this permit, the responsible authority may extend the time for certification if a request is made in writing prior to expiry of the permit or within 6 months after the expiry date.

Notes

1. If a request for an extension of commencement is made out of time allowed by the permit condition, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
2. An application to install a septic tank is required to be submitted to Council’s Environmental Health Department for approval before any building permit is obtained for a dwelling on either lot.

CARRIED

Report No.	Report	Page in Agenda
SU447	680 Somerton Road, Greenvale, Stage Multi Lot Subdivision	93

Moved Cr Ann Potter, Seconded Cr Jack Medcraft

That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Permit for the multi lot subdivision at 680 Somerton Road, Greenvale on the following Grounds:

- 2.1 The proposed subdivision is inconsistent with the relevant purpose of the PAO1 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
SU448	670 Somerton Road, Greenvale - Use of the land for a child care centre, service station, medical centre and shops	103

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

That Council, having considered the application on its merits, resolves to issue a Notice of Refusal to Grant a Permit for *'Use of the land for a child care centre, service station, medical centre and shops, associated buildings and works, removal of native vegetation, removal of easement E1, erect signage and illuminated business signs and a three lot subdivision of the land'* at 670 Somerton Road, Greenvale on the following Grounds:

- 2.1 The proposed use, development and subdivision are inconsistent with the relevant purpose of the PAO1 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:

- 2.2 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
SU450	20 Hothlyn Drive Craigieburn - Development of fourteen double storey dwellings - Extension of Time	141

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

That Council, having considered the request for an extension of time on its merits, resolves to grant an extension to allow a further one year to commence the development permitted under Planning Permit P18016. The completion date is to remain unchanged. The permit will now expire if the development is not commenced by 9 June 2020 and completed by 9 June 2021.

CARRIED

Report No.	Report	Page in Agenda
SU451	<p>Statutory Planning Monthly Report October 2019</p> <p>Moved Cr Ann Potter, Seconded Cr Jack Medcraft</p> <p>That the report be noted.</p>	151
CARRIED		
GE384	<p>S173 Agreements - Building Over Easement - 1 July 2019 - 30 September 2019</p> <p>Moved Cr Ann Potter, Seconded Cr Jack Medcraft</p> <p>That Council notes the listing of all Agreements under <i>Section 173 of the Planning and Environment Act 1987</i> dealt with under delegation between 1 July 2019 and 30 September 2019 (Attachment 1).</p>	175
CARRIED		
GE385	<p>Proposed sale of 60 Erinbank Crescent, Westmeadows</p> <p>Moved Cr Ann Potter, Seconded Cr Jack Medcraft</p> <p>That Council notes the land known as 60 Erinbank Crescent, Westmeadows (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.</p>	179
CARRIED		
GE387	<p>Election Caretaker Period Policy 2020</p> <p>Moved Cr Ann Potter, Seconded Cr Jack Medcraft</p> <p>That Council adopts the <i>Election Caretaker Period Policy 2020 (Attachment 1)</i>.</p>	193
CARRIED		
GE388	<p>Hume City Council Annual Report 2018/19</p> <p>Moved Cr Ann Potter, Seconded Cr Jack Medcraft</p> <p>That in accordance with the <i>Local Government Act 1989</i>, Council adopts the Annual Report (Attachment One) for the year ending 30 June 2019.</p>	207
CARRIED		

Cr Jodi Jackson returned to the meeting after the vote on *Reports Not Otherwise Dealt With*, the time being 8:29PM.

SUSPENSION OF STANDING ORDERS

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

That standing orders be suspended to acknowledge Cr Carly Moore's term as Mayor.

CARRIED

Standing Orders were suspended at 8:29PM

RECOGNITION OF TERM AS MAYOR - COUNCILLOR CARLY MOORE

Councillors Potter, Medcraft, Jessop, Kurt, Sherry, Porter and Johnson thanked and congratulated Councillor Carly Moore for her time as Mayor during the 2018/19 term.

RESUMPTION OF STANDING ORDERS

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

8:39 PM That standing orders be resumed.

CARRIED

7. CONFIDENTIAL MATTERS

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

Moved Cr Jana Taylor, **Seconded** Cr Karen Sherry

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
COSU140	Works-in-Kind (WIK) and Land-in-Kind (LIK) Agreements with three developers for the delivery of Greenvale Central Development Contribution Plan Item (DCP) RD03 and IT06	(d) contractual matters
COGE261	Designation of Information Provided at a Strategy and Policy Briefing as Confidential Information - October 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 8:39 PM.

The meeting was reopened to the public at 8:40 PM.

8. CLOSURE OF MEETING

The meeting closed at 8:40 PM.

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**COUNCILLOR CARLY MOORE
MAYOR**