



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 2 May 2016 at 7.00pm.

THIS AGENDA CONTAINS REPORTS TO BE DEALT WITH AT A CLOSED MEETING OF COUNCIL

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

Proceedings at Council meetings are controlled by the Chairperson. The Chairperson is empowered to enforce the provision of Council's Local Law, which includes the following aspects:

- **Silence** must be maintained by members of the public in the gallery at all times. A visitor to the gallery must not interject or take part in the debate that occurs in the Chamber.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Special Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Ordinary Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than:
 - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber
 - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson. The person directing the question must be present in the gallery at the time the question is to be dealt with for it to be valid.

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Penalty: 20 Penalty Units

A penalty unit for a Local Law made under Part 5 of the *Local Government Act 1989* is \$100 in accordance with s110(2) of the *Sentencing Act 1991*.

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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

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 welfare of the people whom we serve – Amen.'

Reconciliation Statement

Melton City Council acknowledges that the land it now occupies has a history that began with the Indigenous occupants, the Kulin Nation. Council pays its respects to the Kulin Nation people and their Elders and descendants past and present.

2. APOLOGIES AND LEAVE OF ABSENCE

The Chairperson will call for any apologies received from any Councillors who are unable to attend this meeting.

3. CHANGES TO THE ORDER OF BUSINESS**4. DEPUTATIONS****5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR**

Pursuant to Section 77A, 77B, 78 and 79 of the Local Government Act 1989, any Councillor must declare any direct or indirect interest, and any conflict of interest, in any items contained within the Notice Paper.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of Council held on 4 April 2016 and Special Meeting of Council held on 18 April 2016 be confirmed as a true and correct record.

7. RECORD OF ASSEMBLY OF COUNCILLORS**7.1 RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989**

- 11 April 2016 Record of Assembly of Councillors
- 18 April 2016 Record of Assembly of Councillors
- 26 April 2016 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 11 April, 18 April and 26 April 2016 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. 11 April 2016 Record of Assembly of Councillors
2. 18 April 2016 Record of Assembly of Councillors
3. 26 April 2016 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Hon Natalie Hutchins MP – Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations.

RECOMMENDATION:

That the Parliamentarian and Departmental letters received by the Mayor be received and noted.

LIST OF APPENDICES

1. Electoral Representation Review - Melton City Council

9. PETITIONS AND JOINT LETTERS

The Chief Executive will table any petitions and/or joint letters received prior to this meeting.

10. RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

10.1 SIGNIFICANT LANDSCAPE STRATEGY

Author: Donald Lewis- Strategic Planner

Presenter: Laura-Jo Mellan- Manager City Design, Strategy & Environment

PURPOSE OF REPORT

For Council to consider the 'Significant Landscape Strategy' and the initiation of a Planning Scheme Amendment to introduce a local planning policy, Landscape Management Guidelines and updated Significant Landscape Overlays (SLO) into the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. adopt Melton Landscapes 'The Significant Landscape Strategy' at **Appendix 1**
2. seek authorisation to prepare Planning Scheme Amendment C173 from the Minister for Planning
3. upon receipt of authorisation exhibit the amendment in accordance with the Planning and Environment Act 1987.

REPORT

1. Executive Summary

Council engaged Planisphere in October 2014 to undertake the preparation of the Significant Landscape Strategy.

This project involved an assessment of significant landscapes in the City of Melton, the preparation of Landscape Management Guidelines, an update to the existing Significant Landscape Overlay Schedule 1 and development of a Local Planning Policy. In addition, the strategy makes recommendations on other strategic planning and non statutory work that should be undertaken to enhance and protect City of Melton's significant landscape features, in particular updating of the Significant Landscape Overlay Schedule 1. The inclusion of the Landscape Management Guidelines will enable informed and consistent decision making by Council officers in respect of planning permit applications within the three volcanos of Mt Kororoit, Mt Atkinson and Mt Cottrell. These will also support Council officer's position at the Victorian Civil and Administrative Tribunal (VCAT) when required

2. Background/Issues

The municipality's population has doubled in the last decade and has continued to grow rapidly, with the population set to double again by 2031 to over 240,000 people. As a result of rapid growth, pressures placed on existing landscapes outside of Melton's developed areas will arise, therefore it is important to protect the significant landscape areas and put in place measures to ensure that future development proposals are properly considered in a landscape context.

The Western Plains North Green Wedge Management Plan (WPNGWMP) was adopted in September 2014 and identified the need for greater protection of the rural landscape, particularly in the northern part of the municipality. A key action (E8 a1) of the WPNGWMP was to undertake a Significant Landscape Strategy for the City of Melton. Council engaged Planisphere in October 2014 to undertake the preparation of the Melton Significant Landscape Strategy.

The Significant Landscape Strategy involved the identification of Character Areas based on aesthetic, environmental, social and other values. Melton is made up of two distinct Character Areas, The Western Volcanic Plain and The Uplands area to the north. Three significant areas were then selected as major contributors from the Character Areas, these were Forested Areas, Volcanic Hills and Cones and Waterways.

The project was undertaken as follows and included consultation with the community and stakeholders at key stages (outlined in Section 5 of this report):

Stage 1: Project Inception

Stage 2A: Site surveys and identification of landscape character types and analysis, including a photo competition

Stage 2B: Significant Landscape Assessment papers

Stage 3: Draft strategy and community engagement including, postcard, drop in sessions at Diggers Rest, Melton and Caroline Springs, preparation of engagement report

Stage 4: Final strategy

The project team provided a number of briefings to Council at key stages throughout the project including presenting the draft document prior to releasing it for public comment and detailing the submissions received.

The key elements of the Significant Landscape Strategy are:

- Identification of Landscape Character areas - the two category areas affecting the City of Melton are the Western Volcanic Plains covering the majority of the municipality and the Uplands located in the north.
- Determining Significant Landscapes of the character areas - aspects of landscape that contribute significantly are the Forested Areas, Volcanic Cones and Hills and Waterways.
- Landscape Management Guidelines – included preferred design outcomes to do with sitting, vegetation and built form.
- Implementation – required changes to planning controls and details for a local planning policy.

Amendment C173

Specifically, Amendment C173 proposes to implement the Significant Landscape Strategy into the Melton Planning Scheme:

- To Update the Municipal Strategic Statement and Planning Policy Framework to reference the 'Study Report and 'Recommendations' and the 'Landscape Management Guidelines'
- To update the Significant Landscape Overlay Schedule1
- Introduce a Local Planning Policy to the Melton Planning Scheme
- Introduce Landscape Management Guidelines as a reference document to the Melton Planning Scheme
- Local Planning Policy Framework to reference the 'Study Report and Recommendations' refer **Appendix 1**.

The proposed changes will provide improved protection for Mt Kororoit, Mt Cottrell and Mt Atkinson through the existing Significant Landscape Overlay 1. The Landscape Management Guidelines will provide a range of preferred design solutions before and during the planning application process. The local planning policy will provide direction on development issues not affected by a relevant overlay such as a Significant Landscape Overlay or Environmental Significance Overlay. The provision of a local policy will also provide Council with a strong policy context for VCAT appeals.

The amendment will be exhibited through the normal Statutory Planning Scheme Amendment exhibition process and includes the following:

- Minimum four weeks exhibition
- notices in local papers and the government gazette
- All amendment documentation made available on the Department of Environment, Land, Water and Planning's (DELWP) website and Council's website.
- letters will be sent to all landowners directly affected by proposed changes including landholders within the Significant Landscape Overlay Schedule 1.
- Drop in information sessions to be held early in the exhibition period

Following the exhibition period, Council will consider any submissions received. Any submissions that cannot be resolved will be referred to an independent planning panel for independent consideration. Should a panel hearing be required, all submitters are given the opportunity to present their submission to the panel. All participants were advised of these arrangements and the amendment process at the initial consultation sessions held in August/September 2015.

Strategic justification:

In line with the *Strategic Assessment Guidelines for Planning Scheme Amendments* (August 2004), prepared by the State Government, every Planning Scheme Amendment should be strategically supported and maintain or develop the strategic focus of the Planning Scheme.

It is necessary to determine whether any amendment supports or implements the State Planning Policy Framework and the Local Planning Policy Framework of the Planning Scheme. Further, Council must determine whether the outcome of the amendment will have any consequences in terms of the Planning Scheme's directions, usability and transparency.

The amendment is consistent with the State Planning Policy Framework:

- Clause 12 – Which aims to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments
- The amendment is required to implement the recommendations of the 'Study Report' which will provide design guidelines and policy that will protect the existing significant landscapes.
- Implementing the Significant Landscape Strategy into the Melton Planning Scheme will make the objectives of Council clear in relation to the protection of significant landscapes across the municipality. It will therefore improve Council's planning permit process in regards to assessing development proposed in these areas and support Council's position at VCAT appeals.

The amendment is consistent with the Municipal Strategic Statement at Clause 21 which aims to:

- Protect and conserve the environmental resources and assets of the City for the benefit of current and future communities.

The amendment is consistent with the Local Planning Policy Framework at Clause 22.02 (Sustainable Environment Policy) which aims to:

- Identify areas of botanical, zoological and geomorphological significance and ultimately protect them through overlay controls in the planning scheme;

- Discourage use and development that would detrimentally impact upon these significant areas.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.4 Value and protect the natural environment for future generations

4. Financial Considerations

The Significant Landscape Strategy outlines a number of recommendations that Council are required to undertake to implement the Strategy.

A number of these recommendations will be addressed within the recurrent budgets such as the Planning Scheme Amendment C173. Other recommendations such as the review of Environmental Significant Overlays, will require additional work to be undertaken. The projects will be put forward as new initiatives to be considered by Council in due course as part of the overall budget process.

It is not envisaged that the implementation of the Strategy will require any additional staff resource as the projects will be integrated into the work program of the City Design, Strategy & Environment unit.

5. Consultation/Public Submissions

A series of consultation methods to engage with the community were applied during the development of the project. These included Facebook, Council's website, and advertisements in local media, postcards for general promotion at Council's community and civic facilities, and the facilitation of community 'drop in' sessions.

The community consultation process comprised:

- A postcard distributed to Council service centres and community facilities
- Project webpage through Council's website
- Photo competition through Facebook page
- Community 'drop in' sessions at Melton, Caroline Springs and Diggers Rest
- Newspaper advertisements
- Letters to landholders who had previously made a submission to the Western Plains North Green Wedge Management Plan

Council held three community 'drop in' sessions on 31 August, 3 and 7 September 2015 respectively at venues in Diggers Rest, Melton and Caroline Springs. These sessions were used to gather the community's views and feedback on the draft document. The findings from these sessions are documented in the 'Study Report and Recommendations', refer **Appendix 1**

During the consultation period, all participants were advised that the development of the strategy was the first part of the overall project and that a further separate consultation period would be required at the planning scheme amendment stage at which time all affected landholders would be directly notified.

The draft strategy document was released for public comment for five weeks from 21 August to 18 September 2015. Over this period the document was advertised both in local media and through Council's website, with copies of the strategy made available to download from the dedicated project webpage.

Council received a total number of 12 written submissions to the draft document. Council met with a number of submitters to discuss the content of their submission on request.

