



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 27 June 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 30 May 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**

- 6 June 2016
- 7 June 2016
- 14 June 2016
- 20 June 2016

RECOMMENDATION:

That the Record of Assembly of Councillors dated 6 June, 7 June, 14 June and 20 June 2016 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. 6 June 2016 Record of Assembly of Councillors
2. 7 June 2016 Record of Assembly of Councillors
3. 14 June 2016 Record of Assembly of Councillors
4. 20 June 2016 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Peter Langdon – Acting Inspector 22092 – Police Numbers for the City of Melton

RECOMMENDATION:

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

LIST OF APPENDICES

1. Correspondence Inwards - Police Numbers for the City of Melton

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 TELECOMMUNICATIONS TOWER BROOKSIDE RESERVE - VODAFONE

Author: Christine Denyer - Legal Services Manager

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To report back to Council on a meeting between Council Officers and Vodafone pursuant to the Council resolution of 4 April 2016.

RECOMMENDATION:

That Council:

1. notes the contents of the Report
2. nominates the 3 locations set out in the Executive Summary to Vodafone for it to obtain independent testing of the emission levels
3. receives a report from Officers as to the results of the testing as soon as the results become available
4. advise Seamus Ryan, as representative of the 'Residents Against the Mobile Phone Tower at Brookside Recreation Reserve' group, of the detail of the meeting with Vodafone representatives, as contained in this report.

REPORT

1. Executive Summary

Vodafone is not prepared to relocate to another site because the site at 72-80 Caroline Springs, Boulevard, Caroline Springs is far superior to any other site in the vicinity. Vodafone is however prepared to commission independent testing of emission levels at various locations nominated by Council in order to allay residents concerns.

It is suggested that the following 3 sites be tested:

1. synthetic soccer pitch – distance from monopole approximately 58m;
2. Brookside College – distance from monopole approximately 204m; and
3. Brookside Early Learning Centre – distance from monopole 224m.

A map showing the 3 locations is attached at **Appendix 1**.

2. Background/Issues

At the Ordinary Meeting of Council on 4 April 2016 Council resolved to enter into discussions with Vodafone regarding the possibility of a relocation of telecommunications infrastructure (a Monopole) at 72-80 Caroline Springs Boulevard, Caroline Springs and obtain a full report of those discussions including in relation to any other possible sites and any associated costs ('the April 4 resolution').

A copy of the report which informed the April 4 resolution and which provides a further and detailed background, is attached at **Appendix 2**.

The report was written in response to a petition containing approximately 1,400 signatures which was received at the Ordinary Meeting of Council on 7 March 2016. The report may be summarised as follows:

- the petitioners seek a cancellation of the lease between Council and Vodafone for telecommunications infrastructure installed at 72-80 Caroline Springs Boulevard, Caroline Springs;
- Council has complied with all statutory obligations;
- Council cannot resolve to unilaterally end the lease;
- Council can however amend or vary the lease by mutual agreement; and
- the likelihood of that agreement is considered low, in particular given the likely costs that it is estimated that Vodafone would have incurred in installation of the infrastructure.

Following the April 4 resolution, Council wrote to Vodafone requesting a meeting between its representatives and Council Officers.

A meeting was subsequently held at Vodafone's Port Melbourne Offices on Friday, 13 May 2016 at 11am. Present at the meeting from Council were Mr Kelvin Tori - Chief Executive Officer, Ms Christine Denyer - Manager Legal Services, Mr Daniel Hogan – Customer Engagement Manager (and author of previous reports in relation to this matter) and Ms Laura-Jo Mellan – Manager City Design and Environment. Present at the meeting from Vodafone were Mr Ben Raymond - Site Acquisition Specialist, Mr Neil Beyers – Regional Manager and Mr Richard Webb – Project manager.

Vodafone representatives advised that Vodafone had no appetite to relocate. Vodafone had spent 18 months investigating possible sites in the Brookside area before arriving at the current site. It had chosen the current site, 72-80 Caroline Springs Boulevard, Caroline Springs (at the Brookside Recreation Reserve), because it was clearly and decisively the best option available. The assessment was on a number of criteria including, but not limited to, tenure (the ability to obtain a lease agreement or other agreement to occupy the site) and coverage. This site achieves 90% of Vodafone's desired coverage from a new tower in this vicinity.

Vodafone noted that a relocation would, at a minimum, take another 18 months depending upon difficulties in obtaining a permit at an alternate site.

Vodafone also noted, as an aside, that relocating might be seen to create a precedent given that there are hundreds of mobile phone towers located in similar settings. An agreement to relocate would potentially 'open the flood gates'.

Council Officers enquired specifically as to the potential of 402 Clarke Road, Rockbank which has been consistently raised by the group opposing the location of the tower at the Brookside site.

Vodafone's response to this was that there was no interest whatsoever from the landowner to provide tenure to Vodafone for location of a phone tower on that property. In fact, on an availability scoring matrix that Vodafone have developed, this site scored 0 out of 10. In respect of the RF Assessment, this site only scored 4 out of 10 which means an effective 40% coverage compared to the 90% coverage achieved at the Brookside site.

Accordingly, in Vodafone's assessment, 402 Clarke Road, Rockbank does not in fact constitute an alternate site and indeed all other sites that were investigated are considered significantly inferior to the current site.

On the question of costs, Vodafone representatives advised that establishment costs usually ranged from \$500K-600K depending upon the difficulty associated with obtaining permits

and the terrain etc, but could be up to \$1m. These figures do not take into account the cost of decommissioning the existing monopole, an estimate for which they had not turned their minds, nor were they readily prepared to.

Vodafone advised that it had followed due process and complied with the law and the current science. The levels at the site were well below the maximum. So confident are they of this that Vodafone officers advised that in order to allay resident's concerns Vodafone would be prepared to undertake, via an accredited independent testing agency, testing of emission levels at various specific locations nominated by Council. The sites could potentially be on the ovals and in the school etc. This offer was made unconditionally and would be a one-off testing process to clearly establish the levels at each of these locations adjacent to the mobile phone tower.

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

A There are no immediate financial considerations.

5. Consultation/Public Submissions

This Report is in response to public concerns received by way of a petition. The petition was received after the lease had commenced and after the public notice period had expired. No further public consultation has occurred.

6. Risk Analysis

Council has issued a permit for the use and entered into a binding lease with Vodafone which has commenced. That lease does not contain a provision which allows Council to unilaterally terminate the lease. Accordingly, if Council does attempt to end the lease it would expose Council to significant financial risk.

7. Options

1. Resolve to take up the offer for testing at the 3 suggested locations.
2. Resolve to take up the offer for testing at a different 3 locations.
3. Note the Report and take no further action.
4. Seek further legal advice

LIST OF APPENDICES

1. Locality Map
2. Council Report 4 April - Telecommunications Infrastructure Lease - Petition Response

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 27 June 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 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 and 3**
2. adopt the recommendations arising within the minutes.

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
10 March 2016	Heritage Advisory Committee	Appendix 1
14 April 2016	Heritage Advisory Committee	Appendix 2
11 May 2016	CALD Advisory Committee	Appendix 3

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. Heritage Advisory Committee Meeting Minutes - 10 March 2016
2. Heritage Advisory Committee Minutes - 14 April 2016
3. CALD Advisory Committee Meeting Minutes - 11 May 2016

12.3 APPOINTMENT OF A NEW MEMBER TO THE HERITAGE ADVISORY COMMITTEE

Author: Matthew Milbourne - Senior Strategic Planner
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To seek approval for the appointment of a new member to the Heritage Advisory Committee.

RECOMMENDATION:

That Council approves the appointment of a new member to the Heritage Advisory Committee.

REPORT**1. Executive Summary**

The Melton Heritage Advisory Committee promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards, and drives programs that encourage an appreciation of heritage in the City of Melton.

The Melton Heritage Advisory Committee's Terms of Reference were expanded from five community members to six community members by Council at its Ordinary Meeting of 26 May 2015.

In November 2015 three of the Community Member's two year terms ended, and Council received two applications for the three vacant positions. Two of the three vacant positions were filled and one position remained vacant.

Council re-advertised the vacant position in April 2016, and received one nomination. It is recommended that the applicant be appointed to the Heritage Advisory Committee as they demonstrate the necessary skills and experience to serve on the Committee.

2. Background/Issues

Under the Terms of Reference, the Heritage Advisory Committee has the following responsibilities:

- Consider applications to the City of Melton Heritage Assistance Fund and make recommendations on applications to Council.
- Promote, select and advise Council on nominations to the City of Melton Heritage Awards.
- Act as a promotion and coordinating body for heritage in the community, including providing advice on marketing and promotion of the values of heritage and heritage related tourism in the City of Melton.
- Provide advice to Council on the documentation, interpretation, management and conservation of history and heritage in the City of Melton.
- Make recommendations to Council about further work required to document and protect Melton's heritage.

- Provide recommendation for nomination of places to Local, State or National heritage registers.
- Advocate in a professional manner on behalf of the community and celebrate the community history and heritage within the City of Melton.
- Assist Council in sourcing external funding or sponsorship opportunities to further heritage conservation, promotion, management and education.

It was resolved by Council at the Ordinary Meeting of 26 May 2015 to amend the Terms of Reference for the Heritage Advisory Committee to increase the number of community representatives from five to six.

In November 2015 as a result of the term of two members ending and the resignation of another member, three of the six community representative positions became vacant. Following a call for nominations which was advertised on Council's website and in local media, two nominations were received. At its Ordinary Meeting of 15 December 2015, Council resolved to appoint the two community members to the Heritage Advisory Committee. One community representative position remained unfilled and was to be advertised in 2016.

An advertisement was published in the Melton Leader for Expressions of Interest (EOI) to fill the remaining position in April 2016 which was also promoted on Council's website and Facebook page and Council received one application. This application was assessed by a panel of Council officers who are not representatives on the Heritage Advisory Committee:

The applicant, Frank Sultana, is interested in the history of the City of Melton and its heritage. He is keen to get involved in the preservation of the heritage in the City of Melton and demonstrated the necessary skills and experience to serve on the Committee.

The three Council Officers recommend that the nominee be appointed to the Heritage Advisory Committee.

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

Nil

5. Consultation/Public Submissions

An advertisement was published in the Melton Leader for Expressions of Interest (EOI) on 12 April 2016 to fill the remaining position.

The vacant position was also promoted on Council's Facebook page, and Council's website.

6. Risk Analysis

The Committee has an advisory capacity only, and can make recommendations that Council can choose not to adopt. Accordingly, it is considered that there is limited risk to Council.

7. Options

Council can choose to either:

1. accept the recommendation of the Council Officers, and approve the appointment of the recommended member to the Melton Heritage Advisory Committee
2. not appoint the recommended member to the Melton Heritage Advisory Committee, which would result in their being two vacant positions on the Committee.

LIST OF APPENDICES

Nil

12.4 MINUTES OF THE SECTION 223 SUBMISSION COMMITTEE HELD 7 JUNE 2016, ADOPTION OF 2016/17 BUDGET AND REVISED COUNCIL PLAN 2013-2017

Author: Shan Thurairajah - Manager Finance

Presenter: Luke Shannon - General Manager Corporate Services

PURPOSE OF REPORT

This report advises Council of the minutes of the Section 223 Submissions Committee Meeting held on 7 June 2016, 2016/17 Budget and revised Council Plan 2013-2017.

RECOMMENDATION:

That Council:

1. Notes the minutes of the Section 223 Submissions Committee held Tuesday, 7 June 2016.
2. Adopts the recommendations arising within the minutes at **Appendix 1**.

REPORT

1. Executive Summary

At the Council meeting held on 2 May 2016, after reviewing the 2016/17 Proposed Budget and the revised Council Plan 2013-2017, Council resolved that:

- Proposed Budget and the revised Council Plan will be placed on public display as required by the *Local Government Act 1989* ('Act') and submissions will be received up until 31 May 2016.
- The 'Section 223 Submission Committee' of Council consider any submissions made in accordance with Section 223 of the Act and report these submissions to Council.

The Section 223 Submission Committee met on 7 June 2016 to hear from the submitters and consider the submissions received.

A total of 11 submissions were received on the proposed budget and no submissions were received on the revised Council Plan.

The Minutes of the Section 223 Submissions Committee Meeting held on 7 June 2016 are attached at Appendix 1.

2. Background/Issues

The Proposed Budget for 2016/17 and revised Council Plan 2013-2017 were presented to Council at the Ordinary meeting of the Council on 2 May 2016. Council resolved that the proposed Budget and the revised Council Plan be displayed for 28 days as required by the Act, inviting public submission.

Council received a total of 11 submissions on the Proposed Budget, primarily from organisations seeking an allocation of additional funding for Council facilities. No submissions were received on the revised Council Plan

The Section 223 Submissions Committee meeting was held on 7 June 2016 to consider the submissions received. The Committee reviewed the submissions received, of which four verbal presentations were made in support of their written submission.

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

Costs associated with advertising and exhibiting the 2016/17 Proposed Budget and revised Council Plan have been provided for in the current budget.

5. Consultation/Public Submissions

Council, in accordance with section 223 of the *Local Government Act 1989*, invited submissions from the community, for consideration by Council on 7 June 2016 before adopting the 2016/17 Proposed Budget and the revised Council Plan.

The Section 223 Committee considered all submissions received on 7 June 2016 and made recommendations to Council to before formally adopting the 2016/17 Municipal Budget and the revised Council Plan 2013-2017.

6. Risk Analysis

Council's process of endorsing the 2016/17 Proposed Budget and the revised Council Plan 2013-2017 and seeking public submissions is in accordance with in the *Local Government Act 1989* poses no risk to Council.

7. Options

Council is required to have the 2016/17 Budget adopted by 30 June 2016.

LIST OF APPENDICES

1. Section 223 Submission Committee Meeting Minutes

12.5 RESILIENT MELBOURNE STRATEGY

Author: Matthew Wilson - Manager Community Planning
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To inform Council and seek endorsement of the Resilient Melbourne Strategy and opportunities for involvement in related initiatives going forward.

RECOMMENDATION:

That Council endorse the Resilient Melbourne Strategy attached as **Appendix 1** to this report.

REPORT

1. Executive Summary

Resilient Melbourne is part of the 100 Resilient Cities (100RC) global initiative established by the Rockefeller Foundation. The initiative aims to assist cities around the world to become more resilient to physical, social and economic challenges that may occur going forward into the 21st Century.

The Resilient Melbourne Strategy covers the wider metropolitan area of Melbourne consisting of 32 local government areas. The City of Melton is one of the local government areas covered by the strategy.

Mayors, Chief Executive Officers, and Council staff were engaged in the development of the strategy. The City of Melbourne has also established a project team to carry the work forward over the next few years. Participation from other local governments, State agencies and the community sector will be invited to assist in implementing the key actions arising from the strategy.

There were 372 applications from cities around the world to participate in the first cycle of the program. Melbourne was selected as one of 33 cities to participate in this first cycle. Melbourne was chosen because it faces profound challenges, is a city willing to embrace innovation and change, and is willing to share progress with other cities globally.

It is recommended that Council note the Resilient Melbourne Strategy.

2. Background/Issues

Melbourne is a city that spans approximately 10,000km² and is home to approximately 4.3 million people. It is rapidly growing and it is estimated that it will be home to about 7.7 million people by 2051.

Melbourne is not immune to challenges or shock events that can affect the livability and sustainability of the city and its residents. Chronic stresses such as unemployment, diminishing housing affordability, social deprivation, and family violence are examples of issues that can weaken a community. Additionally, emergency events or shock events such as a pandemic, heat wave, bushfires and flooding occur and affect the lives of Melbournians.

Thirty-two (32) local government authorities operate within the bounds of Melbourne, and coordinated collaborative responses to challenges and shock events are key in ensuring positive outcomes for residents.

The Resilient Melbourne Strategy aims to provide a way forward for all partners to coordinate and collaborate to proactively address these challenges. The Strategy provides an opportunity for Melbourne to foster the long-term viability, safety and wellness of the communities in Melbourne both now and into the future.

There has been strong and broad engagement in the development of the strategy, with the City of Melbourne appointing a Chief Resilience Officer to coordinate the process. A Steering Committee was established to oversee the process, and the membership of the committee comprised:

- Craig Lapsley, Emergency Management Victoria
- Geoff Lawler, City of Melbourne
- Mark Duckworth, Department of Premier and Cabinet
- Linda Weatherson, City of Melbourne
- Rob Spence, Municipal Association of Victoria.

The process to develop the strategy commenced in early 2014 with support from stakeholders at the highest levels of local and state government. Four (4) areas were initially explored and these are as follows:

- stakeholder perceptions of the factors contributing to Melbourne's resilience
- critical physical and social infrastructure
- relevant stresses and shocks
- existing efforts to build resilience.

In June 2015, a document titled Melbourne's Preliminary Resilience Assessment was released and it recommended areas for deeper investigation by working groups. The working groups were lead by local government CEOs, resulting in outcomes that have formed key content in the strategy as presented.

The Resilient Melbourne Strategy is attached for Council's information at **Appendix 1**.

The vision for the strategy is that, "The future of Metropolitan Melbourne and its diverse communities is viable, sustainable, liveable and prosperous."

The strategy has five (5) Resilience Goals that have been derived from the working groups noted above. These Resilience Goals are:

Goal 1: A stronger society – Melbourne's communities take active responsibility for their own and each other's health, wellbeing and safety.

Goal 2: A better connected society – Melbourne's buildings, infrastructure and activities promote social cohesion, equality of opportunity and health.

Goal 3: A competitive metropolis – Melbourne has diverse local employment opportunities that support an agile workforce and is prepared for the jobs of the future.

Goal 4: A healthier environment – Melbourne's natural assets and ecosystems are strong alongside a growing population.

Goal 5: Integrated plans and actions – Urban resilience is embedded in our decision making cultures and implementation strategies.

A total of 33 actions have been identified in the Strategy to be implemented over the next five (5) years to work toward achieving these goals. The actions have been designed so that Councils can choose to become further involved where benefit is identified and alignment with existing Council strategic directions and plans is achieved. The actions are outlined in the Strategy, but it is noted that three (3) Flagship actions have been identified. Flagship

actions are those that have potential for metropolitan wide impacts and transformational outcomes for Melbourne. The three (3) Flagship actions are:

- metropolitan urban forest strategy
- emergency management community resilience framework for Victoria
- the metropolitan cycling network.

Council will have ongoing interaction with the Resilient Melbourne Strategy and associated actions over the next five (5) years, as the goals of the strategy compliment work occurring across the organisation to enhance outcomes for Melton and the Western Region.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

3.2 Build resilient people and communities through opportunities to participate in community life

4. Financial Considerations

There are no financial implications associated with receiving and noting the Resilient Melbourne Strategy. If there is any future funding request related to the Strategy, this will be presented to Council via a Council report.

5. Consultation/Public Submissions

The Resilient Melbourne Strategy development process involved consultation with stakeholders in State and Local Government, and other agencies across the broader metropolitan area of Melbourne. This was coordinated through the City of Melbourne.

6. Risk Analysis

Receiving and noting the Resilient Melbourne Strategy does not involve risk to Council.

7. Options

Council has the option to:

1. Endorse the recommendation.
2. Decline to receive and note the Resilient Melbourne Strategy.

LIST OF APPENDICES

1. Resilient Melbourne Strategy

12.6 GROWING SUBURBS FUND

Author: Les Stokes - Acting Manager Operations
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To outline the criteria in the process of the recently announced Growing Suburbs Fund and determine Council's priority projects for submission to the Fund.

RECOMMENDATION:

That Council endorse the submission to the Growing Suburbs Fund (GSF) for the following projects in priority order:

1. Caroline Springs Basketball Facility extension - \$2.5M of total project cost \$7M
2. Scout Environment Education Activities Centre construction - \$0.5M of estimated total project cost \$2M
3. Botanic Trail - \$0.4M of total project cost \$0.85M
4. Taylors Hill West Sporting Precinct Development - \$3M of total project cost \$11M
5. Kensington Drive Reserve Development upgrade - \$0.194M of total project cost \$0.387M
6. Caroline Springs Regional Tennis, Pavilion and Court construction - \$2M of total project cost \$4M
7. Burnside Stage 2 Multipurpose Community Centre - \$1M of total project cost \$2M
8. Hannah Watts Park development - \$0.5M of total project cost \$1.1M
9. Stan Payne Reserve development - \$0.25M of total project cost \$0.5M

REPORT

1. Executive Summary

The State Government officially launched the Interface Growth Fund (IGF) on 3 July 2015 announcing an initial \$50M investment into the outer suburbs to support the delivery of critical local infrastructure needs for growing communities.

Council was successful in obtaining a total of \$6.321M from Round 1 of IGF.

In the Victorian State budget, on 11 May 2016 there was an announcement that there will be an additional \$50M available to Melbourne's ten (10) interface Councils via the GSF. These Councils are Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges.

The following projects are recommended for submission to the GSF in priority order:

1. Caroline Springs Basketball Facility extension - \$2.5M of total project cost \$7M
2. Scout Environment Education Activities Centre construction - \$0.5M of estimated total project cost \$2M
3. Botanic Trail - \$0.4M of total project cost \$0.85M
4. Taylors Hill West Sporting Precinct Development - \$3M of total project cost \$11M
5. Kensington Drive Reserve Development upgrade - \$0.194M of total project cost \$0.387M

6. Caroline Springs Regional Tennis, Pavilion and Court construction - \$2M of total project cost \$4M
7. Burnside Stage 2 Multipurpose Community Centre - \$1M of total project cost \$2M
8. Hannah Watts Park development - \$0.5M of total project cost \$1.1M
9. Stan Payne Reserve development - \$0.25M of total project cost \$0.5M

2. Background/Issues

Council has received the 2016-17 Growing Suburbs Fund application guidelines (attached as **Appendix 1**) which outline how Council can apply for funding and the funding criteria. Grant round opened on 3 June 2016 and will close on 29 July 2016.

The GSF is intended to fund ideally a mix of projects that have a direct social or economic benefit for communities across the following broad infrastructure:

- community health, wellbeing, and social interaction
- early education and learning and training
- sport, recreation and leisure
- environmental and climate change resilience
- place-making civic amenity and community connecting.

All infrastructure projects must commence construction within 12 months of the grant being announced and must be completed within a three (3) year timeframe from the start of construction. It is also highlighted that any one Council will not receive more than 20% of the total 2016-17 GSF funding pool (which is a total of \$50M). This means that any one Council will not receive in excess of \$10M.

The 2016-17 GSF (formerly the Interface Growth Fund) is the contribution towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by Interface communities by bringing forward local infrastructure projects that will make a big difference of the day-to-day lives of outer suburban families.

Objectives

The 2016-17 GSF will contribute to a prosperous and livable Melbourne by improving the quality of life for those living in the outer suburbs. It will fund infrastructure that provides a livability resilience, and community and economic development of these communities.

Assessment Criteria

Criterion One – Why is this project required – 25% criteria measure

Applications will be required to demonstrate the extent to which the project addresses an identified need in the community, for example by clearly identifying the need or gap in infrastructure provision that the project will address, and demonstrating the breadth and depth of the need or gap in infrastructure provision.

Criterion Two – Who will benefit and how – 25% criteria measure

Applications must clearly demonstrate the extent to which the project will deliver benefits to the locality and must clearly identify the expected social, economic and/or environmental benefits that the project will deliver. Also, applications must demonstrate the breadth and depth of the expected benefits including who will benefit and how, and demonstrate how the project will deliver the purpose of the growing suburbs fund and the desired outcomes.

Criteria Three – What will be delivered – 20% criteria measure

Applications must provide details of what the funding will be used for and the relationship between what the project will deliver, the need for the project and the expected benefits. Applicants must also demonstrate the consistency with climate change, environmentally

sustainable design and universal design principles, as well as explain how project benefits will be sustained once the infrastructure is delivered.

Criterion Four – How will the project be delivered – 20% criteria measure

Applicants must provide details that demonstrate a sound approach to delivering the project, providing realistic time-frames for delivery and demonstrate that the project is financially viable and represents value for money. Applicants need to demonstrate capacity to implement and/or source expertise to manage the delivery of the project, as well as outline the proposed funding contributions for the project.

Desirable and strongly encouraged projects are those that have significant Council contributions and attract further public, not-for-profit or private sector investment. Applicants must contribute resources and funding to any GSF funded project and Council's previous performance in delivering state funded projects will be taken into account in the assessment of this criterion. Where there are concurrent funding applications, applications must identify how Council will fund the difference if other applications are unsuccessful.

Criterion Five – The extent of Council and community support for the project – 10% criteria measure

Applications must demonstrate that the project is a recognised strategic Council priority and is consistent with key council plans such as the Council Plan and Strategic Resource Plan, community plans or structure plans, capital works documents and the like. Applications must also demonstrate the support at the community level, which could be demonstrated by engagement activities, co-contributions or in-kind support from community members or groups.

Application Process and Key Timing

- Applications Open: 3 June 2016
- Applications Close: 29 July 2016
- Assessment and Decision Making: 1 August to mid-October 2016
- Announcements: from November 2016
- Funding Agreements Executed: from November 2016

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

The projects identified exist within Council's 10 Year Capital Works Plan for current or future years. In the event contributions are not forthcoming there is no anticipation that additional Council funds will be required. If projects are funded this would simply enable them to be brought forward in the 10 Year Capital Works Plan.

5. Consultation/Public Submissions

Consultations have occurred over the past in many ways, specifically around Council briefings or budget paper discussions, Capital Works updates etc.

6. Risk Analysis

Timelines are tight for the application process, although officers have been working on the suggested initiatives for some time.

Although noted that applications are on a tight timeframe, the infrastructure projects must commence construction within 12 months of the grant being announced and Council would have a three (3) year timeframe to complete the project from the start of that construction term.

7. Options

That Council:

1. Endorse the priority order list contained within the recommendation;
2. Endorse a revised priority order list from the recommended projects;
3. Endorse alternative projects at Council's discretion; or
4. Not endorse any of the recommended priority order projects.

LIST OF APPENDICES

1. 2016-17 Growing Suburbs Fund Application Guidelines

12.7 BOTANIC GARDENS OF AUSTRALIA AND NEW ZEALAND MEMBERSHIP

Author: Adrian Cope - Open Space Planning Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To inform Council on the value of becoming a member of the Botanic Gardens of Australia and New Zealand (BGANZ).

RECOMMENDATION:

That Council approves joining the Botanic Gardens of Australia and New Zealand (BGANZ) as an institutional member.

REPORT

1. Executive Summary

The Friends of Melton Botanic Garden (FMBG) have requested that Council, as land owner of the Melton Botanic Garden, become a member of BGANZ. The membership provides the FMBG and Melton Botanic Garden with a higher profile within the Botanic Garden industry which will lead to better development opportunities for the staff and volunteers associated with the project as it evolves.

This membership also demonstrates Council's support for the FMBG in their development of the Garden, as recently presented to Council.

2. Background/Issues

The Melton Botanic Garden has been developed for the past five years by the Friends of Melton Botanic Garden (FMBG). The FMBG is an associate member of BGANZ and is seeking Council, as the land owner of Melton Botanic Garden, become an institutional member of BGANZ.

This membership will enable access to the network of botanic gardens across Australia and New Zealand, provide resources in the further promotion of the Melton Botanic Garden through BGANZ and allow for professional development opportunities for staff and volunteers, thereby improving development of the garden. BGANZ has a large network across both Australia and New Zealand which provides support and education in the development and management of gardens such as the Melton Botanic Garden. BGANZ has established regional groups which provide networking opportunities through a range of conferences and workshops. This networking allows for skills and knowledge transfer which is very useful in a garden such as Melton Botanic Garden where the bulk of works are undertaken by volunteers and skills and knowledge are often developed over time rather.

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 membership for BGANZ is paid on an annual basis and is based on the budget of the public garden, starting at \$200 per annum where the budget is less than \$250,000 and rising to \$3,900 where the budget is greater than \$2,500,000.

Given that Council is contributing less than \$250,000 per annum to the Melton Botanic Garden the cost of membership will be \$200 per annum.

5. Consultation/Public Submissions

No consultation is associated with this report.

6. Risk Analysis

The risks associated with this proposal are minimal as the initial costs are not significant. The cost of \$200 per annum creates an image of supporting the FMBG in the development of the Melton Botanic Garden and provides access to a resource that will support volunteers in the endeavours of the group in establishing the garden.

7. Options

Council has the option to:

1. approve membership to BGANZ
2. not approve membership to BGANZ.

LIST OF APPENDICES

Nil

12.8 BRIDGE ROAD ATHLETICS AND HOCKEY FACILITY MANAGEMENT PLAN PROPOSAL

Author: Glenn Mulcahy - Recreation Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present to Council the Bridge Road Athletics and Hockey Facility Management Plan Proposal.

RECOMMENDATION:

That Council endorse the Bridge Road Athletics and Hockey Facility Management Plan as attached at **Appendix 1**.

REPORT

1. Executive Summary

The Bridge Road Athletics and Hockey Facility Management Plan (the Plan) is the key guiding document in for the delivery of operations at the Bridge Road Athletics and Hockey Facility. The Plan:

- considers and recommends management options
- recommends fees and charges after considering bench marking
- undertakes a competitor analysis
- explores facility operations including school athletics carnivals
- delivers a marketing and promotion plan.

2. Background/Issues

In developing the Plan a review of the following documents was undertaken including

- Regional Athletics Centre Feasibility Study (2011)
- Melton Hockey Club Relocation Feasibility (2012)
- Hockey Victoria Strategic Facilities Master plan (2014)
- Athletics Victoria Strategic plan 2014 – 2017.

This was accompanied by consultation undertaken with Sport and Recreation Victoria, and industry benchmarking which is contained within the Appendix B, Appendix C and Appendix D of the Plan at **Appendix 1**.

The Bridge Road Athletics and Hockey Facility components include:

- athletics facilities inclusive of athletics track, equipment for throwing and field events
- hockey facilities inclusive of synthetic pitch and multipurpose training area
- multi-purpose pavilion that contains community spaces, canteen/kitchen, four (4) unisex change rooms and storage.

Five management models options were considered in the plan including:

- direct management by Melton City Council
- shared management by hockey and athletics clubs
- representative advisory body under Melton City Council management
- committee of management
- third party or commercial management.

Direct management by Melton City Council as the most suitable model of management for the facility as this will:

- allow for anchor tenant groups (Melton Hockey Club and Melton Little Athletics) to focus on sport delivery and administration
- ensure a balanced approach to user bookings in an independent manner
- allow general community requirements to be considered in the allocation of usage
- allow Melton City Council to establish an operational framework that considers broader council objectives.

The direct management model recommended by Council Officers requires resource funding of \$61,433 to fund a Leisure Service Officers to facilitate the delivery of the operational outcomes for the facility.

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 Bridge Road Athletics and Hockey Facility Management Plan will allow Council to manage and achieve operational and financial targets for the facility. Income estimated for first year operations is \$31,500 with an overall expenditure of \$75,773 of which \$61,433 will provide staffing to manage community engagement, bookings and day to day operation. The staff member employed will work on activating the facility and will endeavour to increase the projected income based on increasing school carnival use and casual bookings of the facility.

5. Consultation/Public Submissions

Consultation has been undertaken with the Melton Hockey Club and Melton Little Athletics Club, Council officers via the Project Control Group and Sport and Recreation Victoria. Other Council's with like facilities have been interviewed including the City of Casey, Wyndham City Council and clubs that are long term user groups (Footscray Hockey Club). Further detailed consultation is contained within the Plan in Appendix C and Appendix D.

6. Risk Analysis

Effective activation of the Bridge Road Recreation Reserve was identified by the Project Control Group as a risk that required mitigation. The Bridge Road Athletics and Hockey Facility Management Plan (the Plan) addresses this risk by providing guidance in the delivery of operations at this reserve.

Should Council choose to not endorse the Plan, there is a risk that activation targets for usage will not be met.

7. Options

Council has the option to not endorse Officers recommendations and subsequently not adopt the Bridge Road Athletics and Hockey Facility Management Plan.

LIST OF APPENDICES

1. Bridge Road Athletics and Hockey Facility Management Plan

12.9 RESPONSE TO NOTICE OF MOTION 417 - FREE RECYCLABLES MATERIALS DROP OFF - MELTON RECYCLING FACILITY.

Author: Les Stokes - Acting Manager Operations
Presenter: Peter Bean - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 417 (Cr Bentley) in relation to the viability, cost and ability of Council to provide a free drop off service of recyclable materials, in particular paper, cardboard, bottles and cans, at the Melton Recycling Facility

RECOMMENDATION:

That Council commence a six (6) month trial of the provision of a free drop off service of recyclable materials, in particular paper, cardboard, bottles and cans at the Melton Recycling Facility.

REPORT

1. Executive Summary

This report responds to a resolution of Council, being Notice of Motion No 417 of 7 March 2016, specifically;

“That a report be prepared for and presented at the next Ordinary Meeting of Council regarding the viability, cost and ability of Council to provide a free drop off service of recyclable materials, in particular paper, cardboard, bottles and cans, at the Melton Recycling Facility.”

The Melton Recycling Facility consists of three services, the Resale Centre, the Permanent Drop-off Site and the Transfer Station. The proposal is to consider the removal of the fee currently paid at the gate of the Transfer Station for recyclable materials.

The operation and management of the Melton Recycling Facility is currently under a contract that expires on 30 June 2018. This contract includes the recovery, transportation and disposal of recyclables, including developing and maintaining markets for recycle. The contractor also has scavenging rights to all recyclable materials

Council Officers have negotiated a 6 month trial of the proposal at no direct cost to Council.

2. Background/Issues

The Melton Recycling Facility consists of three services:

- Resale Centre, where reusable, resalable household goods, can be dropped off at no charge
- Permanent Drop-off Site (formerly known as the Detox Your Home Centre), for the environmentally sustainable disposal of household quantities of batteries, gas bottles, fluorescent lighting and paint (limits and conditions apply)
- Transfer Station for recyclables and residual household waste destined for landfill, these goods are currently taken at a fee

The proposal is to lift the fee currently paid at the gate of the Transfer Station for recyclable material. The operation and management of the Melton Recycling Facility is currently under

a contract that expires on 30 June 2018. This contract includes the recovery, transportation and disposal of recyclables, including developing and maintaining markets for recyclate. The contractor also has scavenging rights to all recyclable materials, i.e. there is no cost directly returned to Council as a result of the sale of recyclable material.

Approximately 50% of the material disposed at the Transfer Station is recyclable material, ie. 18,000 tonnes of recyclable material per year. This includes all recyclable/reusable materials, such as timber, concrete, green waste, steel and clean fill. For the purposes of this report the term "recyclables" refers only to the materials in question in this proposal, i.e. paper, cardboard, bottles and cans.

The introduction of free drop-off of recyclables at the Melton Recycling Facility during the term of the current contract would trigger the need for Council to enter into a contract variation with the current service provider. It should be noted that this negotiation will essentially occur in a non-competitive environment and could therefore attract a premium price.

There are many factors that will determine the costs/benefits of this proposal and some of these cannot be accurately assessed until the proposal is implemented. These include but are not limited to:

- Increased cost due to the likely increase in recyclable material delivered to the facility
- Capacity of the facility to handle increased volumes
- Potential for increased contamination

Given the uncertainty of the above, Council Officers have been able to negotiate a free (i.e. no direct cost) 6-month trial of the proposal with the Operator of the Melton Recycling Facility. The Operator has agreed not to increase the Base Payment to operate the Melton Recycling Facility as a result of this trial.

The Operator currently monitors all loads entering the Melton Recycling Facility to reduce the risk of contamination, however they have raised concern that making the drop-off of recyclables free could increase contamination and potentially increase the need for their staff to deal with these issues. Council Officers will need to provide the Operator with clear direction on how to deal with these matters. Unless Council was to require closer inspection of each load at the gatehouse prior to entry into the facility then the Operator has confirmed that there will be no changes to their current operating procedures.

Council Officers will put in place a mechanism to track and monitor the following matters during the six month trial:

- Level of contamination
- Reduction in gate takings
- Increased transportation costs
- Increased volumes of recyclable materials delivered

A report will then be provided to Council on the success of the trial and the cost implications of proceeding with the proposal on a permanent basis.

The facility is already setup to receive commingled recyclables, paper and cardboard, therefore there is no additional capital expenditure required to facilitate the proposal.

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 Melton Recycling Facility contract includes the payment by Council of a Base Fee to operate the facility and transportation costs to transport disposed goods to either landfill or a material recovery and recycling centre. The Operator has agreed to hold the base fee in line with the existing contract for a period of 6 months to allow them to fully assess the costs and for Council to assess the success of the proposal.

The costs that will be incurred by Council are the increased costs to transport the increased volume of material dropped off at the facility and the reduction in gate fees collected as a result of introducing free drop off.

Given that Council already provides residents with a kerb-side recyclables collection it is unlikely that there will be a large increase in patronage. Currently the Operator is not required to record (at the gatehouse) the type of materials being dropped off so it is not possible to fully ascertain the likely reduction in gate fees, however it is unlikely that there will be a significant impact on Council's budget. Officers estimate that less than 5% of vehicles entering the Melton Recycling Facility are dropping off paper, cardboard, bottles and cans. If this is the case, the reduction in gate takings would cost Council less than \$90,000 per annum.

5. Consultation/Public Submissions

Council Officers have had extensive discussions and negotiations with the current Operator of the Melton Recycling Facility throughout the preparation of this report.

The provision of the proposed free drop-off of recyclables in particular paper, cardboard, bottles and cans, will be met favourably by all users of the facility and is a service offered by many other Councils.

6. Risk Analysis

There is a financial risk with the introduction of free drop-off of recyclable materials at the Melton Recycling Facility. The risk of the reduced gate fees and the increased transport costs having a significant effect on Council's budget are considered low. The recommendation to introduce this initiative as a trial gives Council the option to intervene and end the trial should this unlikely scenario occur.

7. Options

The recommendation is for a six (6) month trial of the free drop off of recyclable materials at the Melton Recycling Facility. Council could however choose one of the following options:

1. Commence the free drop off of recyclable materials at the Melton Recycling Facility as a permanent initiative. This option would essentially accept the currently unknown issues and costs immediately regardless of their impact.
2. Not precede with the proposal for free drop-off of recyclable materials at the Melton Recycling Facility.

LIST OF APPENDICES

Nil

12.10 PLANNING APPLICATION PA 2015/4986 - USE AND DEVELOPMENT OF LAND FOR A CHILD CARE CENTRE AT 1911 GISBORNE-MELTON ROAD, KURUNJANG

Author: Cam Luong - Development Planner
Presenter: Steve Finlay – Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine a planning application for the use and development of a Child Care Centre at 1911 Gisborne-Melton Road, Kurunjang.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Time Architects
Proposal:	Use and development of the land for the purpose of a child care centre with associated car parking and landscaping
Existing Land Use:	Unoccupied building that was previously used a child care centre
Zone:	Low Density Residential Zone
Overlays:	Environmental Significance Overlay (Schedule 2)
Number of Objections:	14 Objections
Key Planning Issues:	Suitability of the proposed use Access Car parking provision Noise Waste
Recommendation:	A Notice of Decision to Grant a Permit be issued.

The Land and Surrounding Area

The subject site has an area of approximately one hectare and is located on the eastern side of Gisborne-Melton Road, Kurunjang. Other features of the site are as follows:

- The site is irregular in shape.
- The site contains an existing building, which was previously used as a child care centre.
- There is an existing crushed rock car parking area, which appears to be overgrown with weeds.

- The land is not connected to reticulated sewerage.
- A tributary of the Toolern Creek runs north-south through the subject land.
- The land has some vegetation, but only one native remnant tree.

The surrounding area is generally characterised by a mix of existing residential development. On the western side of Gisborne-Melton is conventional residential development, whereas the eastern side is characterised by larger low density allotments upwards of 4,000 square metres in area.

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

The Application

The applicant seeks approval for the use and development of land for the purpose of a child care centre with associated car parking and landscaping.

The proposal is summarised as follows:

- The existing building will be retained, and no major works are proposed to extend the building. The main works to the building will be internal modification to allow for the addition of toilets, storage areas and the reception area.
- Buildings and works proposed include, the sealing the car park area and the construction of the children's playgrounds.
- The centre is to operate between the hours of 7am and 6pm, Monday to Saturday.
- The childcare centre is to accommodate a maximum of 175 children.
- 40 on-site car parking spaces have been identified on the plans.

Refer to **Appendix 2** for plans of the proposal

Planning Controls

Zone	Clause 32.08 – Low Density Residential Zone	A permit is required to use and develop the land for the purpose of Child Care Centre.
Overlays	Clause 43.04 – Environmental Significance Overlay (Schedule 2)	The purpose of the ESO is to identify, protect, and conserve wetlands, waterways, and riparian strips that are deemed to be environmentally significant. A permit is required to undertake buildings and works within an ESO. The application has been referred to Melbourne Water, who has not objected to the application. Melbourne Water’s referral comments can be found in Appendix 5 .
Particular Provisions	Clause 52.06 – Car Parking	0.22 car spaces are required per child. 175 children are proposed equating to 38.5 car spaces. The application makes provision for 40 car spaces, and complies with requirement of the Melton Planning Scheme.

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is affected by a restrictive covenant.

Council officers are satisfied that the proposal will not breach any of the obligations contained in the restrictive covenant.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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.

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 subject to notification. The notification was satisfactorily completed and 14 objections were received.

The grounds of objection may be summarised as follows:

- The number of weeks a year that the use would operate was not specifically mentioned on the application.
- Operating on Saturdays will impact on the amenity of the area.
- Noise from children playing will impact on the peaceful and tranquil environment.
- Concerns in relation to garbage and waste collection.
- Potential glare from safety and security lighting around the car parking area.
- Potential rendering to the existing brick veneer will make it uncharacteristic of the area.
- The owner had illegally removed vegetation last year (2015).
- Vandalism and crime relating to the property.
- Emergency Plan relating to the evacuation of the building.
- Potential traffic issues (congestion, delays, and safety) along Gisborne-Melton Road.
- No mention of waste water treatment and concerns about septic system overflows. Previous septic was inadequate.
- Potential negative impacts on the creek that runs across the property.
- Insufficient car parking for the number of children proposed.
- Concerns that the proposal may evolve into a school at a later point in time.
- Proposal does not comply with the covenant affecting the land.

A response to the objections is provided in **Appendix 4**.

Referral of the application

The application was referred to a number of Council Departments and External Authorities for comment and advice, including Melbourne Water and VicRoads. No objections were raised, however VicRoads require access works on Gisborne-Melton Road. A complete list of responses is included in **Appendix 5**.

5. Issues**Planning Assessment****Use**

The establishment of a Child Care Centre within residential areas is quite common. Private operators choose to locate in residential areas because of the nature of the use and the fact that they are serving local community needs. Furthermore, Child Care Centres play an important role in supporting increased rates of participation by women in the work force, and to meet increasing demand for this type of social service. The subject site is quite conducive to this type of use as it is located off a main road, which has the capacity to accommodate increased traffic volumes.

It should be noted that the vacant building on the land was previously used as child care centre, and allowed for care of up to 55 children. The child care centre closed down more than 6 years ago.

Access

The Child Care Centre will be accessed from an existing crossover that is centrally located off Gisborne-Melton Road. VicRoads is the road authority for managing Gisborne-Melton Road, and in its capacity as the responsible road has provided conditions to ensure the safe ingress and egress to the subject land. These conditions require the permit-holder to construct a bypass lane to ensure that right-turning north bound vehicles do not create unnecessary delays, and to prohibit vehicles from making right turns when exiting the premises.

Car parking

The car parking provisions at Clause 52.06 of the Melton Planning Scheme outline that 0.22 car spaces are required per child. Based on the maximum number of children sought by the applicant (175 children) a minimum of 38 car parking spaces will be required to satisfy the requirements of the car parking provisions. The proposal satisfies the car parking requirements as the applicant has indicated that a total of 40 car parking spaces will be provided.

Noise

The proposed hours of operation during Monday to Friday (from 7am to 6pm) is considered to be quite reasonable, as there is generally more ambient noise during weekdays. Furthermore, the Child Care Centre will not operate late into the evening, when more peace and tranquility is generally expected.

The proposed hours of operation during a Saturday (from 7am to 6pm) may potentially be considered to be amenity issue as neighboring residents are likely to expect lower levels of ambient noise. Neighboring residents have also raised concerns about expected levels of noise during Saturdays. As such, the proposed use should be limited to weekdays.

This matter has been discussed with the applicant who has outlined that they are agreeable to limiting the use to weekdays (Monday to Friday).

The applicant has also agreed to the construction of new a Hebel modular fence (which has noise reduction qualities) along the northern property boundary (along the extent of the outdoor play area) to help alleviate the noise concerns of the neighboring landowner at 1909

Gisborne-Melton Road. The proposed fence is basically an extension of the existing fence which currently exists on the adjoining property.

Waste (including Waste Water)

The subject land is not serviced by reticulated sewerage. Council's Health Services area reviewed the proposal and outlined conditions that will need to be placed on the permit. The conditions specifically require the permit-holder to decommission the existing septic system, and install a new septic system. The new septic system will need to be designed, installed, and maintained so that it would be fit for purpose.

Council's Health Service area has provided conditions in relation to waste collection. The conditions specifically require the waste storage areas to be secured at all times and to detail methods of odour suppression.

6. Options

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

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay 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 as outlined in **Appendix 6**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Plans of Proposal
3. Appendix 3 - Assessment against State and Local Policies
4. Appendix 4 - Response to Objections
5. Appendix 5 - Referral Comments
6. Appendix 6 - NOD Conditions

12.11 PLANNING APPLICATION PA 2006/1054/3 - AMENDED PLANS ASSOCIATED WITH A PLANNING PERMIT FOR A REFUSE TRANSFER STATION, MATERIALS RECYCLING CENTRE AND REMOVAL OF NATIVE VEGETATION TO INCLUDE A DROP CUT EXCAVATION PIT FOR THE MATERIALS RECYCLING CENTRE AT 852-944 PLUMPTON ROAD, PLUMPTON

Author: Simon Temple - Principal Planner
 Presenter: Steve Finlay- Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine the planning application for amended plans associated with a planning permit for a refuse transfer station, materials recycling centre and removal of native vegetation to include a drop cut excavation pit for the materials recycling centre at 852-944 Plumpton Road, Plumpton.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant an Amended Planning Permit subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	North Altona Rock Blasting Pty Ltd
Proposal:	Amended plans associated with a planning permit for a Refuse Transfer Station, Materials Recycling Centre and removal of native vegetation to include a drop cut excavation pit for the Materials Recycling Centre.
Existing Land Use:	Materials Recycling Centre and associated Refuse Transfer Station.
Zone:	Green Wedge
Overlays:	Melbourne Airport Environs (Schedule 2) Public Acquisition Overlay (Schedule 3)
Number of Objections:	Ten
Key Planning Issues:	Noise and dust from the existing use and proposed works resulting in a loss of amenity (including health issues) for adjoining/surrounding land owners. Dust suppression measures associated with the existing use are inadequate. Fears that the land will become a tip, landfill or quarry. Proposal will have a negative impact on the existing Leakes Road Tourist Precinct. Increase in Traffic. Non compliance with existing planning permit conditions in

	relation to dust suppression, access to water and landscaping.
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 105.9 hectares and is located on the western side of Plumpton Road, approximately 920 metres north of Melton Highway. Other features of the site are as follows:

- The site is rectangular in shape and relatively flat.
- The land is currently used for the purposes of a Refuse Transfer Station and Materials Recycling Centre (Solid Inert Scrap Construction and Demolition Materials and Rock) with associated buildings, equipment, settlement ponds and landscaping in accordance with Planning Permit PA2006/1054 issued by Council at the direction of VCAT on 25 June 2007.
- Planning Permit PA2009/2480 issued by Council on 18 March 2010. This permit allowed the development of a maintenance workshop building associated with the existing refuse transfer station and materials recycling centre.

The surrounding area is characterised by agricultural, extractive industry (quarries), tourism, rural residential and non rural (i.e. place of worship) land use and development. The Leakes Road Tourist Precinct is located on Melton Highway approximately 1.2 kilometres south-west of the subject land.

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

The Application

The application proposes amendments to the endorsed plans associated with the existing use and development of the land for a Refuse Transfer Station and Materials Recycling Centre.

The proposal is summarised as follows:

- Construction of a drop cut excavation pit on the northern side of the subject land. The pit will be 110-165 metres (length) by 100-114 metres (width) and 8.2 metres (depth).
- The pit will be contained within the existing work area at the south-west corner of the subject land. The pit will be used to house and screen an existing crushing plant. Small roof structures will be used to cover the plant equipment.
- A bund wall (5 metres high) will be created around the perimeter of the pit.
- Approximately 171,000 cubic metres of loose rock, soil and clay will be excavated from the pit.
- Stock piled materials will be fed into the crushing plant at ground level, processed in the pit and conveyed back to the existing stock pile areas at ground level.
- No additional off site truck movements will be generated by the proposal.
- Two options for an access ramp into the pit are shown on the plans.
- External materials and finishes to house/screen the existing plant equipment will consist of colourbond cladding (Cottage Green and Koala Grey colour).

Refer to **Appendix 2** for plans of the proposal.

Planning Controls

Zone	(Clause 32.04 – Green Wedge Zone)	Permit required for buildings and works associated with the use of the land for a refuse transfer station and materials recycling centre.
Overlays	(Clause 45.08 –2 Melbourne Airport Environs Overlay (Schedule 2))	Under Schedule 2 of the Overlay, a permit is not required for the use or any buildings/works.
	(Clause 45.01 – Public Acquisition Overlay (Schedule 3))	No planning permit required. The works will be outside the portion of the land affected by this overlay.
Particular Provisions	Nil.	

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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.

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 subject to notification. The notification was satisfactorily completed and ten objections were received.

The grounds of objection may be summarised as follows:

- Dust and noise causing adverse amenity impacts (including health issues) to adjoining and surrounding properties, in particular, the Leakes Road Tourist Precinct.
- Non compliance with existing planning permit conditions – landscaping, dust suppression, trucks turning left on Plumpton Road and vehicle tonnage restriction on Plumpton Road.
- Lack of water facilities on site to keep dust to a minimum.
- Concerns that the proposal will result in the existing use becoming a tip, landfill or a quarry.
- Increased traffic.
- Loss of property values.

- Inadequate public notification given of the application.

A response to the objections is provided in **Appendix 4**.

Referral of the application

The application was referred to Council's Engineering Services Department and Environmental Services Department. No external referrals were required under the Melton Planning Scheme. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

The proposal is consistent with the relevant requirements of the State and Local Planning Policy Framework (including Council's Municipal Strategic Statement and local planning policies), the purpose and decision guidelines of the Green Wedge Zone and Council's adopted Green Wedge Management Plan.

The application proposes amendments to the plans endorsed under Planning Permit PA2006/1054 to allow the construction of a drop cut excavation pit on the northern side of the existing refuse transfer station and materials recycling centre. The purpose of the pit is to enable an existing crushing plant to be relocated into the pit to screen the plant from view and control dust emissions. This will enable the existing materials recycling centre to operate more efficiently and effectively and minimise adverse impacts to the amenity of adjacent and surrounding properties.

The proposal is capable of being accommodated on the subject land. The pit will be contained within the existing area of the refuse transfer station and materials recycling centre currently occupying the south-west corner of the subject land. There are no plans to expand the current operations of the existing centre beyond the existing approved area as part of this application.

The proposed works will be carried out on land identified under the Melton Planning Scheme as an existing extractive industry interest area. The proposal will not involve the removal of any native vegetation or adversely impact on any environmental or landscape values of the land.

The proposal is consistent with Council's adopted Western Plains North Green Wedge Management Plan. The subject land is located in Precinct 3 (Leakes Road to Holden Road) which is characterised by expansive, flat rural landscapes, large lot sizes, lack of development and mix of land uses particularly along the Melton Highway. The proposed works are associated with the existing use of the land for a materials recycling centre and refuse transfer station that contribute to the broad mix of land uses in this precinct. The works will not adversely impact on the existing rural landscape or result in any change to lot size or level of development occurring on the subject land.

The grounds of objection are acknowledged. The main issue concerns dust being generated from the existing facility and proposed works impacting on the amenity of adjoining and surrounding properties in particular, those directly south on the opposite side of Melton Highway and the lack of adequate measures in place to control or minimise the dust.

An Environmental Management Plan has been prepared and approved by Council under Condition 4 of the planning permit. The EMP contains a number of measures to mitigate the amount of dust generated by the use including settlement ponds, access to an existing Melbourne Water bore, water trucks and that no crushing is to be carried out on windy days.

Councillors and Council officers attended a meeting with concerned residents and business owners to discuss their issues with the amended proposal and the current operations of the refuse transfer station and materials recycling facility. At this meeting, Council Officers agreed to undertake an audit of all conditions outlined under the existing planning permit

conditions and also arrange for any concerned residents and business owners to meet with Council Officers and the applicant on the subject land to gain a better understanding of the proposal and raise any issues or concerns with the applicant.

On 16 May 2016, Council Officers inspected the subject land and conducted an audit of the existing planning permit. No dust was detected on the subject land from vehicles entering or exiting the land or crushing activities. There was also evidence that dust suppression measures including bore water, water tanks and the existing settlement ponds had been used on the existing access road. The audit found that the existing use is operating generally in accordance with the conditions outlined under the existing planning permit. The applicant has also recently undertaken landscaping works involving the replanting of trees along the northern, southern, eastern and western boundaries of the work area. A sign has also been erected the entrance to the subject land advising all vehicles that no left turn onto Plumpton Road is permitted. Photos are included in **Appendix 7**.

Council Officers also attended an on-site meeting with the applicant and one of the objectors on 31 May 2016. At the meeting, the objectors concerns were discussed and an agreement reached that if any dust is detected coming across the Melton Highway, the objectors can contact the applicant and Council to determine whether or not crushing is occurring from the existing materials recycling centre and refuse transfer station or if it is coming from another source

However, it is recommended that the applicant prepare and submit a dust management plan to Council for approval prior to the commencement of the proposed works. This can be requested as a condition of approval.

6. Options

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

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay 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 amendment application be approved as outlined in **Appendix 6**.

LIST OF APPENDICES

1. Appendix 1 - Locality Map
2. Appendix 2 - Development Plans
3. Appendix 3 - Assessment against Planning Scheme
4. Appendix 4 - Response to Objections
5. Appendix 5 - Referral Comments
6. Appendix 6 - Amended Planning Conditions
7. Appendix 7 - Photos of the subject land

12.12 PLANNING APPLICATION PA 2003/504 - AMENDED PERMIT ASSOCIATED WITH A SEVEN LOT SUBDIVISION AT 570 PARWAN-EXFORD ROAD, PARWAN

Author: Steve Finlay – Acting Manager Planning Services
 Presenter: Steve Finlay – Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine the planning application for an amended permit associated with a seven lot subdivision at 570 Parwan-Exford Road, Parwan.

RECOMMENDATION:

That Council issue a Notice of Decision to Refuse to Grant an amendment to the Permit subject to the grounds outlined in **Appendix 5** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Mr. Spiro Leonidas
Proposal:	Amendment to permit associated with a seven lot subdivision
Existing Land Use:	Agricultural
Zone:	Green Wedge Zone
Overlays:	Environmental Significance Overlay (Schedule 4 – Grasslands within the Werribee Plains Hinterland)
Number of Objections:	One from Western Water
Key Planning Issues:	Water supply Legislative requirements Melton Planning Scheme requirements Relevant Policies
Recommendation:	Refusal to amend the permit

The Land and Surrounding Area

The subject site has an area of 154.4ha, known as 'Willaston Farm' and is located at 570 Parwan-Exford Road, Parwan. Other features of the site are as follows:

- The land is used for agricultural purposes and has been used as a standardised harness racing facility, horse stud, training and agistment farm. The land contains an existing dwelling and a trotting track, as well as harbours areas of native vegetation.
- Planning permit number PA2003/504 was issued on 4 August 2004 and allows for the subdivision of the land into seven lots, consisting of one primary lot of approximately 124ha and six secondary lots of 5ha each.

- At its meeting of 30 May 2016, Council resolved to extend the time on the planning permit, such that the permit will expire if the subdivision is not completed by 14 July 2018.

The surrounding area can be characterised as being used for agricultural purposes, predominantly cropping and grazing.

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

The Application

The application proposes an amendment to planning permit PA2003/504, as follows:

- Deletion of condition 3(b) from the permit, which requires that each secondary lot in the subdivision must be connected to a reticulated water supply at the cost of the applicant and to the satisfaction of the relevant water authority;
- Deletion of condition 3(c)(i) from the permit, which requires that the land may not be further subdivided under the $N=A/20$ subdivision formula of the Melton Planning Scheme; and
- Deletion of condition 3(c)(ii) from the permit, which requires the construction of a trotting track adjacent to the proposed small lots and which is to be accessible and maintained by the owners of those small lots.

It should be noted that the latter two conditions form part of the requirements of a Section 173 Agreement, which has already been registered on Title.

The permit has been amended on two previous occasions, including one of those amendments altering the expiry date of the permit. A third request to amend the permit to delete the requirement to provide a reticulated water supply to the secondary lots in the subdivision has previously been refused by Council, on 20 July 2009.

Refer to **Appendix 2** for the current permit associated with the proposal.

Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	Permit required for subdivision of land, and the current permit expires on 14 July 2018
Overlays	(Clause 42.01– Environmental Significance Overlay (Schedule 4))	Permit required for subdivision, and the current permit expires on 14 July 2018. The current permit has a requirement for an Environmental Management Plan to be prepared and approved, and compliance reinforced via a Section 173 Agreement.
<i>Planning and Environment Act 1987</i>	Sections 61,72 and 73	The landowner is entitled to request an amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> and Section 73 of the Act sets out procedures for consideration of the application. Section 61(2) requires that if a determining referral authority objects to a permit, or amendment to permit, the Responsible Authority must refuse the application.

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant, however is affected by the Section 173 Agreement that was a requirement of this subdivision permit.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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.

3. Financial Considerations

No Council related financial considerations are involved with the application. Amendment to the permit as requested, insofar as water supply is concerned, would lessen the cost on the permit applicants, and in the long term, the economic burden of providing reticulated water would ultimately end up as the responsibility of government agencies or public authorities.

4. Consultation/Public Submissions**Public notification of the application**

The application was not subject to notification given that the application relates to an amendment to a pre-existing permit, which will not impact on surrounding landowners.

Referral of the application

The application was referred to Western Water, as the relevant water supply authority. Western Water are a determining authority for the purposes of the application and have not supported the deletion of the requirement to connect lots in the subdivision to a reticulated water supply. They have remained neutral on the other two amendments sought to the permit. The Western Water response is included in **Appendix 4**.

5. Issues**Planning Assessment**

The permit applicant has requested the amendments to the permit primarily on the basis of changes to some State Planning Policies.

Water Supply issue

In respect to the water supply issue, the permit applicant has previously advised that the provision of reticulated water supply would be cost prohibitive, and has suggested the provision of alternative water sources, in order to make the subdivision more economically viable. The applicant also feels that using alternative water sources other than reticulated water would assist in water conservation strategies.

The genesis of the requirement to provide reticulated water to all secondary allotments created by rural subdivision was L56 to the Melton Planning Scheme. In general, the amendment made changes to zoning controls and local policy, but also introduced the requirement that all secondary lots must be connected to a reticulated water supply. The amendment was approved by the Minister for Planning and gazetted on 21 November 1996.

At the time Amendment L56 was presented to a Minister appointed Panel, there were numerous concerns in relation to the requirement to connect to reticulated water on the basis that such a proposition was unnecessarily onerous and would stifle development. Essentially, similar arguments have been raised in respect to this request to amend the permit.

In its submission to the Panel appointed to consider submissions in relation to Amendment L56, Council acknowledged that it was sympathetic to rural landowners concerns that development costs should not be unduly onerous, however, was at the time unconvinced that the requirement to provide a reticulated water supply on secondary lots is unreasonable. There are numerous reasons for this position, being:

- The need for there to be a balance between rural landowners having the benefit of relaxed subdivision controls allowing for higher density rural subdivision, and the provision of greater infrastructure to service the increased density of development;
- Other servicing requirements have been relaxed, such as no requirement for full sewerage connection;
- Western Water had advised that most rural areas in the municipality could be connected to a reticulated water supply with relative ease;
- The cost of connecting lots to reticulated water is unlikely to be significant in most areas when compared to the likely returns to landowners from their subdivision opportunities;
- The rural areas of Melton are generally in low rainfall areas. Small lots will have limited options for storage dams, and roof catchment for tanks is unlikely to provide sufficient supply for basic domestic use, gardening and the like. There is also a danger that there will not be sufficient water for guaranteed fire fighting supply. Sharing catchments or trucking in additional water is impractical;
- The type of resident to be attracted to the smaller 1-5ha allotments is likely to be a city or township commuter who will be used to, and expect, a higher level of servicing (and regular water supply) than existing farmers more used to living with limited water supplies, and Council must consider the interests of future residents and not merely developers seeking to limit their development costs;
- The provision of reticulated water will also enhance other development opportunities in the rural areas.

Although there is a State Planning Policy now aimed at looking at alternative water sources, the arguments for providing secondary lots with a reticulated water supply are still as relevant today as they were when Amendment L56 was gazetted.

To now allow the amendment of the permit as requested for the reticulated water supply issue would be a significant deviation away from an adopted Local Policy, and one of the reasons why L56 was considered, and would be unfair for those rural landowners that have subdivided in accordance with Council Policy and provided reticulated water to their rural subdivisions.

The subject land is within Western Water's Water Supply District, and therefore Western Water are a determining referral authority for the application. Given that Western Water are a determining referral authority and have objected to the amendment to the permit, it is compulsory for Council to refuse the application in accordance with Section 61(2) of the Planning and Environment Act 1987.

Section 173 Agreement

The applicant has also requested the deletion of conditions 3(c)(i) and (ii) from the permit. Both of these conditions form part of a broader requirement for a Section 173 Agreement, which has already been entered into and has been registered on Title.

The request to delete condition 3(c)(i) from the permit has stemmed from the belief that the requirement for a Section 173 Agreement as a mandatory requirement for rural subdivision has been taken out of the Melton Planning Scheme. This is in fact not the case, and there is still a requirement in the Melton Planning Scheme that subdivision of land in the Green Wedge Zone utilizing the $N=A/20$ formula, which is applicable in this case, requires that a Section 173 Agreement must be entered into with the landowner to ensure that the land may not be further subdivided under this provision.

Council cannot support this requirement from being deleted from the permit because it is a mandatory requirement in the Melton Planning Scheme and would breach the subdivision requirements of the Green Wedge Zone.

No reasoning nor justification has been given to delete condition 3(c)(ii) from the permit.

There is also now a separate process that must be undertaken in order to obtain the amendment or ending of a pre-existing Section 173 Agreement, rather than just requesting an amendment to the permit. In order to amend or end a Section 173 Agreement, Council must give its 'in-principle' support for the proposal. Given that the requirement for a Section 173 Agreement is a mandatory requirement under the Melton Planning Scheme, Council cannot give its in-principle support to the amendment to the Section 173 Agreement because to do so would breach legislative requirements.

6. Options

Council has no option but to refuse the application and must issue a Notice of Refusal to amend the permit.

7. Conclusion

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

It is considered that the proposal generally does with the relevant requirements of the Planning Scheme nor *Planning and Environment Act 1987*.

Therefore, it is recommended that the application be refused as outlined in **Appendix 5**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Current permit and plans
3. Appendix 3 - Policy assessment
4. Appendix 4 - Western Water response
5. Appendix 5 - Grounds of Refusal

12.13 PLANNING APPLICATION PA 2015/5055 AND DEVELOPMENT PLAN APPLICATION DP 2016/02 - DEVELOPMENT OF THREE-DOUBLE STOREY DWELLINGS AT 69 ALLENBY ROAD, HILLSIDE

Author: Morris Edwards - Development and Policy Planner
Presenter: Steve Finlay - Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine development plan and planning applications for the development of three-double storey dwellings at 69 Allenby Road, Hillside.

RECOMMENDATION:

That Council:

1. approve the Development Plan with a time limit of two years from the date of approval
2. issue the Planning Permit subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	ZDA Design
Proposal:	Development of three double-storey dwellings
Existing Land Use:	Vacant
Zone:	General Residential Zone
Overlays:	Development Plan Overlay (Schedule 1)
Number of Objections:	Five
Key Planning Issues:	Vehicle access and impact on parking Bulk of built form Neighbourhood character
Recommendation:	Approve Development Plan and issue Planning permit

The Land and Surrounding Area

The subject site is located at 69 Allenby Road, Hillside. The site fronts Allenby Road to the north and has a secondary frontage at Timele Drive to the east.

The site is generally rectangular in shape (excluding a 3.0 metre splay at the north east corner of the site) and measures 18.89 metres wide and 36.24 metres deep. The site has a total area of 680 square metres.

The subject site is currently vacant. The site is void of vegetation and there is no vegetation in the road reserve. Access to the site is currently provided via a shared crossover (with 71 Allenby Road, Hillside) at the north west corner of the site.

The area is characterised by predominantly single storey dwellings. There are limited examples of attached, two storey dwellings further east along Allenby Road.

The dwellings are a mix of detached and attached dwellings and there are numerous examples of multi dwelling developments in the surrounding area.

Dwellings are generally constructed of brick and render with pitched tiled roofs.

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

The Application

A Site Specific Development Plan Application (DP2016/2) for three dwellings on the land which is generally in accordance with the Planning Application (PA2015/5055).

The Planning Application (PA2015/5055) proposes the development of three double storey dwellings.

The proposed development is summarised as follows:

Dwelling 1

Dwelling 1 is designed to front Allenby Road to the north. The dwelling will comprise the following:

Ground Floor:	First Floor:
<ul style="list-style-type: none"> • Single garage with second space provided in tandem • Bedroom • Lounge Room • Laundry • Kitchen / Dining room • Bathroom 	<ul style="list-style-type: none"> • Two bedrooms • Study • Foyer • Bathroom

Dwelling 2 and 3

Dwelling's 2 and 3 are designed to front Timele Drive to the east. The dwellings will comprise the following:

Ground Floor:	First Floor:
<ul style="list-style-type: none"> • Single garage with second space provided in tandem • Bedroom • Laundry • Kitchen / Dining room • Bathroom 	<ul style="list-style-type: none"> • Two bedrooms • Study • Foyer • Bathroom

The Development Plan application was submitted to facilitate the planning application. As such the Development Plan application shows the site to be developed with three dwellings generally in accordance with the plans lodged for the planning application.

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	Permit required to construct two or more dwellings on a lot.
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Overlays	(Clause 43.04 – Development Plan Overlay (Schedule 1))	Proposal must be generally in accordance with applicable development plan. In this case, a site specific development plan was lodged simultaneously to enable the planning application.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each dwelling. A total of six spaces are required and provided.
	Clause 55 – Construction of two or more dwellings on a lot	The proposal was assessed against the ResCode provisions. The proposal failed to comply with the front setback requirement. It complied with all the other requirements. The variation in front setback was considered reasonable in this instance.

A full assessment of the proposal against the relevant State and Local planning policies, Zone and Overlay and Particular Provisions is included in **Appendix 3**.

Clause 43.04 – Development Plan Overlay (Schedule 1)

In accordance with the Development Plan Overlay a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

As a Development Plan has not been prepared for this area, a site specific Development Plan was required to be submitted. The site specific Development Plan shows the land to be developed with three dwellings generally in accordance with the plans submitted for the Planning Application.

The Development Plan must be approved to facilitate the approval of the Planning Application.

The Development Plan Application was informally advertised as the Development Plan Overlay exempts Planning Applications from the standard advertising process when the Planning Applications are generally in accordance with the approved Development Plan.

A more detailed assessment against the Development Plan Overlay requirements can be found at **Appendix 3**.

Clause 55 - ResCode

Under the requirements of the zone, the development of two or more dwellings on a lot must meet the requirements of Clause 55 of the Planning Scheme. Clause 55 requires that a development:

- must meet all of the objectives
- should meet all the standards.

If the Council however is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

House Rules - Housing Character Assessment & Design Guidelines

The *Housing Character Assessment & Design Guidelines* was adopted by Council on 13 October 2015. The site is located within Compact Suburban 1 (CS1) character area. The essential components of the (CS1) which need to be maintained into the future are:

- Majority of the front setback used as permeable garden landscape

- Absence of front fencing
- Limited visual separation between dwellings

As change occurs, space will be provided for more tree planting, so these areas can become greener and leafier, by:

- Retaining sufficient space to grow a canopy tree in the front setback
- Minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained

Redevelopment of dwellings will occur in ways that maintain some characteristics of typical Compact Suburban style dwellings in the area, such as:

- Garages and car ports occupy a minor proportion of the dwelling frontage
- The visual dominance of the roof structure

Medium density housing types such as villa units, duplexes, dual occupancy dwellings, and townhouses should respect the existing neighbourhood character and reflect the design characteristics of the area.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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.*

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 subject to informal notification. The informal notification was satisfactorily completed and five objections were received.

The grounds of objection may be summarised as follows:

- The proposal is out of character with the area.
- The dwelling height and bulk is excessive.
- Provision of car parking is insufficient and no visitor car parking is provided.
- The increase in traffic has adverse safety outcomes.
- The proposal will result in overshadowing of the properties at 54 Timele Drive and 1/71 Allenby Road.
- The proposal will result in overlooking of 1/71 Allenby Road and 85 Timele Drive.
- The proposal will result in adverse noise impacts.

- The proposed fence is unsightly.
- The proposal will result in a reduction in property value and reduction in opportunities to tenant properties
- The proposal is inconsistent with Melton City Council Vision “for the community to feel confident, connected, healthy and safe, where all residents are proud of the great municipality we now have and that we continue to grow together”.

A response to the objections is provided in **Appendix 4**.

Referral of the application

The application was referred to a number of Council Departments for comment and advice.

The Urban Design team initially raised some concerns which were subsequently addressed.

A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

Overall the proposal is considered appropriate to support given the following:

- The proposal is consistent with the relevant State and Local Planning Policies.
- The dwellings are in accordance with the purpose of the General Residential Zone.
- The Development Plan application, if approved, will facilitate the approval of the Planning Application in accordance with the Development Plan Overlay.
- The proposed development constitutes a multi-dwelling development that is respectful of the neighbourhood character.
- The front, side and rear setbacks are consistent with the setbacks on the adjoining properties.
- The proposed double storey built form is consistent with the character of the area, particularly given there are examples of attached double storey dwellings in the surrounding area.
- The upper floor separation ensures the proposed dwellings are not unreasonably bulky.
- The provision of parking, including visitor parking, complies with the requirements at Clause 52.06. Further, there is opportunity for on street parking in the adjacent area.
- A condition of the permit will require at least one indigenous canopy tree be planted within the front setback of each dwelling.
- The built form with a pitched roof and brick and render materials is consistent with the character of the area.
- The development has demonstrated a high level of compliance with Clause 55.
- The proposal is consistent with the House Rules: Neighbourhood Character Guidelines.
- The proposal will not have an unreasonable impact on the amenity of adjoining properties or persons.

6. Options

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

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay 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 as outlined in **Appendix 6**.

LIST OF APPENDICES

1. Locality Plan
2. Application Plans
3. Detailed Assessment
4. Objection Consideration
5. Referral Responses
6. Recommendation and Permit Conditions

12.14 PLANNING APPLICATION PA 2016/5177 - Two (2) LOT SUBDIVISION AT 632-650 MOUNT COTTRELL RD, MELTON

Author: Sian Smith - Major Developments Coordinator
 Presenter: Steve Finlay – Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine the planning application for the two (2) lot subdivision at 632-650 Mount Cottrell Rd, Melton.

RECOMMENDATION:

That Council issue a Notice of Refusal for the above proposal on the grounds outlined in Appendix 5.

REPORT

1. Background

Executive Summary

Applicant:	A & C Touvanna & E Gruszewski
Proposal:	Two Lot Subdivision
Existing Land Use:	Existing dwelling and outbuildings located close to the northern boundary of the site.
Zone:	Urban Growth Zone
Overlays:	None
Number of Objections:	Not Advertised
Key Planning Issues:	Land fragmentation prior to the preparation of a Precinct Structure Plan. Potential to prejudice future Precinct Structure Plan.
Recommendation:	Refusal of application.

The Land and Surrounding Area

The subject site has an area of 12 hectares and is located on the western side of Mount Cottrell Road. Other features of the site are as follows:

- The site is regular in shape. It has a frontage to Mount Cottrell Road of approximately 210 metres, and a depth of 570 metres.
- It contains an existing dwelling and outbuildings located close to the northern boundary of the site.
- The remainder of the site is developed with a horse training track and paddocks.
- The site is within the future Melton East Precinct Structure Plan area. This Precinct Structure Plan has not been prepared to date.

- The surrounding land is predominantly used for agriculture and/or rural living. The lots are generally between 12 – 30 hectares in size.
- The surrounding land is also within the future Melton East Precinct Structure Plan area.

The surrounding area can be characterised as low density rural residential.

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

The Application

The application proposes a two lot subdivision of the site.

The proposal is summarised as follows:

- Proposed Lot 1 is located along the eastern boundary (front) of the site, with the exception of a 10m wide access way proposed for Lot 2. It has a frontage to Mount Cottrell Road of approximately 197m with the total area of the lot being 2 hectares.
- Lot 1 would contain the existing dwelling.
- Proposed Lot 2 would form the balance of the land, with a total area of 10 hectares. Access to this lot would be via a 10m wide driveway.
- Lot 2 would contain the existing horse training track and an outbuilding (shed).

Refer to **Appendix 2** for plans of the proposal

Previous application

On the 14 July 2015 Council considered a planning application for a two lot subdivision for the subject site and resolved to issue a refusal.

The difference between PA2015/4725 and this current application relates to the orientation of proposed Lot 1. Refer to **Appendix 3** for plans of the previous proposed subdivision.

The planning controls and strategic location of the site have not changed since the previous application.

Council’s decision was appealed by the applicant and is currently the subject of a VCAT hearing that is scheduled for 1 July 2016.

Planning Controls

Zone	(Clause 37.07 – Urban Growth Zone – Part A)	Permit required to subdivide land. A permit may only be granted to create smaller lots if the proposal meets one of three criteria. The criteria are: <ul style="list-style-type: none"> - The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. - The subdivision is the re-subdivision of existing lots and the number of lots is not increased. - The subdivision is by a public authority or utility service provider to create a lot for an utility installation. This application meets the first criteria – as it creates a lot for an existing dwelling, and is a two lot subdivision.
Overlays	No Overlays	

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 4**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

This application is not exempt from notice under either the zone or overlay provisions, however under Section 52(1A) of the *Planning and Environment Act 1987* the responsible authority may refuse an application and, if it does so, it does not have to comply with subsections (1) and (1AA).

Subsections (1) and (1AA) of the Act sets out the prescribed form of undertaking notice, if notice is undertaken.

This application is recommended to be refused and as such Council has exercised its discretion under Section 52(1A).

It should be noted that the previous application for the same site, PA2015/4725, was advertised without any objections being received.

Referral of the application

Internal

City Strategy	<p>Objects to the application on the basis that the subdivision is premature as it is in an area that has not had a Precinct Structure Plan prepared.</p> <p>In this context, City Strategy are not supportive of the application as it further fragments land within a PSP area and could prejudice the future development of the Precinct Structure Plan.</p>
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External

Metropolitan Planning Authority (MPA)	<p>Advise that the land is currently within the 'Melton East' precinct (PSP 1076). Precinct structure planning has not yet commenced for this precinct and although the subdivision will result in further fragmentation of the land, the proposed size of the two lots is unlikely to detrimentally impact on the future planning for this precinct.</p>
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5. Issues

Planning Assessment

The key issue for Council to consider in assessing this application is the provisions of the Urban Growth Zone that apply to land where a Precinct Structure Plan (PSP) has not yet been prepared.

The site is within the Melton East Precinct Structure Plan area, and preparation of the PSP by the Metropolitan Planning Authority has not yet commenced. Where this is the case, the zone includes a number of limitations on how the land can be used or developed, prior to a PSP being approved.

The intent of these provisions is to ensure that significant changes which may impact on how the land is developed in the future are minimised.

The purpose of the Urban Growth Zone is:

- *To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.*
- *To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.*
- *To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.*

The decision guidelines of the Zone require Council to consider:

- *The effect on the future urban development and use of the land...*
- *Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.*
- *How the use or development relates to sustainable land management.*

It is considered that this application to subdivide the land into two lots will prejudice the future use and development of the land and the preparation of a PSP for the area.

The fragmentation of land through subdivision can give rise to difficulties in both the preparation and implementation of a PSP. The preparation of a PSP takes into account a number of factors in determining how an area will be developed. This includes considerations such as flooding, heritage, native vegetation, co-location of schools and open space, distribution of activity centres etc.

The creation of small lots and fragmentation of land introduces additional land ownership patterns. This impacts the ability of Council to provide a logical and efficient future urban structure plan in the PSP, by restricting the location of open space, schools, and other community facilities which require land to be set aside.

In terms of implementation, the introduction of additional land parcels can lead to difficulties in the delivery of projects such as road widening, schools, or open space reserves. Projects such as these require negotiation with affected landowners, and the introduction of additional small lots increases the time and cost of delivering these key community facilities.

The creation of a 2 hectare lot will mean that the land is unlikely to be developed for urban purposes once a PSP has been approved. Isolated pockets of rural land surrounded by urban development is not a good planning outcome, as it can result in a conflict between the use of land for rural purposes, and conventional residential uses, such as noise, dust, and other amenity impacts.

Land that remains undeveloped impacts on a PSP by decreasing the average density of housing across the precinct, and reducing the amount of contributions collected to deliver infrastructure and community facility projects.

The West Growth Corridor Plan identifies that Mount Cottrell Road, which the site fronts on to, will be upgraded to an arterial road. This may require land from the subject site for road widening.

Comparable applications

Council has previously refused an application for a two lot subdivision on land at 942 Beattys Road where a PSP had not yet been prepared (PA2015/4746). The refusal was based on the same grounds – the fragmentation of land and prejudicing the preparation of a PSP.

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 31 March 2016. On 28 April 2016, VCAT directed that the decision of Council is affirmed and no permit is to issue.

In its decision on the merits, the Tribunal considered that the key issues were:

- Applicable State and Local Policies
- The acceptability of the proposed subdivision
- Relevance of other applications
- Relevance of the subdivision being excluded from the Growth Areas Infrastructure Contribution
- Public use
- Net community benefit.

An extract from the transcript of the VCAT hearing explains the member's reasoning and is relevant to this application:

"State and Local policies are cautious about rural residential or low density subdivision involving residential use in an area such as this awaiting urban development. This is because of the difficulties that arise from fragmented land ownership in planning and then achieving the purpose this land has been earmarked for..."

Fragmented ownership patterns can make it difficult to assemble land into large enough blocks for sustainable urban development. The Melton Planning Scheme seeks to minimise such potential that adds to costs and delays in the delivery of a new suburb. These difficulties are not simply speculation. The responsible authority does not have an onus to prove they will happen but the example used in the Council's submission is demonstrative of what can happen. I therefore accept that the subdivision is unlikely to prevent a Precinct Structure Plan from being adopted and implemented per se. But the aim is to achieve urban development in an efficient and orderly way and the presence of the proposed 2 hectare dwelling lot and a separate balance lot in this location will add to the potential to prejudice the logical, efficient and orderly future urban development of the land."

Source: VCAT reference P1948/2015, transcript of proceedings, 28 April 2016

In summary, it is considered that the proposal is not consistent with the provisions of the Urban Growth Zone, in that it will prejudice the development of a Precinct Structure Plan in the future. Creating further fragmentation through the introduction of small lots creates implementation issues once a PSP has been approved.

6. Options

Council can either:

1. Adopt the recommendation and issue a Notice of Refusal.
2. Defer the matter pending notice of the application before making a decision.

7. Conclusion

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

It is considered that the proposal generally does not comply with the relevant requirements of the Planning Scheme.

The subdivision of the land will compromise the future preparation and implementation of a Precinct Structure Plan by further fragmenting the land.

Therefore, it is recommended that the application be refused.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Proposed Subdivision Plan
3. Appendix 3 - PA2015/4725 Subdivision Plan
4. Appendix 4 - Assessment Against Planning Scheme
5. Appendix 5 - Grounds of Refusal

12.15 PA2016/5118 - EXPANSION TO MELBOURNE REGIONAL LANDFILL AT 408-546 HOPKINS ROAD, TRUGININA

Author: Bob Baggio - Manager Planning Services
Presenter: Steve Finlay – Acting Manager Planning Services

PURPOSE OF REPORT

To determine a date for a Special Council Meeting to consider Council's submission to the planning application.

RECOMMENDATION:

That Council resolve to convene a Special Council Meeting on the 11 July 2016 at 7.00pm to consider its submission to the planning application.

REPORT**1. Executive Summary**

The planning application for expansion of the Melbourne Regional Landfill has been called in by the Minister for Planning and is being processed by officers from the Department of Environment, Land, Water and Planning (DELWP).

Council can make a submission to the application before the end of the notification period on 16 July 2016. As the next Ordinary meeting of Council is on 25 July, a Special meeting of Council will be required for Council to consider its submission in time. It is suggested that this meeting could take place on 11 July 2016.

2. Background/Issues

On 29 February 2016, Council received a planning 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 was for the expansion of the existing Melbourne Regional Landfill.

On 11 April 2016 a letter directing the application be called in was received by Council. The Minister for Planning considered that the application raised a major issue of policy and that the determination of the application may have substantial effects on the achievement or development of planning objectives.

The effect of this calling in of the application by the Minister for Planning is that he is now the Planning Authority responsible for consideration of the proposal, and that Council has no further role apart from making a submission to the application as part of the notification process and presenting its case to the future Planning Panel.

Notification of the application commenced on 14 June and is due to end on 16 July 2016. As the next Ordinary Council meeting is on 25 July after the end of the notification period, it will be necessary for Council to convene a Special Council meeting on 11 July 2016. This meeting will just consider Council's submission to the application.

DELWP officers advise that all submissions received will be referred directly to the Planning Panel for consideration. It appears likely that the Panel will conduct a Directions Hearing towards the end of July and that the Panel Hearing will occur in late August / early September.

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 in Council preparing and lodging a submission, however further costs will be incurred in the event that Council has legal representation at the future Panel Hearing.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

The risk to Council of not conducting a Special Council meeting is that its submission will be late and not further considered.

7. Options

Council can elect to convene a Special Council meeting on 11 July 2016 or some other date before the end of the notification period.

LIST OF APPENDICES

Nil

12.16 C162 AMENDMENT TO THE MELTON PLANNING SCHEME - MT. ATKINSON AND TARNEIT PLAINS PRECINCT STRUCTURE PLAN COUNCIL SUBMISSION

Author: Sophie Thompson - Senior Strategic Planner
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To present Melton City Councils submission to Planning Scheme Amendment C162 Mt. Atkinson and Tarneit Plains Precinct Structure Plan.

RECOMMENDATION:

That Council:

1. Endorse and submit **Appendix 3** to the Metropolitan Planning Authority requesting changes to proposed Planning Scheme Amendment C162.
2. Write to the Metropolitan Planning Authority advising that Melton City Council cannot provide full support for Amendment C162 until the Infrastructure Contributions Plan for Mt. Atkinson and Tarneit Plains has been prepared and subject to a planning scheme amendment process.

REPORT

1. Executive Summary

The Metropolitan Planning Authority (MPA) has recently released Amendment C162 to introduce the Mt. Atkinson and Tarneit Plains Precinct Structure Plan (PSP) into the Melton Planning Scheme. The PSP can be found at **Appendix 1**.

The PSP was developed in consultation with Council officers, State agencies and other key stakeholders.

The amendment was on formal exhibition until Monday 30 May 2016, with Melton City Council given an extension to submit comments until after receipt of the 27 June Ordinary Meeting of Council minutes.

This report provides an overview of the proposed Planning Scheme Amendment and PSP, and outlines key issues that Council officers need to be resolved prior to finalisation of the amendment documentation. These issues are detailed in Section 2 of this report and in **Appendix 3**.

2. Background/Issues

The MPA has recently released Amendment C162 to introduce the Mt. Atkinson and Tarneit Plains PSP into the Melton Planning Scheme. The Mt. Atkinson and Tarneit Plains PSP was developed in consultation with Council officers, State agencies and other key stakeholders.

The Mt. Atkinson and Tarneit Plains PSP covers an area of approximately 1,530 hectares. The area is bounded by the Western Freeway to the north, Hopkins Road to the east, Middle Road to the south and the Outer Metropolitan Ring (OMR) road reservation to the west (Refer **Appendix 1**).

This report provides an overview of the proposed Planning Scheme Amendment and the PSP and outlines the key issues that Council officers consider need to be resolved prior to the finalisation of the amendment documentation.

The PSP and amendment documents were circulated to all relevant service units across Council and the comments received are summarised in **Appendix 3: Melton City Council Submission to C162 Mt. Atkinson and Tarneit Plains Precinct Structure Plan.**

Planning Scheme Amendment

Planning Scheme Amendment C162 proposes to:

- Insert Schedule 9 to Clause 37.07 Urban Growth Zone (UGZ) into the Melton Planning Scheme and rezone the majority of the precinct to UGZ9. The Schedule sets out the land use and development controls for the Precinct. The Schedule requires land use and development to be generally in accordance with the Mt. Atkinson and Tarneit Plains PSP
- Insert Schedule 11 to Clause 37.01 Special Use Zone (SUZ) into the Melton Planning Scheme and rezone part of the Precinct to SUZ11 to provide for a range of uses and the development of land generally in accordance with the Mt. Atkinson and Tarneit Plains PSP
- Apply Clause 35.06 Rural Conservation Zone (RCZ) to parts of land within the Precinct that are identified as having conservation values
- Insert Schedule 5 to the Incorporated Plan Overlay (IPO5) into the Melton Planning Scheme and apply it to land in the Precinct zoned RCZ to give effect to the Mt. Atkinson and Tarneit Plains PSP
- Delete the Environmental Significance Overlay Schedule 2 and Schedule 5 (ESO2, ESO5) from land within the Precinct
- Delete the Public Acquisition Overlay Schedule 6 (PAO6) from land within the Precinct
- Insert a new Schedule 6 to Clause 42.01 Environmental Significant Overlay (ESO6) and apply it to all land zoned RCZ, to remove the exemption from requiring a planning permit for the removal of non-native vegetation from land within the Precinct
- Apply Clause 45.03 Environmental Audit Overlay (EAO) to two properties that currently operate as service stations to identify the potential for further investigative and land remediation requirements
- Insert Schedule 9 to the Development Contributions Plan Overlay (DCPO9) and apply the overlay to all land within the Precinct
- Amend the Schedule to Clause 52.01 to include a public open space contribution for subdivision of land within the Precinct
- Amend the Schedule to Clause 52.17 to include the Precinct as a scheduled area
- Amend the Schedule to Clause 66.04 to require:
 - a referral to the Growth Areas Authority (now known as the Metropolitan Planning Authority) for an application for subdivision; and construction of a building or carrying out works in the town centre and commercial areas where the value of the building or works is in excess of \$500,000
 - a referral to the Secretary to the Department administering the Mineral Resources for an application for subdivision; and construction of a building or carrying out works within the ‘Quarry Sensitive Use Buffer’ shown in the PSP.

- Amend the schedule to Clause 66.06 to require notice to the gas transmission pipeline owner and operator for an application to use land for sensitive uses (listed in the UGZ9) within the 'gas pipeline measurement length' shown in the PSP; and
- Amend the Schedule to Clause 81.01 to include one new incorporated document titled Mt. Atkinson and Tarneit Plains Precinct Structure Plan, April 2016.

The proposed amendment documentation is contained in **Appendix 2**.

Precinct Structure Plan Overview

The Mt. Atkinson and Tarneit Plains PSP provides a framework for a combined residential and employment hub with the expected development of approximately 6,700 dwellings – resulting in a projected population of around 18,500 people and the expected delivery of around 18,000 jobs.

A Specialised Town Centre is proposed to be located in the north of the precinct, adjacent to a potential future train station. Employment land has been identified as State Significant and will be located in the north and south of the precinct, delivering a combination of industrial and commercial land uses.

The PSP sets out the vision and provides the land use planning framework for the future development of the area.

In addition to providing land for a range of housing types and densities to accommodate the population and appropriate land for employment purposes, the plan identifies:

- A potential future train station with park and ride facility
- Three local convenience centres
- A network of passive and active reserves including the Mt. Atkinson Volcanic Reserve, the central feature of the PSP
- Two grassland conservation reserves
- One environmental reserve
- The historic Mt. Atkinson homestead
- An Indoor recreation facility
- Two government primary schools, one non-government primary school and one non-government secondary school
- Two multi-purpose community centres and one neighbourhood house
- A future terminal station for electrical infrastructure
- Retarding basins and waterways for drainage and stormwater management
- The upgrade of Hopkins Road to a six lane arterial, the upgrade of Riding Boundary Road to a four lane arterial and the realignment of Greigs Road and Mt. Atkinson Roads to a four lane arterial; and
- A network of on-road and off-road bike paths and a strong pedestrian network connecting the future community to key services and facilities in the area.

The Precinct Structure Plan also gives some consideration to buffers and land use allocations relevant to a range of uses with the potential for onsite and offsite impacts, including the Deer Park Quarry, the Melbourne Regional Landfill and its proposed expansion and the High Pressure Gas Pipeline. There exist concerns in respect of the impact of the proposed landfill expansion to the east of the PSP, which is currently subject to a planning permit application and discussed further in this report and **Appendix 3**.

Infrastructure Contributions Plan

The Mt. Atkinson and Tarneit Plains PSP is the first of the PSPs in the City of Melton to be subject to an Infrastructure Contributions Plan (ICP) rather than a Development Contributions Plan (DCP). ICPs replace the old DCP system. The ICP system is being implemented through the Parliamentary Act known as the *Planning and Environment Amendment (Infrastructure Contributions) Act 2015*. The Act introduces ‘standard levies that are preset with relevance to particular development settings and land uses. These levies are designed to provide a ‘financial contribution’ to the delivery of specified local infrastructure required to support new communities.’

This Act commenced on 1 June 2016 and has inserted new provisions into the *Planning and Environment Act 1987*. However, much of the detail of the new ICP system will be found in a Ministerial direction that is still under preparation by the department. Accordingly there is currently no clear guidance on the standard levy amounts, the list of infrastructure which the levies can provide a contribution towards or guidelines on how the ICP will be administered by Councils.

Key Issues

There are a number of key issues which are considered to have an impact on Council’s ability to implement the PSP and must be resolved prior to Council providing support for the Amendment. These issues are outlined below and in **Appendix 3** of this report:

Infrastructure Contributions Plan (ICP)

The exhibition of the draft PSP before the full implementation of the new ICP system presents a risk to Council. Without the information to be provided in the Ministerial direction, Council cannot be sure of the final per hectare rate relevant to the development of land in the Precinct, the final list of allowable items or the costs of the proposed infrastructure items. This may have an impact on Council’s service delivery and spending in the future. It may also affect the appropriateness of the future urban structure.

In addition, the MPA has provided no costs for the infrastructure projects that are identified through the PSP in ‘*Table 9 – Precinct Infrastructure of the PSP*’ or ‘*Plan 13- Precinct Infrastructure Plan*’, nor is there any technical analysis which supports the proposed road network including the roads and intersections which have been identified as ICP projects.

The information to be provided under the ICP system is critical to understanding what infrastructure can be funded, what Councils contributions to infrastructure are and, importantly, the financial risks to Council.

In the absence of the ICP information being available, Melton City Council cannot provide full support for Amendment C162 until the ICP for Mt. Atkinson and Tarneit Plains has been developed and subject to a planning scheme amendment process.

Delivery and Staging

Council is concerned about the orderly provision of infrastructure to ensure communities which develop enjoy at least the minimum required to support a viable community function. The draft PSP does not go far enough to ensure the delivery of infrastructure will be delivered in a timely and orderly manner.

To ensure this occurs, Council would like to see the PSP documentation include requirements around the staging of development. Melton City Council seeks for this matter to be addressed as new requirements in the Infrastructure Delivery and Staging section of the PSP and as part of the future ICP documentation.

Proposed Traffic Network

No traffic modelling or intersection analysis has been undertaken to support the development of the Precinct Structure Plan (or at least that has been provided to Council). In the absence of this modelling and analysis it is difficult to determine whether the proposed road network has been designed to support the proposed development.

Given the potential impacts an insufficient road network would have on accessibility, safety and amenity, Council would like to meet with MPA and VicRoads to discuss this matter further. It is considered that detailed modelling and intersection analyses should be provided prior to the panel hearing to allow time to undertake peer reviews and negotiate any changes required. Council would also like to understand how the ICP projects are being determined in the absence of any costings for these projects, particularly where there are non-standard cross-sections or intersections required.

Applied Zones in Residential Areas

Council does not support the applied 'Residential Growth Zone' (RGZ) as the default residential zone. This matter was recently tested as part of the Rockbank PSP Panel in which Council requested for this to be changed to General Residential Zone (GRZ) and has also been considered by two other recent Planning Panels with respect to the Brompton Lodge PSP in the City of Casey and the Donnybrook/Woodstock PSP in the City of Whittlesea and Shire of Mitchell for the following reasons:

- The nomination of applied zones should be principally based on the purposes of those zones and the extent to which those purposes are appropriate for the identified areas within the PSP to which they are to be applied;
- The PSP already shows areas for 'higher density residential opportunity' which provides an opportunity for increased densities in appropriate locations. The application of the RGZ precinct-wide will undermine this intended approach;
- The application of the residential zones should be principally based on the purposes of those zones and the extent to which the purposes are to be applied. The implementation of the RGZ throughout the precinct creates inappropriate expectations regarding the planning outcomes in the PSP area. The identification of higher density residential land has been determined strategically as part of the PSP, the proposal to allow the RGZ will go against this strategic work.

Potential Future Landfill Expansion

The PSP appears to have formed a position on the impact of the proposed expansion of the landfill located within the Boral Quarry to the east of the PSP prior to detailed assessment of the current planning permit and works approval applications.

Given the complexity of the issues in regards to the proposed landfill expansion, and the possible impacts on the PSP should the expansion be approved by the Minister for Planning and EPA, it is considered that the PSP should identify any land in the PSP area that may be impacted by the expansion proposal as a potential investigation area or similar. Relevant provisions in the planning scheme should also be included to provide direction on how applications within these areas should be considered by the responsible authority. We understand that this is reflective of the approach previously agreed with MPA and EPA prior to exhibition of the PSP.

Whilst it is considered that the proposed landfill expansion should seek to ensure all buffers are incorporated within the landfill site, the exact buffer requirements cannot be accurately confirmed until such time as the planning permit and works approval are issued. It is worth noting that on the basis of the proposed location of the expanded landfill in the current planning permit application, the landfill may impact the precinct with up to a 500m landfill gas migration buffer. The PSP has not addressed this.

To ensure any risk is mitigated as part of this PSP process, the landfill gas migration and potential future odour buffer should be identified in the PSP and considered as part of the UGZ schedule. It is suggested these should be identified on Plan 2 of the PSP.

At this stage, Council cannot support the PSP until it is comfortable that all possible landfill impacts have been addressed or mitigated. To determine this, Council will be seeking discussions with MPA and EPA as Council is not the technical expert in this field.

Existing Boral Quarry

It is noted that the approved Boral Quarry, located just east of the PSP, has been responded to as part of the PSP. The use is acknowledged to the east, buffers are outlined on Plan 2 and land uses proposed in the PSP respond to the buffers. However, Council is concerned about the lack of clear direction in the UGZ Schedule as it relates to the use and development of affected land.

Council supports that there is a requirement for the referral of applications to the relevant state body that is responsible for these types of operations. However, Council would like to understand whether the suggested referral body in Schedule 9, namely the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*, has the capacity and technical expertise to assess any application within the investigation area.

Council would like to discuss this issue further with the relevant State Government departments and/or the quarry operator.

High Pressure Gas Pipeline Easement

Council has concerns about the proposed Mixed Use Zone to be located within the Pipeline Measurement Length (located east of the Specialised Activity Centre). It is Council's understanding that this Zone allows uses as of right which may conflict with what is permitted within the relevant Australian Standard.

As Council is not the technical expert in this field, Council requests that the MPA seeks the pipeline operator's advice in relation to this matter. Without viewing written approval from the operator, Council does not support this proposed land use, particularly given the 25 dwellings per hectare density being proposed.

Rail Crossing

The existing Hopkins Road at grade railway crossing, located on Hopkins Road in the north of the precinct is currently designed to a rural standard and fitted with boom gates. As a result of the development of the Mt. Atkinson and Tarneit Plains PSP area, this crossing will have increased traffic, both vehicular and pedestrian.

The PSP needs to identify interim treatments to the existing rail crossing to enable the safe movement of vehicles and pedestrians within the developing precinct and identify triggers for the implementation of both interim and ultimate rail crossing treatments.

Given the potential risk to safety associated with having rural crossings in an urban area, Council requests that MPA organise a meeting with Council, PTV, VicRoads and VicTrack (if appropriate), to work through design options and triggers for interim and ultimate works to this crossing.

There needs to be a clear commitment and direction from State Government to address these issues and the PSP is the appropriate mechanism to achieve this. In particular, Council wishes to discuss the mechanism for funding of this, both for the interim treatment from rural to urban, and for ultimate separation.

Pedestrian Crossings

The PSP identifies the need for the provision of pedestrian bridges over the Western Freeway and over the railway line to provide connectivity between Mt. Atkinson PSP and Kororoit PSP, however does not detail the trigger for the delivery of these important pedestrian links.

Given the potential risk to safety associated with the current access arrangement and the need for pedestrians to cross the traffic lanes of the freeway, Council requests that the MPA convene a meeting with MCC and VicRoads to work through design options and triggers for interim and ultimate works at these intersections.

There needs to be a clear commitment and direction from state government to address these issues and the PSP is the appropriate mechanism to achieve this.

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

Once development commences funds are expected to be collected by Council as outlined in the Infrastructure Contribution Plan (ICP). As discussed above, the ICP system is currently being implemented, with the *Planning and Environment Amendment (Infrastructure Contributions) Act 2015 coming into operation on 1 June 2016*.

The information to be provided by the ICP is critical to understanding what infrastructure can be funded, what Council's contributions to infrastructure are and, importantly, the financial risks to Council.

In the absence of the ICP information being available Melton City Council cannot provide full support for the final version of the PS until the ICP for Mt. Atkinson and Tarneit Plains has been developed and subject to a planning scheme amendment process.

5. Consultation/Public Submissions

The MPA formally exhibited the Mt. Atkinson and Tarneit Plains PSP for a month with the submission period closing on Monday 30 May 2016.

Notification letters and a newsletter were sent to the landowners within the PSP area and adjacent properties at the beginning of this exhibition period, notifying them of the opportunity to comment on the amendment documentation including the PSP, as well as an upcoming community drop in session.

The community drop in session was held at Caroline Springs Civic Centre/Library on Wednesday 11 May 2016 between 4:30pm and 8:00pm. The community drop in session was held by the MPA with support from Council officers.

All affected parties had an opportunity to make their own submissions to the MPA on the amendment documentation including the Mt. Atkinson and Tarneit Plains PSP.

The PSP document has been developed in consultation with Council officers, including to develop the Future Urban Structure Plan (refer to **Appendix 1**). Following the release of the amendment documentation including the Mt. Atkinson and Tarneit Plains PSP, City Strategy has circulated the documentation internally to relevant service units including Recreation and Youth, Planning Services, Engineering Services, Environmental Services and Families and Children. A summary of the comments received from internal service units can be found at **Appendix 3** and forms the basis of Council's submission to the MPA.

6. Risk Analysis

As discussed above, the lack of information in respect of the ICP presents a considerable risk to Council. If the Minister approves the PSP without these aspects known, there is considerable risk that infrastructure items may be significantly underfunded through the standard levies or that projects identified as ICP funded projects may not be in the allowable items list.

To mitigate this risk, correspondence should be sent to the MPA to request that the Mt. Atkinson and Tarneit Plains PSP is not finalised until the ICP has been prepared and consulted upon.

It should be noted that there will be costs to Council associated with the delivery of infrastructure items identified in the PSP and future ICP as the ICP is not intended to fully fund infrastructure. This is the same for all PSPs in the municipality including those subject to a Development Contributions Plan.

7. Options

Council has two options:

1. To endorse and submit **Appendix 3** as its submission to the Metropolitan Planning Authority requesting changes to Planning Scheme Amendment C162 and write a letter to the MPA advising that Melton City Council cannot provide full support for Amendment C162 until the ICP for Mt. Atkinson and Tarneit Plains has been prepared and subject to a planning scheme amendment process; or
2. Council can resolve not to provide a submission to the Metropolitan Planning Authority on Amendment C162 or write a letter to the MPA in respect of the ICP.

LIST OF APPENDICES

1. Mt Atkinson and Tarneit Plains PSP (Exhibition Draft)
2. Amendment C162 Ordinance
3. Melton City Council Submission to MPA

12.17 C176 AMENDMENT TO THE MELTON PLANNING SCHEME - EYNESBURY NATIVE VEGETATION OFFSETS

Author: Matthew Milbourne - Senior Strategic Planner
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To present the preparation of Amendment C176 to the Melton Planning Scheme to vary Native Vegetation Offset controls at Clause 52.17 of the Melton Planning Scheme for three stages of subdivision in Eynesbury.

RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare Amendment C176 to the Melton Planning Scheme.
2. Apply for an exemption from the all the notice requirements of Section 19 of the Planning and Environment Act 1987, except for notification of prescribed Ministers under Section 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit the amendment in accordance with the relevant requirements of the *Planning and Environment Act 1987*.

REPORT

1. Executive Summary

A request has been received from Roberts Day on the behalf of Eynesbury Property Development Pty Ltd for a Planning Scheme Amendment request to amend the Native Vegetation Offset controls in the Melton Planning Scheme, to allow offsets to be provided at a secured site in Dundonnell (in western Victoria).

Council officers support the Planning Scheme Amendment request as:

- The amendment will allow the developer to use a native vegetation offset site that they secured in 2011.
- Officers from the Department of Environment, Land, Water and Planning have provided in-principle support for the amendment.
- The amendment will not result in material detriment to any person in Eynesbury

To expedite the Planning Scheme Amendment process the proponent has requested an exemption from some of the notice requirements for the amendment. It is proposed that notice of the amendment not be served to the residents of Eynesbury. Rather the only notice intended to be served is to the Minister for Environment. This is considered to be appropriate by Council officers as the amendment relates to only whether native vegetation offsets can be provided in Dundonnell (at a site that was secured in 2011), rather than in the Port Phillip and Western Port Catchment Management Area, and will not result in material detriment to any person. It is also noted that the developer has undertaken consultation with the residents of Eynesbury to make them aware of the proposed Amendment and provided an opportunity for residents to provide comments.

2. Background/Issues

Roberts Day on the behalf of Eynesbury Property Development Pty Ltd have submitted a Planning Scheme Amendment request to amend the Native Vegetation Offset controls in the Melton Planning Scheme.

In 2011 the developer of Eynesbury (Eynesbury Joint Ventures Pty Ltd) secured approval from the Department of Sustainability and Environment (now Department of Environment Land Water and Planning) for a native vegetation offset site in Dundonnell (within the Shire of Moyne).

The native vegetation site was confirmed to be suitable for offsets for five stages of the Eynesbury Township (Stages four, six, nine, 11A West, 11A East (now renamed Stage Five), and 13 of the approved Eynesbury Township Development Plan – February 2013).

Planning permit applications were subsequently approved for Stages four, nine and 11A West. Planning permission has not yet been sought for subdivision in Stages five, six and 13.

In 2013, Planning Scheme Amendment VC105 introduced the Victorian Government's Reforms to Native Vegetation Permitted Clearing Regulations. One of the changes in VC105 was that an offset for the removal of native vegetation would need to be provided within the same Catchment Management Authority (CMA) area. The site that was approved and secured for offsets in Dundonnell in 2011 is not located within the same CMA area as Eynesbury.

The current owners of Eynesbury are seeking to lodge a planning permit application for subdivision for stages five, six and 13 of the approved Development Plan. In order for these areas to be subdivided native vegetation is required to be removed. Given that the developer had secured an offset site in 2011, the developer has applied for a planning scheme amendment to utilise the secured offset site in Dundonnell. Refer to **Appendix 1**.

Planning Scheme Amendment

Planning Scheme Amendment C176 proposes to:

- Amend the Schedule to Clause 52.03 [Specific Sites and Exclusions] to include a site specific control for stages five, six and 13 of the approved Eynesbury Township Development Plan, February 2013.
- Amend the Schedule to Clause 81.01 [Incorporated Documents] to include a new incorporated document.

The proposed incorporated document will exempt stages five, six and 13 from the native vegetation removal and offset controls in Clause 52.17 of the Melton Planning Scheme to allow the offset of native vegetation to be provided at Dundonnell.

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 the amendment supports or implements the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) of the Melton Planning Scheme. Further Council must determine whether the outcome will have consequences in terms of the Planning Scheme's directions, useability and transparency.

State Planning Policy Framework

Clause 12 of the SPPF states that '*planning should help to protect the health of ecological systems and the biodiversity that they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values*'.

Clause 12.01-2 Native Vegetation Management introduces the objective *'to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity'*. One of the strategies is *'where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed'*.

The proposed amendment to the Melton Planning Scheme is consistent with the intent of the SPPF. In 2011 the developer secured a native vegetation offset site for five stages of subdivision that was consistent with the native vegetation removal and offset regime at that time. In 2013, the offset regime changed which makes it not possible to use the secured site for offsets as it is located in a different Catchment Management Authority. The amendment is consistent with the SPPF as it proposes an offset that is commensurate with the proposed removal and will result in no net loss of native vegetation.

Local Planning Policy Framework

Clause 22.02 A Sustainable Environment Policy seeks to *'protect and conserve environmental resources and assets of the City'*.

Clause 22.09 Eynesbury Station Policy allows for the development of the township of Eynesbury. This policy allows the development of an innovative residential community that is integrated with the landscape.

The proposed amendment to the Melton Planning Scheme is consistent with the intent of the LPPF. Significant areas of Eynesbury have been set aside for the retention of biodiversity. These include the Grey Box Woodland and a Grassland Reserve, both of which are to the north of the proposed township, and north of the area subject to this planning scheme amendment. The location of offsets for the removal of native vegetation is not in conflict with the LPPF.

Particular Provisions

Clause 52.17 Native Vegetation's purpose is *'to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach... Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.'*

As discussed previously the developer of Eynesbury in 2011 secured an offset site in Dundonnell, for five stages of development in Eynesbury Township (refer **Appendix 2**). The secured offset site complied with the relevant native vegetation and offset planning regime at that time, and would result in no net loss of native vegetation. In 2013 changes were made to the planning regime requiring offsets to be secured within the same CMA as the site where native vegetation was to be removed. Given the Dundonnell site is not within a CMA it means that under the current native vegetation framework, Dundonnell is not an appropriate offset site for stage five, six and 13 from a planning scheme perspective as it is located in a different CMA. The proposed change to the Planning Scheme is generally consistent with the purpose of Clause 52.17 as it maintains a no net loss approach to native vegetation rather the change just enables the approved and secured offsets for these stages to be utilised.

In conclusion, the strategic assessment of the amendment supports the planning scheme amendment. The general principles of the Melton Planning Scheme in the SPPF, LPPF and particular provisions are being upheld as it maintains a 'no net-loss' approach to native vegetation.

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. Fees are payable to DELWP for the consideration and approval of the amendment by the proponent.

5. Consultation/Public Submissions

The proponent for the planning scheme amendment has held discussions with Council officers and representatives from DELWP regarding the proposal to use the Dundonnell site for offsets for the three stages of development in Eynesbury. In-principle support for this approach has been provided by DELWP and Melton City Council officers.

The residents of Eynesbury were sent an information pack, including a plan which summarised the allocation of native vegetation offsets (refer **Appendix 2**) on 31 May 2016 about the amendment, and were invited to a drop-in session at the Eynesbury Homestead on the 7 June 2016 to find out more about the amendment. Residents were invited to provide comments on the proposed amendment by the 16 June 2016 to Quantum United (the body corporate manager) who collated and provided a consolidated list of submissions.

Comments were received from three residents in Eynesbury (refer **Appendix 3**). The submissions received provided comments on their preferred approach to street tree planting, the need for the planning for the school to commence, the need for a community building to be constructed, and one resident requested a copy of the planning scheme amendment documentation (which has been provided). None of the submissions relate to the planning scheme amendment.

The proponent has requested that Council apply to the Minister for Planning for an exemption from all of the notice requirements for a Planning Scheme Amendment, except for notice to be served to the prescribed Ministers in the *Planning and Environment Act 1987* (Section 19(1)(c)), which will allow the Minister for Environment to consent / object to the amendment.

Council officers recommend that the Council apply to the Minister for Planning to seek an exemption from the notice requirements in Section 19, except Section 19(1)(c) for the following reasons:

- the planning scheme amendment does not affect any individual
- consultation has occurred with residents in the township of Eynesbury
- it is proposed to notify the Minister for Environment of the amendment.

Once the consultation period closes, a further Council report will be provided to Council outlining whether any submissions were made to Amendment C176. This report will make recommendations to Council on whether any changes should be made to the amendment, and whether Council should abandon or adopt the amendment.

6. Risk Analysis

The risk of this amendment not proceeding is that the Dundonnell site would not be able to be utilised for native vegetation offsets. Prior to the lodgement of application for subdivision

if Dundonnell cannot be used for offsets the developer will need to find new sites for offsets which will result in further delays to the development of stages five, six and 13 of Eynesbury.

7. Options

Council can resolve to:

1. submit planning scheme amendment C176 to the Minister for Planning for authorisation, and apply for an exemption from the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification of prescribed Ministers in Section 19(1)(c)
2. submit planning scheme amendment C176 to the Minister for Planning for authorisation, and comply with the notice requirements prescribed in Section 19 of the *Planning and Environment Act 1987*
3. elect to take no action.

LIST OF APPENDICES

1. Land subject to Amendment C176
2. Summary of Native Vegetation Offsets
3. Submissions Received

12.18 COUNCIL SUBMISSION TO INFRASTRUCTURE VICTORIA'S DRAFT OPTION PAPER - ALL THINGS CONSIDERED - EXPLORING OPTIONS FOR VICTORIA'S 30-YEAR INFRASTRUCTURE STRATEGY

Author: Matthew Milbourne - Senior Strategic Planner

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

PURPOSE OF REPORT

To present Melton City Council's submission to Infrastructure Victoria's draft options paper, *All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*.

RECOMMENDATION:

That Council endorse the Melton City Council submission to Infrastructure Victoria in response to their draft options paper, *All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*, as presented at **Appendix 1**.

REPORT

1. Executive Summary

Infrastructure Victoria has prepared a draft options paper for the State of Victoria, *All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*. The options paper will inform the development of the draft Infrastructure Strategy later in 2016.

The draft options paper has been released for public comment with submissions closing on 17 June 2016. Melton City Council was granted an extension until 28 June 2016 to allow the Melton City Council Submission to be considered by Council at the Ordinary Meeting of 27 June 2016.

Council officers have prepared a submission (refer **Appendix One**) to the documents released for public comment.

2. Background/Issues

Infrastructure Victoria is preparing a 30-year infrastructure strategy for Victoria. To inform the development of the infrastructure strategy Infrastructure Victoria have prepared an options paper, *All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*, which considers over 200 ideas on how to address Victoria's infrastructure needs over the next 30 years.

The draft options paper '*All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*' was released for public comment, with submission due by 17 June 2016. Council applied for an extension of time to submit, and has been granted an extension to 28 June 2016 to allow the Submission to be reported to the 27 June Ordinary Meeting of Council.

Following consideration of the submissions received to the options paper, Infrastructure Victoria will develop a draft Infrastructure Strategy which is expected to be released late 2016.

Infrastructure Victoria is an independent statutory authority who provides advice and guide decision-making on Victoria's infrastructure needs and priorities.

Three documents have been released for comment:

1. All Things Considered – Exploring Options for Victoria’s 30-year Infrastructure Strategy, May 2016;
2. Draft Options Book, 20 May 2016; and
3. Funding and Financing – Draft Additional Information Paper, May 2016.

All Things Considered has been structured to provide responses to 19 challenges that the State of Victoria is likely to face over the next 30 years in the provision of infrastructure. These challenges include matters such as how to address infrastructure demands in areas with high population growth, managing pressures on landfill and waste recovery facilities, and improving the resilience of critical infrastructure.

All Things Considered has identified infrastructure options that respond to nine sectors of service delivery, these include the cultural / sporting / tourism sector, education and training, energy, information and communications technology, health and human services, justice and emergency services, science / agriculture and environment, transport, and water and waste.

The Draft Options Book contains more than 200 infrastructure projects that have been considered to address the challenges. The project options include matters such as the Melton rail electrification, community space shared use agreements, and active lifestyle infrastructure regulation.

The draft documents are generally supported subject to the consideration of the proposed changes outlined in **Appendix 1** and summarised in this report. It is considered that the report has been well thought out, has been presented in an easy format to read, and has considered a wide array of interesting infrastructure ideas to address Victoria’s infrastructure needs over the next 30 years.

Key comments included in the submission:

- The options in the ‘options book’ should be amended to include a roles and responsibilities section. This should articulate who will be responsible for the planning, delivery and operation of the infrastructure option.
- Case studies or evidence should be provided which demonstrate the need for the options.
- There are a number of options explored in the papers that have been considered in other State Government and Regional Strategies. A section should be provided in the ‘options book’ which articulates how this option relates to State Government (or Regional) Strategies.
- The operational cost of infrastructure should be considered in the economic impact sections in the options book.
- Council officers are supportive of the scenarios which have been developed to evaluate the options. The *Westside Story* scenario unduly focuses on the City of Wyndham and the inner councils in the Western Region. The *Westside Story* should be expanded to include references to the City of Melton, the proposed Toolern Metropolitan Activity Centre, the Western Intermodal Freight Terminal, and the Western Industrial Precinct.
- In the submission Council officers have recommended the development of new options for Infrastructure Victoria to consider, these are:
 - **western metropolitan corridor health service expansion** - plan for the expansion of health service facilities in the western growth corridor to meet the needs of this high growth area. Planning is needed for the creation of a new tertiary level accident and emergency hospital in the western corridor.

- **growth areas highway upgrades** – to upgrade rural standard highways in Growth Area councils to an urban standard.
- **benchmark infrastructure development in Growth Areas with population growth** - we invite the State Government to committing to providing infrastructure items that are linked to growth outcomes. For example, for every increase in a certain number of residents (to be determined by appropriate analysis) in a municipality a new school site will be purchased and constructed.
- The following options have been included in the options book for discussion, the importance of these has been considered as critical to the ongoing orderly development of the City of Melton, and vital to the development of infrastructure that supports our growth:
 - **greenfield development sequencing** – Infrastructure Victoria should partner with growth area Councils and the Metropolitan Planning Authority to develop improved guidance on development sequencing. This should be a high priority as this lies at the heart of the emerging infrastructure challenges in growth area Councils.
 - **school shortages** – Council officers are highly supportive of this option which seeks to address the lag between a school being required in an area and it being delivered. Officers have raised concerns that one of the options to address this may be to reduce the size of school sites in Greenfield areas.
 - **TAFE recapitalisation** – Council officers support this option which seeks to further invest finances into the TAFE sector which has been underfunded in recent years.
 - **Melton rail electrification** – supported by Moving Melton.
 - **rail signals and fleet upgrade** – supported by Moving Melton.
 - **train station car parking improvements** – supported by Moving Melton.
 - **growth area train station upgrade and provisions** – it is submitted that this option should include the upgrades to Melton and Rockbank Stations, and the development of new stations at Toolern (Ferris Road), Paynes Road, Hopkins Road and Calder Park.
 - **growth area bus service expansions** – supported by Moving Melton.
 - **Outer Metropolitan Ring Road** – it is submitted that for this option should discuss that this project can be delivered in stages as required.
 - **Western Intermodal Freight Terminal** – it is submitted that this should be elevated from a concept that requires further development, to an option that should be included in the draft Infrastructure Strategy.
- Council officers do not support the following option:
 - **centralised planning scheme** – this goes beyond an ‘infrastructure’ item and is recommending a fundamental reform of the planning system in Victoria. It is unclear how a centralised planning scheme can resolve the infrastructure issues in Victoria.
- Further investigation is required on the following matters:
 - The options identified to manage pressure on landfill and waste recovery facilities unduly focus on landfill. Consideration should be given to exploring more options related to waste recovery, which will reduce the amount of waste ending up in landfill sites.

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

Some of the options advanced in Infrastructure Victoria's options paper have financial implications for Council. Council's submission in **Appendix 1** has been drafted to highlight and provide potential options to minimise Council's exposure to financial risk.

5. Consultation/Public Submissions

Infrastructure Victoria have sought public comment on its draft options paper, *All Things Considered*, by way of written submission, completing an online survey, or making an online comment.

6. Risk Analysis

Failure to make a formal submission would result in Melton City Council's view on the options paper not being known and could result in an unsatisfactory outcome for our community and impact the approach Melton City Council takes to planning for the future growth of the municipality, including requirements to review adopted policies, plans and strategies.

7. Options

Council can resolve to either:

- Endorse the Melton City Council submission to Infrastructure Victoria in response to their draft options paper, *All Things Considered – Exploring Options for Victoria's 30-year Infrastructure Strategy*, as presented at **Appendix 1**, or
- Elect to not submit a submission.

LIST OF APPENDICES

1. Melton City Council Submission to 'All Things Consider', June 2016

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 429 (CR CUGLIARI)****Councillor: Renata Cugliari - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 27 June 2016.

MOTION:

That Council write to The Hon. Natalie Hutchins MP, Member for Sydenham, in support of the Sydenham Hillside Primary School principal and school council to fund the installation of a school gate just north of the parking bays in Wellington Drive to provide children a safe access point into the school.

1. Officer's Comments

Along with the Ward Councillors, Council officers recently met with the principal and school council of the Sydenham Hillside Primary School to discuss road safety matters including the construction of an additional school gate in Wellington Drive to provide a safe route for children walking to and from school. The school principal will be writing a letter to Ms Hutchins seeking funding for the works and Council officers agree that a letter should be written in support of this project to ensure children have a safer path to the school site.

- 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 Reconciliation Advisory Committee Community Representative Vacancies**
This report is confidential in accordance with s89(2)(a) as it relates to personnel matters.
- 19.2 2 Darebin Place, Caroline Springs**
This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.
- 19.3 Hope Street Youth and Family Services Update**
This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.
- 19.4 Contract No. 16/034 for the design of the Taylors Hill Recreation Reserve, Sports Pavilion and Community Hub.**
This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS