



MELTON CITY COUNCIL

**Minutes of the Ordinary Meeting of the
Melton City Council**

4 April 2016

**THESE MINUTES CONTAIN REPORTS DEALT WITH AT A
CLOSED MEETING OF COUNCIL**

TABLE OF CONTENTS

1.	OPENING PRAYER, AND RECONCILIATION STATEMENT	4
2.	APOLOGIES AND LEAVE OF ABSENCE	4
3.	CHANGE TO THE ORDER OF BUSINESS	4
4.	DEPUTATIONS	4
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	4
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	CORRESPONDENCE INWARD	5
7.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	6
	<ul style="list-style-type: none">The Hon James Merlino MP – Deputy Premier and Minister for Education – Government school provision for Melton.	
8.	PETITIONS AND JOINT LETTERS	7
9.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	7
10.	PUBLIC QUESTION TIME	7
11.	PRESENTATION OF STAFF REPORTS	9
11.1	AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL	9
	For Council to adopt the schedule of documents requiring the Common Seal of Council.	
11.2	ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES	11
	To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.	

11.3	SALE OF A DISCONTINUED ROAD - GATEWAY DRIVE, MELTON	13
	To consider the sale of discontinued road, Gateway Drive, Melton, to the adjoining landowner by private treaty.	
11.4	TELECOMMUNICATIONS INFRASTRUCTURE LEASE - PETITION RESPONSE	17
	To respond to a petition received at the Ordinary Council Meeting held 7 March 2016 seeking the cancellation of a lease between Melton City Council and Vodafone for telecommunications infrastructure located at 72-80 Caroline Springs Boulevard, Caroline Springs.	
11.5	SIGNIFICANT LANDSCAPE STRATEGY	22
	For Council to consider the ' <i>Significant Landscape Strategy</i> ' and the initiation of a Planning Scheme Amendment to introduce a local planning policy, Landscape Management Guidelines and updated Significant Landscape Overlays (SLO) into the Melton Planning Scheme.	
11.6	CITY OF MELTON INDUSTRIAL DESIGN GUIDELINES	28
	For Council to consider the City of Melton Industrial Design Guidelines and the preparation of Amendment C174 to the Melton Planning Scheme to implement recommendations of the Melton Industrial Design Guidelines.	
11.7	PLANNING APPLICATION PA 2015/4666 - CONSTRUCTION OF TELECOMMUNICATIONS FACILITY AT 142 HUME DRIVE, TAYLORS HILL	31
	To consider amended plans before the Victorian Civil and Administrative Tribunal (VCAT) relating to a planning application for the construction of telecommunications facility at 142 Hume Drive, Taylors Hill.	
11.8	OPEN SPACE PLAN 2016-2026	35
	To present to Council for adoption the Open Space Plan 2016-26. This plan provides a broad strategic direction for the future planning and provision of open space within the City of Melton.	
11.9	RESPONSE TO NOTICE OF MOTION 417 - FREE RECYCLABLE MATERIALS DROP OFF - MELTON RECYCLING FACILITY	40
	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	
12.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	43

13.	COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	44
13.1	PUBLIC ADDRESS BY EACH COUNCILLOR	44
13.2	RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	45
	<ul style="list-style-type: none">• 15 March 2016 Record of Assembly of Councillors• 29 March 2016 Record of Assembly of Councillors	
14.	NOTICES OF MOTION	46
14.1	NOTICE OF MOTION 422 (CR RAMSEY)	46
14.2	NOTICE OF MOTION 423 (CR TURNER)	46
15.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	48
16.	MOTIONS WITHOUT NOTICE	49
17.	URGENT BUSINESS	49
18.	CONFIDENTIAL BUSINESS	51
18.1	PROPERTY DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES - 22 FEBRUARY 2016	52
	To present to Council the minutes of the Property Development Advisory Committee (PDAC) held on Monday, 22 February 2016.	
18.2	CONTRACT 16/012 - ABEY ROAD BRIDGE CONSTRUCTION	54
	To advise Council that the tender assessment for the construction of Abey Road and the Abey Road bridge has been completed and a recommendation is presented to Council.	
18.3	CONTRACT 16/009 - CAROLINE SPRINGS STADIUM EXTENSION AND REGIONAL TENNIS CENTRE	58
	To seek approval for the Chief Executive Officer to have delegated authority to award Contract No. 16/009 for the design of the extension to the Caroline Springs Stadium and Regional Tennis Centre.	
19.	CLOSE OF BUSINESS	61

MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 4 APRIL 2016 AT 7.00PM

Present: Cr K Majdlik (Mayor)
Cr R Cugliari (Deputy Mayor)
Cr M Bentley
Cr L Carli
Cr N Dunn
Cr B Turner

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Planning and Development
Mr M Heaney, General Manager Community Services
Mr L Shannon, General Manager Corporate Services
Mr B Baggio, Manager Planning Services
Ms LJ Mellan, Manager City Design, Strategy and Environment
Mr A Burns, Manager Recreation and Youth
Mr D Hogan, Manager Customer Engagement
Ms D Roberts, Governance Officer

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Mayor, Cr Majdlik read the opening prayer, and reconciliation statement.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Ramsey.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR

Having previously advised the CEO in writing, in accordance with s79(2)(ii) of the Local Government Act (the Act), Cr Majdlik declared an indirect conflict of interest in Item 11.4 of this Agenda referencing s78(E) of the Act concerning residential amenity.

Cr Dunn declared an indirect conflict of interest arising from the impact on residential amenity in Item 11.1 of this Agenda.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 7 March 2016 be confirmed as a true and correct record.

Crs Cugliari/Carli. That the recommendation be adopted.

CARRIED

7. CORRESPONDENCE INWARD

7.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- The Hon James Merlino MP – Deputy Premier and Minister for Education – Government school provision for Melton.

RECOMMENDATION:

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

Crs Cugliari/Carli. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Correspondence - The Hon James Merlino MP - Deputy Premier and Minister for Education

8. PETITIONS AND JOINT LETTERS

A petition was received with approximately 64 signatures calling for the cancellation of the lease agreement with Vodafone, for the telecommunication infrastructure located at 72-80 Caroline Springs Blvd.

Having previously declared an interest in Item 11.4 of this Agenda, relating to the same matter addressed in the petition, Cr Majdlik vacated the Chair and left the Chamber prior to any discussion taking place.

Cr Cugliari assumed the Chair.

Cr Dunn tabled the petition.

Cr Majdlik returned to the Chamber and resumed the Chair. Cr Cugliari vacated the Chair and resumed her seat in the Chamber.

A petition was received with approximately 435 signatures calling for the re-opening of Thrice Lane, Kurunjang to through traffic.

Cr Turner tabled the petition.

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

Nil.

10. PUBLIC QUESTION TIME

Having previously declared an interest in Item 11.4 of this Agenda, relating to the same matter addressed in the first three Public Questions, Cr Majdlik vacated the Chair and left the Chamber prior to any discussion taking place.

Cr Cugliari assumed the Chair.

Name	Question asked of Council
Seamus Ryan	Council to provide an alternative location for the Vodafone tower and cover relocation costs.
Seamus Ryan	Committee members of 'Residents against the mobile phone tower at Brookside Reserve' be included in any formal meeting with Vodafone.
Michelle Spiteri	Define and provide examples of what 'similar in nature' means in terms of planning.

Cr Majdlik returned to the Chamber and resumed the Chair. Cr Cugliari vacated the Chair and resumed her seat in the Chamber.

Name	Question asked of Council
Donna Southern	Natural gas connection for the existing Rockbank residents.
Christian Singh	Was not in attendance.
Christian Singh	Was not in attendance.

Stavroula Singh	Landscaping site of approved Vodafone monopole in Taylors Hill and the visual impact to the community.
Stavroula Singh	Council support residents/community in refusing Taylors Hill Vodafone planning application.
David O'Connor	Support and consider youth studying health and fitness when reviewing Councils 'Personal Training – Use of Public Open Spaces Policy'.
David O'Connor	Council to provide a breakdown of historical expenditure and forecasts for proposed projects specific to the Diggers Rest township.
Kelly Jones	Council support residents/community in refusing Taylors Hill Vodafone planning application.
Kelly Jones	Council working with Vodafone to determine a more optimal location for monopole.
Sharon and Craig Chamberlain	Not in attendance
Sharon and Craig Chamberlain	Not in attendance
Linda Duckham	Council to provide safe crossings at roundabouts throughout the municipality.
Linda Duckham	Council not enforcing restrictions on domestic cats in Eynesbury.
Michelle Spiteri	Councils response to increased heavy vehicle traffic on Troups Road South.
Mario Cachia	Significant Landscape Strategy and green wedge affecting private land.
A Touvanna	Councils commitment to gender parity in the recruitment of council staff.
A Touvanna	Councils policy on Councillors meeting with residents.

Cr Carli left the Chamber at 7.31pm.

Cr Carli returned to the Chamber at 7.34pm

11. PRESENTATION OF STAFF REPORTS

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Tracy Spiteri- Governance Coordinator

Presenter: Luke Shannon- General Manager Corporate Services

Having previously declared an interest in Item 11.1 of this Agenda Cr Dunn left the Chamber.

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 4 April 2016.

Crs Cugliari/Bentley. That the recommendation be adopted.

CARRIED

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.

Cr Dunn returned to the Chamber at 7.45pm.

11.2 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 and 2**

Crs Dunn/Carli. That the recommendation be adopted.

CARRIED

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
11 February 2016	Heritage Advisory Committee Meeting	Appendix 1
18 February 2016	Early Years Partnership Committee	Appendix 2

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.3 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 - 11 February 2016
2. Early Years Partnership Committee Meeting Minutes - 18 February 2016

11.3 SALE OF A DISCONTINUED ROAD - GATEWAY DRIVE, MELTON

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

PURPOSE OF REPORT

To consider the sale of discontinued road, Gateway Drive, Melton, to the adjoining landowner by private treaty.

RECOMMENDATION:

That Council:

1. endorse the sale of the discontinued road, Gateway Drive, Melton for \$110 (incl. GST)
2. advertise, pursuant to section 189(2)(a) of the *Local Government Act 1989*, its intention to sell the discontinued road by private treaty to the adjoining landowner
3. sign and seal all documents relating to the contract of sale.

Crs Turner/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A request to discontinue Gateway Drive, Melton was received in accordance with a planning permit PA2014/4439 issued by Council on 20 March 2015. The planning permit approves the use and development of the land for 12 restricted retail premises, but requires consolidation of all lots (excluding Lot 5) and for the discontinued road to be subsumed prior to the commencement of any works.

At the Ordinary Meeting held 8 September 2015, a report was presented and endorsed by Council to commence the statutory process to discontinue the road, however the disposal of the land was to be subject to this separate report.

The discontinued road to be sold is approximately 6,348 square metres in size, and was constructed by the applicant as a result of the previous subdivision of the land. Council was gifted the road by the applicant developer at no cost, and has not spent any monies in its maintenance.

The redevelopment of the land in accordance with the approved permit requires the discontinued road to be sold back to the applicant.

2. Background/Issues

On 20 March 2015, Council issued a planning permit PA2014/4439, for the use and development of land for 12 restricted retail premises and 1 cafe at Gateway Drive, Melton.

Before the development can commence however, the road Gateway Drive is to be discontinued in accordance with condition 1 of the permit:

“Before the permit has any force or effect, the permit holder must obtain written consent from Council for the formal closure of Gateway Drive in

accordance with the regulations outlined under the Local Government Act 1989 and the Transport Act 1983”.

A report was presented at the Ordinary Meeting of Council held 8 September 2015 to discontinue Gateway Drive, Melton (**Appendix 1**). Consequently, public notices of Councils ‘Intention to discontinue’ the road were placed in the Melton Leader and Melton & Moorabool Star Weekly on 2 October 2015 seeking submissions by affected persons (**Appendix 2**). No submissions were received.

In order to complete the road discontinuance a final public notice must now be published in newspapers and in the Victoria Government Gazette. The public notice advising of the ‘discontinuance of the road’ must further state Councils intention regarding disposal of the land.

Under schedule 10, clause 3 of the *Local Government Act 1989*, when disposing of a discontinued road or part of a road, Council has the option to:

- (a) sell the land from that road (if it is not Crown Land)
- (b) transfer the land to the Crown, or
- (c) retain the land for itself.

To enable the development of the site, Council must sell the land (discontinued road) to the applicant so that they can consolidate the whole of the land into one title as detailed in Condition 2 of the planning permit:

“Prior to the commencement of any buildings and works on the land, lot nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, RES 1 and RES3 [vested in Powercor] on Plan of Subdivision PS602307S must be consolidated under the Subdivision Act 1988 and a copy of the new title (plan of consolidation) submitted to the satisfaction of the Responsible Authority”.

The road was constructed by the current applicant under the previous Planning Permit PA2002/451. The road was then subsequently vested in Council in PS602307S upon registration of the plan in December 2008, and is listed on Councils road register as an access street. No maintenance costs have been incurred by Council since it was vested in Council in 2008.

The development of the land for restricted retail premises is considered appropriate and well placed within the Melton Homemaker Precinct, an emerging bulky goods centre. Restricted retail premises generally require a large area for handling, display and storage of goods and/or require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.

The permitted development and use of the site is supported by the *City of Melton Retail and Activity Centres Strategy* and will provide additional employment opportunities for local residents readily accessible by public transport.

A valuation of the land has been received from Matheson Stephen Valuations, assessing the practical market value of the road as \$275,000 ex GST. Whilst the initial value of the land (road) is assessed at \$1,110,900, a discount of three quarters of the lands underlying value has been adopted after taking into consideration a number of key factors:

- there is only one logical purchaser of the land being the adjoining owner
- the land is of limited utility to the market as a separate lot
- the value of the land will only be realised by its consolidation and development in accordance with the permit (PA2014/4439) issued by Council.

The planning permit prescribes specific conditions regarding the development of the land, with the discontinuation and sale of land necessary for the development to commence. The offer of sale of the land for \$110 (inc. GST) to the applicant being the original landowner who

constructed the road before vesting in Council, will enable the redevelopment of the site to commence, supporting a financial benefit to the community in employment and the Council in attraction of businesses in its development

Taking into account the land valuation, and consideration of the restricted value as a separate lot, a sale by private treaty to the adjoining landowner/applicant is appropriate. The sale of the land for future development is in the best interests of the community and the Council, and provides an economic benefit to both through additional employment opportunities and the attraction of bulky good industries into the municipality.

In selling the land (being the discontinued road) back to the original permit holder, Council must comply with section a number of provisions in the *Local Government Act 1989* (the Act) and give consideration to the general principles as detailed in the '*Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*' dated 2009. All statutory and regulatory provisions will be adhered to in this process.

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

1.3 Generate an innovative local economy that stimulates opportunities for investment, business and training

4. Financial Considerations

A valuation of the land must be obtained by a qualified valuer, which is not more than 6 months prior to the sale of that land. A valuation of the land (being the discontinued road) was received with an initial market value assessment of \$1,110,900. In establishing a practical market value however, a discounted rate is required.

A discount of 75% of the assessed value has been applied based on a number of factors including; the limited utility of the road to the market as is; there is only one logical purchaser of the land (the adjoining landowner); the requirement for the land to be consolidated with the adjoining land to enable the permitted use and development of the overall site as approved in Councils Planning Permit PA2014/4493.

With consideration to the restricted market as detailed in the valuation, a practical market valuation of the land has been determined at \$275,000.

A review of Councils road management records indicates that no maintenance costs have been incurred in the maintenance of the road since it was vested in Council in 2008. The road was constructed by the current applicant in accordance with the previous permit PA2002/451 and vested in Council in 2008, and is now to be sold back to the original landowner (applicant) to enable the approved development in Planning Permit PA2014/4493. It is therefore considered appropriate to sell the discontinued road by private treaty to the adjoining landowner for redevelopment of the site for \$110 (inc. GST).

The applicant/landowner requesting the discontinuance of the road in accordance with the planning permit will be responsible for all legal and/or administrative costs including miscellaneous disbursements associated with the process to discontinue and sell the road.

Costs to Council		
Historical Costs	Purchase of land	Nil
	Construction of road	Nil
	Maintenance of road	Nil
Current and Future Costs	Discontinuance of road	Nil
	Legal and administrative costs, disbursements	Nil
	Transfer of road	Nil

5. Consultation/Public Submissions

A public notice was published 2 October 2015 of Councils 'intention to discontinue the road' seeking submissions in accordance with section 223 of the Act. No submissions were received.

In order to finalise the road discontinuance and to sell the land, a further public notice must be published stating Council will 'discontinue the road' and its intention to sell to the adjoining landowner, as per section 189(2)(a) of the *Local Government Act 1989*.

6. Risk Analysis

A planning permit PA2014/4493 has been issued by Council for the development of the land which is conditional upon the discontinuation of the road.

Refusal to discontinue and sell the road to the applicant will prevent the development of the site as restricted retail premises.

The use of the land for this purpose is supported by Councils *Retail and Activities Centre Strategy*, will provide greater employment opportunities for local residents and stimulate economic development within the municipality.

7. Options

Options are restricted in that Council issued a Planning Permit (PA2014/4493) in March 2015 which includes a condition that the road Gateway Drive, Melton be discontinued. The permit further requires the consolidation of all land lots that adjoin Gateway Drive and for the discontinued road to be subsumed prior to the commencement of any works.

LIST OF APPENDICES

1. Council Report 8 Sept 15 - Road Discontinuance - Gateway Drive, Melton
2. Public Notices - Intention to discontinue a road - Gateway Drive, Melton
3. Market Valuation - Gateway Drive, Melton

11.4 TELECOMMUNICATIONS INFRASTRUCTURE LEASE - PETITION RESPONSE

Author: Daniel Hogan- Manager Customer Engagement
Presenter: Luke Shannon- General Manager Corporate Services

Having previously declared an interest in Item 11.4 of this Agenda, Cr Majdlik vacated the Chair and left the Chamber prior to any discussion taking place.

Cr Cugliari assumed the Chair.

PURPOSE OF REPORT

To respond to a petition received at the Ordinary Council Meeting held 7 March 2016 seeking the cancellation of a lease between Melton City Council and Vodafone for telecommunications infrastructure located at 72-80 Caroline Springs Boulevard, Caroline Springs.

RECOMMENDATION:

That Council note the petition and take no further action.

Motion

Crs Carli/Cugliari.

That Council enter into discussions with Vodafone about a re-location of the Monopole and a full report come back to Council on other possible sites and any associated costs.

CARRIED

REPORT

1. Executive Summary

A petition of approximately 1,400 signatures was received at the Ordinary Council Meeting held 7 March 2016 seeking the cancellation of a lease between Melton City Council and Vodafone for telecommunications infrastructure installed at 72-80 Caroline Springs Boulevard, Caroline Springs.

Legally, under the terms of the contract, Council has no power to unilaterally break the lease. Any cancellation of the lease would require consent from Vodafone as the leasee. Given the considerable financial and resource investment of the leasee in the planning and construction of the existing infrastructure and the commercial value of the installation, the likelihood of consent from Vodafone is considered nil.

The petition request turns on the argument that "*occupiers, students, teachers, parents of students, members of sporting clubs and all other employees were not given the opportunity to comment or object to the (planning) application.*"

Addressing this assertion, Council has been compliant with all legal obligations, including community notification standards, in granting planning approval for the proposed telecommunications infrastructure. The applicant has also complied with all statutory and regulatory obligations within their planning application, and has since installed a 30m high monopole, associated panel antennae and an equipment shelter as permitted.

Commencing the statutory notice period, Council sent 271 notification letters to land owners and or occupiers within a 300 metre radius of the site. Further, three signs were posted to site in various locations giving notice of the planning application. In addition, a Public Notice was published in the Melton Leader local newspaper, 16 June 2015.

Council received four objections during the community notice period, referencing community health and safety concerns as the primary issue. The Environmental "Electro-Magnetic Emissions" Report (EME) submitted with the planning application complied with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard, therefore Council had no basis to reject the planning application based on community health concerns.

Further, Council maintains that the visual impact of the installation was not unreasonable given its immediate surrounds and being adjacent to a major traffic intersection.

More generally, Council is alive to broad community demand for access to high quality telecommunications, mobile telephony and internet services. As a consequence, Officers recommend Council not seek to cancel the lease as requested by the petition and maintain our legal obligations under the terms of the lease contract.

2. Background/Issues

A petition of approximately 1,400 signatures was received at the Ordinary Council Meeting held 7 March 2016. The full text reads:

"We the undersigned strongly request that the City of Melton cancel the lease agreement with Vodafone at 72-80 Caroline Springs Boulevard, Caroline Springs Vic 3023. And in doing so, forego the \$13,000 in annual rent in response to large and growing opposition from local residents to this agreement. We request this action on the basis that Vodafone/City of Melton did NOT write to all schools, sporting clubs, kindergartens, child care centres, before and after school care centres within a 300 metre radius of the site in relation to the application for a permit to build a mobile phone tower. In doing so, occupiers, students, teachers, parents of students, members of sporting clubs and all other employees were not given the opportunity to comment or object to the application. This is a breach of both planning, Industry Code C564:2011 Mobile Phone Base Station Deployment as well as natural justice. We are open to Vodafone finding an alternative more suitable location (in contrast to this community sensitive location) for the mobile phone tower in full consultation with the local community."

Legally, under the terms of the contract, Council has no ability to unilaterally break the lease. Any cancellation of the lease would require consent from Vodafone as the lessee. Given the considerable financial and resource investment of the lessee in the planning and construction of the existing infrastructure and the commercial value of the installation, the likelihood of consent from Vodafone is considered nil.

Responding to claims within the petition more generally, Council is bound and/or must have regard for several Acts, regulations and standards in relation to the approval or rejection of planning applications, regulation designed to protect all elements of community amenity and safety.

These obligations include:

- The Melton Planning Scheme, established by the Victorian State Government Department of Environment, Land, Water & Planning (DELWP)
- The State Planning & Environment Act, DELWP
- State Planning Policy, DELWP
- The Federal Telecommunications Act, administered by The Australian Information Commissioner (Information Commissioner)
- Industry codes and standards.

The above regulatory and policy framework not only defines the manner in which planning authorities should consider telecommunications planning applications, but in instances actively encourages the establishment of telecommunications infrastructure to provide for the needs of the community. For example, Clause 52.19, *Telecommunications Facility* within the Melton Planning Scheme states as its objective, "To ensure that telecommunications

infrastructure and services are provided in an efficient and cost effective manner to meet community needs.”

Council has been compliant with all applicable obligations in the planning approval of the telecommunications infrastructure in question. The applicant also complied with all statutory and regulatory obligations within their planning application.

Meeting public notification benchmarks established within planning requirements, Council sent 271 notification letters to land owners and or occupiers within a 300 metre radius of the site. Further, three signs were posted to site in various locations giving notice of the planning application. In addition, a Public Notice was published in the Melton Leader local newspaper, 16 June 2015.

Of the bulk mail-out, letters were addressed to the Department of Education, the Brookside Early Learning Centre, Christ the Priest Primary School, and Brookside College. Approximately three months after sending written notification, Council was returned the letter addressed to the occupier of 13-16 Federation Way, Caroline Springs (Brookside College). The date of return prevented Council from issuing another letter of notification to the College.

Of the four objections received during the statutory notice period advertising the planning application and subsequent community enquiries received during construction of the facility, all referenced community health and safety concerns as the primary issue.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Australian Government's primary authority on radiation protection and nuclear safety. ARPANSA regulates Commonwealth entities using radiation with the objective of protecting people and the environment from the harmful effect of radiation. ARPANSA undertakes research, provides services, and promotes national uniformity and the implementation of international best practice across all jurisdictions.

The radiation protection standard applied by ARPANSA to electromagnetic emissions from telecommunications infrastructure is the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002). This standard specifies limits of human exposure to radiofrequency fields in the range 3kHz to 300GHz to prevent adverse effects. It specifies basic restrictions for occupational exposure, general public exposure, and equipment and usage parameters.

Complementing the science informing the radiation protection standard, ARPANSA publishes EMR literature, including articles in peer-reviewed journals, scientific-body reports, fact sheets, conference proceedings etc. online, designed to provide an update on new literature related to EMR and health that may be of interest to the general public.

In this case, the Environmental “Electro-Magnetic Emissions” Report (EME) which was submitted as part of the planning application indicated that the maximum EME level calculated for the proposed systems at this site is 1.43% of the public exposure limit. Having complied with the ARPANSA standard, Council had no basis upon which to reject the planning application.

Further, a recent Victorian Civil and Administrative Tribunal (VCAT) decision (Mason & Ors v Greater Geelong City Council, 2013) has set a case law precedent that planning decisions cannot be appealed based on health concerns where planning applications meet the ARPANSA standard. The case is particularly instructive as to the regard of VCAT for unsupported assertions of public health concerns.

Recognising that telecommunications infrastructure can be unattractive, the installation was designed to co-locate. That is, replace or additionally perform the task of existing infrastructure, or to facilitate shared infrastructure amongst carriers, rather than encourage proliferation of single purpose or carrier structures. The installation replaces an existing light tower, or vertical structure, and is located in an area that provides maximum telecommunication benefit, adjacent to a very substantial traffic intersection.

Council has acted with the principle to ensure that the community is provided with the necessary infrastructure to access high quality telecommunications, mobile telephony and internet services. Council has long advocated for the need for telecommunications investment from other levels of Government and the private sector and continues to do so. The decision of Council to issue the planning permit for the installation of the telecommunications structure is entirely consistent with this position.

Respecting the authority of ARPANSA and the science informing the ARPANSA Standard, Council is satisfied that community health is not at risk. Council maintains that the visual impact of the installation is not unreasonable given its immediate surrounds, and that the needs of the broader community for improved telecommunications services are being met by this installation.

As a consequence, Officers recommend Council note the petition and take no further action.

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 leasing contract with Vodafone generates \$13,000 + GST per year, indexed at CPI annually.

5. Consultation/Public Submissions

This report is produced in response to a petition signed by 1,400 residents seeking the cancellation of a lease entered into with Vodafone for the installation of telecommunications infrastructure located at 72-80 Caroline Springs Boulevard, Caroline Springs.

During the planning approval process, Council met public notification standards for all statutory and regulatory requirements. Council sent 271 notification letters to land owners and or occupiers within a 300 metre radius of the site. Further, three signs were posted to site in various locations giving notice of the planning application. In addition, a Public Notice was published in the Melton Leader local newspaper, 16 June 2015.

Of the four objections received during the statutory notice period advertising the planning application and subsequent community enquiries received during construction of the facility, all referenced community health and safety concerns as the primary issue. The Environmental "Electro-Magnetic Emissions" Report (EME) submitted with the planning application complied with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard, allaying community health concerns.

6. Risk Analysis

Accepting the recommendation as put may result in a legal challenge by petitioners as to the lawfulness and validity of Council process to date. Council believes that it and the applicant/leasee have conformed with all legal requirements, therefore the risk of successful proceedings to set aside the lease is considered low.

Considering the alternative of Council breaking the lease, under the terms of the contract, Council has no legal ability to act unilaterally. Any cancellation of the lease would require consent from Vodafone as the leasee. Given the considerable financial and resource investment of the leasee in the planning and construction of the existing infrastructure and

the commercial value of the installation, the likelihood of consent from Vodafone is considered nil.

An approach to Vodafone to break a lease negotiated in good faith, compliant with all legal and statutory requirements and featuring mutually beneficial outcomes, may risk Council's reputation as a partner in the delivery of essential infrastructure required to meet community need.

7. Options

Council may:

- 1) Accept the recommendation as put.
- 2) Reject the recommendation and seek Vodafone approval to break the lease, accepting the outcome of any such negotiation.

LIST OF APPENDICES

Nil

Cr Majdlik returned to the Chamber and resumed the Chair. Cr Cugliari vacated the Chair and resumed her seat in the Chamber.

11.5 SIGNIFICANT LANDSCAPE STRATEGY

Author: Donald Lewis- Strategic Planner

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

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

Motion

Crs Majdlik/Dunn.

That the matter lay on the table until the next Ordinary Meeting of Council.

CARRIED

REPORT

1. Executive Summary

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

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

2. Background/Issues

The municipality's population has doubled in the last decade and has continued to grow rapidly, with the population set to double again by 2031 to over 240,000 people. As a result of rapid growth, pressures placed on existing landscapes outside of Melton's developed

areas will arise, therefore it is important to protect the significant landscape areas and put in place measures to ensure that future development proposals are properly considered in a landscape context.

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

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

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

Stage 1: Project Inception

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

Stage 2B: Significant Landscape Assessment papers

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

Stage 4: Final strategy

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

The key elements of the Significant Landscape Strategy are:

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

Amendment C173

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

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

- Local Planning Policy Framework to reference the 'Study Report and Recommendations' refer **Appendix 1**.

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

The amendment will be exhibited through the normal Statutory Planning Scheme Amendment exhibition process including notices in local papers, the government gazette, on the Department of Environment, Land, Water and Planning's (DELWP) and Council's website. In addition, letters will be sent to all landowners directly affected by proposed changes including landholders within the Significant Landscape Overlay Schedule 1.

Strategic justification:

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

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

The amendment is consistent with the State Planning Policy Framework:

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

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

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

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

- Identify areas of botanical, zoological and geomorphological significance and ultimately protect them through overlay controls in the planning scheme;
- Discourage use and development that would detrimentally impact upon these significant areas.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

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

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

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

5. Consultation/Public Submissions

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

The community consultation process comprised:

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

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

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

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

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

Issues raised by submitters	Response to submitters
Limited justification for changes in document to the SLO and ESO	The strategy document has included additional discussion supporting changes to the SLO and ESO. This included the limited coverage of the existing SLO1 and inconsistency between the mapping and schedule, vulnerability of significant landscape areas adjacent to waterways and forested areas not covered by an ESO and the lack of detail contained in the existing SLO and ESO schedules to guide development.

Issues raised by submitters	Response to submitters
Proposed extension to overlay is unnecessary	The existing Significant Landscape Overlay Schedule 1 only covers the top of Mt Atkinson, Mt Kororoit and Mt Cottrell therefore leaving the majority of the volcanos unprotected from potential development that could impact on the views to the volcanos. The extension of the overlays will allow development proposals to be properly considered over the entire volcano.
Additional obligations placed on landholders including permits, costs and conditions	Most development proposals in the Green Wedge Zone do require planning approval with the exception of an extension to an existing dwelling and an extension to an existing shed used for agriculture purposes; otherwise a planning application triggered under an updated Significant Landscape Overlay Schedule 1 would be considered under the same application.
Clarification sought for mapping and how permit triggers apply	Maps and diagrams of the three volcanos affected by the existing Significant Landscape Overlay Schedule 1 have been included in the strategy document to show the proposed extension of the overlay. Corresponding text explains where the updated overlay triggers a planning permit.
Use of the term 'Prohibit'	The word prohibit has been replaced with 'discourage' where the draft document had proposed changes to the existing Significant Landscape Overlay Schedule 1. This is consistent with the existing SLO schedule.
Role of Landscape Management Guidelines	Additional text has been added to the introduction of the Landscape Management Guidelines stating that they provide design guidance and solutions for pre application discussions and during the assessment of planning applications triggered under the Significant Landscape Overlay Schedule 1.
Request to maintain flexibility of SLO to consider a range of uses	Uses cannot be considered in overlays, these are considered under provisions of the zone. Design and sitting issues are specifically considered under the proposed updated Significant Landscape Overlay Schedule 1.
Mt Atkinson should be considered differently given its location	The relevant text in the draft document has been changed to reflect Mt Atkinson's location within the Urban Growth Zone and the fact that future development will establish an urban context around the volcano. However, it is still recognised as an important feature that should be afforded protection.

Issues raised by submitters	Response to submitters
Other issues – compensation, OMR and previous Council decisions	These issues are outside the scope of this project. The Outer Metropolitan Road is the responsibility of State Government. Whilst previous Council decisions may provide some background in relation to the development of the municipality, the Significant Landscape Strategy is not considering the merits of those decisions. The Planning and Environment Act 1987 does not allow for compensation to be considered in relation to retrospective or proposed changes to planning schemes.

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

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

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

11.6 CITY OF MELTON INDUSTRIAL DESIGN GUIDELINES

Author: Tim Sergiacomi- Strategic Planner & Urban Designer
Presenter: Laura-Jo Mellan- Manager City Design, Strategy & Environment

Cr Turner left the Chamber 8.01pm.

Cr Turner returned to the Chamber at 8.03pm.

PURPOSE OF REPORT

For Council to consider the City of Melton Industrial Design Guidelines and the preparation of Amendment C174 to the Melton Planning Scheme to implement recommendations of the Melton Industrial Design Guidelines.

RECOMMENDATION:

That Council:

1. adopt the City of Melton Industrial Design Guidelines attached at **Appendix 1** dated March 2016
2. seek authorisation to prepare Planning Scheme Amendment C174 from the Minister for Planning
3. upon receipt of authorisation exhibit the amendment in accordance with the *Planning and Environment Act 1987*.

Bentley/Turner. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The City of Melton Industrial Design Guidelines attached at **Appendix 1** guide built form and streetscape outcomes in industrial areas in a similar manner that housing design guidelines guide residential development in residential areas.

This project has involved developing design guidelines to achieve consistent and high quality streetscape and development outcomes within industrial areas. The guidelines will help guide Council officers in assessing planning applications in industrial areas, while also providing guidance to applicants in the design of industrial development.

The guidelines are intended to be referenced within the Melton Planning Scheme as a local policy in order to give them statutory weight. The application of the guidelines would exclude approved precinct structure plan areas, which are within the Urban Growth Zone, however Council will request that future Precinct Structure Plans reference the guidelines to ensure quality outcomes in growth areas. The guidelines, when implemented into the Melton Planning Scheme, will also support Council officer's position at the Victorian Civil and Administrative Tribunal (VCAT) when required.

2. Background/Issues

Council's City Strategy team undertook background analysis to inform the guidelines in relation to the following:

- Detailed site analysis of existing City of Melton industrial areas;
- Case studies of industrial areas with desirable outcomes in other municipalities;
- Literature review of similar guidelines by other municipalities; and
- Identification and analysis of key issues.

The key findings of the background analysis included:

- Poor quality building finishes (such as unfinished concrete) and subdivision lot layout is common;
- A lack of sufficient landscaping to soften the built form;
- Storage areas, services and car parking frequently being visually prominent from the street; and;
- Important interfaces, such as to a main road or residential area, are often overlooked.

The above key findings informed the format and issues addressed by the guidelines.

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 City of Melton Industrial Design Guidelines were prepared in house and any cost of the amendment will be covered within the recurrent budget.

It is not envisaged that the implementation of the City of Melton Industrial Design Guidelines will require any additional staff resource as the project will be integrated into the work program of relevant Council departments. It will assist with the processing and assessment of Planning Applications as it provides clear policy direction.

5. Consultation/Public Submissions

Internal technical consultation

Internal consultation was undertaken with staff from Economic Development, Planning, Engineering, and Landscape Architecture to ensure the guidelines reflected current construction and design standards and were consistent with relevant legislation. Council's Planning Services Department provided detailed feedback to ensure the guidelines are able to be clearly and effectively applied by Council's planning officers in relation to planning applications.

Councillor briefing

A draft of the guidelines was presented at the Council briefing on 24 November 2015. As no significant concerns were raised, the guidelines proceeded to public consultation.

Public consultation

Public consultation was undertaken on the Industrial Design Guidelines from November 27, 2015 until 29 January, 2016. The public consultation methods included advertisement in a local newspaper (Melton Leader), letters to industrial land owners (landowners affected by current or future Precinct Structure Plans excluded) and a web page on the Council website. Existing Precinct Structure Plans (PSPs) have urban design frameworks and guidelines that

deal with industrial land while future PSPs are intended to reference the guidelines and would have their own public consultation process with landowners during preparation.

Council received five (5) submissions during the consultation period.

The key items and responses received in the consultation period included:

Key items	Amendments in final guidelines
Concern from one landowner regarding use of a photo of their land as an example which conflicts with the guidelines.	Photo removed from guidelines.
Request from rail authorities for transparent fencing to rail corridors, inclusion of reference to guidelines for connector level streets and other minor requirements.	Addition of suggested requirements
Request from estate developer for minor changes to guidelines to make some elements such as street layouts and height of buildings more flexible.	Some amendments made where considered appropriate while ensuring the purpose of the guidelines remained intact.

A full summary of submissions received during the public comment period are attached at **Appendix 2**.

6. Risk Analysis

If Council choose not to adopt the project or the request to authorise and exhibit Amendment C174 to the Melton Planning Scheme there are a number of associated risks:

1. The absence of these design guidelines and the introduction of a policy referencing the guidelines into the Melton Planning Scheme will result in a lack of clear direction for Council Officers in assessing future planning permit applications in a consistent and efficient manner.
2. A lack of clear guidance for land owners and developers in developing industrial land.
3. Potential underinvestment in industrial land in the City of Melton due to unattractive and inconsistent development outcomes rendering City of Melton industrial areas less appealing compared to other industrial areas within metropolitan Melbourne.

7. Options

Council has the option to:

1. Adopt the Industrial Design Guidelines March 2016 and request authorisation from the Minister for Planning to prepare and exhibit Amendment C174 to the Melton Planning Scheme to reference the guidelines through a local policy in accordance with the requirements of the *Planning and Environment Act, 1987*.
2. Not adopt the Industrial Design Guidelines March 2016 and request authorisation from the Minister for Planning to prepare and exhibit Amendment C174 to the Melton Planning Scheme to reference the guidelines through a local policy in accordance with the requirements of the *Planning and Environment Act, 1987*.

LIST OF APPENDICES

1. City of Melton Industrial Design Guidelines document dated March 2016
2. Public consultation comments summary table

11.7 PLANNING APPLICATION PA 2015/4666 - CONSTRUCTION OF TELECOMMUNICATIONS FACILITY AT 142 HUME DRIVE, TAYLORS HILL

Author: Bob Baggio- Manager Planning Services
 Presenter: Peter Bean- General Manager Planning & Development

PURPOSE OF REPORT

To consider amended plans before the Victorian Civil and Administrative Tribunal (VCAT) relating to a planning application for the construction of telecommunications facility at 142 Hume Drive, Taylors Hill.

RECOMMENDATION:

That Council advise VCAT that it has no objection to the issue of a permit for the proposed telecommunications facility on the above land, in accordance with the amended plans and appropriate permit conditions.

Motion

Crs Carli/Cugliari.

That Council, having considered the amended plans, advises VCAT that it does not support a telecommunications facility being constructed on the subject land and endorses grounds of refusal for the proposal.

CARRIED

REPORT

1. Background

Executive Summary

Application No.:	PA2015/4666
Applicant:	Vodafone

- The subject land has had three separate planning applications for a mobile phone tower to be erected upon it, all of which have been refused by Council.
- Council previously refused this most recent planning application for a telecommunications facility at 142 Hume Drive, Taylors Hill at its' Ordinary Meeting of 14 July 2015.
- The applicants subsequently sought a review of the decision at VCAT.
- On 4 December 2015, VCAT struck out the objectors' grounds relating to human health concerns.
- The appellants have prepared and lodged with VCAT, amended plans which attempt to address visual amenity concerns.
- It is recommended that Council advise VCAT that it now has no objection to the proposal based on the amended plans.

The Land and Surrounding Area

The subject site is the Melbourne Water tank site in Taylors Hill. The land has an area of about 3.8ha and contains the existing 12m high water tank in its eastern half, with the remainder of the site vacant apart from rows of mature trees (with a height of up to 10m) adjoining part of the northern and western boundaries. The site adjoins established residential development in the form of single detached dwellings on all sides.

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

The Application

At the Ordinary Meeting of Council held on 14 July 2015, Council considered and refused a planning application for a 25m high telecommunications facility on the site. The structure was to be located about 11m from the closest residential property.

Notice of the application at the time generated 54 written objections, which included three petitions, with a total of 232 signatories.

Council's grounds of refusal essentially related to the visual impacts of the facility on surrounding residents, and its dominance in the general landscape.

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

The applicants sought a review of Council's decision at VCAT.

On 4 December 2015, VCAT conducted a Practice Day hearing, where it struck out the objectors' grounds relating to human health on the basis of previous decisions where VCAT held that it was unable to consider human health issues where the relevant Commonwealth Standard had been met. The Tribunal also ruled that the hearing should be extended to two days (31 March and 1 April) to enable Council and the appellants to call a number of expert witnesses.

The applicants initially requested an adjournment of the hearing for reasons including that they wanted to amend plans for the proposal. This request was refused by VCAT. The applicants were subsequently successful in seeking to convert the hearing into a compulsory conference. The compulsory conference will be held on 31 March 2016. For the purpose of the compulsory conference, they have circulated amended plans. The amended plans reflect the following changes to the proposal:

- *relocation of the proposed facility to a central location within the subject land ..., approximately 45 metres south of the previous location;*
- *reduction in the height of the monopole to 17 metres (approximately 18.34 metres including the headframe), from 25 metres;*
- *reduction from a triangular headframe to a more compact circular headframe;*
- *all proposed ancillary equipment on the monopole will now be installed within the circular headframe, rather than having equipment installed on the monopole below the headframe;*
- *reduction from 6 off panel antennas to 3 off panel antennas;*
- *reduction of the width of the access track to 1.5 metres from 3 metres;*
- *repositioning of the alignment of the proposed facility to a north-south alignment, rather than an east-west alignment;*
- *inclusion of residential housing to the south of the subject land; and*
- *correction of the height of the Melbourne Water water tank as 12.1 metres high, rather than 15 metres.*

It is also proposed to landscape the area around the facility with native trees to further screen the structure from the nearby residential area.

*Refer to **Appendix 3** for amended plans of the proposal*

Given the amended plans cannot be formally considered by Council until the next available Ordinary Meeting (4 April), the Tribunal and the parties will need to be informed of Council's position following the compulsory conference. However, officers will participate in the compulsory conference and inform the Tribunal and the parties of the officer's recommendation on the amended plans and that the matter will be considered at the next Council meeting. Council's position does not preclude the objectors from reaching settlement with the permit applicant at the compulsory conference. Councillors will be provided with a further update on the outcome of the compulsory conference when it is available.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

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

3. Financial Considerations

Council has engaged solicitors to represent it at the VCAT hearing, and had engaged expert advice on the visual considerations.

4. Consultation/Public Submissions

The objectors who are party to the hearing have been notified of the changes being proposed, and will have an opportunity to present to VCAT on the changes.

5. Issues

Background

This most recent application that is now the subject of VCAT proceedings is the third time that Council has refused an application for a telecommunications facility on the subject land.

Planning application PA2001/075 was refused by Council in 2001 on the basis that the telecommunications facility proposed at the time was out of character with the area, dominant on the landscape and did not provide adequate screening. There were 40 objections received in relation to the application.

Planning application PA2005/416 was refused by Council in 2005 on the basis that the telecommunications facility proposed at the time was out of character with the area, dominant on the landscape, did not provide adequate screening to surrounding properties, and was contrary to orderly and proper planning and design and siting principles in the '*A Code of Practice for Telecommunications Facilities July 2004*'. There were 30 objections received in relation to the application, including three petitions containing 332 signatures.

This most recent planning application, PA2015/4666, was refused by Council at its' meeting of 14 July 2015 on the basis of the visual impacts of the facility on surrounding residents, and its dominance in the general landscape. There were 54 objections received in relation to the application, including three petitions containing 232 signatures.

The permit applicant has lodged an Application for Review with the Victorian Civil and Administrative Tribunal and has prepared amended plans which now require consideration.

Planning assessment

It would seem that the main planning issues relating to the proposal are the visual impacts that it poses to surrounding residents, and whether there is another more appropriate location for this facility.

In relation to the visual impacts, it is acknowledged that the amended proposal is a significant improvement on the original. It is considered that the combination of the relocation of the facility to a more central position on the site, together with the reduced height and proposed landscaping, will reduce its impact from residential areas. Further, the presence of the existing water tank at 12.1m in height and existing trees along part of the northern and western boundaries will help mitigate the visual dominance of the structure.

In terms of whether a more appropriate alternative site exists in the area, it is noted that the original application indicated that two other candidate sites had been investigated.

One of those sites was on the Taylors Hill Recreation Reserve (owned by Council) in Omarama Way, Taylors Hill. The reserve contains active recreational facilities (oval and pavilion) and a youth facility. While it is considered that the site would be suitable for a telecommunications facility (swap out for a light pole), this reserve is also surrounded by existing residential properties. In effect, it would be moving the issue from one residential area to another.

Another site investigated was a light pole swap out at the corner of Calder Park Drive and Hume Drive. The report indicated that there are construction and maintenance difficulties associated with intersections i.e. closing off the intersection during build, trying to site the equipment shelter etc. It is also noted that existing residential development is located in proximity to the intersection.

Council is required to consider whether it is now prepared to support the proposal based on the amended plans. Given the largely residential nature of this part of Taylors Hill, it is increasingly the case that potential sites are limited to Council or Service Authority reserves, where a degree of separation can be provided to surrounding residential properties.

In this case, it is considered that the amended proposal is a reasonable outcome which largely minimises visual impacts.

6. Options

Council can either support the amended proposal or elect not to change its opposition to the proposal.

7. Conclusion

It is considered that the amended proposal generally minimises visual impacts to surrounding residents.

Therefore, it is recommended that VCAT be advised that Council would have no objection to a permit being issued in accordance with the amended plans and appropriate conditions.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Initial plans of proposal
3. Appendix 3 - Proposed amended plans

11.8 OPEN SPACE PLAN 2016-2026

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

PURPOSE OF REPORT

To present to Council for adoption the Open Space Plan 2016-26. This plan provides a broad strategic direction for the future planning and provision of open space within the City of Melton.

RECOMMENDATION:

That Council:

1. Endorse the Open Space Plan 2016-2026 including the Action Plan **Appendix 1** and the Background Report **Appendix 2**.
2. Direct Officers to undertake further work to determine the most appropriate mechanism to implement the Open Space Plan 2016-2026 into the Melton Planning Scheme.

Crs Turner/Bentley. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Open Space Plan 2016-2026 (the Open Space Plan) is an important document for Council as it identifies trends in open space development, analyses current and future open space demand and provides clear direction for the future provision of open space and recreation facilities within the municipality.

The Open Space Plan has been developed giving consideration to what is known about the City's open space, an understanding of local people's preferences to different open space types and functions, Council's capacity to deliver the open space infrastructure required and the State Governments preferences and guidelines for planning for open space.

The Open Space Plan consists of two documents; a Background Report and the Open Space Plan 2016-2026 which includes an Action Plan for implementation.

The Background Report provides a city-wide analysis of demand for open space based on the City's future population projections and the likely types of open space that will be required by the community across the municipality. The Background Report has also allowed the development of a vision for the City's open space which states:

'Our open space network will include attractive and desirable places to visit and use. It will be a well-connected network, offering a diverse range of vibrant and engaging opportunities for health and wellbeing and settings that reflect the demands of our local communities.'

The Open Space Plan 2016-2026 has been developed from information contained within the Background report and provides a base for the provision and development of open space to be provided by Council.

2. Background/Issues

Open space supports the health and wellbeing of our City and the social cohesion within our community, by providing opportunities to participate in active and passive recreation. Open space also assists the economic development of the City by supporting growth and by supporting our Integrated Travel Strategy, through assistance in the provision of sustainable travel routes. Open space also supports the existence of a sustainable environment through the recognition of environmental reserves.

The provision of adequate and appropriate open space is a key element in Council's ability to deliver the objectives of the current Council Plan 2013-17 and Council's Municipal Health and Wellbeing Plan 2013-17.

The Open Space Plan seeks to better direct available Council resources to protect, enhance and develop safe and accessible public spaces and to provide strong guidance on the future provision of open space particularly within the growth areas of the municipality.

Once adopted, the Open Space Plan 2016-2026 will replace the existing Leisure and Open Space Strategy 2005 (LOSS).

The LOSS provided guidance on the provision of open space within the City but had a significant focus on sporting infrastructure whilst the new plan, although acknowledging the importance of sport and sporting infrastructure also recognises the value of less formal and more passive activities such as walking, socialising and play. Factors that have been identified by our Community as key considerations in maintaining the health and wellbeing of the community.

The City has seen significant residential growth during the period since the adoption of the LOSS and the growth that is projected to occur has required the review and updating of Council's plan relating to open space.

As part of preparing the Open Space Plan, an analysis of existing and future populations has been undertaken to determine the likely demand for both recreational and passive open space, taking into account State Government guidelines and previous benchmarking and planning work.

This demand analysis determined that the required provision of open space for the City is 2.2 hectares per 1,000 people. These 2.2 hectares will consist of 1.3 hectares of active open space and 0.9 hectares of passive open space.

The review undertaken in preparing the Open Space Plan has also included:

- community consultation
- review of current legislation and policies at the state and local levels
- research into current industry standards, particularly in Growth Council areas
- analysis of papers that investigate the value and benefits of open space to the community.

A number of studies have occurred since the LOSS was adopted. These studies have identified the importance of passive open space and environmental space to the health and wellbeing of the community and the importance of open space in alleviating the impact of climate change. Therefore, the Open Space Plan has been developed with a broader focus on a more holistic approach to the provision of open space.

Research

During the development of this plan a number of research and statistical data documents were assessed, including:

- State legislation and policies
- Melbourne 2030

- Melbourne at 5 million
- Linking People and Spaces
- A Plan for Melbourne's Growth Areas – DSE Victoria, 2005
- Delivering Melbourne's Newest Sustainable Communities – GAA, 2009
- A Strategic Framework for Creating Liveable New Communities

Relevant and current Council policies and strategies including:

- Melton City Council Plan 2013-17
- Municipal Strategic Statement
- Melton Planning Scheme
- Municipal Public Health and Wellbeing Plan 2013-17
- Ageing Well Strategy 2004-2016
- Access and Inclusion Strategy 2005-2008
- Youth Strategy 2014-2017
- Municipal Early Years Plan 2014-2017
- Disability Action Plan 2013-2017

Community consultation:

- How Open Space Contributes to People's Health and Wellbeing

A review of Industry Standards for the provision of open space:

- Parks & Leisure Australia - Open Space Planning and Design Guide 2013
- Healthy Spaces & Places - www.healthyplaces.org.au
- Victorian Department of Health - Well for Life

A review of the current supply of active and passive open space.

An analysis of the demand for open space and associated facilities:

- Active Participation Survey 2008
- Active Participation Survey 2010
- Active Participation Survey 2013

These documents informed the formation of this plan, thereby creating a strategic platform relating to both the existing open space as well as that which is planned for the future growth areas.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.1 *Strategically plan for a well designed and built City*
4. Community Health and Wellbeing: A City of people leading healthy and happy lives
 - 4.3 *Encourage our community to be physically active and healthy*

4. Financial Considerations

The Open Space Plan will allow Council to better manage the financial implications of providing the required open space for the community. The plan will inform Council's short and long term Capital Works Program and planning, for consideration in future Council Annual Plans and budgets. The Open Space Plan itself does not commit Council to additional spending but creates an advocacy tool and model to support future budget preparation.

5. Consultation/Public Submissions

Community engagement is a key driver of the Open Space Plan and has formed a significant component of plan's development. This engagement was done through a number of processes including:

- stratified survey sampling via the Active Lifestyle Survey
- random survey through the use of 'listening posts' at key destination points including Hannah Watts Park, Caroline Springs Leisure Centre, Caroline Springs Square, Melton Train Station and Woodgrove Shopping Centre
- community meetings
- Focus Group Meetings.

The community consultation has been broad and wide ranging and has provided a significant input into the plan.

In addition to the community consultation undertaken, an extensive internal consultation process involving Council officers and service units has occurred.

After an early briefing to Council, the draft documents were released through Council's 'Have Your Say' webpage for public exhibition from 1 December 2015 until 31 January 2016. In addition, an advertisement was placed in the Leader newspaper during the week of 12 January 2016 and to Council's Leisure Advisory Committee.

The documents were viewed 253 separate times on Council's 'Have Your Say' webpage, of which 213 were unique views. 13 submissions were received in regards to the Open Space Plan and these have been considered during the review the draft document and finalisation of plan.

The submissions included a number from peak sporting bodies, individuals and from friends groups such the Friends of Melton Botanic Garden. A summary of these submissions and responses can be found at **Appendix 3**.

6. Risk Analysis

The risk of not having an Open Space Plan can result in the under provision of open space or the provision of the wrong type of open space for the community which can result in high demand for facilities with limited space available.

Should enough open space not be provided in the development stages of our growth areas, it is often impossible to retrospectively address this as land costs and the accessibility to land make the provision of future additional open space almost impossible.

7. Options

Council has the option to not adopt the recommendations of this report and subsequently to not adopt this plan.

LIST OF APPENDICES

1. Appendix 1 - Open Space Plan 2016-26
2. Appendix 2 - Open Space Plan Background Report 2016-26
3. Appendix 3 - Open Space Plan Consultation Feedback

11.9 RESPONSE TO NOTICE OF MOTION 417 - FREE RECYCLABLE 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:

1. note the report
2. receive a subsequent report on the viability, cost and ability of Council to provide a free drop-off service of recyclable materials at the Melton Recycling Facility.

Motion

Crs Bentley/Turner.

1. note the report
2. receive a subsequent report on the viability, cost and ability of Council to provide a free drop-off service of recyclable materials at the Melton Recycling Facility on or at the June Ordinary Meeting of Council.

CARRIED

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

If Council were to introduce free drop-off of recyclables at the Melton Recycling Facility prior to 30 June 2018, it would need to enter into a contract variation with the current service provider. Council Officers will immediately commence a report assessing the costs, benefits

and issues associated with this proposal and present this report to Council upon its completion.

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 recycle. 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.

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 is essentially occurring in a non-competitive environment and could therefore attract a premium price.

Approximately 50% of the material disposed at the Transfer Station is recyclable material, ie 18,000 tonnes of recyclable material per year. There are many factors that will determine the costs/benefits of this proposal and these require thorough assessment prior to the provision of recommendations to Council. 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

Council Officers will immediately commence a report assessing the costs, benefits and issues associated with this proposal and present this report to Council upon its completion. This report will include an assessment of any proposed variation to the existing contract and make comparisons to likely costs if the service was to be competitively priced.

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

There is no financial impact resulting from this proposal at this stage.

5. Consultation/Public Submissions

The report to be produced for Council will assess the provision of this service in other municipalities. Consultation will also occur with the current service provider.

6. Risk Analysis

The report is for Council's notation only and as such no risks applicable at this stage.

7. Options

Council could elect not to proceed with the assessment of this service at this time and defer this assessment to occur as part of the preparation for a next Melton Recycling Facility operation and management service contract, commencing 1 July 2018.

LIST OF APPENDICES

Nil

12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Verbal reports were received from Crs Dunn, Cugliari, and Majdlik.

13. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

13.1 PUBLIC ADDRESS BY EACH COUNCILLOR

Crs Bentley, Cugliari, Dunn, Carli, Turner and Majdlik addressed the Chamber in respect of a variety of matters of significance.

Cr Turner presented the Mayor with two Nominee certificates received from LGPro for a Special Projects Initiative and for a Community Partnership Initiative.

13.2 RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989

- 15 March 2016 Record of Assembly of Councillors
- 29 March 2016 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 15 and 29 March 2016 attached to this Agenda be received and noted.

Crs Cugliari/Carli. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 15 March 2016 Record of Assembly of Councillors
2. 29 March 2016 Record of Assembly of Councillors

14. NOTICES OF MOTION

14.1 NOTICE OF MOTION 422 (CR RAMSEY)

Councillor: Sophie Ramsey

MOTION:

That Council write to Senior Sergeant Nicole Warner and Leading Senior Constable Joanne Mutsaerts commending Victoria Police for the partnership established with school principals and the collective proactive response to recent emergency management situations.

Crs Bentley/Cugliari. That the recommendation be adopted.

CARRIED UNANIMOUSLY

14.2 NOTICE OF MOTION 423 (CR TURNER)

Councillor: Bob Turner

MOTION:

That Council officers develop a program for the landscape upgrade of prominent locations in the City of Melton, in particular key gateways and roundabouts. The program is to be based on an evaluation criteria to be established as part of the program.

Crs Turner/Dunn. That the recommendation be adopted.

CARRIED UNANIMOUSLY

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Dunn

1. Update on the Westwood Drive Bridge Project.
2. Road safety on Hopkins Road and priority discussions with Vic Roads.

16. MOTIONS WITHOUT NOTICE

Cr Majdlik

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

Cr Majdlik

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

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL BUSINESS**Procedural Motion**

Crs Cugliari/Bentley.

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:

18.1 Property Development Advisory Committee Meeting Minutes - 22 February 2016

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

18.2 Contract 16/012 - Abey Road Bridge Construction

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

18.3 Contract 16/009 - Caroline Springs Stadium Extension and Regional Tennis Centre

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

CARRIED

Procedural Motion

Crs Carli/Turner. That the meeting be open to the public.

CARRIED

19. CLOSE OF BUSINESS

The meeting closed at 8.59pm

Confirmed

Dated this

.....CHAIRPERSON