Submissions and officer responses are summarised in the table below. A more detailed version is included as **Appendix 2**

| Issues raised by submitters | Response to submitters |
|--|--|
| Limited justification for changes in document to the SLO and ESO | The strategy document has included additional discussion supporting changes to the SLO and ESO. This included the limited coverage of the existing SLO1 and inconsistency between the mapping and schedule, vulnerability of significant landscape areas adjacent to waterways and forested areas not covered by an ESO and the lack of detail contained in the existing SLO and ESO schedules to guide development. |
| Proposed extension to overlay is unnecessary | The existing Significant Landscape Overlay Schedule 1 only covers the top of Mt Atkinson, Mt Kororoit and Mt Cottrell therefore leaving the majority of the volcanos unprotected from potential development that could impact on the views to the volcanos. The extension of the overlays will allow development proposals to be properly considered over the entire volcano. |
| Additional obligations placed on landholders including permits, costs and conditions | Most development proposals in the Green Wedge Zone do require planning approval with the exception of an extension to an existing dwelling and an extension to an existing shed used for agriculture purposes; otherwise a planning application triggered under an updated Significant Landscape Overlay Schedule 1 would be considered under the same application. |
| Clarification sought for mapping and how permit triggers apply | Maps and diagrams of the three volcanos affected by the existing Significant Landscape Overlay Schedule 1 have been included in the strategy document to show the proposed extension of the overlay. Corresponding text explains where the updated overlay triggers a planning permit. |
| Use of the term 'Prohibit' | The word prohibit has been replaced with 'discourage' where the draft document had proposed changes to the existing Significant Landscape Overlay Schedule 1. This is consistent with the existing SLO schedule. |
| Role of Landscape Management Guidelines | Additional text has been added to the introduction of the Landscape Management Guidelines stating that they provide design guidance and solutions for pre application discussions and during the assessment of planning applications triggered under the Significant Landscape Overlay Schedule 1. |

| Issues raised by submitters | Response to submitters |
|--|--|
| Request to maintain flexibility of SLO to consider a range of uses | Uses cannot be considered in overlays, these are considered under provisions of the zone. . Further, agricultural uses that can be considered in the GWZ are not affected by the proposed changes including cropping and grazing. Design and sitting issues are specifically considered under the proposed updated Significant Landscape Overlay Schedule 1. |
| Mt Atkinson should be considered differently given its location | The relevant text in the draft document has been changed to reflect Mt Atkinson's location within the Urban Growth Zone and the fact that future development will establish an urban context around the volcano. However, it is still recognised as an important feature that should be afforded protection. |
| Other issues – compensation, OMR and previous Council decisions | These issues are outside the scope of this project. The Outer Metropolitan Road is the responsibility of State Government. Whilst previous Council decisions may provide some background in relation to the development of the municipality, the Significant Landscape Strategy is not considering the merits of those decisions. The Planning and Environment Act 1987 does not allow for compensation to be considered in relation to retrospective or proposed changes to planning schemes. |

While a direct submission on the draft documents was not received from the Department of Environment, Land, Water and Planning (DELWP), they have been briefed on the progress of the project and have indicated they are generally supportive of the approach to the project. The proposed changes will undergo further consultation with DELWP prior to Council formally seeking authorisation from the Minister for Planning for Amendment C173.

6. Risk Analysis

If Council choose not to adopt the project or the request to authorise and exhibit Amendment C173 to the Melton Planning Scheme there are a number of associated risks:

1. It would prevent a key priority action from the *Western Plains North Green Wedge Management Plan 2014* from being implemented.
2. The absence of this comprehensive work and the updating of the Significant Landscape Overlay 1 and 'Study Report and Recommendations' and 'Landscape Management Guidelines' into the Melton Planning Scheme will result in a lack of clear direction with Council Officers to facilitate appropriate development and assess future planning permit applications in a consistent way and for applicants in terms of understanding requirements when submitting planning permit applications.

7. Options

1. Adopt the '*Significant Landscape Strategy*' which comprises the 'Study Report and Recommendations' and request authorisation from the Minister for Planning to prepare and exhibit Amendment C173 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act, 1987*.

2. Not adopt the '*Significant Landscape Strategy*' which comprises the 'Study Report and Recommendations' and the 'Landscape Management Guidelines' or request authorisation from the Minister for Planning to prepare and exhibit Amendment C173 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

LIST OF APPENDICES

1. Melton Landscapes' Significant Landscape Strategy
2. MCC Response to Submissions

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Dominique Roberts- Governance Officer
Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

For Council to adopt the schedule of documents requiring the Common Seal of Council.

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 2 May 2016.

REPORT

1. Executive Summary

Documents requiring the Common Seal of Council to be affixed are detailed in **Appendix 1**.

2. Background/Issues

Use of the Council Seal is required where Council as a body corporate is required to acquit a document or agreement for the purpose of performing its functions and exercising its powers.

The *Local Government Act 1989* prescribes that a Council must have a common seal, and that the common seal must –

- a) Bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included; and
- b) Be kept at the Council office; and
- c) Be used in accordance with the local laws of the Council.

Council's Meeting Procedure Local Law (2013) prescribes the use of Council's Common Seal and the authorized officers who have the authority to sign every document to which the common seal is affixed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. *A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability*

2.6 *Ensure timely compliance with statutory and regulatory obligations.*

4. Financial Considerations

There are no financial considerations relating to the use of the Council Seal.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Ensuring that the Council Seal is only affixed in accordance with a resolution of Council controls the potential risk of the Seal being incorrectly affixed to a document.

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal.

12.2 PETITION - RE-OPENING OF THRICE LANE, KURUNJANG TO THROUGH TRAFFIC

Author: Voltaire David - Acting Manager Engineering Services
Presenter: Voltaire David- Acting Manager Engineering Services

PURPOSE OF REPORT

To respond to a petition received requesting the re-opening of Thrice Lane, Kurunjang to through traffic.

RECOMMENDATION:

That Council retain the current arrangement and that Thrice Lane and Gloaming Ride remain closed to through traffic.

REPORT

1. Executive Summary

Council has received a petition to reopen Gloaming Ride and Thrice Lane to through traffic. This report summaries the history surrounding this matter and provides options for Council to consider.

2. Background/Issues

At the 4 April 2016 Ordinary Meeting of Council, a petition was tabled signed by 435 residents, which stated the following:

'The re-opening of Thrice Lane will provide a second access point which is vital to ensure traffic can access the Kurunjang area, especially given concerns related to fire and safety. The area has around 1064 homes, three schools and shops and growing and ALL residents are currently dependent on ONLY one access road, Kurunjang Drive. This situation is totally unsatisfactory and potentially puts at risk many lives.'

Those who signed the petition have requested Melton City Council reopen Thrice Lane, providing a road connection to Gloaming Ride and a second vehicle access point to residents within the Kurunjang Drive area.

There have been previous discussions regarding Thrice Lane over a number of years.

At Council's Ordinary Meeting held on 17 November 1986 Council resolved the following:

- a) Council, pursuant to section 539C of the Local Government Act 1958, having duly considered written objections received and a report from the Road Traffic Authority hereby resolves to close to through traffic the east-west Government Road situated 0.8km north of Centenary Avenue, Melton through erection of barriers situated approximately in line with the 2029/2030 and 2031/2032, with the effective date of the said closure being Monday, March 16th, 1987, being after the estimated completion of construction for the northern section of Kurunjang Drive.
- b) That the Road Traffic Authority, adjoining owner, objectors to the road closure proposal and local Emergency Agencies be advised of Council's decision as in a) above

- c) That appropriate arrangements be made regarding special access (if desired) past the locked barriers with respect to bona-fide transport of agricultural machinery, also with respect to fire emergency access by the Melton Fire Brigade.

The resolution was consistent with Council's strategic planning for residential development and road functions in the Kurunjang part of the Melton Urban Area at that time.

The closure was enacted after the completion of the northern section of Kurunjang Drive and its connection with Thrice Lane and Outlook Ride.

In 2001 Council conducted a Local Area Traffic Management Study of the Kurunjang area. At Council's Ordinary Meeting held on 10 September 2001, Council resolved the following with respect to the study:

That Council note and receive the Local Area Traffic Management Study undertaken by Hyder Consulting for the Kurunjang area and in accordance with the study resolve:

1. That the internal access to any future development in the northern portion of the land bound by Coburns Road, Minns Road, Centenary Avenue and Gisborne-Melton Road be directly from the boundary roads and not into the existing road network within the Kurunjang area.
2. An additional \$90,000 in the 2001/2002 capital works program to design and construct the improvements to the roadway and parking facilities in the reserve (Palmerston Street North).
3. That \$273,000 be referred to the 2002/2003 capital works program to design and construct the works identified in Kurunjang Drive, the kerb outstands, indented parking, the roundabout with Outlook Ride and in Nimmo Crescent the indented parking and the roundabout with Kurunjang Drive.
4. That \$385,000 be referred to the 2003/2004 capital works program to remove the temporary crossover access at Euroa Walk, redesign of the intersections of Mowbray Crescent/Washington Crescent and Kurunjang Drive and the reopening of Gloaming Ride/Thrice Lane.
5. Negotiations be commenced immediately with the owners of the land north of Gunnawarra Road to obtain a road reserve from Gunnawarra Road to Kirkton Drive

Recommendation 5. never occurred and was subsequently built out.

At the Ordinary Meeting of Council held on 30 March 2009, Council considered an Officer's Report in relation to Gloaming Ride and Thrice Lane. The report resulted from a petition signed by 206 residents tabled at the previous Council meeting. The petition stated:

'The re-opening of Thrice Lane will provide a second access point which is vital to ensure traffic can access the Kurunjang area, especially given concerns relating to fire and safety. The area has around 1064 homes, 3 schools and shops and growing and all residents are dependent on only one access road, Kurunjang Drive. This situation is totally unsatisfactory and potentially puts at risk many lives.'

Following consideration of the officer's report that recommended Thrice Lane and Gloaming Ride remain closed to through traffic, Council resolved to:

- a. *Undertake a public consultation process pursuant to Section 223 of the Local Government Act 1989 in relation to the proposal to re-open Gloaming Ride and Thrice Lane and submissions received be heard by the Section 223 Committee of Council.*
- b. *Write to the resident who submitted the petition advising of Council's decision.*

The Section 223 committee received submissions on 26 May 2009 and again on 2 June 2009 and reconvened on 9 June 2009 to consider an officers report. The Officers report

recommended Thrice Lane and Gloaming Ride remain closed. The Committee made the following recommendation to Council:

“That the Section 223 Committee recommend to Council that Thrice Lane and Gloaming Ride be opened to through traffic after the completion of duplication of Centenary Avenue (from Coburns Road to Palmerston Street).”

The Section 223 Committee report was received at the 22 June 2009 Council Meeting, the following motion carried

‘That the minutes of the Section 223 Submissions Committee Meeting held to hear submissions in relation to Gloaming Ride / Thrice Lane be received and the recommendations contained therein be adopted by Council and that Council write to the 900 lots contained within the Kurunjang area informing them of this decision.’

The petition raised concerns regarding fire access and safety. In March 2016 comments were sought from the Emergency Services Agencies, in particular Country Fire Authority (CFA) and Ambulance Victoria to understand their position on this matter and whether it was the same as when the previous petition was made to reopen Thrice Lane in 2009. They provided the following responses:

CFA response

‘It would appear this emergency access point was provided several years ago.

While at the time CFA often required such alternative access points into subdivisions, it is less mandatory today.

In saying this CFA would still like to retain such an emergency access easement with allocated keys to the local Melton Fire Brigade.’

Ambulance Victoria response

‘We have no reason to request removal of the gate. We are able to access the properties in Thrice Lane from Kurunjang Drive, and the properties in Gloaming Ride from Coburns Road.’

The opening of Gloaming Ride and Thrice Lane will provide another vehicle access point into the Kurunjang area and improve access to destinations to the west such as the Woodgrove Shopping Precinct and the Western Freeway. It will also lessen congestion at the southern end of Kurunjang Drive especially in the proximity of the Kurunjang Primary and Secondary Schools.

Public Transport Victoria have stated they are unlikely to introduce a bus route through the Kurunjang area without a through connection onto the adjoining secondary arterial road network.

In 2009, Council carried the motion that Thrice Lane and Gloaming Ride be reopened to through traffic after the completion of duplication of Centenary Avenue (from Coburns Road to Palmerston Street). These works have since been completed.

Gloaming Ride and Thrice Lane are rural standard roads and as such have not been built to cater for a significant increase in traffic loading. Therefore any reopening must first involve an upgrade of both these roads.

Residents who purchased property in Gloaming Ride and Thrice Lane bought their land based on it being a low density development with little traffic movements and with the understanding that the subject roads were cul-de-sacs and not open to vehicle traffic. The directly affected residents could view the opening of this road to through traffic as having a detrimental effect on them.

Although the reopening of the Thrice Lane and Gloaming Ride connection will provide better access and allow for public transport to the Kurunjang area, it must be weighed against the expenditure associated with the upgrade of the existing roads and the loss of amenity for the residents living in those streets. Since the Emergency Services Agencies have indicated

that the current access arrangement does not present a problem to them, it is recommended that the connection remain closed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

The opening of the connection between Gloaming Ride and Thrice Lane will result in the civil construction works having to be undertaken:

- Construction of footpath on the northern side of Gloaming Ride and Thrice Lane between Coburns Road and Kurunjang Drive
- Widening of the existing road pavement including construction of kerb and channel and drainage
- Rehabilitation and strengthening of the existing road pavement
- Upgrade of public lighting
- Construction of traffic calming treatments to regulate vehicle speeds along Gloaming Ride and Thrice Lane.

The works were estimated at \$1.5 million in 2009 and approximately \$2 million at today's rates.

Currently there is no allocation in Council's 2016/2017 budget for these works nor has it been identified in Council's ten year Capital Works program due to other priorities.

5. Consultation/Public Submissions

Council has received a petition from 435 signatories. Council has previously undergone a consultation process under s.223 of the Local Government Act 1989.

6. Risk Analysis

Given that the Emergency Services agencies have advised that they do not consider keeping the road closed detrimental to their function, there are no foreseen risks with maintaining the status quo.

7. Options

- a. That Thrice Lane and Gloaming Ride remain closed to through traffic.
- b. That Council commit to a date to upgrade Thrice Lane and Gloaming Ride and thereafter reopen it to through traffic.

LIST OF APPENDICES

1. Map of Thrice Lane

12.3 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Tracy Spiteri- Governance Coordinator
Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.

RECOMMENDATION:

That Council:

1. note the minutes of Advisory Committee meetings at **Appendix 1, 2, 3 and 4**
2. adopt recommendations arising.

REPORT

1. Executive Summary

In accordance with section 3(1) of the *Local Government Act* 1989 (the Act), Council may establish a) Advisory Committees for the purpose of providing advice, or b) Special Committees which are delegated powers, duties or functions of Council. The establishment of an Audit Committee, considered an Advisory Committee of Council, is dealt with under section 139 of the Act.

A Council appointed Advisory Committee meeting where at least one Councillor attends and which considers matters that are intended or likely to be the subject to a decision of Council, is considered an assembly of Councillors. In accordance with section 80A of the Act, a written record of an assembly of Councillors must, as soon as practicable, be reported at an ordinary meeting of the Council. The minutes of the Advisory Committees attached to this report forms the written record of the assembly detailing matters considered and any Councillor conflicts disclosed.

2. Background/Issues

Advisory Committees are established by a resolution of Council. The role of an Advisory Committee, including the limits of power, are clearly defined in the Terms of Reference adopted by Council.

The membership of Committees will vary depending upon its specific role. Committee membership will generally comprise a Councillor/s, council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2016 were adopted by Council at the Ordinary Meeting held 10 November 2015.

Advisory Committees meet regularly during the year and minutes of all meetings are scheduled to be presented at the next Ordinary Meeting of Council.

Advisory Committee Meetings minutes attached to this report for Council acknowledgement and endorsement:

| Meeting Date | Advisory Committee | Attached |
|------------------|---|------------|
| 25 February 2016 | Community Learning Board Meeting Minutes | Appendix 1 |
| 7 April 2016 | Policy Review Panel Meeting Minutes | Appendix 2 |
| 7 April 2016 | Disability Advisory Committee Meeting Minutes | Appendix 3 |
| 13 April 2016 | Arts & Culture Advisory Committee Meeting | Appendix 4 |

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations

Advisory Committee are not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

5. Consultation/Public Submissions

Advisory Committees are one method of Council consulting and communicating with the community. Such a Committee may be established to provide strategic level input into a broad area of Council operations, such as community safety or arts and culture. An Advisory Committee may also be established for a specific time-limited project, such as a review of a Local Law.

6. Risk Analysis

With a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, risks attached to Advisory Committee actions are substantially mitigated.

It is prudent for Council to carefully consider any and all recommendations arising from Advisory Committee minutes, as Advisory Committees may canvass significant issues and significant expenditure in their deliberations.

7. Options

Advisory Committees are a Committee of Council, therefore Council has the discretion to accept, reject, amend or seek further information on any of the Committee minutes and/or recommendations.

LIST OF APPENDICES

1. Community Learning Board Minutes - 25 February 2016
2. Policy Review Panel Minutes - 7 April 2016
3. Disability Advisory Committee Minutes - 7 April 2016
4. Arts & Culture Advisory Committee Minutes - 13 April 2016

12.4 LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016 - PROPOSED CHANGES

Author: Tracy Spiteri- Governance Coordinator
Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

To present for Council consideration a draft submission to Local Government Victoria in respect of the proposed reforms to the Local Government Electoral Regulations.

RECOMMENDATION:

That Council adopt and submit the draft submission to Local Government Victoria.

REPORT

1. Executive Summary

The Minister for Local Government is calling for feedback on a number of proposed reforms to Victoria's Local Government Electoral Regulations in the lead up to the October 2016 Council elections, attached at **Appendix 1**.

After the 2012 Council elections the State Government established the Local Government Electoral Review Panel to examine a number of issues effecting Local Government elections.

The panel released a report in January 2014 with 41 recommendations focussed on the electoral process, voter participation and the integrity of local government elections. The State Government is now seeking sector and community feedback by 5pm, Friday 6 May 2016.

2. Background/Issues

The *Local Government (Electoral) Regulations 2005* (the Regulations) prescribe matters that relate to the conduct of Local Government elections. The regulations are made under the *Local Government Act 1989* and are due to expire in August 2016.

In reviewing the regulations, the Minister is seeking feedback on specific reforms attached at **Appendix 1** including:

- Candidates' indication of preferences to be no longer included in postal ballot packs sent to voters at postal elections.
- Enable candidates to answer a series of questions relating to their capacity to be a councillor. The answers would be made available by the VEC and enable voters to compare candidate information 'like for like'.
- Allow votes cast by post at both postal and attendance elections to be received up to nine days following election day.

A number of other administrative reforms include:

- Candidates at postal elections will be able to submit their candidate statements electronically.

- Votes at attendance election may apply for a pre-poll postal vote electronically.
- A person – other than a State enrolled voter – will be allowed to check their entitlement to be enrolled on the voters' roll at any time with the council prior to the next election.
- The VEC will be able to conduct a count of ballot papers outside the municipality without requiring prior consent from the council.
- The VEC will assume custody of election materials after the election.

A briefing was held with Councillors on 11 April 2016 in relation to the Electoral Regulations Review, detailing the current processes for the proposed reforms, outside of the administrative functions of the Council. Councillors provided staff with direction which enabled the draft submission to be prepared and presented to Council, attached at **Appendix 2**.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 Build community trust through socially responsible governance for long term sustainability

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

As this process is being conducted by the Local Government Victorian, they are responsible for public consultation, which they are also seeking in conjunction with sector feedback.

6. Risk Analysis

Nil.

7. Options

Council may choose not to make a submission on the Local Government electoral regulations review.

LIST OF APPENDICES

1. Local Government (Electoral) Regulations 2016 - Proposed Changes
2. Local Government (Electoral) Regulations 2016 - Submission

12.5 COUNCIL ANNUAL ACTION PLAN THIRD QUARTER PROGRESS REPORT

Author: Fiona MacPherson- Corporate Policy and Planning Coordinator

Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide the third quarter update on the progressive achievement of the Council's 2015-16 Annual Action Plan.

RECOMMENDATION:

That Council receive and note the 2015-16 Annual Action Plan Third Quarter (1 January–31 March 2016) Progress Report as presented at **Appendix 1**.

REPORT

1. Executive Summary

The 2013-2017 Melton City Council Plan is prepared in accordance with the Local Government Act 1989. The Plan is reviewed on an annual basis to adapt to the evolving needs of our growing community.

Each year, Council produces an Annual Action Plan identifying the activities and initiatives that Council will work towards achieving, which respond to the strategic outcomes and strategies identified in the Council Plan. This is aligned with the Council's annual budget development process.

The progressive achievement of the Annual Action Plan is reported at the conclusion of each quarter of the financial year, with a final summary provided at the conclusion of each financial year, through the production of Council's Annual Report.

Appendix 1 provides detail on activity for the third quarter (1 January-31 March 2016), inclusive of the first nine months of the financial year period (1 July-31 March 2016), in the progressive achievement of the 2015-16 Annual Action Plan.

2. Background/Issues

The Council Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed for its term of office (4 years). The Council Plan contains the objectives, strategies and performance indicators.

Each year Council provides a range of services, activities and initiatives for our community. These key strategic activities and new initiatives are included in the development of an Annual Action Plan.

The 2015-16 Annual Action Plan provides 147 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2015-16 Annual Action Plan, inclusive of the period from 1 July-31 March 2016.

The following table provides summary of progress against actions.

| Status | Description | Number of actions |
|------------------------|--|-------------------|
| Achieved | The Action is completed. | 28 |
| On track | The Action is progressing on target to be achieved within the timeline. | 114 |
| Behind Schedule | Work associated with the Action has been delayed impacting on the current timeframe. An explanation of the cause and remedial action is provided in the 'comments' column with the revised due date. | 5 |
| Postponed | The Action has been deferred for the financial year due to circumstances outside Councils control. An explanation has been provided. | 0 |
| Total | | 147 |

Key achievements this quarter include:

- Duplication of Ballarat Rail line to Melton identified as the priority project for the National Growth Areas Alliance.
- Fund Our Future Campaign launched.
- Delivery of the Rapid Transformation Pop-Up Park Project at the corner of Palmerston and McKenzie Streets.

Upon Council receipt of this update, the Progress Report will be published on Council's website.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability
 - 2.1 *Build community trust through socially responsible governance for long term sustainability*

4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within Council approved 2015-16 Budget.

5. Consultation/Public Submissions

The 2013-17 Council planning process involved extensive consultation of stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2013-2017 Melton City Council Plan. The 2015-16 Council Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

LIST OF APPENDICES

1. Third Quarter CAAP Performance Report 2015-16

12.6 COUNCIL PLAN 2013-2017 REVIEW

Author: Maurie Heaney - General Manager Community Services
Presenter: Fiona MacPherson - Corporate Policy and Planning Coordinator

PURPOSE OF REPORT

To present the revised Council Plan 2013-2017 for consideration and endorsement for public exhibition.

RECOMMENDATION:

That Council:

1. Endorse the revised Council Plan 2013-2017 at **Appendix 1** for 28 days of public exhibition, commencing from 3 May 2016, and
2. Endorse the revised Strategic Resource Plan at **Appendix 2** as part of the 2016-17 budget process.

REPORT

1. Executive Summary

As prescribed by the *Local Government Act 1989 (Vic)* Council is required to consider its Council Plan annually. The Act also requires that Council must review the Strategic Resource Plan during the preparation of the Council Plan, and adopt the Strategic Resource Plan not later than the 30 June each year.

Following consultation with management, some content in the Council Plan 2013-2017 has been revised to ensure the information reflects Council's current suite of planning documents, service delivery, organisational structure, Council membership and revised demographic forecasts.

The review found that all of the existing Strategic Objectives or Strategies expressed Council's direction, but that some of the Strategic Performance Indicators required updating to ensure they better matched updated data sources.

The revised Strategic Performance Indicators will also ensure that Council continues to comply with the new Local Government Planning and Reporting Regulations.

Following endorsement of the revised version of the Council Plan 2013-2017, and the amended Strategic Resource Plan, the documents will be placed on public exhibition in accordance with the *Local Government Act* and then presented to Council for adoption at the 27 June 2016 Ordinary Meeting of Council.

Should Council endorse the revised Council Plan on 27 June 2016, a copy of the revised Council Plan and the Strategic Resource Plan will be forwarded to the Minister for Local Government.

2. Background/Issues

The Council Plan is reviewed on an annual basis to ensure that the strategic direction of Council is articulated and implemented by the organisation. The annual review is good governance practice and is also required by the *Local Government Act 1989*.

Section 125 of The *Local Government Act (1989)* (Vic) states:

- (7) *At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.*
- (8) *Subject to subsections (9) and (10), a Council may make any adjustment it considers necessary to the Council Plan.*
- (9) *A person has a right to make a submission under section 223 on a proposed adjustment to a Council Plan which relates to a matter specified under subsection (2)(a), (2)(b) or (2)(c).*
- (10) *If a Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan.*

A copy of the current Council Plan must be available for inspection by the public at the Council office and any district offices; and any other place required by the regulations. In addition, a Council must ensure that the current Council Plan is published on the Council's Internet website.

In accordance with statutory requirements, Council will place the Plan on public exhibition to allow for community feedback prior to final adoption at 27 June 2016 Ordinary Meeting of Council. The *Local Government Act 1989 (Vic)* also states that if a Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan. If endorsed, the revised Council Plan will be provided to the Minister accordingly, and also placed on Council's website for public viewing.

The Strategic Resource Plan is revised as part of the 2016-17 budget process taking into consideration the latest information available on capital works and human resources within the planned operations of Council. The revised Strategic Resource Plan is presented to Council for consideration at **Appendix 2**.

The review of the Council Plan undertaken for 2016 has found that the existing Strategic Objectives and Strategies were still relevant to Council direction and the organisational operation. Additionally, analysis of the past three (3) Council Annual Action Plans demonstrates that Council has delivered outcomes against all of the existing Strategic Objectives and Strategies. Therefore, it is recommended that no change is made to the existing Strategic Objective and Strategies.

However, given that developments have occurred in available data sets and changes have been made to the reporting environment under the Local Government Performance Reporting Framework, it is identified that amendment to some of the Strategic Performance Indicators in the Council Plan is advised. The result of the development in the available data sets and changes to the reporting environment means that Council is better placed to demonstrate and communicate performance via reporting. Amending the Strategic Performance Indicators to better align to the available data will assist in achieving improved reporting practices.

Other changes that are recommended in the revised Council Plan 2013-2017 include updates to the Mayor, Councillors, Chief Executive Officer, and Our Organisation sections. Further updates have been made in the list of Plans and Strategies, and Service Delivery Activities undertaken by Council.

The proposed changes to the Strategic Performance Indicators have been summarised in the table below. The column with Existing Indicators in the Council Plan lists the current Strategic Performance Indicators that were reported against in the 2014/15 Annual Report. The column with Proposed Indicators for 30 June 2016 lists the proposed Strategic Performance Indicators in the revised Council Plan 2013-2017 before Council for consideration.

The proposed Strategic Performance Indicators involve a combination of some current and some new Indicators. Additionally, some Existing Indicators that are superseded or no longer required for reporting are deleted from the Proposed Indicators column. The changes will ensure compliance with the Local Government Planning and Reporting Regulations 2014.

| No | Objective | Existing Indicators in the Council Plan | Proposed Indicators for 30 June 2016 |
|-----|--|---|--|
| 1.1 | Strategically plan for a well designed and built City | <p>Community Satisfaction with access to facilities and services e.g. shops, childcare, schools.</p> <p>Increase of land zoned for industrial or commercial use that has been developed.</p> <p>Percentage of Council owned or managed heritage sites preserved or adapted for use.</p> <p>Increase number of social and public housing opportunities in the city.</p> | <p>Percentage of Council owned or managed heritage sites preserved or adapted for use.</p> <p>Increase the number of social and public housing opportunities in the City.</p> <p>Community Satisfaction with Planning for Growing Population.</p> |
| 1.2 | Build a sense of place through an engaging range of community facilities and shared open spaces | <p>Community satisfaction with access to a range of community facilities that meet local needs.</p> <p>Community satisfaction with recreational facilities.</p> <p>Community satisfied with the appearance of public areas.</p> <p>Community satisfied with the condition of local roads and footpath (excluding highways and main roads).</p> | <p>Community satisfaction with facilities and services.</p> <p>Community satisfaction with recreational facilities and leisure centres</p> <p>Community satisfaction with maintenance of parks and gardens.</p> <p>Community satisfaction with maintenance and cleaning of shopping strips.</p> <p>Community satisfaction with litter collection in public areas.</p> <p>Community satisfaction with the condition of local roads (sealed road maintenance and repairs.)</p> <p>Community satisfied with the condition of local roads and footpaths, excluding highways and main roads: but including roadside slashing / maintenance.</p> |
| 1.3 | Generate an innovative local economy that stimulates opportunities for investment, business and training | <p>Increase of land zoned for industrial or commercial that has been developed.</p> <p>Increase in the number of businesses registered in the City.</p> <p>Decrease in the City's unemployment rate.</p> <p>Rate of school leavers entering higher education, vocational education or employment.</p> <p>Level of awareness of local attractions and visitor sites.</p> | <p>Businesses registration rates.</p> <p>City's unemployment rate.</p> <p>Rate of school leavers entering higher education, vocational education or employment.</p> |
| 1.4 | Value and protect the natural environment for future generations | <p>Reduction in Council's energy consumption per EFT.</p> <p>Percentage of waste diverted from landfill.</p> <p>Volunteer rates in local environment</p> | <p>Reduction in energy consumption of the City's Street light emissions.</p> <p>Reduction in energy consumption of Council's Top 4 buildings</p> <p>Percentage of waste diverted from</p> |

| No | Objective | Existing Indicators in the Council Plan | Proposed Indicators for 30 June 2016 |
|-----|---|--|---|
| | | groups. Percentage of eligible landowners who retain the Environment Enhancement Protection Rebate. | landfill. Volunteer rates in local environment groups. Percentage of eligible landowners who retain the Environment Enhancement Protection rebate. |
| 1.5 | Support a transport system that connects and moves our community | Community satisfaction with access to public transport services. Percentage of residents who reside within 400 metres of bus stops. Ratio of residents who drive to work/education as opposed to public transport and active transport (walking or cycling). | Community Satisfaction with access to public transport services. Percentage of residents who reside within 400 metres of bus stops. |
| 2.1 | Build community trust through socially responsible governance for long term sustainability. | Percentage of residents confident with Council decision making. Working Capital Ratio. Long Term Obligations Ratio. Debt Repayments Ratio. Percentage of Council asset base outside of intervention levels. | Community satisfaction that decisions are made in the best interest of the community. Working Capital Ratio. Long Term Obligations Ratio. Debt Repayments Ratio. Percentage of Council asset base outside of intervention levels. |
| 2.2 | Provide levels of service that balance community need with organisational capacity | Percentage of community satisfaction overall with Council Services. Percentage of Council Service reviews undertaken within Council Plan term. | Percentage of community satisfaction overall with Council Services. |
| 2.3 | Facilitate community engagement in planning and decision making | Percentage of community satisfied with Council's community engagement in planning and decision making. Percentage of community satisfied with information provided about Council services. | Community satisfaction with consultation and engagement. Community satisfaction with informing the community. |
| 2.4 | Invest into a skilled, motivated, aligned and performing workforce | Percentage of staff turnover. Percentage of employees who have achieved a satisfactory or above level in their performance plans. Percentage reduction lost time injuries and hours. | Staff turnover. Percentage of employees who have achieved a satisfactory or above level in their performance plans. Lost time injuries and hours. |
| 2.5 | Advocate in the best interests of our community and region | Community satisfaction with the city's advocacy and community representation on key local issues. Ratio of Council annual budget funded by external sources. | Community satisfaction with the Councils lobbying on behalf of the community. Percentage of Council annual budget funded by external sources. |
| 2.6 | Ensure timely compliance with statutory and regulatory obligations | Level of compliance with procurement process. Emergency Management Audit Rating. Number of registered animals per household. | Level of compliance with procurement process. Emergency Management Audit Rating. Number of registered animals per household. |

| No | Objective | Existing Indicators in the Council Plan | Proposed Indicators for 30 June 2016 |
|-----|---|---|--|
| 3.1 | Provide an accessible range of services for all including children, young people, families and older adults | Client satisfaction with aged care services. Client satisfaction with children's services. Client satisfaction with disability support services. Client satisfaction with family support services. Client satisfaction with youth services. | Client satisfaction with aged care services. Community satisfaction with children's services. Client satisfaction with disability support services. Client satisfaction with family support services. Client satisfaction with youth services. |
| 3.2 | Build resilient people and communities through opportunities to participate in community life | Volunteer rates. Percentage of residents who are members of organised groups such as sports, community groups or professional associations. | Volunteer rates. Residents that feel they are part of the community. |
| 3.3 | Develop an environment that supports imagination, creative expression and engagement in cultural experiences | Community satisfaction with cultural activities e.g. art exhibitions, festivals and other Council sponsored community events in parks and public places. Percentage of residents who value the role of cultural activity and public art. | Residents who had participated in local community festivals over past 12 months. Residents who had participated in local arts/cultural events over past 12 months. |
| 3.4 | Provide lifelong learning opportunities to build social connections and self development | Percentage of eligible population who are library members. Client satisfaction with library services. | Eligible population who are library members. Client satisfaction with library services. |
| 3.5 | Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage | Percentage of community who feel their community is accepting people from diverse cultures and backgrounds. Increase attendance levels at indigenous and multicultural events and activities. | Residents who feel their community is accepting people from diverse cultures and backgrounds. Attendance levels at indigenous and multicultural events and activities. |
| 3.6 | Create a safer community through building a sense of belonging and community pride | Percentage of residents who are who feel safe. Increase in Law Enforcement Services. | Residents who feel safe during the day Residents who feel safe in and around the High Street Melton shopping area Residents who feel safe in and around the Woodgrove shopping centre Residents who feel safe travelling on /waiting for public transport |
| 3.7 | Ensure our established and new communities are well connected and supported | Percentage of community who like living in their local neighbourhood. | Residents that feel part of the community |
| 4.1 | Collaborate for an accessible, integrated and aligned health service system | Community satisfaction with the level of access to local health services. Ratio of general practitioners per capita. | Community satisfaction with the level of access to local health services. Ratio of general practitioners per 1000 people. |

| No | Objective | Existing Indicators in the Council Plan | Proposed Indicators for 30 June 2016 |
|-----|---|---|---|
| 4.2 | Address health inequalities in our community | Percentage of persons reporting high / very high degrees of psychological stress. Community satisfaction with support services for disadvantaged residents (includes assistance for disadvantaged and minority groups). | Percentage of persons reporting high / very high degrees of psychological stress. Community satisfaction with support services for disadvantaged residents (includes assistance for disadvantaged and minority groups). |
| 4.3 | Encourage the community to be physically active and healthy | Percentage of persons who participate in organised activity (e.g. sporting clubs, gym etc). Percentage of persons who participate in informal activity (e.g. walking, swimming, cycling, golf). Increase in length of dedicated walk and cycle trails in the City. Percentage of residents who regularly use local playgrounds, parks, plazas and gardens. | Persons who participate in organised activity (e.g. sporting clubs, gym etc). Persons who participate in informal activity (e.g. walking, swimming, cycling, golf). Increase in length of dedicated walk and cycle trails in the City. Residents who regularly use local playgrounds, parks, plazas and gardens. |
| 4.4 | Minimise social harms caused by gambling, tobacco, alcohol and other drugs. | Percentage of gaming machines per capita. Infringements in sale of tobacco to minors. | Ratio of gaming machines per 1000 people Infringements in sale of tobacco to minors. |

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 Build community trust through socially responsible governance for long term sustainability

4. Financial Considerations

The cost of publishing the revised Council Plan is covered in the Customer Engagement recurrent budget.

5. Consultation/Public Submissions

If endorsed, the revised Council Plan 2013-2017 and Strategic Resource Plan will be placed on public exhibition for feedback and comment in accordance with legislative responsibilities.

6. Risk Analysis

The revised version of the Council Plan will ensure the Annual Report is compliant with the Local Government Planning and Reporting Regulations.

7. Options

Nil.

LIST OF APPENDICES

1. Council Plan 2013 - 2017
2. Strategic Resource Plan 2016/2017

12.7 PREPARATION OF THE MUNICIPAL BUDGET 2016/2017

Author: Mahroof Noor- Management Accounting Coordinator
Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

To endorse the Proposed Municipal Budget for the 2016/17 financial year and commence the statutory process to exhibit this proposed budget to receive submissions.

RECOMMENDATION:

That:

- 1) The *'Proposed Budget'* annexed (**Appendix 1**) be the proposed budget for 2016/2017, prepared in accordance with section 127 of the *Local Government Act 1989* (the Act)
- 2) The Chief Executive Officer be authorised to:
 - a) Give Public Notice of the preparation of such proposed budget, in accordance with Section 129 of the Act;
 - b) Make available for public inspection a copy of the *'Proposed Budget'* as set out in the *Public Notice*;
- 3) The 'Section 223 Submission Committee' of Council hear from any person who wishes to be heard in support of his/her submission pursuant to the *Public Notice* and Section 223 of the Act and report to Council accordingly;
- 4) The Chief Executive Officer be authorised to undertake the necessary administrative procedures to enable the Committee to meet, consider such submissions and prepare a report to Council;
- 5) Council consider:
 - a) The report of the Committee described in recommendation 3, and
 - b) Adoption of the Municipal Budget 2016/2017, at the Ordinary meeting of Council to be held on 27 June 2016.

REPORT

1. Executive Summary

Section 127 of the *Local Government Act 1989* (The Act) requires that Council prepare a budget for each financial year, and that the budget contain the following information:

Financial statements in the form and containing the information required by the regulations;

- A description of the services and initiatives to be funded in the budget;
- A statement as to how the services and initiatives will contribute to achieving the strategic objectives specified in the Council Plan;
- Major initiatives to be undertaken during the financial year;
- for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement

- the amount which the Council intends to raise by general rates, municipal charges, service rates and service charges;
- Whether the general rates will be raised by uniform rate or differential rate and information required relating to differential rates as per section 161 (2) of the Act;
- Any other information required by the regulations.

The '*Proposed Budget*' in this report has been prepared for public display and to receive public comment. It is proposed that public submissions close on 30 May 2016 and be heard by Council's Section 223 Submission Committee on 07 June 2016.

It is further proposed that the Budget will be adopted by the Council at its Ordinary Meeting to be held on 27 June 2016.

The major highlights of the '*Proposed Budget*' include:

- A 2.5% increase in total Rate and Charges income from 2015/2016 levels.
- Debt redemption of \$6.90 million for the year has been budgeted.
- \$70 pensioner rebate to eligible property owners
- Capital expenditure of \$50.7 million.

Despite the rate capping restrictions, the Council is in a good financial position largely due to additional revenue projected from land sales. In addition the Council has also been successful in attracting State and Federal funding from Interface Growth Fund (IGF) and National Stronger Regional Fund (NSRF) in 2015/16 and 2016/17. The favourable financial position has resulted in Council being able to deliver Capital works of \$50.7 Million and loan repayments of 6.91 Million, without additional borrowing in 2016/17.

2. Background/Issues

Council commenced its budget process for 2016/2017 in October 2015. The '*Proposed Budget*' has been prepared giving consideration to the growing needs of the community, service delivery demands, 'high priority' requests received from the public via various forums, surveys and requests from Councillors. The Proposed budget reflects the priority of Council in delivering high quality and best value services and infrastructure to the community. After much review and discussion, the Proposed Budget has been finalised and is presented for consideration.

The '*Proposed Budget*' includes capital expenditure of \$50.7 million, including \$15.5 Million of carry forward works from 2015/16.

The major Capital Works Program included in 2016/17 are listed below:-

- \$11.4 million for community buildings,
- \$21.6 million for road infrastructure works,
- \$5.1 million for works in recreational assets,
- \$4.9 million for bridge works,
- \$2.3 million for footpaths & cycleways,
- \$1.6 million for replacing plant, equipment and furniture,
- \$1.6 million for renewal programs,
- \$2.2 million for a range of other projects,

Projects included in the '*Proposed Budget*' are funded by a combination of rate revenue, developer contributions and government grants.

The full list of new initiatives included in the '*Proposed Budget*' is detailed in **Section 6** of the proposed budget.

The table below lists the more significant new projects and initiatives.

| Project Description | Budgeted for 2016/2017 \$'000 |
|--|--|
| Building & Building Improvements | |
| Melton Council Office Space Development | \$6,620 |
| 5 McKenzie St. Redevelopment-Stage 1 | \$2,350 |
| Community Centre / Pavilion Annual Renewal | \$1,208 |
| Melton Civic Centre Redevelopment –Year 1 Design | \$1,170 |
| Roads, Drainage, Footpath & Bridge Works | |
| Abey Road- Toolern Creek to Ferris Road | \$5,500 |
| Streetscape Improvements | \$4,440 |
| Mt Cottrell Road Widening (Stage 2) | \$3,490 |
| Annual Resurfacing Periodic Reseals | \$3,000 |
| Westwood Dr Bridge | \$2,400 |
| Abey Road Bridge | \$2,200 |
| Minns Rd Construction (East of Coburns Rd) | \$1,829 |
| Footpaths Maintenance/Replacement | \$1,460 |
| Minns Road Construction (Gisborne Rd to Croxton Dve) | \$ 900 |
| Shared/Bicycle Paths Construction Program | \$ 800 |
| Recreational Projects | |
| Taylor's Hill West PSP-2 Senior Football / Cricket | \$1,728 |
| Atherstone Play Space | \$ 900 |
| Passive Reserve Development Program | \$ 695 |
| Caroline Springs Sub Regional Tennis Centre-Design | \$ 250 |
| Mount Cottrell Recreation Reserve - Rehabilitation | \$ 200 |
| Tennis Court Upgrade | \$ 208 |
| Others | |
| Council vehicle fleet and furniture and equipment | \$1,100 |
| Tree Planting | \$ 500 |
| Library book purchases | \$ 360 |
| Public Desktop Computers and other computer replacements | \$ 320 |
| Irrigation System Renewal Program | \$ 200 |

The *'Proposed Budget'* includes total income, including reserve transfers, of \$232.4 million, which includes developer contributed infrastructure assets valued at \$50.6 million./ The following table below provide breakdown of this income with comparative amounts for 2015/2016 (adopted Budget).

| | 2015/16 \$ millions | 2016/17 \$ millions | % Change |
|---|------------------------|------------------------|-------------|
| Rates & Charges Income** see note below | \$93.07 | \$98.58 | 5.9% |
| Grants & Subsidies | \$29.2 | \$25.65 | -12.4% |
| Fees & Charges | \$11.07 | \$12.30 | 11.1% |
| Developer Contributions- Cash | \$9.55 | \$11.01 | 15.3% |
| Developer Contributions- Assets | \$62.50 | \$50.59 | -19.1% |
| Net gain (loss) on assets sales | \$1.78 | \$2.79 | 57.0% |
| Borrowing | \$7.85 | 0 | -100.0% |
| Transfer from reserves | \$4.91 | \$27.41 | 458.2% |
| Other Income | \$3.89 | \$4.31 | 10.8% |
| Total Income and Receipts | \$223.87 | \$232.64 | 3.9% |

The total increase in Rates and Charges income, includes rates income received from supplementary valuations during the year due to growth, 2.5% rate increase on the 2015/16 level after allowing for Council rebates for Pensioners and Environmental Enhancement works.

The total budgeted expenditure including Capital expenditure, debt redemption and transfers to reserves is \$207.2 million as detailed below.

| | 2015/16 \$ millions | 2016/17 \$ millions | % Change |
|--|------------------------|------------------------|-------------|
| Staff costs | \$47.00 | \$49.58 | 5.5% |
| Other operating expenditure (ex depreciation and amortisation) | \$56.02 | \$61.52 | 9.8% |
| Finance costs | \$1.50 | \$1.32 | -11.8% |
| Capital expenditure including carry forward works | \$36.45 | \$50.67 | 39% |
| Debt redemption costs | \$7.24 | \$6.91 | -4.6% |
| Depreciation / Amortisation | \$23.73 | \$25.52 | 7.5 % |
| Transfers to reserves | \$11.68 | \$13.10 | 12.1% |
| Total Expenditure & outgoings | \$183.62 | \$208.62 | 13.6% |

The *'Proposed Budget'* has been prepared taking into consideration Council's Strategic Resource Plan (SRP). The *'Proposed Budget'* includes no new borrowing for 2016/2017. The net loan repayment during the year is budgeted at \$6.91 million.

Differential Rating Categories

The *'Proposed Budget'* includes differential rating categories as detailed below:

- General Rate
- Vacant Land Rate
- Retirement Village Rate

- Extractive Industry Land Rate
- Commercial and Industrial Developed Land Rate
- Commercial and Industrial Vacant Land Rate
- Rural Living Land Rate
- Rural Land Rate
- Urban Growth Land Rate

Full definitions of the differential rating categories are included in **Section 7** of the attached '*Proposed Budget*'. This section also provides a detailed analysis of the number of properties, valuation and the rates raised by each differential rating category proposed.

Waste Management Charges

The Waste Management Charges included in the '*Proposed Budget*' is detailed in the following table.

| Service Option | Bin Garbage | Green | Recycle | Full year charge |
|----------------|---------------|---------------|---------------|------------------|
| A | 120 litre bin | 240 litre bin | 240 litre bin | \$313 |
| B | 80 litre bin | 240 litre bin | 240 litre bin | \$278 |
| C | 120 litre bin | 120 litre bin | 240 litre bin | \$268 |
| D | 80 litre bin | 120 litre bin | 240 litre bin | \$233 |
| E | 120 litre bin | No Bin | 240 litre bin | \$223 |
| F | 80 litre bin | No Bin | 240 litre bin | \$191 |
| Additional Bin | | | | \$136 |

Municipal Charge

The '*Proposed Budget*' proposes a levy of \$139 per property as the Municipal Charge for 2016/2017 year.

Fees and Charges

The Fees & Charges for various services provided by Council were reviewed and increased where appropriate. The recommended Fees & Charges schedule is included in **Appendix A** of the proposed budget.

Environmental Enhancement Rebate

The properties in Rural Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone, Special Use Zone 5 and Urban Growth Zone may be entitled to an Environment Enhancement Rebate subject to certain conditions being met as per the approved Environmental Enhancement Guidelines.

The amount of rebate applicable for Rural Living, Rural and Urban Growth properties are based on the Differential Rating applied to the property.

The '*Proposed Budget*' proposes the following rebates be allowed for eligible properties within the referred rating categories.

| Differential Rating Category | EER Rebate Available |
|------------------------------|---|
| Rural Land | 50% of the rate up to a maximum of \$10,000 |
| Rural Living Land | 25% of the rate up to a maximum of \$10,000 |
| Urban Growth Land | 25% of the rate up to a maximum of \$10,000 |
| General Rate | 25% of the rate up to a maximum of \$10,000 |

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

Leading the organisation and the community through accountability, Transparency and advocacy

Practice good governance, social, economic and environmental responsibility

4. Financial Considerations

Costs for exhibiting the budget will be approximately \$8,500 for advertisements in the local and state newspapers and this has been incorporated into the current budget.

5. Consultation/Public Submissions

Council undertook two Community Engagement sessions on 4 and 6 February 2016 and proposals received from the community were considered in developing this *Proposed budget*.

Council, in accordance with Section 223 of the Act, will be inviting submissions on the 'Proposed Budget' from the community, to be considered by Council before finalising the budget.

It is proposed the Section 223 Committee consider all the submissions received on 07 June 2016 and make recommendations to the Council, which will consider the recommendations before it formally adopts the 2016/2017 Municipal Budget.

6. Risk Analysis

The process of endorsing the Proposed budget and seeking public submissions is prescribed in the Act. The process set out in this report complies with the Act and, as such, there is no risk associated with placing the Proposed budget on public exhibition and seeking feedback/submissions.

7. Options

Council is required to have the budget adopted by 27 June 2016. Council could defer endorsing the Proposed budget at this time which would delay the public consultation process. However, there is no reason to defer commencing the public consultation process as it will allow the maximum amount of time to consider submissions received and make any adjustments to the proposed budget and have it adopted by Council before 30 June.

LIST OF APPENDICES

1. Draft Municipal Budget 2016/2017

12.8 INCREASING ACCESS AND ACTIVITY AT THE WILLOWS HISTORICAL PARK

Author: Matthew Wilson- Manager Community Planning
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council with an analysis of options to increase access and activity at the Willows Historical Park and Homestead.

RECOMMENDATION:

That Council:

1. Work with the Melton Historical Society to increase access to the Willows Homestead;
2. Provide public access to the Willows Historical Park on weekends for a trial period of one year;
3. Endorse the opening hours of the Willows Historical Park on weekends to vary between 9am and 9pm, subject to daylight savings and existing user agreements; and
4. Deliver Council run activities and events to increase activation in the Willows Historical Park.

REPORT

1. Executive Summary

A Notice of Motion (NOM) was raised by Cr Nola Dunn at the 21 October 2014 Ordinary Meeting of Council requesting:

“That Council Officers explore other opportunities for increased access to the Willows Park and the Homestead with a future report to be presented to Council for consideration.”

A Council report was tabled at the 8 September 2015 Ordinary Meeting of Council. A motion was carried at that time that Council note the report and officers seek community feedback via public consultation on ideas to increase usage, access and patronage of the Willows Historical Park and Homestead.

Community users and tenants of the park were consulted regarding increasing access to the park for the public. The result of the consultation found that there was strong support for increasing access to the park.

Given that the park includes a number of different facilities, tenants, commercial and private hirers, it has proven challenging to provide a recommended way forward for Council. This report seeks to outline the issues for Council's consideration.

The recommendation presented considers the need to work with the Historical Society to increase access to the Willows Homestead, increasing activities and events programmed in the park for public access, providing opportunities for informal public access to the park, and working with existing tenants and users of the facilities. The recommendation balances the interests of the current users and achieves increased access and utilisation by the broader community.

2. Background/Issues

The Willows Historical Park consists of Dunvegan Cottage, Mac's Cottage, the Melton Men's Shed, the Barn, the Willows Homestead, Melton and District Historical Society Museum and the surrounding grounds. The Melton and District Historical Society (Historical Society) has operated from the Homestead since the 1970s when Council purchased and restored the property. The Melton Men's Shed was opened on-site in 2009 and in 2014 the Vietnam Veterans Association Australia (Melton and District Sub-Branch) took up residence in Mac's Cottage.

Dunvegan Cottage and the Willows park grounds are currently hired out to community users in accordance with the Community Facilities Access Policy. The park is treated as a facility for hire under the Policy and it is possible to book exclusive use of the park grounds for private functions or other commercial uses. It is noted that the Willows Homestead building is unavailable for community or private bookings because of the absence of running water or toilet amenities inside the building.

In 2015 there were 260 bookings of Dunvegan Cottage and/or the Willows park grounds. 148 of those 260 bookings involved the use of the park. 101 of the 148 bookings of the park occurred on the weekend.

There are six (6) commercial hirers and community groups that use the venue regularly and are responsible for the majority of bookings. The balance of bookings comes from community members hiring Dunvegan Cottage and/or park for private functions. Included in the overall 260 bookings noted above, were 70 private functions booked by community members. Other bookings included Council run events such as Australia Day celebrations.

The Willows Homestead, which is currently tenanted by the Melton Historical Society, opens for the public to view the collection for two (2) hours a week on Sunday afternoon. It is staffed by the volunteers from the Historical Society, but the capacity of the Historical Society to open the Homestead for more hours per week is limited. Council may need to consider how it can work to support the Historical Society to increase the opening hours and improve public access to view the collection. It is timely to revisit the terms of agreement with the Historical Society and work toward a new licence agreement. Officers will action this matter following Council's consideration of this report.

The Willows Historical Park is a beautiful and tranquil setting that can be better utilised as a community asset. The gates at the entry to the park are presently locked at all times except when the Historical Society is on site on Sunday afternoons. The locked gates limit public access to the park, but support the use of the park by existing Council services from the Men's Shed, community groups such as the Vietnam Veterans, and also for private function bookings by community members. The locked gates also mitigate the potential for vandalism of the facilities and displays within the Willows Historical Park.

Conversely, undertaking action to increase access and activation of the park presents an opportunity for residents and visitors to enjoy passive recreation, exposes the public to the Historical Society and their exhibits and may lead to greater awareness of the Melton Men's Shed. Opening the park to the public on weekends will require removal of the exclusive use of the park through private bookings that is currently in place. This will result in shared use of the park by private functions and members of the public enjoying passive recreation. It is possible to make this change for a trial period of one (1) year to determine the impact of public access on private functions bookings.

Given that there are a number of variables to consider in presenting a recommendation to Council, it is apparent that a need to balance the interests of current users and the broader community is required.

It is therefore recommended that Council consider action to:

1. Work with the Historical Society to increase their capacity to open the Homestead and provide more access for public visitation;

2. Work with existing users of the park grounds to enable a trial period of opening the park for public access on weekends.
3. Provide resources to support activities and events that will increase activation of the Willows Historical Park.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.2 *Build a sense of place through an engaging range of community facilities and shared open spaces*

4. Financial Considerations

Revenue from bookings of the Willows Historical Park was \$11,643 in the 2014-2015 financial year. The recommendation in this report aims to maintain the majority of that revenue stream through bookings.

The estimated cost of resources to activate the Willows Historical Park, through work with the Historical Society, programmed activities, and public access is \$55,000 per annum. This will allow for staff resources to coordinate the activation of the park and achieve Council's aim. It will also provide for security costs associated with opening and closing the park on weekends if required.

5. Consultation/Public Submissions

The public were consulted regarding the potential of opening the park for public use at both the Djerriwarrh Festival (November 2015) and at the Australia Day celebrations at the park itself (January 2016).

56 people shared their opinions with 80 percent (80%) of respondents stating the park should be open to the public. A strong majority stated they would use the park if it were open.

The public was invited to make any other relevant comments. Those opposed to the opening of the park stated the risk of vandalism and the wish to preserve the park for special events as reasons for maintaining the status quo. Other comments centred around the need for additional amenities such as fixed shade and play equipment. Others stated that the park could be activated with Council-run activities and events. Those who were supportive of the opening of the park stated that it would be used for walks, barbecues and picnics.

Current tenants of the park were also consulted about opening of the park to the public. Council's Community Care and Inclusion department feel that increased use of the park could lead to greater awareness of the Men's Shed. However, they identified that disruption could be caused by the expectation by members of the public that staff and Shed members could provide information or assistance regarding amenities of the park or historical background. They also identified the risk of vandalism and littering in the park. The Historical Society support the park being opened to the public with the view that it will lead to greater awareness of the Society and their exhibitions. The Vietnam Veterans also responded positively to increasing access to the park.

6. Risk Analysis

There is a risk that change to the current practices in the park may result in a decrease in revenue for the asset and dissatisfaction from affected user groups.

Opening the grounds to the public increases the risk of theft, damage and vandalism to buildings, exhibits and irrigated grounds. This could be partly mitigated by passive surveillance provided by the operation of the Men's Shed and greater presence of the Historical Society.

Risks for the Historical Society associated with managing an increase in opening hours and patronage of the Homestead will be addressed through the negotiation of the proposed new lease.

Should Council not take action to increase access and activation of the park, it is likely that we will continue to see the sub-optimal use of the Willows Historical Park.

7. Options

Council has the following options:

1. Endorse the recommendation as presented, or
2. Provide alternative direction to Officers.

LIST OF APPENDICES

Nil

12.9 REZONING OF LAND FROM PUBLIC USE ZONE 1 TO RURAL CONSERVATION ZONE AT 292-332 AND 334-360 HJORTHS ROAD, TOOLERN VALE

Author: Georgina Borg- Strategic Planner

Presenter: Laura-Jo Mellan- Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider a request to amend the Melton Planning Scheme to rezone land at 292-332 and 334-360 Hjorths Road, Toolern Vale from Public Use Zone 1 to Rural Conservation Zone as the properties are now in private ownership and are not designated for public use.

RECOMMENDATION:

That Council:

1. seek authorisation to prepare a Planning Scheme Amendment on behalf of the Minister for Planning
2. upon receipt of authorisation, prepare and submit the amendment to the Department of Environment, Land, Water and Planning for approval by the Minister of Planning under 20(4) of the *Planning and Environment Act, 1987*.

REPORT

1. Executive Summary

The amendment is a technical amendment that proposes to rezone land at 292-332 Hjorths Road and 334-360 Hjorths Road, Toolern Vale from Public Use Zone 1 (PUZ1) to Rural Conservation Zone (RCZ) as both properties are privately owned and not required for service or utility purposes.

Rezoning the properties is necessary as the land is now privately owned and the PUZ1 can only apply to publically owned land. Rezoning the properties to RCZ will reflect both properties rural status and conservation values, consistent with the surrounding properties and the *Western Plains North Green Wedge Management Plan*.

Due to the technical nature of this amendment, which is to fix a zoning anomaly, it is appropriate for it to be processed as a Ministerial 20(4) amendment under the *Planning and Environment Act, 1987* (the Act).

2. Background/Issues

The amendment is a technical amendment that proposes to rezone land at 292-332 Hjorths Road and 334-360 Hjorths Road, Toolern Vale from PUZ1 (Refer **Appendix 1**) to RCZ (Refer **Appendix 2**) as both properties are privately owned and not required for service or utility purposes.

Rezoning the properties is necessary as the land is now privately owned and the PUZ1 can only apply to publically owned land. Rezoning the properties to RCZ will reflect both properties rural status and conservation values, consistent with the surrounding properties and the *Western Plains North Green Wedge Management Plan*.

The amendment was recently requested by the landowner at 334-360 Hjorths Road, Toolern Vale to rezone the land from PUZ1 to a more appropriate zone. The neighbouring private

property at 292-332 Hjorths Road, Toolern Vale was also inappropriately zoned PUZ1 and therefore it is considered appropriate to amend at the same time with the original request.

Rezoning from the Public Use Zone to the Rural Conservation Zone

The properties are required to be rezoned as the land is now privately owned and the PUZ1 can only apply to publically owned land, therefore the PUZ1 is no longer consistent with the purpose of the zone and *Planning Practice Note 2* (Public Land Zones).

Planning Practice Note 2 (DELWP 2015) outlines that public land zones such as the PUZ are applied to public land owned or managed by a government department or public land manager. The PUZ is not intended to be applied to privately owned land.

The land at 292-332 Hjorths Road and 334-360 Hjorths Road, Toolern Vale will be rezoned to RCZ to reflect the properties rural status and conservation values, consistent with the surrounding properties and the Western Plains North Green Wedge Management Plan (September 2014) adopted by Council in September 2014.

The *Western Plains North Green Wedge Management Plan* identifies the two properties as being located in the Toolern Vale Hills (Precinct 1). The Toolern Vale Hills signal the transition from the Victorian Volcanic Plains to the Western uplands of the State and contain areas of intact vegetation and habitat for a range of threatened flora species.

The *Western Plains North Green Wedge Management Plan* identifies the Toolern Vale Hills as being predominantly zoned RCZ unless for public use purposes.

20(4) Amendment

As confirmed by Planning Services in the Department of Environment, Land, Water and Planning, this amendment is a technical amendment to fix a zoning anomaly and therefore would be suitable to be processed as a Ministerial 20(4) amendment under the *Planning and Environment Act, 1987* (the Act).

Under 20(4) of the Act the Minister may amend a planning scheme, with exemption from any of the notice requirements (providing copies of an amendment) of sections 17, 18 and 19 of the Act and the Regulations.

The Minister must be the planning authority for the amendment and must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or a part of Victoria make such an exemption appropriate.

In this case the Minister is proposed to be the planning authority for this amendment on the basis that compliance with any of those requirements is not warranted due to:

- The technical nature of the amendment to fix a zoning anomaly.
- The consultation process already undertaken resulting in the support of relevant affected parties.
- The amendment will not impact any properties other than those proposed to be rezoned.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

Council officer time and resources are involved in the preparation of the amendment. Council is also required to pay the mandatory fees associated with the amendment process.

5. Consultation/Public Submissions

Following the request for an amendment by the landowner at 334-360 Hjorths Road, Toolern Vale, consultation was undertaken with the landowner at 292-332 Hjorths Road, Toolern Vale as to the proposed rezoning of their land. This landowner provided in principle support for the amendment via telephone, after considering the proposal they provided written confirmation in support of the amendment via email on 2 April 2016.

In addition to consultation with the landowners, consultation was also undertaken with the immediate surrounding service providers and government agencies to ensure the two properties at 292-332 Hjorths Road and 334-360 Hjorths Road were not required to be zoned Public Use Zone for public uses.

The immediate and relevant service provider and government agency identified were Western Water and Crown management by the Department of Environment, Land, Water and Planning (DELWP). Both agencies have confirmed in writing that they are supportive of the amendment to rezone land at 292-332 Hjorths Road and 334-360 Hjorths Road, Toolern Vale from PUZ1 to RCZ.

It was not necessary to consult immediate surrounding private landowners about this amendment, as the rezoning of the land at 292-332 Hjorths Road and 334-360 Hjorths Road will not have an effect on surrounding private land.

6. Risk Analysis

If Council chooses not to seek authorisation to prepare a Ministerial Planning Scheme Amendment it would prevent the necessary updates required to the Melton Planning Scheme.

It would also result in difficulties for landowners when applying for future planning permits and difficulty for Council officers in facilitating appropriate development and determining future planning permit applications.

7. Options

Council can choose to either:

1. Not seek authorisation to prepare a Ministerial Planning Scheme Amendment; or
2. Seek authorisation from the Minister of Planning to prepare and exhibit a Planning Scheme Amendment with full exhibition in accordance with the *Planning and Environment Act, 1987*.

LIST OF APPENDICES

1. Existing Public Use Zoning Map
2. Proposed Planning Scheme Amendment C167 Map

12.10 AMENDMENT C172 - PROPOSAL TO AMEND THE DIGGERS REST DEVELOPMENT CONTRIBUTIONS PLAN

Author: Claire Bickerstaff- Senior Major Developments Planner
Presenter: Bob Baggio- Manager Planning Services

PURPOSE OF REPORT

To consider a request to amend the Melton Planning Scheme by amending Schedule 5 to the Development Contributions Plan Overlay and the Diggers Rest Precinct Structure Plan and Development Contributions Plan, which are incorporated documents in Clause 81.01 of the Planning Scheme.

RECOMMENDATION:

That Council:

1. Seek authorisation for Amendment C172 - Proposal to amend the Diggers Rest Development Contributions Plan, in accordance with the requirements of the *Planning and Environment Act 1987*.
2. After authorisation, exhibit the Amendment in accordance with the requirements of the *Planning and Environment Act 1897*.

REPORT

1. Background

Executive Summary

A request has been made from WBCM on behalf of the land owner at 87-193 Davis Road, Diggers Rest, seeking Council support to amend the Melton Planning Scheme by amending Schedule 5 to the Development Contributions Plan Overlay and the 'Diggers Rest Development Contributions Plan' and 'Diggers Rest Precinct Structure Plan' which are incorporated documents in Clause 81.01.

The amendment would revise the number of projects in the Diggers Rest Development Contributions Plan (DCP) as follows:

- Delete project RD01 – Freeway On Ramp
- Delete project IT01 – Vineyard Road/Davis Road intersection
- Delete RD01 – land acquisition
- Delete IT06 – land acquisition
- Revise scope and cost of project IT06 – Davis Road/on ramp intersection

The changes are the result of a revised design which is supported by VicRoads – the road manager responsible for Vineyard Road and the freeway on-ramp.

The changes in the projects will result in an overall saving to the DCP of approximately \$6,213,647 (at July 2015 dollars).

It is therefore recommended that Council seek authorisation from the Minister for Planning, and upon authorisation, exhibit the amendment.

The Land and Surrounding Area

The area is within the Diggers Rest Precinct Structure Plan (PSP). It is located at the eastern leg of Davis Road, and where Vineyard Road joins the Calder Freeway outbound ramp.

The surrounding area to the immediate south is currently being developed as part of the Bloomdale residential estate.

Refer to **Appendix 1** and **Appendix 2** for a locality plan

The Amendment

It is proposed to amend the documents relating to the Diggers Rest Precinct Structure Plan – incorporated documents and Planning Scheme Ordinance, to introduce a revised project list and costs.

The Amendment specifically proposes to:

- Delete project RD01 – Freeway On Ramp
- Delete project IT01 – Vineyard Road/Davis Road intersection
- Delete RD01 – land acquisition
- Delete IT06 – land acquisition
- Revise scope and cost of project IT06 – Davis Road/on ramp intersection

In support of the request, the proponent has submitted a planning report that states:

‘The restructured roadworks will achieve an enhanced infrastructure outcome for the locality, facilitate savings to the community and provide an improved outcome for Diggers Rest’.

The deletion of projects RD01 and IT01 is a result of a re-design of IT06. A similar access arrangement can be delivered without the need to upgrade the existing on ramp and create a new intersection at Vineyard & Davis Roads.

The deletion of the land acquisition projects is a result of the re-design, which accommodates all new works within the existing road reserve, therefore not requiring any land acquisition from private property.

VicRoads is the responsible road authority and supports the proposed Amendment.

Refer to **Appendix 3** and **Appendix 4** for the amendment plan and an extract from the Diggers Rest DCP.

Planning History

A Planning Permit (PA2012/3840) was issued on 29 October 2013 for the subdivision of the land at 87-193 Davis Road into 215 residential lots. It is the owner of that land who has proposed the Amendment.

The Planning Permit includes conditions requiring the developer to construct projects IT06, RD01 and IT01 (as described in the executive summary above) as ‘works-in-kind’, which will offset their development contributions obligations. These works are not within the site at 87-193 Davis Road; they are within the existing road reserve which is managed by VicRoads.

The works are required to upgrade the existing arrangements to provide safe access to the development site for a residential subdivision.

In planning for the delivery of the projects, the developer has designed an alternative solution that will provide the same outcome, which is a safe and efficient road network around the freeway on-ramp.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

3. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment however statutory fees are required from the proponent to assist in defraying these costs.

4. Consultation/Public Submissions

Public notification of the application

Exhibition of the amendment will involve notice:

- To land owners and occupiers, and Government bodies, who may be materially affected by the amendment. This would include VicRoads, Public Transport Victoria, and the Metropolitan Planning Authority.
- In a local newspaper circulating in the area, on Council's website, and in the Victorian Government Gazette.

5. Issues

Strategic assessment of the proposal

In line with the *Strategic Assessment Guidelines for Planning Scheme Amendments* (August 2004), prepared by the State Government, every Planning Scheme Amendment should be strategically supported and maintain or develop the strategic focus of the Planning Scheme. It is necessary to determine whether any amendment supports or implements the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) of the Planning Scheme. Further, Council must determine whether the outcome of the amendment will have any consequences in terms of the Planning Scheme's directions, useability and transparency.

The proposed Amendment is consistent with the relevant provisions of the SPPF and LPPF, in particular:

Clause 19.03-1 Development contributions plans

The objective is to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans.

Clause 22.07 Transport and movement policy

The objective is to provide a road network that meets the needs of users at a minimal cost to Council, the community and the environment.

Transport Integration Act 2010

The proposed Amendment will not create a significant impact on the existing transport system as defined by Section 3 of the Act.

Response

The Amendment will allow the timely provision of key road infrastructure which will facilitate development in the western half of the Diggers Rest Precinct Structure Plan. Development in these locations cannot occur without an upgrade to existing road and intersections.

The revised project designs achieve the objectives within the original PSP, at a lower cost.

Referrals

Council's Engineering Department commented that the road authority responsible for the area subject to the Amendment is VicRoads, and therefore final approval of the design is a VicRoads' responsibility.

VicRoads have provided a letter of support for the proposed Planning Scheme Amendment (dated 29 February 2016).

Council's Engineering Department did not have any specific concerns with the proposed design of the road network.

6. Options

Council can resolve to either:

- seek authorisation from the Minister for Planning, or
- not proceed with the amendment.

7. Conclusion

The proposed amendment is considered to be consistent with the Melton Planning Scheme and the *Strategic Assessment Guidelines for Planning Scheme Amendments*.

It is therefore recommended that the authorisation be sought for the amendment in accordance with the requirements of the *Planning and Environment Act 1987*, and it subsequently be exhibited in accordance with the Act.

LIST OF APPENDICES

1. Locality Plan - Melways
2. Locality Plan - Aerial
3. Detailed layout Plan
4. Extract from Diggers Rest DCP

12.11 PLANNING APPLICATION PA 2014/4480 - AMENDED PLANS AND PERMIT ASSOCIATED WITH A TAKE-AWAY FOOD PREMISES AT 2/1021-1027 WESTERN HIGHWAY, RAVENHALL

Author: Cam Luong- Development Planner
Presenter: Bob Baggio- Manager Planning Services

PURPOSE OF REPORT

To consider a planning application to amended plans and permit associated with a take-away food premises at 2/1021-1027 Western Highway, Ravenhall.

RECOMMENDATION:

That Council issue a Notice of Decision to Amend a Planning Permit, subject to the following changes:

1. The preamble of the planning permit is amended to state:
'Use and development of the land for the purpose of a food and drink premises.'
2. Condition 4 is amended to state:
"The use may operate only between the hours of 10:00am – 3:00am the following day. The hours must not be varied, changed or extended without the written consent of the Responsible Authority."
3. Following the issue of the amended permit, the amended plans are to be endorsed.

REPORT

1. Background

Executive Summary

| | |
|------------------|-----------|
| Application No.: | 2014/4480 |
| Applicant: | T Munur |

- The applicant seeks to amend an existing planning permit and plans for a take away food premises (kebab van).
- The site is within the Industrial 3 Zone and not affected by any overlays.
- Two objections have been received.
- The proposal is considered to meet the relevant requirements of the Council's Planning Scheme.
- Approval is recommended

Planning History

Planning Permit PA2012/3486 was issued on the 29 March 2012 and allowed for the use and development of land for the purpose of a take away food premises (mobile kebab van) on the land. This planning permit was a temporary permit which required that the use must cease after two years, unless a separate planning permit was issued to continue the use. The permit subsequently expired.

A further Planning Permit (PA2014/4480) was issued on 1 October 2014 and allowed the continuation of the use for a further five years. At the time, the kebab van had been operating for two years, and no complaints had been received in relation to the use.

Condition 4 of the Planning Permit currently outlines that:

“The use may operate only between the hours of:

- 10:00am – 10:00pm (Sunday – Wednesday)
- 10:00am – 2:00am the following day (Thursdays)
- 10:00am – 4:00am the following day (Fridays and Saturdays).

The hours must not be varied, changed or extended without the written consent of the Responsible Authority.”

Refer to **Appendix 1** for a copy of the existing permit.

The Land and Surrounding Area

The subject land is identified as Lot 2 on PS521639Q, number 2/1021-1027 Western Highway, Ravenhall. The land had been developed with several industrial buildings, which have been subsequently subdivided. Each allotment within the subdivision has been allocated with a specific number of car parking spaces. This site has been allocated with 11 car parking spaces, however, two of these car parking spaces are being utilised by the kebab van. There are also 23 communal car parking spaces that are owned and managed by the Owners Corporation. The industrial building on the lot is currently used for the purpose of a restricted retail premises (as per Planning Permit PA2014/4515).

Along this section of the Western Highway are a number of petrol stations, food and drink premises (including KFC, McDonalds, Hungry Jack’s, cafes, etc.). The land is also located opposite the Burnside Activity Centre, which comprises of the shopping centre complex, Woolworths Masters, and showrooms.

*Refer to **Appendix 2** for a locality plan*

The Application

The proposal is to amend the plans and planning permit. A brief description of the proposal is as follows:

- Amend condition 4 so that the use can operate from 10:00am – 3:00am the following day (seven days a week).
- Place two (2) tables and eight (8) chairs on the abutting car parking space after 6:00pm each day. In addition, a plastic screen will be placed to provide some weather protection.

Refer to Appendix 3 for plans of the proposal

Planning Controls

The subject land is located in the Industrial Three Zone (IN3Z) under the Melton Planning Scheme. Pursuant to the Clause 33.03-1, a permit is required to use and develop the land for the purpose of a ‘Takeaway Food Premises’.

Section 72 of the Planning and Environment (General Amendment) Act 2004 allows a permit to be amended including any plans, drawings or any other documents approved under the permit. Section 73 of the Act outlines the procedures for considering an application to amend a permit. Under Section 73 (1), any application to amend a permit must be assessed as an application for planning permit and take into consideration the requirements outlined under Sections 47-62 of the Act.

The following State Planning Policy is relevant in the assessment of this application:

- Clause 17.01-1 – Business

The objective of the Business Policy at Clause 17.01-1 is to “*encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*”

There are no Local Planning Policies that are relevant to the assessment of this application.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. *Managing our Growth.*

1.1 *Strategically plan for a well designed and built City.*

This includes the strategy to ‘*ensure appropriate land use planning for public infrastructure, non urban areas, urban development and community assets*’.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was required to be advertised. The advertising was satisfactorily completed and two objections were received.

The grounds of objection may be summarised as follows:

- *The proposal will present adverse amenity impact in terms of noise, litter and odour.*
- *The extent of table and chairs affect available parking and create subsequent overflow.*
- *Hygiene and health concerns relating to the operation of the kebab shop.*
- *The structure is un-slightly and the addition of tables and chairs will make it more-so.*

Referral of the application

Council’s Environmental Health Department has no objection to the proposal.

5. Issues

Planning Assessment

The existing planning permit already allows the use to operate until 10pm (Sunday to Wednesday), 2am the following day on Thursdays, and until 4am the following day on Fridays and Saturdays. The additional change would only allow the applicant to operate later into the night, when the majority of businesses are closed.

The applicant has also indicated that they would only be placing two (2) tables and eight (8) chairs outside after 6:00pm, again, at a time when a majority of the surrounding businesses are closed. The amenity impact of having two tables and eight chairs is considered to be relatively minor under the circumstances.

The issue relating to car parking (and overflow) is considered to be unsubstantiated, given that as previously indicated it is unlikely that other premises within the development would be operating at the times proposed.

Objectors Concerns

- *The proposal will present adverse amenity impact in terms of noise, litter and odour.*

There are already existing conditions on the permit relating to the minimising any adverse amenity impacts. Any complaints relating to adverse amenity can be investigated and reviewed by Council's Compliance Unit, and appropriate action instigated to bring about compliance with the permit.

- *The extent of tables and chairs affects available parking and create subsequent overflow.*

The applicant has indicated that the tables and chairs will be placed on the abutting car parking space after 6pm. At this time a majority of the premises within the industrial complex will be closed, and unlikely to result in overflow car parking.

- *Hygiene and health concerns relating to the operation of the kebab shop.*

Council's Environmental Health Unit does not object to the proposal, and would be responsible for any future issues in this area.

- *The structure is un-slightly and the addition of tables and chairs will make it more-so.*

Mobile kebab vans are relatively common on petrol station and industrial sites with the metropolitan area and if properly maintained do not adversely detract from the visual amenity of the area.

6. Options

Council can either support the application by issuing a Notice of Decision to Amend a Permit or not support the proposal by issuing a Notice of Refusal to Amend a Permit.

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Zone provisions and Clause 65 of the Melton Planning Scheme.

It is considered that the proposal generally complies with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that the application be approved.

LIST OF APPENDICES

1. Appendix 1 - Existing Planning Permit
2. Appendix 2 - Locality Plan
3. Appendix 3 - Plans of Proposal

12.12 PLANNING APPLICATION PA2016/5118 - USE OF LAND FOR REFUSE DISPOSAL, BUILDINGS AND WORKS AND NATIVE VEGETATION REMOVAL

Author: Smith Sian - Major Developments Coordinator
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To advise Council of the status of Planning Application PA2016/5118 – Use of land for refuse disposal, buildings and works and native vegetation removal.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

On 29 February 2016, Council received an application to use the land at 408-546 Hopkins Road, Truganina, for refuse disposal, buildings and works and native vegetation removal.

On 11 April 2016, Council received a letter from the Minister for Planning directing Council to refer the application to him as soon as possible.

2. Background/Issues

The use of the site for a landfill commenced in 1998 under PA2091/97. An application to amend the permit to allow for an expansion of the landfill was refused by Council on 27 May 2014.

The proposed expansion of the existing landfill at the time generated significant community opposition which resulted in approximately 7,000 objections being received. The grounds of refusal were:

1. There is no demonstrable need at this time, or within a relevant planning horizon, to amend the existing permit to expand the landfill operation across the whole site.
2. The proposed expansion of the landfill is premature as it contemplates filling in airspace yet to be created and would extend the life of the permit for an indeterminate period of time, which is contrary to orderly planning.
3. The proposal could prejudice the orderly development of the area.
4. The application lacks sufficient detail making it difficult to assess and determine the future implications of the proposal.
5. A proposal of this scale should be considered on an incremental basis in concert with the void created by future quarrying operations on the land.
6. The proposal does not further the policy objectives at clause 19.03-5 of the Melton Planning Scheme.
7. The proposal does not demonstrate compliance with State Environment Protection Policy (Air Quality Management), contrary to clause 13.04-2 of the Planning Scheme.
8. The proposed expansion may have detrimental effects on waste management policies aimed at minimising reliance on landfill disposal of waste.

9. The proposed amendment is beyond the power of section 72 of the *Planning and Environment Act 1987*.

The Labour Party at the time made an election promise, that if elected, it would 'call in' any future application for the expansion of the landfill.

On 29 February 2016, Council received an application to use the land at 408-546 Hopkins Road, Truganina, for refuse disposal, buildings and works and native vegetation removal. In essence, the application is for the expansion of the Melbourne Regional Landfill.

On 11 April 2016 a letter directing the application be called in was received by Council. The Minister for Planning considers that the application raises a major issue of policy and that the determination of the application may have substantial effect on the achievement or development of planning objectives (Refer **Appendix 1**).

Council Officers have been in regular contact with the Planning Services section at the Department of Environment, Land, Water and Planning (DELWP), since receiving the application.

A meeting was held on 19 April 2016 to officially handover the application to DELWP. Officers from DELWP advised that joint notice of the application for planning permit and works approval is likely to be for a four week period. The EPA is proposing to conduct a number of information sessions relating to the application for the works approval, during this notification period. All submissions received (including Councils) will be referred directly to the Planning Panel. The Panel will then organise a Directions Hearing to discuss and determine with the submitters, the conduct of the hearing. The Panel Hearing is likely to occur about four weeks later, over a possible three week period. The Panel report is likely to be completed and referred to the Minister about eight weeks after the completion of the hearing.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.1 *Strategically plan for a well designed and built City*

4. Financial Considerations

There are no financial considerations relating to the application being called in, however, there will be expenses incurred by Council with regards to obtaining legal assistance and advice on the proposal and the subsequent Panel hearing.

5. Consultation/Public Submissions

Council will assist DELWP with providing names and addresses for those parties the Department wishes to notify.

The consultation process will be run by DELWP, not Council, and is likely to occur concurrently with notification of the EPA Works Approval application.

6. Risk Analysis

There are no risks associated with complying with the Minister's direction to call the application in.

7. Options

The Minister for Planning has determined to call in the application under Section 97B(1) of the *Planning and Environment Act 1987*.

Under 97B(2) of the Act the responsible authority must comply with the direction without delay and must not proceed further with the application.

LIST OF APPENDICES

1. Letter from Minister for Planning

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Reports on external Committees and external Representative Bodies for which Councillors have been appointed by Council.

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Address from Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 424 (CR MAJDLIK)

Councillor: Kathy Majdlik

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 2 May 2016.

MOTION:

That Council Officers prepare a detailed report to Council as to the current procedure in notifying relevant parties that live in the urban and rural areas of the municipality, including commercial business, when a planning application or any major development or a major strategic document is to occur or be implemented. And that Council considers and reviews how this methodology can be strengthened to ensure all relevant parties are made aware of and notified of any future and major planning applications or major developments or major strategic document implementation to affected stakeholders.

1. Officer's Comments

Council has a statutory responsibility to give notice of a planning application if it forms the view that the proposal may cause material detriment to a surrounding land owner or occupier. There are exceptions to this, for example where the land is covered by an approved development plan and the proposal is generally in accordance with that plan. In practice however, the majority of planning applications are advertised either formally or informally (where a development plan applies).

In most cases, the extent of notification includes sending a notice to adjoining and abutting land owners and occupiers, and the display of an on-site notice on the frontage of the site. For some applications where potential detriment may extend to a wider area, the extent of direct notification may be increased to beyond adjoining properties and/or a notice placed in the local newspaper to capture the broader community. At times, Council experiences some issues with mail not being delivered and returned to Council.

In the preparation of major strategic documents such as the Integrated Transport Strategy, a Consultation Strategy is developed as part of the scope of works and project management plan for all projects. The method of consultation can vary slightly depending on the project but will generally include a range of techniques seeking input and feedback at key stages including, postcards, posters, project websites, Facebook pages, Drop-in Sessions or workshops as well as adverts in local media and on Council's website. The consultation strategy will consider any relevant Council policies or guidelines relating to communication and engagement.

Planning Scheme Amendments, which are often required to implement strategic documents, are required to follow a statutory process which include direct notification to all affected landowners and notices in local papers outlining the Amendment, where it can be viewed and how they lodge a formal submission to the process.

A detailed report can be presented to the next Council meeting outlining the current methodologies and/or statutory processes used to inform and notify relevant and affected parties of planning applications, major development and major strategic projects. This report can include options for potential improvements for Council's consideration.

15.2 NOTICE OF MOTION 425 (CR MAJDLIK)**Councillor: Kathy Majdlik**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 2 May 2016.

MOTION:

That Council:

1. Prepare a report to Council, outlining the requirements and costs associated in developing a Strategic Telecommunications Mobile Tower Placement Document for our municipality.
2. Include whether this document would help assist Council in becoming more proactive in strengthening Council's position by working together with Mobile Phone companies in where our community would prefer all future Telecommunication/Mobile Towers to be located.
3. Include whether this document would assist Council in strengthening any future planning applications with relevant governing bodies such as VCAT.

1. Officer's Comments

Communications infrastructure is considered an essential service specified in State policy and Planning Scheme triggers are activated under the buildings and works provisions rather than approval being required for the use. However, the preparation of this strategic document may assist in strengthening Council's ability to work with carriers to identify appropriate locations for communications infrastructure.

The report will outline the scope of works, including timeframes, required to prepare a document which seeks to provide strategic guidance on the placement of telecommunications towers in the municipality. It will also provide an estimate of the anticipated costs associated with the preparation of such a document.

15.3 NOTICE OF MOTION 426 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 2 May 2016.

MOTION:

That Council officers provide a report to Council regarding the requirements in relation to the width of streets in residential areas (both in existing and future), and in relation to parking on nature strips where the narrow width of streets makes it impractical to park on the road. The report is to include an outline of current practice along with options for Council to consider to ensure residents have reasonable and practical opportunities for parking.

1. Officer's Comments

The Planning and Environment Act (1987), the Melton Planning Scheme Clause 56.06-8 and Precinct Structure Plans outline the requirements for road reserves including road widths within residential subdivisions. This document allows for a minimum 5.5m road width for roads carrying up to 2000 vehicles per day.

The Road Safety Rules prohibit the parking of vehicles on nature strips. Council when enforcing these requirements would consider the ability to park vehicles within the owner's property, if the vehicle was obstructing footpaths or paths of travel and any safety requirement of the vehicle or the road user.

- 16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**
- 17. MOTIONS WITHOUT NOTICE**
- 18. URGENT BUSINESS**

19. CONFIDENTIAL BUSINESS

Procedural Motion

That pursuant to Section 89(2) of the Local Government Act (1989) the meeting be closed to the public to consider the following reports, that are considered confidential for the reasons indicated:

19.1 Regional Kitchen Proposed Business Model

This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

19.2 Contract Extension - Contract 14/002 Facility Cleaning Services

This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

19.3 Contract of Employment - Chief Executive of Melton City Council 2016-2020

This report is confidential in accordance with s89(2)(c) as it relates to industrial matters.

Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS